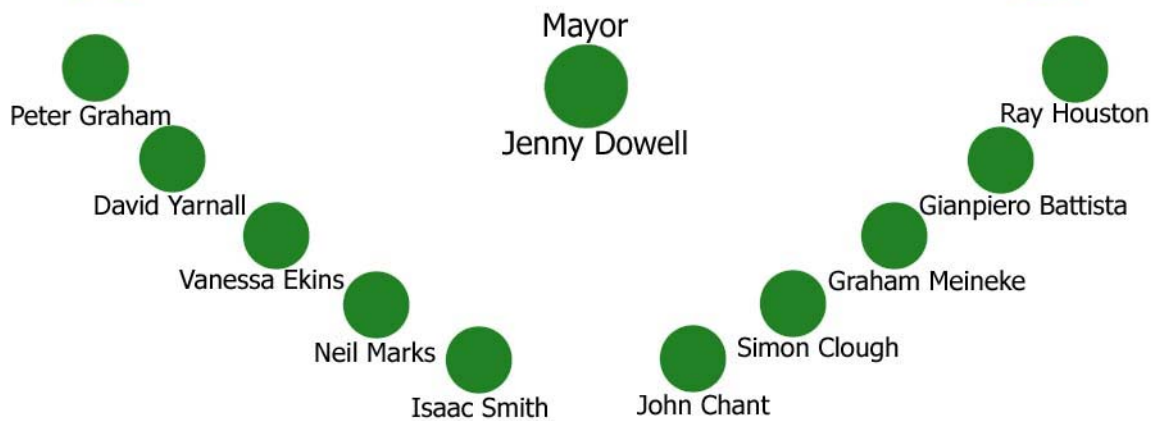


Notice of Council Meeting



Council

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, 43 Oliver Avenue, Goonellabah on Tuesday, 11 October 2011 at 6.00pm.

Members of Council are requested to attend.

Gary Murphy
General Manager

4 October 2011



Agenda

1. Opening of Meeting and Prayer (Mayor)
2. Apologies and Leave of Absence
Councillor Gianpiero Battista
3. Confirmation of Minutes

Lismore City Council meeting held 13 September 2011..... 134
4. Disclosure of Interest
5. Public Access Session
Peter Carmont - Development Application No. 5.2011.151.1 - Recreation (Zorb Ball Riding) Area
6. Public Question Time
7. Condolences
8. Mayoral Minutes
9. Notice of Rescission Motions
10. Notice of Motions
 - 10.1 TransGrid's Environmental Assessment 1
 - 10.2 Environment Protection and Biodiversity Conservation Amendment Bill 2
11. Altering Order of Business (Consideration of altering the order of business to debate matters raised during Public Access)
12. Reports
 - 12.1 Development Application No. 5.2011.151.1 - Recreation (Zorb Ball Riding) Area..... 4
 - 12.2 Tender No. T2012-05 - Lismore Tourist Caravan Park Lease 46
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 - 12.4 Cycleway Plan..... 59
 - 12.5 Southern Trunk Main - Awarding of Contract for Construction 63
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 - 12.8 Integrated Waste and Resource Recovery Strategy..... 108
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14. Documents for Signing and Sealing

15. Financial Assistance – Section 356

15.1 Financial Assistance – Section 356 Report..... 132

16. Questions Without Notice

Lismore City Council Community Strategic Plan 2008 - 2018



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

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

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

Notice of Motions



Notice of Motion

Cr Simon Clough has given notice of intention to move:

That Council make a submission in response to TransGrid's Environmental Assessment document on the Dumaresq to Lismore transmission line, with copies to the Premier, the Treasurer and the Minister for Resources and Energy. The submission should question how the \$227m transmission line can be justified when:

- There has been a state wide decrease in electricity consumption of 2% per annum over the last 2 years (SMH);
- It can be reasonably anticipated that the recently introduced carbon pricing legislation will further reduce the demand for carbon based electricity;
- Latest research shows that large scale photovoltaic energy generation is now at price parity with coal generated electricity (Bloomberg);
- The Northern Rivers Region has by far the greatest uptake of photovoltaics in NSW over the last 3 years;
- Neither TransGrid or the electricity retailers have tried to institute any form of demand management to reduce electricity consumption in this region; and
- There has been no consideration of any large scale decentralised energy systems for this region.

The submission should suggest that the money budgeted for the line be used to promote demand management or a significant renewable energy project.

Staff Comment

Manager Integrated Planning

The Environmental Assessment for TransGrid's Far North NSW Project is on public display from 8 September to 24 October 2011. TransGrid representatives met with the General Manager and Mayor on 29 August 2011 and a letter was received on 8 September 2011 advising Council on the public exhibition and information days. Integrated Planning staff unfortunately were not aware of this letter and did not attend the information session held in Casino on 23 September 2011.

The apparent pre-determined decision to build or upgrade this 205km transmission line from Tenterfield to Lismore without any commitment to, or detailed assessment of, alternative energy sources or major investment in demand management has been previously raised as a concern by Council. Therefore staff support the drafting of a submission and the uptake of offer by TransGrid to brief Councillors before the 24 October 2011 to clarify questions and concerns Councillors may have on this matter.

It may be that some of Councillors concerns fall outside the scope of the environmental assessment on public display however, it is an opportunity to get clearer information on the issue and formalise Councils position on the matter.

TRIM Record No: BP11/779:EF10/363

Notice of Motion

Cr David Yarnall has given notice of intention to move:

That Council demonstrate in principle support for the Environment Protection and Biodiversity Conservation Amendment Bill introduced to Parliament on the 12 September 2011 by Mr Tony Windsor MP by writing to all members of the Federal Parliament urging members to support the Bill to safeguard our water resources from contamination from mining practices.

Councillor Comment

Food and water resource security are vitally important issues that concern every Australian on the driest continent on earth. Once our water resources are contaminated there is little if any chance of rehabilitation.

Notwithstanding the State Government inquiry into Coal Seam Gas Mining it has become apparent that in order to preserve our water resources from contamination from mining it is necessary to have a national approach.

The above Federal Private Members Bill enables triggers when water resources are threatened from mining processes that place the onus on mining companies to prove that their intervention will not contaminate water resources. This is sensible and necessary as our water resources do not stop at state borders and the various state governments have been slow to act.

This bill will specifically prevent 'mining action that has, will have or is likely to have a significant impact on the water quality, structural integrity or the hydraulic balance of a water resource'. The bill is retrospective to avoid mining companies fast tracking projects from exploration to full production while the legislation is being considered.

Staff Comment

Manager Integrated Planning

This Notice of Motion is strongly supported. Water is a finite resource and the amount of water available to each person is falling as populations rise. Only one-hundredth of one percent of the world's water is readily available for human use. As demand on freely available (surface) water increases our attention is turning to groundwater as the next available source, therefore it is essential that this resource be recognised; fully valued in terms of its environmental, municipal, industrial and agricultural use; and protected for these values.

This Federal Bill recognises the potential threat to ground water of mining activities and importantly appears to put the onus on development companies to demonstrate how this precious resource will be protected during mining activities.

TRIM Record No: BP11/778:EF10/363

Reports



Report

Subject	Development Application No. 5.2011.151.1 - Recreation (Zorb Ball Riding) Area
TRIM Record No	BP11/524:DA11/151-01
Prepared by	Development Assessment Officer (Planning)
Reason	For determination by Council
Community Strategic Plan Link	Sustainable Economic Growth and Development

Overview of Report

Zorb is a New Zealand company and brand name and provides patrons with the experience of rolling down a hill in a large inflatable globe (known as 'globe riding') at a dedicated Zorb site. A person(s) is placed inside one of the Zorb globes and is then rolled down the hill. Once the ride has ended a ski type cable pulley system will transport the globes from the bottom to the top of the hill.

The proposed Zorb facility received 26 submissions in total, with 22 of those submissions in opposition to the proposal from a number of Nimbin residents including the adjoining property owners in Blade Road. The primary areas of concern for those objecting relate to the impacts of the proposal in relation to the natural environment, traffic generation and noise and the potential impacts upon the rural character and amenity of the locality. The development application is referred to Council for determination as it has been called up by two Councillors in accordance with Council policy. The site layout design modifications to the original proposal were made during the assessment process, involving a new site access point and establishment of a noise attenuation earthen wall. These amendments were the subject of re-notification during the assessment process.

Two matters requiring consideration by Council as part of the determination of this application relate to the timing of work to upgrade Blade Road and S.94 Contributions. In relation to the upgrade of Blade Road, the proponent has requested that they not be required by Council to undertake the work until the average daily traffic for the facility exceeds 90 trips per day. Council's Development Engineer considers this reasonable (refer to Development Engineer comments section on 'Blade Road Upgrade' and proposed Condition Numbers 18 and 20).

In relation to S.94 Contributions, the applicant has requested that council apply a 50% subsidy to the rural road component similar to the 50% subsidy currently applied to commercial developments in the Lismore Strategic Urban Road Catchment. It is not recommended that Council support the applicant's request for this subsidy as the Lismore Strategic Urban Road Catchment only applies to the commercial zoned areas of Lismore. The proponent has also requested that the proposed cost to upgrade Blade Road be considered as "works in kind" under Section 8 of Council's S.94 Contribution Plan. This assessment does not support the applicant's request. These matters are addressed in detail within the Development Engineer's comments within this report.

It is recommended that Council support the proposed development subject to the recommended conditions of consent.

Background

Council is in receipt of an application for a proposal to construct a Zorb ('recreation area') facility incorporating an internal access road, earthworks, associated on-site car parking, a reception/ amenities building, viewing platform, signage and tree removal (refer to Attachment 1).

The application was submitted to Council in May 2011 and at that time involved only one allotment, being Lot 2 DP 230663, 31 Blade Road, Nimbin. Council sent a letter in June 2011 to the applicant raising a number of issues. The application was subsequently amended in July 2011 to incorporate the adjoining allotment, being Lot 103 DP 755739, 29 Blade Road and amended the proposed site access, on-site car parking layout, earthwork encroachment into the dam and construction of noise attenuation earthen walls.

The proposed development was publicly advertised and notified twice. The first time was in May/June 2011 following lodgement of the application and then again in August 2011 after lodgement of the additional information. Council received 19 submissions during the first round of advertising and notification and 7 submissions during the second round of advertising and notification. It was noted that many of those who sent submissions in response to the original exhibition also sent a submission during the second round of advertising and notification. In total there were 26 submissions; 22 submissions in objection and 4 submissions in support of the proposed development. The issues raised within submissions are discussed within the body of this report.

Proposal

A full copy of the documentation submitted with the application is available for viewing by Councillors in the Councillor's Room.

At the start of the globe ride activity customers will be transported from the reception building to the launching area by a four wheel vehicle (ie. troop carrier or similar). At the top of the Zorb run is the 'launch area'. It is within this area that a person(s) is placed inside one of the Zorb globes and is then rolled down the hill. Once the ride has ended a ski type cable pulley system will transport the Globes from the bottom to the top of the hill.

The proposed 'Zorb' facility incorporates the construction of three (3) separate runs. Each run begins at the 'launch area' with two (2) of the proposed runs providing a direct path to the proposed 'catching area', while the third run will incorporate a curved run. The Zorb runs are between 180 to 200 metres long.

As a result of the existing site topography, cut and fill techniques are incorporated across the site in order to facilitate the proposed development. The development requires these excavation works (cut) in order to form the three proposed Zorb runs and the 'launching' and 'catching' areas. In addition, a large earthen bund area which will capture the Zorb balls at the base of the runs is also to be constructed using fill from the site and will encroach into the existing farm dam.

It is proposed that the Zorb runs shall be depressed into the ground in order to produce sufficient fill for the construction of the earthen bund catching area to be completed using fill material from the site with surplus cut volumes to be disposed of on site.

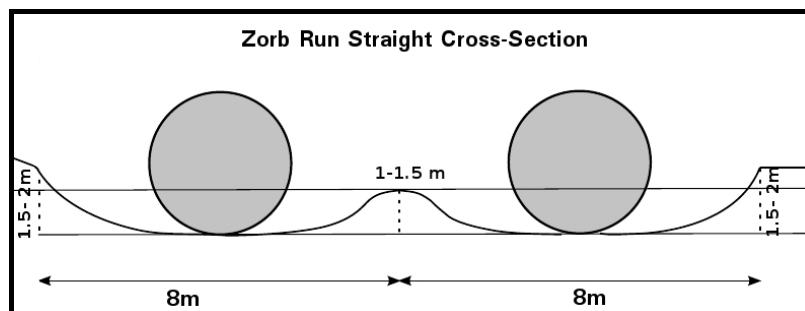


Diagram 1: Straight Zorb Run Typical Cross Section
(Source: Newton Denny Chapelle SEE Document)

The development also incorporates the construction of two buildings linked by a covered verandah. One building provides an administration/reception/staff office while the other building provides the amenities/change-room for visitors and staff. The covered verandah also incorporates a viewing platform area.

The administration/reception building (incorporating sales/display area, sales/general administration area, storage, staff office and kitchenette) has a gross floor area of approximately 60m² with a connecting viewing deck (48m²) accessed west of the building. The building provides the initial entry area for customers to register and complete all required indemnity paperwork.

The amenities building is located west of the administration building and affords change rooms, male/female toilet amenities, vending machines and lockers. A separate disabled toilet is incorporated into the amenities floor plan. The building contains a floor area of approximately 60m² and is accessed from the central verandah which links the two buildings.

The building is designed with a maximum height of 9.8 metres measured from the top plate to the natural surface level for the southern elevation. It is however noted the maximum internal building height is 4.912 metres.

Proposed usage and operation

The applicant has advised that the Zorb facility will start with five (5) to seven (7) employees, increasing to a maximum of ten (10) employees within the first year of operations. Initially this will include three (3) permanent staff and between two (2) to four (4) part-time staff. Notwithstanding this, the absolute number of staff employed by the proposal will be dependent upon demand for business and may fluctuate between peak and off-peak season periods. For car parking assessment purposes Council has based its assessment on the maximum number of employees, being ten (10).

The applicant seeks approval to operate the Zorb facility between 9am until 7pm (Monday to Sunday) during summer months, and between 10am until 5pm (Monday to Sunday) during the winter months. No night or evening operations are proposed as part of this development application (for further details on this matter please refer to the Environmental Health Officer comments).

The proponent anticipates that there will be a maximum of 50 people on-site at any given time, with a maximum of 220 people per day during peak season.

Car parking and access

An internal driveway will provide access to the parking area for private vehicles and tour buses, with access also being provided for the Zorb vehicles to drive people to the launch area at the top of the site.

Infrastructure

The applicant has demonstrated satisfactory arrangements have been made in relation to the provision of electricity, phone, water and sewer for the development. Appropriate conditions dealing with this issue are attached to the development consent.

Stormwater

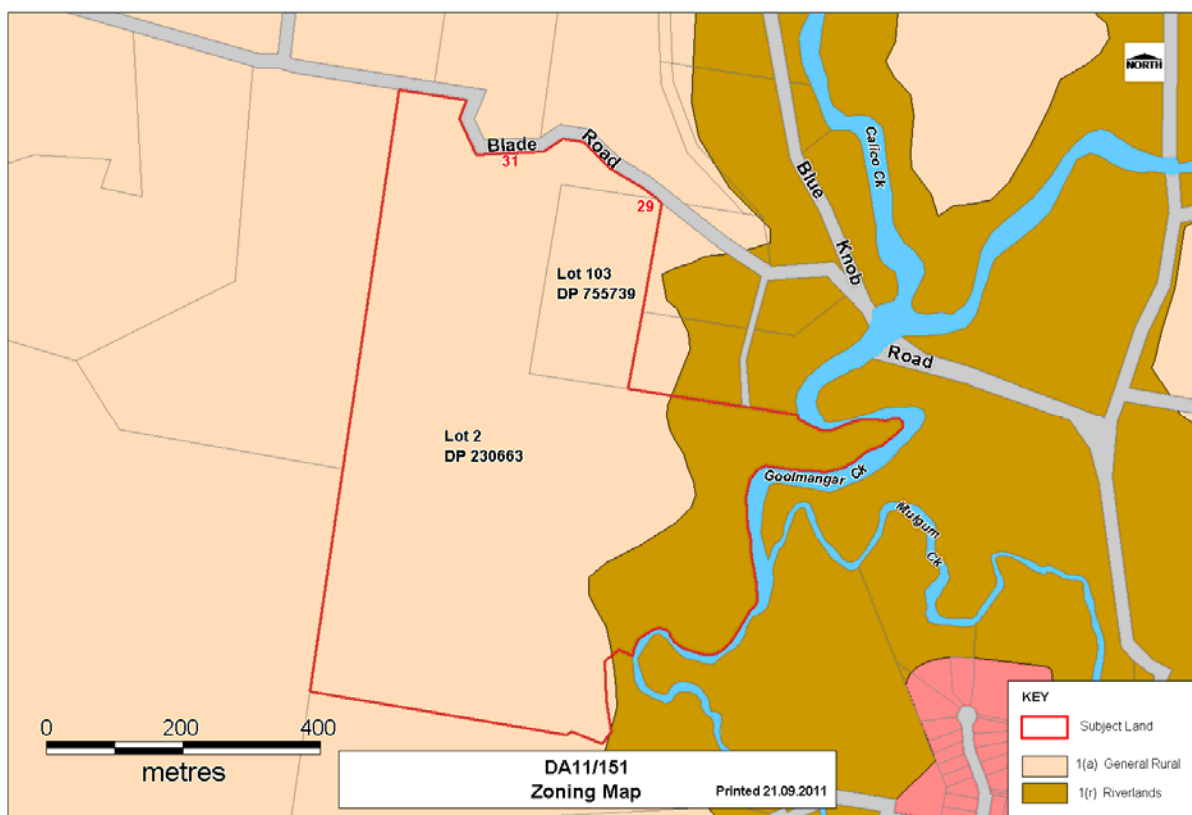
The proponent proposes to treat the on site stormwater run-off in accordance with the Lismore City Council *DCP Chapter 22 – Water Sensitive Design*.

Signage

The proposal will incorporate brown tourism signs and a wall advertising sign. The advertising sign at the property will incorporate a wall type sign which will identify the business, the hours of operation and a contact number. This sign will contain a surface area of 5.76m² (2.4m high x 2.4m wide) and will be located on the fence adjacent to the property entrance from Blade Road.

The applicant has advised that once the Zorb facility has been established it will be eligible for tourist signage in accordance with the Roads and Traffic Authority Tourist Signposting Manual and the Lismore City Council Policy No: 11.2.3 – Tourist Directional Signposting Built Attractions. Once the facility has been operating for a three to six month period the applicant has indicated an intention that a letter of application regarding tourist signage will be submitted to Council and the RTA.

Locality Map



Statutory Controls

Lismore LEP 2000

- Zoning – 1(a) General Rural and 1(r) Riverlands
- Item of Heritage – No
- In vicinity of Heritage Item – No
- Conservation Area – No
- Draft Lismore LEP 2010
- S94 Contributions Plan
- Environmental Planning & Assessment Act 1979
- SEPP No. 44 – Koala Habitat Protection
- SEPP No. 55 – Remediation of Land
- SEPP (Infrastructure) 2007
- SEPP (Rural Lands) 2008
- North Coast REP
- Advertised Development
- Integrated Development.

Policy Controls

- Lismore Development Control Plan (2007)
- Sustainability, Viability & Amenity of Rural & Urban Land.

Description of Locality

The subject land is known as Lot 2 DP 230663, 31 Blade Road, Nimbin and Lot 103 DP 755739, 29 Blade Road, Nimbin. The subject land is located approximately 1.8 kilometres by road from the village of Nimbin. Blade Road forms the northern property boundary and provides the primary vehicular access to the subject land. To the east is the Lismore Council Waste Transfer facility, the shared property boundary is formed by virtue of Goolmangar Creek. In cadastral terms the property is known as Lot 2 DP 230663 and Lot 103 DP 755739, Parish of Terania, County of Rous.

An inspection of the land and surrounding area combined with aerial photography has revealed that the surrounding locality encompasses a mixture of smaller and larger agricultural allotments, with dwelling houses and associated outbuildings. Notwithstanding this, we note land adjoining to the east contains the Lismore Council Waste Transfer Facility and land adjoining the western boundary of the site is covered by dense forest vegetation.

Within the wider locality other noteworthy land uses include Nimbin Rox Youth Hostel, Nimbin Granny Farm Stay and the Nimbin Village. **Photo 1** provides an aerial photograph of the subject land within a local context. Please note that the land area adjacent to Blade Road (blue area on **Photo 1**) will contain the proposed Zorb 'recreation area' facility.

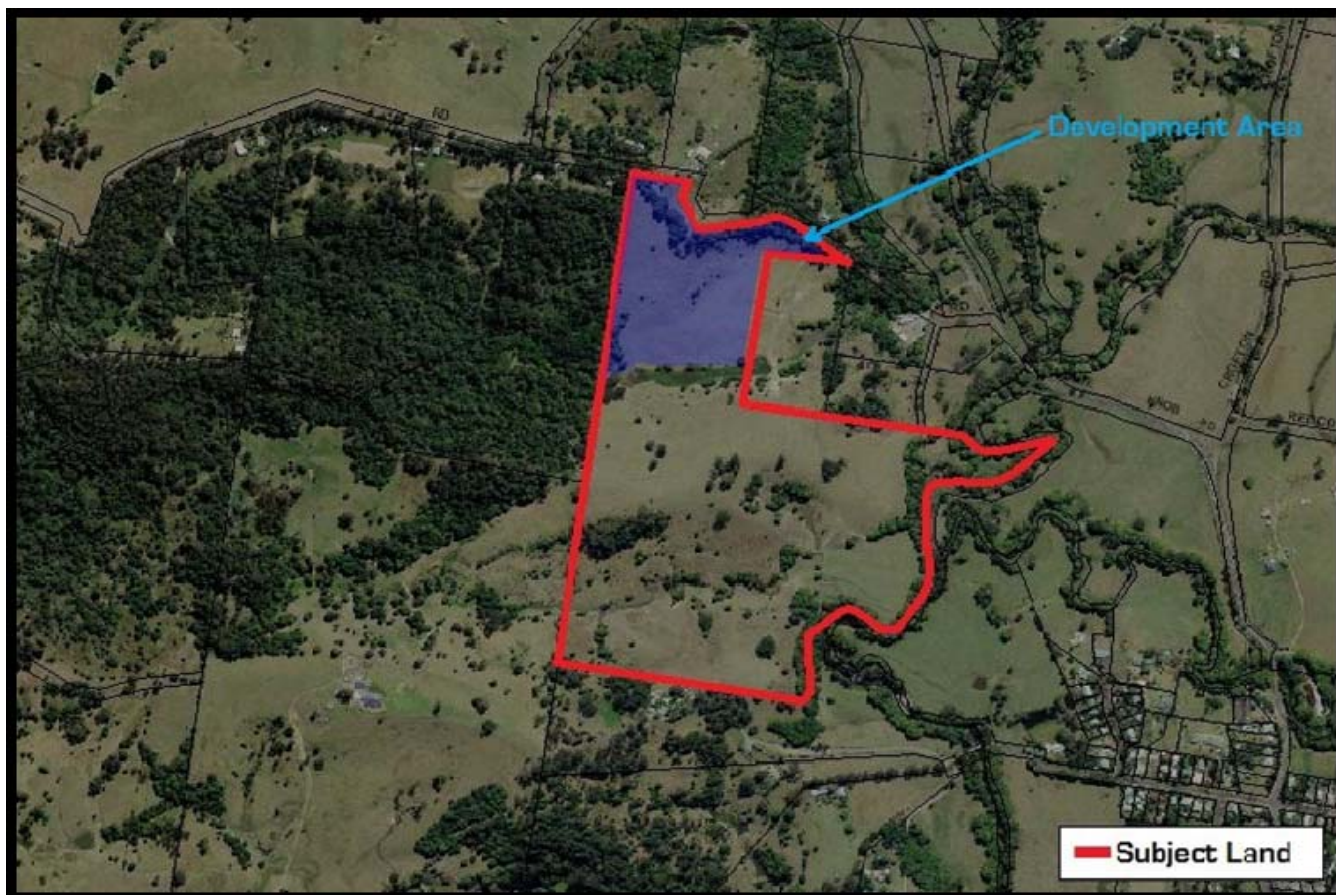


Photo 1: Aerial Photograph illustrates the subject land within a local context
(Source: Lismaps 22.3.11)

The footprint area of the proposal is predominantly grassland (dominated by *Setaria* sp.) with isolated trees. A farm dam is located in the southern section of the proposal footprint. Vegetation along the northern bank of the dam and within the footprint of the proposed filling consists of *Setaria* sp. with isolated trees (mainly *Cinnamomum camphora* and a single *Cryptocarya glaucescens*) along with other weed species (eg. *Lantana camara*). *Nymphaea caerulea* (Cape waterlily) dominates the majority of the dam and can be seen in aerial photography as nearly covering the entire surface.

Vegetation in the vicinity of the internal driveway access that would require removal by the proposed upgrading consists of weed (or introduced) species including *Cinnamomum camphora* (Camphor laurel) and *Ligustrum lucidum* (Large-leaved privet).

Internal Referrals

Building Officer Comments

No objections were raised subject to the imposition of appropriate conditions which have been included in the attached recommended conditions of consent.

Environmental Health Officer (EHO) Comments

Sediment and Erosion Control - Zorb Catching Area

The Zorb catching area consists of a large earthen bund to be constructed partially within the existing dam. This application was referred to the Department of Water who granted approval to the development. Approval from the Department of Water provides support for the catching area in its proposed location. Therefore, it is considered reasonable to support this location. However a detailed Sediment and Erosion Management Plan will be required prior to the issuing of any Construction Certificate.

Noise

An acoustic report has been undertaken by Tim Fitzroy and Associates (date April 2011) as part of the submitted DA. An amended noise report (dated 22 July, 2011) has been submitted to address noise emanating from the launch area, bus reversing alarms and road traffic noise.

There have been a number of objections to the development regarding the use of a noise report from a similar facility in Rotorua, New Zealand. From a discussion with Tim Fitzroy, the only data used from the Rotorua report was the dB levels for the electric motor (for the zondala) and traffic generation rates. The predicted noise levels for all other noise sources, including vehicles, were sourced from reliable local references or datasets. To provide an added level of certainty, the predicted noise level results were compared with results from other reference sources, including other local noise reports. This comparison found that noise levels for all noise sources, including vehicles, fell within the range typical for that noise source.

To summarise, in regard to noise management, the only information from the Rotorua facility used in the report was baseline data. The noise report provided by Tim Fitzroy is an independent report, site specific to this location and has not been based on the facility in Rotorua or the resultant noise report. Nearby sensitive receptors are located at 22, 46, 72 and 75 Blade Rd which are 300m, 100m, 90m and 70m from the launch/vehicle turning area respectively.

Private vehicles and tour buses will enter the site via the proposed entrance at 29 Blade Rd. and follow the internal driveway to the parking area. Patrons will be driven from the administration area to the launch area in a company troop carrier type vehicle.

The main noise source from this development with the potential to impact on nearby sensitive receptors is noise generated in the vicinity of the vehicle turning area/ Zorb launching area.

In assessing the noise impact to nearby receptors, both intrusive noise and amenity criteria were used to determine the appropriate daytime noise criteria as per the NSW Environment Protection Authority (EPA) Industrial Noise Policy (INP). **Using this criteria, a Project Specific Noise Level (PSNL) has been determined as $L_{Aeq,15min} = 40dB$ for daytime operations.**

It should be noted that the proposed hours of operation for summer are 9am – 7pm which extends into the evening time period as per the NSW EPA (6pm – 10pm). However, a one hour imposition into the evening period is considered the shoulder period and there are provisions under the NSW EPA INP for flexibility for noise levels on shoulder periods. Considering the PSNL for the evening period has been determined at 37dB, the resultant 3db difference would be barely audible. A one hour imposition into the evening period during summer months is considered reasonable and consistent with other developments within Nimbin (e.g. skatepark) which operates until 8pm over summer.

Noise generated in the vicinity of the launch area, with the potential to impact on nearby sensitive receptors, includes vehicle manoeuvring and patrons' voices. Access to this area is restricted to Zorb vehicles, in particular the troop carrier used to transport patrons to the launch site from the viewing area. The turning circle of the launch area has been designed to accommodate a vehicle turning without the need to trigger reversing alarms.

The predicted noise levels generated in this area (dB(A)) for the residence at 75 Blade Road are as follows:

- Bus manoeuvring 40.1 – 47.1
- Bus door closure 25.2
- Electric Motor <20
- Voice 36.9 - <20.

When compared to the PSNL, bus manoeuvring does exceed the criteria by up to 7.1dB. Noise from single voice events has been predicted at up to 36.9dB. However noise generated by multiple voice events (people chatting with each other) has not been determined and may exceed the PSNL.

To reduce the predicted noise levels, a 2.4m earthen wall along the west/north-west side of the turning area is proposed. This wall will join up with a 2m earthen wall proposed around the launch area and top part of the Zorb run (refer to the site plan attached to this report). This would provide additional noise mitigation up to 8dB, which would reduce bus noise to 39.1dB, which meets the PSNL. It is anticipated that this would also help reduce patron noise.

Administration Building/Car Park Noise

Noise generated in the vicinity of the car park area, with the potential to impact on nearby sensitive receptors, includes vehicle manoeuvring, door closure and individual voice events. The nearest receptors to this area likely to be impacted are 22 and 75 Blade Road, located approximately 310m distant.

An assessment has been undertaken for noise generated from bus manoeuvring, vehicle door closure, air conditioning and electric motors. These noise sources have been measured and predicted noise levels to the two nearest affected receptors have been determined.

The loudest noise source is caused by bus manoeuvring, with a predicted noise level of 40.1dB and 47.1dB to 22 and 75 Blade Road respectively. The predicted noise level to 75 Blade Road is 7.1dB above the PSNL. However, this figure does not consider the impact of the 2m/2.4m earthen wall along the Zorb run and launch area. It is predicted this wall could provide up to 8db reduction, which would reduce the noise to reasonable levels.

With due consideration to the daytime operating hours, the limited number of buses predicted to service this site and the short duration of any generated noise, noise associated with the administration building/vehicle parking area should not unreasonably impact on nearby properties.

Road Noise

The amended application proposed a new entry location near the residence of 22 Blade Road. Use of this entrance will have the effect of restricting potential road noise impacts to a single residence, 22 Blade Road.

The NSW Road Noise Policy sets an assessment criteria of 55dB for daytime periods (7am – 10pm) for local roads. Noise levels associated with cars and buses passing by have been determined as 50db for cars and 62dB for buses. These calculations have estimated the distance from the road to the receptor as being 25m. However the distance to the new amended entrance is approximately 50m. This will effectively reduce road traffic noise levels by 6dB, reducing car levels to 44dB and bus noise levels to 56dB.

While bus noise levels are predicted to be 1dB over the assessment criteria, one must consider the following: noise level differences of less than 2dB are not discernable to the human ear, the limited number of bus movements, time of day and the short duration of the noise source.

With due consideration to these facts, traffic noise associated with this development is not predicted to reasonably exceed the road traffic noise requirements of the NSW Road Noise Policy and therefore the development does not require any road noise mitigation measures. The proposed 2.4m earthen wall along the west/north-west side of the turning area will provide a reasonable level of road noise.

Contaminated Land

This site is classified as potentially contaminated (bananas) according to Council's Potentially Contaminated Land database. A history check and assessment has been undertaken by Tim Fitzroy & Associates. The site has been used in the past for banana production and more recently, cattle grazing.

Agricultural activities are listed as a schedule 1 activity according to the Managing Land Contamination "Planning Guidelines SEPP 55 – Remediation of Land". The main chemicals of concern (COC) for the agricultural practices identified are heavy metals and organochlorine pesticides. A sampling regime was carried out to determine if any chemicals of concern are present on site and if such contaminants represent a significant risk of harm to end users. Results of the soil analysis were compared against NSW DEC guidelines for development being – *Commercial or Industrial*. The analysis results indicate that contaminant levels for COCs are below the threshold levels for commercial/industrial use, with the exception of manganese. Elevated levels of manganese are commonly found in local krasnozem soils and are not indicative of contamination.

It is concluded that the site does not represent a significant risk of harm to users of the development. A more detailed investigation is not required and therefore no conditions relating to contamination are required for this development.

Water Sensitive Design

A preliminary assessment of the stormwater proposal has been conducted. Stormwater from the carpark will flow into a 30m swale before discharging into the dam. Stormwater collected within the catching area will be piped into a 25m long drainage line/swale via a rubble energy dissipater. The drainage line will improve stormwater quality with a reduction in sediment and nutrient load expected. Any litter would be captured in the grated drain proposed. The stormwater measures proposed are reasonable and will improve stormwater quality to acceptable levels.

Land Use Conflicts – Buffer Areas

Chapter 11 of the DCP (Buffer Areas) requires that lots in rural areas are large enough to contain any buffers by providing a physical separation between incompatible land uses. The surrounding locality does not contain any intensive agriculture, with most rural lands facilitating low intensive cattle grazing pursuits. In this instance, Council's DCP does not offer buffer distances for this type of development. However, noise is a potential cause of land use conflict for this development. The proposed methods chosen by the applicant to ameliorate noise have been satisfactorily addressed above.

Cattle Dip Site

The nearest cattle dip site (Nimbin Dip Site) is located approximately 400m to the northeast of the development. The dip site has been decommissioned. A 200m assessment zone to any development is recommended in Council's DCP Chapter 11 – Buffer Areas. This cattle dip site exceeds the investigation zone buffer from the subject site and offers negligible risk to the proposed development. Further investigation is not required.

On-Site Wastewater Management

An On-site Wastewater Management Report was submitted with the application (prepared by Tim Fitzroy & Associates). The report proposes a composting toilet and greywater treatment system 1, consisting of two CM40 accredited Clivus Multrum composting toilets and a 5000L greywater tank, pumpwell and two ETA beds. The report provides enough information to support an on-site system for the development.

Waste (Refuse) Management

The development site will be serviced by Council waste management.

Business Facilitator Comments

Initial Construction/Development

The direct investment, the build and the injection of funds into the local economy is estimated to be \$800,000. It is proposed that all work will be done by local consultants, local road and building contractors, their local subtraders and local material suppliers. Ongoing the expectation is for a thriving additional professional business in Nimbin.

Employment/Jobs

Permanent new jobs will be created in Nimbin directly from this ZORB venture. ZORB Nimbin is a stand-alone business franchise that will train and engage 7-10 FTE local employees from the outset. Using the Australian census 'net disposable income' figure of \$30,000, the salaries and wages from these new jobs will have a potential economic benefit for Nimbin of some significance; between \$210,000 and \$300,000 annually. Other existing local businesses will secure increased revenue directly as a result of this venture. Along with this comes an opportunity for increased turnover, profits and perhaps more jobs - the latter being dependant on latent capacities.

Catalyst for Change

Experiential, recreational opportunities such as ZORB present themselves very rarely - this is especially so for small rural hamlets. This ZORB facility has the potential to be the catalyst for a stronger, more diverse Nimbin business community and for growth of local jobs. Given the international profile of the ZORB facility and its relative location to Byron and South East Queensland (SEQ), there is a high probability that a new profile of experiential visitor (local and international) will come to Nimbin simply because of the presence of this new business.

Localisation as an Export

The ZORB operation presents an opportunity to keep more of the local recreational spend turning over inside the LGA rather than being spent outside of the LGA. Moreover this is an export venture (an export venture is defined as any venture that attracts its revenue streams from outside of a LGA e.g. money that is spent in Nimbin by a traveller is classed as an export earn).

Development Engineer Comments

Traffic

The traffic analysis submitted indicates the existing twelve (12) dwellings in Blade Road generate 5 trips per day. Extrapolating this to 30 lots which is the total number of dwellings prior to the road being upgraded to a 6m wide seal Rural Collector Road standard, the critical traffic volume to trigger upgrading is 150 trips per day. Assuming a 1% natural growth factor for Blade Road and a 10 year planning horizon the total trips per day becomes $60(1+.01)^{10} = 66$ trips per day. Hence there is spare capacity of 84 trips per day (150 less 66) before Blade Road is required to be upgraded. The proponent has suggested the trigger point for upgrade to be 90 trips per day. Given the accuracy of these calculations and the uncertainty of the growth factor the 90 trips per day trigger is considered appropriate.

Blade Road Upgrade and Site Vehicular Access

The site is located approximately 1.4km from Nimbin on Blade Road where access to the site is proposed at Ch 279.18m, being approximately 300m west of the Blue Knob Road intersection.

Blade Road currently provides access to 12 dwellings. By definition, under Lismore City Council's Development Control Plan Part A Chapter 6, Blade Road functions as "Rural Local Road". However due to the limited funding available to Council, the road remains at a "Rural Access Place" standard and is unsealed and narrow with poor geometry. The speed environment is low due to tight curves and some steeper sections. Residents have made known their dissatisfaction with the current level of road maintenance.

Due to the increased traffic volume generated by the Zorb facility, the function of the first 300m of Blade Road will by definition be elevated from the "Rural Local Road" standard to a "Rural Collector Road" standard. As the change of standard is directly attributable to the Zorb facility, the proponent will be conditioned to upgrade Blade Road between Blue Knob Road and the Zorb entry to a "Rural Collector Road" standard, being a 6m bitumen seal on 8m formation, and to upgrade the intersection accordingly.

The proponent has requested the upgrade of Blade Road be delayed until the average daily traffic for the facility exceeds 90 trips per day. This is considered reasonable (refer to comments on Traffic above). The proponent will be conditioned to provide and maintain a permanent traffic counter on the internal access road and within 10 m of the property boundary. They must provide Council with daily traffic counts every three months. All access to the facility shall be restricted to the single entry point to ensure that all vehicles have been included in the count.

It is agreed that the upgrade to Blade Road is not warranted until 2 years from the issue of the occupation certificate or the internal traffic counts, averaged over seven consecutive business days, equals or exceeds 90 trips per day.

The internal roads shall be designed so that the speed environment is limited to 40 kph. The internal access road from Blade Road to the amenities building shall be constructed to a 5.5 m sealed standard with 1m compacted gravel shoulders. (Australian Standard 2890.1 Table 3.2 Section 3.2.2). The internal road from the amenities building to the launch pad shall be a 4m seal with 1 m shoulders and constructed to Council published standards.

