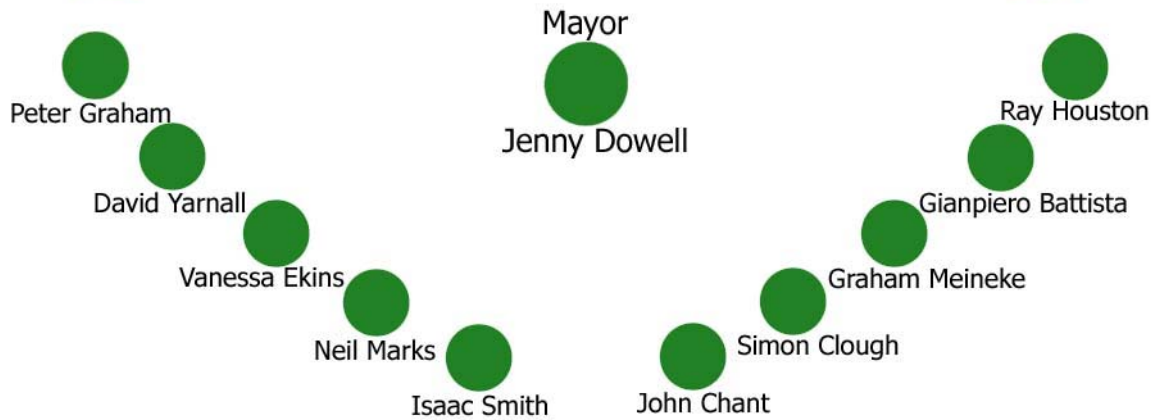


# Notice of Council Meeting



## Council

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, 43 Oliver Avenue, Goonellabah on Tuesday, 8 November 2011 at 6.00pm.

Members of Council are requested to attend.

Gary Murphy  
**General Manager**

1 November 2011

# Agenda

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1. Opening of Meeting and Prayer (Mayor)
2. Apologies and Leave of Absence
3. Confirmation of Minutes
  - Lismore City Council meeting held 11 October 2011 .....(1)
  - Lismore City Council meeting held 27 October 2011 .....(34)
4. Disclosure of Interest
5. Public Access Session
6. Public Question Time
7. Condolences
8. Mayoral Minutes
  - 8.1 Clunes Speed Camera..... 1
9. Notice of Rescission Motions
10. Notice of Motions
  - 10.1 Business Rates ..... 3
11. Altering Order of Business (Consideration of altering the order of business to debate matters raised during Public Access)
12. Reports
  - 12.1 Lismore Lake Pool ..... 7
  - 12.2 Request for Donation - 'Our House' - Hunter Street, Lismore ..... 20
  - 12.3 Adoption of the Draft Comprehensive Koala Plan of Management for south-east Lismore for public exhibition..... 28
  - 12.4 September 2011 Quarterly Capital Works Program Update for Roads, Parks and Water Infrastructure ..... 32
  - 12.5 Urban and Rural Sports Fund 2011 ..... 39
  - 12.6 Rural Fire Service Zone Liaison Committee Representative ..... 45
  - 12.7 Tender No. T2012-08 - Water Main Replacement - Various Locations in Lismore..... 47
  - 12.8 Regional Digital Economic Strategy ..... 53
  - 12.9 September 2011 Quarterly Budget Review Statement ..... 57
  - 12.10 2010/11 Financial Reports ..... 83
  - 12.11 Acquisition of Part of 138 Oliver Avenue, Goonellabah ..... 85
  - 12.12 Conduct of 2012 Local Government Election..... 90
  - 12.13 Council Meetings and Public Forums for 2012 ..... 95
  - 12.14 Local Public Holiday - 2012 Lismore Cup Day..... 97

12.15	Traffic Advisory Committee Recommendations .....	103
12.16	Investments - October 2011 .....	106
13.	Committee Recommendations	
14.	Documents for Signing and Sealing	
14.1	Documents for Signing and Sealing .....	117
15.	Financial Assistance - Section 356	
15.1	Financial Assistance – Section 356 Report.....	119
16.	Questions Without Notice	
17.	Confidential Business	
17.1	Section 339 Senior Staff .....	121

# Lismore City Council Community Strategic Plan 2008 - 2018



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

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

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

# Mayoral Minutes

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## Mayoral Minute

**Subject** Clunes Speed Camera

**TRIM Record No** BP11/870:EF10/363

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That Council writes to the NSW Minister for Roads, Duncan Gay, to lodge a submission to the Camera Location Review requesting the reinstatement of the Clunes 50kph speed camera as a commissioned camera with capacity to issue speeding infringement notices.

### Background

The Auditor-General's report, 'Improving Road Safety: Speed Cameras, Roads and Traffic Authority' was released by the Audit Office on 27 July 2011. The report found while fixed speed cameras are an effective road safety measure, some do not deliver the expected results. Following the release of the Auditor-General's report, the Minister for Roads instructed the RTA to switch off 38 identified cameras with immediate effect.

Of those 38 cameras, six were deactivated before the release of the audit report. Three were returned to warning phase after community feedback (including the one at Bangalow Rd Clunes). A review of the road safety risks of the cameras and alternative road safety measures is now being undertaken. Members of the inspection team include the RTA and representatives from the NSW Police Force and the NRMA.

Before the site inspection at Clunes, the inspection team met with community representatives on Monday 24 October 2011. Councillor David Yarnall attended the meeting to represent Councillors. Clunes residents at the meeting, called for the reinstatement of the camera to its full-functioning mode citing their observations that drivers are ignoring the camera and the speed limit. These observations are confirmed by the doubling of notices issued (albeit warnings) in September compared with the same month last year.

The RTA has invited submissions on the future status of the Clunes speed camera. To support the residents of Clunes and in the interest of driver safety, this Mayoral Minute, if successful, will result in a request to the Minister to reinstate the camera's function and provide a late submission to the Camera Location Review. Submissions were due by 4 November 2011 to Camera Location Review, PO Box 928, North Sydney 2059 or [camera\\_location\\_review@rta.nsw.gov.au](mailto:camera_location_review@rta.nsw.gov.au)

**TRIM Record No:** BP11/870:EF10/363

# Notice of Motions

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## Notice of Motion

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

That Council:

1. Conduct a briefing on the reasons for the Business Rate in the Lismore Local Government Area (LGA) and in particular for the CBD area being the highest in the Northern Rivers.
2. Include in the briefing staff response on measures designed to reduce this high level of business rate (in the whole LGA and in particular the CBD) in order to make Lismore more competitive in respect to other neighbourhood Councils.
3. Consult with the 234 CBD businesses on the matter before the briefing with any submissions to be presented at that time.
4. Hold the briefing between February and March 2012.

### **Councillor Comment**

The NSW Government produces a 'snapshot' of comparative information for NSW Councils annually. It includes a range of information such as Rating and Financial comparison between Council in NSW. Amongst the rating measured and compared the following has attracted my attention.

**Table 1.3 – Average rate per assessment – business** (the whole report can be seen electronically at the following address:

[http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Comparatives/Comparatives\\_2009\\_10.pdf](http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Comparatives/Comparatives_2009_10.pdf).

When comparing Lismore LGA with other Council areas the following table is the result:

<b>Group</b>	<b>Council</b>	<b>2007/08</b> <b>\$</b>	<b>2008/09</b> <b>\$</b>	<b>Variation</b> <b>%</b>	<b>2009/10</b> <b>\$</b>	<b>Variation</b> <b>%</b>
4	Ballina	1287.12	1613.78	25.4	1858.72	15.2
4	Byron	2385.68	2746.13	15.1	2759.97	.5
4	Clarence Valley	2113.99	2054.66	-2.8	1354.55	-34.1
4	Richmond Valley	1395.27	1496.29	7.2	1521.55	1.7
<b>4</b>	<b>Lismore</b>	<b>3238.88</b>	<b>3383.33</b>	<b>4.5</b>	<b>3526.23</b>	<b>4.2</b>

As can be seen in the Lismore LGA the average assessment is the highest by almost double compared to Richmond, Clarence and Ballina and by 30% compared to Byron.





In the area identified as inner CBD in the above map there are 234 business premises assessed by Council for a total return of \$1,544,235 for the 2009/10 year.

When averaged this amount correspond to \$6,599 per assessment which compared to the LGA average is again double.

This situation was briefly highlighted by a local real estate agent during the SRVL consultation process and it represents a great disincentive as well as a too onerous charge for small business in our CBD. With the increasingly looming situation faced by Small businesses and highlighted by the ACCI (Australian Chamber of Commerce) in their Small Business Survey in August 2011 ([http://www.acci.asn.au/Research-and-Publications/Research/Economic-Surveys/Small-Business/ACCI-Small-Business-Survey-\(16\)](http://www.acci.asn.au/Research-and-Publications/Research/Economic-Surveys/Small-Business/ACCI-Small-Business-Survey-(16))) it is important that Lismore remain competitive in this region and does not lose businesses for good or to other centres such as Casino or Ballina.

If we want to create a vibrant CBD we need to make sure that the economic fundamentals for businesses to survive, thrive and prosper are in place.

## **Staff Comment**

### **Finance Manager**

A workshop can be arranged on the Lismore CBD general rates for February 2012 however, an effective consultation with CBD businesses before the workshop is not supported. The reasons for not supporting the consultation at this time include: a) CBD retailers are coming into what is typically the busy Christmas trading period; b) January is a holiday period; c) the content of any consultation needs further clarification; and d) existing staff commitments such as for the Community Strategic Plan review during this time.

Based on the information presented to the workshop, further consideration of any possible measures to reduce CBD general rates may be brought back to Council as a result of either a Notice of Motion or staff report.

As to the reasons why Lismore business rates are higher by comparison to other local councils areas include: a) Lismore's total rate base in dollar terms is larger; b) growth rates in other local councils areas is higher than Lismore hence the average rate is reduced; and c) Council's rating structure, which set out what percentage of the total rate base is levied to each rating category/sub category, has business paying a higher percentage of the total rate base by comparison. The current rating structure, while reviewed by the previous Council and some minor adjustments (Special Rate Variations) made over time, has basically remained unchanged for many years.

In regards to measures to reduce the Lismore CBD business general rates, these could include: a) other rating categories/sub categories paying a higher percentage of the total rate base; b) reduce the total rate base with a compensating reduction in works/services delivered; c) not increase the total rate base in future and reduce works and services to compensate; or d) a combination of these measures.

## **Manager Corporate Services**

This Council has already conducted two major reviews of efficiency: the budget and infrastructure services reviews. Neither of these reviews identified significant short or medium term efficiency gains. This leads to the conclusion that a reduction in income will lead to a reduction in service. The only other option to decrease the rates paid by businesses would be to increase the rate burden on the remainder of the community. A reduction in income from changes to the business rate will therefore have a flow on effect either in terms of increased rates for other rate payers or a reduction in service provision.

With this impact in mind it would be against the principles of the community engagement, to which this Council is strongly committed, to confine the consultation to only the business sector. Any changes to the rating system should involve the engagement of the whole community. In January Council will start what is likely to be the biggest engagement process in its history with the creation of the Community Strategic Plan (CSP). This will review Council services, strategies, resourcing and assets. With a clear view of the whole community Council will be able to properly weigh up all of the community priorities and make a holistic strategic plan. This process is likely to involve an in depth study of Council's rating structure. This is the appropriate vehicle to consider the outcome that this Notice of Motion seeks. A separate consultation with the business community will not provide all the information that Council would require to make an informed decision.

To embark on a separate consultation with one group of rate payers during the CSP consultation also risks jeopardising the perceived credibility of the CSP engagement process.

A separate consultation on business rates is not supported at this time. A suggested compromise is for the recommendation to mandate that the business community be fully engaged in the CSP process and that business rates be considered as part of Council's resourcing strategy.

**TRIM Record No:** BP11/846:EF10/363

# Reports

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# Report

<b>Subject</b>	<b>Lismore Lake Pool</b>
<b>TRIM Record No</b>	BP11/769:EF09/1839
<b>Prepared by</b>	Manager - Arts, Tourism and Leisure
<b>Reason</b>	To advise Council of serious OHS and compliance issues associated with the Lismore Lake Pool.
<b>Community Strategic Plan Link</b>	Best-Practice Corporate Governance

## Overview of Report

This report identifies serious work, health and safety issues apparent at the Lismore Lake Pool. The costs to address these issues, together with the need for ongoing supervision, would be an expensive undertaking. It is recommended that the facility is closed permanently, and more affordable access to the Lismore Memorial Baths is arranged over the summer period.

## Background

A report regarding the Lismore Lake Pool was tabled and discussed at the Extraordinary Council meeting held on 18 June 2009. The report specifically addressed OHS and public safety issues, and a background summary follows:

As part of Council's risk assessment practices, a safety audit (Safety Improvement Plan) was carried out at the Lismore Lake Pool in January 2009 by Royal Life Saving Society Australia (RLSSA). The recommendations following the audit were received in early March 2009. The table below identifies the risk categories and level of compliance.

Category	Compliances	Total possible
General supervision	1	9
Technical operations	2	27
Facility design	21	35
First Aid	0	4
Administration	0	12
<b>Total compliances</b>	<b>24</b>	<b>87</b>

The Improvement Plan identified a comprehensive range of developments and inclusions in order to meet accepted safety guidelines. The primary improvements are summarised below.

### General Supervision

- Two qualified staff members are in the facility and on duty at any time the facility is open.

### Technical Operation

- Pool monitoring needs to be upgraded;
- Establish a plant operations Log Book;
- Chemical storage area compliance required;
- Improve dry chemical storage off ground;
- All chemicals need to be appropriately labelled;
- Obtain and use material safety data sheets;

- Develop emergency chemical spills procedures;
- PPE equipment should be supplied and procedures put in place;
- All pipes and hoses need to be clearly labelled; and
- Dump shower and eye wash facility to be installed.

## Facility Design

- Pool to be made secure outside operating hours;
- Shade options to be considered and implemented;
- Depth markings compliance required;
- Pool safety signage inadequate; and
- Access issues need to be addressed.

## First Aid

- The facility should have a First Aid room;
- Appropriate First Aid supplies and equipment should be on hand; and
- Oxygen resuscitation equipment should be on hand.

## Administration

- Operations Manual needs to be developed;
- Action “Guidelines for Safe Pool Operations”;
- Develop an “Emergency Action Plan” (EAP);
- Practice the EAP on a 12 monthly basis;
- Review plans every 12 months;
- Ensure all staff are trained adequately;
- Develop a hiring agreement;
- Instigate a proper reporting procedure; and
- Develop and implement a maintenance schedule.

The above recommendations focus on the operation and safety of the pool. In order to rectify the current physical environment and establish appropriate procedures and supervision, staff have estimated the cost associated with the Royal Life Safety Improvement Plan to be approximately \$350,000. This includes a new fence, supervision for the facility over December and January, staff time for overall supervision, administration, and systems alignment processes similar to Council's other aquatic facilities. An additional comprehensive assessment of the pool plant and infrastructure should be undertaken to gauge the extent of future maintenance works required to allow the pool to continue to operate and comply with all appropriate regulations. Due to the age of the facility and in view of its current condition, the pool surface may require resurfacing in the short term. Options include a fibreglass overlay, estimate \$250,000, or a 100mm concrete slab over the existing surface, approximately \$200,000 including repainting.

## WorkCover

At the time the RLSSA report was completed in early 2009, it was subject to the *Occupational Health and Safety Act (2000)*. As of 1 January 2012 operations of facilities such as the Lismore Lake Pool will be subject to the *Work Health and Safety Act 2011*.

There are significant changes to this Act, particularly those relating to the standardisation of regulations across the nation. In order to assist organisations such as Council to embrace and comply with work, health and safety requirements, WorkCover has established working partnerships across New South Wales to assist organisations to improve their focus on safety, including processes and documentation. Michael Dall, Assistant State Inspector, WorkCover NSW, has been working with Council staff for much of 2011 and has provided advice and guidance in all areas of Council operations in preparation for legislative changes, which take effect in January 2012. *Work Health and Safety Act 2011 (NSW)*

allows for criminal penalties to be imposed upon an employer should they fail to provide a safe workplace.

Inspector Dall advises that as the Lismore Lake Pool is owned and maintained by Council, therefore pursuant to legislative requirements (OHS Act 2000 Sections 8 and 10) Council has responsibilities to ensure persons are not exposed to foreseeable risk and plant, and premises are safe and without risk/s to health. Royal Life Saving Society Australia produces the Guidelines for Safe Pool Operation. This document is recognised as the minimum standard for safety related issues for the aquatic industry. It provides a comprehensive guide for anyone involved in the design, construction, maintenance or management of an aquatic leisure venue. Its purpose is to provide a guide to venue management thus ensuring safety standards and guidelines are being met for the prevention of accidents in and around aquatic environments.

Further, Inspector Dall states that he is aware that Council has received a Safety Audit report on the Lismore Lake Pool, undertaken by Royal Life Saving Society Australia, which embraces work, health and safety matters, and provides recommendations. Council has a mandatory Duty of Care and based on the before-mentioned is required to engage all due diligence to proactively act on this matter to ensure the safety and well-being of patrons, staff and others.

Inspector Dall and Council's Safety Officer undertook a site inspection of the Lismore Lake Pool in September 2011 and identified several issues of concern, including but not limited too:

- Signage that is not legible;
- Storage and Handling of Hazardous Substances;
- Condition of the facility;
- Site fencing; and
- Structural validity of the pool.

The before-mentioned issues all require immediate remedial measures to meet legislative requirements.

The identified areas and potential hazards above require immediate rectification with respect to staff accessing the site, as well as the general public. If rectification to acceptable standards is not undertaken, WorkCover may issue Council with Prohibition and/or Improvement Notices, where the Council must comply. Failure to do so within the time specified may result in significant fines (Non-Compliance with Prohibition Notice Penalty \$110,000, Improvement Notice Penalty \$55,000).

Further, *Work Health and Safety Act 2011* applies as at 1 January 2012:

31. Reckless conduct – Category 1

A person commits a Category 1 offence if:

- (a) the person has a health and safety duty, and
- (b) the person, without reasonable excuse, engages in conduct that exposes an individual to whom that duty is owed to a risk of death or serious injury or illness, and
- (c) the person is reckless as to the risk to an individual of death or serious injury or illness.

- Offence committed by corporate body, maximum penalty \$3,000,000.

32. Failure to comply with health and safety duty – Category 2

A person commits a Category 2 offence if:

- (a) the person has a health and safety duty, and
- (b) the person fails to comply with that duty, and
- (c) the failure exposes an individual to a risk of death or serious injury or illness.

- Offence committed by corporate body, maximum penalty \$1,500,000.

### 33. Failure to comply with health and safety duty – Category 3

A person commits a Category 3 offence if:

- (a) the person has a health and safety duty, and
- (b) the person fails to comply with that duty.

- Offence committed by corporate body, maximum penalty \$500,000.

#### **Implications**

In summary, there are major work, health and safety implications for the Lismore Lake Pool that require immediate attention. Due to issues for staff with respect to plant and equipment, these take precedence prior to the consideration of opening the Lake Pool for the months of December 2011 and January 2012. It is not possible or practical to separate the numerous improvements and rectifications required, as many of the issues identified are linked and interdependent.

Advice from WorkCover is clear and unambiguous. The items detailed in the Life Saving Australia Safety Improvement Plan 2009 are required prior to opening the facility for public access, and numerous items require improvements to allow staff safe access and a safe working environment. In order to undertake these improvements, significant funds will be required in the short term, which are estimated at around \$350,000. The current budget for the Lake Pool is \$30,000 per annum.

These works are required irrespective of whether or not a major incident occurs. The risks have been identified, are therefore foreseeable, and Council is required by law in its duty of care to act to prevent any accident or injury. With respect to major incidents and fatalities, the 2011 National Drowning Report by the Royal Life Saving Society was recently released. The NSW Branch provided the following statistics relating to its 2010 report:

*Last year's NSW Drowning Report showed there were 5 public pool drownings. This was almost 5% of all drownings and 1/3 of all drowning deaths that occurred in swimming pools. No information is available as to whether these occurred at pools with or without lifeguards.*

If the necessary improvement and rectification works are not undertaken immediately, the facility should not open in 2011/2012. Any attempt to do so would place the Council at risk, and subject to Notices from WorkCover.

#### **Potential closure**

Council has previously considered the possibility of closing the Lismore Lake Pool, (refer to Council reports 18 June 2009 and 13 April 2010). In the event that the facility is closed, options for the provision of no or low cost access to Council facilities was explored, e.g. \$1 Sundays, or free Family Days on Sundays at the Lismore Memorial Baths. Upon consideration of the April 2010 report, Council resolved to determine the long term use of the Lismore Lake Pool following the completion of the Sport and Recreation Plan. The Sport and Recreation Plan, undertaken by independent consultants Strategic Leisure Management in 2010/2011, is now complete, and makes the following recommendation:

##### 3.4.1 Lismore Lake Pool

1. Whilst the Lismore Lake Pool remains in operation, comply with recommendations of the 2009 Royal Life Saving Australia Aquatic Facility Assessment.
2. If and when it becomes uneconomic to continue the operation of the Lismore Lake Pool:
  - Decommission the pool and investigate further expansion of leisure water at GSAC
  - Convert the pool to a travellers recreation park, including an amenities block, picnic tables/shelters, kickabout area.

## **Sport and Recreation Policy Advisory Group**

As part of a review of the draft Sport and Recreation Plan, the matter of the Lismore Lake Pool was discussed at the Sport and Recreational Policy Advisory Group (SRPAG) meeting in August 2011. The SRPAG did not support the continuation of Lismore Lake Pool based on the findings and recommendations of the Royal Life Saving Australia Safety Audit and Improvement Plan, and the draft Sport and Recreation Plan.

## **Future Options**

Two options are apparent: (1) undertake immediate improvements and rectifications to enable the facility to re-open and comply with current work, health and safety regulations. This would necessitate significant funds beyond the scope of Council's current budget. (2) Do not reopen the facility in 2011, and permanently close it. Although closure of the facility would not require Council to undertake the numerous and expensive improvement and rectifications detailed in the Safety Improvement Plan, some minor works would still be required to ensure the facility does not pose a safety hazard to the public in its current state.

In the event that facility is closed permanently, it is proposed that the community is advised accordingly, together with detailed communications and explanations regarding the need for this to occur, and that further consultation is undertaken to explore more affordable opportunities for the Lismore community to access the Lismore Memorial Baths, Council's premier aquatic facility. It is well known and appreciated that the Lismore Lake Pool is very popular in summer, particularly given the free access, shallow family-friendly water, and extensive recreation space. Some options have already been considered and include:

- Dollar Sundays – One dollar entry per person
- Free Sundays - free entry for everyone
- Provision of BBQ facilities in Spinks Park - encourage the use of green space / park land adjacent to the facility
- Family Fun Days – e.g. monthly, One dollar entry per person, includes inflatables, zorb balls etc.

Council staff have met with key user groups to advise them of difficulties associated with reopening the pool, and have discussed options for more affordable access to the Lismore Memorial Baths. Additionally, in all media communications the community has been encouraged to provide feedback to Council online via the website in 'Have Your Say', via email or by letter. Other ideas and options suggested by the community will be considered as part of the consultation process.

## **Lismore Memorial Baths Affordability Options**

From previous discussions and feedback received to date, if the Lismore Lake Pool does not reopen in 2011, the most popular options for more affordable access to the Lismore Memorial Baths are:

1. Family Fun Days – every Sunday for 8 weeks over December and January. \$1 entry per person.
2. One dollar entry per person Saturday afternoons and Sundays for December and January.
3. Summer Family Swim Pass for December and January at discounted rates.

A Family Fun Day was held on 9 October as the launch for the 2011 swimming season. Approximately 700 people attended the Lismore Memorial Baths across the day (10am – 4pm) and feedback received was very positive. Pool inflatables and zorb balls were on offer, and it is proposed that this would also occur with options (1) and (2) above. It is likely that more people will access the Lismore Memorial Baths during December and January as the daytime temperatures increase, however the facility could be staffed accordingly.

With respect to (3) above, and the Finance Manager's comments below, it is proposed to offer a six week Family Swim pass that could commence in mid December following the December Council meeting, and cover the six week school holiday period, concluding at the end of January 2012. It is proposed to offer this pass at the off-peak rate of \$64.00 for six weeks (compared to the peak rate of \$85.40) which equates to approximately \$10.70 per week per family.



## Sustainability Assessment

### Sustainable Economic Growth and Development

\$1 entry per person would provide some revenue to offset the costs of additional staff required to assist higher numbers of patrons.

### Social Inclusion and Participation

The closure of the Lismore Lake Pool could impact on the ability of lower income individuals and families to access public aquatic facilities. Provision of low or no cost access to the Lismore Memorial Baths will provide alternative access without disadvantage.

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

Not applicable.

### Best-Practice Corporate Governance

Council has a mandatory Duty of Care to proactively act on all work, health and safety matters identified to ensure the safety and wellbeing of patrons, staff and others. Council must act appropriately and expediently to ensure its legal obligations are being carried out to the satisfaction of appropriate regulatory authorities.

## Comments

### Community Services Policy Advisory Group (CSPAG).

Council's Community Services Policy Advisory Group was provided with Council's Lismore Lake Pool Fact Sheets prior to the group's October meeting. The CSPAG passed the following motion:

*That Council place a stronger focus upon the social and community value of the pool rather than simply a dollar value related to the required physical upgrade and Royal Life Saving Australia's 2009 Improvement Plan recommendations.*

Furthermore, this group requested that the following feedback be provided to Council:

- The role of the facility as one which is accessible and socially inclusive of all community members be prioritised.
- That the current annual operational budget allocation for the facility is factored into projected consideration of upgrade costs.
- Public/private funding partnerships are investigated to fund refurbishment of the pool.
- Research is undertaken into the feasibility of implementation of models of low cost static water provision such as that delivered to Indigenous communities within the Northern Territory.

### Finance

The 2011/2012 Budget has \$30,800 allocated for the operation of the Lismore Lake Pool. If it is to open in 2011/12, an estimated \$350,000 will be required to meet short term requirements including fencing and supervision. As this funding is not immediately available, and physical works required are unlikely to be completed in a time for this swimming season, the recommendation to not open the pool is supported.

In regards to funding being available in future years for maintenance or upgrading the facility, it is important to note that Council's 2010-2014 Delivery Plan lists many projects requiring funding in future of which the Lismore Lake Pool is not one.

As to the Lismore Memorial Baths Affordability Options, these are supported, but in accordance with legislative requirements, the new fees for one dollar per person entry and two month family pass need to be advertised for 28 days and any submissions considered by Council prior to implementation. As such, the earliest these new fees can apply is not until after the 13 December 2011 Council meeting.

It is not possible to assess the impact of the Lismore Memorial Baths Affordability Options on the 2011/12 Budget, but it is anticipated that any savings from the closing of the Lismore Lake Pool in 2011/12 will be sufficient to meet any additional costs.

## Other staff comments

### Manager - Assets

The report outlines significant issues that need to be addressed at significant cost should Council wish to continue to operate the Lismore Lake Pool. Should Council choose to close the pool as recommended in the report, the matter of decommissioning the pool and restoration of the site also needs to be addressed. No costs have been prepared to undertake this work at this time as some of the costs involved will depend upon what Council determines to do with the site once the pool has been decommissioned and removed. Some direction would be required from Council on this point.