The proponent will be conditioned to provide a 20m 'Right of Carriage Way' through Lot 103 DP 755739 to provide access to the site. The access position was chosen to reduce the impact of the Zorb traffic on Blade Road and to reduce the inconvenience to local residents.

The proponent has requested that the cost to upgrade Blade road be offset against S. 94 contributions (S. 94 contributions). S. 94 contributions will be levied to offset the impact of increased traffic generated from this development on Blue Knob Road, Nimbin Road and Nimbin Village streets but **not** Blade Road. The requirement to upgrade Blade Road is directly attributable to the Zorb facility and as such the extent of the upgrade is commensurate with the traffic generated by the facility. Contributions to the network as a whole, and external works to the local road providing access to the facility, should be funded independently.

Blade Road Vegetation

The proponent has identified 9 trees marked for removal on the Newton Denny Chapelle Drawing - "Blade Road Widening East and West". Council supports this tree removal as it is required to improve road safety along Blade Road which is required due to the increased traffic generated by the development.

Parking Area

Part A, Chapter 7 – Off Street Parking of the Lismore DCP 2007 does not provide any guidance in determining the minimum number of parking spaces for this type of facility. Section 3.8 'Recreational and tourist facilities' of the "Guide to Traffic Generating Developments" states:

"Recreational and tourist facilities are site and type specific in their operation and traffic generation, often with seasonal variations in usage. Ideally, analysis of proposed developments should be based on surveys of similar developments. If this is not possible a *first principles analysis* is required".

The proponent has submitted a parking analysis considering the number of patron trips generated, duration of stay, type of vehicles and staffing levels. The parking area will be required to be sealed and provide sufficient parking for 13 vehicles and 2 buses. The vehicular turnaround area shall be of sufficient size to allow buses to turn in a single forward motion without encroaching on the car parking spaces. The car park has been designed in accordance with Australian Standard AS2890.1 and .2 and Part A, Chapter 7 – Off Street Parking of the Lismore DCP 2007.

Existing Dam and Earthworks Encroachment

A rural farm dam is located on Lot 103 DP 755739. Concerns have been raised by Council officers in regard to the structural integrity of this dam wall. As this wall is upstream from the Nimbin Transfer Station and being unaware of the extent of structural impairment, the applicant will be conditioned to provide a report on the structural capacity of the dam wall and an assessment of the work required to restore the wall in order for it to comply with the guidelines of the NSW Office of Water and other government departments.

The applicant will also be conditioned to carry out all works necessary in order to repair the wall and reduce the risk of failure to 'low'. Site earthworks will encroach 15m into the pondage area decreasing the cross-sectional area by 17% and raising the water level by an estimated 60mm in an ARI 100 year storm event. This is considered acceptable.

S. 94 calculation

In relation to the S.94 Contributions, the applicant has requested Council apply a 50% subsidy to the rural road component in a similar manner to how a 50% subsidy to commercial developments in the Lismore Strategic Urban Road Catchment is applied. This subsidy is granted to development in the commercial zones of Lismore in recognition of the employment generating value of this type of development in Lismore. A subsidy of up to 50% of the Strategic Urban Roads contribution will be applied at the time of development consent.

If this subsidy was applied to the development it would mean that the applicant would pay a S.94 contribution amount of \$95,008 instead of **\$185,747**. It is recognized that the proposed development does have an employment generating value to Nimbin however it is not recommended Council support the applicant's request for a 50% subsidy as the Lismore Strategic Urban Road Catchment only applies to the commercial zoned areas of Lismore and not the Rural Road component of the S.94 contributions.

The proponent has also requested that the proposed cost to upgrade Blade Road be considered as works in kind as possible under Section 8 of the Lismore Contribution Plan (March 2004). As Blade Road is not included in the S.94 rural road component of the contribution calculation and the requirement to upgrade of Blade Road is the direct result of traffic generated from the Zorb facility, it is considered inappropriate to recommend to Council that it support offset funding toward the construction of Blade Road that would normally be allocated to Blue Knob Road, Nimbin Village and Nimbin Road.

Nimbin Local Area Traffic Management

Under the Lismore Contribution Plan – March 2004, Nimbin is considered a local focal point and as such, S. 94 contributions are required for Nimbin local area traffic management works.

Stormwater

The applicant will be conditioned that there shall be no net increase in stormwater discharge from this site due to the increase in impermeable area. Given the small percentage of the site that is proposed to be made impermeable the developer proposes to accommodate the increased runoff in the existing dam. The increased runoff will cause a 7.5mm increase in depth. The site will be conditioned to be compliant with Lismore stormwater management plan and Lismore DCP Chapter 22 "Water Sensitive Design".

Geotechnical considerations

Geotechnical deficiencies have been identified on the site. The development will be conditioned to provide a detailed geotechnical report to confirm that areas of the site which are to be disturbed are or can be engineered to be geotechnically stable.

Tourism Manager Comments

Lismore and Nimbin Tourism strongly supports the Zorb Recreational Facility. It has the potential to not only be a successful business operation, but has the ability to increase the length of stay of existing visitors to the Nimbin village. This will result in a wide variety of economic benefits to other businesses in the village of Nimbin, with accommodation houses, cafes and retail shops all benefiting.

Ecologist Comments

List of threatened species, populations or ecological communities, or their habitats known or likely to occur on this Site

A desktop assessment of threatened (TSC Act) flora and fauna species, populations or ecological communities, or their habitats known or likely to occur within the locality was conducted. The spatial extent of the locality meets guidelines.

The desktop assessment identified 5 threatened plant species recorded in the locality of the subject site. In addition, the desktop assessment identified 7 threatened animal species, including 1 amphibian, 3 bat, 2 marsupial and 1 bird species on or near the subject site.

Review of Flora Field Survey Methods

Vegetation was surveyed by meandering transects over 6.5 hours on 24 March and 13 -14 July 2011. The details of the flora field survey methods employed are considered satisfactory. Given the size of the subject site and the nature of the vegetation likely to be impacted by the proposal, the flora field survey methods, on the whole, are reasonable and appropriate.

Review of Fauna Field Survey Methods

A fauna survey was conducted over 6.5 hours on 24 March and 13-14 July 2011. Trees within the Blade Road reserve were inspected for evidence of fauna (including koala) visitation at ground level and the presence of tree hollows by binoculars. Given size of the development footprint and the poor quality habitat located in the development footprint, the fauna field survey methods, on the whole, are reasonable and appropriate.

Flora Assessment Findings

The flora survey found 16 native and 17 exotic plant species on or near the subject site. Three vegetation communities were located within the development footprint, namely: Setaria Grassland, Tall Closed Forest and Aquatic Vegetation. No threatened native plant species were found to occur on the subject site.

Fauna Assessment Findings

The fauna survey recorded 1 native amphibian and 5 native bird species within or near the development footprint. Few tree hollows were observed in any of the native trees within the section of the Blade Road reserve proposed to be upgraded. Small hollows were observed in 2 large flooded gums located on the northern side of the road reserve, these trees are proposed to be retained. No threatened native animal or invertebrate species were found to occur on the subject site.

Assessment of the likelihood of threatened species, populations or ecological communities identified as occurring or likely to occur in the locality

An assessment of the likelihood of threatened terrestrial and aquatic flora and fauna species occurring or likely to occur within the development footprint was conducted. The assessment was considered to meet guidelines.

Assessment of Significance

Application of the seven-part test for threatened flora, fauna or endangered ecological communities under Section 5A of the EP&A Act 1979 found that there were no significant impacts on any threatened plant species, populations or endangered ecological communities. Consequently a Species Impact Statement was not provided. Application of the seven-part test for threatened flora, fauna and endangered ecological communities was considered to be sound and reasonable.

External Referrals

NSW Rural Fire Service (RFS)

The application is an integrated development requiring bush fire safety authority approval from the NSW RFS under section 100B of the *'Rural Fires Act 1997'*. The application was referred and comments were received in June, raising no objection subject to conditions. The NSW RFS conditions are incorporated into the conditions of consent.

NSW Office of Water

The application is an integrated development requiring approval from the NSW Office of Water under the Water Management Act 2000. The application was referred and comments were received in May from the NSW Office of Water, raising no objection and approval for the application without the need for any conditions of consent.

Notification/ Submissions

The application was notified to adjoining and surrounding property owners and advertised in the Northern Rivers Echo and Nimbin Good Times Newspaper in accordance with the provisions in Lismore DCP Chapter 10, for the Notification and Advertising of Development Applications.

The proposed development was publicly advertised and notified twice. The first time was in May/June 2011 following lodgement of the application and then again in August 2011 after the lodgement of the additional information. Council received 19 submissions during the first round of advertising and notification and 7 submissions during the second round of advertising and notification. It was noted many of those that submitted submissions during this exhibition period had also submitted submissions during the first exhibition period. In total there were 26 submissions, 22 submissions in objection and 4 submissions in support of the proposed development.

Full copies of the submissions received are available for viewing by Councillors in the Councillor's room.

The submissions in objection received by Council are summarised and responded to as follows:

Submission Issue	Assessment Officer Comments
<i>The proposed development is inconsistent with the zone objectives</i>	<p>This is a subjective matter however other uses are permitted within the zone that do not conflict with existing or potential agriculture and do not detract from the scenic amenity and character of the rural environment. For the reasons outlined within the report it is considered that:</p> <p>(a) The proposed development does not conflict with existing or potential agriculture and does not detract from the scenic amenity and character of the existing rural locality environment, and</p> <p>(b) The development, in particular the proposed recreation area Zorb facility buildings are compatible with the form and density of the nature of the locality.</p>
<i>The proposed development will increase dust levels associated with the increased traffic on Blade Road and from the Zorb run site itself.</i>	<p>It is likely that the proposed development would generate dust and therefore Council staff have recommended that the internal roads and car park areas are sealed to prevent any dust impacts upon adjoining property. Furthermore to ameliorate any likely dust impacts from Blade Road Council staff have recommended that an upgrade of Blade Road is required after a maximum of 2 years from the issue of the occupation certificate for the Zorb facility building or when the internal traffic counts averaged over seven consecutive business days equals or exceeds 90 vehicles per day (for further information on this matter please review the Development Engineer's comments section of this report).</p>
<i>The proposed development is likely to generate traffic volumes beyond the road safety capacity of Blade Road.</i>	<p>Council's Development Engineer has stated that Blade Road is capable of accommodating the traffic generated by the proposed development (for further information on this matter please review the Development Engineer's comments section of this report) and supports the applicant's tree removal proposal along the sides of Blade Road as this will improve road safety.</p>
<i>The traffic generated by the proposed development is likely to create road safety issues for not only Blade Road but Blue Knob and Nimbin Roads and related intersections.</i>	<p>Council's Development Engineer has advised that the proposed development requires the payment of S. 94 rural road contributions toward road works on Blue Knob and Nimbin Roads and related intersections.</p>
<i>Concern that Blade Road is a narrow, twisting, dirt road that ruts frequently in the wet and forms clouds of dust in the dry. There are limited passing opportunities and steep inclines that are extremely slippery in the dry and treacherous in the wet.</i>	<p>Council's Development Engineer agrees that the current standard of Blade Road is inadequate for the proposed traffic volume. To resolve these issues the proponent will be conditioned to upgrade the affected section of Blade Road to a 6m wide sealed rural collector road standard within 2 years of operation or when the internal traffic volume count equals or exceeds 90 trips per day based on a seven consecutive business days' average.</p>

Submission Issue	Assessment Officer Comments
<p><i>The developer's calculations of the number of vehicles using Blade Road and the number of peak trips ignores the vehicles used by Blade road residents and is flawed as the count was taken on a day when the transfer station was closed.</i></p>	<p>Council's Development Engineer has advised that the developer's consultant carried out an on site traffic count on the 15 March 2011 from 7am to 6pm. 39 trips were observed. This amounts to 3.25 trips per dwelling. This figure is then applied to criteria set out in Austroads "Guide to Traffic Engineering Practice Part 3 "Traffic Studies to converting it to an Average Annual Daily Traffic figure of 5 trips per day per dwelling. The peak traffic volume and the trips to the transfer station are allowed for in the additional 1.75 trips per day. A trip to the transfer station amounts to 2 trips per week or 0.29 trips per day per dwelling. The method of calculation is consistent with current traffic engineering techniques and is supported by Council.</p>
<p><i>Blade Road is narrow, low grade with steep incline. Vehicles currently pass at low speed with care and concerns are raised regarding increased parking of vehicles along Blade Road.</i></p>	<p>Council's Development Engineer agrees that Blade road is currently a narrow unsealed road with some steep sections. To resolve these issues the proponent will be conditioned to upgrade the affected section of Blade Road to a 6m wide sealed rural collector road standard. In regard to parking on Blade Road the proponent will be conditioned to provide 13 on site parking spaces. It is anticipated that this will address the parking issues. However there may be occasions when someone may park on Blade Road to observe the facilities. Due to existing and proposed vegetation along the northern property boundary adjoining Blade Road and the construction of the sound attenuation measures which include earth mounding, vantage points for viewing the Zorb facility will be limited if possible at all.</p>
<p><i>The proposed development is ridgetop development that detracts from the visual amenity of the rural area and therefore is not consistent with Clause 41 of LEP 2000.</i></p>	<p>This is a subjective comment and it is not Council's opinion that <i>Clause 41 of LEP 2000 – Development on ridgetops in rural areas</i> applies to this site or development. Furthermore if Council was to assess the development proposal under the provisions of this clause it is considered that the height and location of the Zorb run and associated building, design and materials used, site constraints and proposed landscaping would ensure that the development does not detract from the visual amenity of the rural area/locality.</p>
<p><i>The beeper noise from reversing tourist buses will impact adjoining property owners.</i></p>	<p>Council's Development Engineer has advised that the proponent will be required to construct a bus turnaround area where buses and other vehicles can move in a forward direction and turn in a single manoeuvre thereby eliminating the need to reverse.</p>
<p><i>Traffic survey falsely projects the development proposal traffic volumes.</i></p>	<p>Council's Development Engineer has advised that the procedure adopted by the consultants is consistent with current traffic engineering techniques.</p>
<p><i>The proposed development requires and should not be allowed to proceed without the applicant submitting a Social Impact Assessment (SIA) as the proposed development will change the local residents' way of life, property values, health and environment.</i></p>	<p>Council has a policy and guidelines on SIA which also lists the type of development that requires a SIA. The subject development proposal is not one that requires a SIA. It is acknowledged by Council that this development is likely to have environmental amenity impacts upon the existing built environment in terms of the residents who live on properties adjoining the subject land. This report discusses those impacts and many of the recommended conditions of consent seek to ameliorate and address these impacts. However no evidence has been submitted to support the subjective comments that <i>the proposed development will change the local residents' way of life, property values, physical health and environment</i> and are not relevant planning matters for consideration in the determination of the application.</p>
<p><i>The applicant's proposed land use classification as either a 'recreation facility' or a 'recreation area'. The proposed use is inconsistent with either of these definitions and therefore prohibited under LEP 2000. Furthermore the associated Zorb facility building should be classed as a 'commercial premises' and therefore prohibited.</i></p>	<p>It is noted that the comments are subjective however it is also noted that the applicant did modify their description of the development proposal from a <i>'recreation facility'</i> to a <i>'recreation area'</i>. It has always been Council's opinion that the proposed development is defined and complies with the definition of a <i>'recreation area'</i> under LEP 2000. In relation to the Zorb facility building it is evident from the design and floor plan that this structure is ancillary to the main purpose of the development being a <i>'recreation area'</i> (Zorb facility) and is not designed to operate as a stand alone <i>'commercial premises'</i> as defined under LEP 2000. Accordingly it is Council's opinion that the Zorb facility building is not separately defined as it forms part of the overall <i>'recreation area'</i> Zorb facility development.</p>

Submission Issue	Assessment Officer Comments
<p><i>The proposed tree removal along Blade Road impacts the scenic amenity and habitat for many birds and other wildlife.</i></p>	<p>The proposed tree removal along Blade Road will result in the removal of some native and non native vegetation and it is likely to have an impact upon the scenic amenity and based upon the comments of Council's Ecologist is to a lesser extent likely to have an impact upon the habitat of birds and other wildlife. However this tree removal is required to improve the safety for all vehicles using Blade Road. Furthermore the applicant has proposed and the recommended conditions of consent require that the applicant undertake vegetation/landscape works that will result in the planting of hundreds of replacement native tree and shrub plantings that will have a greater positive environmental impact and provide better habitat for birds and other wildlife than the existing trees along Blade Road proposed to be removed.</p>
<p><i>The developer's claims that this development will have positive economic developments and employment for Nimbin is incorrect or inaccurate as employment opportunities directly associated with this activity would be almost entirely limited to backpackers.</i></p>	<p>These are subjective comments without substantiation. As outlined within the report Council's Business Facilitator has stated "<i>This ZORB facility has the potential to be the catalyst for a stronger, more diverse Nimbin business community and for growth of local jobs</i>".</p>
<p><i>The proposed earth bunds will not provide any relief from noise impacts and will probably compound noise issues.</i></p>	<p>These are subjective comments without substantiation. As outlined within the report Council's Environmental Health Officer has stated that the proposed earth bund will provide noise mitigation (up to 8dB) which will help reduce vehicle and patron noise.</p>
<p><i>The application states that they intend to plant 500,000 trees on the 150 acres, this proposed planting regimen (sic) is inappropriate as it is a waste of nursery stock that will create stunted tree growth and require tree removal. The developer should plant less trees but ensure those that are planted are properly fertilized to promote tree growth.</i></p>	<p>This is not a relevant planning consideration for the determination of the application. However the recommendation does incorporate a condition of consent relating to the submission of a Vegetation Management/Landscape Plan. This plan would have to be approved by Council's Ecologist and it would be at the time of that plan assessment that Council would review and approve/refuse the proposed planting density.</p>
<p><i>Negative impact on the natural scenic beauty of the locality</i></p>	<p>This is a subjective comment and it is Council's opinion that the proposed Zorb facility buildings will not detract from the scenic amenity as they are of an architectural design, bulk and scale and built with materials similar to other domestic scale dwellings located within Blade Road and the general locality. The site will also be extensively landscaped. For these reasons the proposed development is unlikely to have a negative impact on the natural scenic beauty of the locality.</p>
<p><i>Excessive increase in the traffic volume generated by proposed use impacting on already stressed infrastructure.</i></p>	<p>It is acknowledged that the proposed development will increase the traffic volume using Blade Road. However Council's Development Engineer has stated that Blade Road is capable of accommodating the traffic generated by the proposed development (for further information on this matter please review the Development Engineer's comments section of this report). Furthermore the recommended conditions of consent require the applicant to upgrade, widen and seal Blade Road which in turn will improve this infrastructure and road safety.</p>
<p><i>The proposed development will generate excessive noise. There has been a lack of proper noise level studies with those based on the Rotorua (NZ) Zorb facility. An independent noise impact study commissioned by Council must be undertaken prior to determination of this application by Council.</i></p>	<p>It is recognised within this report that one of the likely impacts associated with this development proposal is noise generated by vehicles and Zorb patrons. The specific noise impacts are discussed within the report under the Environmental Health Officer comments. Council staff did not reach the conclusion that there was a lack of proper noise level studies. In relation to the use of Rotorua (NZ) noise data Council's Environmental Health Officer has stated that the only information used from the Rotorua Zorb facility was baseline data. The noise report submitted was an independent report, site specific to the proposed development and the noise report data and conclusions were not based on the Zorb facility in Rotorua (NZ).</p> <p>In regard to the requirement for Council to engage an independent noise impact report it must be noted that this is not standard Council practice for an application</p>

Submission Issue	Assessment Officer Comments
	<p>that generates noise. Suitably qualified Council staff have undertaken their own review and assessment of the technical noise reports submitted with this development application to reach their conclusions on noise related impacts.</p> <p>It is recognised by Council that the proposed development will generate a higher level of noise than the existing cattle grazing use of the land however it is considered that the proposed construction of the earthen wall around the Zorb launch area together with the limited operating hours, patron numbers, sealing of the internal and Blade Roads and the short duration of any noise generated by the Zorb activity is unlikely to impact upon the adjoining property owners.</p>
<p><i>The social networking site Facebook has provided an opportunity for local discussions, one such discussion group is called Nimbin Hookups. Taking the time to read the Nimbin Hookups comments can only help you make a more informed decision.</i></p>	<p>A review of the Facebook comments indicates that there is a mixture of objection and support for the proposed development. The comments made on the site are subjective. Councillors may like to review the Facebook comments however such subjective comments are not relevant planning matters for consideration in the determination of the application.</p>
<p><i>The applicant did not have prior consultation about the proposed development before lodgement of the application.</i></p>	<p>There is no requirement under the EPA Act, 1979 that the owner must consult with adjoining property owners prior to the lodgement of the development application. In regard to Council's advertising procedure, the report outlines that there were 2 advertising periods. It should also be noted that the original advertising period was longer than that prescribed under Chapter 10 – Notification & Advertising of DA's of Lismore DCP 2007.</p>
<p><i>The Zorb facility would inevitably mean that we'd also get a lot more vehicles exploring and driving to the end of Blade Road and potentially illegal camping on our property. These cars and illegal campers would impact the privacy of residents who reside in Blade road.</i></p>	<p>The Zorb facility is located 300m from the Blue Knob Road intersection and it will be sign posted. Therefore there should not be a need for vehicles to explore or travel further up Blade Road than the Zorb facility vehicle entrance. The privacy of residents is important although no clear link could be made within this application assessment that this development would cause illegal camping. It is important to note that should illegal camping occur in Blade Road at any time Council and/or the Police have powers to fine and remove illegal campers. Whilst it is recognized that this is an important issue for some residents of Blade Road it is not a relevant planning matter for consideration in the determination of the application.</p>
<p><i>The upgrading of Blade Road will result in Blade road losing its quiet country lane character.</i></p>	<p>The recommended conditions of consent do require Blade Road to be upgraded and it is considered appropriate that should this application be approved that Blade Road is upgraded to eliminate dust issues, alleviate noise impacts and provide greater vehicle safety.</p>
<p><i>The proposed development will have a detrimental impact upon the 'farm dam' located on the subject site which is a water bird sanctuary. The development does not consider or identify migratory water birds utilising the dam.</i></p>	<p>Council's Ecologist advises that as some of the water birds who use the dam are migratory, it was not possible to observe these birds at the time that the fieldwork was conducted. Furthermore, the proposed and recommended condition of consent relating to the revegetation of the northern bank of the dam is a significant mitigation measure that will create additional habitat for water birds in the medium term. Accordingly the proposed development is unlikely to have a detrimental impact upon the farm dam.</p>
<p><i>The proposed development does not consider downstream riparian effects of the development (e.g. polluted run-off entering dam and watercourse downstream of the dam).</i></p>	<p>Council's Ecologist advises that the riparian plantings are proposed and this issue is addressed in the conditions of consent. Furthermore, revegetation of the northern bank of the dam is a significant measure to mitigate any potential downstream effects.</p>
<p><i>Increased traffic on Blade Road will increase risk to wildlife due to vehicle strike.</i></p>	<p>This is a subjective comment and Council's Ecologist has not raised this as an issue of concern. Furthermore it should be noted that the proposed roadworks along Blade Road will improve driver visibility which potentially may assist to reduce the risk to wildlife due to vehicle strike.</p>

Submission Issue	Assessment Officer Comments
<i>The applicant does not consider effects on wildlife corridor from bush at western border across paddock to bush near/within Blade Road reserve and potential isolation of wildlife communities.</i>	It is not reasonable for Council to expect the proponent to address wildlife located on a property other than the subject site. Council's Ecologist advises that the vegetation within the development footprint provides poor to very poor fauna habitat. Furthermore, the nature and scale of the proposed development is not likely to significantly impede the safe movement of wildlife across the development footprint.
<i>The proposed development does not consider the impact of noise on wildlife during construction and operation.</i>	Council's Ecologist advises that the temporary impact of noise on wildlife during the construction of the proposed development was addressed and that there is unlikely to be any significant impact to wildlife during construction and operation of the Zorb Facility.
<i>The proposed development does not consider the loss of habitat in general (e.g. in-filling of dam or clearing of trees in the Blade Road reserve).</i>	Council's Ecologist advises that the vegetation within the development footprint provides poor to very poor fauna habitat. Furthermore, revegetation within the development footprint is a significant mitigation measure that will create additional habitat for wildlife in the medium term.
<i>Human activity near the dam could affect breeding birds.</i>	Council's Ecologist advises that Zorb facility patrons will not be permitted beyond the "Catching Area" and thus it is unlikely human activity in this area will appreciably increase. Furthermore, revegetation of the northern bank of the dam will make it difficult for anyone other than employees to enter the area. Accordingly human activity near the dam is unlikely to affect any breeding birds.
<i>The Zorbing facility is a commercial business enterprise totally at odds with the rural zoning character of the area.</i>	As outlined within the report the proposed development is identified by Council and complies with the definition of a 'recreation area' under LEP 2000. The environmental impacts have been ameliorated within the Zorb facility design or via recommended conditions of consent and therefore whilst it is recognized that this development is different in character to the existing and surrounding land uses it is considered that the Zorb facility can operate without significant impact upon adjoining property.
<i>The proposed development will devalue adjoining property by virtue of the fact the Zorb facility is large and noisy.</i>	The comment is subjective and such subjective comments are not relevant planning matters for consideration in the determination of the application.
<i>The proposed development is likely to cause conflict with pre-existing land use activities, in particular for horse riders that use Blade Road and associated traffic safety issues.</i>	It is recognised that the proposed development does increase traffic and the number of vehicle movements along Blade Road. The proposed and recommended conditions of consent requiring upgrade works to Blade Road will also improve road safety for all users of the road. The pre-existing use of the road by horse riders is not a relevant planning matter for non-support of the application.
<i>The proposed development is likely to have a negative impact upon existing native wildlife.</i>	Council's Ecologist has advised that the development is not likely to have a negative impact upon existing native wildlife, in fact, the proposed and recommended revegetation and landscaping works on the property within the conditions of consent are likely to significantly improve the native wildlife habitat.
<i>It is possible that the proposed Zorb facility will have a negative impact upon Nimbin hospital from accidents associated with Zorb ball riding and traffic generated by the development.</i>	This is a subjective comment and it is not a matter for consideration in the determination of the application.
<i>The proposed development has the potential to only get half built due to a financial disaster and then it would remain an unfinished project and an eyesore.</i>	This is a subjective comment and it is not a matter for consideration in the determination of the application.
<i>There is a possibility that visitors to the Zorb Facility will not park in the car park provided but park along Blade Road.</i>	Council's Development Engineer also raised this as a concern and therefore within the recommended conditions of consent there is a requirement that the proponent install signage indicating off street car parking is available on site.
<i>Nimbin is promoted by Lismore Tourism as "a rural setting surrounded by World Heritage Parks, conservation areas, artists' communities, and cottage</i>	This is a subjective comment and it is not a matter for consideration in the determination of the application. However Council's Tourism Manager provided the following comments on this development proposal " <i>Lismore and Nimbin Tourism strongly supports the Zorb Recreational Facility. It has the potential to not only be a</i>

Submission Issue	Assessment Officer Comments
<i>industries in a backdrop of farmland and forest". Nimbin is a thriving tourist destination for these reasons and does not require a franchised theme ride with its roadside advertisements to attract visitors.</i>	<i>successful business operation, but has the ability to increase the length of stay of existing visitors to the Nimbin village. This will result in a wide variety of economic benefits to other businesses in the village of Nimbin, with accommodation houses, cafes and retail shops all benefiting".</i>

The submissions in support received by Council are summarised as follows:

- The proposed Zorb facility will provide an adventure activity within the Nimbin area and provide another reason for visitors to stay the night in Nimbin rather than just the day (4-5 hours) as many of the visitors do now;
- The proposed development is a sustainable form of development;
- The proposed development will create employment opportunities, especially for youth;
- The proposed development provides an adventure attraction that will help attract visitors to Nimbin;
- This visitor attraction is operational all year round and may therefore help to increase visitor numbers during winter;
- Provide the catalyst and incentive for other operators contemplating the development of eco and adventure tourist operations;
- The Nimbin Chamber of Commerce considers that the economic benefits that would flow from the project make it a desirable addition to the current mix of visitor attractions.

Consideration

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

Lismore LEP 2000

The proposed development is permissible as a 'recreation area' within the 1(a) General Rural zone under the provisions of the Lismore LEP 2000.

1. Preservation of trees (Clause 18)

The proposed development will entail the removal of vegetation, in particular a number of mature native trees along Blade Road. Their removal is required for road realignment works to construct safe and practical access to the development site. Please refer to the comments made by Council's Ecologist on this matter.

2. Buffer zones to avoid potential land use conflicts (Clause 20)

The proposal is not likely to be adversely impacted upon by the specified land uses listed in Subclause 3. Reference should be made to the comments section on Lismore DCP 2007, Chapter 11 – Buffers within this report.

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

The number and design of the signage included within this application responds to the nature of the land use and the land use context of the locality.

The advertising of the site is limited with only a single sign proposed to be erected on the property fence fronting Blade Road at the entrance to the Zorb facility.

The location and size of the proposed signage is not considered to have an impact on driver safety on Blade Road as the sign will be neither illuminated nor externally lit. Furthermore, the sign is to be located so as not to impede the view of vehicles entering and exiting the site to ensure safety for vehicle users.

Reference should be made to the comments section within this report on Lismore DCP 2007, Chapter 9 – Outdoor Advertising Structures, which provides full details of the signage requirements for the site pursuant to the Lismore DCP 2007.

Zone objectives and zoning control tables

Lot 103 DP 755739 is zoned 1(a) General Rural and Lot 2 DP 230663 is zoned 1(a) General Rural and 1(r) Riverlands pursuant to *Clause 8* of the Lismore Local Environmental Plan 2000. Although existing Lot 2 DP 230663 is dual zoned, the Zorb facility proposal is sited only on that part of the land zoned 1(a) General Rural. No development is proposed upon the land zoned 1(r) Riverlands, being the eastern portion of existing Lot 2 DP 230663.

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

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

As such, consent to the development may be granted.

Lismore Draft LEP 2010

The subject site is zoned *RU2 – Rural Landscape* under the draft LEP 2010. The proposed development is defined as a 'Recreation Facility (Outdoor)' under the provisions of the Draft Lismore LEP 2010. The proposed development is a permitted type of use within the *RU2 – Rural Landscape* zone subject to development consent from Council.

State Environmental Planning Policy (SEPP) No. 44 – Koala Habitat Protection

The site is over 1 hectare in area, and there may be potential koala habitat on the site. Council's Ecologist has advised that Pursuant to State Environmental Planning Policy No. 44 – Koala Habitat Protection, a koala habitat assessment was conducted and submitted to Council. The assessment found that there was no potential or core koala habitat within the development footprint. This supports the conclusion of the assessment and the assessment conducted meets the SEPP No. 44 guidelines.

State Environmental Planning Policy (SEPP) No. 55 - Contaminated Land

This matter has been addressed in the EHO comments in this report.

State Environmental Planning Policy (SEPP) (Rural Lands) 2008

The subject land is not identified under this SEPP as 'state significant agricultural land'. The proposed development is generally consistent with the aims and rural planning principals of the policy.

Lismore Development Control Plan

The application has been assessed against the relevant controls in the Lismore DCP as indicated in the following paragraphs.

Chapter 7 – Off-street Car Parking

Chapter 7 of the Lismore DCP provides the car parking provisions for particular land use items within the Lismore Local Government Area.

As outlined previously within this report, Chapter 7 of the Lismore Development Control Plan together with the RTA “Guide to Traffic Generating Development” do not provide guidance on a ‘Recreational’ activity of this nature, hence parking demand has been determined by the applicant from first principles, using the peak expected traffic generation as the basis of the demand. Council’s Development Engineer has supported the applicant’s traffic assessment and co-related proposed number of off-street car parking spaces and car park layout design.

Chapter 9 – Outdoor Advertising Structures

Chapter 9 of the Lismore DCP aims to protect against the proliferation of inappropriate signage throughout the Lismore area by implementing effective guidelines for the construction of outdoor advertising signage. The Chapter outlines a variety of signs which are permissible in the 1(a) General Rural zoning with wall signs being permissible with consent from Lismore City Council.

Table 1 below details the signage requiring development consent and reviews the consistency of the signage with the applicable standards within Chapter 9.

Table 1: Signage Compliance Assessment

Proposed Signage	Chapter 9 Design Provisions	Compliance
Wall Sign Height – 2.4m Width – 2.4m Panel – 5.76m ²	Surface Area – 15m ² . Not to protrude above the fence. Permissible in 1(a) General Rural zone subject to consent.	Yes – the proposal provides for the erection of a 2.4 metre fence for a portion of the site for target hardening measures. The proposed sign will be constructed on the erected fence and will not protrude above or nor exceed the 15m ² surface area.

Chapter 11 – Buffers

This chapter articulates a number of standards which aim at reducing and mitigating the opportunities of potential land use conflicts arising from development within the Lismore Local Government Area. Given the nature and scale of the proposal being for a recreation facility, it is envisaged that there will be no adverse impacts on the surrounding or existing agricultural pursuits currently evident with the subject rural locality. To ensure a level of compliance is achieved, the proposed buildings are located in excess of 30 metres from grazing land as prescribed for habitable dwellings under Chapter 11.

Chapter 13 – Crime Prevention Through Environmental Design

This Chapter of the Lismore Development Control Plan was introduced in November 2000 to provide guidance in respect to design with the intent of reducing crime and the fear of crime. Reference should be made to the attachment to this report (Attachment 2) which contains a review of the proposal against the provisions of Chapter 13.

S. 94 Contributions Plan

The proposed development will result in increased demand for public services and amenities, and therefore S. 94 Contributions are applicable. In relation to the S.94 Contributions the applicant has requested that council apply a 50% subsidy to the rural road component similar to the 50% subsidy currently applied to commercial developments in the Lismore Strategic Urban Road Catchment. This issue is discussed within the Development Engineer comment section of this report.

For the purpose of the S.94 calculation the site is deemed to be equivalent to 28 standard rural lots. Credit shall be given for 1 standard rural lot. For S.94 contribution purposes:

- Standard rural lot < 5 km to focal point (Nimbin) generates 5.5 trips per day;
- At peak the facility will be generating 154 trips per day including 2 buses per day.

The following Levies would therefore apply under S. 94 of the Environmental Planning and Assessment Act 1979 and amounts payable are set out below.

*** Note: For discount see Lismore Contributions Plan 2004**

Levy Area	Acc No.	No. of ET's/m ²	Cost Per ET/m ²	Amount Levied	Credit Amount (From above)	Amount Payable
Transport Plan						
Rural Roads						
Nimbin Road Segment 1-6	554	27	4,403	27 ET	1 ET	\$118,881
Nimbin Village	554	27	1,180	27 ET	1 ET	\$31,860
Blue Knob Road	554	27	1,116	27 ET	1 ET	\$30,132
NIMBIN LATM	554	N/A	3.94 per m ²	120m ²		\$473
SES						
All areas	584	27	66	27 ET	1 ET	\$1,782
Rural Fire Service Plan						
All areas	583	27	97	27 ET	1 ET	\$2,619
Total						\$185,747

Relevant Council Policies

5.17.8 Sustainability, Viability & Amenity of Rural & Urban Land

Comment: the proposed development is consistent with the objectives of this policy.

Other Relevant Approvals Required

Roads Act Approval

The proposal requires works within the public road reserve, and as such, a permit under the provisions of s.138 of the Roads Act must be obtained prior to those works being undertaken. This requirement is addressed in relevant conditions of consent.

Local Government Act Approvals

The proposal requires approval under the provisions of s.68 of the Local Government Act in relation to the on-site sewage management system and stormwater management system associated with the Zorb development and these approvals must be obtained prior to those works being undertaken. This requirement is addressed in relevant conditions of consent.

All Likely Impacts of the Development

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

ENVIRONMENTAL APPRAISAL

1. Statutory Controls
2. Policy Controls

CONSIDERED

- Yes
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.	Ecologically Sustainable Development Principles and Climate Change	Yes
10.	All relevant S79C considerations of Environmental Planning and Assessment (Amendment) Act 1979	Yes

Sustainability Assessment

Sustainable Economic Growth and Development

The proposed development is identified and supported by Council's Business Facilitator as a sustainable economic growth and development business for Nimbin and that the economic and employment benefits that would flow from the project make it a desirable business addition to the current mix of visitor attractions.

Social Inclusion and Participation

The proposed development would not result in any social and/or participatory exclusion, it is a tourist activity open to anybody who wishes to ride in a Zorb ball.

Protect, Conserve and Enhance the Environment and Biodiversity

The proposal will have a minimal impact on the environment and cause no long term detriment to threatened or vulnerable species or endangered ecological communities. Sediment and erosion controls and the proposed revegetation of the riparian areas along the existing dam will enhance the environment and increase biodiversity values on the subject property and locality in general.

Best-Practice Corporate Governance

The recommendation of this report supports best practice management principles, and the efficient and proper use of Council's resources. The purpose of this report is for Council's decision on the approval or refusal of the proposed Zorb 'recreation area' facility.

Public consultation

The matters raised in submissions have been addressed in the body of this report.

Conclusion

As outlined within this report the proposed development complies with relevant local, regional and state planning policies. However the development proposal has received significant public interest within the Nimbin locality which resulted in a number of submissions being lodged. Many of these submissions object to the development proposal, in particular those sent by a number of the adjoining residents who reside in Blade Road.

The key issues associated with these objections relate to rural character and amenity, impacts upon the natural environment, traffic and noise. These matters have been taken into consideration as part of the Section 79C of the EPA, Act 1979 assessment of the application. The concerns raised by Council and those gained through the public submissions led to modification of the development proposal.

As highlighted in the report the proposed development involves converting existing grazing land into a recreational land use (Zorb riding) and this land use change is likely to have an impact upon the rural character and amenity of the locality.

Although the proposed land use is different to the existing use of the land it is considered that the proposed design together with the recommended operational conditions of consent will minimize any likely rural amenity and environmental impacts and thereby ensure that the development does not significantly alter the rural character of the locality.

In relation to any potential visual amenity impact upon the locality caused by the Zorb facility (structures, car park area and buildings) it is considered that this has been managed through the location of the structures on the land and the design of buildings comprising an architectural bulk and scale representative of surrounding domestic scale buildings. The visual impact is further ameliorated via Council's specific conditions of consent requiring revegetation and landscaping of the site. For these reasons the proposal is not considered to adversely impact the existing visual qualities associated with the rural locality.

It is acknowledged throughout this report that the proposed development is likely to have impacts upon the surrounding residents in terms of traffic and noise which has a co-relation with the rural character and amenity of the area. In relation to the natural environment it is considered the proposal has minimal impact.

The site layout design modifications to the original proposal involving a new site access point and establishment of a noise attenuation earthen wall, together with the recommended conditions of consent within this report requiring internal/external road upgrading (including widening and sealing) and vegetation management and site landscaping will address the likely amenity impacts of the proposal upon adjoining properties. Furthermore it is considered that the proposal will be attractive to tourists and encourage them to stay or visit Nimbin for a longer period of time and this will generate employment opportunities both within Nimbin and at the Zorb facility site. For the reasons outlined above it is considered that the likely amenity impacts of the development have been mitigated by the Zorb site layout modifications and recommended conditions of consent.

The applicant has satisfactorily demonstrated that the subject site is suitable for the proposed development. The likely traffic and noise amenity impacts have been mitigated through site layout design modifications and recommended operational conditions of consent. Furthermore it is considered that the subject site is suitable and the likely impacts upon the existing built and natural environment will be minimal subject to compliance with the proposed conditions of consent.

The assessment of this development has considered and balanced the potential amenity impacts against the positive environmental and economic impacts of the proposal. In conclusion it is recommended that the development application should be supported subject to the imposition of the recommended conditions of consent.

Attachment/s

1. Council Report - Plans for DA11/151 (Over 7 pages)
2. Crime Prevention Through Environmental Design (CPTED) Assessment (Over 7 pages)

Recommendation

That:

- A. Pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application No. 5.2011.151.1, for a recreation area (Zorb Ball Riding) be granted consent subject to the following conditions:

GENERAL

1 In granting this development consent, Council requires:

- All proposed buildings to be constructed in accordance with any amendment or modification outlined in these conditions; and
- All proposed earthworks works to be carried out in accordance with any amendment or modification outlined in these conditions.

The development must be substantially in accordance with the following approved plans submitted with the application:

Drawer/Name	Description of Plan	Ref/Plan No.	Revision	Date
Newton Denny Chapelle	Site Layout Plan	10488	G	25/07/2011
Newton Denny Chapelle	Blade Road Widening East	10488	A	July 2011
Newton Denny Chapelle	Blade Road Widening West	10488	A	July 2011
Newton Denny Chapelle	Fence & Signage Sign	10/488	N/A	18/05/2011
Built Environment Practice	Site Diagram	01	N/A	19/04/2011
Built Environment Practice	Concept Landscape Plan of Car Park	02	N/A	19/04/2011
Built Environment Practice	Floor Plan of Zorb Facility Building	03	N/A	19/04/2011
Built Environment Practice	Roof Plan of Zorb Facility Building	04	N/A	19/04/2011
Built Environment Practice	Elevation Plans (North/South)	05	N/A	19/04/2011
Built Environment Practice	Elevation Plans (East/West)	06	N/A	19/04/2011
Built Environment Practice	Section Plans of Zorb Facility Building	07	N/A	19/04/2011
Built Environment Practice	Section Detail Plan of Zorb Facility Building	08	N/A	19/04/2011
Built Environment Practice	Launch Pad Area Site Layout & Section Plan	09	N/A	19/04/2011

A copy of the approved plans are attached to this consent.

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

PLANNING

- 2 The earth mound earthworks (located around the Zorb ball launch area) are to be submitted as part of the earthworks Construction Certificate. The size, shape and height of the earth mound must be generally in accordance with the details contained within the approved plans and Statement of Environmental Effects documentation. The earth mound must be built and landscaped (in accordance with approved VMP) prior to the commencement of use of the Zorb Facility.

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

- 3 Payment of contributions levied under S. 94 of the Environmental Planning and Assessment Act and Lismore Contributions Plan 1999 (as amended) are required. Such levies shall contribute towards the provision of public services and/or amenities identified in the attached schedule. Such levies shall be calculated at the rate(s) in effect on the date the **Construction Certificate for the Zorb Facility Building is granted**. The rates and amounts applying at the date of this notice, totalling **\$185,747** are set out in the schedule for your information. Where the total contribution payable exceeds \$20,000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All levies, fees, contributions, bonds etc. shall be paid **prior to the issue of the Zorb Facility Building Construction Certificate**.

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

The contributions set out in the schedule are exclusive of any GST (if any) and where the provision of any services or the construction of any infrastructure or any other thing with those contributions occurs, then in addition to the amount specified above the Applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

If the contributions set out in the schedule, or part thereof, are to be met by the dedication of land or other approved Material Public Benefit, then the Applicant will pay to Council the GST (defined below) applicable to the value of land dedicated or (Material Public Benefit) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

GST means any tax levy charge or impost under the authority of any GST Law (as defined by the GST Act) and includes GST within the meaning of the GST Act.

The GST Act means A New Tax System (Goods and Services Tax) Act 1999 or any amending or succeeding legislation.

Reason: *To provide funds for the provision of services and facilities identified in Lismore City Council's S. 94 Contributions Plan dated July 1999 as required by the increased population or activity. (EPA Act Sec 94)*

- 4 Only the wall sign detailed in the approved plans section (to be attached to the Zorb facility entrance gate), approved with this development consent, can be erected without a development application. Any modification and/or new signage will require separate development consent from Council.

Reason: *To preserve the amenity of the area*

- 5 The building materials, external finishes and the colour scheme of the proposed Zorb Facility Building and Launch Area Structure shall be submitted to the Principal Certifying Authority for approval **prior to release of the Construction Certificate**. The Principal Certifying Authority must ensure the materials, external finishes and the colour scheme of the proposed dwellings are compatible and consistent with the materials, finishes and colours of the surrounding development. The roofing must have a low reflective finish.

Reason: *To preserve the amenity of the area and comply with the requirements of Lismore DCP 2007 (EPA Act Sec 79C(b)).*

BUILDING

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

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

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

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

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

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

- 9 The location of the building on the site must be established by a Registered Surveyor and must comply with this approval.

Reason: *To ensure the building is located on site in accordance with this approval.*

- 10 The erection of the building under the terms and conditions of this Development Consent must not be commenced until the detailed plans and specifications of the building have been endorsed with a Construction Certificate by:

(i) The Council; or

(ii) An accredited certifier

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

Reason: *Required by Clause 81A of the Environmental Planning and Assessment Act, 1979.*

ENGINEERING

Geotechnical

11 **Prior to issue of the Construction Certificate for the Zorb Facility Building**, certification from a practising qualified engineer experienced in soil mechanics is required verifying the following:

- proposed civil engineering works, including retaining walls, have been assessed as structurally adequate;
- proposed civil engineering works are not likely to be affected by landslip either above or below the works;
- proposed civil engineering works are not likely to be affected by subsidence either above or below the works; and
- adequate drainage has been proposed to ensure the stability of the proposed civil engineering works.

Reason: To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 79C(c))

12 **Prior to release of the Construction Certificate for the Zorb Facility Building** a qualified practising structural engineer shall provide Council with a certificate of structural adequacy for any structures, including retaining walls, constructed as part of the development.

Reason: To ensure the development is constructed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 79C(b))

13 Bulk earthworks shall not commence on site **prior to the release of the relevant (earthworks and/or building) Construction Certificate.**

Reason: To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 79C(c))

14 The slope of any cut or fill batter (including the earth mounds) shall not exceed 1: 4 unless specific geotechnical advice, as to the stability of the proposed batters, is provided by a suitably qualified geotechnical engineer.

Reason: To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 79C(c))

15 **Prior to the release of the Construction Certificate for the Zorb Facility Building**, a NATA registered geotechnical testing authority shall submit documentary evidence in the form of level 1 certification, certifying that any fill material adjacent to or below any structure has been placed in accordance with Australian Standard 3798 "Guidelines on earthworks for commercial and residential developments". The completion report must note that the foundation, fill materials, workmanship, fill compaction density and fill moisture contents are acceptable for the intended and certified use of the fill and meet the specifications of the site. Filling in excess of 2m of height must be accompanied by a geotechnical slope stability analysis of the final construction undertaken using limit equilibrium techniques and site specific parameters. Level 2 certification is required for all other fill areas.

Reason: To ensure the development is completed in accordance with the conditions and approved construction design plans. (EPA Act Sec 79C(b))

Roads

16 **Prior to commencement of any works** upon the site the proponent shall obtain a **Construction Certificate** for all earthworks, roadworks, stormwater drainage structures, internal roads, carparks and associated civil infrastructure, as shown on Newton Denny Chapelle Drawing “Blade Road Site Layout Plan” Ref No 10488 Rev G dated 25 July 2011 amended as required, so that all infrastructure is designed and constructed in accordance with the Northern Rivers Development and Design Manual (as amended) and Chapter 6 of Lismore Development Control Plan - Part A “Subdivision and Infrastructure – Village and Rural Subdivision” as well as any amendment listed elsewhere in this approval.

- The proposed internal road from the amenities building to the launch pad, as detailed on the Newton Denny Chapelle Drawing :Blade Road Site Layout Plan” Ref No 10488 Rev G dated 25 July 2011, shall be constructed to a 4m sealed standard with 1m compacted gravel shoulders. The speed environment shall be limited to 20 kph.

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

17 **Prior to commencement of any work** a Construction Traffic Management Plan shall be submitted to, and approved in writing by, Council. Such plan shall include: scheduling of works so as to be completed in the shortest possible time with minimal impact on the general community; details of haulage routes to be utilised for delivery and removal of material from the site; traffic control plans prepared by an RTA accredited person for any works that impact upon the movement of vehicles or pedestrians upon the public road. It is a requirement of the Council that any damage to road infrastructure arising from construction activities is to be reinstated at the developers’ cost prior to completion of the project.

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

18 **Prior to the commencement of works** the applicant shall obtain approval **under section 138 of the Roads Act** for the following works upon Blade Road, substantially as detailed on the Newton Denny Chapelle Drawings titled “Blade Road Site Layout Plan” Rev G , “Blade Rd Widening East” ch0 to ch140 Rev A, “Blade Rd Widening West” ch140 to ch295 Rev A Reference No.10488 dated July 2011 amended as required, so that all infrastructure is designed and constructed in accordance with the Northern Rivers Development and Design Manual (as amended) and Chapter 6 of Lismore Development Control Plan - Part A “Subdivision and Infrastructure – Village and Rural Subdivision” as well as any amendment listed elsewhere in this approval. 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 and shall lodge a security equivalent to 5% of the cost of the works with Council to guarantee rectification of any defects.

- Construction of Blade Road to a Rural Collector Road standard (6m sealed road with 1m compacted gravel shoulders); and
- the intersection of Blade Road and Blue Knob Road to Austroads ‘Guide to Traffic Engineering Practice’ Part 5 “Intersections at Grade”.

The Blade Road construction work is required within two years from the issue of the occupation certificate or when the internal traffic counts averaged over seven consecutive business days achieves at least 90 trips per day, whichever occurs first.

For this approval an application shall be made on the prescribed form accompanied with the relevant fee, as specified in Councils adopted fees and charges, and the following information:

- a) Detailed design plans;
- b) Pavement Design;
- c) Specification for Construction;
- d) Review of environmental factors;
- e) Environmental management plan;
- f) Traffic control plan prepared by an RTA accredited person for any works that impact upon the movement of vehicles or pedestrians upon the public road; and
- g) Proposed signposting.

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.*

- 19 **From the commencement of onsite works to the completion of the Blade Road upgrade and the associated defects liability period** the proponent will be required to maintain and suppress dust to Council's satisfaction the section of Blade Road from Blue Knob Road to 20m west of the entrance into the Zorb facility. The proponent shall be responsible for all costs associated with maintaining this section of the road, including the dust suppression.

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

- 20 **Prior to the release of an Interim or Final Occupation Certificate of the Zorb Facility Building** the applicant shall install and maintain a permanently mounted traffic counter on the internal access road 10 metres inside the front boundary. Daily traffic counts shall be submitted to council every 3 months until such time that Blade Road is upgraded in accordance with the development conditions. All vehicles accessing the facility must be included in the traffic counts.

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

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

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

Road Reserve Vegetation Clearing

- 22 The clearing of vegetation on the Blade Road reserve shall be restricted to weed species and the 9 trees marked for removal on the Newton Denny Chapelle Drawings "Blade Rd Widening East and West" ref No. 10488 dated July 2011 unless specified elsewhere in the consent conditions.

Reason: *To ensure only those trees approved by Council for removal are removed.*

Parking Area and Vehicular Access

- 23 **Prior to the release of an Interim or Final Occupation Certificate** provision shall be made for thirteen (13) car parking spaces and two (2) bus parking bays with a bitumen sealed/paved or equivalent surface constructed and landscaped in accordance with the requirements of the Council's Development Control Plan No. 1, Part A, Chapter 7 – Off-Street Car Parking Requirements, Australian Standard AS2890.1 and AS2890.2 Parking Facilities – Off-Street Parking and Council's Development, Design and Construction Manuals (as amended).

The vehicular turnaround area shall be of sufficient size to allow buses to turn in a single forward motion without encroaching on the car parking spaces.

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

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

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

- 25 All signs shall be located wholly on/within the subject property.

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

- 26 All signs shall be located so as to not restrict the vision of traffic either upon the public roadway or entering/exiting private property.

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

- 27 **Prior to the issue of an Interim or Final Occupation Certificate** a vehicular access from the road pavement to the subject site, including any existing accesses, 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))*

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

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

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

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

- 30 **Prior to the issue of a Construction Certificate** the proponent shall lodge a bond equivalent to 5% of the cost of the proposed works with Council to cover any damage to infrastructure within the road reserve arising during the construction of the proposed development. Evidence is to be provided to Council indicating the pre-development condition of the surrounding public infrastructure. Any damage arising from construction activities to roads, kerb and gutter, footpaths or any other infrastructure within the road reserve shall be reinstated in accordance with Council's Development, Design and Construction Manuals (as amended) to Council's satisfaction prior to refund of the bond. Certification as to compliance with this condition shall be provided to Council prior to the **issue of a Construction Certificate**.

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

Right of Carriage Way

- 31 **Prior to the issue of the Occupation certificate** a 20m "Right of Carriageway" shall be created giving benefits to lot 2 DP 230663 and lot 103 DP 755739 over the shared entrance and driveway facilities as shown on the Newton Denny Chappelle drawing "Blade Rd Site Layout Plan" Ref no. 10488 Rev G.

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

Stormwater

- 32 **Prior to being issued with a Construction Certificate** full design details of a stormwater management system for the development shall be submitted to Council for approval under Section 68 of the Local Government Act. Stormwater control and treatment measures shall be installed to ensure stormwater discharges satisfy the qualitative and quantitative objectives of Council's Stormwater Management Plan. The discharge of stormwater from the site shall be limited to the pre-development flow for an ARI of 10 years. These plans shall comply with the Lismore City Council DCP Part A Chapter 22 "Water Sensitive Design" and include a schedule that identifies each component of the stormwater management system and how that component satisfies the qualitative and quantitative objectives of the stormwater management plan.

Reason: To manage stormwater quality and quantity and to protect the environment. (EPA Act Sec 79C(b))

- 33 The proposed internal drainage design and levels adopted for the proposed carparking and landscaping areas shall be appropriately designed to ensure the continued flow of stormwater from adjoining properties. The design shall not restrict flows from adjoining properties that would increase the ponding of water upon the adjoining property.

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

- 34 All stormwater from the site shall be disposed of without causing nuisance to adjoining properties.

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

Sediment and Erosion Control

Existing Earthen Water Retaining Structure

35 **Prior to the issue of the construction certificate** the applicant shall obtain a report from a suitably qualified engineer, experienced in the design and construction of earth embankment water retaining structures, on the structural adequacy of the dam wall retaining water on lot 103 DP 755739. This report shall include:

- an assessment of the work required to restore the walls to a standard which complies with the Northern Rivers Local Government "Handbook of Stormwater Drainage Design" and guidelines of the NSW Office of Water and other government departments; and
- the design calculations and construction drawings to ensure full compliance with the requirements of the report.

Reason: *To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated discharge resulting from failure of water retaining structures that may be constructed on the land. (EPA Act Sec 79C(b)).*

36 The proponent shall repair the existing water retaining structures (earth dam) on lot 103 DP 755739 reducing the risk of failure to low in accordance with the approved design and construction drawings as required under the above condition. The proponent shall be responsible for all costs, including maintenance.

Reason: *To ensure that the land or adjoining land is not damaged by the uncontrolled release of concentrated water flow resulting from failure of water retaining structures. (EPA Act Sec 79C(b)).*

ENVIRONMENTAL

37 The hours of operation for the proposed Zorb Facility are to be limited to the following time restrictions:

9.00am to 7.00pm from (October – March) (7 days per week)
10.00am to 5.00pm during (April – September) (7days per week)

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

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

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

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

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

39 All stormwater from the site shall be disposed of without causing nuisance to adjoining properties.

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

- 40 A "Soil Erosion and Sedimentation Control Plan of Management" (SECPM) shall be submitted for Council's concurrence **prior to the issue of any Construction Certificate** or commencement of any works upon the site. The plan must outline proposed soil control measures and the action that will be taken to manage the completion of the development to minimise any erosion or sedimentation from the site. The plan shall be consistent with the "Managing Urban Stormwater–Soils and Construction" manual (blue book) and must be a practical document written in plain English, and capable of being readily understood and implemented by the site managers, operators and nominated responsible person/s. Responsible person/s must be nominated to Council in writing together with full 24 hour per day contact details for the purposes of the SECPM.

Reason: *To protect the environment.*

- 41 Prior to the issuing of a Construction Certificate for the Zorb Facility Building, a septic application shall be submitted to and approved by council. The application shall meet the requirements of Council's On-Site Sewage & Wastewater Management Strategy. Current standards require the treatment system to be above the 1 in 100 year flood contour and the disposal system above the 1 in 20 year flood contour.

Reason: *To protect the environment.*

- 42 All noise mitigation proposals as detailed in the acoustic report prepared by Tim Fitzroy & Associates (dated April 2011), and addendum noise impact report (dated 22 July 2011), shall be fully implemented and complied with at all times. The project specific noise level for the development must not exceed 40dBA when measured in accordance with the NSW EPA Industrial Noise Policy.

Reason: *To preserve the environment and meet the requirements of the approved acoustic report.*

ECOLOGICAL

- 43 **Prior to the commencement of earthworks or building construction works** the Applicant is to submit to Council for approval the construction design of the outlet structures and in-fill to be conducted on the northern bank of the existing dam. In this regard the Applicant is advised that any outlet structures and in-stream works are to be designed and constructed in accordance with the following guidelines:

- DWE (2008b). *Guidelines for controlled activities: Outlet structures*. Department of Water & Energy NSW, Sydney, NSW; and
- DWE (2008a). *Guidelines for controlled activities: In-stream works*. Department of Water & Energy NSW, Sydney, NSW.

Reason: *To ensure that the design and constructions of stock crossings meet NSW State Government guidelines.*

- 44 **Prior to the issue of any construction certificate** the Applicant is to submit to Council for approval a Landscaping/Vegetation Management Plan (henceforth, 'the plan').

The plan is to be prepared in accordance with both the structure and content of the following guidelines:

- Lismore City Council (2010), *Guidelines for the preparation of Vegetation Management Plans*. Lismore City Council, Lismore, NSW.

The plan is to be prepared and implemented by person(s) with appropriate knowledge, qualifications and experience in current best practices for indigenous vegetation rehabilitation and management as detailed in the above guidelines.

It is the responsibility of the Applicant to:

- Arrange for Council's Ecologist and/or Landscape Architect to review the plan and any associated monitoring report;
- Arrange for any relevant Council inspections; and
- Pay all necessary inspection and administration fees associated with the review and inspection.

The plant species utilised in all regeneration and/or revegetation areas as well as any landscaped buffers should be locally indigenous species and sourced from seed stock of local provenance (i.e. within the Wilsons River catchment). Plant species chosen for regeneration/revegetation works must be chosen from those listed in the following guidelines:

- Lismore City Council (2007). *Landscape Guidelines for Lismore City Council*. Lismore City Council; and
- Raine, A. & Gardiner, J. (1997). *Revegetating Streams in the Richmond Catchment: A Guide to Species and Planting Methods*. Department of Land and Water Conservation NSW, Maitland, NSW. (Contained in Lismore City Council (2007). *Landscape Guidelines*. Lismore City Council, Lismore, NSW).

A works program must be incorporated in the plan to ensure that all works associated with the submitted and approved plan are completed within an appropriate timeframe and are subject to compliance with the recommendations and performance criteria detailed within the plan. The works program is to be staged as follows:

- Stage 1 – To be completed prior to issue of the Occupation Certificate for the Zorb facility building; and
- Stage 2 – To be completed prior to issue of the Construction Certificate for the Blade Road upgrade (i.e. widening and sealing).

Following completion of initial planting and weed control for each implementation stage of the plan, the applicant is to maintain all vegetation management works for a period of five (5) years.

At a minimum, the following management zones **must** be identified in the plan:

Zone No.	Management zone	Management zone description
<i>Stage 1</i>		
1	Dam riparian corridor	The riparian corridor of a minimum 20 m width on both the northern and southern bank of the dam, between the dam wall in the east and the western boundary of Lot 2 DP 230663 in the west.
2	Blade Road buffer	The buffer of a minimum of 10 m width south of Blade Road, between the approved ingress to Lot 2 DP 230663 and the earth bund.
3	Earth bund buffer	The land between the crest of the earth bund and the western and northern boundary of Lot 2 DP 230663.
4	Dam wall/spillway	The top and eastern face of the dam wall and associated spillway located north-east of the dam wall.
<i>Stage 2</i>		
5	Western boundary buffer	The buffer of a minimum of 10 m width between the earth bund in the north and the Dam riparian corridor in the south.
6	Eastern riparian corridor	The riparian corridor of a minimum 20 m width on both sides of the channel of the second order unnamed watercourse located on Lot 103 DP 755739.
7	Blade Road reserve	Both sides of the Blade Road reserve from the intersection

		of Blue Knob Road to the approved ingress to Lot 2 DP 230663.
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At a minimum, the plan **must** incorporate the items detailed below:

Control of listed weeds

The plan is to incorporate a program for weed removal and ongoing weed management with Lot 103 DP 755739 and the area of Lot 2 DP 230663 north of and including Zone 1 (detailed above). The plan should incorporate a program for weed removal which includes the removal of **all** woody weeds, as well as control any exotic plant species that have been:

- Declared noxious under the *Noxious Weeds Act 1993* in the control area of the Far North Coast County Council (Far North Coast Weeds);
- Listed as Environmental Weeds by North Coast Weeds Advisory Committee; and
- Declared as Weeds of National Significance by the Australian Weeds Strategy.

Weeds are to be controlled according to current best practice and in accordance to the control requirements for each of the five classes of noxious weeds identified in the above Act.

Establishment and management of Zone 1 dam riparian corridor

The riparian corridor is to be regenerated/revegetated from the high water mark of the dam in accordance with the above guidelines for revegetating watercourses in the Richmond River catchment (Raine & Gardiner, 1997).

Establishment and management of Zone 2 Blade Road buffer, Zone 3 Earth bund buffer and Zone 5 Western boundary buffer

The buffer is to be planted with a mixed selection plant species indigenous to the locality of the development in accordance with the above guidelines (Raine & Gardiner, 1997; Lismore City Council, 2007).

Regrassing of Zone 4 dam wall/spillway

At a minimum, the dam wall/spillway should be regressed. However, consideration should be given regeneration/revegetation of this zone in accordance the above guidelines for revegetating watercourses in the Richmond River catchment (Raine & Gardiner, 1997).

Establishment and management of Zone 6 Eastern riparian corridor

The riparian corridor is to be regenerated/revegetated **within** the stream channel as well as within the riparian corridor detailed above in accordance the above guidelines for revegetating watercourses in the Richmond River catchment (Raine & Gardiner, 1997).

Regeneration and weed removal/control in Zone 7 Blade Road reserve

Vegetation management works within the Blade Road reserve should incorporate a program for regeneration of native plant species and weed removal. The program should include the removal of **all** woody weeds, as well as control any exotic plant species that have been declared or listed as weed as detailed above.

Plantings within regeneration areas, revegetation areas and landscaping

For all plantings associated with the regeneration of native vegetation, revegetation of cleared areas and landscaping, the plan should detail:

- The planting schedule, including botanical name, common name, container size and quantity of all plant species proposed for planting;
- The methods to be employed for soil and bed preparation as well as mulching;

- How plantings will be protected from grazing by both stock and wildlife;
- An ongoing maintenance schedule, including a program for weed suppression and removal; and
- The planted buffer zones are to be in general accordance with the requirements detailed in Chapter 11 (Buffer Areas) of Council's DCP 2007.

Reason: *To ensure that the Vegetation Management Plan can be assessed in accordance with Lismore City Council guidelines. To screen the development from Blade Road and improve the amenity of the local area. To ensure that the width of proposed riparian corridors meet NSW State Government guidelines. To ensure appropriate control of weed species on the subject site. To ensure protection of water bodies and wetlands from soil erosion and sediment deposition.*

45 **Following completion of initial planting and vegetation management works** for each implementation stage of the plan and then at annual intervals until the end of the five (5) year maintenance period, the applicant is to submit to Council for approval a monitoring report relating to the implementation of the approved Vegetation Management Plan.

- A final monitoring report shall also be submitted to Council upon completion of the maintenance period; and
- It is the responsibility of the Applicant to arrange for the relevant Council inspections with Council's Ecologist and/or Landscape Architect and pay all necessary inspection and administration fees associated with that inspection.

Reason: *To ensure that implementation of the approved Vegetation Management Plan meets the approved works schedule and performance criteria established in the plan.*

46 Subject to compliance with the recommendations and performance criteria detailed within the Council approved Vegetation Management Plan, the landscape/vegetation works are to be undertaken in general accordance with the schedule detailed in the approved plan.

- If any of the vegetation comprising the landscaping works dies or is removed, it is to be replaced with vegetation of the same species, and similar maturity as the vegetation which has died or was removed; and
- It is the responsibility of the Applicant to arrange for the relevant Council inspections with Council's Ecologist and pay all necessary inspection and administration fees associated with that inspection.

Reason: *To ensure that implementation of the approved Vegetation Management Plan meets the approved works schedule and performance criteria established in the plan.*

47 **During the earthworks and building construction works** the Applicant is to ensure that tree removal and any pruning work is completed by a fully qualified and insured Arborist (AQF level 3 qualifications as a minimum). In particular it is required that:

- Works are conducted in such a way as to ensure surrounding native vegetation, structures and boundary fences on the same or adjoining lots are not damaged;
- Any pruning work is undertaken in accordance with the Australian standard for the pruning of amenity trees;
- The currencies of all insurances are checked by the Applicant before work commences;
- All existing locally indigenous native trees and areas of native vegetation identified for retention on approved plans of the proposed development shall be clearly identified and protected from damage during works;

- Where feasible, it is recommended that native trees and vegetation are to be protected by 1800mm high fencing, securely installed beneath the outer canopy of any tree to be retained. Trees/plants may be fenced off in clusters where it is not practical to fence off individual trees;
- There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas;
- That no trenching or fill will occur within 10 times the trunk diameter of the native tree and no roots greater than 50mm in diameter to be damaged or cut without qualified Arborist assessment of affects on retained trees anchorage and health; and
- The Applicant will receive two copies of the consent, one to be retained by the Applicant and one to be given to the contractor if engaged to carry out work.

Reason: *To ensure that native trees and vegetation are protected during works and that the structural integrity of native trees and vegetation is retained.*

48 **During the earthworks and building construction works** the Applicant is to ensure that adequate soil erosion and sediment control measures are to be installed and maintained such that the clearing of any vegetation does not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.

- All disturbed areas are to be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than seven (7) days; and
- Soil erosion and sediment control measures are to be adequately maintained during any clearing works and until the establishment of vegetation.

Reason: *To ensure protection of water bodies, wetlands bushland or environmentally significant land from soil erosion and sediment deposition.*

49 **During the construction works** the Applicant is to ensure that cleared vegetation (timber, small branches and leaf litter) is to be mulched, reserved and stockpiled for re-use in rehabilitation works.

- Mulch generated from any exotic plant species declared noxious under the Noxious Weeds Act 1993 in the control area of the Far North Coast County Council (Far North Coast Weeds), listed as an environmental weed by the North Coast Weeds Advisory Committee or declared as Weeds of National Significance by the Australian Weeds Strategy must be free from any propagules; and
- Mulch generated from any exotic plant identified above that contains any propagules must be removed from the site and disposed of appropriately and in accordance with legislative requirements.

Reason: *To ensure that weed species propagules are not dispersed by regeneration/revegetation works.*

50 **Prior to the release of the Construction Certificate** the Applicant is to demonstrate compliance with the recommendations and performance criteria detailed within the Vegetation Management Plan and pursuant to the schedule of works detailed in the conditions above. The initial phase of works detailed in the Vegetation Management Plan approved by Council is to be completed in compliance with the recommendations and performance criteria detailed within the plan.

Reason: *To ensure compliance with the recommendations and performance criteria contained in the approved Vegetation Management Plan.*

51 **Prior to the commencement of the Zorb Facility use** the Deposited Plan for both Lot 2 DP 230663 and Lot 103 DP 755739 must be amended to identify management Zones 1 to 6 detailed in the vegetation management plan submitted to and approved by Council. The amended Deposited Plan for the above lots must be accompanied by an instrument under *Section 88b of the Conveyancing Act 1919*. The instrument is to include the following restrictions:

Lismore City Council is the only entity that has the power to vary, modify or extinguish any of the following restrictive covenants on the title:

- The land shall be managed in accordance with the Vegetation Management Plan approved by Council;
- The vegetation management zones detailed in the Vegetation Management Plan approved by Council are to be established, retained and maintained in perpetuity as a conservation area by the owner(s);
- Livestock shall be excluded from the area of Lot 2 DP 230663 north of and including Zone 1 (detailed above) and Lot 103 DP 755739 (henceforth, vegetation management area) in its entirety;
- If fencing is to be used to exclude livestock from the vegetation management area, fencing shall be erected and maintained in working order and shall not be removed, damaged or allowed to fall into disrepair at any time;
- For the purpose of conducting and/or maintaining works associated with the plan, access shall be provided to person(s) acting on the plan for the five (5) year term of the plan;
- In accordance with the above plan for the subject site, the land is to be maintained such that there is a maximum of 5% Environmental Weed cover (as listed by North Coast Weeds) and the land is 100% free of Weeds on National Significance and Noxious Weeds declared within the Lismore Local Government Area;
- With the exception of the removal and/or pruning of dead, damaged and/or diseased trees/tree limbs, locally indigenous native trees on the lot are not to be removed, damaged or in any way interfered with;
- A tree removal/tree pruning application must be made to Council and approval for removal/pruning must be granted prior to the removal of a tree/tree limb;
- No clearing of native vegetation, altering of native vegetation structure or damage to native vegetation is permitted within the vegetation management area except as required to remove Noxious Weeds, Environmental Weeds or other exotic plant species. Native vegetation includes any species of vegetation that existed in the Lismore Local Government Area before European settlement including trees, saplings, shrubs, scrub, understorey, groundcover or plants in a wetland. Clearing is defined as cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.

Reason: *To ensure that the vegetation management area identified in the approved vegetation management plan are kept free of stock and are maintained in perpetuity by the owner of the property.*

52 **Prior to commencement of the Zorb Facility use** the amended Deposited Plan for both Lot 2 DP 230663 and Lot 103 DP 755739 must identify the location of management Zones 1 to 6 detailed in the vegetation management plan submitted to and approved by Council.

Reason: *To ensure compliance with the Section 88B instrument requirements imposed onto the development consent.*

53 **Prior to the commencement of the Zorb Facility use** evidence of the amendment of the Deposited Plan for both Lot 2 DP 230663 and Lot 103 DP 755739 must be provided to Council.

Reason: To ensure compliance with the Section 88B instrument requirements imposed onto the development consent.

INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL

General terms of approval under Rural Fires Act 1997

Water and Utilities

- 1 Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Reason: To minimise the risk of bush fire attack and provide protection for emergency services personnel, patrons of the Zorb facility, residents and others assisting fire fighting activities.

- 2 In recognition that no reticulated water supply exists, a 20,000 litre water supply tank shall be built as part of the Zorb facility building provided for the sole purpose of a fire fighting water supply.

Reason: To minimise the risk of bush fire attack and provide protection for emergency services personnel, patrons of the Zorb facility, residents and others assisting fire fighting activities.

Design and Construction

- 3 New construction shall comply with section 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of the 'Planning for Bush Fire Protection' document.

Reason: So that buildings are designed and constructed to withstand the potential impacts of bush fire attack.

- 4 All new fencing shall be non-combustible.

Reason: So that buildings are designed and constructed to withstand the potential impacts of bush fire attack.

Evacuation and Emergency Management

- 5 In recognition of the isolated location of the development an emergency/evacuation plan is to be prepared consistent with the NSW Rural Fire Service document 'Guidelines for the Preparation of Emergency/Evacuation plans'.

Reason: Provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments.

Landscaping

- 6 Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

Reason: Requires by Planning for Bush Fire Protection 2006.

INFORMATION TO APPLICANTS**ADVISORY NOTES**

NOTE 1: In regard to any enquiries in relation to compliance with the above General Terms of Approval imposed by NSW Rural Fire Service, please contact Luke Catorall on 02 8741 5175.

NOTE 2: The applicant or developer shall comply with the requirements of the Disability Discrimination Act 1992. It is recommended that appropriate legal advice in this regard is sought.

NOTE 3: The proposed landscaping plan is not to incorporate any environmental weeds as identified on the Far North Coast Weeds website, www.fncw.nsw.gov.au.

NOTE 4: Approval is required for all retaining wall structures (including rockwalls, sleepers, crib walls and the like) proposed to be erected on the land.

NOTE 5: Earthworks shall not take place without prior Council approval.

NOTE 6: Benching (ie cutting, filling or levelling) of the land to create building platforms does not form part of this approval and will only be considered in conjunction with a development application to build on the land.

NOTE 7: Council's planning instruments require a development consent for most forms of advertising signs and structures. Development Control Plan No. 36 Outdoor Advertising Structures (as amended) sets out standards for various forms of advertising. Information is available from Council.

Report

Subject	Tender No. T2012-05 - Lismore Tourist Caravan Park Lease
TRIM Record No	BP11/777:T12/5
Prepared by	Contracts Administration Officer
Reason	To advise Council of the outcome of the tender process to secure a lessee for the Lismore Tourist Caravan Park.
Community Strategic Plan Link	Efficient Use of Council Resources

Overview of Report

This report details the assessment of the tender received for the lease of the Lismore Tourist Caravan Park (the Park). The assessment panel has identified a preferred way forward and seeks Council's endorsement. There are some details to be finalised and a negotiation to deal with these matters is recommended prior to signing a lease.

Background

Arising from Council's resolution at its July 2011 meeting, tenders were invited for the lease of the Lismore Tourist Caravan Park upon expiry of the current lease on 31 December 2011.

Tender Documentation

An extensive Request for Tender (RFT) document and specification for the lease of the Park was developed by the Contracts Administration Officer.

Tenderers were provided with structured schedules to help facilitate a response to the following key attributes of the specification:

- Is comprehensive, professional and customer focused;
- Has experience in the industry;
- Utilises all available technical, managerial and customer innovations and methodologies;
- Is environmentally responsible and has a sustainable management approach;
- Is ready to strive for best practice within the industry;
- Is prepared to make a financial investment into the improvement of the Park's operation, facilities and financial performance;
- Is personally prepared to, or have a representative live onsite in the manager's residence 24 hours per day, seven days per week.

Caravan Park Lease Agreement

Because of the complexity and scope of the lease, Council staff followed recommendations from Council's legal adviser and did not include a lease agreement with the RFT documentation. A lease agreement will be finalised once a suitable operator is identified.

Tender Advertising

Tenders were advertised in February 2011. The RFT was advertised in the 'Weekend Star', 'Sydney Morning Herald' and Council's City News section in the 'Echo', as well as deployed via the "Tenderlink e-procurement portal" linked to Council's web site.

Summary of Tender Submission

At close of tenders on 1 September 2011, Council received one (1) submission from Mr Peter Mann and Ms Ellen-Joy Denny for lease of the caravan park.

The assessment team consisting of the Manager-Assets, Assets Engineer, Community Safety Development Officer and Contracts Administration Officer have reviewed the single submission.

Mr Peter Mann and his team currently lease the Nimbin Caravan Park and manage the Nimbin Pool facility. The main points of the submission are:

- The general theme of the submission is the operation of the park as a tourist holiday facility, catering for short stay travellers who can be easily moved on in the case of an impending flood evacuation.
- The important aspect to note is the group are **not** offering to supply onsite caravans or accommodation to rent for existing or future short to medium term residents. This is essentially due to the considerable risk of flood that exists at the caravan park.
- Up to 10 to 20 permanent sites would be made available for residents bringing their own towable van or accommodation.
- There is mention of investment in infrastructure, such as a new office with circular driveway entrance, drive through sites for larger motor homes and vans, and a number of improvements to the amenities and grounds.

Financial Arrangement

Mr Mann's submission offers to pay a lease fee equalling 10% of the yearly takings after return of all costs in an open book financial arrangement. Given that this figure is very hard to determine at this stage, it is assumed that income to Council would not be significant in the first few years.

Lease Term

Peter Mann's team is requesting an 18 year lease term, made up of five (5) years with further options for eight (8) years and five (5) years. A review of the arrangement would take place at the end of the fourth year with the assumption that the 10% profit share could be re-evaluated more in Council's favour at a three-year review.

Current Lessee

The current lessee, Mr Ashley Cooper, has been progressively moving tenants of the park onto written site agreements.