As a minimum, staff will prepare a budget submission for the 2011/2012 budget to remove the pool and associated structures, fill the site and turf/grass the area. Council will then be able to consider the future use of the site as part of its normal Delivery Plan and budget processes.

### Community Services Officer (Sport and Recreation)

The Sport and Recreation Plan 2011 – 2021 through a community survey identified the provision of aquatic facilities in Lismore as being more than adequate. In fact aquatic facilities ranked as the highest of any facility or program. When the Sport and Recreation Policy Group met to discuss the draft recommendations in the Plan they were unanimous in their belief that the Lismore Lake pool should not open unless it was fully compliant.

### Community Services Coordinator

The closure of Lismore Lake Pool will be a significant loss to economically disadvantaged community members. This facility has serviced the needs of the whole of Lismore community and has provided a summer meeting point for both Lismore and Casino Indigenous community members for the past 35 years. While some concessions to entry fees at the Lismore Memorial Baths are being proposed, it is likely that the positive impact of these will only be of assistance to those community members who have cars and are able to travel to this facility. Furthermore, and possibly more significantly, feedback to Community Services Department suggests that the unique community of people who gathered to informally socialise at the Lake pool are unlikely to easily avail themselves of Council's alternate offers. The loss for this group is of a sense of a *place* which was unstructured, historic, location based, free of judgemental supervision and surrounded by expansive free recreation areas.

## Public consultation

### Lismore Lakeside Caravan Park

Council staff visited the Lismore Lake Holiday Park to open dialogue with management and residents about the likely imminent closure of the Lismore Lake Pool. Holiday Park management stated that, in the absence of the pool receiving a major upgrade, they would prefer that the facility be closed. They feel that, in its current state, it is a liability for their business and a risk to their residents. Fact sheets were delivered to every resident's mailbox. The small number of residents who were available to consult with all expressed strong disappointment at the possibility of the pool being permanently closed.

### Lismore Inter-Agency Network

Council's Community Services staff presented Council's Fact Sheet to participants at the October Interagency meeting. A robust debate ensued which revisited the past history of the community's usage of the facility, its significance to low income and disadvantaged community members and also the contemporary reality of the current challenges to the pool's re-opening. This group strongly asserted the desirability of Council making the refurbishment of the facility a priority.

## Aboriginal community

- Ngulingah Land Council officers were provided with copies of Council's Updated Fact Sheet. These were displayed on the Land Council notice board and Ngulingah officers were provided with verbal updates on the proposed changes.
- Lismore City Council's Indigenous Interagency will meet on 31 October 2011 and a presentation will be provided to participants by Council's Community Services Co-ordinator. Hardcopies of Council's Fact Sheet will be available to participants and an electronic copy of the Fact Sheet will be attached to the meeting minutes to enable wider distribution of the information through local Indigenous services.

## General community feedback

By way of the local media, the community was invited to give their feedback to Council regarding the proposal to no reopen the facility in 2011. Feedback was received via Council's website, email and correspondence. The unabridged version of each contact is provided as Attachment 1 to this report. A summary of the issues raised up until the time of printing this report follows:

Respondent	Issues raised
E Hamer - keep pool open	<ul style="list-style-type: none"> <li>• Pool has gotten to this state due to neglect; pool is good for lower income families; pool is part of Lismore heritage</li> <li>• Fix the pool and fix the lake for families</li> <li>• Make the whole area for families and tourists who might stop</li> </ul>
W Goode - explore alternatives	<ul style="list-style-type: none"> <li>• Paddling pool vs swimming pool – would the rules be less onerous if some of the depth was taken out?</li> <li>• Would a footpath leading/linking the caravan park assist with rules re the fence height?</li> <li>• Does the pool have to be chlorinated, a disinfectant like copper sulphate might be less corrosive and cheaper to run in the long term.</li> </ul>
I McLucas – keep pool open	<ul style="list-style-type: none"> <li>• In favour of free pool over summer months, wants pool refurbished for poor families of Lismore</li> <li>• Council lacking vision</li> <li>• Quotes seem outrageous, suggest getting another quote</li> </ul>
R Andrews – opposes re-opening pool	<ul style="list-style-type: none"> <li>• Takes revenue away from 3 other far better pools</li> <li>• Refurbishment cost another impost on ratepayers, maintenance also an ongoing cost.</li> <li>• Anti-social and unhygienic practices prevalent in pool and surrounds; potential insurance liability for ratepayers</li> <li>• Waste of public money</li> <li>• Traffic management for entry/exit required</li> <li>• Site is prominent entry gate for Lismore, current facility is an eye-sore; suggest bull-dozing – suggest feature or sign, information kiosk as replacement.</li> </ul>
M Pinkerton - pool needs upgrade	<ul style="list-style-type: none"> <li>• Pool is easiest and safest pool for young children</li> <li>• New fence is needed, have seen children breach the existing fence</li> <li>• New pump is necessary</li> <li>• Asks – 'how many drownings have actually occurred at the pool and do we require lifeguards?'</li> </ul>
J Vinn – open pool	<ul style="list-style-type: none"> <li>• Good site for family picnics</li> <li>• Good facility for ratepayers of Lismore</li> </ul>
A Mitchell – open pool during holidays	<ul style="list-style-type: none"> <li>• Has used pool and Memorial Baths</li> <li>• Keep pool open during holidays and spend the money to comply with regulations</li> <li>• Perimeter fence should be expanded to include trees and BBQs</li> <li>• Costs will increase at Memorial Baths with additional numbers</li> <li>• Should incorporate pool with Lismore Lake and encourage visitors to Lismore</li> </ul>
J Harvey – affordable access	<ul style="list-style-type: none"> <li>• If Council is unwilling to spend money on the pool for refurbishment, then entry to Memorial Baths should be reduced by at least 50% on proof of lower social-economic status</li> <li>• Not everyone receives equal service and access to facilities</li> </ul>

Respondent	Issues raised
J Ferguson Wood – affordable access	<ul style="list-style-type: none"> <li>• \$ days a good start</li> <li>• Need a 2 month family pass to Memorial Baths solely paid for by the government</li> <li>• Lake pool a great place for families during school holidays, keeps kids occupied</li> </ul>
K Schumacher – supports Lismore Lake pool	<ul style="list-style-type: none"> <li>• Pool is viable and much-loved, neglectful to see it not maintained</li> <li>• Enjoys peace and atmosphere of pool, fun and welcoming. Feels watched and uneasy at LMB.</li> <li>• Has never seen anyone hurt, the absence of lifeguards doesn't make it unsafe.</li> <li>• Cost of fixing and maintaining the pool is a small cost. Cannot afford GSAC or LMB and will boycott them even if the entry cost is lowered.</li> <li>• Council needs to listen to its community.</li> </ul>

## Conclusion

The Lismore Lake Pool is more than 35 years old and has provided the Lismore community with a much valued aquatic facility throughout that time. However, it has not kept pace with the changes affecting aquatic facilities across the state and nation over time. It requires a major upgrade or replacement of the pool structure, new plant room, first aid room and fencing, numerous manuals, registers and documentation as well as lifeguard supervision during opening hours. These improvements are required prior to opening the facility, and due to the costs anticipated, it is recommended that the Lismore Lake Pool is not opened in 2011, and is permanently closed. More affordable access to the Lismore Memorial Baths is proposed, together with ready access to Spinks Park to encourage families to use both facilities. Staff have conducted some consultation with the community in the short time frame following the 4 October 2011 workshop, to provide information and to discuss more affordable options to access the Lismore Memorial Baths.

## Attachment/s

1. Lismore Lake Pool Community Feedback.

## Recommendation

That:

- 1 The Lismore Lake Pool does not open in 2011, and remains permanently closed.
- 2 Several options to provide more affordable access to the Lismore Memorial Baths in December 2011 and January 2012 are implemented, including:
  - a. One dollar entry per person on Saturday afternoons and all day Sunday for the months of December 2011 and January 2012.
  - b. Promote one Family Fun Day per month in December, January and February, one dollar entry per person.
  - c. A six week Family Swim Pass to the value of \$64.00 is made available from 17 December 2011 – 29 January 2012.
3. The financial impact of decisions in respect of (2) above be reported through the quarterly budget review statement.

## **Lismore Lake Pool - community feedback regarding potentially not reopening the pool in 2011, and exploring more affordable access to the Lismore Memorial Baths**

October 2011

From reading the information it is clear that the only reason it has gotten to this state is the fact that the council has done nothing to the pool to keep it useable for the last, I'd say 5+ years.

If you had been working on it each year then you would not be having a problem with the massive cost now. Yes, work on the pool not only is it good for the lower income families, it is a source of many memories created about this town. You must also look into how long the pool has been here it is part of the Lismore heritage, are we going to take this away from our children. While your fixing the pool why not also fix the lake so that families can go see the birds and maybe have a picnic/BBQ. Make the whole area for the families of Lismore and tourists that go past that might want a spot to stop.

**E Hamer**

I just wonder before the meeting what "depth" classification there is between paddling pool vs swimming pool, ie if we knocked out some of the depth, would the rules be less onerous and two, wether a footpath leading/linking to the caravan park might assist less rigorous rulings, visa vie height of boundary fencing etc etc because it would be more associated with the caravan park and thus follow the ruling of the very successful pool in Nimbin, which even has "in pool" sun shade, and the normal one metre fencing, also I wonder if a ruling can be found as to wether it has to be "chlorinated" which is very corrosive because it requires the addition of much Hydrochloric Acid, as opposed to a "disinfectant like copper sulphate, which might therefore be less corrosive, more stable, and cheaper to run in the long term, as it would work along the lines of the "Quarry Pools". Copper sulphate is pretty non toxic and can be purchased as blue crystals from most pool shops and Rural Buyers, not designed as a stand alone but normally in association with other chemicals, could staff look into the possibility of it being used as a stand alone chemical and hence in a less acidic atmosphere, Kind regards

**W Goode**

I would like to say i am in favour of reopening the free pool for the summer months...i would like to see the pool refurbished and re opened for the poor families and people of lismore to enjoy...i feel the council on the whole is lacking vision on this matter ...its not all about money...sometimes its just good to do something for the community after all it is the community who vote....your quotes seem outrageous i suggest getting another quote...please open the pool this summer...thanking you

**I McLucas**

Dear GM,

I would like to oppose the mooted re-opening of the Lismore Lake Pool on the following grounds:-

- 1 It takes revenue and patrons away from the 3 other far better pools in town (Uni, G-bah and RSL central).
- 2 The huge re-opening cost is another big impost on us ratepayers. Maintenance will also be an on-going cost too. Can we afford yet another "white elephant"?
- 3 On visits to the pool when it was open, it was evident to me that anti-social and un-hygienic practices were prevalent in the pool and its surrounds. The pool was dirty and faeces were observed at the bottom. This could easily become an insurance liability for LCC and ratepayers.
- 4 It is all very well for an 'alternate" City Counsellor to champion 'the rights of the poor' and to boost her chances of re-election by wasting more public money on fatuous and self-serving "studies". She isn't paying - we are !
- 5 Traffic management for "patrons" on exit from the pool are an accident hazard on the Bruxner Highway's 100Kpm road, especially when turning right, back into Lismore. I have had many dangerous experiences with happy and relaxed patrons of the Pool turning hap-hazardly into my path at well under 50% of the desired Highway speed. Turning left is better, as there is an acceleration lane or sorts.

- 6 As this position is a prominent "entry gate" for the regional centre of the City of Lismore, I suggest the pool improvements be bull-dozed as they are presently an eye-sore and do not give a good impression of the City to travellers on the Bruxner Highway coming into town.

In their place I suggest a feature or sign welcoming people to Lismore be constructed and an information kiosk be established on the ecology of the lake, surrounding Regional Tourism attractions etc be displayed, to be run by volunteers under LCC auspices. Yrs

**R Andrews**

Having had young children I have found that the Round Pool has been the easiest and the safest pool for me to use. Yes I agree that a new fence is in order as I have seen young children breach the existing fence.

Also a new pump obviously is necessary. On safety I would ask the questions, " how many drownings have actually occurred at the pool and do we require life guards?" All the Best

**M Pinkerton**

Leave it open, no-where else can you take your family for a pic-nic where you can drive your car straight in and take your lunch, blanket's fold-up bed's etc, etc etc.councilor Ekins will be sure to keep her seat next election's but I wouldn't say the same for the Mayor and the one's who are against keeping it open. I have plenty of time on my hand's and I will picket the Council and take up petitions, close at your own peril. You had no trouble finding money to give your-selve's a pay rise and new cars so just for once ,do some-thing for the rate payer's of this town, you are becoming a joke.

**J Vinn**

Hello

I have used the doughnut pool since moving to the area in 1994 and living with my family in the adjacent caravan park for the first few weeks after arrival from Sydney. My youngest is 9 years old now and we used the facility about half a dozen times last summer. We used the Memorial Baths about twice as much during the period when the doughnut pool was open.

I want Council to keep the Lismore Lake Pool open during the school holidays and spend the money to comply with all the regulations for safety etc. Further, I think the perimeter fence should be expanded to include the trees just outside the exiting fence and barbeques set up near the shaded areas. When Council considers this question please bear in mind the additional costs to the Baths with the additional numbers using the pool, especially if you offer cheap entrance fees to compensate poor families. If there are too many people using the Baths on the weekends the pleasure of swimming is eroded. It would be a pity to forego the open-air experience and have to use the Aquatic Centre in Goonellabah.

Further, I think Council needs to consider the Lismore Lake Pool as just a facet of the the Lismore Lake area. This site could be developed to encourage more visitors to Lismore. For instance, there are plenty of bird lovers among the Grey Nomads who would love an interesting place to roost for awhile. The lake itself is home to an abundance of birds of many species. Council need to improve amenities surrounding the lake, plant more trees and set up bird-viewing platforms.

Council spent approx \$17.5 million improving the Baths. \$1 million spent on the doughnut pool and Lismore Lake would be well spent generating \$'s for Lismore and improve the mental health of the locals. The doughnut pool offers a safe place for kids to be. Take away this facility and you have more kids roaming the streets looking for something to do.

yours sincerely,

**A Mitchell**

If council is not willing to spend the money bringing the lake pool up to scratch (which could be considerably less than indicated in initial reports - see comments from Vanessa Ekins in this week's Echo), then I believe, to be fair and equitable to lower socio-economic community members that entry to the memorial baths should be reduced by 50% and possibly further discounted on presentation of proof of a lower socio-economic status (eg a centrelink health care card).

Council need to keep in mind that meaning of equitable service provision and access to facilities in the community is not everyone receiving equal service and access to facilities, rather that it is those with greater need receiving greater service and access and those with less need receiving less.

***J Harvey***

If council is to shut down the lake pool, \$1 days in December & January are a good start. The problem is that there are still a lot of families that are low income and its not just hot on weekends. Council needs to find at least a 2 month family pass that is affordable for families that are solely supported by government payments only. These kids if they have somewhere to spend they're summer days with friends at the pool, they will be less likely to be hanging around shopping centers or just generally causing a nuisance of themselves and to others. I spent my summer days at the lake pool and these days were some of the best I ever had meeting old and new friends. By the way I was't from Lismore in those days. My grandparents use to get us for school holidays and if it was't for the lake pool our holidays would have been alot more boring. Please think seriously about those of us who aren't moderately well off, our kids deserve a meeting place to meet new & old friends. Thank you.

***J Ferguson Wood***

The Lismore Lake Pool is a viable and much-loved fixture in the community, and it would be nothing short of neglectful to see it not maintained by Council. I arrived in this area in the late 1990's, as a university student, and the pool was a very welcome place on hot summer days when my friends and myself could not afford the price of the Memorial Baths every day. I have continued to go to the Lake Pool throughout the years because I enjoy the peace and the overall atmosphere created by the place. There is something relaxing about trees and being outdoors to swim - it is a family vibe, a fun and welcoming place, unlike the Memorial Baths, where I always feel watched and uneasy. The Baths have a sporting atmosphere about them - there is nothing communal or even social about the Memorial Baths and it is not a very family friendly place. It's fine if your children are old enough to swim, but as the parent of a toddler, I am much more comfortable taking him to the Lake Pool where it is easier to watch him and where we can both enjoy ourselves more.

The Lake Pool is a community place and therefore needs to be kept as such. It is a social place, a meeting place and a place where everyone watches out for one another. I have never seen anybody hurt or anybody potentially hurt - people are aware that here is a place where we need to watch out for one another. The absence of lifesavers does not make it unsafe. How is it any different to taking your family swimming at one of the many beautiful waterholes around the district? I think that people, especially ones taking children swimming, are responsible enough to not only watch out for the safety of their own kids but the safety of others as well. There are the usual unspoken rules in place at the Lake Pool - no running, no silly behaviour in the water, no dunking, no bombing...and people abide by them without question.

It seems to me that besides the cost involved in fixing and maintaining the place - a small cost really when you consider what the Memorial Baths cost to renovate all those years ago and what the GSAC cost to build - Council does not care about what the community wants, and is more interested in making a buck. I for one cannot afford to take my young family to either the Baths or the GSAC - and even if you lower the cost of these places I will still boycott them. I want a peaceful, friendly place to take my kids - not a sporting complex. I want them to be able to swim outdoors, with the sounds of nature around them. I want them to be able to sit on grass not concrete, to smell the air, not chlorine and to be happy and have fun in their environment. I don't want to drive to the beach and I don't want to risk taking a small child through the bush to a waterhole. I want to be able to relax in shallow water and let my kids swim.

I understand that there are rules Council needs to follow to avoid potential litigation and to manage any possible risks, but the future of the Lake Pool and the needs of the community must be taken seriously. Thank goodness for Cr Ekins, who seems to be the only one in touch with what this community desires and needs to enjoy their summer. Council only has to pay attention to the number of people at the Lake Pool over summer to realise what a valuable asset the place is to Lismore. I don't think there would be any opposition from the community if Council does the right thing and fixes the Lake Pool - wouldn't that be a nice change? It's time to listen to your community, Lismore City Council.

***K Schumacher***

I would like to add my voice of support for the continued operation of the Lismore Lake Pool. Many residents in North and South Lismore are low socio-economic status and simply cannot afford regular family visits to the Memorial Baths. The Wilson River is generally not a safe alternative as a free swimming option.

The Lismore Lake pool is family friendly, relaxed, and an important piece of community-building infrastructure, in that it becomes a regular meeting place for families. In summer months Lismore can experience prolonged periods of hot weather, and for families who have no air conditioning a trip to the pool is the only source of relief from the heat.

When my children were young we preferred the pool at the lake to the Memorial Baths, as it's layout is more conducive to recreational swimming than the Memorial Baths, and the surroundings are certainly more pleasant (trees and grass as opposed to concrete).

As a rate payer, I fully support the pool (even though I would no longer be a user). Please continue to fund this important community facility.

***L Bartholomew***

For more than four decades the Lake Pool has provided safe, healthy exercise in a family friendly location. Admission fees at our Memorial and GSAC pools are beyond the budget of many families. A special weekend 'dollar day' is a fine idea but what about all those hot and sweaty mid-week afternoons? A swim with picnic or BBQ 'over south' is a favourite family outing.

The Lake Pool and its surrounding parks are a great family reunion area for all generations of locals and their visitors during the festive season. Perhaps Service or Sports Clubs could provide volunteer supervision or suitably accredited folk might form a 'Lake Lookout' team to address the safety aspect of the survey.

***J Boyd***

I wish to register my wish for Lismore City Council to support Lismore Lake Pool. It is a very important local asset with multiple benefits for the Lismore and surrounding communities. Free access swimming pools are necessary here in Summer, not only because Lismore region hosts one of the highest unemployment rates in the state, but also because the Council should be 'acting for the people' as required in accordance with local government policy.

Please do the right thing and support the Lismore Lake Pool and please try and ensure locals get to enjoy swimming there this Summer.

***T Mason***



# Report

<b>Subject</b>	<b>Request for Donation - 'Our House' - Hunter Street, Lismore</b>
<b>TRIM Record No</b>	BP11/845:EF09/2202
<b>Prepared by</b>	Manager - Development & Compliance
<b>Reason</b>	Financial Assistance & Corporate Governance
<b>Community Strategic Plan Link</b>	Sustainable Economic Growth and Development

## Overview of Report

Council has received a request from the Chair of the Northern Rivers Community Cancer Foundation seeking a donation or in kind amount of \$100,000 from Council towards funding and completion of the "Our House" project in Hunter Street, Lismore, which has been approved by Council.

This report outlines the background to the project, and the fees paid, and payable to Council in relation to the project, so that Council may consider an appropriate donation that may be made toward the "Our House" project.

## Background

On 25 March 2011 Council received development application 5.2011.57.1 proposing to provide residential accommodation to patients and their families in addition to patients and carers who have children in the Lismore Base Hospital Integrated Cancer Care Centre. The accommodation, known as "Our House" is in close proximity to the Lismore Base Hospital where medical treatment is provided. The proposal incorporates 20 single rooms with 8 units adopting a dual key arrangement (i.e. possibility for 8 x 2 bedroom units). The accommodation will be provided with 6 apartments on the lower floor and 14 apartments on the upper floor.

The development application (DA) was determined under delegated authority on 6 June 2011 subject to conditions of approval, including the payment of s.94 and s.64 contributions in accordance with Council's adopted Contribution Plans.

The objectives of the project are to provide:

- a 'home away from home' for children, adults and their families whilst receiving their radiotherapy and chemotherapy at the hospital.
- accommodation for parents and families who have children and babies in Lismore Base Hospital's Children Ward and Special Care Nursery.

Northern Rivers Community Cancer Foundation will manage the facility upon completion. An outline of the "Our House" project is attached to this report as Attachment 1.

Council received correspondence from "Our House" dated 10 October 2011, seeking a donation or in kind contribution to the amount of \$100,000 from Lismore City Council. A copy of that correspondence is attached to this report as Attachment 2 for the consideration of Council.

In summary, the letter requests a donation of \$100,000 from Council towards completion of the "Our House" project.

## Development Application Costs

The DA lodged with Council incurred the following fees by "Our House" upon lodgement, and requires further fees to be paid to Lismore City Council as detailed in the following schedule:

Description	Amount	Status
<b>DA2010.361.1 (demolition of existing structures on the site)</b>		
DA Assessment fee	\$3,180.00	Paid
DA Advertising/Notification	\$250.00	Paid
Archive Fee	\$100.00	Paid
Plan 1 <sup>st</sup> fee	\$1595.00	Paid
<b>DA 2011.57.1 (proposed residential accommodation)</b>		
DA Assessment fee	\$3,180.00	Paid
DA Advertising/Notification	\$250.00	Paid
Archive Fee	\$100.00	Paid
Plan 1 <sup>st</sup> Levy	\$1,595.00	Paid
s.96 application (lodged 21 Sept 2011)	\$600.00	Paid
s.94 contributions (roads/community infrastructure)	\$24,228.00	To be paid prior to Construction Certificate being issued
s.64 contributions (excl. Rous Water) (water and sewer)	\$33,300.00	To be paid prior to Construction Certificate being issued
<b>TOTAL</b>	<b>\$68,378.00</b>	

### Notes:

1. The above fees do not include s.64 contributions collected by Lismore City Council which are payable to Rous Water which total \$16,754.00. Any request relating to contributions for those fees would need to be directed to Rous Water.
2. Lismore City Council has been advised that "Our House" will not be obtaining their Construction Certificate from Lismore City Council, and these fees which would have been approximately \$12,780.00 have been excluded from the above calculations accordingly.

It is important to note that Council cannot waive the application/payment of s.94 and s.64 contributions to the "Our House" development, as there are no provisions in the respective plans or policy regarding such exemptions. Without such provisions in place, waiving contributions applicable to development would not be appropriate from a best practice corporate governance or legal perspective, and may leave Council exposed to accusations of inequity. Instead, Council would need to make a donation for other funds held by Council to donate the payment of these contributions on behalf of "Our House".

## Consideration

The proposed development demonstrates community and social benefits to the broader community, not just Lismore residents. In response to request, Council could consider a donation to cover the above costs paid or payable to Council to reduce the burden upon "Our House" proceeding to completion of the development.

## Sustainability Assessment

### Sustainable Economic Growth and Development

A donation would have a positive impact on health services sector growth and encourage additional investment in local/regional health services. Such a donation would be one-off cost to Council, but may encourage other community services/facilities to seek similar donations, which, if considered favourable, may have further implications for Council's financial position.

### Social Inclusion and Participation

The "Our House" project supports the principles and intent outlined in the Community Strategic Plan 2008-2018, and a donation to the project would have a positive effect on the provision of health services to the community.

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

Any proposed donation by Council will not impact the environment.

### Best-Practice Corporate Governance

If Council determines to make a donation towards the "Our House" development, it should be noted that this initiative will affect elements of Council's Operational Plan to a small degree (i.e. associated DA fees and contributions revenue projected for the current financial year may not be realised). In the longer term, it would be beneficial for the review of Council's s.94 and s.64 Contributions Plans to incorporate provisions for exemption criteria relevant to the imposition of developer contributions for certain developments, for example:

- low income (affordable) housing
- works undertaken for charitable purposes or by a registered charity
- places of worship, public hospitals, police stations and fire stations
- childcare facilities
- libraries
- recreation facilities
- other community, cultural or educational facilities.

While it is not possible to foresee every scenario, permitting the possibility of future requests in contributions plans for exemption being decided on their merits is reasonable – subject to some criteria being specified in advance to ensure equity. There is considerable work required to determine appropriate criteria, which could be undertaken in conjunction with review of relevant contributions plans.

## Comments

### Finance

Funding to support this request is not readily available from within the 2011/2012 Budget as all funding has been allocated. The September Quarterly Budget Review Statement shows the 2011/2012 Budget has a deficit balance of \$39,400 with other both favourable (interest on investments) and unfavourable (legal costs) variances to be reported when quantified.

Ideally, this request for a donation is best suited for consideration by Council when it is formulating the annual Operational Plan in conjunction with Delivery Plan projects and all other worthy submissions.

If Council is of the mind to support this proposal, then options to fund could include:

- a) Commit funding of \$68,400 from 2012/2013 Budget in advance – This would limit Council’s ability to implement Delivery Plan projects in 2012/2013.
- b) Reduce the amount of interest on investments allocated to reserves in 2011/12 by \$68,400 to fund the donation – This would result in the interest earned by all reserves to be less than the CPI for 2011/2012.

While they may be other options, the above are manageable.

From a financial perspective, the preferred option is b) as it deals with the request from within the 2011/2012 Budget.

Council Policy 1.5.10 Reserves (Internally Restricted Assets) provides that interest is applied to reserve balances. It is recommended that for 2011/2012 Council varies the policy so interest is applied to reserve balances less \$68,400 to be used to fund this donation.

Also, as this is considered a Section 356 Donation not included in the 2011/2012 Operational Plan, it needs to be advertised for 28 days seeking public submission, and Council needs to consider any public submission before formalising its position.

## Public consultation

Not required.

## Conclusion

The proposed “Our House” project will meet a need within the local and broader regional community, and provide benefits to the local community. There are potential financial implications for Council in making a donation in relation to DA fees and contributions applied to the development consent for the project, however, those costs can be absorbed in Council’s current budget for 2011/2012 with minimal impact subject to the recommendation of this report being adopted.

## Attachment/s

1. Our House Project
2. Request from Our House for donation or in kind contribution

## Recommendation

That:

1. Council provide ‘in principle’ support to making a donation of \$68,378 towards the “Our House” project to be undertaken in Hunter Street, Lismore.
2. Council does not apply Council Policy 1.5.10 Reserves (Internally Restricted Assets) with respect to the full allocation of interest to reserves held as at 30 June 2012. Instead, the full allocation is to be reduced by \$68,378 to fund the “Our House” project donation.
3. The proposed donation of \$68,378.00 towards the “Our House” project is to be advertised for 28 days seeking public submission and a report be submitted with any submissions received to Council’s 13 December 2011 meeting for final consideration.



## OUR HOUSE PROJECT

### 1.0 OUR HOUSE MISSION STATEMENT

The Our House project is a campaign to raise capital funds to build accommodation for cancer patients, children and their families who are receiving care at Lismore Base Hospital.

Our House is a joint project by Our Kids and Northern Rivers Community Cancer Foundation (NRCCF).

Our Kids aim is to improve the health service for children in the Northern Rivers. Our Kids operates under the auspice of the North Coast Area Health Service.

Northern Rivers Community Cancer Foundation aim is to improve the quality of care and treatment for patients of the Lismore Base Hospital and the North Coast Area Health Service (NCAHS).

The objectives of Our House are:

1. To provide a 'home away from home' for children, adults and their families whilst receiving their radiotherapy and chemotherapy at Lismore Base Hospital.
2. To provide accommodation for parents and families who have children and babies in Lismore Base Hospital's Children Ward and Special Care Nursery.

Our House will provide accommodation to the above at a fee inline with the IPTAS Fee structure and similar like facilities.

The Our House Project will be built on the site of 73 Hunter St, more commonly known as Jildyn Flats. Our House will consist of 15 units in a motel style accommodation, complete with communal area for families and for adults.

The family area will have an outdoor courtyard with child friendly play equipment, while the adult courtyard will feature therapy gardens. Each room will have a bathroom and tea and coffee facilities, with the space to sleep 3-5 people and potential room for foldout bed or cot space. There are two shared kitchens, with four-work spaces and lockers situated on the ground floor.

The communal areas will promote interaction with other families and people who are in a similar situation.

Once built, it will be only accommodation of this style between Lismore and the Brisbane.



## 2.0 CURRENT MARKET POSITION FOR OUR HOUSE

Our house is new project of Our Kids and NRCCF. NRCCF is registered charity that was specially formed for this project. Our Kids was established in 2001 and has built a high and well-respected profile with the Northern Rivers Community.

### 2.1 PRODUCT/SERVICE

Our House is a unique project with no equivalent in this area between Lismore though to Brisbane.

Coffs Harbour and Post Macquarie have similar projects, dedicated accommodation for patients receiving radiotherapy and chemotherapy as well as patients and families receiving general medical care.

The Our House project stands out as a capital investment that will have an ongoing affect for thousands of people on the Northern Rivers. As Lismore Base Hospital is the clinical referral centre for the catchment area covering Ballina to Tenterfield, Maclean to Mullumbimby.

The Special Care Nursery at Lismore Base Hospital treats 1/3 of the babies born in the Northern Rivers, with Children's Ward and Accident and Emergency seeing over 10,000 children per year.

The new Oncology Unit is predicted to treat between 2,400 and 2,800 new cases annually by the year 2011. The risk of cancer increases with age, the proportion of the population aged over 65 in NCAHS is 18%, this is much higher than the rest of NSW at 13%. Statistics show North Coast residents have a greater incidence of certain cancers, including melanoma than the NSW average.

The Our House project will provide 'short term' accommodation for patients, and their carers, receiving treatment from the new oncology unit. It will also provide accommodation for families who have babies and children in the paediatric wards.

### 2.2 TIME FRAME FOR OUR HOUSE

The time frame for this project is three years. This will coincide with the opening of the new Oncology and Radiotherapy Unit, which is stage 2 in the Redevelopment of Lismore Base Hospital, due to be completed late 2010.

Our House was officially launched in the media and to the community in May 2010.

Gary Murphy  
43 Oliver Ave  
Goonellabah 2480

19 October 2011

Dear Gary,

Thank you for taking the time to meet with Don Granatelli, Brian Henry and myself last Tuesday to discuss the 'OUR HOUSE' project and the possibility Lismore City Council could make a significant contribution to the project. The project is the result of two not for profit organisations, 'OUR KIDS' (the Northern Rivers Children's Health Fund) and the Northern Rivers Community Cancer Foundation (The Foundation), joining to build a purpose built cancer accommodation facility for families undergoing therapy in the Lismore Base Hospital Cancer Care Unit.

The build required the demolition of a block of flats on the land and the purchase of an adjoining property in Laurel Avenue to create adequate parking for tenants. The total cost is estimated at \$5.6m, of which \$3.8m has been sourced from Federal Grants. State Government contribution is \$500k, Cancer Council NSW contribution is \$500k and (so far) Community contributions of \$400k mean we are just \$400k short of the money needed to complete the build. We are aiming to create a therapeutic environment where patients and their families can truly experience a 'home away from home' in what must be a potentially devastating time in their lives.

Families from as far away as New England, Grafton and the Tweed may all utilise the accommodation, and in our view this will raise Lismore's profile in the area as a true Regional Hub. There will be state of the art medical treatment offered, with radiotherapy, chemotherapy and supportive cancer therapies all operating together. On-site CT and MRI scanners will be supplemented by the only non-Metro PET scanner in Australia to provide truly comprehensive care. We see our facility as complementing the high standards set within the medical complex.

We now feel it is an appropriate time for Local Government to be aware of the project and decide whether they wish to contribute. Ballina and Casino Councils have taken the stance they would like to see what Lismore Council has to offer, so we ask whether LCC would contribute either by donation or in kind to the amount of \$100,000. Such a contribution would bring us one step closer to realising our aim of completing the project with the best outcome possible, and we would be acknowledging such a contribution in the media and on the building itself in perpetuity. Coffs Harbour Council contributed to a similar development with over \$300k in waived fees and donations, to help the building of their cancer accommodation.

Northern Rivers Community Cancer Foundation  
A.B.N. 13 117 622 732  
129 Orion Street, Lismore NSW 2480. Ph: 02 6620 2705  
email: ourkids.LBH@ncahs.health.nsw.gov.au



A project by  
NORTHERN RIVERS  
COMMUNITY CANCER  
FOUNDATION  
and OUR KIDS

That this project would be a significant stimulus to the local economy is not in doubt, and we hope this will add to the attraction for Council to contribute. The Board of the Foundation would welcome the opportunity to present these ideas to Councillors at their next meeting, and await with anticipation the Council's view on whether the project merits its support. Again, thank you for taking the time to consider this. A contribution from Council at this point would not only allow a better build, but would also allow us to approach other local Councils with some optimism regarding the possibility of further support for the project.

Yours Faithfully

Chris Ingall (Chair)  
On behalf of OUR KIDS and the Board of the Foundation

Northern Rivers Community Cancer Foundation  
A.B.N. 13 117 622 732  
129 Orion Street, Lismore NSW 2480. Ph: 02 6620 2705  
email: ourkids.LBH@ncahs.health.nsw.gov.au



# Report

<b>Subject</b>	<b>Adoption of the Draft Comprehensive Koala Plan of Management for south-east Lismore for public exhibition</b>
<b>TRIM Record No</b>	BP11/872:EF10/124
<b>Prepared by</b>	Environmental Strategies Coordinator
<b>Reason</b>	To seek a council resolution allowing the draft Koala Plan of Management to be placed on public exhibition from 14 November 2011 to 3 February 2012, a period of 12 weeks.
<b>Community Strategic Plan Link</b>	Protect, Conserve and Enhance the Environment and Biodiversity

## Overview of Report

This report summarises the development of the Draft Comprehensive Koala Plan of Management for South East Lismore and outlines the process for its public exhibition.

## Background

In March 2009 Council resolved that:

1. The General Manager presents a timeline for a review and implementation of the 'shelved' Comprehensive Koala Plan of Management.
2. The new Comprehensive Koala Plan of Management be implemented across the local government area as soon as possible.

The Draft Comprehensive Koala Plan of Management for South East Lismore (the KPoM) prepared by staff for exhibition satisfies step 1 of the above resolution.

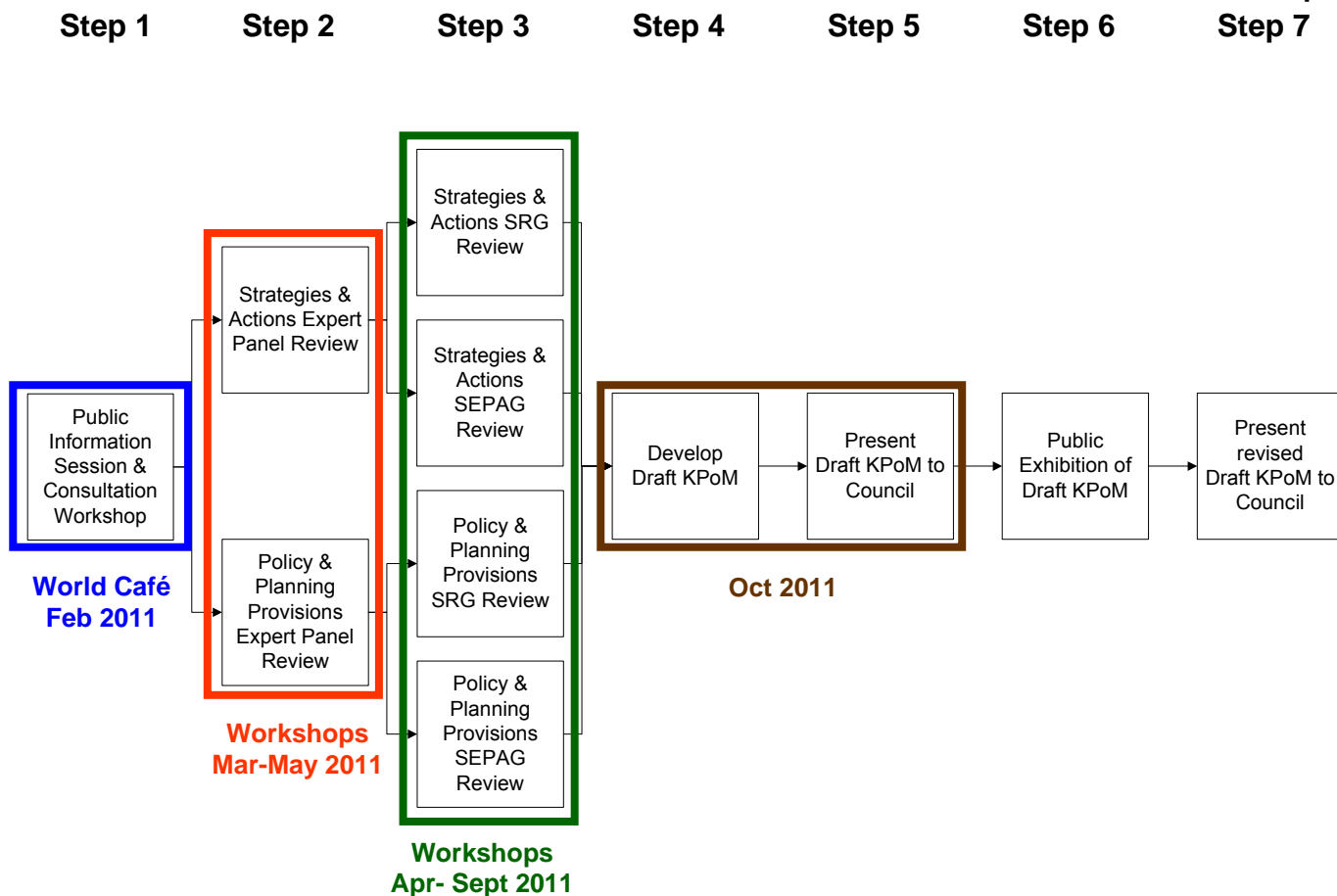
The development of the Draft KPoM has been a scientific research, strategic planning and public consultation process.

## Resource Study

The scientific background to the Draft KPoM is represented in the Resource Study. This independent report covers issues such as threatening processes to koalas, analysis of historical koala records, food tree preferences and management recommendations. This study forms the scientific basis and backing for the Draft KPoM.

## Draft KPoM

The development of the draft KPoM has involved a very comprehensive process of public and stakeholder consultation as described below. Representatives of all parts of the Integrated Planning Team (Community Services, Environmental Strategies and Strategic Planning) were involved in the development of this consultation process.



**Community Consultation Workshop**

Over 60 people attended the initial consultation workshop in February 2011. This workshop presented to the community Council’s proposed process for developing a koala plan and allowed the community to highlight their concerns and interests to council in relation to the KPoM.

**Establishment of Expert Working Groups and the Stakeholder Reference Group (SRG)**

In March 2011 council endorsed the selection of 11 representatives to the Stakeholder Reference Group (SRG) made up from agricultural, planning and environmental sectors. Council also decided against the proposal to include a councillor representative/s on the SRG.

Around this time the project team also established two expert panels to oversee the development of the first draft of the KPoM, they being the Management Actions Expert Panel and the Planning Regulations Expert Panel. Representatives of these panels included representatives of relevant state agencies (e.g. Dept Planning and Office of Environmental and Heritage), koala ecologist Dr Steve Phillips and relevant council staff. These expert panels provided main input to the initial drafts for consultation, which occurred between March and April 2011.

**Consultation through the SRG and SEPAG**

First drafts for consultation were presented separately to the SRG and Sustainable Environment Policy Advisory Group (SEPAG) from April 2011. These ‘working drafts’ were continually revised based on feedback from these groups over a number of months from April to October 2011. A timeline of these meetings is below:

- SRG Workshop #1 - 7 April – Introductions and background
- SEPAG Workshop #1 - April meeting – presentation of draft management actions for review.
- SRG Workshop #2 - 12 May – Matters arising from consultation workshop

SRG Workshop #3 - 26 May - presentation of draft management actions for review.  
SRG Workshop #4 - 9 June – Case studies on regulatory provisions  
SRG Workshop #5 - 30 June – Case studies on regulatory provisions  
SRG Workshop #6 - 14 July – Case studies on regulatory provisions  
SEPAG Workshop #2 - July meeting - presentation of regulatory provisions for review.  
SRG Workshop #7 - 4 August – Review of key discussion points  
SRG Workshop #8 - 26 October – Review of key discussion points.

The culmination of this consultation process is, we believe, a well-balanced koala plan, which meets the needs of planners and developers to have a consistent and transparent approach to assessing developments in koala habitat areas, acknowledges the management needs of the agricultural sector and addresses the threats to koalas as experienced by koala welfare groups.

In September 2011 councillors were briefed by members of the SRG, Kel Graham and Sandra Hueston, on the consultations process and achievements of the SRG.

At their final meetings both the SEPAG and SRG agreed it would not be necessary to meet again until after the exhibition of the KPoM.

## Sustainability Assessment

### Sustainable Economic Growth and Development

The KPoM provides a reliable and consistent method for assessing development applications in koala habitat areas to ensure more sustainable developments occur. The plan also proposes actions to improve the economic potential for Lismore in relation to koalas.

### Social Inclusion and Participation

The development of this KPoM has had wide consultation and participation. Its public exhibition from November to January will provide further opportunity for participation.

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

A major delivery plan item of Council's under this guiding principle.

### Best-Practice Corporate Governance

Represents best practice planning under the SEPP 44 – Koala Habitat Protection, and a major improvement in providing consistency and transparency in our planning framework for dealing with developments in koala habitat.

## Comments

### Finance

The recommendation to place the Draft Comprehensive Koala Plan of Management for South East Lismore on public exhibition is supported. Any actions or recommendations identified within Draft Plan will need to be assessed and considered against other priorities as part of the 2012/2013 Operational Plan process.

## Other staff comments

### Program Manager Integrated Planning

Engagement with the SRG in particular ensures that this revised koala plan of management has been made and is representative of the broader communities interests regarding the ongoing management of Lismore City's koala populations. It is therefore fully supported.

## Public consultation

The consultation process to date is outlined above. It is now proposed to place the draft KPoM on public exhibition from 14 November 2011 to 3 February 2012, a total of 12 weeks. This allows the community and stakeholders ample time both before and after Christmas to make submissions. These submissions will be reviewed in February, with a final report for adoption submitted to council in March 2012.

## Conclusion

The first 'working draft' of the KPoM was completed with strong input by two technical expert panels - the Management Actions Expert Panel and the Planning Regulations Expert Panel. Findings from the February Consultation Workshop and Resource Study also fed into this draft.

A working draft of the KPoM has been continually revised by the both the Stakeholder Reference Group (SRG) and SEPAG between April and October 2011, resulting in a well balanced plan for public exhibition. In September 2011 councillors were briefed by members of the SRG, Kel Graham and Sandra Hueston, on the consultation process and achievements of the SRG in developing the koala plan.

This has resulted in a high quality and well-balanced draft KPoM for public exhibition, and we an exhibition period of 12 weeks, from November to February 2012, is recommended.

## Attachment/s

1. Draft Koala Plan of Management (Over 7 pages)
2. Resource Study - Draft Koala Plan of Management (Over 7 pages)

## Recommendation

That the Draft Comprehensive Koala Plan of Management for South East Lismore be placed on public exhibition from 14 November 2011 to 3 February 2012.

# Report

<b>Subject</b>	<b>September 2011 Quarterly Capital Works Program Update for Roads, Parks and Water Infrastructure</b>
<b>TRIM Record No</b>	BP11/830:EF09/1417
<b>Prepared by</b>	Manager - Works
<b>Reason</b>	To provide Council with an update on the progress of the 2011-2012 Capital Works Program for Roads, Parks and Water Infrastructure.
<b>Community Strategic Plan Link</b>	Improve Roads, Cycleways and Footpaths

## Overview of Report

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

## Background

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

### Urban Roads Capital Works

#### **1. Avondale Avenue - Stage 1 (Wyrallah Road to First Avenue) - \$206,000**

This work is nearing completion with the initial bitumen seal recently applied. The final asphaltic wearing surface will be applied within the next six months to finalise this project. The upgrade involved the installation of 85m of stormwater drainage and the replacement and upgrade of 210m of kerb and channel.

#### **2. Bellevue Avenue (Donnans Road to Weemala Avenue) - \$209,100**

This work is also nearing completion with the recent application of the initial bitumen seal. This bitumen seal will be followed by the final asphaltic wearing surface within the next six months. The work included the upgrade of stormwater drainage systems, kerb and channel installation and relocation of sewer lines.

#### **3. Wyrallah Road (Dalley Street Intersection) - \$100,000**

The majority of works have now been completed with the only outstanding works involving the installation of the roundabout at the Dalley Street intersection and the application of the final asphalt wearing surface at this location. The realignment of the kerbing and installation of the roundabout has been scheduled to be carried out towards the end of November 2011.

#### **4. Mountain View Drive (Bruxner Crescent to Trinity Drive) - \$280,000**

Stormwater and subsoil drainage works have commenced on this project. This work will be followed by pavement reconstruction and rehabilitation works. Completion is scheduled for the end of November 2011.

#### **5. Rous Road (Oliver Avenue Intersection) - \$220,000**

Stormwater drainage works and subsoil drainage works will commence towards the end of November 2011. The work will include extending the kerb and channel along Oliver Avenue and reconstruction of the outer circle of the roundabout. Works are currently scheduled to be completed by December 2011.

#### **6. Esmonde Street (Wyrallah Road to First Avenue) - \$270,000**

This project is at the design and investigation stage. Works are currently scheduled to commence during March 2012.

#### **7. Jubilee Street (Diadem Street to Hunter Street) - \$350,000**

This project is at the design and investigation stage. Works are currently scheduled to commence during May 2012. It is also proposed to change this street to a one-way street, due to width restrictions for the road corridor.

#### **8. Conway Street (SH16 Ballina Road to Dawson Street) - \$1,178,400**

This major upgrade is nearing completion with the final asphaltic wearing surface scheduled for the end of November 2011. Extensive community consultation was undertaken for this project, which ensured the specific requirements of the adjoining business operators were accommodated where possible.

#### **9. Footpaths Reconstruction - \$120,100**

The urban and rural footpaths have recently been inspected and condition rated, providing a risk rating score. This inspection is a condition placed on Council by its Insurer to reduce Council's liability in this area. The risk rating system takes into account pedestrian use, size of trip points and surface condition.

Subsequent to the recent formal footpath inspections, a program of works will be developed and undertaken on a priority basis within the available funds.

#### **10. Cycleways – RTA - \$110,000**

The NSW Roads and Traffic Authority (RTA) has funded the widening of the existing footpath along MR 65 Dawson Street, from Conway Street to Zadoc Street. This work is nearing completion.

#### **11. Cycleways – LCC - \$305,600**

A program of works will now be developed in accordance with the recently updated Cycleway Strategy Plan.

#### **12. Drainage Construction - \$374,600**

A program of works is currently being finalised with upgrade works in Cassia Crescent, Goonellabah, and Caniaba Street, South Lismore, programmed to commence during November 2011.

### **Rural Roads Capital Works**

#### **1. Caniaba Road (West of Fredericks Road) - \$400,000**

This work has recently been completed with application of the initial bitumen seal. The work was successfully completed by a local contractor, Morgans. The work extends west of Fredericks Road for a length of 700m and included the upgrade of several stormwater culverts.

## **2. Rous Road - Stage 2 (Muller Road to Connor Road) - \$500,000**

The next stage of the upgrade of Rous Road is scheduled to commence during November 2011. This work will extend from the previous stage of works completed last year.

## **3. Boatharbour Road - Stage 1 (Ch 0 to 0.7km south of Eltham Road Intersection) - \$390,000**

Design plans have now been completed for this project, which is programmed to commence during March 2012.

## **4. Cawongla Road - Stage 3 (Ch 7.5km to 8.0km) - \$491,200**

This project is at the design and investigation stage. Works are currently scheduled to commence during April 2012.

## **5. Cowlong Road (Ch 0.9km to 1.5km) - \$460,000**

Works are currently programmed to commence during February 2012. Design and investigation works have commenced.

## **6. Fredericks Road Crest Removal - \$50,000**

This project is at the design and investigation stage. Works are currently scheduled to commence during May 2012.

### Regional Roads Program

#### **1. MR142 Blue Knob Road (Ch 4.7km north of Nimbin) - \$440,000**

This project is funded through the RTA Regional Roads REPAIR program. Major earthworks and drainage works are nearing completion for this project. Works are scheduled to be completed during November 2011.

#### **2. MR142 Blue Knob Road (Ch 5.6km north of Nimbin) - \$400,000**

This project is also funded through the RTA Regional Roads REPAIR program. Major earthworks and pavement works have commenced on this project with a planned completion timeline during November 2011.

#### **3. MR148 Coraki Road (north of Casey Lane) - \$600,000**

This work is funded from the State Government Natural Disaster Recovery program. The design and investigation has been completed for the slip restoration works, which involves re-aligning the road in this location. Works are currently scheduled to commence during February 2012.

### NSW Road Toll Response Package

The State Government Road Toll Response Package is a \$170 million investment in road safety across New South Wales over the next five years. The package is built on recommendations from a Road Safety Roundtable held in July 2009. The group was formed to engage road safety experts and community representatives to examine road safety issues in response to a rising road toll. There were 453 people who died on New South Wales roads in crashes in 2009. This figure was 79 more fatalities than in 2008.

A total allocation of **\$793,500** has been provided by the RTA across the following projects for the 2011/2012 financial year.

## **1. MR142 Blue Knob Road (Blade Road to Cemetery Road) - \$620,400**

This work is over a length of 750m and includes the provision of a 1m shoulder, installation of safety barriers and curve advisory signage. The work is programmed to commence during April 2012.

## **2. Woodlawn Road (Savins Road to St John's College Woodlawn) - \$55,250**

This work is over a length of approximately 500m and includes the provision of safety barriers and additional curve advisory signage. The work is programmed to commence during February 2012.

## **3. Stony Chute Road (west of Hutchison Road) - \$42,000**

This work is over a length of approximately 1km and also includes the provision of safety barriers and additional curve advisory signage. The work is programmed to commence during February 2012.

## **4. RR7742 Wyrallah Road (south of Donlon Road) - \$496,250**

This work involves the upgrade of signage and safety barriers over several section of Wyrallah Road. Design and investigation works have commenced with a scheduled commencement February 2012.

### National Blackspot Program

#### **1. RR7742 Wyrallah Road (North of Maxwell Lane) - \$600,000**

This work involves the re-alignment of a sub standard curve north of Maxwell Lane. The work involves the relocation of a major electricity facility and property acquisition. Design plans are nearing completion with an expected commencement currently scheduled for March 2012.

#### **2. MR142 Nimbin Road (north of Bishops Creek Road) - \$420,000**

Survey and design work has commenced on this upgrade which includes the provision of a 1m shoulder and signage and barrier upgrades. Works is scheduled to commence during April 2012.

### Regional Roads Timber Bridge Replacement Program

#### **1. Southwell and Cullen Bridges, Nimbin - \$120,000**

These bridges are currently open to traffic. Cement stabilisation and sealing of the approaches is nearing completion. The removal of the old timber bridge structures will complete these essential projects.

#### **2. Ruthven Bridge, Coraki Road (Pelican Creek) - \$695,000**

The construction of the side track and demolition of the existing timber bridge has now been completed. The installation of the concrete piles has also been completed. The next stage of works involves the construction of the supporting structure for the concrete beams. The new concrete bridge will consist of three spans for a total length of 45m with a width of 9.8m. This work is programmed to be completed during January 2012.

#### **4. Myott Bridge, Repentance Creek Road (Coopers Creek) - \$1,079,500**

Construction of the new Blade piers is nearing completion. The new structure will comprise of three spans for a total length of 55m and width of 9.2m. Work on this project is scheduled to be completed in April 2012.

### Roads Key Performance Indicators

In accordance with Recommendation 19 of the recent review of the Infrastructure Services Directorate, the following key performance indicators have been developed and will be reported to Council on a quarterly basis.



## 1. Occupational Health & Safety – Key Performance Indicator

Measure – Number of lost time injuries

Target – Reduction in lost time injuries

Year/ Quarter	Number of Incidents/ Injuries	Number of Lost Time Injuries	Number of Lost Days due to Injury
<b>2009/2010</b>	93	14	103
<b>2010/2011</b>	65	7	101
<b>2011/2012</b> 1 <sup>st</sup> Quarter (Jul/Aug/Sep)	16	2	10

## 2. Drainage Maintenance (Urban) – Key Performance Indicator

Measure – Number of drainage jobs completed per quarter

Target – Increase in productivity; reduction in deferred maintenance

Year/ Quarter	Expenditure	Number of Jobs Completed	Unit Rate per Job	Performance
<b>2010/2011</b>	\$310,920	223	\$1,394	
<b>2011/2012</b> 1 <sup>st</sup> Quarter (Jul/Aug/Sep)	\$ 63,988	45	\$1,421	-1.9%

## 3. Pavement Repair (Urban Jetpatcher) – Key Performance Indicator

Measure – Amount of product used

Target – Increase in productivity and decrease in unit rate

Year/ Quarter	Expenditure	Quantity of Product	Unit Rate per Tonne	Performance
<b>2010/2011</b>	\$103,807	111.5T	\$ 931	
<b>2011/2012</b> 1 <sup>st</sup> Quarter (Jul/Aug/Sep)	\$ 27,060	30.5T	\$ 887	4.7%

## 4. Street/ Pavement Sweeping– Key Performance Indicator

Measure – Lane kilometres swept

Target – Increase in productivity; reduction in unit rate

Year/ Quarter	Expenditure	Lane Kilometres Swept	Unit Rate per Lane Km	Performance
<b>2010/2011</b>	\$227,686	2,978	\$76.45	
<b>2011/2012</b> 1 <sup>st</sup> Quarter (Jul/Aug/Sep)	\$ 52,989	696	\$76.10	0.45%

## 5. Pavement Repair (Rural PaveLine) – Key Performance Indicator

Measure – Amount of product used

Target – Increase in productivity and decrease in unit rate

Year/ Quarter	Expenditure	Quantity of Product	Unit Rate per Tonne	Performance
2010/2011	\$321,444	592.0T	\$543	
1 <sup>st</sup> Quarter 2011/2012	\$ 79,513	149.1T	\$533	1.8%

As information becomes available, additional key performance indicators will be reported to Council on a quarterly and annual basis.