Under normal operations Mr Cooper has had up to 58 sites within the park occupied by caravans that he owns and rents to tenants, or by medium to long term tenants who have their own caravans. Over the last month or so Mr Cooper has been progressively reducing the number of onsite caravans available for rent as he prepares to leave the park when his lease expires on 31 December 2011.

At the time of writing this report there are 32 sites occupied by tenants renting onsite caravans or with their own caravan. All of these tenants have been signed up to a Schedule 3 Site Agreement which ends on 12 November 2011. This allows Mr Cooper to finalise all the residents' issues in the six weeks prior to 31 December when the lease expires. This may involve Mr Cooper applying to the Consumer, Trader & Tenancy Tribunal for a determination on the status of any remaining residents in the park.

Of the 32 sites, five (5) are occupied by residents with their own caravans. These residents would be able to stay in the park subject to a successful application to the new lessee and adherence to relevant legislative requirements on length of stay. The remaining 27 sites are caravans owned by Mr Cooper and rented out to tenants.

Local housing agencies continue to work with the remaining tenants to find permanent accommodation outside the park.

It is Mr Cooper's intention that all the vans owned by him will be sold after 12 November 2011 and/or removed from the park prior to the lease expiring on 31 December 2011.

Options

Based on the submission received there are considered to be three options available to Council to progress this matter. A fourth option, to close the park, has not been considered as Council has previously rejected such a proposal.

Option 1 – Accept Tender from the Peter Mann Group

To accept the tender offer as it stands from Mr Mann's group leaves a great deal of unknowns to work through. In particular there would need to be some further clarification around the financial deal that has been offered and some certainty regarding the proposed capital works to be undertaken at the park.

The issue of how any permanent residents who remain at the end of Mr Cooper's lease are dealt with would also need to be discussed. This is discussed separately later in the report.

Accepting the tender as submitted is not supported given the number of issues that need to be resolved.

Option 2 - Accept No Tenders and Negotiate with the Peter Mann Group

A better position for Council would be to resolve not to accept the tender and enter into negotiations to find a suitable outcome for operation and lease of the park with Mr Mann's Group. As a minimum the issues of financial arrangement and capital improvements need to be discussed and clarified.

There may be an opportunity to have the tenderer reconsider their position in regard to the provision of some onsite vans or cabins, although it would be considered very unlikely.

The issue of how any permanent residents who remain at the end of Mr Cooper's lease are dealt with would also need to be discussed. This is discussed separately later in the report.

It was suggested at the Councillor briefing on 27 September that Council could lease the facility, but purchase some caravans to be used for onsite rental and take full responsibility for removal of these during a flood and any loss that may be suffered as a result. This option is not supported as it would create significant costs and expose Council to significant risk. If Council is of the view that onsite rental caravans should be provided within the facility, Option 3 as outlined below is considered to be the way to achieve that outcome.

Option 3 - Council Manage the Park

Council could choose to accept no tenders and manage the park itself. This would allow Council to have complete control over whether onsite accommodation is provided for rent to medium and long-term residents. It is effectively the only option available to Council should there be a desire to have onsite caravans remain in the park and available for rent to tenants.

There would be considerable costs for Council to proceed with this option. Some preliminary assessment of these costs has been undertaken and is outlined in the table below. The costs are based on Council's costs for management of the Nimbin Caravan Park until it was recently leased. There would be ongoing operational costs and some up front capital costs to be incurred. The capital cost would be heavily influenced by whether Council chose to provide onsite caravans or cabins to rent for medium to long-term tenants.

Operational Costs

Item	Annual Cost	Comments
Management	\$ 95,000	Onsite manager to run the park including general maintenance, repairs and upkeep. *
Cleaning	\$ 15,000	For cleaning of amenities etc.
Electricity	\$ 15,000	
Rates, Charges and Water etc	\$ 13,500	
Maintenance	\$ 15,000	Allowance for general repairs/ breakdowns etc.
Consumables	\$ 5,000	Allowance for cleaning products, toilet supplies, office supplies, fuel for mowers etc.
Evacuation	\$ 10,000	Allow for one evacuation every 2 years on average at cost of \$20,000 per occasion. **
Total	\$168,500	

* The management fees are based on the outcome of a tender process. Council would be required to initially install a temporary manager at a much higher cost until a tender process could be conducted.

** The allowance for evacuation is based on an estimated cost of \$20,000 per occurrence. This in turn is based on an assumption of accommodating the tenants of each onsite van and cabin in a motel for up to a week at a cost of \$500 per week. The remaining costs are for staff time and hire of tow-trucks etc. to remove the caravans off site and bring them back when the flood subsides.

Capital Costs

Item	Cost	Comments
Office Set Up	\$ 5,000	To purchase computer, fax etc. and establish the office
Initial Stock	\$ 1,500	To create an initial stock of cleaning supplies and consumables
Tools and Equipment	\$ 7,500	To purchase mowers, tools etc. for grounds maintenance and repairs
Amenities	\$ 10,000	To purchase washing machines, dryers, BBQ etc
Manager's Residence/ Caravan	\$ 10,000	Provided for the onsite manager
Sub-Total:	\$ 34,000	Minimum Capital Investment Required

Item	Cost	Comments
Optional Caravan/ Cabin Purchase	\$200,000	See discussion below regarding potential costs. Allowance is for 20 vans and 5 cabins **
Optional Costs to reconfigure park to allow for large RV vehicles	\$ 50,000	Difficult to estimate at this time and influenced by how many onsite vans would be provided
Optional Landscape Upgrade	\$ 7,000	
Total:	\$291,000	Total cost would be dependent on number of caravans and cabins purchased

** The cost to purchase caravans and cabins is difficult to estimate. Of particular note is Council's desire to improve the overall standard and appearance of the caravan park. One option would be to purchase the existing caravans from Mr Cooper. However their overall condition is considered to be poor and roadworthiness questionable. This option is not supported. An allowance of \$7,500 for a reasonable second-hand caravan in roadworthy condition has been assumed and \$10,000 for a second-hand cabin in reasonable condition.

Income

These costs would of course be offset by any income received. This is very difficult to assess but some figures have been prepared on the basis of the allowed 20 caravans and five (5) cabins. There are 75 sites in the caravan park and it has therefore been assumed that 25 sites are taken up by the onsite caravans and cabins. This leaves 10 camping sites and 40 sites for caravans brought to the Park by tourists. Occupancy rates have been assumed as shown in the table.

Item	Annual Income	Comments
Rental of 20 onsite caravans at \$120/week	\$ 99,840	80% occupancy assumed
Rental of 5 onsite cabins at \$180/week	\$ 37,440	80% occupancy assumed
Rental of 40 caravan sites at \$80/week	\$ 83,200	50% occupancy assumed
Rental of 10 camping sites at \$35/week	\$ 9,100	50% occupancy assumed
Total:	\$229,580	

These figures are estimates only and could be considerably different in practice. The key point is that Council would bear all of the risk in seasonal, economic and other factors that will influence the actual income generated from the caravan park.

Current Tenants

The problematic issue for Council throughout this process has been that of the tenants of the park who rent an onsite caravan from the current lessee. Having such tenancies available in the park brings with it considerable exposure to the risk of property loss and damage, and even loss of life, from flooding. Whilst processes and plans are in place to evacuate the facility if required, there are issues associated with this, particularly around the large number of caravans that need to be removed at short notice and where they are stored. Accommodating the residents of those caravans is also problematic.

The lessee has taken steps to ensure that he can request the current tenants to leave the park at the end of his lease. There appears to be little opportunity for Council to achieve any outcome with the one tender received that would result in there being onsite caravans or cabins available for medium to long-term tenancies in the caravan park.

An important factor for Council to consider in making its decision is that these people need some certainty about what will happen. The longer Council delays a decision about whether to have onsite vans available in the park, regardless of the model under which they are provided, the longer these tenants will wait and see what happens. This in turn reduces their time to make alternate arrangements should they need to.

Preferred Option

Based on the discussion and options outlined above, the preferred option is considered to be Option 2. The tenderer has outlined a proposal to operate the caravan park as a tourist facility including the provision of upgraded facilities and infrastructure. The tenderer is not prepared to accept the risk that comes with providing onsite caravans for rent to medium and long-term tenants. This position is consistent with that taken by the Local Emergency Management Committee and the Floodplain Management Committee in their respective considerations of the future of the caravan park.

There are some matters to be sorted out with the tenderer in regard to the financial arrangements and the investment in infrastructure and other improvements in the Park.

If Council is of a mind to require the provision of onsite caravans for rent, it would need to manage the facility itself. This option is not supported. There would be considerable financial risks to Council and the risks associated with loss of property and potentially loss of life from flooding of the Park.

It is also notable that Council made a decision to withdraw from managing the Nimbin Caravan Park and lease it to a third party.

Sustainability Assessment

Sustainable Economic Growth and Development

The caravan park could be developed into an important tourist attraction in Lismore and would have benefits to the local businesses in the form of spending by patrons who stay in the Park. Improvements to the Park would potentially encourage more visitors to Lismore and increase economic activity for other businesses around the town. The work required to undertake the improvements would also potentially be undertaken by local tradespeople.

Social Inclusion and Participation

A full Social Impact Assessment (SIA) was completed according to Council's decision at the meeting of 11 May 2010 inter alia that: *"Council conduct a social impact assessment of the [potential] closure and work with appropriate agencies to relocate the residents."*

A copy of the full SIA report was provided to Councillors with the report to the meeting of 8 March 2011. In summary:

- There are up to 150 people who could potentially be rendered homeless by closure of the caravan park. At the time of the assessment, around 90 people, including children, had been living there for over 28 days.
- These are among the most vulnerable people in Lismore – 2/3rds have a disability, many were previously homeless, 90% receive some form of Centrelink payment, there were six (6) children living there. Many of these residents would not be able to sustain a tenancy without support.
- There is inadequate private and social housing stock in Lismore to accommodate this number in a short time frame. There are options for residents to go out of the area to attain social housing tenancies.

- Council's Social Planner has been working with local housing organisations to deliver an integrated response to the housing and support needs of this group. A barbecue was held at the caravan park in December 2010 to provide information and tenancy advice and advocacy. 86% of respondents to a survey taken on that day indicated they wanted secure housing.
- Council's Social Planner organised a Housing and Support Services Expo at the caravan park on 22 March 2011. Housing and support services in Lismore provided information, advice and assistance to residents to attain private tenancies or social housing. Alternative accommodation was found for a number of residents as a result of that expo.
- More recently, housing support services have succeeded in finding alternate accommodation for approximately eight (8) residents. However, these services have highlighted that, given the very scarce nature of affordable housing; these newly created vacancies have immediately been filled with new incoming tenants. A number of housing support services have stated that a definitive decision on the future of the caravan park by Council will assist them in their identification of appropriate future housing options for their clients.

The social impact and financial cost of the significant risk of residents being regularly flooded, forced to evacuate and relocate and the subsequent loss of property and possessions, or even life, needs to also be factored into Council's decision.

Protect, Conserve and Enhance the Environment and Biodiversity

The lessee will have sustainability and environmental responsibilities under the lease agreement. The proposal is not considered to have any negative or positive effects on the environment or biodiversity.

Best-Practice Corporate Governance

An open tender process is considered to be the most transparent method to appoint a new lessee for the Lismore Tourist Caravan Park. Council's solicitors are advising Council on the structure and content of the lease agreement to ensure compliance with the relevant legislation, that Council's interests are protected and its objectives are achieved.

Comments

Finance

The 2011/12 Operational Plan anticipates an annual lease fee of \$42,500 from the Lismore Tourist Caravan Park. Based on the tender proposal, it is unlikely that a lease fee equalling 10% of the yearly takings after return of all costs would return this amount. If adopted, it is likely that an unfavourable budget variance will be required to be reported. As such, the recommendation to negotiate this position is supported.

In regards to Option 3 – Council Manages the Park, concern is expressed as Council would be required to take all financial risks associated with operating, maintaining and developing this facility. If Council resolves to pursue this option, it is likely to negatively impact its financial capacity to implement approved projects already included in current and future Delivery Plans.

Other staff comments

Comments from Council's Community Services Coordinator are included in the Social Inclusion and Participation section of the sustainability assessment.

Public consultation

Not applicable. It will be important that Council advise residents of the park and the current lessee of its decision in this matter.

Conclusion

The issues at the Lismore Tourist Caravan Park are problematic. The park is located in the lowest part of town and is susceptible to flash flooding from within the catchment and backwater flooding as a result of the closure of flood gates downstream at the Wilsons River.

Council has explored various options over a lengthy period of time in an attempt to facilitate the provision of onsite caravans for tenants to rent. These include relocating the caravan park to another site and implementing physical measures to increase evacuation times from the park. These options have not been suitable for a range of reasons.

Council has received one response to a tender process to lease the facility. It does not include any provision for onsite caravans to be rented to tenants. The reasons for this are the risks associated with loss of property and loss of life from the flooding that does occur at the park.

The recommended way forward for Council is to accept no tenders and negotiate with the party that submitted a tender to lease the facility.

Attachment/s

There are no attachments for this report.

Recommendation

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 Lismore Tourist Caravan Park.
2. In accordance with Clause 178(3) (e) of the *Local Government (General) Regulation*, Council resolve to enter into negotiations with Mr Peter Mann and Ms Ellen-Joy Denny for the lease of the Lismore Tourist Caravan Park. The negotiations should focus on the financial arrangement and the provision of upgraded and additional infrastructure in the facility.
3. In accordance with Clause 178(4) (a) of the *Local Government (General) Regulation*, the reasons that Council declines to invite fresh tenders are that:
 - Council has already conducted a tender process and received a response;
 - the 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.
4. The General Manager be authorised to finalise negotiations with Mr Peter Mann and Ms Ellen-Joy Denny and enter a contractual agreement.
5. The necessary documentation be executed under seal of Council.
6. Council advise the current lessee and the current tenants of the Lismore Tourist Caravan Park of its decision.
7. Council continue to work with relevant housing agencies to find alternative accommodation for the tenants of the caravan park.

Report

Subject	Draft Lismore Sport and Recreation Plan 2011-2021
TRIM Record No	BP11/762:EF09/1333
Prepared by	Community Services Officer (Sport and Recreation)
Reason	To seek endorsement of the Draft Sport and Recreation Plan 2011-2021
Community Strategic Plan Link	Improve Passive and Active Recreational Facilities

Overview of Report

The draft Sport and Recreation Plan (DSRP) 2011-2021 aims to provide a planning framework for sport and recreation in the Lismore Local Government Area (LGA) for the next ten years. This report seeks endorsement of the draft SRP by Council.

There are three attachments to this report. Attachment 1 gives details of the consultant's recommendations extracted from the DSRP together with the Community Services Officer (Sport and Recreation) revised recommendations. The revised recommendations take into account submissions received during the public exhibition period, comments from internal staff, recommendations from the Sport and Recreation Policy Advisory Group and comments from Councillors during the Council workshop.

Attachment 2 summarises the staff comments and the external comments/submissions as they relate to each recommendation.

Attachment 3 outlines Implementation and Funding Implications of the draft SRP.

Background

In May 1998 a Recreation Needs Study was completed for Lismore City Council by Michael King and Associates. With the dated nature of this Study and with recreation trends changing rapidly, including a growing community emphasis on healthy lifestyles, it was apparent that a new Sport and Recreation Plan was required.

In late 2010, Brisbane based consultants, *Strategic Leisure*, were engaged to assist Council in compiling a planning framework for sport and recreation for the next ten years. The study approach included:

- An extensive analysis of background reports, strategies and plans within Lismore City Council;
- An inspection of sport and recreation facilities throughout the region;
- Analysis of the population profile and estimates of current and projected population changes within the Lismore LGA;
- A review of sport and recreation participation trends; and
- A contemporary analysis of the benefits of participation in physical activity.

Furthermore, a comprehensive consultation process was undertaken within Council and throughout the wider Lismore Local Government Area (LGA).

At the conclusion of this research and consultation, a number of key findings were identified. These key findings helped to identify a comprehensive series of recommendations which were classified to enable

integration with other strategic planning which has been or is currently being conducted within Council. The recommendations have been classified as short, medium or long term.

In July 2011 the draft SRP was presented to Council and it was recommended that the draft Plan go on exhibition for a period of 28 days. At the conclusion of this term, the comments received from the public were itemised together with comments from internal staff and these were then presented to a workshop of the Sport and Recreation Policy Advisory Group (SRPAG). Taking into account the feedback received, the SRPAG developed their revised set of recommendations.

These recommendations were further considered by ExCom particularly in terms of corporate implications. A further Council workshop was also held. Considering all these comments etc the Community Services Officer (Sport and Recreation) devised a final set of staff recommendations for Council's final consideration which are in Attachment 1. The only recommendation not made by the Community Services Officer (Sport and Recreation) relates to the Lismore Lake Pool as this will be reported separately to the November Council meeting.

Because the cost of implementing all recommendations is beyond the responsibility and/or capacity of Council alone, an Implementation and Funding Implications document has been prepared as Attachment 3. To that end, external funding contributions and partnerships with other agencies and sporting bodies will need to be established. It is most important that recommended actions be reviewed annually and a major review undertaken in approximately five years.

The draft SRP has not been included in as an attachment as it has been previously included in July. However copies can be made available upon request by either Councillors or the public. Once Council has resolved the draft SRP and its recommendations then a final SRP will be printed.

Sustainability Assessment

Sustainable Economic Growth and Development

As it is anticipated that the current challenging economic environment is likely to continue for much of the life of the draft Plan, recognition that funding opportunities will be both limited and highly competitive underpins its recommendations. In the light of these economic pressures, it is proposed that investment priorities focus on those facilities and services that are both sustainable and also provide the greatest community benefit. Council funding strategies should reflect these priorities.

Social Inclusion and Participation

Section 3 of the draft Plan's recommendations focuses on social inclusion and community participation.

This section of the draft Plan has been informed by:

1. Council's *Access and Inclusion Plan 2010 – 2014*. This Plan seeks to ensure that people with a disability have equitable access to the infrastructure, services and opportunities provided by Lismore City Council in accordance with *Disability Discrimination Act 1992*.
2. Council's *Community Strategic Plan 2008 -2018* identified the need to improve active and passive recreation areas through the development of Nesbitt Park and is consistent with one of its strategic priorities of supporting an aging population. Council's Access Committee has identified Nesbitt Park as an appropriate "all abilities" park.
3. Council's developing *Reconciliation Action Plan*. Feedback from a number of community forums identified Clifford Park as requiring upgrading. The Indigenous community forum particularly highlighted the need to enhance and renovate the facilities at that park and encouraged the concept of Clifford Park being developed as a "Reconciliation Park". This facility is currently the home ground of the Northern United Rugby League Football Club which is Lismore's Indigenous

football team. The concept under consideration shares some similarities to the Redfern Park and Oval Redevelopment. This Redfern initiative created a public space with a strong focus on Indigenous community access and use as part of a wider sporting precinct development.

Protect, Conserve and Enhance the Environment and Biodiversity

There are two areas of the draft Plan that have the potential to enhance the environment and biodiversity.

1. The development/redevelopment of pathways such as the Bird Wing Butterfly Walk at Goonellabah, the Wilsons Walking Track at East Lismore and the River Walk beside the Wilson River.
2. The naturalisation of Brown's Creek within Lismore Park. Council's Environmental Strategies Section has collaborated closely with the development of the draft Sport and Recreation Plan and the delivery of this particular strategy is seen as a high priority within the draft Plan's strategies.

Best-Practice Corporate Governance

Section 9 of the draft Plan focuses on trends influencing sport and recreation participation. Understanding these trends will ensure that a best practice planning framework is created for the Lismore LGA.

These trends include:

- Changing patterns of work and declining availability;
- Limited time availability;
- Participation in organised sport being static and a greater demand for social forms of participation;
- Greater demand for floodlighting and evening participation so that people can participate at more convenient times and reduce exposure to the sun;
- Decline in volunteering;
- Increasing cost of insurance; and
- Walking being consistently identified as the most popular form of active recreation.

Comments

Finance

The implementation of the Sport and Recreation Plan over the next 10 years will not only require a significant financial commitment from Council, but also significant grants/contributions from external sources.

To assist in the implementation, 'Implementation and Funding Implications' (Attachment 3) has been prepared. It provides a useful guide on the funding required and how each recommendation can be implemented. As such, this guide can be used to inform Council when determining the allocation of funds as part of the annual preparation of the operational plan and forward planning in the delivery plan.

Other staff comments

Executive Director Sustainable Development

Given Lismore's regional sporting hub role and Council's significant investment in this area, the development of the Sport and Recreation Plan is both timely and important. The Plan's two top priorities, being the better use of our unique greenbelt surrounding the CBD and the increasing importance of cycleways/walkways, will provide both Council and the community with a resource allocation focus over the next decade or so. Both priorities are also key in effectively addressing the obesity crisis that is hitting not only Lismore but all Australian communities.

The other aspect I must comment on is the extraordinary comprehensive and exhaustive process in developing this Plan. With over 60 recommendations and the involvement of many stakeholders, this Plan will provide Council with a robust blueprint going forward. Finally, James Voght, Community Services Officer (Sport and Recreation), must be singled out for high praise in guiding this Plan through to finalisation. The Sport and Recreation PAG is also to be commended for spending a lot of time in providing very sound advice in respect of the draft recommendations.

Manager Arts, Tourism and Leisure

The draft Sport and Recreation Plan is supported. The document will provide a framework for Council and the community to enable the community to obtain the best value from its leisure and recreation infrastructure. Trends and uses change over time and the proposed Plan recommends some changes that better reflect current and future community needs and uses.

Environmental Strategies Coordinator

From an environmental and sustainability perspective this draft Plan highlights an important need to improve facilities for passive recreation (walking, cycling) which ideally should be integrated with a 'nature' experience. The draft Plan also recognises the integration of proposed stormwater works on Browns Creek with the future management of Lismore Park.

Parks Coordinator

The Parks and Recreation section support the draft Sport and Recreation Plan subject to available maintenance funding. In some cases, new maintenance funds will be required for the various capital projects being undertaken on a priority basis. However, it is hoped that efficiencies may be found in maintenance schedules during the implementation of this plan.

Public consultation

An extensive consultation process was undertaken within Council and externally, in the wider community. Section 9 of the draft Sport and Recreation Plan gives a detailed overview of this process which included sport and recreation clubs, community surveys, school surveys, community forums and discussions with other potential stakeholders.

The draft Plan also went on public exhibition for a period of 28 days. There was considerable interest in the document from the Community and some recommendations were altered to better reflect community opinion. Many of the comments received were supportive and all public feedback was tabled in a document entitled Attachment 2 which was distributed to all councillors at a recent workshop.

Conclusion

The draft Plan has identified walk/cycle paths as having the highest priority. The writers of this draft Plan worked closely with staff framing the Cycle Way Plan 2011 – 2014 to ensure a consistent approach. In terms of funding recreational cycle ways can be funded via;

1. Direct delivery plan submissions and/or
2. The Cycleway plan annual budget allocation. The cycleway plan has prioritised both recreational and commuter cycle ways. It recognises the needs of commuters but also balances the need for healthy communities which is of growing importance.

An upgrade to Lismore Park to include open space recreation areas has also been identified as having a high priority. This redevelopment would include converting Humbly Oval to a recreation park. Although the hockey community has expressed some reservations regarding this plan there was general acceptance given the support from the draft Plan for a second artificial hockey field at Hepburn Park. A Master Plan will be necessary to identify the extent of any redevelopment in this area.

Some major changes have also been recommended for cricket facilities. Extensive consultations were held with the cricket community and although reservations were expressed with regard to the suggested changes, there was general acceptance that some change was necessary.

The draft Plan has also identified the need for proper maintenance of our major sporting infrastructure and the need for adequate funding to be provided to ensure this necessary maintenance can be carried out. There was widespread community support for Lismore to maintain its position as a regional sports hub and the draft Plan identified many measures to bring this about.

It is intended that the revised recommendations now be adopted and these recommendations together with the remainder of the already presented draft plan would form the draft Lismore Sport and Recreation Plan 2011 – 2021.

Attachment/s

- | | |
|---|----------------|
| 1. Original Consultant's and revised staff recommendations to SRP | (Over 7 pages) |
| 2. Summary of internal staff, community comments/submissions and SRPAG recommendations to SRP | (Over 7 pages) |
| 3. Implementation and Funding Implications of SRP recommendations | (Over 7 pages) |

Recommendation

That Council:

1. Adopt the draft Sport and Recreation Plan, 2011 – 2021 as previously circulated subject to the amendments made by (2) below.
2. Adopt the revised recommendations for the draft Sport and Recreation Plan, 2011 – 2021 of the Community Services Officer (Sport and Recreation) as outlined in Attachment 1 to this report.
3. Write to the community submitters and the Sport and Recreation Policy Advisory Group to thank them for their contribution including sending a final adopted Sport and Recreation Plan, 2011 – 2021 as amended in (2) above.

Report

Subject	Cycleway Plan
TRIM Record No	BP11/763:EF09/2048
Prepared by	Project Officer - Road Safety
Reason	To seek adoption of the Cycleway Plan.
Community Strategic Plan Link	Improve Roads, Cycleways and Footpaths

Overview of Report

This report provides information about the Cycleway Plan. The recommended plan incorporates a new works program which has been developed using a prioritised point scoring system. The draft Cycleway Plan was considered by Council at its July 2011 meeting and endorsed for public exhibition. The document was placed on public exhibition for a period of 28 days from 20 July 2011. This report seeks adoption of the final Cycleway Plan by Council.

Background

The Cycleway Plan focuses on creating a comprehensive cycleway network that caters for both commuter and recreational cyclists within the urban area of Lismore.

The original Cycleway Strategy Plan was developed in 2007 by Local Government Engineering Services (LGES), and is a comprehensive document, which involved extensive consultation. As such, it was agreed that this Plan would undergo a minor review with efforts concentrated on the priority listing for the Cycleway Works Program. The Plan also takes into consideration Councillor Requests and public submissions received throughout the review process. The primary objective of the review was to provide a single, prioritised program of works outlining new cycleways to be constructed, giving clearer direction to Council Works staff on where funds would be best allocated.

This program consists of 71 separate sections of cycleway at a total length of 37km, which will cost an estimated \$6.4 million to construct, much of which is consistent with the Works Program in the 2007 Plan.

This Cycleway Plan aims to fulfil the following objectives:

- provide an effective and adequate cycle network for the cycling community within the urban areas of Lismore,
- provide safer and more efficient routes to cycle attractors in the Lismore area,
- improve cycling conditions so they are suited to all types of cyclists (i.e. both commuters and recreational cyclists),
- link to existing infrastructure,
- encourage the use of bicycles in order to improve community health in general,
- identify the need for cycling facilities, such as bike racks and other parking facilities,

- use alternate routes (where possible) to the Bruxner Highway, the CBD and other noted problem areas such as those where high levels of traffic congestion is present,
- follow the guidelines and standards set down by the NSW Roads and Traffic Authority (RTA) for cycleways,
- attract the maximum amount of funding possible from external sources, and
- develop an effective cost benefit strategy for the construction of cycleways by Council.

The Cycleway Plan has been developed with a road safety focus to ensure the safety of all road users.

It should be noted that the Cycleway Plan has been reviewed in conjunction with the development of the Sport and Recreation Plan and consideration of this Plan has been made to ensure continuity across all Council documents. The recreational routes nominated as walk/cycle paths in the Sport and Recreation Plan are synonymous with those in the Cycleway Plan. However, these routes may be prioritised differently due to the Cycleway Plan's focus in accommodating both commuter and recreational cyclists, as opposed to the Sport and Recreation Plan which is solely focussed on recreation.

Submission Received

Following endorsement from Council at the July 2011 meeting, the draft Cycleway Plan was placed on public exhibition from 21 July until 17 August 2011. Feedback received throughout the Public Exhibition period has been assessed and alterations made where deemed applicable. There were a total of seven (7) submissions received during the exhibition period, each outlining numerous issues and offering several suggestions.

Following submissions made to the draft Cycleway Plan during the Public Exhibition period several changes to the Plan have been made. The written component of the Plan has been amended and simplified and cross referencing between the 2007 and 2011 Plans minimised to avoid confusion and to make the Plan easier to read and understand.

One of the specific recommendations received was from the Sustainable Environment Policy Advisory Group, which proposed that Council delay the construction of all recreational pathways/ cycleways until all of the commuter routes were completed, on the basis that many people in the community lack basic access to services by way of a pathway, and therefore the construction of recreational routes could not be justified.

The Cycleway Plan is designed to cater for a range of cyclists, both commuter and recreational. The point scoring system used to prioritise the works within the cycleway network allocates additional points to proposed routes that meet commuter needs. As such the importance of providing access to services is acknowledged in the plan. The point score system also places emphasis on linking attractors and existing infrastructure, which accommodates and places emphasis on commuter cyclists.

The suggestion from the Sustainable Environment Policy Advisory Group that all commuter routes should be constructed before any recreational routes is not supported. The plan aims to provide a balance between the needs of recreational and commuter cyclists and there is a mechanism built into the points system to give increased priority to commuter routes.

The Behavioural Strategy component of the Plan has been amended to include information on the evaluation and promotion of the Plan to the broader community. The need to inform residents and businesses when a new section of cycleway is being constructed adjacent to them prior to construction has been identified to ensure they are aware of cyclists once they start utilising the route.

An additional map has been included in the body of the Plan to demonstrate the routes leading into the CBD and the parking facilities proposed to accommodate these cyclists.

The section on Crime Prevention Through Environmental Design (CPTED) has been considerably reduced as its prominence in the draft Plan was unwarranted.

Amendments to errors in the Works Program with regard to the number of crossings required on some routes have been made, which has altered the priority of some sections of Cycleway in the Works Program.

The prioritisation system used in the Works Program has been addressed specifically with regard to the points awarded in the safety component, which appeared to be inconsistent and resulted in some of the works rating higher than others without valid reason. The revised system allocates one point to off-road routes and no points to on-road routes and this has altered the priority of some sections of cycleway within the Works Program.

These issues and others are listed in detail and discussed in the attachment entitled *Cycleway Plan Public Submissions*.

Sustainability Assessment

Sustainable Economic Growth and Development

The proposed capital works that arise from the Cycleway Plan will enhance transport infrastructure in the Lismore area. The Cycleway Plan has been developed in conjunction with the PAMP and the Sport and Recreation Plan and it is anticipated that the increase in facilities will encourage participation in healthy activities for community members and potentially reduce the number of vehicles on our roads. New infrastructure and maintenance of existing infrastructure will provide a road safety alternative for both pedestrians and cyclists in the area.

Social Inclusion and Participation

The projects will improve the quality of service provided and the facilities available in the transport infrastructure area.

Protect, Conserve and Enhance the Environment and Biodiversity

All environmental impacts will be addressed through the Review of Environmental Factors (REF) process in accordance with the *Environmental Protection Act, 1979*. Recycling of pavement materials will be undertaken where possible to reduce the amount of imported materials required.

Best-Practice Corporate Governance

All projects will be designed and constructed to industry standards to ensure maximum life of the new asset can be realised.

Comments

Finance

The 2011/12 Operational Plan includes \$100,000 from new borrowings for the construction of cycleways/shared pathways which when added to general revenue of \$52,800 and matched by anticipated RTA grants, provides for a construction budget of approximately \$300,000.

Ongoing borrowings at least matched by grants will be required to implement the Cycleways Plan over a significant period of time. Implementing the Cycleways Plan is a project included in Council's current 2010-2014 Delivery Plan.

Other staff comments

Not required.

Public consultation

Presentations have been delivered to the Infrastructure Assets Policy Advisory Group, the Sustainable Environment Policy Advisory Group, the Sport and Recreation Policy Advisory Group and Councillors, outlining the process undertaken in reviewing the Cycleway Plan and seeking feedback on the resulting Works Program. The draft Cycleway Plan was placed on public exhibition for a 28 day period, with identified stakeholders notified in writing, allowing the community to have input into the final Plan.

Conclusion

All information has been collected and the review of the Cycleway Plan is now complete. A prioritised list of works has been prepared and is recommended for adoption. Whilst a process has been used to identify and prioritise these projects it is considered important to retain some flexibility in the construction of these projects.

The need to coordinate with other construction and maintenance programs e.g. roads construction, and complete any “missing links” to ensure continuous routes within the cycleway network is important and therefore it is recommended that the works program be reviewed annually through the Infrastructure Assets Policy Advisory Group to ensure coordination with these other programs. It is planned that once the Cycleway Plan is adopted by Council that it will be placed on Council’s web site with interactive mapping system, which will enable the community to view the current and proposed cycleway network, and be updated with each new section as it is constructed.

Attachment/s

1. Cycleway Plan Public Submissions (Over 7 pages)
2. Final Cycleway Plan (October 2011) (Over 7 pages)

Recommendation

That:

1. Council adopt the revised Cycleway Plan and its associated Works Program.
2. The Works Program be reviewed on an annual basis by the Infrastructure Assets Policy Advisory Group to ensure that works are coordinated with other Capital Works Programs, the Pedestrian Access Mobility Plan and the Sport and Recreation Plan where appropriate.

Report

Subject	Southern Trunk Main - Awarding of Contract for Construction
TRIM Record No	BP11/768:EF09/2511
Prepared by	Strategic Engineer-Water & Wastewater
Reason	To obtain a resolution from Council to award a contract for construction of the Southern Trunk Main project.
Community Strategic Plan Link	Integrated Water Cycle Management

Overview of Report

The Southern Trunk Main has previously been identified as a major priority of Council and provides a wastewater servicing strategy to meet the growth of Lismore over the next 15 to 20 years. Investigation and design of this project has been undertaken over the past 20 months and has been the subject of several previous reports and workshop presentations to Council.

This report provides a summary of the assessment of tenders received for construction of the project and includes a recommendation to award a contract for construction of the Southern Trunk Main project to Diona Pty Ltd.

This report also marks the end of pre-construction activities for this project.

Background

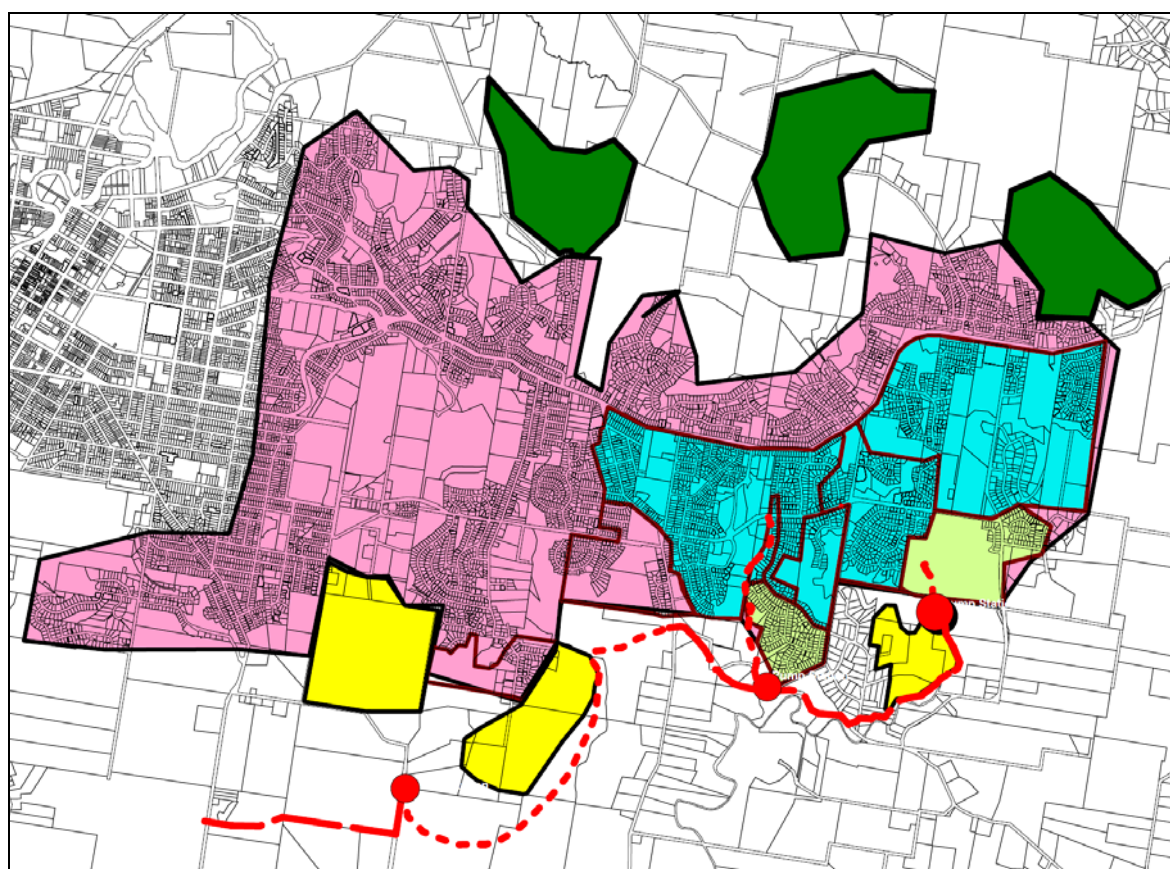
The need for the Southern Trunk Main was first identified within a series of reports outlining a sewerage augmentation transportation strategy for Lismore, prepared by the Department of Public Works and Services in May 1993 and November 1995 respectively. The analysis within these reports identified that construction of this project should commence in 2003 in order to provide adequate sewerage capacity to cater for projected growth. While this project was listed as a 'line item' in subsequent Strategic Business Plans, little work was undertaken to develop this project further during the period 1995 to 2009.

The project next came to prominence in 2009 following an analysis of the capacity of the Goonellabah sewerage system undertaken between July and October of that year. This analysis concluded that the existing Goonellabah sewerage system was nearing its design capacity and that a lack of sewerage capacity was likely to place a constraint on future development within Lismore. The proposed Southern Trunk Main was also identified as the preferred strategy to deal with this lack of capacity and the servicing of planned new urban release areas. Following consideration of reports on this analysis and a related 'stocktake' of urban release areas, Council resolved on 8 December 2009 to fast-track the investigation and construction of the Southern Trunk Main project.