## Wastewater Infrastructure Capital Works

### 1. Southern Trunk Main - \$12,000,000

Diona Pty Ltd has been selected as the successful contractor for the construction of the Southern Trunk Main. A detailed project plan and construction schedule will be developed for this work, which is likely to commence within the next two months. Progress on this project will also be reported to Council on a quarterly basis.

### 2. Sewer Mains Renewals - \$2,533,000

A detailed program of works is currently being investigated for this year's sewer renewals program, which will include CCTV footage to determine the most suitable method of construction. It is envisaged that a tender for this work will be called early in 2012.

## Water Infrastructure Capital Works - \$1,270,000

Tenders have recently been called for the replacement of 1.7km of water mains in the following streets.

1. Baillie Street – 220 metres of 100mmØ water main
2. College Street – 290 metres of 100mmØ water main
3. Sherwood Drive – 200 metres of 100mmØ water main
4. Dalley Street – 495 metres of 150mmØ water main
5. Ballina Road – 80 metres of 100mmØ water main
6. Avondale Avenue – 415 metres of 100mmØ water main.

This work is scheduled to commence towards the end of November 2012.

## Parks Sporting Field Improvements - \$44,000

Work on the improvement of the following sporting fields has commenced and is scheduled to be completed during November 2011. This will ensure the fields are ready for the next season of winter sporting activity.

1. Caniaba Street Reserve
2. Nielson Field
3. Richards Oval
4. Balzer Park.

Work is also nearing completion on the jogging track within Nesbitt Park.

## Sustainability Assessment

### Sustainable Economic Growth and Development

The replacement and upgrade works will reduce the ongoing maintenance liabilities for these assets. The projects will also have a positive effect on Lismore's transport, water and wastewater infrastructure by providing an improved level of service to the community.

### Social Inclusion and Participation

The projects will improve the quality of service provided in the transport, water and wastewater infrastructure area.

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

Environmental impacts are addressed through the REF (review of environmental factors) process. Existing pavement materials and poor sub-grades will be modified where possible to reduce the volumes of imported materials.

### Best-Practice Corporate Governance

All projects have been designed and constructed to industry standards to ensure the life of the new asset is realised.

## Comments

### Finance

Council's 2011/12 Capital Works Program for Roads, Parks and Water Infrastructure is funded from various sources including revenue, grants, reserves, loans and developer contributions.

### Other staff comments

Not required.

### Public Consultation

The progress on Council's Capital Works program is reported to and discussed by the Infrastructure Assets Policy Advisory Group on a quarterly basis.

### Conclusion

Staff are constantly monitoring the progress on the delivery of the Capital Works Program for roads parks and water infrastructure to ensure timely completion within the constraints of weather events and emergency works. The target for the Capital Works Program is to reduce the amount of work that is carried over into future years.

### Attachment/s

There are no attachments for this report.

## Recommendation

That the September 2011 quarter capital works progress report be received and noted.

# Report

<b>Subject</b>	<b>Urban and Rural Sports Fund 2011</b>
<b>TRIM Record No</b>	BP11/833:EF09/1839
<b>Prepared by</b>	Community Services Officer (Sport and Recreation)
<b>Reason</b>	To seek approval for recommendations passed by the Sport and Recreation Policy Advisory Group held Monday 17 October 2011 with respect to the Urban and Rural Sports Facilities funding programs.
<b>Community Strategic Plan Link</b>	Improve Passive and Active Recreational Facilities

## Overview of Report

Approval is sought for the allocation of funds from the Urban Sports Facilities Fund and the Rural Sports Facilities Fund for a number of development projects recommended by the Sport and Recreation Policy Advisory Group (SRPAG).

## Background

In the 2011/2012 budget a sum of \$174,700 was allocated to the Urban Sports Facilities Fund and \$25,700 to the Rural Sports Facilities Fund to assist sports ground users and recreation facility providers with the development of local sport and recreation facilities. To commence the process an advertisement was placed in the Northern Rivers Echo newspaper seeking submissions from interested parties. Eighteen applications were received for funding from the Urban Fund and one for funding from the Rural Fund. The submissions were assessed in the first instance by Community Services staff and Parks and Recreation.

Advice from Financial Services provides an outline of the funding reserve allocations with respect to the two schemes as follows:

### Urban

Balance carried forward	\$47,700
Plus: 2011/12 Budget	\$174,700
<b>Sub-Total Funds Available</b>	<b>\$222,400</b>
Less: Already Committed	
• South Lismore Soccer Club	\$20,000
• Swans AFL	\$23,800
• Lismore Old Boys R L	\$3,900
<b>Balance Available</b>	<b>\$174,700</b>

### Rural

Balance carried forward	\$29,000
Plus: 2009/10 Budget	\$25,700
<b>Balance Available</b>	<b>\$54,700</b>

## Applications received

Applications were received from the following organisations

## Urban Sports Facilities Fund

Club Name	Project description	Total cost of project	Value of grant
Lismore and District Netball Association Inc	Resurfacing of three courts	\$45,000	\$20,000
Goonellabah Tennis Club	Practice Wall	\$3,700	\$3,700
Lismore Access Committee	Masterplan for "All Abilities Park" in Nesbitt Park	\$10,000	\$7,000
Northern Rivers K9 Sports Club Inc	Expansion of Storage Shed Facility at Clifford Park	\$5,000	\$5,000
Lismore Old Boys Rugby League Football Club Inc	Further lighting of Heaps Oval	\$21,692	\$19,720
Lismore Tennis Club Inc	Stage 1 Perimeter Fencing Replacement Project	\$19,800	\$19,800
Lismore Workers Football Club	Renovations to Richards Oval including transfer of Turf wicket	\$28,344	\$15,000
Marist Brothers Cricket Club	Installation of Turf wicket and sight screen at Mortimer Oval	\$26,550	\$26,550
Lismore Little Athletics Centre Inc	Development of area adjacent to canteen	\$3,570	* \$1,785
Northern United Junior Rugby League	Master Plan for Clifford Park	\$10,000	\$10,000
Far North Coast Baseball Assn	Perimeter Fencing Ground 4 – Albert Park	\$6,157	\$6,157
Far North Coast Baseball Association – alternate	Spectator stand seating	\$10,000	\$10,000
Far North Coast Softball Association	Backstop fencing Ground 2 – Albert Park	\$4,178	\$4,178
Northern Rivers Kart Club Inc	Permanent Fencing and Commencement of track widening	\$40,000	\$20,000
Goonellabah Workers Cricket Club	Stage 1 – Practice cricket Facility	\$27,000	\$27,000
Great Eastland Archery Club	Improvements to Archery Facility	\$15,000	\$15,000
Northern Rivers Kart Club Inc	Track repair and widening	\$40,000	\$20,000
Northern United Cricket	Practice Cricket facility at Clifford Park	\$20 000	\$20 000
<b>TOTALS</b>		<b>\$335,991</b>	<b>\$250,890</b>

\* The Sport and Recreation PAG recommended the value of this grant be increased to \$3,570.

**Rural Sports Facilities Fund**

<b>Club Name</b>	<b>Project Description</b>	<b>Total cost of project</b>	<b>Value of grant</b>
<b>Nimbin Headers Sports Club</b>	Drainage project	\$31,900	\$20,000
<b>TOTALS</b>		<b>\$31,900.00</b>	<b>\$20,000</b>

Before the applications were considered by the Sport and Recreation Advisory Group a number of issues were discussed by the PAG with respect to the current funding guidelines. It was noted that the new broadened guidelines for eligibility would not be in place until the 2012/2013 funding round following the recent approval of the Lismore Sport and Recreation Plan 2011 – 2021.

**Ineligible submissions**

It was resolved that the following submissions were ineligible:

**Urban Fund**

- Far North Coast Baseball (\$6,157)
- Far North Coast Baseball (\$10,000)
- Far North Coast Softball (\$4,178)
- Northern Rivers Kart Club (\$20,000)
- Northern Rivers Kart Club (\$20,000)

**Rural Fund**

- Nimbin Headers Sports Club (\$20,000)

This had the effect of reducing the claims on the Urban Fund by \$60,335, resulting in the value of remaining submissions being \$192,555. With the removal of the Headers club there were no applicants for the available Rural funds.

It was resolved by the PAG that the Rural Fund should be readvertised.

**Master Planning for Clifford Park**

The Sport and Recreation PAG had noted that there was a submission from the Northern United Rugby League Club for a Master Plan to be developed for Clifford Park. This was in line with the recently adopted Sport and Recreation Plan and was strongly supported by the PAG

Another submission was also received for facility development at Clifford Park. This submission was from the Northern United Cricket Club and referred to the construction of a practice cricket facility at the ground. The PAG believed that this submission was premature and should be held back until the Master Plan for the Park was approved

It was resolved by the PAG that the submission from the Northern United Cricket Club for \$20,000 be not supported at this time.

**Sustainability Assessment****Sustainable Economic Growth and Development**

Improvements resulting from the scheme will encourage use by both local and regional users (hence further cementing our status as the Sports Capital of the region). The works required will, in most cases, be undertaken by local tradespeople and contractors.

## Social Inclusion and Participation

“Increased participation potential” is a key criteria indicator adopted by the Sport and Recreation PAG and applied to the Urban and Rural Sports Facilities Fund. All applications have fulfilled this criteria to the PAG’s satisfaction. The Master Planning for both Clifford Park and Nesbitt Park clearly reflect Social Inclusion initiatives.

## Protect, Conserve and Enhance the Environment and Biodiversity

All future users of the proposed facilities will have to abide by Councils hiring regulations, ordinances and policies relevant to protecting and conserving the environment.

## Best-Practice Corporate Governance

The scheme was advertised widely and all Lismore Local Government Area based sport and recreation groups were eligible to apply (subject to the documented criteria). All adopted projects that require further development approval will be subject to all Councils standard processes and requirements. Many of the proposed projects are included in the recently adopted Sport and Recreation Plan.

## Comments

### Finance

The 2011/2012 Operational Plan includes amounts of \$174,700 for the Urban Sports Facilities Fund and \$25,700 for the Rural Sports Facilities Fund. As such, there is sufficient funding available to meet the recommendations.

### Parks & Recreation

Parks staff are in agreement with the recommended projects subject to the provision of additional maintenance funding in future financial year budgets.

### Other staff comments

Not required.

### Public consultation

Advertisements were placed in the Northern Rivers Echo for both grant schemes over a two week period. As well many potential applicants were contacted if, in particular, they had been impacted by the Sport and Recreation Plan. Many clubs that were not currently eligible for funding had submitted applications in the hope that the eligibility guidelines may change when the Sport and Recreation Plan was adopted at the October 2011 meeting of Council. Eighteen applications were received for the Urban program and one application was received for the Rural program.

A significant amount of interest was generated by this process and numerous meetings and telephone conversations were held with interested parties.

### Conclusion

The Sport and Recreation Policy Advisory Group is recommending a number of facility improvements across a range of sporting and recreational activities many in line with the recently adopted Sport and Recreation Plan.

The rationalisation of Cricket will take a little time and the projects at Richards Oval and Mortimer Oval will be the first step in this program. There has already been significant investment in the lighting at Mortimer Oval and the revamping of this facility over time will see it develop into a significant multi purpose facility for the Swans AFL Club as well as the Marist Brothers Cricket Club. Funding is also being sort for Stage 1 of shifting the Goonellabah Workers Cricket Club’s practice facility from their

present location to the west of the current artificial hockey field to the south eastern corner of Hepburn Park. This move will make way for the future construction of a second synthetic hockey field at Hepburn Park as supported in the Sport and Recreation Plan.

Two of the towns major sports facilities (Netball and Tennis) on Ballina Road will continue to be upgraded which is in line with recommendation 3.5.1 of the Sport and Recreation Plan.

Further Master Planning for Nesbitt Park (developing a significant “all abilities park”) and a Master Plan for Clifford Park will commence the implementation of recommendation 3.3 of the Sport and Recreation Plan on Social Inclusion.

The recommendations also include improving facilities for Archery, Little Athletics, the K9 Club, Old Boys Rugby League and the Goonellabah Tennis Club.

Overall, the Sport and Recreation Policy Advisory Group are recommending **\$172,340** in grants under the Urban Sports Facility Fund program.

## Attachment/s

There are no attachments for this report.

## Recommendation

That Council endorse the funding disbursement of **\$172,340** for the Urban Sports Facilities Fund and the Rural Sports Facilities Fund as outlined below:

### **1.0 Urban Applications**

#### **1.1 Lismore and District Netball Association**

That an amount of **\$20,000** be granted to the Lismore and District Netball Association to assist with the resurfacing of three of their courts.

#### **1.2 Goonellabah Tennis Club**

That an amount of **\$3,700** be granted to the Goonellabah Tennis Club for the construction of a practice tennis wall within their court complex at Goonellabah.

#### **1.3 Lismore Access Committee**

That an amount of **\$7,000** be granted to the Lismore Access Committee to assist with the costs associated with developing a master plan for Nesbitt Park which will allow it to become a destination “all abilities” Park.

#### **1.4 Lismore K9 Sports Club Inc**

That an amount of **\$5,000** be granted to the Lismore K9 Sports Club to help improve storage at their training ground.

#### **1.5 Lismore Old Boys Rugby League Football Club Inc**

That an amount of **\$19,720** be granted to the Lismore Old Boys Rugby League Club to assist with further improving the lighting for training at Heaps Oval.

#### **1.6 Lismore Tennis Club**

That an amount of **\$19,800** be granted to the Lismore Tennis Club to commence the staged process of replacing their perimeter fencing.

#### **1.7 Lismore Workers Football Club**

That an amount of **\$15,000** be granted to the Lismore Workers Football Club to assist with the development of Richards Oval into a year round football facility.



## **1.8 Marist Brothers Cricket Club**

That an amount of **\$26,550** be granted to the Marist Brothers Cricket Club to commence the process of developing a turf wicket and related facilities at Mortimer Oval.

## **1.9 Lismore Little Athletics**

That an amount of **\$3,570** be granted to the Lismore Little Athletics Centre to assist with further improvement to the precinct surrounding the canteen facilities at Riverview Park for the club and other user groups.

## **1.10 Northern United Junior Rugby League**

That an amount of **\$10,000** be granted to the Northern United Junior Rugby League Club to assist with the development of a Master Plan for Clifford Park as recommended in the Lismore Sport and Recreation Plan.

## **1.11 Goonellabah Workers Cricket Club**

That an amount of **\$27,000** be granted to the Goonellabah Workers Cricket Club to assist with the first stage of developing a practice cricket facility in the south eastern corner of Hepburn Park.

## **1.12 Great Eastern Archery Club**

That an amount of **\$15,000** be granted to the Great Eastern Archery Club to assist with improvements to the Archery facility at Arthur Park

## **1.13 Northern United Cricket Club**

That the submission from the Northern United Cricket Club not be supported at this time pending the approval of a Master Plan for Clifford Park.

## **1.14 Ineligible Submissions**

That the submissions from the Northern Rivers Kart Club, Far North Coast Softball and Far North Coast Baseball not be supported at this time on the grounds that these organisations do not meet the current advertised eligibility guidelines.

## **2.0 Rural Applications**

### **2.1 Nimbin Headers Sports Club**

That the submission from the Nimbin Headers Sports Club not be supported at this time on the grounds that the Club does not meet the current advertised eligibility guidelines.

### **2.2 Rural Sports Facilities Fund**

That the Rural Sports Facilities Fund be readvertised using the recently adopted eligibility guidelines for 2012/2013 as part of the criteria.

# Report

<b>Subject</b>	<b>Rural Fire Service Zone Liaison Committee Representative</b>
<b>TRIM Record No</b>	BP11/834:EF09/1795
<b>Prepared by</b>	Manager - Assets
<b>Reason</b>	To have Council nominate a representative and alternate representative for the Zone Liaison Committee.
<b>Community Strategic Plan Link</b>	Best-Practice Corporate Governance

## Overview of Report

In 2010 Council agreed to a proposal by the NSW Rural Fire Service to enter into a zone arrangement for the provision of rural fire services to the local community. The zoning agreement commenced on 1 July 2011. Council must nominate a Councillor and alternate to represent Lismore City Council on the Zone Liaison Committee.

## Background

Council at its meeting of 13 July 2010 considered a proposal from the NSW Rural Fire Service (RFS) to implement a zone arrangement to streamline its administration in the Northern Rivers area. Council endorsed the proposal and the zoning arrangement commenced on 1 July 2011. The previously separately administered areas of Lismore, Richmond Valley and Kyogle have now been combined under a single administration structure within the RFS.

As part of the administrative structure for the zoning arrangement, a Zone Liaison Committee is to be established. The purpose of the committee is to review the performance of the Rural Fire Service in delivering services under the zoning agreement. The committee will meet every six (6) months.

Council must nominate a Councillor and alternate to sit on that committee. Councillor Yarnall and Councillor Graham were Council's nominations to the liaison committee required under the previous administrative arrangements with the RFS. In addition, Councillor Yarnall currently represents Council on the District Bushfire Management Committee.

The General Manager also nominates a staff delegate to sit on the Zone Liaison Committee. The staff delegate to the committee is the Manager - Assets.

## Sustainability Assessment

### Sustainable Economic Growth and Development

There are no positive or negative effects on sustainable economic growth and development.

### Social Inclusion and Participation

There are no positive or negative effects on social inclusion and participation.

## Protect, Conserve and Enhance the Environment and Biodiversity

There are no positive or negative effects on the environment and biodiversity.

## Best-Practice Corporate Governance

Participation in the zoning agreement was regarded by Council as a more efficient and effective way of supporting the Rural Fire Service in delivering services to the community.

## Comments

### Finance

Not required. There are no financial implications for Council arising from this report.

### Other staff comments

Not applicable.

### Public consultation

Not applicable.

## Conclusion

A Councillor and alternate needs to be nominated to represent Council on the Zone Liaison Committee.

## Attachment/s

There are no attachments for this report.

## Recommendation

That Council nominate a Councillor representative and alternate to sit on the NSW Rural Fire Service Zone Liaison Committee.

# Report

<b>Subject</b>	<b>Tender No. T2012-08 - Water Main Replacement - Various Locations in Lismore</b>
<b>TRIM Record No</b>	BP11/835:T12/8
<b>Prepared by</b>	Water Infrastructure Engineer
<b>Reason</b>	To inform Council of the tenders received for the renewal of water mains in various locations within Lismore.
<b>Community Strategic Plan Link</b>	Integrated Waste Cycle Management

## Overview of Report

This report outlines the assessment process for Tender No. T2012-08 - Water Main Replacement Various Locations, and recommends that Council accept the tender from JB Operations Pty Ltd and award the contract for water main replacements for the 2011/2012 financial year.

## Background

In September 2011 Council called tenders for the contract of water main replacement in and around the Lismore CBD, including Baillie Street, College Road, Sherwood Drive, Dalley Street, Ballina Road and Avondale Avenue.

The water mains are in poor structural and service condition, and in need of urgent replacement. The total length of mains for this contract is 1,700m, varying in sizes of 100mm $\varnothing$  and 150mm $\varnothing$ .

The request for tender was advertised in the 'Weekend Star', the 'Echo', and the 'Sydney Morning Herald', as well as "Tenderlink" through Lismore City Council's web page. A compulsory pre-tender meeting was held on 21 September 2011, with all prospective contractors attending. Four tenders were received by the closing time of 2.00pm on Monday, 10 October 2011.

## Tender Examination

A summary of the tenders received is given below –

Tenderer	Tender Price (\$)
JB Operations Pty Ltd	709,810.00
Cambra Holdings Pty Ltd ("Morgans")	1,271,415.79
Trazilbat Pty Ltd	1,062,786.50
National Tapping Service	871,130.00

Prices shown are **exclusive of GST**.

The tender is based on a Schedule of Rates. The “tender price” is the estimated price of the works as provided by the tenderers using their respective rates. Council’s estimate for the construction of these works is reflected in the budget allocation for 2011-2012 set at \$800,000 for the six projects.

An evaluation committee comprising the Water Infrastructure Engineer, Water & Wastewater Operations Engineer and Trade Waste & Development Inspector undertook the assessment of tenders.

The tender documents (Clause B7) defined five areas by which each tender would be assessed:

1. Total Price
2. Capability and Past Experience
3. OH&S, Risk Management and Quality
4. Environment and Community
5. Local Content

Taking all the assessment criteria into account, JB Operations Pty Ltd provides the most advantageous tender to Council with an assessment score of 85.72%, followed by Morgans at 76.36%, Trazlbat at 72.12% and National Tapping Service at 69.8%.

## Total Price

This was determined by using Council’s tender scoring spreadsheet. Attachment 1 to this report shows the evaluations.

## Capability and Experience

- **JB Operations Pty Ltd (formerly trading as Camglade Pty Ltd)** has undertaken numerous water main contract works for Lismore City Council, with the most recent works being undertaken for Tender T2010-01 – Woodlark Street water main reconstruction within the CBD, which was completed on schedule. JB Operations Pty Ltd is well experienced to undertake the scope of works nominated within this tender and is currently completing similar works for Tender T2011-02.
- **Cambra Holdings Pty Ltd (“Morgans”)** has undertaken civil construction works only for Lismore City Council of late with the road construction works undertaken on Caniaba Road at Caniaba. However, Council’s Water and Wastewater Inspectors have been called upon to inspect their works undertaken with the latest stage of the Perradenya subdivision and found them to be of a high standard.
- **Trazlbat Pty Ltd** has not undertaken any work for Lismore City Council but has carried out extensive works of a similar nature in the local region for Rous Water, Coffs Harbour City Council and the NSW Department of Public Works.
- **National Tapping Service Pty Ltd** has not undertaken any work for Lismore City Council and has provided limited information concerning current and previous projects undertaken by the company.

## Quality and Safety

- **JB Operations Pty Ltd** has consistently performed works at a high standard and completed them on schedule. The staff are all qualified and trained to perform their duties to a high standard with respect to OH&S and risk management issues concerning co-workers and members of the public.
- **Cambra Holdings Pty Ltd (“Morgans”)** has performed limited civil works for Council but has performed in a way that reflects highly of its stance to Quality and Safety.
- **Trazlbat Pty Ltd** has shown within the documentation submitted to Council that it has a high stance to both Quality and Safety.

- **National Tapping Service Pty Ltd** has shown within the documentation submitted to Council that it has a high stance to both Quality and Safety.

## Environment and Community

In this area the panel considered that a tenderer would have to demonstrate a level of excellence to receive higher points. In this instance JB Operations Pty Ltd and Cambra Holdings Pty Ltd scored slightly higher than both Trazlbat Pty Ltd and National Tapping Service Pty Ltd.

- **JB Operations Pty Ltd** consistently carries out remediation works within 24 hours of excavation works being undertaken and has a high level of community contact with both the notification of disruptions to services and by positively acting upon all community concerns with works undertaken.
- **Cambra Holdings Pty Ltd (“Morgans”)** consistently carries out remediation works upon private subdivisions without being directed by Council Inspectors. Of the limited works undertaken for Lismore City Council to date, a high level of community contact is maintained with both the notification of disruptions to services and by positively acting upon all community concerns.
- **Trazlbat Pty Ltd** - An assessment could only be made from the documentation supplied, which covered extensive projects undertaken in the region over the past decade.
- **National Tapping Service Pty Ltd** – An assessment could only be made from the documentation supplied, which covered limited projects undertaken.

## Local Content

All of the tenderers demonstrated a local content with spending in the local areas being consumables and accommodation of staff; therefore the following scores were assigned based on the physical location of the business.

Lismore local government area	10
Northern Rivers	8
NSW and South East Queensland	6
Other	2

- **JB Operations Pty Ltd** is a local business previously trading as Camglade Pty Ltd which had operated in Lismore for 22 years. All vehicles and equipment used have been procured through Lismore business houses. All staff are local and apart from major selected water fittings, all material is purchased within Lismore.
- **Cambra Holdings Pty Ltd (“Morgans”)** is a local business situated at Ballina which has operated in the region for over 30 years. All 55 staff are local and apart from major selected water fittings, all material is purchased within the local region.
- **Trazlbat Pty Ltd** - Based in Sydney with limited procurement of local materials.
- **National Tapping Service Pty Ltd** - Based in Molendinar, Queensland, with limited procurement of local materials.

## Referee Check

### **JB Operations Pty Ltd (formerly Camglade Pty Ltd)**

Lismore City Council has contracted Camglade Pty Ltd for many projects in the past. During the past four financial years, Camglade Pty Ltd has carried out similar works under:

- T25001 – Water Main Replacement
- T26001 – Water Main Replacement
- T26010 – Water Main Replacement
- T2010-01 – Woodlark Street Water Main Replacement and T2011-02.

These works were performed to a high standard.

### **Cambra Holdings Pty Ltd (“Morgans”)**

Lismore City Council engaged Cambra Holdings on limited civil works in 2011 and these works have been performed to a high standard.

**Trazibat Pty Ltd** - Not checked (as ranked 3<sup>rd</sup>).

**National Tapping Service Pty Ltd** - Not checked (as ranked 4<sup>th</sup>).

## Sustainability Assessment

### Sustainable Economic Growth and Development

The project will have a positive effect on local employment and the economy. The proposed mains to be replaced will reduce ongoing lifecycle costs as they will be replaced to industry standards.

### Social Inclusion and Participation

The project will improve the quality of service provided in the water reticulation area. The contractor has rigorous contractual requirements for public consultation during the works.

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

The contractor has a strong demonstrated commitment to sustainability and the conservation of the environment; these requirements are also embedded in the contract specifications and in their daily business practices. Therefore it is considered the project will have minimal impact on the environment with respect to the quality of air, water, biodiversity or waste.

### Best-Practice Corporate Governance

An open tender process is the most transparent method to appoint a contractor for the purpose of the associate works. The project will be undertaken and constructed to industry and Australian standards.

## Comments

### Finance

The 2011/12 Budget for Water Mains Renewal is \$1,400,000. The mains renewals budget is required to replace infrastructure at the end of its useful life and may need to be reduced or increased as other capital works projects are identified. There is currently sufficient funding available to support the recommendation.