The Southern Trunk Main provides the basis for a strategy to provide wastewater services to meet Lismore's growth over the next 15 to 20 years. It does this by achieving three distinct goals. These are:

- Provide relief for the existing Goonellabah sewerage system by diverting existing load, which is currently directed to this system, to the new Southern Trunk Main.
- Provide additional sewerage capacity to enable the development of proposed future urban release areas located to the south of East Lismore and Goonellabah (ie, the proposed Crawford, Invercauld Road and Chilcotts Grass rezonings).
- Through diverting load from the existing Goonellabah sewerage system it is planned to create sufficient reserve capacity within this system to enable future urban rezonings located to the north of Goonellabah, to connect to this sewerage system (ie, the proposed Trinity Drive, Lagoon Grass and Pineapple Road rezonings). This will avoid the cost of providing major new infrastructure to service these areas.

The above strategy is illustrated in the following plan:



- New urban release areas connecting directly to STM
- Existing residential land connecting directly to STM
- Existing residential land connecting to STM via gravity branch
- New urban release areas connecting to existing Goonellabah system utilising spare capacity created by STM
- Existing residential land to remain connected to existing Goonellabah system

In January 2010 Council received an offer from the State Government of a \$6 million interest free loan to assist in funding of the Southern Trunk Main project. This offer was made as part of its Local Infrastructure Fund Program. The offer of this funding followed lodgement of an application by Council for funding under this program in August 2009.

On 23 February 2010 Council resolved to accept the offer of grant funding from the State Government and to engage NSW Public Works to provide project management services for pre-construction activities for this project. The investigation and design of this project has been undertaken from that time to the present, culminating in the tender process for the procurement of construction of the project.

Tender Process

The tender process adopted for construction of the Southern Trunk Main involved a four stage process as outlined below. This process was the subject of a detailed report to Council at its meeting of 14 December 2010.

1. Pre-Selection of Tenderers

Advertisements were placed seeking Expressions of Interest from prospective tenderers. The lodgement of Expressions of Interest was open to all interested parties. Expressions of Interest were assessed against agreed criteria to determine a shortlist of three pre-selected tenderers. The successful pre-selected tenderers were:

- Arogen Pty Ltd
- Diona Pty Ltd
- Ledonne Constructions Pty Ltd

2. Early Tenderer Involvement Process

Pre-selected tenderers participated in an Early Tenderer Involvement Process in which the draft design and contract documentation was tabled for discussion, related issues were raised and resolved and apportionment of risk determined.

3. Calling and Receipt of Tenders

Following completion of the Early Tenderer Involvement Process, amended design plans and contract documentation were forwarded to the pre-selected tenderers and tenders for the construction of the project were sought from them.

4. Tender Assessment

Tenders received were assessed by a Tender Assessment Panel, involving representatives from Council and NSW Public Works using criteria specified within an agreed Tender Assessment Plan.

Assessment of Tenders Received

The design proposed within tender documents involves the construction of approximately 9.4 kilometres of pipelines; the majority of which are to be constructed using conventional trenching technology, the construction of three new sewage pump stations, and the decommissioning of two existing sewage pump stations. Conditions of tendering allowed tenderers to submit non-conforming tenders (alternative proposals), providing they also submitted a conforming tender. A total of six tenders were received from the three pre-selected tenderers. One tenderer submitted a conforming tender but with several options identified which would enable reductions in the tender price.

A summary of the tenders received is provided below. Prices quoted are exclusive of GST.

Tender	Tendered Price	Comments
Arogen	\$15,391,975	Conforming tender.
Diona	\$11,250,000	Conforming tender. Several options identified allowing reduction in tender price to \$10,225,723.12.
Ledonne	\$17,931,516	Conforming tender.
Arogen – All gravity option	\$15,892,226	Non-conforming tender. Alternative design involving several large underbores, using gravity and inverted syphon profiles, to eliminate the need for any additional pump stations.
Arogen – Hybrid 1	\$15,907,828	Non-conforming tender. Alternative design involving combination of underbore and conventional trenching technology, resulting in a reduction in the size of one of the new pump stations and elimination of one of the other proposed new pump stations.
Arogen – Hybrid 2	\$16,261,685	Non-conforming tender. Alternative design involving combination of underbore and conventional trenching technology, resulting in elimination of two of the proposed new pump stations.

As indicated within the above table, several non-conforming tenders were received involving the proposal of alternative designs. This creates difficulties when comparing alternatives at face value as these alternative proposals have different future operating costs to that of the conforming tenders. Consequently, an analysis is required which allows the comparison of all the proposals received on an equal basis. This can be achieved using a Net Present Value (NPV) analysis. In a NPV analysis, all future costs are equated to an equivalent cost in the present, using an agreed discount rate.

The following table summarises the results of the NPV analysis. Values within this table also include adjustments for qualifications and departures from contract specifications and other corrections to the prices submitted. Further details of this analysis and adjustments to tendered amounts are included within the report on the tender assessment process, prepared by NSW Public Works, and included as Attachment 1 to this report. All prices shown in the table below are exclusive of GST.

Tender	Capital Cost	NPV of Operating Cost and Power Installation	Total
Arogen	Tendered: \$15,391,975	\$2,452,727	\$17,844,702
Diona	Tendered: \$11,250,000 + Qualifications & Departures: \$209,250	\$2,452,727	\$13,911,977
Ledonne	Tendered: \$17,931,516	\$2,452,727	\$20,384,244
Arogen Gravity	Tendered: \$15,892,226	\$0	\$15,892,226
Arogen Hybrid 1	Tendered: \$15,907,828	\$786,364	\$16,694,192
Arogen Hybrid 2	Tendered: \$16,261,685	\$264,545	\$16,526,230

Tenders were also assessed against non-price criteria, and price and non-price scores were normalised to produce the following results. Non-price criteria included a 10% weighting for consideration of local content within each tender.

Tenderer	Total Normalised Score	Rank
Arogen P/L	83.27	5
Diona P/L	100.00	1
Ledonne Constructions P/L	77.16	6
Arogen P/L Gravity	90.16	2
Arogen P/L - Hybrid 1	87.33	4
Arogen P/L - Hybrid 2	87.93	3

The analysis clearly demonstrates the tender submitted by Diona Pty Ltd to be the preferred tender. A check of references, financial assessment and a review of Diona's resources to undertake this project have been undertaken and these investigations have concluded that Diona Pty Ltd is capable of completing the contract satisfactorily. Further details of this analysis and the assessment of Diona Pty Ltd's capability are provided within the tender assessment report included as Attachment 1 to this report.

As referred to above, the tender submitted by Diona Pty Ltd included the identification of several options providing opportunity for reduction of the tendered amount. These options are summarised within the following table. All figures quoted are exclusive of GST.

Option	Description	Cost Saving	Comments
1	Redesign of Rising Main 28 from Chainage 1461 to 3154 (east of Invercauld Road), involving change from gravity to pressure gravity profile	\$352,143.61	Accepted
2	Alternate design of electrical switchboards	\$391,686.92	Accepted
3	Use of trenching in lieu of directional drilling for Rising Main 33 Chainage 140 to 244	\$ 33,290.55	Accepted
4	Alternate pump in Pump Station 34	\$ 60,651.15	Not accepted. Proposed pump fails to meet specified duty point
5	Realign pipe in Rous Road	\$ 43,724.17	Accepted
6	Rope High Density Polyethylene (HDPE) pipe instead of using bends	\$ 24,032.09	Accepted
7	Underbore of Skyline Road ridge.	Nil	Not applicable. Option identified in tender documentation but deemed not economically viable
8	Power supply – Offering of fixed price in lieu of provisional sum	\$148,748.39	Accepted

Allowing for acceptance of the above options; and other adjustments for qualifications, departures and changes to scope of works, the final tender price for the tender submitted by Diona Pty Ltd is \$10,465,664.52 (excluding GST).

Amended Budget Estimate

Now that the tendered price is known, it is possible to determine a more accurate budget estimate for the Southern Trunk Main project as outlined below. This budget estimate assumes acceptance of the tender submitted by Diona Pty Ltd, including acceptance of options as outlined above.

Actual Expenditure to 30 June 2011:

Investigation, Design and Administration of Tender Process	\$ 1,189,510
Negotiation of Occupation Agreements ¹	\$ 20,890
Construction of Access Road to SPS 33	<u>\$ 171,883</u>
Sub-Total	<u>\$ 1,382,283</u>

Estimated Expenditure from 1 July 2011:

<i>Completion of Construction:</i>	
Completion of Pre-construction Activities	\$ 67,500
Completion of Negotiation of Occupation Agreements ¹	\$ 30,000
Construction – Contract Price	\$10,465,664
Construction – Contingency ² (10%)	\$ 1,046,566
Construction – Contract Administration	<u>\$ 50,000</u>
Sub-Total	<u>\$11,659,730</u>

(say \$11,700,000)

Post Construction Activities:

Acquisition of Easements/Land - Survey, Valuation & Legal Expenses	\$ 130,000
Acquisition of Easements/Land – Payment of Compensation to Property Owners ³	\$ 400,000
Maintenance of Compensatory Tree Plantings ⁴	<u>\$ 37,500</u>
Sub-Total	<u>\$ 567,500</u>

(say \$ 600,000)

Total Project Estimate \$13,682,283

(say \$13,700,000)

Notes:

- (1) Includes project management services by State Property Authority and payments to property owners.
- (2) While a contract price has been determined, there may still be scope for this to vary due to changes in Schedule of Rates quantities or other approved variations to the contract which occur during construction. With regards to Schedule of Rates items, the contract price is made up of a combination of Lump Sum and Schedule of Rates items. In calculating the contract price, an assumption has been made as to the quantity of Schedule of Rates items. However, payment will be based on actual quantities which occur. A contingency of 10% is considered reasonable given the extent to which the project has now been defined.
- (3) Nominal sum only.
- (4) Based on a recurrent expenditure of \$7,500 per annum over five years (assuming planting of 250 trees).

Expenditure prior to 30 June 2011 has already been accounted for within prior annual budgets. Council's current budget allocation for this project in 2011/12 is \$12,000,000 which is sufficient to cover the estimated cost of completing construction.

Some small additional budgetary allocation may be required to cover post-construction activities. However, these activities will not occur until 2012/13 or later and can be incorporated within future Operational Plans. In this regard, the current revision of Council's *Strategic Business Plan for Water Supply and Wastewater Services* includes an allocation of \$1,575,000 in 2014/15, which was allocated as a contingency to cover the possibility of it being necessary to stage the construction of the Southern Trunk Main. Given that the final contract price enables the whole of the project to be constructed in a single stage, this contingency will no longer be required. Consequently, any additional budgetary allocation to cover post-construction activities can be achieved without having significant impact on Council's long-term financial planning of wastewater services.

In terms of impacts on future operating and maintenance costs, the Southern Trunk Main involves the construction of three new pump stations but will ultimately result in the decommissioning of three existing pump stations, with some offsetting of costs likely. Some additional costs will be related to the monitoring and maintenance of additional lengths of pipeline. However, construction of the Southern Trunk Main will facilitate development of urban release areas which will generate additional revenue for the wastewater fund. Overall, the impact of the construction of the Southern Trunk Main is not considered to have a significant impact on operations and maintenance costs. Any increases in maintenance costs over time can be monitored and incorporated within future revisions of Council's *Strategic Business Plan for Water Supply and Wastewater Services*.

Estimated Time Line for Completion

The contract documentation specifies a contract period of 46 weeks. Assuming a contract could be awarded by the end of October 2011, this would indicate a potential completion date by September 2012. However, allowing for wet weather delays and other extensions of time permitted by the contract, a completion date somewhere between September and December 2012 is considered more realistic.

Option of Installing Conduit for Fibre Optic Cable

Following a request from Council's Manager – Information Services, tender documentation was amended to include a Schedule of Rates item for installation of a 100mmø conduit and pits within the trench to be excavated for the Southern Trunk Main.

Installation of such a conduit may facilitate roll out of the National Broadband Network and would enable the future connection of Council's Corporate Centre with Council facilities located on Wyrallah Road using fibre optic cable. The inclusion of this work as a Schedule of Rates item within the contract enables the installation of the conduit and pits to be added as an 'optional extra' to the contract.

The cost of installing conduit for the full length of the Southern Trunk Main is approximately \$140,000. This cost is additional to the cost of construction of the Southern Trunk Main referred to elsewhere in this report. If included within the contract, this work would be funded using Council's Information Technology (IT) Reserve.

This matter has been considered by Council's Executive Committee at its meeting of 26 September 2011 where it was recommended that the conduit be installed in conjunction with the Southern Trunk Main project.

Sustainability Assessment

Sustainable Economic Growth and Development

Construction of the Southern Trunk Wastewater Main project will generate employment within the local and regional economy. The project also is essential to facilitate the continuing growth of Lismore.

Social Inclusion and Participation

This project has minimal impact on social inclusion and participation.

Protect, Conserve and Enhance the Environment and Biodiversity

Environmental impacts for the project have been assessed in accordance with Part 5 of the *Environmental Planning and Assessment Act*. This included preparation of a Review of Environmental Factors for the project which was made available for public comment and which was reviewed and assessed by Council's Development and Compliance Section prior to making a determination regarding this project. This independent assessment has resulted in planning approval being granted to the project, subject to conditions.

Best-Practice Corporate Governance

Construction of the Southern Trunk Wastewater Main is included within the program of works outlined within the Lismore City Council Delivery Plan 2010-2014. Procurement of this contract has been consistent with the provisions of the *Local Government Act* and *Tendering Guidelines for NSW Local Government*, October 2009.

Comments

Finance

The total capital cost for the Southern Trunk Main is estimated to be \$13.7 million. Of this, approximately \$1.4 million has been funded in 2010/11, \$12.0 million included in the 2011/12 Budget and a further \$1.57 million included in 2014/15 as part of the *Strategic Business Plan for Water Supply and Wastewater Services*. Funding for this project will come from a combination of loan borrowings, reserves and developer contributions.

Based on the 'Estimated Expenditure from 1 July 2011', 'Post Construction Activities' and 'Estimated Timeline for Completion', there are sufficient funds allocated in the 2011/12 Budget to accept this contract, but at least \$300,000 in funding for 2014/15 works will need to be brought forward to 2012/13. This will require some minor timing adjustments to the Wastewater Capital Works Programs for 2012/13, 2013/14 and 2014/15. These adjustments will be undertaken as part of the annual revision of the *Strategic Business Plan for Water Supply and Wastewater Services* in conjunction with the preparation of the annual operational plan process.

In regards to potential increased operating and maintenance costs, these are anticipated to be offset over time by an increase in the number of consumers paying the user charge, currently \$667, as a result of the new land release areas being developed.

In regards to the fibre optic cabling, for trenching and conduit only, a tendered price of approximately \$140,000 has been received. Undertaking these works at this time is supported with funding to come from the IT Reserve.

Other staff comments

Manager - Information Services

The inclusion of fibre optic cable conduit as part of this project is supported. Installation of the conduit will be in accordance with NBN Co. guidelines to enable it to be utilised as part of the National Broadband Network. Council will also take advantage of it to provide an optic fibre link directly to the existing Water, Waste and Works Depots at Wyrallah Road and strengthen its disaster recovery strategy.

Public consultation

Extensive consultation with affected property owners has been undertaken, with occupation agreements entered into with 14 of the 18 affected property owners to date. Finalisation of the remaining occupation agreements is anticipated in the near future.

The Review of Environmental Factors for the project was made available for public comment for a period of three weeks in July 2011, with this being advertised through local newspapers, Council's web site and a media release. No submissions were received with respect to the project.

Ongoing public consultation will be continued throughout the project. The contractor is required to consult with affected property owners prior to undertaking any work on private property.

Conclusion

The Southern Trunk Main has previously been identified as a major priority of Council and provides a wastewater servicing strategy to meet the growth of Lismore over the next 15 to 20 years.

Assessment of tenders clearly identifies the tender submitted by Diona Pty Ltd to be the preferred tender.

Acceptance of the tender submitted by Diona Pty Ltd will enable construction of the project to be completed within current budgetary allocations, with completion of construction anticipated in late 2012.

Completion of the Southern Trunk Main within this timeframe would facilitate development of the Crawford Land, Invercauld Road and Chilcotts Grass urban release areas proposed for rezoning within the Draft *Lismore Local Environmental Plan, 2010*; in addition to facilitating development of future stages of the Waterford Park development and the development of other land currently zoned to permit residential development located in Goonellabah.

Attachment/s

1. Lismore Southern Trunk Main Tender Recommendation No. 1002465
2. Southern Trunk Main Panel Recommendation Appendix A - Facsimile Activity Report
3. Southern Trunk Main Panel Recommendation Appendix B - Advice from Tender Management Services
4. Southern Trunk Main Panel Recommendation Appendix C - Summary of Agreed Scores for Non Price Criteria
5. Southern Trunk Main Panel Recommendation Appendix D - Spreadsheet of Weighted, Totaled and Normalised Non Price Scores
6. Southern Trunk Main Panel Recommendation Appendix E - Comparison of Tenderers' Schedules of Rates
7. Southern Trunk Main Panel Recommendation Appendix F - Table of Qualifications and Departures
8. Southern Trunk Main Panel Recommendation Appendix G - Net Present Value (NPV) Analysis

Recommendation

That:

1. Council accept the tender submitted by Diona Pty Ltd for construction of the Southern Trunk Main, including acceptance of proposed alternative options as outlined within this report; and award a contract for construction of this project to Diona Pty Ltd.
2. The installation of conduit and pits along the full length of the project, to facilitate the future roll out of fibre optic cable, be included within the contract; with this work being funded from Council's Information Technology (IT) Reserve.
3. Council delegate authority to the General Manager to finalise the contract including any necessary minor amendments or variations to enable completion of this project.
4. The contract be executed under seal of Council.



ED11/31029

28/1/2011

**Tender Recommendation for Local Government:
Construction Works WITH scoring and weighting of non-price criteria**

CONTRACT DETAILS		CCMS No: 1002465
CONTRACT NAME:	Lismore Southern Trunk Main	
RFT/CONTRACT NO. (from CCMS):	1002465	
CONTRACT DESCRIPTION:	Construction of Trunk Main and Pump Stations	
FUNCTIONAL UNIT/ DESIGN CRITERIA:	Sewer Trunk Main	
TIME FOR COMPLETION:	46 Weeks	
PROJECT MANAGING OFFICE:	North Coast Region	
PROCUREMENT SYSTEM:		
Tender Method: (Reg 166)	Expressions of Interest & Early Tenderer Involvement	
Delivery System:	Single Contract	
Commercial Conditions:	GC21	
Payment Method:	Lump Sum Items and Schedule of Rates	
Cost adjustment:	Not Applicable	
PRE-TENDER ESTIMATE (incl. GST):	\$12,000,000 at 12/2/07	
CLIENT AGENCY:	Lismore City Council	
PRINCIPAL IN THE CONTRACT:	Lismore City Council	
Recommending Officer / Contact No:	Robert Siebert / 6626 5608 / 0411 276 917	
Procurement Adviser / Contact No:	Kevin Plummer / 66485902	

DETAILS OF THE WORK

Lismore City Council sought tenders for the construction of the Lismore Southern Trunk Main, which is composed of over 9km of rising/gravity mains and three pumping stations.



TENDERS RECEIVED

Tenders were called on 27/6/11 and closed at 9.30 am on 02/08/11. Three conforming tenders and three alternative tenders were received as follows. Values are GST inclusive:

Tenderer	A.B.N.	Tender Amount (As stated in tender)	Assessed Tender Amount ¹ (Inc. NPV)	Total Score ²	Recommended Tender Amount ³
Diona Pty Ltd	48 001 904 258	\$12,375,000	= \$15,303,175	100.00	\$11,512,208.97
Ledonne Construction Pty Ltd	68 003 117 717	\$19,724,668	= \$22,422,668	77.16	
Arogen Pty Ltd	84 110 542 419	\$16,931,172	= \$19,629,172	83.27	
Arogen Pty Ltd Alt 1 --All gravity	84 110 542 419	\$17,481,449	= \$17,481,449	90.16	
Arogen Pty Ltd Alt 2 -- Hybrid 1	84 110 542 419	\$16,924,351	= \$18,363,611	87.33	
Arogen Pty Ltd Alt 3 -- Hybrid 2	84 110 542 419	\$16,336,823	= \$18,178,853	87.93	

Notes:

1. The 'Assessed Tender Amount' is the Tender Amount plus (or minus) the Assessed Values of qualifications and departures (anomalies) in the tender, plus the NPV of operating costs and any loadings that apply.
2. The 'Total Score' includes the scores for price and non-price criteria.
3. The 'Recommended Tender Amount' is the Tender Amount plus (or minus) adjustments offered by the Preferred Tenderer to withdraw qualifications and departures and options taken up by Lismore City Council.

EXAMINATION OF TENDERS

1. PRE-EVALUATION ACTIONS

The tendering process was required to comply with the *Local Government (General) Regulation 2005* (the *Regulation*).

Council called tenders from three Contractors shortlisted following an Expression of Interest & Early Tenderer Involvement phase, in accordance with Clause 168 of the Regulation.

The Public Works Regional Projects Coordinator approved the calling of tenders, after concurrence was received from the Client.

A Tender Evaluation Committee (TEC) was established to carry out the assessment of the tenders. The TEC was composed of the following individuals:

Name	Position
Brian Benson	Capital Works Engineer Lismore City Council
Rob Siebert	Regional Projects Coordinator NSW Public Works, Lismore
Rod Haydon	Trade Waste & Development Inspector Lismore City Council
Ross Davies	Contracts Administration Officer Lismore City Council

A Tender Evaluation Plan (TEP) was prepared and endorsed by the Tender Evaluation Committee prior to close of tenders. The TEP is consistent with the regulations and conditions

of tendering in the Request for Tenders (RFT) documents. The tender evaluation procedure is described in the TEP.

The tender evaluation criteria and weightings were established in the TEP and tender document. The price to non-price weighting ratio was established at 70:30.

The tender amount consisted of Schedule of Rates and Lump Sum Items.

The non-price criteria were as follows:-

- Quality Management System;
- OHS&R Management Accreditation;
- Environmental Management Accreditation;
- Proposed subcontractors and Experience;
- Proposed Team Experience and Resources;
- Proposed Community Consultation;
- Experience in Comparable Works;
- Proposed Construction Methodology;
- Use of Local Content;
- References

The tender document granted tenderers the opportunity to submit alternative tenders, provided that a conforming tender was also submitted. Alternative tenders had to fit the scope, functional intent and design concept expressed in the tender document. Tenderers were required to submit a detailed description and cost breakdown of any alternative and where appropriate an NPV was applied in the assessment of alternative tenders.

Four addenda were issued during the tender period. These did not have a major bearing on the final tendered amounts.

2. INITIAL EVALUATION

The tender from Diona was received by fax at 9:36 am (Facsimile Activity Report attached as **Appendix A**) at Lismore and by email at 10:21 at Lismore. Included in the tender were all the pricing schedules and information, however some non price schedules were missing. In their email of 10:21 Diona advised that they had commenced uploading the document at 8:50 on the morning of 2 Aug 11. The uploading failed.

Consistent with Clause 176 of the Local Government Regulations the missing non price schedules were sought from Diona. They were informed at 10:21am on 3rd August that these were to be submitted by email before midday Friday 5th August. All tender documents, including the missing non price schedules, were subsequently submitted by Diona at midday Wednesday 3rd August.

It was later realised on Friday 5th August that the Tender Schedules submitted by Diona were those that were issued with the original tender documentation. These schedules had been superseded by a new set of schedules released as part of Addendum 3. Diona was asked to resubmit their schedules using those provided in addendum 3. These were received at 9:37am on Monday 8th August. The difference between the two sets of schedules was very minimal, relating mainly to formatting, and had no bearing on the tendered prices or non price scoring.

Advice from Tender Management Services (attached as **Appendix B**) shows that Diona attempted on three occasions before 9:30 am to submit their tender but were prevented from doing so by the eTendering system.

Clause 177 of the Regulation and Section 3.15.1 of the Tendering Guidelines for NSW Local Government address late tenders. The Regulation states

"Council must also consider a tender received within such period after the deadline for the close of tenders as it decides to be reasonable in the circumstances if the tenderer satisfies the Council that the tender documents were posted or lodged at a Post Office or other recognised delivery agency in sufficient time to enable the documents to have been received by Council in the ordinary course of business before the deadline."

In this situation Diona lodged the documents at a recognized delivery agency (eTendering) in sufficient time (at 8:57 am and again at 8:59 am) to enable the documents to be received by Council in the ordinary course of business before the deadline.

Based on the time at which the documents were received being 9:36 am when the tender closing time was at 9:30am, and the tendered amount being significantly less than the next highest tenderer, it is considered that the integrity of the tender process was not compromised.

On this basis the tender from Diona was accepted and not excluded from the tender evaluation.

Diona submitted a range of options with their tender. The options relate to the construction methodology and design of pump stations and switchboards. These options are not considered as alternate tenders but options available to Council to reduce costs.

Arogen submitted three alternate tenders. The alternate tenders were based on a redesign of the infrastructure and construction of the infrastructure using underbores.

The alternates were

- A full gravity option constructed using directional drilling which negated the need for pump stations
- Two hybrid options using directional drilling and some conventional pipeline construction.

In their tendered alternatives, Arogen appeared to have reduced their tendered capital costs by their estimate of the NPV of forecasted operational costs for conforming tenders. Arogen was asked to clarify the tendered capital costs payable by Council for the all gravity alternative. Arogen asserted that the capital construction costs for the all gravity alternative was \$17,481,449 and this has been used as the assessed tender amount.

3. EVALUATION OF NON-PRICE CRITERIA

The information submitted by the tenderers was evaluated against the specified non-price criteria, in accordance with the Tender Evaluation Plan. A summary of the scores agreed for the non-price criteria, signed by all members of the Tender Evaluation Committee, is attached as **Appendix C**.

The non-price scores were weighted, totaled and normalized as shown in a spreadsheet as **Appendix D**. The total non-price scores are summarised below.

Tenderer	Total normalized non-price score	Rank
Diona P/L	30.00	1
Ledonne Construction P/L	30.00	1
Arogen P/L	27.15	3
Arogen P/L Gravity	27.15	3
Arogen P/L Hybrid 1	27.15	3
Arogen P/L Hybrid 2	27.15	3

4. VALUATION OF PRICE

4.1 Examination of Tendered Rates

The extended total of the Schedule of Rates tendered by Diona P/L was incorrect, due to a calculation error. The correct total is \$11,250,020.25 (Excl GST) and \$12,375,022.27 (incl GST) as compared with the tendered amount of \$12,375,000.00

This does not change the relativity of tenders, and the amount submitted on the Tender Form was used in the evaluation of tenders.

The rates tendered by each tenderer in the Schedule of Rates were compared (see Appendix E). The comparison revealed no differences of concern.

A sensitivity analysis was not undertaken as the disparity in the tendered amount was greater than 30% and any sensitivity analysis would not change relativity.

4.2 Assessment of Qualifications and Departures

The tenders from Arogen and Diona both contained qualifications and departures (anomalies). Further qualifications and departures were sought in relation to the alternative options offered in Diona's tender. Clause 178 of the *Regulation* requires Council to accept the most advantageous tender. In order to identify which tender was 'most advantageous' for the specified work, the values of the qualifications and departures were assessed and added to the original Tender Amounts. See the Qualifications and Departures Tables at Appendix F.

4.3 Determination of loadings and other assessments

The tenders were compared based on NPV as shown in Appendix G. The NPV of the operating costs as well as an estimate of initial power supply was calculated and added to the capital cost for each conforming tender.

The values used in the NPV analysis are considered sufficiently accurate for the purposes of this tender assessment. It should be noted that due to the significant difference in the tendered amounts for the alternative tenders, any reasonable variations to the NPV inputs would not affect the relativity of the tender scores.

The resultant assessed tender amounts are presented in the table below.

Tender	Capital Cost - Including Qualifications & Departures (Inc. GST)	NPV of Operating cost and power installation	Total (Inc GST)
Diona	Tendered- \$12,605,175	\$2,698,000	\$15,303,175
Ledonne	Tendered - \$19,724,668	\$2,698,000	\$22,422,668
Arogen	Tendered - \$16,931,172	\$2,698,000	\$19,629,172
Arogen Gravity	Tendered - \$17,481,449	\$0	\$17,481,449
Arogen Hybrid 1	Tendered - \$17,498,611	\$865,000	\$18,363,611
Arogen Hybrid 2	Tendered - \$17,887,853	\$291,000	\$18,178,853

Council has adopted a local preference policy for its procurement activities. As such 10% of the total assessment scoring was based on local content, consistent with the TEP. Factors considered included the use of locally sourced materials, locally sourced labour, the physical location of businesses, and direct spend within the community.

4.4 Normalised Price Scores

The tenders were compared on the basis of the Assessed Tender Amounts, calculated by adding the assessed values of qualifications and departures and the NPV of operating costs and power supply to the original tendered amounts.

The Assessed Tender Amounts were used to calculate the weighted and normalised price scores using the method set out in the Tender Evaluation Plan, which is incorporated into the spreadsheet at **Appendix D**. The price scores are summarised below.

Tenderer	Total normalized price score	Rank
Diona P/L	70.00	1
Ledonne Construction P/L	47.16	6
Arogen P/L	56.12	5
Arogen P/L Gravity	63.01	2
Arogen P/L Hybrid 1	60.18	4
Arogen P/L Hybrid 2	60.78	3

5. SELECTION OF THE MOST ADVANTAGEOUS TENDER

Total scores were obtained for each of the six tenders by adding the normalised total non-price score and weighted price score, as shown in the spreadsheet at **Appendix D**. The total scores are summarised below.

Tenderer	Total normalized score	Rank
Diona P/L	100.00	1
Ledonne Construction P/L	77.16	6
Arogen P/L	83.27	5
Arogen P/L Gravity	90.16	2
Arogen P/L Hybrid 1	87.33	4
Arogen P/L Hybrid 2	87.93	3

The tenderer with the highest total score was Diona P/L. Diona's tendered amount was within 10% of the pre-tender estimate.

6. OPTIONS PROVIDED BY THE MOST ADVANTAGEOUS TENDER

In their tender Diona offer 8 options in respect to the works for consideration by Council. These are as follows:

Option	Description	Cost Saving (inc. GST)
1	Redesign of the rising/gravity main from CH 1461 to 3154 so that the main operates as a pressure rising main	\$387,357.97
2	Alternate design switchboards	\$430,855.61
3	Use of trenching in lieu of directional drilling for RM33 CH 140 to 244	\$36,619.61
4	Alternate pump in PS 34	\$33,716.27
5	Realign pipe in Rous Road	\$48,096.59
6	Rope HDPE instead of using bends	\$26,435.30
7	Underboring for variation in works - Not applicable	Nil
8	Power supply – Reduction in \$420,000 provisional sum by \$148,748.39	\$163,623.23

Of these options Council will accept option numbers 1, 2, 3, 5, 6 and 8, which equates to a total saving of \$1,092,988.30 inc. GST. This is based on the assumption that power supply would have cost \$420,000, as allowed for by a provisional sum in the RFT documents. The acceptance of these options does not change the relativity of the Tenderers.

Changes to scope, as reflected in **Appendix F** Table of Qualifications and Departures, include:

- Epoxy coating of existing structures at pump station 28 - \$27,500 (inc. GST) price increase
- Withdrawal of qualification for increased delay cost rates -\$55,000 (inc. GST) price increase
- Removal of one pump for water tank at pump station 34 - \$825 (inc. GST) price decrease
- Use of pump type NP3312/735 at pump station 34 - \$148,500 (inc. GST) price increase

The acceptance of selected cost saving options and adjustments for qualifications and departures adjusts the price for the award of contract to **\$11,512,208.96** GST Inc. A breakdown of this figure is provided below:

Item	Amount (inc GST)
Tendered amount (less \$420,000 gst ex. provisional sum for power supply)	\$11,913,022.27
option 1	- \$387,357.97
option 2	- \$430,855.61
option 3	- \$36,619.61
option 5	- \$48,096.59
option 6	- \$26,435.30
option 8	+ \$298,376.77
epoxy PS28	+ \$27,500.00
accept delay costs	+ \$55,000.00
supply only 1 water pump	- \$825.00
Supply pump type NP3312/735 at pump station 34	+ \$148,500.00
TOTAL (inc GST)	\$11,512,208.96

A provisional sum of \$7,500 still applies for any changes required to the REF as a result of the above options. Refer to **Appendix F**.

7. COMMENTARY ON THE TENDERER'S CAPABILITY

Referee reports indicate satisfactory past performance by Diona P/L on recent contracts. The Tender Evaluation Committee contacted the referees and obtained additional information that supported the reports provided with the tender.

A financial assessment by Corporate Scorecard Pty Ltd gave Diona P/L a satisfactory rating.

The resources proposed for the work have been reviewed and the Tender Evaluation Committee considers Diona P/L capable of completing the contract satisfactorily.

8. MISCELLANEOUS

The tender evaluation process followed the agreed Tender Evaluation Plan.

The tender evaluation process complied with the *Local Government (General) Regulation 2005*.

The tender from Diona P/L offers best value for money.

Lismore City Council has confirmed that sufficient funds are available to cover the Recommended Tender Amount and a contingency allowance adequate for variations and other assessed risks, including likely increases in quantities in the Schedule of Rates.

Sufficient of the site is available to meet the requirements in the proposed contract.


Planning consent has been granted by Lismore City Council.

The Tender Evaluation Checklist has been completed.

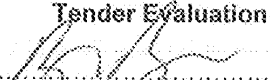
9. RECOMMENDATION

It is recommended that the tender submitted by Diona P/L, in the Recommended Tender Amount of \$11,512,208.96 GST Inc. be accepted for Contract No. 1002465 Lismore Southern Trunk Main

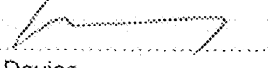
1) Tender Evaluation Panel Member


.....
R. Siebert
Regional Projects Coordinator
NSW Public Works
26 September 2011


2) Tender Evaluation Panel Member


.....
B. Benson
Capital Works Engineer
Lismore City Council
26 September 2011

3) Tender Evaluation Panel Member

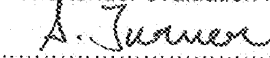

.....
R. Davies
Contracts Administration Officer
Lismore City Council
26 September 2011

4) Tender Evaluation Panel Member


.....
R. Haydon
Trade Waste and Development Inspector
Lismore City Council
26 September 2011

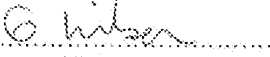
5) Independent Council Reviewing Officer

The tender evaluation has been reviewed and is concurred with.


.....
Scott Turner
Assets Manager
Lismore City Council
26 September 2011

6) Independent Council Reviewing Officer

The tender evaluation has been reviewed and is concurred with.


.....
Graeme Wilson
Corporate Compliance Coordinator
Lismore City Council
26 September 2011

**ATTACHMENT 1
TENDER EVALUATION REVIEW CHECKLIST**

RFT/CONTRACT NUMBER ..1002465.....

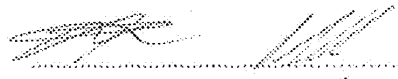
CONTRACT NAME ...LISMORE SOUTHERN TRUNK MAIN

I confirm, from evidence I have sighted and which has been placed on file, that:

- The method of selecting tenderers was properly approved by Council.
- Before tenders closed, a Tender Evaluation Plan covering relevant matters and consistent with the *Local Government (General) Regulation 2005* and the Conditions of Tendering was prepared and endorsed by the client and the Tender Evaluation Committee.
- A pre-tender estimate was prepared, as shown in the Tender Recommendation.
- All members of the Tender Evaluation Committee signed the Tender Process Code of Conduct, and any declared conflict of interest was managed satisfactorily.
- The Tender Recommendation correctly identifies the tenders received by close of tenders and any late tenders. Late tenders were treated in accordance with clause 177 of the *Regulation*.
- Any tenders withdrawn after tenders closed were withdrawn in writing.
- All qualifications and departures (anomalies) in all tenders have been identified, and those in the tenders in contention have been addressed in the Qualifications and Departures Tables.
- Any price adjustments agreed for the removal of qualifications and departures (anomalies) or to correct mistakes in the tender have been confirmed in writing.
- Contractor Performance Reports or referee reports confirm the Recommended Tenderer's satisfactory past performance in general.
- The Recommended Tenderer has demonstrated satisfactory OHS management, and the 'Checklist for Reviewing Tenderer's OHS Management Performance' has been completed and signed.
- The Recommended Tenderer has demonstrated satisfactory environmental management, and the 'Checklist for Reviewing Tenderer's Environmental Performance' has been completed and signed.
- The financial assessment has been sighted (if applicable) and the result is accurately reproduced in the Recommendation. Any concerns have been addressed.
- If any unusual circumstances occurred during the evaluation of tenders, documents are provided demonstrating that probity and fairness were maintained.
- If the tender validity period has been extended, it has been done in writing.
- The tender evaluation process followed the endorsed Tender Evaluation Plan.
- The client has confirmed that sufficient funds are available.
- The Tender Evaluation Checklist OPF-250 has been satisfactorily completed and signed.
- I have read and understand the Tender Process Code of Conduct and have complied with it in performing this tender evaluation review.

For items I have not confirmed, the attached comments explain why I support the Recommendation.

See attached comments. Y/N

Reviewing officer's signature: 
 Name (Print): HARRY ROSE Robert Siebert
 Position: Project Officer PPC
 Date: 27/9/11

APPENDIX D

Spreadsheet of Weighted, Totaled and Normalized Non Price Scores

NON-PRICE SCORING GUIDELINES

The following shall be used as a guide for scoring each of the Tenderer's proposal against each of the weighted selection criteria.

- 100 - Meets all requirements of an ideal proposal
- 90 - Meets most requirements of an ideal proposal
- 80 - Meets many of the requirements of an ideal proposal
- 70 - Meets a number of the requirements of an ideal proposal
- 60 - Meets requirements, but only just satisfactorily for this criteria
- < 60 - Fails to meet the requirements. Fail this proposal.

PRICE SCORING METHODOLOGY

- Pc = Tenderer's Price
- Pav = Average of all Tenderer's Prices
- Ps = Price Score = $200 - 100 \times (Pc/Pav)$
- Normalised Price
- Pn = Score = $Ps/Ps(max) \times 100$
- Pw = Weighted Price Score = $Pn \times (\% \text{ weighting}/100)$

The above equations shall be used as a method of determining the weighted price score

I agree that the methodology for scoring price and non price criteria is appropriate for the assessment of the tenders.

NON-PRICE SCORING METHODOLOGY

The following is an example of the method to be used to determine the final normalised scores.

NON-PRICE CRITERIA				Factor 1	Factor 2	Factor 3
1.4	Factor 1	Score	9%	90	80	80
		Weighted Score		2.7	2.4	2.4
1.5	Factor 2	Score	3%	80	80	65
		Weighted Score		2.4	2.4	1.95
1.6	Factor 3	Score	3%	90	80	80
		Weighted Score		2.7	2.4	2.4
1.7	Factor 4	Score	3%	80	80	65
		Weighted Score		2.4	2.4	1.95
1.8	Factor 5	Score	3%	90	70	70
		Weighted Score		2.7	2.1	2.1
1.9	Factor 6	Score	10%	90	75	80
		Weighted Score		9	7.5	8
1.10	Factor 7	Score	5%	90	90	70
		Weighted Score		4.5	4.5	3.5

Total Weighted Non-Price Score (30%)	=	26.4	23.7	22.3
Normalised Non-price Score (Max 30)	=	100	100	100

- 1 Robert Siebert
- 2 Rod Haydon
- 3 Brian
- 4 Benson
- 5 Ross Davies

SUMMARY OF ASSESSMENT SCORES OF ALL PROPOSALS

				Diona	Ledonne	Arogen	Arogen	Arogen	Arogen
1.0 NON-PRICE CRITERIA									
1.1	Quality Management System	Score		yes	yes	yes	yes	yes	yes
		Weighted Score	Yes/No						
1.2	OH&S Management Accreditation	Score		yes	yes	yes	yes	yes	yes
		Weighted Score	Yes/No						
1.3	Environmental Management Accreditation	Score		yes	yes	yes	yes	yes	yes
		Weighted Score	Yes/No						
1.4	Proposed Subcontractors and Experience	Score	0-100	100.00	100.00	90.00	90.00	90.00	90.00
		Weighted Score	3%	3.00	3.00	2.70	2.70	2.70	2.70
1.5	Proposed Team and Experience	Score	0-100	100.00	100.00	90.00	90.00	90.00	90.00
		Weighted Score	3%	3.00	3.00	2.70	2.70	2.70	2.70
1.6	Proposed Community Consultation	Score	0-100	100.00	100.00	100.00	100.00	100.00	100.00
		Weighted Score	3%	3.00	3.00	3.00	3.00	3.00	3.00
1.7	Experience in Comparable Works	Score	0-100	100.00	100.00	85.00	85.00	85.00	85.00
		Weighted Score	3%	3.00	3.00	2.55	2.55	2.55	2.55
1.8	Proposed Construction Methodology	Score	0-100	100.00	100.00	90.00	90.00	90.00	90.00
		Weighted Score	3%	3.00	3.00	2.70	2.70	2.70	2.70
1.9	Local Content	Score	0-100	100.00	100.00	100.00	100.00	100.00	100.00
		Weighted Score	10%	10.00	10.00	10.00	10.00	10.00	10.00
1.10	References	Score	0-100	100.00	100.00	70.00	70.00	70.00	70.00
		Weighted Score	5%	5.00	5.00	3.50	3.50	3.50	3.50
Total Weighted Non-Price Score =				30.00	30.00	27.15	27.15	27.15	27.15
Normalised Non-Price Score (Max 30) =				1.00	1.00	0.91	0.91	0.91	0.91
2.0 PRICE CRITERIA									
2.1	Tender Schedule of Rate and Lump Sum Items Total	Adjusted Tender Price		\$15,303,175	\$22,422,668	\$19,629,172	\$17,481,449	\$18,363,611	\$18,179,853
		Price Score		117.56	79.21	94.26	105.83	101.07	102.07
		Normalised Score		100.00	67.38	80.18	90.02	85.96	86.82
		Weighted Score	70%	70.00	47.16	56.12	63.01	60.18	60.78
Total Weighted Price Score =				70.00	47.16	56.12	63.01	60.18	60.78
Normalised Price Score (Max 70) =				1.00	0.67	0.80	0.90	0.86	0.87
TOTAL SCORE =				100.00	77.16	83.27	90.96	87.85	87.93
NORMALISED TOTAL SCORE (Max 100) =				1.00	0.77	0.83	0.91	0.88	0.88

Note: Scores Averaged from Individual Sheets

Robert Siebert
Brian Benson

Ross Davies
Rod Haydon

APPENDIX D

Spreadsheet of Weighted, Totaled and Normalized Non Price Scores

NON-PRICE SCORING GUIDELINES

The following shall be used as a guide for scoring each of the Tenderer's proposal against each of the weighted selection criteria.

- 100 - Meets all requirements of an ideal proposal
- 90 - Meets most requirements of an ideal proposal
- 80 - Meets many of the requirements of an ideal proposal
- 70 - Meets a number of the requirements of an ideal proposal
- 60 - Meets requirements, but only just satisfactorily for this criteria
- < 60 - Fails to meet the requirements. Fail this proposal.

PRICE SCORING METHODOLOGY

- Pc = Tenderer's Price
- Pav = Average of all Tenderer's Prices
- Ps = Price Score = $200 - 100 \times (Pc/Pav)$
- Normalised Price
- Pn = Score = $Ps/Ps(max) \times 100$
- Pw = Weighted Price Score = $Pn \times (\% \text{ weighting}/100)$

The above equations shall be used as a method of determining the weighted price score

I agree that the methodology for scoring price and non price criteria is appropriate for the assessment of the tenders.

NON-PRICE SCORING METHODOLOGY

The following is an example of the method to be used to determine the final normalised scores.

NON-PRICE CRITERIA				Factor 1	Factor 2	Factor 3
1.4	Factor 1	Score		90	80	80
		Weighted Score	3%	2.7	2.4	2.4
1.5	Factor 2	Score		80	80	65
		Weighted Score	3%	2.4	2.4	1.95
1.6	Factor 3	Score		90	80	80
		Weighted Score	3%	2.7	2.4	2.4
1.7	Factor 4	Score		80	80	65
		Weighted Score	3%	2.4	2.4	1.95
1.8	Factor 5	Score		90	70	70
		Weighted Score	3%	2.7	2.1	2.1
1.9	Factor 6	Score		90	75	80
		Weighted Score	10%	9	7.5	8
1.10	Factor 7	Score		90	90	70
		Weighted Score	5%	4.5	4.5	3.5

Total Weighted Non-Price Score (30%)	=	26.4	23.7	22.3
Normalised Non-price Score (Max 30)	=	100	100	100

- 1 Robert Siebert
- 2 Rod Haydon
- 3 Brian
- 4 Benson
- 5 Ross Davies

SUMMARY OF ASSESSMENT SCORES OF ALL PROPOSALS

				Diona	Ledonne	Arogen	Arogen	Arogen	Arogen
1.0 NON-PRICE CRITERIA									
1.1	Quality Management System	Score		yes	yes	yes	yes	yes	yes
		Weighted Score	Yes/No						
1.2	OH&S Management Accreditation	Score		yes	yes	yes	yes	yes	yes
		Weighted Score	Yes/No						
1.3	Environmental Management Accreditation	Score		yes	yes	yes	yes	yes	yes
		Weighted Score	Yes/No						
1.4	Proposed Subcontractors and Experience	Score	0-100	100.00	100.00	90.00	90.00	90.00	90.00
		Weighted Score	3%	3.00	3.00	2.70	2.70	2.70	2.70
1.5	Proposed Team and Experience	Score	0-100	100.00	100.00	90.00	90.00	90.00	90.00
		Weighted Score	3%	3.00	3.00	2.70	2.70	2.70	2.70
1.6	Proposed Community Consultation	Score	0-100	100.00	100.00	100.00	100.00	100.00	100.00
		Weighted Score	3%	3.00	3.00	3.00	3.00	3.00	3.00
1.7	Experience in Comparable Works	Score	0-100	100.00	100.00	85.00	85.00	85.00	85.00
		Weighted Score	3%	3.00	3.00	2.55	2.55	2.55	2.55
1.8	Proposed Construction Methodology	Score	0-100	100.00	100.00	90.00	90.00	90.00	90.00
		Weighted Score	3%	3.00	3.00	2.70	2.70	2.70	2.70
1.9	Local Content	Score	0-100	100.00	100.00	100.00	100.00	100.00	100.00
		Weighted Score	10%	10.00	10.00	10.00	10.00	10.00	10.00
1.10	References	Score	0-100	100.00	100.00	70.00	70.00	70.00	70.00
		Weighted Score	5%	5.00	5.00	3.50	3.50	3.50	3.50
Total Weighted Non-Price Score =				30.00	30.00	27.15	27.15	27.15	27.15
Normalised Non-Price Score (Max 30) =				100.00	100.00	90.31	90.31	90.31	90.31
2.0 PRICE CRITERIA									
2.1	Tender Schedule of Rate and Lump Sum Items Total	Adjusted Tender Price		\$15,303,175	\$22,422,668	\$19,629,172	\$17,481,449	\$18,363,611	\$18,179,853
		Price Score		117.56	79.21	94.26	105.83	101.07	102.07
		Normalised Score		100.00	67.38	80.18	90.02	85.96	86.82
		Weighted Score	70%	70.00	47.16	56.12	63.01	60.18	60.78
Total Weighted Price Score =				70.00	47.16	56.12	63.01	60.18	60.78
Normalised Price Score (Max 70) =				100.00	67.38	80.18	90.02	85.96	86.82
TOTAL SCORE =				100.00	77.16	85.27	90.36	87.25	87.93
NORMALISED TOTAL SCORE (Max 100) =				100.00	77.16	85.27	90.36	87.25	87.93

Note: Scores Averaged from Individual Sheets

Robert Siebert
Brian Benson

Ross Davies
Rod Haydon

APPENDIX D

Spreadsheet of Weighted, Totaled and Normalized Non Price Scores

NON-PRICE SCORING GUIDELINES

The following shall be used as a guide for scoring each of the Tenderer's proposal against each of the weighted selection criteria.

- 100 - Meets all requirements of an ideal proposal
- 90 - Meets most requirements of an ideal proposal
- 80 - Meets many of the requirements of an ideal proposal
- 70 - Meets a number of the requirements of an ideal proposal
- 60 - Meets requirements, but only just satisfactorily for this criteria
- < 60 - Fails to meet the requirements. Fail this proposal.

PRICE SCORING METHODOLOGY

- Pc = Tenderer's Price
- Pav = Average of all Tenderer's Prices
- Ps = Price Score = $200 - 100 \times (Pc/Pav)$
- Normalised Price
- Pn = Score = $Ps/Ps(max) \times 100$
- Pw = Weighted Price Score = $Pn \times (\% \text{ weighting}/100)$

The above equations shall be used as a method of determining the weighted price score

I agree that the methodology for scoring price and non price criteria is appropriate for the assessment of the tenders.

NON-PRICE SCORING METHODOLOGY

The following is an example of the method to be used to determine the final normalised scores.

NON-PRICE CRITERIA				Factor 1	Factor 2	Factor 3
1.4	Factor 1	Score		90	80	80
		Weighted Score	3%	2.7	2.4	2.4
1.5	Factor 2	Score		80	80	65
		Weighted Score	3%	2.4	2.4	1.95
1.6	Factor 3	Score		90	80	80
		Weighted Score	3%	2.7	2.4	2.4
1.7	Factor 4	Score		80	80	65
		Weighted Score	3%	2.4	2.4	1.95
1.8	Factor 5	Score		90	70	70
		Weighted Score	3%	2.7	2.1	2.1
1.9	Factor 6	Score		90	75	80
		Weighted Score	10%	9	7.5	8
1.10	Factor 7	Score		90	90	70
		Weighted Score	5%	4.5	4.5	3.5

Total Weighted Non-Price Score (30%)	=	26.4	23.7	22.1
Normalised Non-price Score (Max 30)	=	100	100	100

- 1 Robert Siebert
- 2 Rod Haydon
- 3 Brian
- 4 Benson
- 5 Ross Davies

SUMMARY OF ASSESSMENT SCORES OF ALL PROPOSALS

				Diona	Ledonne	Arogen	Arogen	Arogen	Arogen
1.0 NON-PRICE CRITERIA									
1.1	Quality Management System	Score		yes	yes	yes	yes	yes	yes
		Weighted Score	Yes/No						
1.2	OH&S Management Accreditation	Score		yes	yes	yes	yes	yes	yes
		Weighted Score	Yes/No						
1.3	Environmental Management Accreditation	Score		yes	yes	yes	yes	yes	yes
		Weighted Score	Yes/No						
1.4	Proposed Subcontractors and Experience	Score	0-100	100.00	100.00	90.00	90.00	90.00	90.00
		Weighted Score	3%	3.00	3.00	2.70	2.70	2.70	2.70
1.5	Proposed Team and Experience	Score	0-100	100.00	100.00	90.00	90.00	90.00	90.00
		Weighted Score	3%	3.00	3.00	2.70	2.70	2.70	2.70
1.6	Proposed Community Consultation	Score	0-100	100.00	100.00	100.00	100.00	100.00	100.00
		Weighted Score	3%	3.00	3.00	3.00	3.00	3.00	3.00
1.7	Experience in Comparable Works	Score	0-100	100.00	100.00	85.00	85.00	85.00	85.00
		Weighted Score	3%	3.00	3.00	2.55	2.55	2.55	2.55
1.8	Proposed Construction Methodology	Score	0-100	100.00	100.00	90.00	90.00	90.00	90.00
		Weighted Score	3%	3.00	3.00	2.70	2.70	2.70	2.70
1.9	Local Content	Score	0-100	100.00	100.00	100.00	100.00	100.00	100.00
		Weighted Score	10%	10.00	10.00	10.00	10.00	10.00	10.00
1.10	References	Score	0-100	100.00	100.00	70.00	70.00	70.00	70.00
		Weighted Score	5%	5.00	5.00	3.50	3.50	3.50	3.50
Total Weighted Non-Price Score =				30.00	30.00	27.15	27.15	27.15	27.15
Normalised Non-Price Score (Max 30) =				1.00	1.00	0.91	0.91	0.91	0.91
2.0 PRICE CRITERIA									
2.1	Tender Schedule of Rate and Lump Sum Items Total	Adjusted Tender Price		\$15,303,175	\$22,422,668	\$19,629,172	\$17,481,449	\$18,363,611	\$18,179,853
		Price Score		117.56	79.21	94.26	105.83	101.07	102.07
		Normalised Score		100.00	67.38	80.18	90.02	85.96	86.82
		Weighted Score	70%	70.00	47.16	56.12	63.01	60.18	60.78
Total Weighted Price Score =				70.00	47.16	56.12	63.01	60.18	60.78
Normalised Price Score (Max 70) =				1.00	0.67	0.80	0.90	0.86	0.87
TOTAL SCORE =				100.00	77.16	83.27	90.96	87.85	87.93
NORMALISED TOTAL SCORE (Max 100) =				1.00	0.77	0.83	0.91	0.88	0.88

Note: Scores Averaged from Individual Sheets

Robert Siebert
Brian Benson

Ross Davies
Rod Haydon

APPENDIX D

Spreadsheet of Weighted, Totaled and Normalized Non Price Scores

NON-PRICE SCORING GUIDELINES

The following shall be used as a guide for scoring each of the Tenderer's proposal against each of the weighted selection criteria.

- 100 - Meets all requirements of an ideal proposal
- 90 - Meets most requirements of an ideal proposal
- 80 - Meets many of the requirements of an ideal proposal
- 70 - Meets a number of the requirements of an ideal proposal
- 60 - Meets requirements, but only just satisfactorily for this criteria
- < 60 - Fails to meet the requirements. Fail this proposal.

PRICE SCORING METHODOLOGY

- Pc = Tenderer's Price
- Pav = Average of all Tenderer's Prices
- Ps = Price Score = $200 - 100 \times (Pc/Pav)$
- Normalised Price
- Pn = Score = $Ps/Ps(max) \times 100$
- Pw = Weighted Price Score = $Pn \times (\% \text{ weighting}/100)$

The above equations shall be used as a method of determining the weighted price score

I agree that the methodology for scoring price and non price criteria is appropriate for the assessment of the tenders.

NON-PRICE SCORING METHODOLOGY

The following is an example of the method to be used to determine the final normalised scores.

NON-PRICE CRITERIA				Factor 1	Factor 2	Factor 3
1.4	Factor 1	Score		90	80	80
		Weighted Score	3%	2.7	2.4	2.4
1.5	Factor 2	Score		80	80	65
		Weighted Score	3%	2.4	2.4	1.95
1.6	Factor 3	Score		90	80	80
		Weighted Score	3%	2.7	2.4	2.4
1.7	Factor 4	Score		80	80	65
		Weighted Score	3%	2.4	2.4	1.95
1.8	Factor 5	Score		90	70	70
		Weighted Score	3%	2.7	2.1	2.1
1.9	Factor 6	Score		90	75	80
		Weighted Score	10%	9	7.5	8
1.10	Factor 7	Score		90	90	70
		Weighted Score	5%	4.5	4.5	3.5

Total Weighted Non-Price Score (30%)	=	26.4	23.7	22.1
Normalised Non-price Score (Max 30)	=	100	100	100

- 1 Robert Siebert
- 2 Rod Haydon
- 3 Brian
- 4 Benson
- 5 Ross Davies

SUMMARY OF ASSESSMENT SCORES OF ALL PROPOSALS

1.0 NON-PRICE CRITERIA				Diona	Ledonne	Arogen	Arogen	Arogen	Arogen
1.1	Quality Management System	Score		yes	yes	yes	yes	yes	yes
		Weighted Score	Yes/No						
1.2	OH&S Management Accreditation	Score		yes	yes	yes	yes	yes	yes
		Weighted Score	Yes/No						
1.3	Environmental Management Accreditation	Score		yes	yes	yes	yes	yes	yes
		Weighted Score	Yes/No						
1.4	Proposed Subcontractors and Experience	Score	0-100	100.00	100.00	90.00	90.00	90.00	90.00
		Weighted Score	3%	3.00	3.00	2.70	2.70	2.70	2.70
1.5	Proposed Team and Experience	Score	0-100	100.00	100.00	90.00	90.00	90.00	90.00
		Weighted Score	3%	3.00	3.00	2.70	2.70	2.70	2.70
1.6	Proposed Community Consultation	Score	0-100	100.00	100.00	100.00	100.00	100.00	100.00
		Weighted Score	3%	3.00	3.00	3.00	3.00	3.00	3.00
1.7	Experience in Comparable Works	Score	0-100	100.00	100.00	85.00	85.00	85.00	85.00
		Weighted Score	3%	3.00	3.00	2.55	2.55	2.55	2.55
1.8	Proposed Construction Methodology	Score	0-100	100.00	100.00	90.00	90.00	90.00	90.00
		Weighted Score	3%	3.00	3.00	2.70	2.70	2.70	2.70
1.9	Local Content	Score	0-100	100.00	100.00	100.00	100.00	100.00	100.00
		Weighted Score	10%	10.00	10.00	10.00	10.00	10.00	10.00
1.10'	References	Score	0-100	100.00	100.00	70.00	70.00	70.00	70.00
		Weighted Score	5%	5.00	5.00	3.50	3.50	3.50	3.50
Total Weighted Non-Price Score =				30.00	30.00	27.15	27.15	27.15	27.15
Normalised Non-Price Score (Max 30) =				1.00	1.00	0.91	0.91	0.91	0.91
2.0 PRICE CRITERIA				Diona	Ledonne	Arogen	Arogen	Arogen	Arogen
2.1	Tender Schedule of Rate and Lump Sum Items Total	Adjusted Tender Price		\$15,303,175	\$22,422,668	\$19,629,172	\$17,481,449	\$18,363,611	\$18,179,853
		Price Score		117.56	79.21	94.26	105.83	101.07	102.07
		Normalised Score		100.00	67.38	80.18	90.02	85.96	86.82
		Weighted Score	70%	70.00	47.16	56.12	63.01	60.18	60.78
Total Weighted Price Score =				70.00	47.16	56.12	63.01	60.18	60.78
Normalised Price Score (Max 70) =				1.00	0.67	0.80	0.90	0.86	0.87
TOTAL SCORE =				100.00	77.16	83.27	90.96	87.85	87.93
NORMALISED TOTAL SCORE (Max 100) =				1.00	0.77	0.83	0.91	0.88	0.88

Note: Scores Averaged from Individual Sheets

Robert Siebert
Brian Benson

Ross Davies
Rod Haydon

APPENDIX D

Spreadsheet of Weighted, Totaled and Normalized Non Price Scores

NON-PRICE SCORING GUIDELINES

The following shall be used as a guide for scoring each of the Tenderer's proposal against each of the weighted selection criteria.

- 100 - Meets all requirements of an ideal proposal
- 90 - Meets most requirements of an ideal proposal
- 80 - Meets many of the requirements of an ideal proposal
- 70 - Meets a number of the requirements of an ideal proposal
- 60 - Meets requirements, but only just satisfactorily for this criteria
- < 60 - Fails to meet the requirements. Fail this proposal.

PRICE SCORING METHODOLOGY

- Pc = Tenderer's Price
- Pav = Average of all Tenderer's Prices
- Ps = Price Score = $200 - 100 \times (Pc/Pav)$
- Normalised Price
- Pn = Score = $Ps/Ps(max) \times 100$
- Pw = Weighted Price Score = $Pn \times (\% \text{ weighting}/100)$

The above equations shall be used as a method of determining the weighted price score

I agree that the methodology for scoring price and non price criteria is appropriate for the assessment of the tenders.

NON-PRICE SCORING METHODOLOGY

The following is an example of the method to be used to determine the final normalised scores.

NON-PRICE CRITERIA			Factor 1	Factor 2	Factor 3
1.4	Factor 1	Score	90	80	80
		Weighted Score 3%	2.7	2.4	2.4
1.5	Factor 2	Score	80	80	65
		Weighted Score 3%	2.4	2.4	1.95
1.6	Factor 3	Score	90	80	80
		Weighted Score 3%	2.7	2.4	2.4
1.7	Factor 4	Score	80	80	65
		Weighted Score 3%	2.4	2.4	1.95
1.8	Factor 5	Score	90	70	70
		Weighted Score 3%	2.7	2.1	2.1
1.9	Factor 6	Score	90	75	80
		Weighted Score 10%	9	7.5	8
1.10	Factor 7	Score	90	90	70
		Weighted Score 5%	4.5	4.5	3.5

Total Weighted Non-Price Score (30%)	=	26.4	23.7	22.1
Normalised Non-price Score (Max 30)	=	100	100	100

- Robert _____
- 1 Siebert _____
- 2 Rod Haydon _____
- Brian _____
- 3 Benson _____
- 4 Ross Davies _____

SUMMARY OF ASSESSMENT SCORES OF ALL PROPOSALS

				Diona	Ledonne	Arogen	Arogen	Arogen	Arogen
1.0 NON-PRICE CRITERIA									
1.1	Quality Management System	Score		yes	yes	yes	yes	yes	yes
		Weighted Score	Yes/No						
1.2	OH&S Management Accreditation	Score		yes	yes	yes	yes	yes	yes
		Weighted Score	Yes/No						
1.3	Environmental Management Accreditation	Score		yes	yes	yes	yes	yes	yes
		Weighted Score	Yes/No						
1.4	Proposed Subcontractors and Experience	Score	0-100	100.00	100.00	90.00	90.00	90.00	90.00
		Weighted Score	3%	3.00	3.00	2.70	2.70	2.70	2.70
1.5	Proposed Team and Experience	Score	0-100	100.00	100.00	90.00	90.00	90.00	90.00
		Weighted Score	3%	3.00	3.00	2.70	2.70	2.70	2.70
1.6	Proposed Community Consultation	Score	0-100	100.00	100.00	100.00	100.00	100.00	100.00
		Weighted Score	3%	3.00	3.00	3.00	3.00	3.00	3.00
1.7	Experience in Comparable Works	Score	0-100	100.00	100.00	85.00	85.00	85.00	85.00
		Weighted Score	3%	3.00	3.00	2.55	2.55	2.55	2.55
1.8	Proposed Construction Methodology	Score	0-100	100.00	100.00	90.00	90.00	90.00	90.00
		Weighted Score	3%	3.00	3.00	2.70	2.70	2.70	2.70
1.9	Local Content	Score	0-100	100.00	100.00	100.00	100.00	100.00	100.00
		Weighted Score	10%	10.00	10.00	10.00	10.00	10.00	10.00
1.10	References	Score	0-100	100.00	100.00	70.00	70.00	70.00	70.00
		Weighted Score	5%	5.00	5.00	3.50	3.50	3.50	3.50
Total Weighted Non-Price Score =				30.00	30.00	27.15	27.15	27.15	27.15
Normalised Non-Price Score (Max 30) =				1.00	1.00	0.91	0.91	0.91	0.91
2.0 PRICE CRITERIA									
2.1	Tender Schedule of Rate and Lump Sum Items Total	Adjusted Tender Price		\$15,303,175	\$22,422,668	\$19,629,172	\$17,481,449	\$18,363,611	\$18,179,853
		Price Score		117.56	79.21	94.26	105.83	101.07	102.07
		Normalised Score		100.00	67.38	80.18	90.02	85.96	86.82
		Weighted Score	70%	70.00	47.16	56.12	63.01	60.18	60.78
Total Weighted Price Score =				70.00	47.16	56.12	63.01	60.18	60.78
Normalised Price Score (Max 70) =				1.00	0.67	0.80	0.90	0.86	0.87
TOTAL SCORE =				100.00	77.16	83.27	90.96	87.85	87.93
NORMALISED TOTAL SCORE (Max 100) =				1.00	0.77	0.83	0.91	0.88	0.88

Note: Scores Averaged from Individual Sheets

Robert Siebert
Brian Benson

Ross Davies
Rod Haydon

APPENDIX D

Spreadsheet of Weighted, Totaled and Normalized Non Price Scores

NON-PRICE SCORING GUIDELINES

The following shall be used as a guide for scoring each of the Tenderer's proposal against each of the weighted selection criteria.

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PRICE SCORING METHODOLOGY

- Pc = Tenderer's Price
- Pav = Average of all Tenderer's Prices
- Ps = Price Score = $200 - 100 \times (Pc/Pav)$
- Normalised Price
- Pn = Score = $Ps/Ps(max) \times 100$
- Pw = Weighted Price Score = $Pn \times (\% \text{ weighting}/100)$

The above equations shall be used as a method of determining the weighted price score

I agree that the methodology for scoring price and non price criteria is appropriate for the assessment of the tenders.

NON-PRICE SCORING METHODOLOGY

The following is an example of the method to be used to determine the final normalised scores.

NON-PRICE CRITERIA			Factor 1	Factor 2	Factor 3
1.4	Factor 1	Score	90	80	80
		Weighted Score 3%	2.7	2.4	2.4
1.5	Factor 2	Score	80	80	65
		Weighted Score 3%	2.4	2.4	1.95
1.6	Factor 3	Score	90	80	80
		Weighted Score 3%	2.7	2.4	2.4
1.7	Factor 4	Score	80	80	65
		Weighted Score 3%	2.4	2.4	1.95
1.8	Factor 5	Score	90	70	70
		Weighted Score 3%	2.7	2.1	2.1
1.9	Factor 6	Score	90	75	80
		Weighted Score 10%	9	7.5	8
1.10	Factor 7	Score	90	90	70
		Weighted Score 5%	4.5	4.5	3.5

Total Weighted Non-Price Score (30%)	=	26.4	23.7	22.1
Normalised Non-price Score (Max 30)	=	100	100	100

- 1 Robert Siebert
- 2 Rod Haydon
- 3 Brian
- 4 Ross Davies

SUMMARY OF ASSESSMENT SCORES OF ALL PROPOSALS

				Diona	Ledonne	Arogen	Arogen	Arogen	Arogen
1.0 NON-PRICE CRITERIA									
1.1	Quality Management System	Score		yes	yes	yes	yes	yes	yes
		Weighted Score	Yes/No						
1.2	OH&S Management Accreditation	Score		yes	yes	yes	yes	yes	yes
		Weighted Score	Yes/No						
1.3	Environmental Management Accreditation	Score		yes	yes	yes	yes	yes	yes
		Weighted Score	Yes/No						
1.4	Proposed Subcontractors and Experience	Score	0-100	100.00	100.00	90.00	90.00	90.00	90.00
		Weighted Score	3%	3.00	3.00	2.70	2.70	2.70	2.70
1.5	Proposed Team and Experience	Score	0-100	100.00	100.00	90.00	90.00	90.00	90.00
		Weighted Score	3%	3.00	3.00	2.70	2.70	2.70	2.70
1.6	Proposed Community Consultation	Score	0-100	100.00	100.00	100.00	100.00	100.00	100.00
		Weighted Score	3%	3.00	3.00	3.00	3.00	3.00	3.00
1.7	Experience in Comparable Works	Score	0-100	100.00	100.00	85.00	85.00	85.00	85.00
		Weighted Score	3%	3.00	3.00	2.55	2.55	2.55	2.55
1.8	Proposed Construction Methodology	Score	0-100	100.00	100.00	90.00	90.00	90.00	90.00
		Weighted Score	3%	3.00	3.00	2.70	2.70	2.70	2.70
1.9	Local Content	Score	0-100	100.00	100.00	100.00	100.00	100.00	100.00
		Weighted Score	10%	10.00	10.00	10.00	10.00	10.00	10.00
1.10	References	Score	0-100	100.00	100.00	70.00	70.00	70.00	70.00
		Weighted Score	5%	5.00	5.00	3.50	3.50	3.50	3.50
Total Weighted Non-Price Score =				30.00	30.00	27.15	27.15	27.15	27.15
Normalised Non-Price Score (Max 30) =				1.00	1.00	0.91	0.91	0.91	0.91
2.0 PRICE CRITERIA									
2.1	Tender Schedule of Rate and Lump Sum Items Total	Adjusted Tender Price		\$15,303,175	\$22,422,668	\$19,629,172	\$17,481,449	\$18,363,611	\$18,178,853
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		Weighted Score	70%	70.00	47.16	56.12	63.01	60.18	60.78
Total Weighted Price Score =				70.00	47.16	56.12	63.01	60.18	60.78
Normalised Price Score (Max 70) =				1.00	0.67	0.80	0.90	0.86	0.87
TOTAL SCORE =				100.00	77.16	83.27	90.96	87.85	87.93
NORMALISED TOTAL SCORE (Max 100) =				1.00	0.77	0.83	0.91	0.88	0.88

Note: Scores Averaged from Individual Sheets

Robert Siebert
Brian Benson

Ross Davies
Rod Haydon

APPENDIX D

Spreadsheet of Weighted, Totaled and Normalized Non Price Scores

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PRICE SCORING METHODOLOGY

- Pc = Tenderer's Price
- Pav = Average of all Tenderer's Prices
- Ps = Price Score = $200 - 100 \times (Pc/Pav)$
- Normalised Price
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- Pw = Weighted Price Score = $Pn \times (\% \text{ weighting}/100)$

The above equations shall be used as a method of determining the weighted price score

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NON-PRICE SCORING METHODOLOGY

The following is an example of the method to be used to determine the final normalised scores.

NON-PRICE CRITERIA				Factor 1	Factor 2	Factor 3
1.4	Factor 1	Score		90	80	80
		Weighted Score	3%	2.7	2.4	2.4
1.5	Factor 2	Score		80	80	65
		Weighted Score	3%	2.4	2.4	1.95
1.6	Factor 3	Score		90	80	80
		Weighted Score	3%	2.7	2.4	2.4
1.7	Factor 4	Score		80	80	65
		Weighted Score	3%	2.4	2.4	1.95
1.8	Factor 5	Score		90	70	70
		Weighted Score	3%	2.7	2.1	2.1
1.9	Factor 6	Score		90	75	80
		Weighted Score	10%	9	7.5	8
1.10	Factor 7	Score		90	90	70
		Weighted Score	5%	4.5	4.5	3.5

Total Weighted Non-Price Score (30%)	=	26.4	23.7	22.3
Normalised Non-price Score (Max 30)	=	100	100	100

- Robert Siebert _____
- 2 Rod Haydon _____
- Brian _____
- 3 Benson _____
- 4 Ross Davies _____

SUMMARY OF ASSESSMENT SCORES OF ALL PROPOSALS

				Diona	Ledonne	Arogen	Arogen	Arogen	Arogen
1.0 NON-PRICE CRITERIA									
1.1	Quality Management System	Score		yes	yes	yes	yes	yes	yes
		Weighted Score	Yes/No						
1.2	OH&S Management Accreditation	Score		yes	yes	yes	yes	yes	yes
		Weighted Score	Yes/No						
1.3	Environmental Management Accreditation	Score		yes	yes	yes	yes	yes	yes
		Weighted Score	Yes/No						
1.4	Proposed Subcontractors and Experience	Score	0-100	100.00	100.00	90.00	90.00	90.00	90.00
		Weighted Score	3%	3.00	3.00	2.70	2.70	2.70	2.70
1.5	Proposed Team and Experience	Score	0-100	100.00	100.00	90.00	90.00	90.00	90.00
		Weighted Score	3%	3.00	3.00	2.70	2.70	2.70	2.70
1.6	Proposed Community Consultation	Score	0-100	100.00	100.00	100.00	100.00	100.00	100.00
		Weighted Score	3%	3.00	3.00	3.00	3.00	3.00	3.00
1.7	Experience in Comparable Works	Score	0-100	100.00	100.00	85.00	85.00	85.00	85.00
		Weighted Score	3%	3.00	3.00	2.55	2.55	2.55	2.55
1.8	Proposed Construction Methodology	Score	0-100	100.00	100.00	90.00	90.00	90.00	90.00
		Weighted Score	3%	3.00	3.00	2.70	2.70	2.70	2.70
1.9	Local Content	Score	0-100	100.00	100.00	100.00	100.00	100.00	100.00
		Weighted Score	10%	10.00	10.00	10.00	10.00	10.00	10.00
1.10	References	Score	0-100	100.00	100.00	70.00	70.00	70.00	70.00
		Weighted Score	5%	5.00	5.00	3.50	3.50	3.50	3.50
Total Weighted Non-Price Score =				30.00	30.00	27.15	27.15	27.15	27.15
Normalised Non-Price Score (Max 30) =				1.00	1.00	0.91	0.91	0.91	0.91
2.0 PRICE CRITERIA									
2.1	Tender Schedule of Rate and Lump Sum Items Total	Adjusted Tender Price		\$15,303,175	\$22,422,668	\$19,629,172	\$17,481,449	\$18,363,611	\$18,179,853
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		Weighted Score	70%	70.00	47.16	56.12	63.01	60.18	60.78
Total Weighted Price Score =				70.00	47.16	56.12	63.01	60.18	60.78
Normalised Price Score (Max 70) =				1.00	0.67	0.80	0.90	0.86	0.87
TOTAL SCORE =				100.00	77.16	83.27	90.96	87.85	87.93
NORMALISED TOTAL SCORE (Max 100) =				1.00	0.77	0.83	0.91	0.88	0.88

Note: Scores Averaged from Individual Sheets

Robert Siebert
Brian Benson

Ross Davies
Rod Haydon

Report

Subject	Tender No. T2011-20 - Supply of Water Truck
TRIM Record No	BP11/676:T11/20
Prepared by	Fleet Operations Coordinator
Reason	To seek approval from Council for the purchase of a water tanker truck.
Community Strategic Plan Link	Efficient Use of Council Resources

Overview of Report

Several tenders were advertised during March 2011. This report outlines the assessment process and results for a water truck which was part of those tenders.

Background

As part of the 2010/11 Plant Replacement Plan several tenders were called in March 2011. Tenders for two rollers and three trucks were reported to the May 2011 Council meeting, and tenders for two graders were reported to the June Council meeting. A tender for a water truck has now been evaluated and is reported here.

These tenders were conducted under the Local Government Procurement process. Local Government Procurement Pty Ltd CAN 117 201 046 (LGP) was established in June 2006 (and prescribed as a bulk purchasing organisation on 18 August 2006), to provide a fully integrated procurement service to councils in NSW. The company was formed by the Local Government and Shires Associations of NSW on behalf of its members to create a full service procurement operation dedicated to meeting the specific needs of Local Government.

Councils in NSW are required to invite tenders before entering into certain contracts under Section 55 of the *Local Government Act 1993*. However, councils can utilise supply arrangements procured by LGP without the need to go to tender in their own right.

In conducting the tender process LGP aims to undertake processes which reflect best practice in local government procurement and address relevant probity considerations.

Ten Year Plan

Council owns two water carts and according to Council's standard replacement criteria, one truck was due for replacement in 2006 and the other is due in 2012. The 2010/11 Ten Year Replacement Plan included the replacement of the older one, Plant Item 166.

Water cart Plant Item 166 is a Volvo Model FL12 truck with a Hockney water tank.

T2011-20 – Water Cart

This tender is to replace Plant Item 166 which was purchased in 1998 and has 16,000 hours on the clock. Water carts are used in road construction for:

- wetting down to aid compaction,
- in conjunction with a profiler; and
- in gravel road maintenance.

Additional uses are:

- cleaning up after floods,
- watering tree plantings and turf, and
- working with the Rural Fire Service and Town Brigade to provide bulk water.

A water cart is a major item of plant that is essential for these functions.

Submissions to the tender were received from:

1. Volvo Commercial Vehicles, in conjunction with Southeast Agencies - Tanker and Equipment by Peak Engineering
2. Scania Australia Pty Ltd - Tank and Equipment by Barry Burrows Engineering
3. Southside Truck Centre (MAN) - Tank and Equipment by Peak Engineering.