## Other staff comments

### Manager - Works

The selection of JB Operations Pty Ltd as the preferred contractor for the 2011/2012 water mains renewal program is strongly supported due to their proven track record in delivering similar contract works for Lismore City Council. JB Operations Pty Ltd is also a local company with a vast amount of local knowledge and skills in delivering this type of work on schedule and within budget.

## Public consultation

Not required.

## Conclusion

It is recommended that the contract for the water main replacement be awarded to JB Operations Pty Ltd.

## Attachment/s

1. Tender T2012-08 Assessment Sheet - Water Main Replacement - Various Locations in Lismore

## Recommendation

That:

1. Council accepts the tender and awards the contract for T2012-08 Water Main Replacement to JB Operations Pty Ltd based on the rates submitted (the estimated price of the works being \$709,810.00 plus GST).
2. The Mayor and General Manager be authorised to execute the contracts on Council's behalf and attach the Common Seal of the Council.



Attachment 1

**Tender T2012-08 Water Main Replacement- Various Locations Lismore**

	Criteria	Weighting from Tender Docs	Cambra Holdings "Morgan"		JB Operations		Trazilbat		National Tapping	
			Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated
1	<b>Total Price (out of 10; against average)</b>	40%	5.84	2.34	7.68	3.07	6.53	2.61	7.15	2.86
2	<b>Capability and Experience (out of 10)</b>	45%	9	4.05	9	4.05	8	3.60	7	3.15
3	<b>Quality and Safety (out of 10)</b>	3%	9	0.27	9	0.27	8	0.24	7	0.21
4	<b>Environment and Community (out of 10)</b>	2%	9	0.18	9	0.18	8	0.16	8	0.16
5	<b>Local Content Minimum 10% (Out of 10)</b>	10%	8	0.80	10	1.00	6	0.60	6	0.60
		100%		7.64		8.57		7.21		6.98
	<b>Overall score out of 100</b>			76.36		85.72		72.12		69.80

# Report

<b>Subject</b>	<b>Regional Digital Economic Strategy</b>
<b>TRIM Record No</b>	BP11/841:EF09/449
<b>Prepared by</b>	Manager - Information Services
<b>Reason</b>	The construction of a National Broadband Network is a major technological initiative that has the potential to change the way Australians work and live. To enable our Community to be prepared for its arrival, a cogent strategy should be developed. This report describes a proposal for such a strategy.
<b>Community Strategic Plan Link</b>	Sustainable Economic Growth and Development

## Overview of Report

The development of a Regional Development Strategy for the Northern Rivers is seen as an important tool in preparing for the deployment of the National Broadband Network within the region. This strategy will create a focus for the Community to prepare for and take advantage of the significant change created by this network. The Strategy is best developed regionally for both financial and impact reasons. This report looks to garner endorsement for the development of the Strategy by supporting a proposal to NOROC by the Regional Development Authority (Northern Rivers) in November 2011.

## Background

The commencement of the construction of the \$36b National Broadband Network (NBN) around Australia has focused the attention of many groups and organisations on to how to best prepare for its arrival. A consistent view is that the development of a Digital Economic Strategy is a key platform in preparing a Community for its arrival.

Through the Regional Development Authority (Northern Rivers) a working group has been established involving all local Councils. This group has collated the information it has gained from a number of sources over the last twelve months including advice from the Federal Government, NBNC, the constructors of the NBN, other organisations who have been early recipients of the NBN. From this has evolved a view that a Regional Digital Economic Strategy (RDES) for the Northern Rivers must be developed in earnest.

## Terms of Reference

The Terms of Reference have been developed for the development of the RDES by the Working Group:

The primary essence of the RDES will be to focus the efforts of the key stakeholders in the region, including the region's Councils towards a consolidated transition to the digital economy. The RDES will need to regionalise and create a local narrative, with local examples for the eight goals of the Australian Digital Economy Strategy:

- online participation by Australian households
- online engagement by Australian businesses and not-for-profit organisations
- smart management of our environment and infrastructure

- improved health and aged care
- expanded online education
- increased teleworking
- improved online government service delivery and engagement
- greater digital engagement in regional Australia.

The RDES should focus on a plan for renewal of the local and regional economy through the utilisation of broadband and technical advancements to refine business processes and to open new markets for existing business, while also attracting new business ventures to the region. It should also consider how the region can partner with State and Commonwealth partners to promote the economic and social benefits which may be derived from a digital economy.

Within the above overarching objective there are some specific Northern Rivers tasks that need to be included:

1. A review and summary of current statutory requirements, guidelines and consultation requirements and barriers and gaps for telecommunication infrastructure (including towers, which could be a major impediment to NBN rollout in the Northern Rivers). Recommendations for how councils can address critical barriers and gaps in planning and approval processes (e.g. Development Control Plans and conditions for Development Applications).
2. In terms of 'digital innovation' to identify how digital enablers will play a role in assisting Northern Rivers creative and other key industries and promoting entrepreneurship from both a content and connectivity perspectives.
3. Include recommendations for how existing infrastructure such as regional libraries and other educational community based facilities (e.g. community technology centres, universities, schools, TAFE etc) can become digital hubs and spearhead the raising of digital awareness and access.

Development of the RDES needs to:

- use the Northern Rivers Regional Industry and Economic Plan, the RDA Northern Rivers Regional Plan and the individual Councils economic development strategies/Business Retention and Expansion Surveys as a strategic direction;
- be a partnership with key stakeholders in the Northern Rivers economy so that there are joint agreed outcomes and actions;
- ensure consultation and engagement with telecommunications providers during the development of the strategy; and
- that the critical industries survey work by the RDA Northern Rivers be used as an input into developing the Strategy.

A proposal from the RDA (Northern Rivers) is scheduled to go to the November 2011 meeting of NOROC seeking support and funding for the development of the RDES by acquiring a Consultancy. It is also hoped that some matching Federal funding will be secured.

## Sustainability Assessment

### Sustainable Economic Growth and Development

The introduction of affordable high speed broadband internet access in the Northern Rivers has the potential to significantly increase the economic development opportunities of the region if the Community is prepared.

## Social Inclusion and Participation

The connectivity possible through the Internet is already a regular part of people's lives. High speed internet access will further enhance this through enabling real time communications using video streaming.

## Protect, Conserve and Enhance the Environment and Biodiversity

The Internet already plays a significant role in enabling information exchange to support ongoing efforts to care for the environment we live in. High speed broadband will enhance this capability for the future.

## Best-Practice Corporate Governance

The development of a Regional Digital Economic Strategy is consistent with best practice approaches utilised in other parts of the world and Australia for such significant technological change.

## Comments

### Finance

Funding for the development of the Regional Digital Economic Strategy will be sort from NOROC, and State and Federal Governments. Any contribution from Council is likely to be in kind or from within existing approved budgets.

### Other staff comments

#### Executive Director Sustainable Development

There has been a big focus with the NBN rollout in Australia on the 'supply' side. This is natural as NBNCo. is a construction company. However there has been little focus on the 'demand' side of the equation i.e. the take-up of broadband. The demand side is the whole e-world e.g. e-commerce, e-health. The RDES focuses on the 'demand side' by partnering with business, education sectors etc to ensure the NBN is well used. It will involve a paradigm shift as we all currently focus on minimising our usage.

### Public consultation

If funding is secured for the RDES then there will be a communication plan developed and rolled out as part of its implementation.

### Conclusion

The development of a Regional Digital Economic Strategy is an important step in preparing for the delivery of high speed internet to the Community. The proposal to be presented to NOROC to seek commitment to develop such a strategy should be supported by all NOROC member Councils.

### Attachment/s

1. Digital Economy Goal - NBN Website

## Recommendation

That Council:

1. Support the development of a Regional Digital Economic Strategy as outlined in this report; and
2. Seek funding from NOROC for the cost of developing the Strategy plus any other funding from the State and Federal Government.

## Greater digital engagement in regional Australia



***Digital Economy Goal:* By 2020, the gap between households and businesses in capital cities and those in regional areas will have narrowed significantly.**

In the digital economy, distance—once a defining characteristic and barrier for regional Australia—becomes increasingly irrelevant. The NBN will enable all Australian communities to have greater access to goods, services, education and employment opportunities. Economic modelling shows that regional areas stand to benefit more than metropolitan areas from increased internet connectivity. On average, a 10 per cent increase in connectivity would raise regional output by 0.53 per cent compared with a 0.38 per cent increase in metropolitan areas.

A key government objective for the NBN is that a person's ability to receive affordable high-speed broadband services should not be affected by where they live or work. The NBN will ensure that every community in regional Australia gets fair access to affordable high-speed broadband. This includes the delivery of a uniform national wholesale price.

There is still more work to be done to ensure that the benefits of the digital economy are enjoyed equally by those Australians living in metropolitan and regional areas. Current data indicates that the number of Australians who have never used the internet is higher among those people living in regional and remote areas. For example, 34 per cent of people from outer regional and remote areas aged 15 and over did not use the internet in 2008-09, compared with only 23 per cent of people in Australia's major cities. Data indicates that 29.7 per cent of businesses located outside of capital cities have a web presence, compared with 39.5 per cent of business located in capital cities.

Elements of the Digital Communities and Digital Enterprise initiatives will help address these gaps. Similarly, the telehealth trials and NBN-enabled tele-education trials will occur in regional areas and allow expertise to be developed locally. In addition, the NBN Regional Legal Assistance Services initiative will promote delivery of legal assistance services and attract and retain staff in selected regional areas.

Department of Broadband, Communication and the Digital Economy web site

# Report

<b>Subject</b>	<b>September 2011 Quarterly Budget Review Statement</b>
<b>TRIM Record No</b>	BP11/842:EF09/2203
<b>Prepared by</b>	Principal Accountant
<b>Reason</b>	In accordance with Clause 203, Local Government (General) Regulation, Council approval is required to amend the 2011/12 Budget to reflect actual or anticipated results.
<b>Community Strategic Plan Link</b>	Best-Practice Corporate Governance

## Overview of Report

The Division of Local Government has introduced a new financial reporting regime for local government effective from 1 July 2011. The requirements were presented to Councillors at a workshop on 31 May 2011. The regime sets minimum reporting standards which aims to provide Councillors with sufficient information to make informed decisions on matters likely to impact Council's financial position and to meet its obligations under the Operational Plan. Collectively, the documents comprising the new regime are called the Quarter Budget Review Statement (QBRs).

Council prepares its annual budget on both a cash and financial reporting (Financial Reports) basis. The QBRs requires the reporting to be on a financial reporting basis, but the cash basis will also be provided.

Consistent with the new regime, for 30 September 2011, the 2011/12 Operating Result from Continuing Operations Budget has declined from the Original Budget deficit of (\$1,477) million to a deficit of (\$1,693) million.

At the same time, the cash basis has moved from being fully funded or balanced, to a deficit of (\$39,400).

## Background

The Local Government (General) Regulations 2005 (LGA) requires the annual budget to be reviewed on a quarterly basis and any significant variances to be reported to Council. This report satisfies the LGA's requirements.

The primary objective of the September review is to make adjustments based on updated information that was not available when preparing the Budget, and to reinstate budgets for works carried forward. For reinstated budgets, funding is sourced from unexpended grants and reserves held at 30 June 2011. At the same time, where variations can be reliably quantified or substantial risk is associated with the situation, these are also reported.

### New financial reporting regime

A new planning and reporting framework for NSW Local Government has been introduced with a greater focus on sustainability. It is referred as the Integrated Planning and Reporting (IP&R) framework. It is important that sufficient financial information is made available to councillors to make informed decisions on matters likely to impact Council's financial position and its ability to meet its obligations under the operational plan.

The LGA requires that the annual budget (Operational Plan) be reviewed on a quarterly basis and that a quarterly budget review statement (QBRS) be prepared and submitted to the Council. For application from 2011/12, the Division of Local Government has developed a set of minimum requirements that must be reported in the QBRS.

The objective of the Council's QBRS is to:

- provide fair and reasonable information to councillors and the community in respect to the budget
- report on the impacts of any recommended changes with respect to the Operational Plan, including potential impacts on goals, objectives and strategies contained within the plan and the delivery program
- indicate how the council is tracking against its original budget as set out in the operational plan

## **Quarterly Budget Review Statement**

The QBRS is composed of a number of separate and detailed documents:

1. Report by Responsible Accounting Officer (ROA) – the purpose of this statement is to assess whether or not in regards to the original estimates, Council's projected year end results as at the end of each quarter has any likely impact on Council's estimated financial position as determined in the operational plan.
2. Budget Review Income and Expenses Statement
  - a. Income and Expenditure on a consolidated basis – the purpose of this statement is to provide Council with the projected result in line with the reporting format of Council's Financial Reports. This report also identifies funding sources.
  - b. Income and Expenditure by Directorship (not consolidated) – the purpose is to report in the format presented in the Operational Plan. This report also identifies funding sources
  - c. Income and Expenditure by Program (not consolidated) – the purpose is to report in the format presented in the Operational Plan. It provides more information on the performance at program level.
3. Budget Variation Income and Expenses by Program – the purpose of this report is to provide Council with explanations as to proposed budget variations. This report identifies separately changes that have been Funded and Unfunded. Only changes for funded items of a material nature have been commented on, whereas a comment has been provided on all unfunded changes.
4. Capital Budget Review Statement (consolidated) by asset type – the purpose of this report is to provide Council with information on asset expenditure. This report also identifies funding sources.
5. Budget Variation Capital Budget Review Statement – the purpose of this report is to provide Council with explanations as to proposed capital budget variations. This report identifies separately changes that have been Funded and Unfunded. Only changes for funded items of a material nature have been commented on, whereas a comment has been provided on all unfunded changes.
6. Cash and Investments – this is in line with Council's current investment report. This report does not report on budgeted investments as this is currently not prepared. A statement regarding the last bank reconciliation and any outstanding reconciliation(s) is also provided.
7. Key Performance Indicators (KPI) – the following indicators are included
  - a. Debt Service Ratio – amount of revenue from continuing operations used to repay borrowings

- b. Rates and Annual Charges (RAC) Coverage Ratio – amount received for RAC as percentage of total operating revenue.
  - c. Rates and Annual Charges, Interest & Extra Charges Outstanding Percentage– amount outstanding as a percentage of amount to be collected for the current year and outstanding from previous year.
  - d. Building & Infrastructure Renewals Ratio - assess the rate at which the assets are being renewed *against* the rate at which they are depreciated.
8. Contracts Budget Review Statement - the purpose of this report is to provide Council with a list of
    - a. contracts over \$50,000 which have been entered into in the period but not finalised at the end of the quarter
  9. Other Expenses Budget Review Statement - the purpose of this report is to provide council with
    - a. expenditure to date for consultants
    - b. expenditure to date for legal fees

### September 2011 QBRs – Financial Performance

The following is a summary of the recommended budget movements to 30 September 2011 and the impact on the Net Operating Result from Continuing Operations. More detail on the recommended changes can be found in the Attachments.

Item	2011/12 Budget as adopted Operational Plan '000	Changes other than through the QBRs '000	Variations Recommended '000	2011/12 Revised Budget (September Quarter) '000
Total Income from Continuing Operations	87,713	30	2,442	90,185
Total Expenses from Continuing Operations	(63,923)	860	(3,548)	(66,611)
Net Operating Result before depreciation	23,790	890	(1,106)	23,574
Depreciation Expense	(25,267)	-	-	(25,267)
<b>Net Operating Result from Continuing Operation</b>	<b>(1,477)</b>	<b>890</b>	<b>(1,106)</b>	<b>(1,693)</b>
<b>Net Operating Result from Continuing Operation before Capital</b>	<b>(10,763)</b>	<b>-</b>	<b>-</b>	<b>(10,763)</b>

In summary, the Net Operating Result from Continuing Operations has declined from the original budget from a deficit of (\$1,477) million to a deficit at September 30 of (\$1.693) million.

In addition to the variations recommended there were changes required to the Original Budget as some items were incorrectly classified in the adopted Operational Plan.

These items include:

- Regional Roads Repair Construction Program \$840,000 – this was treated as operational expenses instead of an acquisition of assets. Works are funded from capital grants and are capitalised at year end.



This adjustment reduces operational expenses and therefore improves the Net Operating Result from Continuing Operations.

- unexpended funds in relation to the Compliance Charge were not transferred to reserves for future use in relation to compliance issues. This adjustment reduces operational expenses by \$20,000 and therefore improves the Net Operating Result from Continuing Operations

- revenue from asset sales \$30,000 was treated as loan funding instead of capital revenue. This adjustment increases revenues and therefore improves the Net Operating Result from Continuing Operations

Although income has increased by \$2.472 million there has been an increase in expenses of \$2.688 million, thus resulting in negative movement in Net Operating Result from Continuing Operations of (\$216,000). The majority of the additional expenses have been funded from unexpended grants and reserves as these works were carried over from 2010/11.

Other than those adjustment contained within this report, the majority of income and expenses are expected to meet budget forecasts, however as we are early in the reporting year it is difficult to confirm trends at this stage.

It is not anticipated that these variations will impact on Councils ability to meet its Delivery Plan or Operational Plan objectives.

The following items are likely to impact the Net Operating Result and when quantified will be reported:-

1. Legal fees – Council has incurred legal costs in relation to sale of land for unpaid rates. These costs were not budgeted.
2. Interest On Investments – Receipts are currently above the pro-rata budget, but variations in both the amount of invested funds and interest rates are expected between now and 30 June 2011.
3. Depreciation Expense - As the 2011 Financial Statements have now been completed, the depreciation expense for Infrastructure (roads and bridges) will be reviewed and reported in the December QBRS.

It should be noted that the Net Operating Result from Continuing Operation reflects the estimated change in Net Assets held under the Council's control for this year. It does not reflect in any way the Council's cash or liquidity position.

To assist in determining Council's cash position, the 'Variations Recommended' in the Attachments has been separated into:

- 'Funded' – a funding source has been suggested, and
- 'Unfunded' – where no funding source has been identified

This approach allows reconciliation back to a cash perspective. The following summary highlights all unfunded changes that impact the cash result to 30 September 2011: -

<b>Budget Movements to 30 September 2011</b>	<b>Amount \$</b>
<b>Adopted Budget</b>	-
Add – NOROC membership higher than budget	500
Add – Insurance early incentive rebate	1,700
Add – Lismore Club building rental	2,000
Add – Road Safety Officer program funding not required	3,100
Add – HIH Insurance distribution from Administrators and Liquidators	8,600
Add – Network leases community donations of computers	15,000

Add – Contribution to Rural Fire Service less than budget	37,800
Less – Contribution to State Emergency Service higher than budget	(1,400)
Less – Arts Northern Rivers additional amount requested	(2,800)
Less – Lismore Club operating/maintenance costs	(6,600)
Less – Financial Assistance Grant (FAG) is lower than anticipated due adjustments for inflation and funding arrangements.	(97,300)
<b>Closing Budget – 30 September 2011 - Deficit</b>	<b>(39,400)</b>

## Comments

### Finance

The September 2011 QBRS reports Council's financial performance for 2011/12 consistently with the way it will be reported in the 2011/12 Financial Reports. This complies with the requirements introduced by the Division of Local Government. As such, Council's financial performance will be reported as the 'Net Operating Result from Continuing Operations'.

The information now reported is in a different format and is intended to provide Councillors with sufficient information to make informed decisions on matters likely to effect Council's financial position.

As it is important for Council to be aware of its cash position, information relating to the cash result will also be reported.

### Conclusion

The 2011/12 Operating Result from Continuing Operations Budget has declined to a deficit of (\$1,693,500).

At the same time, the cash basis has moved from being fully funded or balanced, to a deficit of (\$39,400).

The objective of the September review is to align budgets as a result of more accurate information being received subsequent to the preparation of the original budget, reinstatement of budgets for works carried forward from previous years and report issues that will impact on the result in future periods.

There has been additional expenditure and income recognised for operations and capital projects which has impacted on the deficit. In most cases, additional expenses have been offset by the additional revenue, reserves, loans and grants.

There is already pressure on the budget from a cash perspective; however, as it is early in the financial year, sufficient time exists to adjust budgets if required.

## Attachment/s

1. Quarterly Budget Review Statement September 2011

## Recommendation

That:

1. Council adopt the September 2011 Quarterly Budget Review Statement for General, Water and Wastewater Funds and the attachments.
2. Council approves the recommended changes to the 2011/12 Budget as reported.
3. This report is forwarded to Council's Auditor for information.

Lismore City Council

**Quarterly Budget Review Statement**  
for the period 01/07/11 to 30/09/11

<b>Table of Contents</b>	<b>page</b>
1. Responsible Accounting Officer's Statement	1
2. Income & Expenses Budget Review Statement's	
Income & Expenses Budget Review - Consolidated	2-3
Income & Expenses Budget Review - By Directorate	4-5
Income & Expenses Budget Review - By Program	6-7
3. Budget Variations Income and Expenses by Program - Explained	8-11
4. Capital Budget Review Statement	12
5. Budget Variations Capital Review Statement - Explained	13-14
6. Cash & Investments Budget Review Statement	15-16
7. Key Performance Indicator (KPI) Budget Review Statement	17-18
8. Contracts Budget Review Statement	19
9. Other Expenses Budget Review Statement	20

Lismore City Council

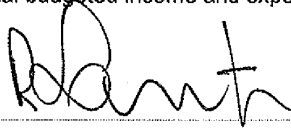
**Quarterly Budget Review Statement**  
for the period 01/07/11 to 30/09/11

**Report by Responsible Accounting Officer**

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

It is my opinion that the Quarterly Budget Review Statement for Lismore City Council for the quarter ended 30/09/11 indicates that Council's projected financial position at 30/6/12 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed:



date:

28/10/11

Rino Santin  
Responsible Accounting Officer

Lismore City Council

**Quarterly Budget Review Statement**  
for the period 01/07/11 to 30/09/11

**Income & Expenses Budget Review Statement**

Budget review for the quarter ended 30 September 2011

**Income & Expenses (Funding Sources) - Consolidated**

(\$000's)	Original Budget 2011/12	Changes Other than by a QBRs	Revised Budget 2011/12	Variations Recommended		Projected Year End Result	Actual YTD figures
				Qtr 1 Funded	Qtr 1 Unfunded		
<b>Income</b>							
Rates and Annual Charges	39,459,100		39,459,100	-	(3,600)	39,455,500	37,678,449
User Fees And Charges	23,436,800		23,436,800	(119,200)	8,600	23,326,200	4,559,578
Interest and Investment Revenues	1,145,000		1,145,000	-	-	1,145,000	1,215
Other Revenues	5,564,200		5,564,200	-	3,700	5,567,900	1,585,060
Grants and Contributions - Operating	8,467,500		8,467,500	2,521,600	(94,100)	10,895,000	1,681,856
Grants and Contributions - Capital	6,383,900		6,383,900	125,000	-	6,508,900	976,648
Dedications - Non Cash	750,000		750,000	-	-	750,000	-
Developer Contributions Sec 94 and Sec 64	1,475,900		1,475,900	-	-	1,475,900	364,791
Section 64/ 94 Contributions (interest)	676,300		676,300	-	-	676,300	-
Net Gain from disposal of Assets	354,500	30,000	384,500	-	-	384,500	38,252
<b>Total Income from Continuing Operations</b>	<b>87,713,200</b>	<b>30,000</b>	<b>87,743,200</b>	<b>2,527,400</b>	<b>(85,400)</b>	<b>90,185,200</b>	<b>46,885,849</b>
<b>Expenses</b>							
Employee Benefits & On- Costs	26,300,000		26,300,000	(100,600)	-	26,199,400	5,659,046
Interest and Borrowing Costs	3,453,900		3,453,900	-	-	3,453,900	(362,359)
Materials & Contracts	29,897,400	(860,000)	29,037,400	3,711,300	5,800	32,754,500	5,651,595
Depreciation	25,267,300		25,267,300	-	-	25,267,300	-
Impairment	-		-	-	-	-	-
Other Expenses	4,271,300		4,271,300	(15,900)	(51,800)	4,203,600	1,681,854
Net Loss on the Disposal of Assets	-		-	-	-	-	-
<b>Total Expenses from Continuing Operations</b>	<b>89,189,900</b>	<b>(860,000)</b>	<b>88,329,900</b>	<b>3,594,800</b>	<b>(46,000)</b>	<b>91,878,700</b>	<b>12,630,136</b>
<b>Operating Result from Continuing Operations</b>	<b>(1,476,700)</b>	<b>890,000</b>	<b>(586,700)</b>	<b>(1,067,400)</b>	<b>(39,400)</b>	<b>(1,693,500)</b>	<b>34,255,713</b>
<b>Operating Result before Capital Grants and Contributions</b>	<b>(10,762,800)</b>	<b>890,000</b>	<b>(9,872,800)</b>	<b>(1,192,400)</b>	<b>(39,400)</b>	<b>(11,104,600)</b>	<b>32,914,273</b>

Note 1: For detailed information on variations recommended refer to the accompanying reports - Income & Expenses - by Program and Capital Budgets reports

Note 2: Funded items refer to those changes where a funding source has been identified, unfunded refers to this items that will impact on the cash surplus.

Note 3: For information on changes other than QBRs please refer to the Council Report

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended september 2011 and should be read in conjunction with the total QBRs report

Lismore City Council

Quarterly Budget Review Statement  
for the period 01/07/11 to 30/09/11

Income & Expenses Budget Review Statement

Budget review for the quarter ended 30 September 2011

Income & Expenses (Funding Sources) - Consolidated

(\$000's)	Original Budget 2011/12	Changes Other than by a QBRS	Revised Budget 2011/12	Variations Recommended		Projected Year End Result	Actual YTD figures
				Qtr 1 Funded	Qtr 1 Unfunded		
<b>AVAILABLE FUNDS RECONCILIATION</b>							
<b>Subtract Funds Deployed for Non-operating Purposes</b>							
Acquisition of Assets General Manager	-	-	-	-	-	-	(1,725)
Acquisition of Assets Infrastructure	(39,840,600)	(840,000)	(40,480,600)	(2,845,000)	-	(43,325,600)	(4,479,422)
Acquisition of Assets Development & Governance	(1,236,400)	-	(1,236,400)	(85,700)	-	(1,302,100)	(178,114)
Repayment of Principal on Loans	(2,389,500)	-	(2,389,500)	-	-	(2,389,500)	-
<b>Subtract Unexpended Grants and Contributions Received During Year</b>							
Developer Contributions (Section 94) Net Movement	(1,122,500)	-	(1,122,500)	-	-	(1,122,500)	-
<b>Add Expenses Not Involving a Flow of Funds</b>							
Depreciation	25,267,300	-	25,267,300	-	-	25,267,300	-
<b>Subtract Income Not Involving a Flow of Funds</b>							
Non-cash Developer Contributions	(750,000)	-	(750,000)	-	-	(750,000)	-
<b>Total funding required from other than operations</b>	<b>(21,348,400)</b>	<b>50,000</b>	<b>(21,298,400)</b>	<b>(3,976,100)</b>	<b>(39,400)</b>	<b>(25,315,900)</b>	
<b>Non-operating Funds Employed</b>							
Loan Funds New	9,893,000	(30,000)	9,863,000	-	-	9,863,000	-
Loan Funds Unexpended	8,070,000	-	8,070,000	8,200	-	8,078,200	-
Unexpended Grants Used	140,000	-	140,000	1,238,400	-	1,378,400	-
Developer Contributions Used	89,300	-	89,300	-	-	89,300	-
Repayments / (Advances to) by Deferred Debtors	45,800	-	45,800	-	-	45,800	-
Reserve Funds Utilised- Transfer From	7,186,400	-	7,186,400	2,731,500	-	9,917,900	-
Reserve Funds - Transfer To for future use	(4,076,100)	(20,000)	(4,096,100)	-	-	(4,096,100)	-
Not funded/(Surplus of Funds)	-	-	-	-	39,400	39,400	-
Check (should be zero)	-	-	-	-	-	-	-

Note 1: For detailed information on variations recommended refer to the accompanying reports - Income & Expenses - by Program and Capital Budgets reports  
 Note 2: Funded items refer to those changes where a funding source has been identified, unfunded refers to this items that will impact on the cash surplus.  
 Note 3: For information on changes other than QBRS please refer to the Council Report

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended september 2011 and should be read in conjunction with the total QBRS report.