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%

The assessment summary sheet is attached for review but the key criteria are tabled below:

Tender Details	Tender 1 Volvo Commercial Vehicles with Southeast Agencies with Peak Body	Tender 2 Scania Australia Pty Ltd with Barry Burrows Body	Tender 3 Southside Truck Centre with Peak Body
Truck Make	Volvo	Scania	MAN
Truck Model	FM11 410Hp 8x4	P400LB 8x4 MNB	TGS 35.400BL 8.4
Prices incl GST	\$315,643.15	\$321,620.00	\$314,873.12
Transmission: Crawler gear essential for water cart operation	Crawler gear? – Yes.	Crawler gear? – Yes.	Crawler gear? – No.
Power take off (PTO): Needs to be available in a range of gears	PTO can be programmed to operate in all required gears.	PTO can be programmed to operate in all required gears.	PTO operates in two gears.
Suspension and payload: Spring suspension preferred	Spring suspension okay front and rear; no affect on load carrying.	Spring suspension on front reduces load carrying by 1,000kg.	Spring suspension okay front and rear; no affect on load carrying.
Projected payload with	16,299kg	15,265kg	15,908kg

Tender Details	Tender 1 Volvo Commercial Vehicles with Southeast Agencies with Peak Body	Tender 2 Scania Australia Pty Ltd with Barry Burrows Body	Tender 3 Southside Truck Centre with Peak Body
spring suspension: Higher payload is better, more water carried on every fill	Highest payload.	Has lost 1,000kg due to the loss of load sharing on the front axle group.	Middle payload.

Sustainability Assessment

Sustainable Economic Growth and Development

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

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 truck meets Euro 5 emissions standards.

Best-Practice Corporate Governance

Council's fleet replacement program sets out approximate times for the replacement of each plant item. Staff are continuing to work towards bringing the fleet into line with this plan and this item is identified as being overdue for replacement by several years. Operating a ten year plant replacement plan is considered a key best practice activity for councils.

Comments

Finance

The total purchase price of the replacement plant item is approximately \$315,600 (ex GST). This investment will be partially offset by the auction proceeds from the plant item being replaced.

As reported, the replacement of this water cart for a cost of \$310,700 was planned as part of the 2010/11 Plant Replacement Program, hence funding included in the 2010/11 Operational Plan. These funds were not used in 2010/11 and are now held as part of the Fleet Operations Reserve. There are sufficient funds in the reserve to purchase the replacement plant item.

To accommodate the actual expenditure of these funds, the 2011/12 Budget will need to be amended to reflect this capital purchase and offset funding from the Fleet Operations Reserve. This will be reported to Council as part of a future quarterly budget review report after the auction proceeds of the replaced plant item have been received.

Other staff comments

Manager - Works

The existing plant item has been extremely reliable over the years and is an essential plant item when it comes to undertaking road maintenance and construction activities. This plant item is also critical when undertaking cement and lime stabilisation works, associated with road rehabilitation and construction work as the moisture content of the pavement material has to be applied in an even and controlled manner to ensure maximum compaction of the subject material is achieved. Accordingly, the recommendation to purchase a Volvo water truck is strongly supported by the Works Section of Council.

Manager - Commercial Services

The procedure of operating a bulk tender through the Local Government Procurement process for a number of similar/ related items was a trial approach for Council and has proven to be very successful, albeit that it has taken a longer than expected timeframe to finalise this item of the tender. The companies submitting the tenders were highly supportive of the approach and very competitive prices were received across the range of items tendered. A similar approach will be undertaken for the bulk of the 2011/12 replacement program with two tenders planned for trucks and large earthmoving equipment.

Public consultation

Not required.

Conclusion

This water cart is scheduled for replacement this year. By advertising a bulk tender we have been able to reduce workloads, both for the tenderers and Council staff. This component is the last of the bulk tender called earlier in the year.

From the assessment process the recommended purchase is for a Volvo FM11 410hp 8x4 twin steer truck on spring suspension, fitted with a water tank and spraying equipment manufactured by Peak Engineering Transport Services.

Attachment/s

1. Tender Scoring Sheet T2011-20 - Water Tanker Truck

Recommendation

That Council:

1. Purchase from Volvo Commercial Vehicles a Volvo FM11 410hp 8x4 twin steer truck on spring suspension, fitted with a water tank and spraying equipment manufactured by Peak Engineering Transport Services, as tendered on T2011-20 at a total cost of \$315,643.15 plus GST.
2. Sell at auction Plant Item 166, Volvo Model FL12 Truck with a Hockney Water Tank.

Tender T2011-20 - Water Truck

Tender T20111-20 **Description of Tender** 1 8x4 Diesel Powered 17,000L Truck Mounted Water Tanker

Tendered by:	Volvo Commercial Vehicles, in conjunction with Southeast Agencies with Peak Body	Scania Australia Pty Ltd with Barry Burrows Body	Southside Truck Centre with Peak Body
Make:	Volvo	Scania	MAN
Model:	FM11 410Hp 8x4	P400LB8x4MNB	TGS 35.400BL 8x4
Tender Price:	\$315,643.15	\$321,620.00	\$314,873.12

	Criteria	Weighting from Tender Docs	Tender 1		Tender 2		Tender 3	
			Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated
1	Total Price (out of 10; against average)	40%	6.8	2.73	6.8	2.70	6.8	2.73
2	Capability and Experience (out of 10)	40%	6.4	2.55	5.9	2.35	4.4	1.75
3	Quality and Safety (out of 10)	5%	7.3	0.37	6.3	0.32	6.7	0.33
4	Environment and Community (out of 10)	5%	7.0	0.35	7.0	0.35	7.0	0.35
5	Local Content Minimum 10% (Out of 10)	10%	6.7	0.67	6.3	0.63	8.0	0.80
		100%		6.66		6.35		5.97
	Overall score out of 100			66.61		63.54		59.65

Report

Subject	Lismore Business Promotion Panel Nominations
TRIM Record No	BP11/759:EF09/1902
Prepared by	City Centre Manager
Reason	For Council to appoint an additional member(s) to the Lismore Business Promotion Panel following a resignation
Community Strategic Plan Link	Sustainable Economic Growth and Development

Overview of Report

This report seeks Council's appointment of a single position on the Lismore Business Promotion Panel (LBPP), which is to replace the former position of Michael Timbrell, Secretary, Lismore Turf Club who resigned on 26 September 2011 due to his resignation from the Lismore Turf Club.

The purpose of the LBPP is to provide support, direction and guidance for the Lismore Promotion Program and the City Centre Manager, as adopted in the City Centre Management Business Plan 2011-2013).

Background

All registered businesses and property owners in the Lismore Urban Area directly or indirectly contributing to the Lismore Promotion Program were sent forms inviting them to nominate for one vacated position on the Lismore Business Promotion Panel (LBPP). By the closing date for nominations, Friday 23 September 2011, 3 written nominations were submitted.

The nominations (Attachments 1 – 3) are listed as follows:

	Name	Company	Industry Sector	Geographic Location of the Business	Business or Property Owner
1	Jaime Bates	Baby Bella	Retail – baby	Inner CBD	Business
2	Hayley Brown	Horn's Gas Centre, South Lismore	Construction	Outer CBD	Business
3	Michael Hadden	Chandlers – Betta Electrical	Retail - furniture, electrical and homewares	Inner CBD	Business and property owner

Criteria for selection

Each of the Nominations were assessed using the following criteria

- Proof of business operation or property ownership in the Lismore Urban Area
- Evidence of relevant business / commercial / professional experience
- Stated reasons for nominating
- Understanding of the Lismore Promotion Program and its aims and objectives
- Experience in serving of boards and committees
- Assessment of the likely contribution (skills and personal attributes) the candidate could bring to the LBPP.

Recommended appointees – Lismore Business Promotion Panel

	Name	Interest in the initiative and strengths to be brought to the process
1	Hayley Brown	<ul style="list-style-type: none"> • Currently owns and manages Horn's Gas Centre based in South Lismore, • Has a Bachelor of Business, Southern Cross University, • Provides a new perspective as the business is construction and services, plus is located outside the CBD.
2	Michael Haddin	<ul style="list-style-type: none"> • Owns and manages Chandlers Betta Electrical in Lismore, in addition to the Casino store, • Has served on the LBPP previously as the Lismore Chamber of Commerce representative and been a valuable addition to the Panel, • He was also on the advisory group prior to the formation of the LBPP, • Has strong retail experience and understanding of the economic climate from the region through this business and as such can provide invaluable insights into the regional retail impact of some LBPP key campaigns and sponsored events.

Proposal

We are requesting that the LBPP membership be increased by one position which would result in two new appointments.

These two representatives, Hayley Brown and Michael Haddin, bring the skills and knowledge required to assist the City Centre Manager achieve the vision and objectives outlined in the Lismore City Council adopted ***Lismore Promotion Program Business Plan 2011 – 2013***.

Hayley has business experience in the construction industry and will provide a new insight into the LBPP activities. Furthermore, Hayley owns and manages a business outside of the City Centre, which will enable her to represent businesses in this area on the Panel.

Michael has extensive experience in retail trade and has been a member of the Lismore Chamber of Commerce Board and the LBPP. His large retail business is based in the City Centre, with another store in Casino, which together service the Northern Rivers region enabling him to provide valuable insights into activities of other city centres, the retail sector and the local economic climate.

Both Hayley and Michael would be an asset to the Lismore Business Promotion Panel and thus benefit Lismore's City Centre.

Sustainability Assessment

Sustainable Economic Growth and Development

Recruitment of the new members to the LBPP will enhance the capacity of the Lismore community while enabling more effective engagement with Council. This increased capacity will ultimately strengthen the community's sustainability while enhancing economic outcomes.

Social Inclusion and Participation

Filling the vacant membership will enable a full complement of members to provide support, direction and guidance to the Lismore Business Promotion Program, (including the activities of the City Centre Manager and City Centre Management Program as adopted in the Business Marketing Plan 2011-2013).

Protect, Conserve and Enhance the Environment and Biodiversity

Strengthening of the LBPP through this current member recruitment creates a robust mechanism through which environmental and biodiversity concerns of the community can be communicated to Council.

Best-Practice Corporate Governance

The LBPP provides a method for members to make a contribution to the Lismore Business Promotion Program demonstrating transparency and inclusion to the Lismore community.

Comments

Finance

Not required.

Public consultation

An invitation to nominate was distributed to all registered businesses and property owners within the Lismore Urban Area, directly or indirectly contributing to the Lismore Promotion Program, via email on 8 September 2011. Also, a call for nominations was advertised in the Northern Rivers Echo 8 September 2011.

At the close of nominations on 23 September 2011 a total 3 written nominations had been received.

Conclusion

Hayley Brown is recommended to fill the vacancy on the LBPP as she owns and manages a business outside the City Centre and represents the construction and services industry which relevant to achieving the vision and objectives outlined in the Lismore City Council adopted **Lismore Business Promotion Program Business Marketing Plan 2011 – 2013**.

Michael Haddin is also recommended to be appointed to LBPP as he owns and manages a large retail business inside the City Centre with regional expertise and brings demonstrated skills and knowledge, and previous LBPP experience, relevant to achieving the vision and objectives outlined in the Lismore City Council adopted **Lismore Business Promotion Program Business Marketing Plan 2011 – 2013**.

Of note, all LBPP members (including these two if appointed) are for the term of this Council. The additional recommended member will take the LBPP numbers from 8 to 9. This is still a manageable number.

Attachment/s

1. Nomination, Lismore Business Promotion Panel - Jaime Bates
2. Nomination, Lismore Business Promotion Panel - Hayley Brown
3. Nomination, Lismore Business Promotion Panel - Michael Haddin

Recommendation

That both Hayley Brown and Michael Haddin be appointed as members of the Lismore Business Promotion Panel resulting in a total membership of nine.



Lismore Business Promotion Panel

NOMINATION FORM

Name: Mrs Jaime Bates

Property owner
OR
 Business owner / Manager

Business name: Baby Bella Australia 119 450 010 (ACN)

Business Registration No. or ACN No. 98 119 450 010 (ABN)

Business location: 126 Woodlark Street Lismore NSW 2480

Contact Address: Po Box 4049, Goonellabah NSW 2480.

Phone: (02) 66213188 Email: babybellaaustr@aol.com.au.

Your business category:
(Please tick one box that most closely represents the industry sector for your business)

<input checked="" type="checkbox"/> Retail Trade	<input type="checkbox"/> Health and Community Services	<input type="checkbox"/> Education
<input type="checkbox"/> Accommodation, Cafés and Restaurants	<input type="checkbox"/> Finance and Insurance	<input type="checkbox"/> Agriculture, Forestry and Fishing
<input type="checkbox"/> Property and Business Services	<input type="checkbox"/> Cultural and Recreational Services	<input type="checkbox"/> Electricity, Gas and Water Supply
<input type="checkbox"/> Manufacturing	<input type="checkbox"/> Personal and Other Services	<input type="checkbox"/> Mining
<input type="checkbox"/> Construction	<input type="checkbox"/> Communication Services	<input type="checkbox"/> Other: (please specify)
<input type="checkbox"/> Wholesale Trade	<input type="checkbox"/> Transport and Storage	

Please outline your interest in this initiative and what you believe you will bring to the process:

At a time when retail trade is struggling with change associated with online shopping, I think it's a critical time to ensure Lismore businesses are well-presented, well informed and supported. I'm proud to say I'm a young business woman who is embracing this change whilst working on ways to ensure my own retail store stays relevant and in demand. I love Lismore and want to ensure our town remains a buzzing retail hub.

Signed: Jaime Date: 9/9/11

Please fax back to (02) 6621 0400 before 4.30pm Friday 23 September 2011

09/09 2011 09:15am

HORNS GAS SERVICE

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Page 01/01



Lismore Business Promotion Panel

NOMINATION FORM

Name: Hayley Brown

Property owner
OR
 Business owner / Manager

Business name: Horn's Gas Service

Business Registration No. or ACN No. 28 680 238 237

Business location: South Lismore

Contact Address: PO Box 1282 - Lismore

Phone: (02) 66223085 Email: anselute@dandm@ymail.com

Your business category:
(Please tick one box that most closely represents the industry sector for your business)

<input type="checkbox"/> Retail Trade	<input type="checkbox"/> Health and Community Services	<input type="checkbox"/> Education
<input type="checkbox"/> Accommodation, Cafés and Restaurants	<input type="checkbox"/> Finance and Insurance	<input type="checkbox"/> Agriculture, Forestry and Fishing
<input type="checkbox"/> Property and Business Services	<input type="checkbox"/> Cultural and Recreational Services	<input type="checkbox"/> Electricity, Gas and Water Supply
<input checked="" type="checkbox"/> Manufacturing	<input type="checkbox"/> Personal and Other Services	<input type="checkbox"/> Mining
<input checked="" type="checkbox"/> Construction	<input type="checkbox"/> Communication Services	<input type="checkbox"/> Other: (please specify)
<input type="checkbox"/> Wholesale Trade	<input type="checkbox"/> Transport and Storage	

Please outline your interest in this initiative and what you believe you will bring to the process:

I have a degree in Business from SCU and have lived in the Lismore region for most of my life. I see Lismore as an area with great potential. I can bring a fresh young and enthusiastic aspect to promoting Lismore. There are many positives to investing in Lismore and I believe I can contribute to building a strong and sustainable city centre for years to come.

Signed: [Signature] Date: 9/9/11

Please fax back to (02) 6625 0400 before 4:30pm Friday 23 September 2011



Lismore Business Promotion Panel NOMINATION FORM

Name: Michael Haddin

Property owner
OR
 Business owner / Manager

Business name: Chandlers Betta Home Living Lismore

Business Registration No. or ACN No. 37 000 921 620

Business location: Lismore

Contact Address: 65 Woodlark Street

Phone: (02) 6621 3003 Email: Lismore@my.betta.com.au

Your business category:
(Please tick one box that most closely represents the industry sector for your business)

<input checked="" type="checkbox"/> Retail Trade	<input type="checkbox"/> Health and Community Services	<input type="checkbox"/> Education
<input type="checkbox"/> Accommodation, Cafés and Restaurants	<input type="checkbox"/> Finance and Insurance	<input type="checkbox"/> Agriculture, Forestry and Fishing
<input type="checkbox"/> Property and Business Services	<input type="checkbox"/> Cultural and Recreational Services	<input type="checkbox"/> Electricity, Gas and Water Supply
<input type="checkbox"/> Manufacturing	<input type="checkbox"/> Personal and Other Services	<input type="checkbox"/> Mining
<input type="checkbox"/> Construction	<input type="checkbox"/> Communication Services	<input type="checkbox"/> Other: (please specify)
<input type="checkbox"/> Wholesale Trade	<input type="checkbox"/> Transport and Storage	

Please outline your interest in this initiative and what you believe you will bring to the process:

As a previous member of the LBPP representing the Chamber of Commerce I feel that I have had a lot of input into all the promotional activity and support for the City Centre Manager from day 1 of the board being formed, therefore I would like to continue as a board member, as a manager of a large Retail Business both in Lismore and Casino stores and enjoying the challenge of being a part of the LBPP and retail.

Signed:  Date: 16-9-2011

Please email this form to council@lismore.nsw.gov.au or fax back to (02) 6625 0400 before COB Friday 23 September 2011

Report

Subject	Integrated Waste and Resource Recovery Strategy
TRIM Record No	BP11/764:EF09/1618
Prepared by	Education/Development Officer
Reason	Seek adoption of the Integrated Waste and Resource Recovery Strategy.
Community Strategic Plan Link	Integrated Waste Cycle Management

Overview of Report

A new 10 year integrated waste strategy was presented to Council at the May 2011 meeting. The strategy identifies activities that aim to reduce the volume of waste to landfill in line with State Government targets and provides Lismore residents with longer term local waste disposal options. The strategy was put on public exhibition for 28 days in June 2011 and no submissions were received.

Background

A new 10 year Integrated Waste and Resource Recovery Strategy was presented to Council in May 2011. 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
- Improvement 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 Waste Avoidance and Resource Recovery (WARR) targets and maintain Lismore at the forefront of waste management practices in the State.

The strategy was put on public exhibition for 28 days and during that time no submissions were received.

No changes have been made to the strategy.

Funds have been allowed for in the 2011/12 Budget and the delivery plan based on the costing estimates within the strategy.

Planning is being undertaken for the strategies to commence to be delivered in 2011/12. Tenders will be called in due course for some of the strategies, while others will proceed as part of normal waste operations.

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

Funding to commence implementation of the Integrated Waste and Resources Strategy has been included in the 2011/12 Operational Plan and ongoing funding will be required to fully implement.

A number of the strategy initiatives have been included in Council's 2010-2014 Delivery Plan. As such, these are already planned to be implemented, but this commitment is reassessed from a financial perspective each year as part of the annual operational plan process.

Other staff comments

Not required

Public consultation

Council placed the Integrated Waste and Resource Recovery Strategy on exhibition for a 28 day period in June 2011 for community members to provide comment on the strategy by way of written submission. During this period no submissions were received.

Conclusion

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

Recommendation

That Council adopt the Integrated Waste and Resource Recovery Strategy.

Report

Subject	Disclosure of Pecuniary Interest Returns 2010/11
TRIM Record No	BP11/766:EF09/645
Prepared by	Corporate Compliance Coordinator
Reason	Required by the Division of Local Government to meet the guidelines
Community Strategic Plan Link	Best-Practice Corporate Governance

Overview of Report

Compliance with guidelines from the Division of Local Government associated with the completion of Pecuniary Interest Returns.

Background

The Division of Local Government has issued a set of guidelines associated with the administrative process of the completion of Pecuniary Interest Returns. Part of these guidelines requires that such Returns are tabled at a Council meeting.

In accordance with the Procedure, the Returns for Councillors and designated staff are tabled.

Sustainability Assessment

Best-Practice Corporate Governance

The submission of this report tabling the Pecuniary Interest Returns for 2010/11 meets Council's statutory requirements.

Attachment/s

There are no attachments for this report.

Recommendation

That the report be received and the tabled Pecuniary Interest Return be acknowledged.

Report

Subject	Investments - September 2011
TRIM Record No	BP11/477:EF09/2216
Prepared by	Management Accountant
Reason	Required by Local Government Act 1993, Local Government (General) Regulation 2005 and Council's Investment Policy
Community Strategic Plan Link	Best-Practice Corporate Governance

Overview of Report

Investments as at 30 September 2011 are estimated to be \$44,023,835 subject to final market valuations typically provided after month end.

The interest rate reported for September 2011 is estimated to be 5.58% which is above the Bank Bill Swap Rate for the period of 4.81%. 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 submitted 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 August 2011</i> | <i>\$42,092,804</i> |
| • <i>Estimated Investments – at Market Value – 30 September 2011</i> | <i>\$44,023,835</i> |

Investments have increased by approximately \$3.5m since the August 2011 Investment Report. The main reason for this increase is the receipt of 1st rate instalments due by 31 August 2011.

The current rate of return on investments for September 2011 is estimated to be 5.58% which is above the Bank Bill Swap Rate for the period of 4.81%. 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. A capital contribution of \$225,789.07 was received in early September 2011.

The estimated interest earned for September 2011 is favourable compared to the pro rata Budget. This will be monitored as financial markets still appear to be factoring in a slowing of the economy and hence a drop in the prevailing interest rates. If a variance is certain, it will be reported to Council as part of the quarterly budget reporting process.

Quarterly Investment Report

Each quarter Council's independent investment advisors, CPG Research and Advisory, prepare a Quarterly Investment Report on the investment holdings compared to the Target Credit Quality, Counterparty Exposure, Target Asset Allocation and Target Maturity Profile. The report for the June Quarter indicates strong compliance to the Policy after the lack of liquidity in some investments is taken into consideration. Councillors have been provided with a copy of this report with a brief summary of the contents.

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

Manager - Finance (Responsible Accounting Officer)

All investments 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.

Relevant comments have been included in the report where required 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 September 2011, investments are estimated to total \$44,023,835 and the annualised rate of return is estimated at 5.58%.

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 September 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)	
Cash Based Returns									
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	27/09/2011	\$ 2,050,500	\$ 2,050,500	
Macquarie Cash Management Trust	Cash Management Account	Cash	High	1/9/2006	N/A	27/09/2011	\$ 267,974	\$ 267,974	
UBS Cash Management Trust	Cash Management Account	Cash	High	N/A	N/A	27/09/2011	\$ 456,589	\$ 456,589	
AMP Easysaver Account	Cash Management Account	Cash	High	N/A	N/A	27/09/2011	\$ 2,000,000	\$ 2,000,000	
Local Government Financial Services	Cash Management Account	Cash	High	N/A	N/A	31/08/2011	\$ 226,993	\$ 226,993	
Credit Union Australia (CUA)	Term Deposit	A-2	High	6/9/2011	6/10/2011	6/09/2011	\$ 2,000,000	\$ 2,000,000	
IMB Banking & Financial Services	Term Deposit	A-2	High	12/8/2011	13/10/2011	12/08/2011	\$ 2,000,000	\$ 2,000,000	
Suncorp Bank	Term Deposit	A-1	High	15/8/2011	14/10/2011	15/08/2011	\$ 2,000,000	\$ 2,000,000	
People's Choice Credit Union	Term Deposit	Not Rated (Note 7)	High	26/9/2011	26/10/2011	26/09/2011	\$ 2,000,000	\$ 2,000,000	
Bankwest	Term Deposit	AA	High	6/9/2011	7/11/2011	6/09/2011	\$ 2,000,000	\$ 2,000,000	
Newcastle Permanent	Term Deposit	A-2	High	19/8/2011	17/11/2011	19/08/2011	\$ 2,000,000	\$ 2,000,000	
Bank of Cypress (Australia) Ltd	Term Deposit	Not Rated (Note 7)	High	6/9/2011	6/12/2011	6/09/2011	\$ 2,000,000	\$ 2,000,000	
National Australia Bank	Term Deposit	A1+	High	7/12/2010	7/12/2011	7/12/2010	\$ 2,000,000	\$ 2,000,000	
Bank of Queensland	Term Deposit	A-2	High	8/9/2011	7/12/2011	8/09/2011	\$ 2,000,000	\$ 2,000,000	
ME Bank	Term Deposit	A-2	High	6/7/2011	4/1/2012	6/07/2011	\$ 2,000,000	\$ 2,000,000	
Southern Cross Credit Union	Term Deposit	Not Rated (Note 7)	High	13/7/2011	9/1/2012	13/07/2011	\$ 2,000,000	\$ 2,000,000	
Heritage Building Society Ltd	Term Deposit	A-2	High	14/7/2011	10/1/2012	14/07/2011	\$ 1,000,000	\$ 1,000,000	
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
Wide Bay Australia Ltd	Term Deposit	A3	High	26/9/2011	26/3/2012	26/09/2011	\$ 2,000,000	\$ 2,000,000	
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	
Australian Defence Credit Union	Term Deposit	Not Rated (Note 7)	High	7/6/2011	6/6/2012	7/06/2011	\$ 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
RaboDirect (Rabobank Australia Ltd)	Term Deposit	A1+	High	8/6/2011	6/6/2013	8/06/2011	\$ 1,000,000	\$ 1,000,000	
Investec Bank (Australia)	Term Deposit	A2	High	20/6/2011	19/6/2013	20/06/2011	\$ 1,000,000	\$ 1,000,000	
Queensland Teachers' Credit Union Ltd	Term Deposit	Not Rated (Note 7)	High	20/6/2011	19/6/2013	20/06/2011	\$ 1,000,000	\$ 1,000,000	
Corsair (Torquay)	Floating Rate CDO	CCC-	Low	1/9/2006	20/6/2013	30/06/2010	\$ 20,000	\$ 20,000	Note 5
Zircon (Merimbula)	Floating Rate Note	Early Termination	Low	1/9/2006	20/6/2013	30/06/2010	\$ -	\$ -	Note 5
Queensland Teachers' Credit Union Ltd	Term Deposit	Not Rated (Note 7)	High	14/7/2011	15/7/2013	14/07/2011	\$ 1,000,000	\$ 1,000,000	

**Capital Value Movements
Summary of Investments held as at
30 September 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
Investec Bank (Australia)	Term Deposit	A2	High	12/5/2011	12/5/2014	12/05/2011	\$ 1,000,000	\$ 1,000,000	
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 (Glenelg)	Floating Rate CDO	CCC-	Low	1/9/2006	22/12/2014	30/06/2010	\$ 100,000	\$ 100,000	Note 5
Zircon (Miami)	Floating Rate CDO	Early Termination	Low	1/9/2006	20/3/2017	30/06/2010	\$ -	\$ -	Note 5
Investment on Hand							\$ 43,757,103	\$ 44,023,835	

Investments Redeemed during period (Note 6)

Credit Union Australia (CUA)	Term Deposit	A-2	High	7/3/2011	5/9/2011	7/03/2011	\$ 2,000,000	\$ 2,000,000
Bank of Cypress (Australia) Ltd	Term Deposit	Not Rated (Note 7)	High	7/6/2011	5/9/2011	7/06/2011	\$ 2,000,000	\$ 2,000,000
Bank of Queensland	Term Deposit	A-2	High	9/8/2011	8/9/2011	9/08/2011	\$ 2,000,000	\$ 2,000,000

\$ 49,757,103 \$ 50,023,835

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	33,691,441
Internally Restricted	10,332,394
	<u>\$ 44,023,835</u>

**Estimated Interest
Summary of Investments held as at
30 September 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
Cash Based Returns						
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	4.35%	\$ 2,050,500	\$ 7,331	0.22%
Macquarie Cash Management Trust	Cash Management Account	Cash	4.75%	\$ 267,974	\$ 1,046	0.03%
UBS Cash Management Trust	Cash Management Account	Cash	3.82%	\$ 456,589	\$ 1,434	0.04%
AMP Easysaver Account	Cash Management Account	Cash	5.60%	\$ 2,000,000	\$ 9,205	0.28%
Local Government Financial Services	Cash Management Account	Cash	4.65%	\$ 226,993	\$ 868	0.03%
Credit Union Australia (CUA)	Term Deposit	A-2	5.60%	\$ 2,000,000	\$ 7,671	0.23%
IMB Banking & Financial Services	Term Deposit	A-2	5.80%	\$ 2,000,000	\$ 9,534	0.29%
Suncorp Bank	Term Deposit	A-1	5.80%	\$ 2,000,000	\$ 9,534	0.29%
People's Choice Credit Union	Term Deposit	Not Rated (Note 7)	5.60%	\$ 2,000,000	\$ 1,227	0.04%
Bankwest	Term Deposit	AA	5.65%	\$ 2,000,000	\$ 7,430	0.23%
Newcastle Permanent	Term Deposit	A-2	5.86%	\$ 2,000,000	\$ 9,633	0.29%
Bank of Cypress (Australia) Ltd	Term Deposit	Not Rated (Note 7)	6.05%	\$ 2,000,000	\$ 7,956	0.24%
National Australia Bank	Term Deposit	A1+	6.60%	\$ 2,000,000	\$ 10,849	0.33%
Bank of Queensland	Term Deposit	A-2	5.85%	\$ 2,000,000	\$ 7,052	0.21%
ME Bank	Term Deposit	A-2	6.15%	\$ 2,000,000	\$ 10,110	0.31%
Southern Cross Credit Union	Term Deposit	Not Rated	6.30%	\$ 2,000,000	\$ 10,356	0.31%
Heritage Building Society Ltd	Term Deposit	A-2	6.10%	\$ 1,000,000	\$ 5,014	0.15%
Summerland Credit Union	Term Deposit	A-2	6.35%	\$ 1,000,000	\$ 5,219	0.16%
Magnolia (Flinders)	Floating Rate CDO	BB-	6.49%	\$ 255,000	\$ 1,600	0.04%
Wide Bay Australia Ltd	Term Deposit	A3	5.75%	\$ 2,000,000	\$ 1,260	0.04%
ING Bank Australia Limited	Term Deposit	A1+	6.31%	\$ 2,000,000	\$ 10,373	0.31%
RaboDirect (Rabobank Australia Ltd)	Term Deposit	A1+	6.60%	\$ 1,000,000	\$ 5,425	0.16%
Australian Defence Credit Union	Term Deposit	Not Rated	6.55%	\$ 1,000,000	\$ 5,384	0.16%
Omega (Henley)	Floating Rate CDO	CCC	5.78%	\$ 280,000	\$ 1,900	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%
RaboDirect (Rabobank Australia Ltd)	Term Deposit	A1+	6.70%	\$ 1,000,000	\$ 5,507	0.17%
Investec Bank (Australia)	Term Deposit	A2	6.52%	\$ 1,000,000	\$ 5,359	0.16%
Queensland Teachers' Credit Union Ltd	Term Deposit	Not Rated	6.40%	\$ 1,000,000	\$ 5,260	0.16%
Corsair (Torquay)	Floating Rate CDO	CCC-	0.00%	\$ 20,000	\$ -	0.00%

Note 1,3

**Estimated Interest
Summary of Investments held as at
30 September 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
Zircon (Merimbula)	Floating Rate Note	Early Termination	0.00%	\$ -	\$ -	0.00%
Queensland Teachers' Credit Union Ltd	Term Deposit	Not Rated	6.40%	\$ 1,000,000	\$ 5,280	0.16%
Corsair (Kakadu)	Floating Rate CDO	CCC-	6.39%	\$ 125,000	\$ 2,626	0.02%
Longreach - Series 25	Equity Linked Investment	A+	0.00%	\$ 759,450	\$ -	0.00%
Investec Bank (Australia)	Term Deposit	A2	7.49%	\$ 1,000,000	\$ 6,156	0.19%
Helium (Scarborough)	Floating Rate CDO	CCC-	6.83%	\$ 16,000	\$ 1,123	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-	6.68%	\$ 100,000	\$ 2,745	0.02%
Zircon (Miami)	Floating Rate CDO	Early Termination	0.00%	\$ -	\$ -	0.00%
Investment on Hand				\$ 44,023,835	\$ 183,750	5.39%

Note 2,5

Note 4

Investments Redeemed during period

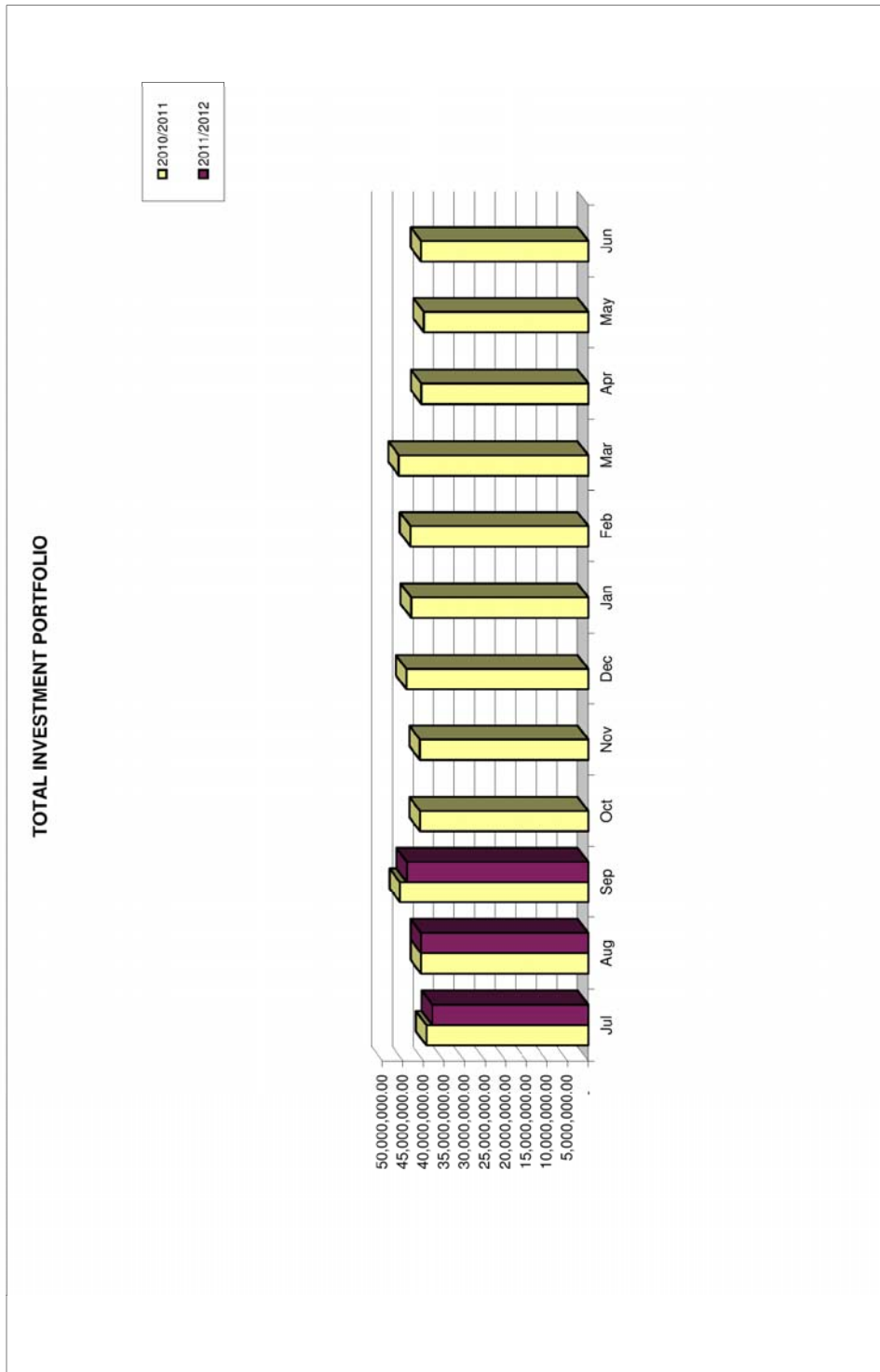
Credit Union Australia (CUA)	Term Deposit	A-2	6.29%	\$ 2,000,000	\$ 1,723	0.05%
Bank of Cypress (Australia) Ltd	Term Deposit	Not Rated	6.16%	\$ 2,000,000	\$ 1,688	0.05%
Bank of Queensland	Term Deposit	A-2	5.85%	\$ 2,000,000	\$ 2,564	0.08%

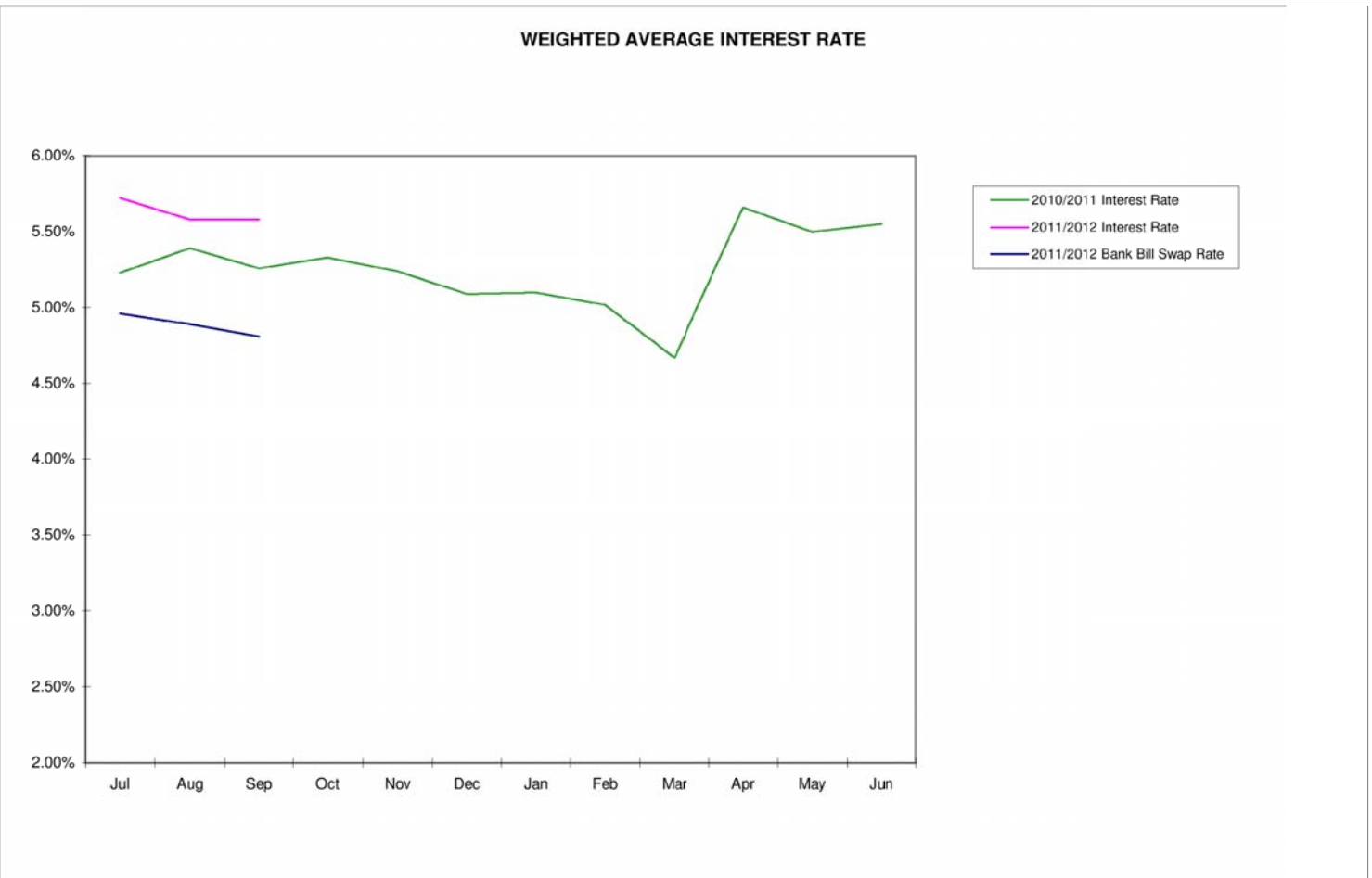
	30/9/2011	5.58%
	\$ 50,023,835	\$ 189,725