Lismore City Council

**Quarterly Budget Review Statement**  
for the period 01/07/11 to 30/09/11

**Income & Expenses Budget Review Statement**

Budget review for the quarter ended 30 September 2011

**Income & Expenses - By Directorate**

(\$000's)	Original Budget 2011/12	Changes Other than by a QBRS	Revised Budget 2011/12	Variations Recomm		Projected Year End Result	Actual YTD figures
				Qtr 1 Funded	Qtr 1 Unfunded		
<b>Income</b>							
General Managers/ Chief Executive	28,600,500		28,600,500	900	(87,000)	28,514,400	24,631,390
Infrastructure	55,995,100		55,995,100	2,290,000	5,200	58,290,300	21,952,928
Sustainable Development	10,076,300		10,076,300	111,500	-	10,187,800	3,020,714
<b>Total Income from Continuing Operations</b>	<b>94,671,900</b>	<b>-</b>	<b>94,671,900</b>	<b>2,402,400</b>	<b>(81,800)</b>	<b>96,992,500</b>	<b>49,605,031</b>
<b>Expenses</b>							
General Managers/ Chief Executive	4,151,000		4,151,000	166,900	(500)	4,317,400	(69,076)
Infrastructure	58,284,900	(840,000)	57,444,900	2,930,700	(29,700)	60,345,900	12,192,784
Sustainable Development	18,086,000	(20,000)	18,066,000	497,200	(12,200)	18,551,000	4,605,302
<b>Total Expenses from Continuing Operations</b>	<b>80,521,900</b>	<b>(860,000)</b>	<b>79,661,900</b>	<b>3,594,800</b>	<b>(42,400)</b>	<b>83,214,300</b>	<b>16,729,010</b>
<b>Net Operating Result before Depreciation</b>	<b>14,150,000</b>	<b>860,000</b>	<b>15,010,000</b>	<b>(1,192,400)</b>	<b>(39,400)</b>	<b>13,778,200</b>	<b>32,876,021</b>
Less Depreciation	(25,267,300)		(25,267,300)	-	-	(25,267,300)	-
<b>Net Operating Result before Capital Items</b>	<b>(11,117,300)</b>	<b>860,000</b>	<b>(10,257,300)</b>	<b>(1,192,400)</b>	<b>(39,400)</b>	<b>(11,489,100)</b>	<b>32,876,021</b>
<b>Add: Capital Grants and Contributions</b>							
Non-cash Developer Contributions	750,000		750,000	-	-	750,000	-
Capital Grants and Contributions	6,383,900		6,383,900	125,000	-	6,508,900	976,648
Section 64/94 Contributions	1,475,900		1,475,900	-	-	1,475,900	364,791
Section 64/ 94 Contributions (interest)	676,300		676,300	-	-	676,300	-
Gain / (Loss) on Disposal of Assets	354,500	30,000	384,500	-	-	384,500	38,252
<b>Net Operating Result after Capital Items</b>	<b>(1,476,700)</b>	<b>890,000</b>	<b>(586,700)</b>	<b>(1,067,400)</b>	<b>(39,400)</b>	<b>(1,693,500)</b>	<b>34,255,713</b>

Note 1: For detailed information on variations recommended refer to the accompanying reports - Income & Expenses - by Program and Capital Budgets reports

Note 2: Funded items refer to those changes where a funding source has been identified, unfunded refers to this items that will impact on the cash surplus.

Note 3: For information on changes other than QBRS please refer to the Council Report

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended september 2011 and should be read in conjunction with the total QBRS report

Lismore City Council

Quarterly Budget Review Statement  
for the period 01/07/11 to 30/09/11

Income & Expenses Budget Review Statement

Budget review for the quarter ended 30 September 2011

Income & Expenses - By Directorate

(\$000's)	Original Budget 2011/12	Changes Other than by a QBRS	Revised Budget 2011/12	Variations Recomm		Projected Year End Result	Actual YTD figures
				Qtr 1 Funded	Qtr 1 Unfunded		
<b>AVAILABLE FUNDS RECONCILIATION</b>							
<b>Subtract Funds Deployed for Non-operating Purposes</b>							
Acquisition of Assets General Manager	-	-	-	-	-	-	(1,725)
Acquisition of Assets Infrastructure	(39,640,600)	(840,000)	(40,480,600)	(2,845,000)	-	(43,325,600)	(4,479,422)
Acquisition of Assets Development & Governance	(1,236,400)	-	(1,236,400)	(65,700)	-	(1,302,100)	(176,114)
Repayment of Principal on Loans	(2,389,500)	-	(2,389,500)	-	-	(2,389,500)	-
<b>Subtract Unexpended Grants and Contributions Received During Year</b>							
Developer Contributions (Section 94) Net Movement	(1,122,500)	-	(1,122,500)	-	-	(1,122,500)	-
<b>Add Expenses Not Involving a Flow of Funds</b>							
Depreciation	25,267,300	-	25,267,300	-	-	25,267,300	-
<b>Subtract Income Not Involving a Flow of Funds</b>							
Non-cash Developer Contributions	(750,000)	-	(750,000)	-	-	(750,000)	-
<b>Total funding required from other than operations</b>	<b>(21,348,400)</b>	<b>50,000</b>	<b>(21,298,400)</b>	<b>(3,978,100)</b>	<b>(39,400)</b>	<b>(25,318,900)</b>	<b>29,598,452</b>
<b>Add Non-operating Funds Employed</b>							
Loan Funds New	9,893,000	(30,000)	9,863,000	-	-	9,863,000	-
Loan Funds Unexpended	8,070,000	-	8,070,000	6,200	-	8,078,200	-
Unexpended Grants Used	140,000	-	140,000	1,236,400	-	1,378,400	-
Developer Contributions Used	89,300	-	89,300	-	-	89,300	-
Repayments / (Advances to) by Deferred Debtors	45,800	-	45,800	-	-	45,800	-
Reserve Funds Utilised- Transfer From	7,186,400	-	7,186,400	2,731,500	-	9,917,900	-
Reserve Funds - Transfer To for future use	(4,076,100)	(20,000)	(4,096,100)	-	-	(4,096,100)	-
Not funded/(Surplus of Funds)	-	-	-	-	39,400	39,400	-
Check (should be zero)	-	-	-	-	-	-	-

Note 1: For detailed information on variations recommended refer to the accompanying reports - Income & Expenses - by Program and Capital Budgets reports

Note 2: Funded items refer to those changes where a funding source has been identified, unfunded refers to this items that will impact on the cash surplus.

Note 3: For information on changes other than QBRS please refer to the Council Report

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended september 2011 and should be read in conjunction with the total QBRS report



Lismore City Council

**Quarterly Budget Review Statement**  
for the period 01/07/11 to 30/09/11

**Income & Expenses Budget Review Statement**

Budget review for the quarter ended 30 September 2011

**Income & Expenses - By Program**

(\$000's)	Original Budget 2011/12	Changes Other than by a QBRs	Revised Budget 2011/12	Variations		Notes	Projected Year End Result	Actual YTD figures
				Recommended				
				Qtr 1 Funded	Qtr 1 Unfunded			
<b>Income</b>								
Art Gallery	16,700		16,700	600	-		17,300	9,459
Asset Management & Support Services	146,900		146,900	-	-		146,900	-
Bridges	-		-	-	-		-	-
Caravan Parks & Nimbin Pool	160,800		160,800	(104,300)	-	1	56,500	16,553
Child Care	199,500		199,500	-	-		199,500	43,094
Commercial Property Management	197,400		197,400	-	2,000	2	199,400	105,993
Corporate & Community Relations	-		-	-	-		-	9,800
Corporate Management	-		-	900	-		900	2,550
Development & Compliance	1,815,100		1,815,100	2,000	-		1,817,100	655,131
Emergency Services	-		-	-	-		-	-
Finance	28,558,800		28,558,800	-	(88,700)	3	28,470,100	24,592,115
General Manager & Support Services	-		-	-	-		-	-
Information Services	1,000		1,000	-	-		1,000	10,040
Integrated Planning	398,100		398,100	104,600	-	4	502,700	464,124
Leisure Activities	1,468,600		1,468,600	4,300	-		1,472,900	380,301
Lawn Cemetery and Crematorium	1,050,500		1,050,500	-	-		1,050,500	261,674
Lismore Regional Airport	614,700		614,700	-	-		614,700	146,377
Lismore Wastewater	10,001,800		10,001,800	-	-		10,001,800	9,399,744
Lismore Water	9,262,700		9,262,700	-	-		9,262,700	860,582
Mayor & Councillors	-		-	-	-		-	-
Miscellaneous Properties	8,100		8,100	-	-		8,100	2,280
Northern Rivers Quarry & Asphalt	11,650,200		11,650,200	-	-		11,650,200	3,237,878
Northern Rivers Waste	9,142,600		9,142,600	-	-		9,142,600	5,150,603
Organisation Development & Human Resources	41,700		41,700	-	1,700	5	43,400	26,925
Parks & Recreation	256,800		256,800	(19,200)	-	6	237,600	99,870
Properties & Community Facilities	19,600		19,600	-	-		19,600	8,169
Public Libraries	119,800		119,800	-	-		119,800	1,580
Richmond Tweed Regional Library	5,812,100		5,812,100	-	-		5,812,100	1,349,674
Roads & Traffic Authority Works	3,523,000		3,523,000	2,338,900	-	7	5,861,900	(104,686)
Roads Rural	1,293,000		1,293,000	32,000	-	8	1,325,000	336,229
Roads Urban	86,300		86,300	7,800	-		94,100	15,722
Rural Fire Services	264,200		264,200	-	-		264,200	-
Survey & Design	-		-	-	-		-	-
Sustainable Development Admin	-		-	-	-		-	-
Tourism & Events	245,400		245,400	-	-		245,400	107,310
Traffic & City Safe	52,000		52,000	34,800	3,200	9	90,000	12,087
Waste Minimisation & Farming	708,600		708,600	-	-		708,600	621,565
Workshop & Fleet Operations	7,555,900		7,555,900	-	-		7,555,900	1,782,287
<b>Total Income from Continuing Operations</b>	<b>94,671,900</b>	<b>-</b>	<b>94,671,900</b>	<b>2,402,400</b>	<b>(81,800)</b>		<b>96,992,500</b>	<b>49,605,031</b>

Note 1 - for information on the recommended variations please refer to the Income & Expenses - Recommended Changes attachment  
 Note 2: for information on changes other than QBRs please refer to the Council Report

- Funded variations - only variations of \$10,000 or greater have been commented on in this report.
- Unfunded variations - all variations that have impact on the cash surplus/deficit have been reported on in the report.

Lismore City Council

Quarterly Budget Review Statement  
for the period 01/07/11 to 30/09/11

Income & Expenses Budget Review Statement

Budget review for the quarter ended 30 September 2011

Income & Expenses - By Program

(\$000's)	Original Budget 2011/12	Changes Other than by a QBRS	Revised Budget 2011/12	Variations Recommended		Notes	Projected Year End Result	Actual YTD figures
				Qtr 1	Qtr 1			
<b>Expenses</b>								
Art Gallery	508,500		508,500	43,700	2,800	10	555,000	268,875
Asset Management & Support Services	1,185,400		1,185,400	184,300	-	11	1,369,700	225,930
Bridges	444,000		444,000	-	-		444,000	105,968
Caravan Parks & Nimbin Pool	234,500		234,500	(84,200)	-	1	150,300	37,682
Child Care	278,200		278,200	-	-		278,200	82,171
Commercial Property Management	307,600		307,600	-	6,600	2	314,200	185,074
Corporate & Community Relations	(58,000)		(58,000)	47,500	-	12	(10,500)	620,169
Corporate Management	1,342,100		1,342,100	108,900	-	13	1,451,000	353,605
Development & Compliance	3,597,700	(20,000)	3,577,700	(2,500)	-	24	3,575,200	830,780
Emergency Services	465,900		465,900	8,200	1,400	14	475,500	109,482
Finance	2,835,400		2,835,400	33,900	-	3	2,869,300	(220,242)
General Manager & Support Services	(389,000)		(389,000)	(17,500)	-	15	(406,500)	(87,290)
Information Services	(130,500)		(130,500)	9,300	-		(121,200)	202,946
Integrated Planning	3,109,900		3,109,900	339,600	(15,000)	4	3,434,500	812,193
Leisure Activities	2,563,400		2,563,400	400	-		2,563,800	542,445
Lawn Cemetery and Crematorium	867,300		867,300	-	-		867,300	211,250
Lismore Regional Airport	359,100		359,100	-	-		359,100	99,842
Lismore Wastewater	6,031,400		6,031,400	-	-		6,031,400	1,126,641
Lismore Water	8,537,600		8,537,600	-	-		8,537,600	1,550,891
Mayor & Councillors	546,200		546,200	-	(500)	16	545,700	152,915
Miscellaneous Properties	173,300		173,300	10,600	-		183,900	50,464
Northern Rivers Quarry & Asphalt	10,272,400		10,272,400	-	-		10,272,400	1,862,106
Northern Rivers Waste	7,952,800		7,952,800	-	-		7,952,800	1,850,184
Organisation Development & Human Resources	(125,700)		(125,700)	(5,900)	-		(131,600)	(888,234)
Parks & Recreation	4,069,800		4,069,800	(11,800)	-	6	4,058,000	815,782
Properties & Community Facilities	585,400		585,400	28,800	-	17	614,200	156,079
Public Libraries	1,535,500		1,535,500	23,500	-	18	1,559,000	259,214
Richmond Tweed Regional Library	4,952,200		4,952,200	43,900	-	19	4,996,100	1,112,040
Roads & Traffic Authority Works	3,305,000	(840,000)	2,465,000	2,565,400	-	7	5,030,400	542,729
Roads Rural	4,155,100		4,155,100	400	-		4,155,500	871,909
Roads Urban	2,574,600		2,574,600	89,800	-	20	2,664,400	690,357
Rural Fire Services	809,900		809,900	-	(37,800)	21	772,100	117,426
Survey & Design	554,700		554,700	8,500	-		563,200	136,585
Sustainable Development Administration	341,500		341,500	-	-		341,500	81,467
Tourism & Events	1,329,600		1,329,600	39,300	-		1,368,900	413,171
Traffic & City Safe	521,100		521,100	120,300	100	9	641,500	98,900
Waste Minimisation & Farming	667,500		667,500	14,400	-		681,900	162,303
Workshop & Fleet Operations	4,210,500		4,210,500	(4,000)	-		4,206,500	1,185,200
<b>Total Expenses from Continuing Operations</b>	<b>80,521,900</b>	<b>(860,000)</b>	<b>79,661,900</b>	<b>3,594,800</b>	<b>(42,400)</b>		<b>83,214,300</b>	<b>16,729,010</b>
<b>Net Operating Result from Continuing Operations</b>	<b>14,150,000</b>	<b>860,000</b>	<b>15,010,000</b>	<b>(1,192,400)</b>	<b>(39,400)</b>		<b>13,778,200</b>	
Less Depreciation	(25,267,300)		(25,267,300)	-	-		(25,267,300)	
<b>Net Operating Result before Capital</b>	<b>(11,117,300)</b>	<b>860,000</b>	<b>(10,257,300)</b>	<b>(1,192,400)</b>	<b>(39,400)</b>		<b>(11,489,100)</b>	

Note 1 - for information on the recommended variations please refer to the Income & Expenses - Recommended Changes attachment

Note 2: for information on changes other than QBRS please refer to the Council Report

- Funded variations - only variations of \$10,000 or greater have been commented on in this report.

- Unfunded variations - all variations that have impact on the cash surplus/deficit have been reported on in the report.

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended xx/xx/xx and should be read in conjunction with the total QBRS report

Lismore City Council

Quarterly Budget Review Statement  
for the period 01/07/11 to 30/09/11

**Income & Expenses Budget Review Statement  
Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

*Unfunded Variations - all recommended variations have been commented on.*

*Funded Variations - variations in excess of \$10,000 have been commented on.*

*There is no anticipated impact on Council's Delivery Plan as a result of these changes, except in timing of projects.*

Notes	Details	Variation - Funded	Variation - Unfunded	Source of Funding
<b>1 Caravan Parks &amp; Nimbin Pool</b>				
<b>Revenues</b>				
	Operational revenues have been revised down. The adopted Operation Plan was prepared whilst negotiations were in place to lease the Nimbin Caravan Park. A lease has now been approved by Council and this adjustments reflects this change. The budget has been removed.	-\$ 104,300	\$ -	Reduction in Expenses
<b>Expenses</b>				
	Operational expenses have been revised down. Refer lease Operational expenses - works for 2011/12 re pool	-\$ 104,300 \$ 20,100	\$ - \$ -	Reduction in Revenues Reserves - Property Management
<b>2 Commercial Property Management</b>				
<b>Revenues</b>				
	Operational revenues have been revised up. Reflects rental income expected from the Lismore Club building.	\$ -	\$ 2,000	Operating cash result - increase
<b>Expenses</b>				
	Rates - Lismore Club building not budgeted for Sundry expenses - Lismore Club building not budgeted for	\$ - \$ -	\$ 3,600 \$ 3,000	Operating cash result - decrease Operating cash result - decrease
<b>3 Finance</b>				
<b>Revenues</b>				
	Federal assistance grant (FAG) - 2011/12 funding notification received advising adjustment due to CPI and revised funding share	\$ -	-\$ 97,300	Operating cash result - decrease
	HHH distribution received from receivers and administrators	\$ -	\$ 8,600	Operating cash result - increase
<b>Expenses</b>				
	In accordance with the adopted Operational Plan savings relating to a staffing moratorium related to unfilled staff positions of \$33,900. There has been a corresponding decrease in the salary expenses in the relevant programs	\$ 33,900	\$ -	Nil impact as corresponding decreases in relevant program budgets
<b>4 Integrated Planning</b>				
<b>Revenues</b>				
<i>Additional grant revenues have been recognised for the following:</i>				
	Sisters on about Resilience	\$ 15,000	\$ -	Offset by increase in expenses
	Strengthening Communities	\$ 11,400	\$ -	Offset by increase in expenses
	Local Environment Plan(LEP) acceleration fund	\$ 73,200	\$ -	Unexpended grant - works done in advance of grant in 2010/11
<b>Expenses</b>				
	Sisters on about Resilience	\$ 15,000	\$ -	Offset by increase in revenues
	Strengthening Communities	\$ 11,400	\$ -	Offset by increase in revenues
<i>Unexpended funds carried forward from 2010/11:</i>				
	Biodiversity Management Study - Delivery Plan Project	\$ 26,900	\$ -	Reserves - Integrated Planning
	Changing the tune grant project	\$ 31,700	\$ -	Unexpended Grants
	Integrated Sustainable Housing Strategy	\$ 39,000	\$ -	Reserves - Integrated Planning
	Investigation North Lismore Plateau	\$ 10,000	\$ -	Reserves - Corporate Support
	Reconciliation Plan	\$ 10,000	\$ -	Reserves - Community Services
	Rehabilitating and reconnecting Koala Habitat	\$ 92,600	\$ -	Unexpended Grants
	Safe Suburbs	\$ 50,000	\$ -	Unexpended Grants
	Network Lease - community distribution not required this programmed has been fulfilled in 2011/12 from existing resources	\$ -	-\$ 15,000	Operating cash result - increase

Lismore City Council

**Quarterly Budget Review Statement**  
for the period 01/07/11 to 30/09/11

**Income & Expenses Budget Review Statement**  
**Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

*Unfunded Variations - all recommended variations have been commented on.*

*Funded Variations - variations in excess of \$10,000 have been commented on.*

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Notes	Details	Variation - Funded	Variation - Unfunded	Source of Funding
<b>5 Organisation Development and Human Resources</b>				
<b>Revenues</b>				
	Council received an insurance rebate in relation to early reporting of incidents.	\$ -	\$ 1,700	Operating cash result - increase
<b>6 Parks and Gardens</b>				
<b>Revenues</b>				
	Revenues from operations have been revised down based on previous years results, trends and other known factors	-\$ 19,200	\$ -	There has been a reduction in expenses to offset the decline.
<b>Expenses</b>				
	Reduction in expenses across program to cover for lower income	-\$ 19,200	\$ -	Reduced income
<b>7 Roads and Traffic Authority (RTA)</b>				
<b>Revenues</b>				
	Grant funding has been received under blackspot program			
	- Woodburn Lismore Curve Realign	\$ 610,000	\$ -	Offset by increase in expenses
	- North of Lismore Bishops Creek	\$ 420,000	\$ -	Offset by increase in expenses
	- Natural Disaster Recovery May '09 flood	\$ 506,000	\$ -	Offset by increase in expenses
	- RTA blackspot Road Toll Response Program	\$ 793,500	\$ -	Offset by increase in expenses
<b>Expenses</b>				
<b>Increase in expenses</b>				
	- Woodburn Lismore Curve Realign	\$ 610,000		Offset by increase in revenues
	- North of Lismore Bishops Creek	\$ 420,000		Offset by increase in revenues
	- Natural Disaster Recovery May '09 flood	\$ 506,000		Offset by increase in revenues
	- RTA blackspot Road Toll Response Program	\$ 793,500		Offset by increase in revenues
<i>Unexpended funds carried forward from 2010/11:</i>				
	Natural Disaster funding Dec '10	\$ 72,500	\$ -	Unexpended Grants
	RTA ordered works carried forward	\$ 127,400	\$ -	Unexpended Grants
Variations other than QBRS				
	The Regional Roads Repair Construction Program was treated as operating expenses in the adopted Operational Plan. These works will be capitalised and funding is of a capital nature therefore the expense for these works has been transferred to Acquisition of Assets - Roads Renewal	\$ 840,000	\$ -	Increase in capital acquisition
<b>8 Rural Roads</b>				
<b>Revenues</b>				
	Federal assistance grant Road Component(FAG) - 2011/12 has been revised up on original estimates	\$ 32,000	\$ -	Offset by increase in capital works road construction
<b>9 Traffic and City Safe</b>				
<b>Revenues</b>				
	Additional grant funding has been received for Road Safety projects	\$ 34,800	\$ -	Offset by increase in expenses
	Road Safety Officer - funding not required	\$ -	\$ 3,200	
<b>Expenses</b>				
	Road Safety projects	\$ 34,800		Offset by increase in revenues
<i>Unexpended funds carried forward from 2010/11:</i>				
	Lismore L2P - Road safety project	\$ 20,000	\$ -	Unexpended Grants
	CPTIGS - Bus Shelter & Lighting	\$ 58,100	\$ -	Unexpended Grants
	Road Safety Officer - minor adjustment require to program	\$ -	\$ 100	Operating cash result - decrease

Lismore City Council

Quarterly Budget Review Statement  
for the period 01/07/11 to 30/09/11

**Income & Expenses Budget Review Statement  
Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

*Unfunded Variations - all recommended variations have been commented on.*

*Funded Variations - variations in excess of \$10,000 have been commented on.*

*There is no anticipated impact on Council's Delivery Plan as a result of these changes, except in timing of projects.*

Notes	Details	Variation - Funded	Variation - Unfunded	Source of Funding
<b>10</b>	<b>Art Gallery</b>			
<b>Expenses</b>				
<i>Unexpended funds carried forward from 2010/11:</i>				
	Regional Art Gallery program unexpended 2011	\$ 29,800	\$ -	Unexpended Grants
	Splendour in the Grass finalisation	\$ 10,000	\$ -	Unexpended Grants
	Arts Northern Rivers requested increase in contribution this takes the total contribution to \$25,300		\$ 2,800	Operating cash result - decrease
<b>11</b>	<b>Asset Management and Support Services</b>			
<b>Expenses</b>				
<i>Unexpended funds carried forward from 2010/11:</i>				
	Hazardous Materials Survey	\$ 72,300	\$ -	Reserves - Property Management
	Asset Management Plan development (DP 2010/11)	\$ 117,000	\$ -	Reserves - Property Management
<b>12</b>	<b>Corporate &amp; Community Relations</b>			
<b>Expenses</b>				
<i>Unexpended funds carried forward from 2010/11:</i>				
	Community and Strategic Plan - Forum	\$ 20,000	\$ -	Reserves - Special Projects
	Community and Strategic Plan - Customer Survey	\$ 20,000	\$ -	Reserves - Special Projects
	Community and Strategic Plan - On line forum	\$ 7,500	\$ -	Reserves - Special Projects
<b>13</b>	<b>Corporate Management</b>			
<b>Expenses</b>				
<i>Unexpended funds carried forward from 2010/11:</i>				
	Building Better Regional Cities	\$ 10,000	\$ -	Reserves - Special Projects
	Creative Enterprise Hub	\$ 67,100	\$ -	Unexpended Grants
	Sustainable Economic Develop project	\$ 31,000	\$ -	Reserves - Special Projects
	Delivery Plan projects 12/13 brought to take advantage of grant funding			(Internal Loan)
<b>14</b>	<b>Emergency Services</b>			
<b>Expenses</b>				
	Annual contribution to State Emergency Services	\$ -	\$ 1,400	Operating cash result - decrease
<b>15</b>	<b>General Manager and Support Services</b>			
<b>Expenses</b>				
	Salaries have been reduced in accordance with Council resolution to find savings in unfilled positions. Refer Note 3	-\$ 17,500	\$ -	Nil impact as corresponding adjustment in Finance
<b>16</b>	<b>Mayor and Councillors</b>			
<b>Expenses</b>				
	Noroc membership revised membership fees	\$ -	\$ 500	Operating cash result - increase

Lismore City Council

Quarterly Budget Review Statement  
for the period 01/07/11 to 30/09/11

**Income & Expenses Budget Review Statement  
Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

*Unfunded Variations - all recommended variations have been commented on.*

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Notes	Details	Variation - Funded	Variation - Unfunded	Source of Funding
<b>17 Properties &amp; Community Facilities</b>				
<b>Expenses</b>				
	Repairs and maintenance associated with Goonellabah Community centre verandah	\$ 28,800	\$ -	Reserves - Property Management
<b>18 Public Libraries</b>				
<b>Expenses</b>				
<i>Unexpended funds carried forward from 2010/11:</i>				
	Library Local Priority Grant Automatic Doors	\$ 14,000	\$ -	Unexpended Grants
	Library Local Priority Grant	\$ 9,500	\$ -	Unexpended Grants
<b>19 Richmond Tweed Regional Library</b>				
<b>Expenses</b>				
	Expenses have been increased- this is a reallocation between capital and operating	\$ 43,900	\$ -	Offset by reduction in capital
<b>20 Roads Urban</b>				
<b>Expenses</b>				
<i>Unexpended funds carried forward from 2010/11:</i>				
	Pamp project	\$ 38,700	\$ -	Reserves - Transport and Infras
	Pamp project	\$ 30,200	\$ -	Unexpended Grants
<b>21 Rural fire Service</b>				
<b>Expenses</b>				
	Contribution to Rural Fire Service	\$ -	\$ 37,800	Operating cash result - increase
<b>22 Tourism &amp; Events</b>				
<b>Expenses</b>				
	Operating expenses have been increased in relation to the Master Games 2011/12	\$ 31,100	\$ -	Reserves - Leisure, Tourism & Events
<b>23 Waste Minimisation and Farming</b>				
<b>Expenses</b>				
	Operating expenses have been increased in relation to grant funded project - Aboriginal Land cleanup	\$ 14,400	\$ -	Unexpended Grants
<b>24 Development and Compliance</b>				
<b>Expenses</b>				
	A new compliance charge was introduced in 2011/12 Operational Plan with all funds collected to be expended in relation to compliance works. An amount of \$20,000 is not committed to works at this stage and should be therefore transferred to reserves for future use in relation to compliance.	-\$ 20,000		Increase in transfer to reserves

Lismore City Council

**Quarterly Budget Review Statement**  
for the period 01/07/11 to 30/09/11

**Capital Budget Review Statement**

Budget review for the quarter ended 30 September 2011

**Capital Budget - Council Consolidated**

(\$000's)	Original Budget 2011/12	Changes Other than by a QBRs	Revised Budget 2011/12	Variations for this		Notes	Projected Year End Result	Actual YTD figures
				Qtr 1 Funded	Qtr 1 Unfunded			
<b>Capital Expenditure</b>								
New Assets								
- Plant & Equipment	6,476,900		6,476,900	176,600	-	1	6,653,500	962,700
- Roads, Bridges, Footpath, Cycleways	-		-	-	-		-	-
- Stormwater Drainage	115,000		115,000	-	-		115,000	-
- Land & Buildings	2,045,000		2,045,000	(5,000)	-		2,040,000	1,040
- Water	447,700		447,700	-	-		447,700	2,214
- Waste Water	13,477,200		13,477,200	-	-		13,477,200	142,588
- Remediation and Restoration	-		-	-	-		-	-
- Other	560,000		560,000	59,300	-	2	619,300	17,868
Renewal Assets (Replacement)								
- Plant & Equipment	380,000		380,000	-	-		380,000	-
- Roads, Bridges, Footpath, Cycleways	5,615,900	840,000	6,455,900	2,499,200	-	3	8,955,100	2,807,769
- Stormwater Drainage	374,600		374,600	-	-		374,600	9,778
- Land & Buildings	3,708,000		3,708,000	100,000	-	4	3,808,000	78,896
- Water	2,267,800		2,267,800	-	-		2,267,800	293,985
- Waste Water	4,024,000		4,024,000	-	-		4,024,000	141,418
- Remediation and Restoration	200,000		200,000	-	-		200,000	9,894
- Other	1,184,400		1,184,400	80,600	-	5	1,265,000	189,112
Loan Repayments (Principal)	2,389,500		2,389,500	-	-		2,389,500	-
<b>Total Capital Expenditure</b>	<b>43,266,000</b>	<b>840,000</b>	<b>44,106,000</b>	<b>2,910,700</b>	<b>-</b>		<b>47,016,700</b>	<b>4,657,261</b>
<b>Capital Funding</b>								
Rates & Other Untied Funding	13,290,900	840,000	14,130,900	(9,400)	-		14,121,500	
Capital Grants & Contributions	6,383,900		6,383,900	125,000	-	6	6,508,900	
Reserves:								
- External Restrictions/Reserves	2,321,700		2,321,700	-	-		2,321,700	
- Internal Restrictions/Reserves	2,132,800		2,132,800	2,183,500	-		4,316,300	
New Loans	9,893,000	(30,000)	9,863,000	-	-	7	9,863,000	
New Loans - Unexpended	8,070,000		8,070,000	-	-		8,070,000	
Receipts from Sale of Assets								
- Plant & Equipment	-		-	-	-		-	
- Land & Buildings	-	30,000	30,000	-	-	7	30,000	
Unexpended Grants	140,000		140,000	611,600	-		751,600	
Section 64/94 Contributions	984,400		984,400	-	-		984,400	
Developer Contributions	49,300		49,300	-	-		49,300	
Other Funding	-		-	-	-		-	
<b>Total Capital Funding</b>	<b>43,266,000</b>	<b>840,000</b>	<b>44,106,000</b>	<b>2,910,700</b>	<b>-</b>		<b>47,016,700</b>	
<b>Net Capital Funding</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>		<b>-</b>	

Note 1 - for information on the recommended variations please refer to the Capital Budget - Recommended Changes attachment

Note 2: for information on changes other than QBRs please refer to the Council Report

Lismore City Council

**Quarterly Budget Review Statement**  
for the period 01/07/11 to 30/09/11

**Capital Budget Review Statement**  
**Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

*Unfunded Variations - all recommended variations have been commented on.*

*Funded Variations - variations in excess of \$10,000 have been commented on.*

*There is no anticipated impact on Council's Delivery Plan as a result of these changes, except in timing of projects.*

Notes	Details	Variation - Funded	Source of Funding
<b>1</b>	<b>Plant and Equipment</b>		<b>New</b>
	<i>The following works have been carried forward from 2010/11</i>		
	Glass crushing facility - Northern Rivers Waste	\$ 147,700	Reserves - Other Waste Management
	Replace Air Conditioning old Council chambers	\$ 20,000	Reserves - Property Management
<b>2</b>	<b>Other Assets</b>		<b>New</b>
	<i>The following works have been carried forward from 2010/11</i>		
	Nesbitt Park carpark	\$ 20,000	Reserves - Property Management
	Nimbin Skate Park	\$ 24,300	Reserves - Property Management
	<i>New grant funding has been received for the following:</i>		
	Lismore Library - Library access ramp	\$ 25,000	Capital Grants and Contributions
	Liberty Swing - correction in budget as funds provided by Variety were directly paid to supplier	-\$ 10,000	Capital Grants and Contributions -down
<b>3</b>	<b>Roads, Bridges, Footpath, Cycleways</b>		<b>Renewal</b>
	<i>The following works have been carried forward from 2010/11</i>		
	Avondale Rd	\$ 206,000	Reserves - Transport Infrastructure
	Bellevue Rd	\$ 200,000	Reserves - Transport Infrastructure
	Caniaba Rd	\$ 400,000	Reserves - Transport Infrastructure
	Conway St	\$ 457,200	Reserves - Transport Infrastructure
	Dungarruba Wharf & Boat Ramp	\$ 33,200	Reserves - Transport Infrastructure
	Fox/Maso Safety Improvements	\$ 50,000	Reserves - Transport Infrastructure
	Galvanised Culverts	\$ 53,400	Reserves - Transport Infrastructure
	Newton Drive	\$ 165,000	Reserves - Transport Infrastructure
	Local Bridges -Robsons Bridge	\$ 41,900	Reserves - Transport Infrastructure
	Rosebank (Safety)	\$ 50,000	Reserves - Transport Infrastructure
	Local Bridges - Terania Creek	\$ 158,000	Reserves - Bridges
	Woodlark St	\$ 80,000	Reserves - Transport Infrastructure
	Wyrallah Rd	\$ 100,000	Reserves - Transport Infrastructure
	RTA Timber Bridges replacement program- Myotts Bridges	\$ 436,300	Unexpended Grants
	RTA Timber Bridges replacement program - Ruthven	\$ 28,200	Unexpended Grants
	<i>New Funding</i>		
	Road Component(FAG) - 2011/12 has been revised up on original estimates	\$ 32,000	Operating Grants
	<i>Variations other than QBRS</i>		
	The Regional Roads Repair Construction Program was treated as operating expenses in the adopted Operational Plan. These works will be capitalised and funding is of a capital nature therefore the expense for these works has been transferred to Acquisition of Assets - Roads Renewal	\$ 840,000	Increase in capital acquisition



Lismore City Council

Quarterly Budget Review Statement  
for the period 01/07/11 to 30/09/11

**Capital Budget Review Statement  
Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

*Unfunded Variations - all recommended variations have been commented on.*

*Funded Variations - variations in excess of \$10,000 have been commented on.*

*There is no anticipated impact on Council's Delivery Plan as a result of these changes, except in timing of projects.*

<b>4 Land &amp; Buildings</b>	<b>Renewal</b>	
Lismore City Hall dance studio - new grant funding	\$ 100,000	Capital Grants
<hr/>		
<b>5 Other</b>	<b>Renewal</b>	
Richmond Tweed regional Library	\$ 36,800	Reserves - RTRL
Urban Sports Facility fund		
South Lismore Soccer Club	\$ 20,000	Reserves - Parks & Recreation
Swans AFL	\$ 23,800	Reserves - Parks & Recreation
<hr/>		
<b>6 Capital Grants &amp; Contributions</b>		
CBD Green ovation Project GRANT revenue recognised	\$ 10,000	Unexpended Grants Funds were spent in 2010/11 in advance of project being completed
<hr/>		
<b>7 New Loans</b>		
The sale revenue of \$30,000 was incorrectly coded in the operational cashflow, it was treated as loans it should have been capital revenue -disposal of assets	-30000	Increase in capital revenues

Lismore City Council

Quarterly Budget Review Statement  
for the period 01/07/11 to 30/09/11

Cash & Investments Budget Review Statement

Budget review for the quarter ended 30 September 2011  
Cash & Investments - Council Consolidated

(\$000's)	Actual YTD figures
<b>Externally Restricted <sup>(1)</sup></b>	
Include:	
Developer Contributions - General	
Developer Contributions - Water	
Developer Contributions - Wastewater	
Specific Purpose unexpended grants	
Water Supplies	
Wastewater Supplies	
Domestic Waste Management	
Trust fund	
<b>Total Externally Restricted</b>	<u>\$ 32,558,402</u>
(1) Funds that must be spent for a specific purpose	
<b>Internally Restricted <sup>(2)</sup></b>	
Internal Reserves	
Specific purpose unexpended loans	
<b>Total Internally Restricted</b>	<u>\$ 9,984,917</u>
(2) Funds that Council has earmarked for a specific purpose	
<b>Unrestricted (ie. available after the above Restrictions)</b>	
<b>Total Cash &amp; Investments</b>	<b>\$ 42,543,319</b>

Note:

Council only dissects its investments portfolio on a externally/internal restricted basis on an annual basis.

The breakdown between external and external investments and cash are estimates only and are on the ratios applicable in the Financials Statements 2010. These percentages will be adjusted to the ratios applicable in the 2011 Financial Statements once they have been finalised.

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.

**Lismore City Council****Quarterly Budget Review Statement**  
for the period 01/07/11 to 30/09/11**Cash & Investments Budget Review Statement****Comment on Cash & Investments Position**

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

The impact has been reported as part of the original Operational plan.

**Investments**

Investments have been invested in accordance with Council's Investment Policy.

The value of Investments \$42,543,319

**Cash**

This Cash at Bank amount has been reconciled to Council's physical Bank Statements. The date of completion of this bank reconciliation is 24/10/11

Lismore City Council

Quarterly Budget Review Statement  
for the period 01/07/11 to 30/09/11

Key Performance Indicators Budget Review Statement

Budget review for the quarter ended 30 September 2011

(\$000's)	Current Projection	Original	Actual	
	Amounts	Indicator	Indicator	Prior Periods
	11/12	11/12	11/12	10/11 09/10

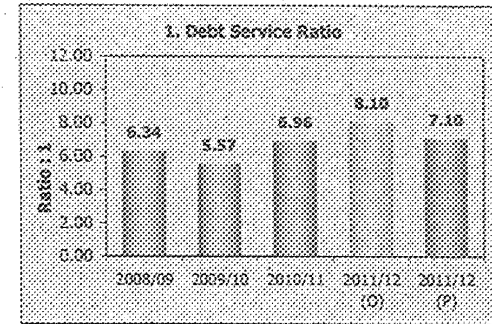
The Council monitors the following Key Performance Indicators:

**1. Debt Service Ratio**

Debt Service Cost	5843	7.10 : 1	8.10 : 1	6.96 : 1	5.57 : 1
Revenue from Continuing Operations*	82250				

The amount used to repay borrowings as a percentage of total income from continuing operations excluding capital grants and specific purpose grants and contributions  
This ratio will vary depending of the level of funding received. A ratio under 10:1 is considered satisfactory for a Council that is well established. Council is targeting to maintain this ratio below the 10:1

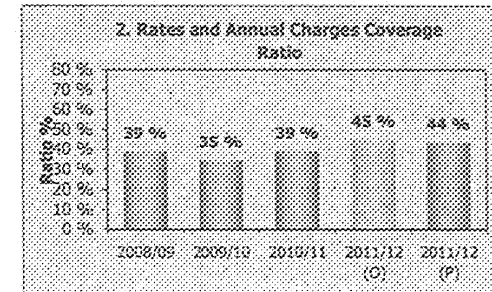
\* This amount has been adjusted for capital grants and specific purpose grants and contributions



**2. Rates and Annual Charges Coverage Ratio**

Rates and Annual Charges	39456	44 %	45 %	39 %	35 %
Income from Operations	90185				

Rate & Annual Charges Coverage Ratio -- The amount received from rates and annual charges revenues as a percentage of total operating revenue.  
This will fluctuate from period to period depending on additional grants, and contributions being received.  
This would be considered the minimum ratio however based on past years it would be expected to decline in the proceeding months.  
Council should target to reduce its reliance on rates and funding other sources of revenues.



Lismore City Council

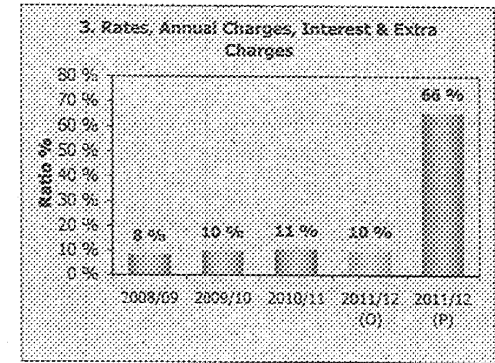
Quarterly Budget Review Statement  
for the period 01/07/11 to 30/09/11

Key Performance Indicators Budget Review Statement

Budget review for the quarter ended 30 September 2011

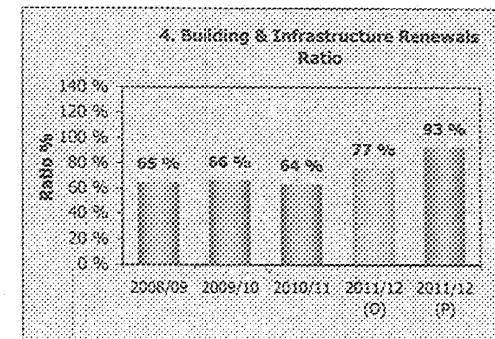
(\$000's)	Current Projection		Original Indicator 11/12	Actual Prior Periods	
	Amounts 11/12	Indicator 11/12		10/11	09/10
<b>3. Rates, Annual Charges, Interest &amp; Extra Charges Outstanding Percentage</b>					
Rates & Extra Charges Outstanding	28354	66 %	10 %	11 %	10 %
Rates & Extra Charges Collectible	43265				

Rates, Annual Charges, Interest & Extra Charges Outstanding Percentage – This percentage is based on the amount outstanding as a percentage of the amount to be collected for rates and annual charges for the current year and outstanding from previous years. Early in the reporting year this percentage will be high as all rates are levied at the beginning of the year. Council is targeting to reduce ratio by year to be as low as possible.



<b>4. Building &amp; Infrastructure Renewals Ratio</b>					
Asset Renewals (Building & Infrastructure)	19400	93 %	77 %	64 %	66 %
Depreciation, Amortisation & Impairment	20900				

To assess the rate at which these assets are being renewed against the rate at which they are depreciated. The rate has increased in 2011/12 due to proposed works on the Lismore City Hall redevelopment resulting from the securing of a capital funding.



Lismore City Council

Quarterly Budget Review Statement  
for the period 01/07/11 to 30/09/11

Contracts Budget Review Statement

Budget review for the quarter ended 30 September 2011  
Part A - Contracts Listing - contracts entered into during the quarter

Contractor	Contract detail & purpose	Contract Value	Start Date	Duration of Contract	Budgeted (Y/N)	Notes
Summerland Tennis	Construction of Nesbitt Park Jogging Track	55,000	August 2011	3 months	Y	
Data#3 Pty Ltd/Microsoft Corp	Triennial renewal of Microsoft licences.	261,000	July 1 2011	3 years	Y	

Notes:

1. Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
3. Contracts for employment are not required to be included.

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended xx/xx/xx and should be read in conjunction with the total QBRS report

Lismore City Council

**Quarterly Budget Review Statement**  
for the period 01/07/11 to 30/09/11

**Consultancy & Legal Expenses Budget Review Statement**

Consultancy & Legal Expenses Overview

Expense	YTD Expenditure (Actual Dollars)	Budgeted (Y/N)
Consultants	29,675	Y/N
Legal Fees	96,300	Y/N

**Definition of a consultant:**

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

**Comments**

Expenditure included in the above YTD figure are not all budgeted. These include:

**Details**

**Consultants**

Council is engaging consultants in relation to the LEP/DCP. Grant funding has been approved for this project however is not received until after expenditure has been incurred a claim submitted.

Council engages consultants from time to time under works in line with budgeted works.

**Legal Expenses**

Council has a recurring legal fees budget of \$116,000 with the majority of funding in the Development and Compliance program. The majority of legal costs incurred are within budget allocations

Council has incurred costs in relation to LCC V Anderson, These cost have not been budgeted and have not been reported in the September QBRS. Costs are yet to be finalised and will be reported to Council once full information is available and quantifiable.

# Report

<b>Subject</b>	<b>2010/11 Financial Reports</b>
<b>TRIM Record No</b>	BP11/843:EF09/581
<b>Prepared by</b>	Principal Accountant
<b>Reason</b>	Legislative Requirement - Section 419, Local Government Act 1993
<b>Community Strategic Plan Link</b>	Best-Practice Corporate Governance

## Overview of Report

At Council's Extra Ordinary meeting held 27 October 2011, Council formed its opinion on the 2010/11 Financial Reports and the Auditor presented on the audit findings and conduct.

In accordance with the Local Government Act, 1993 and Local Government (General) Regulations 2005, Council is required to present the audited financial reports and audit report to the public at a meeting. Before doing so, they must have been advertised in the approved form and submissions from the public invited. Council has complied with these requirements.

Members of the public can make a written submission to Council up to seven days after the meeting (15/11/11). Council must forward a copy of any submission received to the auditor and take any action it considers appropriate. At this time, no submissions have been received.

## Background

Council resolved at the 27 October 2011 meeting to

1. In accordance with Section 413 (2) (c) of the Local Government Act 1993 and Regulation 215 of the Local Government (General) Regulation 2005 adopt the 2010/11 Financial Reports and form an opinion based on the attached 'Statement by Councillors and Management' for both the General Purpose Financial Statements and Special Purpose Financial Statements.
2. Delegate to the Mayor and one other Councillor to sign the 'Statement by Councillors and Management' on behalf of Council.
3. Submit the 2010/11 Financial Reports to the NSW Division of Local Government and the Australian Bureau of Statistics.
4. Advertise the presentation of the 2010/11 Financial Reports to the public from 28 October 2011 and invite both inspection and submission.
5. Present the 2010/11 Financial Reports to the public at the 8 November 2011 Council meeting.
6. A briefing be held to assess how Debt Collection Policies and Procedures can be amended to reduce the level of outstanding rates and annual charges.

Council's resolutions 1 - 5 have been implemented, but it is important to note that the public has until 15 November 2011 to make a submission. Council is to ensure that copies of all submissions received are



referred to the auditor and also take such action as it considers appropriate with respect to any submission. If a submission or submissions are received after this meeting, a further report will be prepared for Council's December meeting.

## Summary of Key Financial Data

Item	2010/11 (\$,000)	2009/10 (\$,000)
<b>Income Statement</b>		
Total income from continuing operations	95,386	101,108
Total expenses from continuing operations	102,267	88,401
Operating result from continuing operations	(6,881)	12,707
Net operating result for the year	(6,881)	12,707
Net operating result for the year before grants and contributions provided for capital purposes	(14,372)	2,960
<b>Balance Sheet</b>		
Total current assets	53,176	59,640
Total current liabilities	(18,250)	(21,408)
Total non-current assets	1,059,329	1,001,439
Total non-current liabilities	(47,574)	(48,573)
Total equity	1,046,681	991,098
<b>Other Financial Information</b>		
Unrestricted Current Ratio (expressed as a ratio)	2.13:1	1.80:1
Debt Service Percentage (%)	6.96%	5.57%
Rate Coverage Percentage (%)	39.18%	34.51%
Rates and Annual Charges Outstanding Percentage (%)	10.60%	9.96%
Building & Infrastructure Renewal Ratio (%)	63.76%	66.43%

## Sustainability Assessment

### Best-Practice Corporate Governance

In accordance with s419 of the *Local Government Act 1993* (Act), Council is required to present the audited financial reports and the audit report to the public at a meeting. Before doing so, they must have been advertised in the approved form and submissions from the public invited.

### Public consultation

The 2010/11 Financial Reports, in the prescribed format, have been advertised in the 29 October 2011 Weekend Star seeking public comment.

## Conclusion

In accordance with the Local Government Act, 1993 and Local Government (General) Regulations 2005, the 2010/11 Financial Reports were advertised and submissions from the public invited.

At the time of preparing this report, no submission had been received.

## Attachment/s

There are no attachments for this report.

## Recommendation

That Council, having formed an opinion on the audited 2010/11 Financial Reports and having presented them to the public, formally adopts the 2010/11 Financial Reports.

# Report

<b>Subject</b>	<b>Acquisition of Part of 138 Oliver Avenue, Goonellabah</b>
<b>TRIM Record No</b>	BP11/720:P5538
<b>Prepared by</b>	Manager - Assets
<b>Reason</b>	To have Council determine whether to proceed with acquisition of a portion of privately owned land currently zoned as 6(a) Recreation Zone.
<b>Community Strategic Plan Link</b>	Best-Practice Corporate Governance

## Overview of Report

This report deals with the required acquisition of a portion of land at 138 Oliver Avenue Goonellabah. The land is required to be acquired by Council as a condition of development consent for subdivision of the property issued in 2009.

## Background

The property known as 138 Oliver Avenue, Goonellabah (Lot 56, DP 813730), containing 1.045 hectares is located at the corner of Oliver Avenue and Kadina Street, Goonellabah, and is bounded on the north and east by Council reserves. Tucki Tucki Creek also passes through the western end of the property, which is currently covered by two zonings – 6(a) Recreation Zone and 2(a) Residential Zone.

In September 2002 a development application was lodged with Council on behalf of the property owners, Mr & Mrs David Driussi, for the subdivision of the property into two allotments (DA02/726). At that time the entire property was zoned 2(a) Residential Zone. Discussions took place between Council and the property owners and/or their representatives in relation to the possibility of a third allotment containing approximately 1,900m<sup>2</sup> being created and dedicated to Council as a public reserve. Council arranged for an independent valuation of the proposed lot which was assessed at \$5,000 and advised the property owners' representative that in exchange for dedication of the lot to Council, it would waive Section 94 contributions of \$5,446 and contribute between \$1,200-\$1,500 towards additional surveying costs to create the additional lot.

The property owners obtained their own comments from a registered valuer who advised that he considered the value of the lot to be \$18,000. Council subsequently advised that it was prepared to waive Sections 64 and 94 contributions totalling \$12,340 as well as the contribution towards additional surveying costs. However, in September 2003 the property owners' representative wrote to Council advising that they wished to withdraw the development application and that a further application would be lodged with Council.

An aerial photograph of the land is shown below.



Pursuant to LEP 2000 Amendment 12 which was gazetted on 21 July 2006 the western section of the property containing approximately 2,500m<sup>2</sup> was rezoned to 6(a) Recreation Zone. This area included land on both sides of Tucki Tucki Creek. The reason for this partial rezoning was that the area had been identified as land suitable for future use as recreational land.

In April 2008 a further development application (DA08/202) was lodged on behalf of the property owners providing for three residential allotments as well as dedication of an area of approximately 1,600m<sup>2</sup> to Council. The area to be dedicated to Council did not include all of the area previously rezoned to 6(a) Recreation Zone. It only included that land to the west and north of Tucki Tucki Creek. A plan of the area proposed to be dedicated is attached – refer Attachment 1.

On 24 June 2009 development consent was issued for this development application subject to the payment of statutory levies and dedication of one lot to Council as a public reserve and on the basis that Council would pay just terms compensation. Discussions have been ongoing between Council and the property owners in relation to the amount of compensation payable in respect to the dedication of the allotment to Council.

In essence there is disagreement between Council and the property owners as to the area and therefore value of the land to be acquired by Council. Whilst earlier opinion in this matter suggested that the larger portion, being the 2,500m<sup>2</sup> lot traversing both banks of Tucki Tucki Creek that has been rezoned to 6(a) Recreation Zone would be suitable and usable by Council, it is apparent that there are significant issues to be dealt with. In particular access to that part of the land on the eastern and southern side of Tucki Tucki Creek is problematic due to the topography of the land and it is questionable as to whether this area would provide any value as open space given the significant area of open space available directly across Oliver Avenue to the south. Council's Parks staff have inspected the site and do not support acquisition of this section of the land.

Should Council proceed only to acquire the smaller portion of land in accordance with the development consent that has been issued, a portion of the privately owned land will remain zoned 6(a) Recreation Zone.

Another consideration for Council is that under Clause 70 of the LEP, the owner of any land zoned for public recreation can by written notice to the Council, require Council to acquire that land. Clause 71 of the LEP further outlines that should Council receive such a notice, it is not required to take any action to acquire the land for 90 days, should it advise the land owner within 14 days of receiving the notice, that it is reviewing the zoning of the land. Clause 71 of the LEP further provides that if Council actually rezones the land, or decides to rezone the land, within 90 days of receiving the written notice to acquire the land, then Council does not need to proceed to acquire the land.

As such it is proposed that Council resolve to rezone as 2(a) Residential Zone that portion of the remaining land (after Council acquires the land referred to in Recommendation 1) at 138 Oliver Avenue currently zoned as 6(a) Recreation Zone through an amendment to the LEP at the first opportunity.

The matter of compensation is not one which needs to be debated. The conditions of consent issued for subdivision of the land include a requirement that compensation is determined on a just terms basis. The *Land Acquisition (Just Terms) Compensation Act* sets out a statutory process that must be followed, including a process to resolve any dispute or disagreement arising from that process.

## Sustainability Assessment

### Sustainable Economic Growth and Development

The proposal is not considered to have any positive or negative impacts on sustainable economic growth and development.

### Social Inclusion and Participation

The proposal is not considered to have any positive or negative impacts on social inclusion and participation.

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

Acquisition of the area of land as outlined in the conditions attached to development consent DA 08/202 will transfer a section of Tucki Tucki Creek into public ownership. This is regarded as a positive outcome.

### Best-Practice Corporate Governance

The proposed land acquisition in accordance with the conditions of development consent DA 08/202 will resolve the issue of a Council owned and maintained public pathway which currently encroaches onto privately owned land.