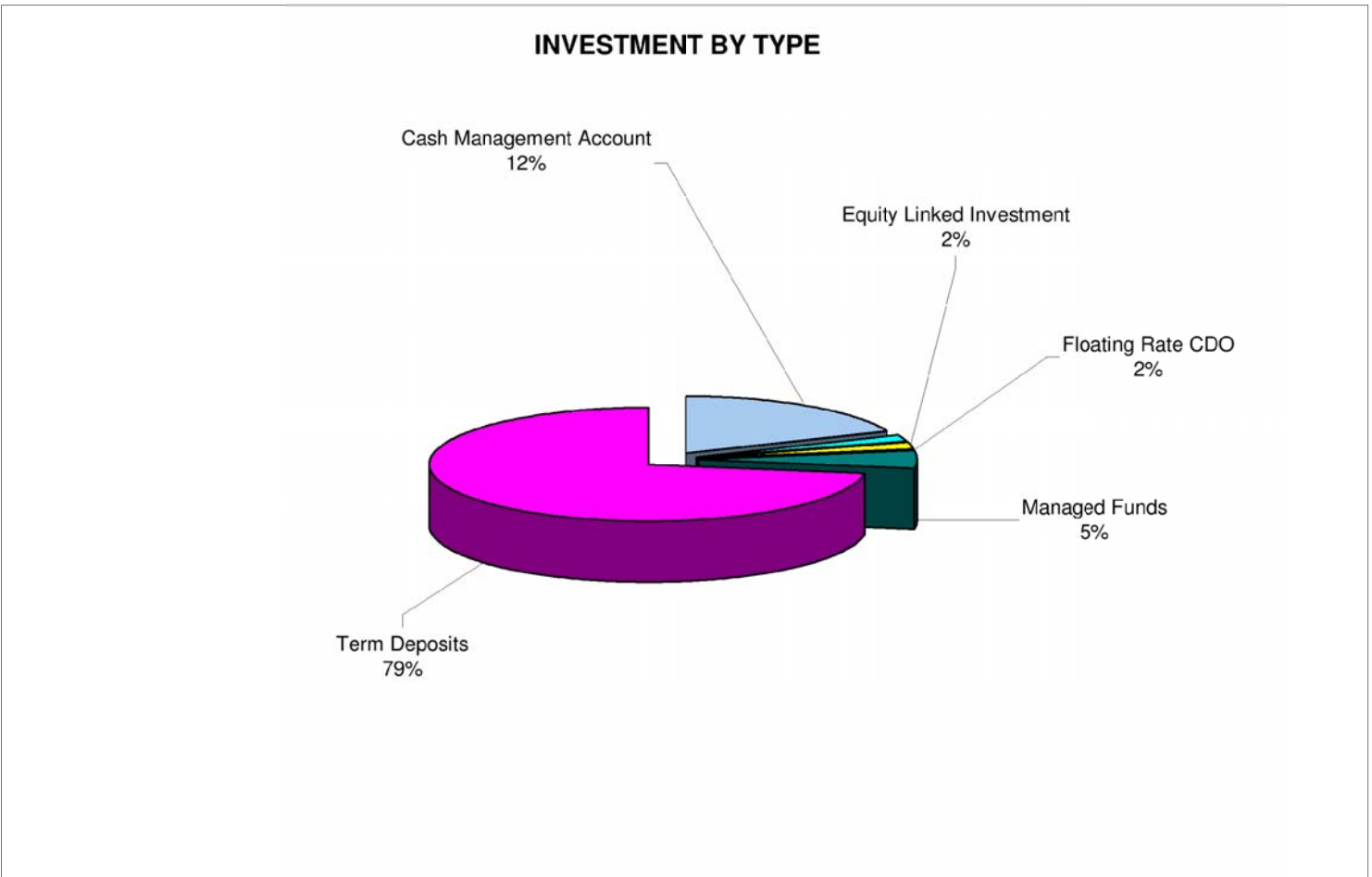
Investment Income Earned vs. Budget Year to Date

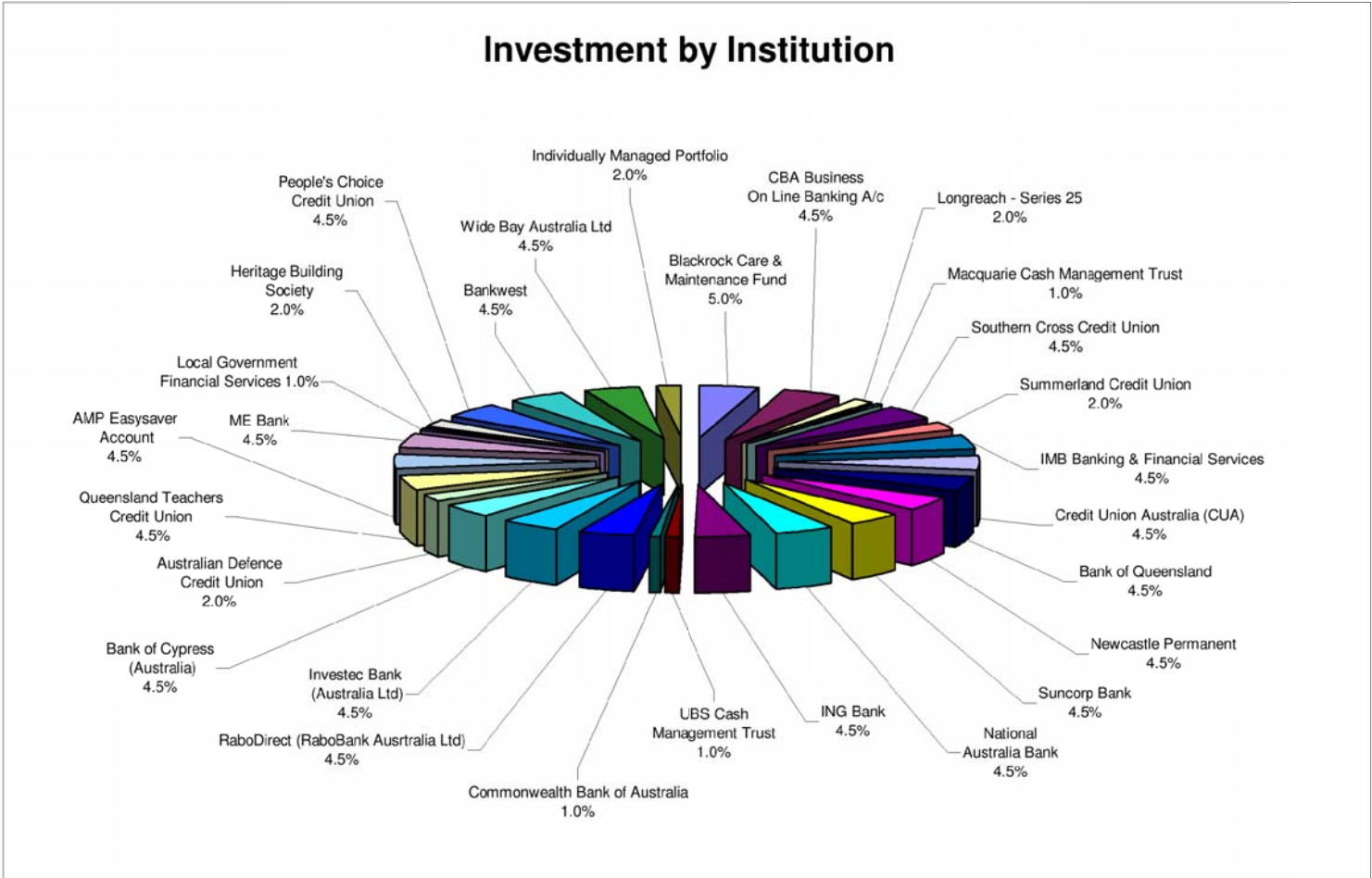
Estimated interest earned to date	\$ 567,727
Pro Rata annual budget	\$ 390,700

- 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.









Committee Recommendations



Committee Recommendation

Traffic Advisory Committee

Attachment/s

1. Traffic Advisory Committee Minutes 21 September 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 CBD CENTRE, 55 MAGELLAN STREET, LISMORE, ON WEDNESDAY, 21 SEPTEMBER 2011 AT 10.00AM.

Present

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

In Attendance

Scott Turner (*Manager-Assets*) and Bill MacDonald (*Traffic & Emergency Services Co-ordinator*).

Apologies

TAC84/11 Thomas George, MP (*Member for Lismore*).

Confirmation of Minutes

TAC85/11 The Committee was advised that the minutes of the Traffic Advisory Committee meeting held on 17 August 2011 were confirmed by Council on 13 September 2011.

Disclosure of Interest

NIL

Part 'A' – Committee Recommendations

Bolt Barn Lismore – Parking outside 183 Union Street

Requesting signs stating Half Hour Parking Mon-Fri and Saturday mornings be erected outside its premises as every time there is a carnival at Riverview Park or a large funeral at Our Lady Help of Christians Church, the business becomes parked out.

(CI11/22659:R6938-04)

Onsite discussions were held with representatives of the Bolt Barn, Summerland Tool Supplies and Frigid Air which have adjoining properties and all have expressed concerns relating to the lack of available parking for their customers as well as access to their properties, particularly when carnivals or services are being held at the nearby Riverview Park or Church.

The introduction of half hour parking adjacent to the Bolt Barn in Cromer Street as well as in Union Street from Cromer Street to the southern boundary of Frigid Air at 187 Union Street would ensure continuity in the availability of parking and is supported by all three businesses.

Bolt Barn Lismore – Parking outside 183 Union Street (Cont'd)

TAC86/11

Recommended:

- 1 That half hour parking be introduced on the southern side of Cromer Street from Union Street to 2m east of the driveway to the Bolt Barn.
- 2 That half hour parking be introduced on the western side of Union Street from Cromer Street to the southern boundary of 187 Union Street.
- 3 That the issue of parking management during events at Riverview Park be referred to Council's Parks and Design Services Sections with a view to developing a generic parking plan that could be distributed to Riverview Park hirers when application was being made.

Jordy Murphy – Motorcycle Parking in Crowther Car Park adjacent to Richmond Lane

Suggesting the area that has been painted out could be better utilised as a dedicated motorcycle park with a bike rack/pole to provide a point for motorcycles to be secured to.
(CI11/24794:EF09/1586)

Access to the area in question is difficult due to parking bays on two sides and a wall on another side. The only direct access is via the footpath and is not guaranteed due to existing onstreet parking on the eastern side of Keen Street unless the rider rode along the footpath.

Specific parking for motorcycles already exists in Magellan Street, until recently in Woodlark Street and in Clyde Campbell Car Park and although they are in period parking areas, are generally under-utilised. It is doubtful that demand for additional parking for motorcycles is sufficient to warrant the construction of suitable access which would necessitate the removal of at least one onstreet parking space bearing in mind that existing parking within the public carpark in question is hardly ever used by motorcyclists.

However, as indicated the existing motorcycle parking in Clyde Campbell Car Park is not used and it is suggested that the 2 hour limit could be removed to allow all day parking in this specific area. This would allow monitoring of potential demand and the need for any additional areas.

TAC87/11

Recommended that the time limit on the existing motorcycle parking area in the Clyde Campbell Car Park be removed to allow all day parking.

Forbes Lane One Way and Parking Restrictions Proposal

As part of the consultation process prior to the reconstruction of Conway Street it had been suggested that Council consider the introduction of one-way traffic flow and further parking restrictions in Forbes Lane.
(R6065)

As a result, a letter and survey were sent out to all residents and property owners whose properties adjoined Forbes Lane in order to gauge support or otherwise for the proposal.

Of the seven (7) responses received, four (4) agreed with Council's suggestion for one-way south-bound, one (1) preferred north-bound and two (2) disagreed. Six (6) respondents agreed that further parking restrictions were required and one (1) disagreed.

Forbes Lane One Way and Parking Restrictions Proposal (Cont'd)

Preference for south-bound traffic flow is supported due to several factors, including the need to consider the amount of non local traffic that would be forced down Forbes Lane from the car wash as well as the potential for rear end accidents on Ballina Road involving motorists slowing to turn into Forbes Lane.

Whilst restriction on parking on the southern half of Forbes Lane is not as critical, there is a need to ensure parking is restricted on both sides of Forbes Lane from Conway Street, down to the end of the North Coast Livestock Health and Pest Authority building.

TAC88/11 Recommended:

- 1 That the proposal for one-way traffic flow south-bound (Conway Street to Ballina Road) in Forbes Lane be advertised and if no further objections are received it be implemented.
- 2 That 'No Stopping' be introduced on both sides of Forbes Lane from Conway Street down to and in line with the rear of the building at 79 Conway Street.

DA11/223 – The Siddhartha School, 273 Lindendale Road

Council has received a development application for a proposed single stream primary school at the existing health farm at the above address. (DA11/223)

The Mayor declared an interest in this matter and left the room prior to the matter being discussed.

The Committee considered the traffic impact study provided by the applicant.

Recommended:**TAC89/11**

1. That a 'Give Way' sign be installed on the eastern leg of Lindendale Road at its intersection with Boundary Road to reinforce the existing T-Junction rule.
2. That vegetation be removed on the south-east corner of Lindendale Road and Boundary Road to improve sight distance of oncoming vehicles along Boundary Road.
3. That advanced 'SCHOOL ENTRANCE – 200m' signs be installed on Lindendale Road, both sides of the access.
4. That Lindendale Road be widened to accommodate a double white centre line over the crest for sufficient length either side of the entrance location.
5. That a double white centre line be installed on Lindendale Road for a minimum of 30m each side of the entrance.
6. That a deceleration lane be provided on Lindendale Road east of the entrance.
7. That a double white centre line be installed on all three approaches to the intersection of Alphadale Road and Lindendale Road.
8. That 'School Zone' signs and associated road markings be installed on Lindendale Road adjacent to the school property in accordance with the relevant standards.

DA11/152 – Transport Depot and Industry, 402 Bruxner Highway, South Gundurimba

Council has received a development application for the above. (DA11/152)

The applicant has relied on previous site uses and hence a detailed traffic report was not provided.

Relevant information that was provided was further discussed and the Committee supported the views of the RTA as outlined in its letter. It is understood that the upgrade of the intersection of the Bruxner Highway and Tunstall Street to a Type B junction was conditioned as part of a previous consent for the subject site but the works had not been carried out. The RTA has requested that minimum improvements to the intersection include a basic right-turn treatment, designed for a 19 metre semi trailer to stand on the Highway to turn right, and a short auxiliary left-turn lane designed to accommodate a 19 metre semi trailer swept path out of Tunstall Street.

TAC90/11 Recommended that a basic right-turn treatment, designed for a 19m semi trailer to stand on the Bruxner Highway to turn right, and a short auxiliary left-turn lane designed to accommodate a 19m semi trailer swept path out of Tunstall Street be constructed in accordance with relevant RTA requirements.

Trinity Catholic College – Bus Bay 13

Raising concerns regarding restricted vehicular access to its property through bus bay 13 off Hindmarsh Street during the bus interchange operating times. (R6029)

Discussions have been held with bus operators and it has been agreed that if a proposal that bus bay 13 be removed and an additional bus bay added to the end of the facility in Brewster Street, this would be a suitable compromise.

TAC91/11 Recommended:

- 1 That bus bay 13 be removed from the bus interchange and replaced with 'No Stopping' signs each side of the existing Trinity College driveway.
- 2 That a new bus bay be added to the end of the existing facility in Brewster Street.

Part 'B' – Determined by Committee**Melinda Bouter – Road Conditions and Access - 874 Terania Creek Road**

Drawing attention to the dangerous road conditions at the access to the abovementioned property and suggesting a mirror on the corner might improve vision and prevent accidents. (C111/24797:R3350-04)

The driveway entrance is located close to a 90 degree corner and due to topographical constraints would be difficult to relocate.

Melinda Bouter – Road Conditions and Access - 874 Terania Creek Road (Cont*d)

It would be difficult to locate a convex safety mirror in a position opposite the driveway that would offer an unrestricted view of traffic from around the bend. The cost to supply and erect a mirror would be at the residents' cost if they would still wish to pursue this option. Whilst the bend is sharp the road width around the bend is adequate for two way traffic. The erection of 'Right Angle Bend' signs on both approaches and a 'Concealed Driveways' symbol warning sign would assist in reducing current concerns of the resident.

TAC92/11 It was agreed that 'Right Angle Bend' warning signs be erected on both approaches to the bend close to 874 Terania Creek Road as well as a 'Concealed Driveways' symbol warning sign for south bound traffic.

Roads & Traffic Authority – Intersection Ballina Road and William Blair Avenue

Advising that following discussions with Council, a contractor has been engaged to undertake a traffic assessment for a range of potential treatments at this location.
(CI11/21976:R6408-16)

The letter from the RTA is as a result of Council writing to the Authority outlining its concerns regarding a short term proposal that was being considered for William Blair Avenue rather than assessing the whole section of Ballina Road between High Street and Rous Road in terms of intersection treatments.

The Authority has advised that it will be undertaking preliminary investigation works for this section of the Highway and has recently engaged a contractor to undertake a traffic assessment for a range of possible treatments.

It was noted that there had been another serious accident at this intersection last weekend and to this end Snr Constable Clark tabled accident statistics showing just injury/ tow away accidents from 2005 to present indicating there had been 41 accidents. This did not include minor/ non injury accidents.

TAC93/11 It was agreed that due to the seriousness of this issue and the ongoing unacceptable level of accident history, another letter be written to the Authority requesting that the assessment and associated recommended works, together with the necessary funding, be committed at the earliest opportunity..

Roads & Traffic Authority – Ballina Road Upgrade east of Goonellabah

Advising that following discussions with Council, the RTA will be undertaking preliminary strategic investigation works for a possible future upgrade of this section of the Bruxner Highway between Goonellabah and Wollongbar. (CI11/21977:R6408-16)

The letter from the RTA is in response to Council's letter outlining its concerns regarding the high volumes of vehicular traffic on the Bruxner Highway and the inevitable increases due to the current deviation works for Alstonville and Ballina and requesting it proceed with the upgrade of the Bruxner Highway between Goonellabah and Marom Creek, including major intersections along its length, at the earliest opportunity.

& Traffic Authority – Ballina Road Upgrade east of Goonellabah (Cont'd)

Also noting that the Authority is carrying out a speed zone investigation to determine the appropriate speed limit for this section of the Highway.

The Authority has advised that it will be undertaking preliminary strategic investigation works for a possible future upgrade for this section of the Bruxner Highway between Goonellabah and Wollongbar. It advises that this strategic development is in its early stages and any preferred option and concept layout would be some years away. It also advises that the RTA will continue to monitor the safety performance of this area and implement safety works (including reviewing speed zones) as required.

- TAC94/11** **It was agreed** that the contents of the letter from the RTA be noted and that the Authority be encouraged to finalise the preliminary strategic investigation works for a possible future upgrade to ensure funding could be committed at the earliest opportunity.

Roads & Traffic Authority – Bruxner Highway Directional Signage Upgrade

Mr Smallman tabled a number of plans showing a proposal by the Authority to upgrade all directional signage along the Bruxner Highway. (R6408-16)

Council's input has been requested in terms of the wording/ locations shown and the specific locations the signs will be installed. Some of the signs are quite large and will require significant posts and footings to support their installation.

Mr Smallman agreed to email a copy of the plans to allow further assessment.

- TAC95/11** **It was agreed** that the plans be referred to Council's Works Section for a detailed assessment of each site and nomination of a specific location for the sign installations.

Closure

This concluded the business and the meeting terminated at 10.50 am.

Financial Assistance - Section 356



Financial Assistance – Section 356

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

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

Northern Rivers Youth Ballet Company is requesting Council discount the hire fees (\$796) for use of the City Hall on 29 July 2011 for their production delivered to local audiences at an affordable price. Entry fees will apply.

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

\$159.20*In accordance with policy.***b) Banners – Policy 1.4.14 (GL390.50.15)**

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

Legacy Lismore Division is seeking that Council waive the cost of banners for their major fundraising event from 29 August 2011 to 2 September 2011.

Recommendation: In accordance with Policy 1.4.15 clause 5, it is recommended that the fee of \$175 be waived subject to the same amount being donated from 356 Funds to the Parks Income budget to cover erection costs.

\$170*In accordance with policy.***c) Council Contributions to Charitable Organisations****Waste Facility – Policy 5.6.1 (GL390.965.15)**

Budget: \$15,000 Spent to date: \$1,655

August 2011

Animal Right & Rescue \$17.27

Caroona Opportunity Shop \$38.42

Multitask \$296.14

Nimbin Aquarius Landcare Group \$36.26

Five Loaves \$31.42

Friends of the Koala \$70.61

Youth Connections \$18.00

Lismore Soup Kitchen \$62.68

1st Lismore Scout Group \$8.18

LifeLine \$153.69

Westpac Life Saver Helicopter \$69.08

Total**\$801.75***In accordance with policy.*

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

Budget: \$3,000

Spent to date: \$691

St Carthage's Primary School is seeking assistance towards travel expenses for students to represent NSW at the Australasian Pacific Finals Tournament of Minds in Hobart on 15 October 2011 (CI111/25066).

\$100

Attachment/s

There are no attachments for this report.

Recommendation

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

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN COUNCIL CHAMBERS ON TUESDAY, 13 SEPTEMBER 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, Acting Executive Director-Infrastructure Services, Manager-Works, Manager-Finance, Manager-Integrated Planning, Coordinator Environmental Strategies, Natural Resource Management Planner, Team Leader Aquatics, Media and Community Relations, Corporate Compliance Coordinator and General Manager's Personal Assistant.

Leave of Absence

460/11 **RESOLVED** that a leave of absence from Councillor Battista be accepted from the 7 October to 14 October 2011.

(Councillors Chant/ Clough)

Confirmation of Minutes

461/11 **RESOLVED** that the minutes of the Lismore City Council held on 9 August 2011 be confirmed.

(Councillors Clough/Marks)

Disclosure of Interest

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

Report – 12.4 Crawford Land Planning Proposal

Nature of Interest: My husband is a contract employee of Southern Cross University and is a self-elected member of the University Council. Neither he or I gain any pecuniary or non-pecuniary advantage from the determination of this report but as there may be a perception that I have a conflict of interest, I err on the side of caution and will leave the Chambers and not participate in the debate or vote on this item.

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

Report – 12.4 Crawford Land Planning Proposal

Nature of Interest: I work for Southern Cross University and as such I will leave the Chambers and not participate in the debate or the vote.

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

Report – 13.1 Traffic Advisory Committee (TAC78/11)

Nature of Interest: My wife is the fundraising coordinator of Our Kids and as such I will leave the Chambers and not participate in the debate or the vote.

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

Report – 12.1 Nimbin Rural Water Supply - Update

Nature of Interest: Family members own a property in Gungas Road and as such I will leave the Chambers and not participate in the debate or the vote.

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:

Trish Gibson - Draft Richmond Tweed Regional Library Agreement

Ms Gibson gave a brief outline of the recent history of the Richmond Tweed Regional Library Agreement. She expressed a preference for a County Council model.

Stan Haywood - Reduction in Number Of Councillors

Mr Haywood saw no benefits to be derived from any reduction in the number of Councillors.

Mayoral Minutes

8.1 Roads to Recovery Program

462/11 **RESOLVED** that Lismore City Council calls on the Federal Government to:

1. Recognise the successful delivery of the Roads to Recovery Program by local government since 2000;
2. Continue the Roads to Recovery Program on a permanent basis to assist local government meet its responsibilities of providing access for its communities;
3. Continue the Roads to Recovery Program with the current administrative arrangements; and
4. Provide an increased level of funding under a future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2 billion annually.

(Councillors Dowell/Yarnall) (BP11/688)

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

Voting against: Nil

Election of the Deputy Mayor

9.1 Election of the Deputy Mayor

463/11 **RESOLVED** that Council elect a Deputy Mayor and that the period of appointment for the Deputy Mayor be until September 2012.

(Councillors Chant/Clough) (BP11/716)

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

Voting against: Nil

464/11 **RESOLVED** that the method of election for Deputy Mayor be by open voting.

(Councillors Graham/Chant) (BP11/716)

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

Voting against: Nil

Nominations

Nominations were received for the position of Deputy Mayor from Councillors Marks, Smith and Yarnall.

Election

At the conclusion of the counting the Returning Officer (Corporate Compliance Coordinator) declared Councillor Smith elected as Deputy Mayor until September 2012.

Notice of Motions

10.1 Lismore Lake Pool

A MOTION WAS MOVED that due to high public demand, Council open the free Lismore lake pool during the heat of summer from December through February (3 months).

(Councillors Ekins/Clough) (BP11/711)

AN AMENDMENT WAS MOVED that the matter of the length of the swimming season for the Lismore Lake Pool be deferred for consideration at the October Council meeting at the same time as the draft Sport and Recreation Plan is finalised and to consider workplace safety issues.

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

(Councillors Marks/Graham) (BP11/711)

Voting for: Councillors Meineke, Clough, Chant, Marks, Battista, Dowell, Graham and Yarnall

Voting against: Councillors Houston, Ekins and Smith

465/11

RESOLVED that that the matter of the length of the swimming season for the Lismore Lake Pool be deferred for consideration at the October Council meeting at the same time as the draft Sport and Recreation Plan is finalised and to consider workplace safety issues.

(Councillors Marks/Graham) (BP11/711)

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

Voting against: Councillors Houston and Ekins

Altering Order of Business

466/11 **RESOLVED** that the order of business be altered to debate the following matters raised during Public Access:

- 12.2 Draft Richmond Tweed Regional Library Agreement
- 12.5 Reduction in Number of Councillors

(Councillors Chant/Clough)

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

Voting against: Nil

Reports

12.2 Draft Richmond Tweed Regional Library Agreement

467/11 **RESOLVED** that a decision is deferred until Council:

1. Receive advice from Byron/Ballina on their investigations; and
2. The library committee meet to discuss options; and
3. Receive a report on the implications for the Richmond Tweed Regional Library should Ballina Shire Council or Byron Shire Council not accept the offer to be a Participating Council.

(Councillors Ekins/Clough) (BP11/710)

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

Voting against: Councillors Dowell and Graham

12.5 Reduction in Number Of Councillors

468/11 **RESOLVED** that the report be received and noted.

(Councillors Graham/Clough) (BP11/713)

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

Voting against: Nil

At this juncture Councillor Meineke left the meeting.

12.1 Nimbin Rural Water Supply - Update

469/11 **RESOLVED** that:

1. Operational procedures be enhanced to ensure ongoing safety of the Nimbin Rural Water Supply.
2. Council immediately commence a strategic investigation into improving the quality of the Nimbin Water Supply through the implementation of the long term Nimbin Water Supply Upgrade project as included in the 2010–2014 Delivery Plan. This project will involve extensive community consultation.

(Councillors Smith/Yarnall) (BP11/693)

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

Voting against: Nil

At this juncture Councillor Meineke returned to the meeting.

12.3 Adoption of the Richmond River Coastal Zone Management Plan

470/11 **RESOLVED** that:

1. Council adopt the final draft Coastal Zone Management Plan, noting that the changes Council recommended in its submission on the draft Plan have been made.
2. Implementation of the Coastal Zone Management Plan is subject to the preparation of a financial plan that is acceptable to Council and annual funding being available for the action/s that Lismore City Council is responsible for.
3. Council provide written endorsement of the Coastal Zone Management Plan to Richmond River County Council so they can submit the Plan on behalf of the constituent councils to the Minister for the Environment for certification.

(Councillors Graham/Smith) (BP11/708)

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

Voting against: Councillors Meineke

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

At this juncture Councillor Battista left the meeting.

12.4 Crawford Land Planning Proposal

471/11

RESOLVED that:

1. Council support the current Planning Proposal as attached to this report and forward the Planning Proposal to the Department of Planning and Infrastructure to seek a Gateway Determination.
2. The proponent is to undertake the following key investigations if Council receives a Gateway Determination from the Department that the Planning Proposal may proceed:
 - a retail analysis to identify the role, function, scale and relationship of the proposed Neighbourhood Centre to the Lismore CBD and other neighbourhood centres within vicinity to the site,
 - a revised and more detailed Traffic Assessment specifically examining the areas of Dalley Street including the hospital precinct and the Dalley / Dibbs Street intersection, Dibbs Street including the Dibbs / Ballina Road intersection, comment on the various traffic issues raised during the public forum process and the validation of the underlying assumptions of the initial traffic assessment,
 - a revised flood study of localised flood impacts of the site responding to the recommendations of Worley Parsons *Crawford Site Flood Impact Assessment (April 2011)*,
 - a cultural heritage investigation of the Crawford Land that is consistent with current Office of Environment and Heritage Guidelines,
 - a comprehensive Flora and Fauna Assessment of the land consistent with Office of Environment and Heritage Guidelines addressing terrestrial and aquatic ecosystems with necessary supporting surveys to address current survey information gaps, threatened species that are State and Commonwealth listed and relevant legislation including SEPP 44 and the Water Management Act 2000,
 - a revised Contaminated Sites Assessment that is consistent with SEPP 55 and associated guidelines. This Assessment must be reviewed by a consultant who is independent of both the proponent and the proponent's consultant,
 - a preliminary noise impact assessment of existing uses adjoining the site including existing sporting facilities, the electricity sub-station, road traffic, sewer pump stations and the future football facilities,
 - a preliminary odour assessment of the land and the East Lismore Sewerage Treatment Plant and adjoining land fill site, and

- an updated assessment of the investigations that supported the development of the sub-station in 2006 in response to any adjustments required for planning and management of Electro Magnetic Field (EMF) levels.
- 3. The proponent be advised that Council seeks to continue the structure planning process and Development Control Plan development already initiated with the proponent.
- 4. Council, upon receipt of the Gateway Determination to proceed with the Planning Proposal, seeks amendment to the Far North Coast Regional Strategy.

(Councillors Meineke/Marks) (BP11/705)

Section 375A Record Voting

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

Voting against: Councillor Ekins

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

At this juncture Councillor Battista returned to the meeting.

12.6 9 Club Lane, Lismore CBD - Classification as Operational Land

472/11

RESOLVED that:

1. Council resolve that property at 9 Club Lane, Lismore, being Lot 2 DP 1114334 be classified as Operational Land.
2. The property be entered in Council's Land Register as Operational Land.

(Councillors Chant/Graham) (BP11/689)

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

Voting against: Councillor Ekins

12.7 Tender No. T2011-15 - Casual Plant Hire

473/11 **RESOLVED** that Council adopt the list of suppliers in Attachment 1 for the provision of casual plant hire for a period of 12 months, with an option to extend the contract period for an additional 12 months, and the option for a CPI rise and fall adjustment to be applied to all hire rates.

(Councillors Chant/Graham) (BP11/709)

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

Voting against: Nil

12.8 Lismore District Cricket Association - Fee Reduction Request

474/11 **RESOLVED** that it is recommended that a reduction of fees to the sum of \$3,000 be approved for the Lismore District Cricket Association (LDCA) for the 2010/11 season.

(Councillors Marks/Battista) (BP11/285)

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

Voting against: Councillor Ekins

12.9 Arts and Culture Policy Advisory Group and Public Art Reference Group

475/11 **RESOLVED** that:

1. Councillor Smith be appointed to fill the vacant position on the Arts and Culture Policy Advisory Group.
2. Councillor Smith be appointed to fill the vacant position on the Public Art Reference Group.

(Councillors Chant/Clough) (BP11/528)

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

Voting against: Nil

12.10 Arts and Cultural Policy

476/11 **RESOLVED** that Council adopt the Arts and Cultural Policy as tabled with this report.

(Councillors Battista/Houston) (BP11/692)

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

Voting against: Councillor Clough

12.11 Pedestrian Access and Mobility Plan

477/11 **RESOLVED** that:

1. Council adopt the revised Pedestrian Access and Mobility Plan (PAMP) and its associated Works Program.
2. The Works Program be reviewed on an annual basis by the Infrastructure Assets PAG to ensure that the PAMP works are coordinated with other Capital Works Programs, the Cycleway Plan and the Sport and Recreation Plan where appropriate.

(Councillors Graham/Marks) (BP11/687)

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

Voting against: Councillor Ekins

12.12 Distribution of Surplus Computers

478/11 **RESOLVED** that Council approve the donation of up to 116 surplus computers in accordance with the recommended list of community organisations.

(Councillors Marks/Graham) (BP11/712)

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

Voting against: Nil

12.13 Investments - August 2011

479/11 **RESOLVED** that the report be received and noted.

(Councillors Smith/Clough) (BP11/476)

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

Voting against: Nil

At this juncture Councillor Battista left the meeting.

Committee Recommendations

13.1 Traffic Advisory Committee

480/11 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.

(Councillors Meineke/Smith) (BP11/715)

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.

Financial Assistance – Section 356

15.1 Financial Assistance – Section 356 Report

481/11 **RESOLVED** that in accordance with Section 356(1) of the Local Government Act 1993, the assistance to persons as listed above is hereby approved.

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

Budget: \$21,400

Spent to date: \$0

Novaskill is requesting Council discount the hire fees (\$58) for use of the City Hall on 21 September 2011 for the annual recruitment drive aiming to recruit quality school leavers for Traineeship and Apprenticeship vacancies. No entry charges apply.

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

\$14.50

Community Sustainability Forum Group is requesting Council discount the hire fees (\$327.50) for use of the City Hall on 20 August 2011 to hold a Community Sustainability Transition Planning Day. No entry charges apply.

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

\$81.87

Kids Alive Do the Five Show is requesting Council waive all the hire fees (\$327.50) for use of the City Hall on 8 December 2011 for a Laurie Lawrence *Kids Alive Do the Five* program which is part of the National Drowning Prevention Campaign. No entry charges apply.

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

\$81.87

Byron Region Community College – Local Food is requesting Council discount the hire fees (\$100) for use of the City Hall on 27 August 2011 to deliver the *Get Growing, Enjoy Eating...Local Food* course in partnership with the Northern Rivers Food Links project. Entry fees will apply.

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

\$20.00

Chris Phillips family is requesting Council discount the hire fees (\$158) for use of the City Hall on 9 July 2011 for a wake which was a large indigenous community event.

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

\$39.50

School of Arts and Social Sciences, SCU, is requesting Council discount the hire fees (\$129) for use of the City Hall on 4 August 2011 to host a forum during Homelessness Week to highlight women's housing needs in the Northern Rivers. No entry fees will apply.

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

\$32.25

Council Contributions to Charitable Organisations

Waste Facility – Policy 5.6.1 (GL390.965.15)

Budget: \$15,000

Spent to date: \$853.64

July 2011

Animal Right & Rescue \$68.18

Multitask \$165.87

Nimbin Aquarius Landcare Group \$15.45

Five Loaves \$209.19

Friends of the Koala \$50.32
Youth Connections \$188.23
LifeLine \$87.32
Westpac Life Saver Helicopter \$69.08

Total \$853.64

In accordance with policy.

Mayor's Discretionary Fund (GL390.485.15)

Budget: \$2,700 Spent to date: \$600

Richmond River High School is seeking assistance towards travel expenses to send fifteen students to Brisbane for a national summit on Climate Change from 15-17 October 2011 (CI11/23157).

\$100

(Councillors Graham/Clough) (BP11/639)

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

Voting against: Nil

At this juncture Councillor Marks left the meeting.

Confidential Matters – Closed Council Meeting

482/11 **RESOLVED** that Council now exclude the press and public and meet in Closed Council to consider the following matters:

Item **17.1 North Lismore Plateau**

Grounds for Closure Section 10A(2) (d i) (d ii) (d iii):

Public Interest 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 prejudice the commercial position of the person who supplied it; AND commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council; AND commercial information of a confidential nature that would, if disclosed reveal a trade secret.

(Councillors Clough/Battista)

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

Voting against: Councillor Ekins

At this juncture Councillor Marks returned to the meeting.

Resumption of Open Council

When the Council had resumed its former sitting, the General Manager reported that Council, meeting in Closed Council, had RECOMMENDED:

17.1 North Lismore Plateau

That Council approve the proposal to fund studies of its land at the North Lismore Plateau in respect of the subject rezoning planning proposal including the preliminary studies of the North Lismore Quarry and to make the recommended budget allocation as outlined in the conclusion of this report.

483/11 **RESOLVED** that the General Manager's report of Council meeting in Closed Council be received and adopted;

That Council approve the proposal to fund studies of its land at the North Lismore Plateau in respect of the subject rezoning planning proposal including the preliminary studies of the North Lismore Quarry and to make the recommended budget allocation as outlined in the conclusion of this report.

(Councillors Chant/Clough)

Section 375A Voting Record

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 8.15pm.

CONFIRMED this ELEVENTH of OCTOBER 2011 at which meeting the signature herein was subscribed.

MAYOR