## Comments

### Finance

All costs associated with the acquisition of this property will be funded from Section 94 Recreation and Community Facilities – Urban Catchment East Local Works Program contributions. There are sufficient contributions held for this purpose.

### Other staff comments

Council's Environmental staff have expressed their support for acquisition of the land in accordance with the development consent as it transfers into public ownership a section of Tucki Tucki Creek and will ultimately provide better protection of the area.

## Public consultation

Not applicable.

## Conclusion

Given the advice from Council staff that the full area of land currently zoned 6(a) Recreation Zone is not required, and that there is a significant area of open space immediately across Oliver Avenue to the south including a playground and barbecue facilities, it is recommended that Council proceed with the land acquisition as required under the terms of development consent for DA 08/202 and take no action to amend the area of land to be acquired as requested by the property owners.

Given the opportunity for the land owner to formally request Council to acquire the additional piece of land currently zoned 6(a) Recreation Zone, it is further recommended that Council resolve to rezone this piece of land to 2(a) Residential Zone at the earliest opportunity to match the zoning of the remainder of that parcel of land.

## Attachment/s

1. Proposed Subdivision Site Plan - 138 Oliver Avenue, Goonellabah

## Recommendation

That:

1. Council proceed with the acquisition of a portion of land at 138 Oliver Avenue in accordance with the terms of development consent 08/202.
2. After Council acquires the land referred to in Recommendation 1, the matter of the zoning of a portion of the remaining land at 138 Oliver Avenue as 6(a) Recreation Zone be addressed at the earliest opportunity through an amendment to Council's Local Environmental Plan.
3. The land referred to in Recommendation 2 be rezoned to 2(a) Residential Zone to match that of the remainder of the lot.
4. That the General Manager and Mayor be authorised to sign and affix the Council Seal to land transfer documents and plans of survey or any other documents deemed necessary to complete this resolution.



# Report

<b>Subject</b>	<b>Conduct of 2012 Local Government Election</b>
<b>TRIM Record No</b>	BP11/787:EF10/138
<b>Prepared by</b>	Corporate Compliance Coordinator
<b>Reason</b>	Council need to determine by the 30th November 2011 if it wishes the NSW Electoral Commission to conduct the Lismore City Council local government election in 2012
<b>Community Strategic Plan Link</b>	Best-Practice Corporate Governance

## Overview of Report

Council has now the opportunity to determine who will conduct the 2012 Local Government Election. Three options are available to Council and report Canvasses these options.

## Background

The NSW Government passed legislation that removes the automatic mandate of the NSW Electoral Commission to run local government elections. The responsibility is now with Council to determine who will conduct these elections. Should Council wish that this task to be undertaken by the NSW Electoral Commission for the 2012 Election, then it must pass an unconditional resolution to that effect and advise the Commission accordingly, by the 30<sup>th</sup> November 2011.

Following the 2012 Election, Council will need to make a further resolution in respect who will conduct the 2016 Election and any bi elections in the intervening period. This will be an issue for the new Council.

The options available to Council are;

1. Council conducts the election by directly appointing and managing a Returning Officer
2. Council conducts the election by outsourcing to a private sector company
3. Council selects the NSW Electoral Commission to conduct the election

Should Council choose either option 1 or 2 it should be noted that Council will receive absolutely no assistance from the Electoral Commission in the conduct of the election, apart from the supply of electoral rolls. Should Council not choose option 3, there is no going back after the 30<sup>th</sup> November 2011 and Council will be committed to Options 1 or 2.

## Consideration of Options

### Option 1

As outlined in the Guidelines issued by the Division of Local Government, should Council choose this option the role will involve: -

- managing the Returning Officer's office
- appointing and training staff including Polling Place Managers on how to conduct a count and how to determine formality of ballot papers
- developing procedures to be followed by electoral officials issuing pre-poll, declared institution, postal and election day votes
- preparing all necessary printed election materials such as forms, declaration envelopes, signs etc
- obtaining all necessary election material for use in pre-poll and election day venues such as voting screens, ballot boxes, pencils etc
- determining the quantity of ballot papers required and arranging for their printing, delivery and secure storage
- making Braille ballot papers available, if requested
- dealing with political parties, candidates and the public
- processing candidates' nominations including acceptance of the deposit and conducting the draw for position of candidates on the ballot paper
- registering how to vote material
- putting in place all necessary arrangements to enable pre-poll, declared institution, postal and election day voting
- ensuring delivery and collection of election materials to and from pre-poll and election day polling venues
- conducting the 'check count' of the votes and the distribution of preferences
- declaring the election
- arranging storage (and ultimate destruction) of ballot papers and voting-related materials for the statutory period of 6 months.

In addition to this, it should be noted that the Returning Officer and Deputy Returning Officer cannot be Council employees or a General Manager from another Council.

In respect to the counting of the votes, Council would need to obtain a suitable computer program to assist.



There is also the issue of obtaining the necessary insurances. Contact with our Insurance Broker indicates that they would not be in a position to assist and thus Council would need to go to the market.

Given the variety of tasks detailed above, there would need to be a considerable lead in time to the election for which the Returning Officer and Deputy Returning Officer would need to be employed. Obviously this has cost implications but may also restrict the available pool (if there is one), of suitable candidates for these positions.

You will note from the Guidelines that there would be no training available for the Returning Officer/Deputy Returning Officer from the NSW Electoral Commission. Thus we would need to source and engage highly skilled individuals for these positions.

In conclusion, this option could be seen as reverting to the "good old days" where the Town Clerk was the Returning Officer and the majority of work was undertaken by the staff. Regrettably these days no longer exist. The electoral process is more complex, the community more litigious, the number of staff with electoral skills has diminished significantly and most importantly, the support of the NSW Electoral Commission would not be available.

It is unlikely that this option could be achieved.

## Option 2

This would involve Council engaging a private firm to conduct the election on its behalf.

Should Council choose this option it would need prepare a specification and call tenders for suitable firms/individuals to conduct the election, as the cost of the election would be over the threshold of \$150,000.

The NSW Local Government Association has been only able to source one firm capable of carrying out this task but once tenders are called, others may emerge.

Staff and the Deputy Mayor attended a presentation by this firm to NOROC in Ballina last month. In short, this firm's main experience is with non government elections. Although it has been involved in some Queensland local government elections it has not conducted any in NSW. A quote has been obtained for comparison purposes with the NSW Electoral Commission but this would need to be firmed up through the tender process and could of course either rise or fall. At this stage the quote is in excess of the projected cost estimate provided by the State Electoral Commission

## Option 3

The NSW Electoral Commission

Essentially this would be simply business as usual, with the election conducted in a similar manner to 2008. The Commission has indicated that the cost would be as per last time subject to the following increases

- 1. Wage costs increasing in the Public sector of 4 years x 4% cumulative (i.e. 17 0%);*
- 2. Other operational costs increasing by 4 years CPI (estimated at 12.8% cumulative);*
- 3. Number of electors being serviced, e g a 2% increase in roll numbers will deliver a similar cost increase; and*

*4. Some 'economy of scale' loss may be inevitable with a reduced number of councils electing to use NSWEC services for the 2012 Local Government Elections.*

An internal reserve has been established for electoral costs with an annual payment being made into this reserve. From the cost estimates provided, sufficient funds will be available in the reserve.

This estimated amount and the estimate provided by the commercial firm have not been included in the business paper as this may prejudice Council's position in any future negotiations.

The level of services provided by the Commission for the last election was quite satisfactory.

The Commission has indicated that there is a possibility of a Counting Centre being located on the North Coast, subject to the number of Councils choosing to use the Commission. However, there may also be an additional cost for this, which has yet to be determined.

## Sustainability Assessment

### Social Inclusion and Participation

The requirements that the election will be conducted means that there will be maximum involvement in the electoral process regardless of who conducts the Election

### Best-Practice Corporate Governance

Strict adherence to Regulations and Legislation will be required by who ever conducts the election.

## Comments

### Finance

Each year Council transfers \$60,000 to its Election Reserve. It is anticipated that this will result in sufficient funds being available to meet the full cost of the 2012 Election.

### Other staff comments

Not Requested

### Public consultation

Not Requested

## Conclusion

Whilst the amendments to the Act have made it possible to move away from the NSW Electoral Commission the complications of doing so are many. If there was a cost advantage to do so, then of course the effort could be worthwhile.

From the research undertaken, it does not seem that a significant cost advantage would necessarily flow from such a course of action.

There are also risks should Council undertake the task either under its own management or by the use of a third party, which again have to be balanced against any monetary advantage.

## Attachment/s

There are no attachments for this report.

## Recommendation

That:

1. Council engage the NSW Electoral Commission to conduct the 2012 Local Government Election.
2. Discussions commence with the NSW Electoral Commission in respect to the establishment of a Regional Counting Centre on the North Coast.

# Report

<b>Subject</b>	<b>Council Meetings and Public Forums for 2012</b>
<b>TRIM Record No</b>	BP11/856:EF09/632
<b>Prepared by</b>	Corporate Compliance Coordinator
<b>Reason</b>	To determine the meeting schedule and locations for 2012
<b>Community Strategic Plan Link</b>	Best-Practice Corporate Governance

## Overview of Report

To determine the schedule of meetings and public forums for 2012

## Background

### Council Meeting Schedule

Council has resolved that ordinary meetings will be held at 6.00pm on the second Tuesday of each month. No change to this scheduling is proposed. On this basis, the first ordinary meeting of the year will be held on Tuesday, 14 February 2012.

### Rural Contact Forums

Council conducts five Rural Contact Forums plus the annual Nimbin Community Meeting. Feedback would indicate that the Forums held this year have been very successful with perhaps the largest attendance by the public.

The Nimbin Community Meeting is yet to be held. There has been some discussion around the need for this annual meeting given the formation of the Nimbin Community Reference Group but there is no groundswell observed that this meeting has become redundant.

The Rural Halls are selected so as to give a reasonable spread through the Local Government area and taking into account how long it has been since Council has been to the hall. In this regard it will be six years since Council last conducted a Rural Contact Forum in any of the halls listed below, therefore the following dates are recommended for 2012.

Bexhill	19 March
Keerong	16 April
Repentance Creek	21 May
South Gundurimba	20 August
Tullera	22 October

Additionally, the Nimbin Community Meeting will be held at the:

Nimbin School of Arts	19 November
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## Sustainability Assessment

### Social Inclusion and Participation

The option of meeting with Councillors in the rural environment via the contact forums and for city residents to access Councillors via the interview system promotes greater social cohesion.

### Best-Practice Corporate Governance

This process is not mandated by any legislation but is considered a good practice to follow.

### Public consultation

The contact forums continue to provide the public with an opportunity to raise issues with Councillors.

### Comments

#### Finance

As all costs associated with holding Council Meetings and Rural Contact Forums are factored in the recurrent budget, the recommendations are supported

### Attachment/s

There are no attachments for this report.

## Recommendation

That:

1. The first ordinary meeting of Council be held on Tuesday, 14 February 2012 at 6.00pm and the second Tuesday of the month thereafter for 2012.
2. The Rural Contact Forums be held at the following locations and dates:

Bexhill	19 March
Keerong	16 April
Repentance Creek	21 May
South Gundurimba	20 August
Tullera	22 October
Nimbin School of Arts	19 November

# Report

<b>Subject</b>	<b>Local Public Holiday - 2012 Lismore Cup Day</b>
<b>TRIM Record No</b>	BP11/832:EF09/2450
<b>Prepared by</b>	Corporate Compliance Coordinator
<b>Reason</b>	Council has received a request from the Lismore Turf Club to support a Half Day Local Public Holiday to be held in conjunction with the 2012 Lismore Cup Day.
<b>Community Strategic Plan Link</b>	Enhance Lismore as a Regional Centre

## Overview of Report

Council has received a request from the Lismore Turf Club to support a half day local public holiday in conjunction with the Lismore Cup. Council is required to consider the request and if supported, forward it to the Division of Industrial Relations for gazetting. The report recommends approval of the request.

## Background

Council has received a request from the Lismore Turf Club for Council to support a Half Day Local Public Holiday to be held in conjunction with the 2012 Lismore Cup Day. A copy of this request is attached.

Council is required to consider this request and should it support the request, forward it to the NSW Industrial Relations for gazettal. Attached is correspondence from the Division in this regard.

You will note, that the Government has introduced a new type of local public holiday entitled, Local Event Day. The primary difference would appear that Local Event Days exempt banks from closing.

The application has been for a Local Public Holiday (most likely because the Club was unaware of the other category) and it is proposed to be processed accordingly.

The concept of a half day local public holiday for the Lismore Cup, is a long standing concept, one which is well known to the community and accepted by most. Considerable debate was undertaken last year within the CBD on the merits of such a holiday and again the Chamber conducted a survey on this matter this year. Whilst there will never be unanimous support for such a holiday, the result of the debate and survey was majority support.

## Sustainability Assessment

### Sustainable Economic Growth and Development

The Lismore Cup Day is an annual event which generates considerable activity within the Lismore business community in the week leading up to the day

### Social Inclusion and Participation

The Lismore Cup Day is acknowledged as an "event" for Lismore which creates a sense of community.

## Best-Practice Corporate Governance

The requirement for a Council resolution is in response to a request from the Lismore Turf Club and in accordance with the requirements of the Division of Industrial Relations

## Comments

### Finance

Not requested

### Public consultation

The issue has been canvassed with the CBD business community. In a survey of businesses conducted prior to the 2011 by the Lismore Chamber of Commerce, 61 business out of a total of 92 supported the concept of a half day holiday for race day.

The Lismore Business Promotion Panel supports this day being a half day public holiday.

## Attachment/s

1. NSW Industrial Relations Division
2. Confirmation from the Lismore Turf Club of date of the Lismore Cup in 2012

## Recommendation

That Council request the Division of Industrial Relations to gazette a half day holiday for Thursday, 27 September 2012 to coincide with the Lismore Cup Day races



Level 23, McKell Building,  
2-24 Rawson Place  
Sydney NSW 2000  
Tel 131 628 Fax 02 9020 4700  
TTY 1800 555 677 ABN 81 913 830 179  
[www.industrialrelations.nsw.gov.au](http://www.industrialrelations.nsw.gov.au)

NSW IR No: 11DOC0579

29 SEP 2011

Mr G Wilson  
Corporate Services Coordinator  
Lismore City Council  
PO Box 23A  
Lismore NSW 2480

Dear Mr Wilson

### 2012 LOCAL PUBLIC HOLIDAYS

I am writing in regard to the administrative process for local councils to apply to the Minister for Finance and Services for the declaration of *local public holidays* and *local event days* under the *Public Holidays Act 2010* (NSW).

Under the *Public Holidays Act 2010* all local public holidays and local event days (including half days) must be declared by Order of the Minister and published on the legislation website. Consistent with past practice, it is proposed to have the Ministerial Orders declaring the 2012 local public holidays and local event days published by the end of December 2011.

In determining whether to apply for a local public holiday, it is important that the Council be aware of the legislative changes that have occurred in the last several years that impact on businesses and communities located within designated public holiday areas.

#### Declaration of a Local Public Holiday

Where a local public holiday is declared by the Minister a bank located in the designated holiday area will be required to close unless it holds an approval to open on the day under Part 3A of the *Retail Trading Act 2008*. Shops located within the designated holiday area are free to open without restriction.

The public holiday provisions contained in the National Employment Standards of the *Fair Work Act 2009* (Cth) apply to local public holidays declared under the *Public Holidays Act 2010*. This means that all employees irrespective of their former entitlements and whose place of work is within a local public holiday area will be entitled to be absent from work on the day or half day that is the local public holiday or half holiday. In addition, employees who work on the day or part day may then have an entitlement to penalty rates under a relevant award where previously that entitlement may not have existed.

In considering an application to the Minister for a local public holiday or half day, Council is expected to consult with the affected community and other relevant stakeholders, as to the impact of a local public holiday or half holiday on businesses located within your local government area. As part of that consultation, Council may consider the option of a *local event day* declaration instead of a public holiday or half day.



### Declaration of a Local Event Day

The capacity for the Minister to declare a *local event day* or half day at the request of a local council is also available under the Public Holidays Act. The Minister must be satisfied that the day or part day is, and will be observed as, a day of special significance to the community in the area concerned.

The declaration of a local event day or half day does not preclude banks or shops located within the designated holiday area from opening or trading on the day.

A declared local event day does not automatically mean that employers in the particular locality are compelled to treat the day as a public holiday. Entitlements to paid time off work or penalty rates on a local event day will only arise where they have been agreed at the workplace level usually in the form of an enterprise agreement or a contract. This goes some way to restoring industrial arrangements for the occasion to those that existed prior to changes to Commonwealth workplace laws.

### The application process

Should the Council wish to proceed with a request for a local public holiday or local event day (including a half day) then, following resolution by the Council on the matter, could you please inform me in writing before 25 November 2011 of the desired dates and occasions in 2012 specifying the category of declaration requested. In addition, in support of the Council's request, it would be of assistance if the following information was provided:

- whether the request was approved by resolution of the Council;
- whether consideration was given to the alternative of local event day; and
- the extent of community consultation undertaken in respect of the request.

The receipt of requests for a *local event day* or *local public holiday* (including half days), specific date and defined area information from all councils will allow Notices to be published on the NSW legislation website for most 2012 dates in mid-December of this year. Confirmation of the Minister's approval of your request will be issued in advance of the Notice publication date.

You may be assured that any special day or half day not covered by such an omnibus Notice may continue to be the subject of a one-off Notice.

To assist in the application process, I have attached for the Council's information copies of sections 5 and 8 of the Public Holidays Act relating to the declaration of local public holidays and local event days.

Any inquiries you may have concerning the operation of these administrative arrangements may be directed to Peter Boland, Legal Services Branch, NSW Industrial Relations, on telephone number (02) 9020 4628.

I look forward to your early response in this matter.

Yours sincerely



Vicki Telfer  
Executive Director  
NSW Industrial Relations

## Public Holidays Act 2010 No 115

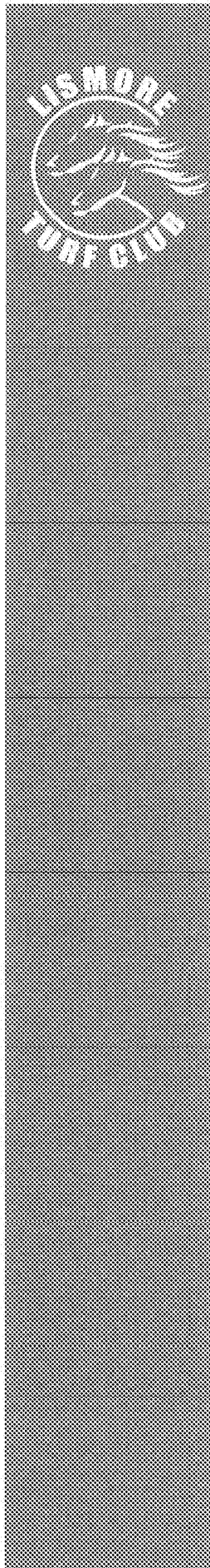
### 5 Additional public holidays

- (1) The Minister may by order published on the NSW legislation website declare a specified day or part-day in a particular year to be a public holiday. The order must be published at least 7 days before the public holiday.
- (2) The order can declare a public holiday for the whole State or for a specified part of the State.
- (3) The Minister may by order published on the NSW legislation website cancel a public holiday declared under this section. The order must be published at least 7 days before the public holiday.

**Note.** Instead of cancelling an additional public holiday declared under this section, the Minister can decide to substitute a different day for the holiday under section 6.

### 8 Local event days

- (1) The Minister may by order made at the request of the council of a local government area declare a specified day or part-day to be a local event day in the local government area or in a specified part of the local government area.
- (2) The Minister is not to declare a local event day unless satisfied that the day or part-day is, and will be observed as, a day of special significance to the community in the area concerned.
- (3) The order declaring a local event day must be published on the NSW legislation website at least 7 days before the local event day.
- (4) The declaration of a local event day does not make the local event day a public holiday.



26<sup>th</sup> October 2011.

Mr Graeme Wilson  
Corporate Services Coordinator  
Lismore City Council  
PO Box 23A  
Lismore NSW 2480

Dear Mr Wilson,

**Re: ANNUAL PUBLIC HOLIDAY  
LISMORE CUP DAY THURSDAY SEPTEMBER 27<sup>TH</sup>, 2012.**

The Lismore Turf Club thanks the Lismore City Council for its recent correspondence regarding a public holiday for the 2012 Lismore Cup Day races.

Following our board meeting last night, our Committee confirmed it would again like to apply for such a holiday in 2012.

The Lismore Cup attracts up to 7,000 people, the majority being locals, and the weeks leading up provide a large boost to many retail outlets, and without the half day holiday this retail income may be lost to the town. The evening of Lismore Cup Day is also one of the biggest nights in town for restaurants, cafes, takeaway food outlets, hotels, clubs and any late night convenience stores. Once again this income may be lost without the half day holiday. Moreover, with the current size of Lismore Cup Day the club currently employs many local casual staff.

We trust this application letter meets with Council's approval. Please don't hesitate to contact me if you have any other queries on this matter.

Yours sincerely

Jon Menzel  
Secretary/Manager

Woodlawn Road Lismore NSW 2480 PO Box 628 Lismore NSW 2480  
T: 02 6621 3176 F: 02 6622 1308 E: [info@lismoreturfclub.com](mailto:info@lismoreturfclub.com) W: [www.lismoreturfclub.com](http://www.lismoreturfclub.com)  
ABN 28 903 520 084

# Report

<b>Subject</b>	<b>Traffic Advisory Committee Recommendations</b>
<b>TRIM Record No</b>	BP11/837:EF09/1963
<b>Prepared by</b>	Traffic & Emergency Services Coordinator
<b>Reason</b>	The scheduled October meeting of the Traffic Committee was cancelled due to a shortage of agenda items. There are several matters which have been distributed to the members of the Traffic Committee for endorsement and require the approval of Council.
<b>Community Strategic Plan Link</b>	Improve Roads, Cycleways and Footpaths

## Overview of Report

Listed below are the three items with recommendations supported by voting members of the Committee.

## Background

As there were only three agenda items it was decided to cancel the October meeting of the Traffic Advisory Committee. The following items were emailed to voting members for concurrence with suggested recommendations.

### 1. F & J Wagner – Tregeagle Road Speed Limit

Requesting a ‘concealed driveway’ warning sign be erected south of their driveway at 769 Tregeagle Road due to increased traffic, especially trucks, on the road. Also suggesting consideration be given to moving the 80kph sign from its present position past the driveway of 759 Tregeagle Road to a position south of the crest.  
(C111/25419:R5301-03)

The Wagners’ driveway is positioned not far from a crest on Tregeagle Road and sight of oncoming vehicles from the south is restricted as a result. A warning sign would assist in advising motorists. The 80kph speed limit on Tregeagle Road terminates approximately 100m north of the driveway and there are now seven (7) residences in the 100kph speed limit within a length of 300-400m. Based on the number of residences and driveways close to the crest and increase in development in this area, consideration should be given to extending the existing 80kph speed limit on Tregeagle Road a further 400m south. Further consideration should be given to carry out an assessment of the balance of Tregeagle Road to ensure speed limits are appropriate.

### Suggested Action

1. A ‘concealed driveway’ symbol warning sign be erected south of the crest near 769 Tregeagle Road.
2. The proposal to extend the existing 80kph speed limit a further 400m south be referred to the RTA for consideration.
3. The proposal for an assessment of the balance of Tregeagle Road to ensure the speed limit is appropriate be referred to the RTA for consideration.

## 2. Judith Cripps Clark – Request for No Parking Signs Adjacent to Baseball Fields

Requesting No Parking signs along one side of Keen Street due to parking on both sides of the road during matches, which prevents vehicles passing each other. Suggesting vehicles could park on the grass further along. (CI11/26782:R7313-06)

A large off street car park exists in front of the Baseball Stadium and would cater for the majority of activity during the normal playing season. Overflow would generally occur during a larger event and Council's Grass Cutting & Sportsfield Preparation Team Leader has confirmed that this does present problems for through traffic when vehicles are parked on both sides of Keen Street. An open drain exists on the eastern side of Keen Street in front of the Basketball Stadium with limited road shoulder available for parking. This would mean motorists parking in this area would be closer to through traffic and may impede two-way through traffic flow.

### **Suggested Action**

No Stopping signs be erected on the eastern side of Keen Street between Bernstein Street and the driveway to the Basketball Stadium. Further that No Stopping signs be erected on the western side of Keen Street between the 'entry' and 'exit' driveways to the off-street car park in front of the Stadium.

## 3. Beaumont Buses – Cameron Road and Boatharbour Road

Advising the company is upgrading to a larger bus and setting out two options for the bus run along these roads and requesting Council's support. (CI11/27222:EF09/1580)

**Option 1:** The upgraded 57 seater bus (instead of the current 35 seater bus) would continue to drive along Boatharbour Road in the morning and would make a single turn to the left into Cameron Road. In the afternoon, the upgraded bus would make a single turn to the right into Boatharbour Road from Cameron Road.

**Option 2:** In the morning the upgraded 57 seater bus would continue to drive along Boatharbour Road for 2.2km past Cameron Road before turning around at McKinnon Road and continuing back along Boatharbour Road and turning into Cameron Road. In the afternoon the upgraded bus would make a single turn to the right into Boatharbour Road from Cameron Road.

Using the larger bus eliminates one run in either direction each day. Option 1 requires the larger bus to move onto the incorrect side of Boatharbour Road to carry out a left hand turn into Cameron Road. With a crest just beyond, this makes it difficult to see oncoming traffic and is not supported.

If the bus continues along Boatharbour Road down to McKinnon Road and uses this intersection to turn around and come back along Boatharbour Road and then into Cameron Road, it removes the potential conflict above. There is good sight distance in either direction at the intersection of Boatharbour Road and McKinnon Road. Whilst this proposal is not likely to present any problems, it is suggested that Council support Option 2 on a trial basis for six months with a continuation should no issues arise.

### **Suggested Action**

That Council support the introduction of Option 2 on a six month trial basis with a continuation should no issues arise.

**Option 2:** In the morning the upgraded 57 seater bus would continue to drive along Boatharbour Road for 2.2km past Cameron Road before turning around at McKinnon Road and continuing back along Boatharbour Road and turning into Cameron Road. In the afternoon the upgraded bus would make a single turn to the right into Boatharbour Road from Cameron Road.

## Comments

### Finance

Not required

### Other staff comments

Not required.

### Public consultation

Not required.

## Attachment/s

There are no attachments for this report.

## Recommendation

That Council adopt the following recommendations:

### 1. F & J Wagner – Tregeagle Road Speed Limit

- A. That a 'concealed driveway' symbol warning sign be erected south of the crest near 769 Tregeagle Road
- B. That the proposal to extend the existing 80kph speed limit a further 400m south be referred to the RTA for consideration
- C. That the proposal for an assessment of the balance of Tregeagle Road to ensure the speed limit is appropriate be referred to the RTA for consideration.

### 2. Judith Cripps Clark – Request for No Parking Signs Adjacent to Baseball Fields

That No Stopping signs be erected on the eastern side of Keen Street between Bernstein Street and the driveway to the Basketball Stadium. Further that No Stopping signs be erected on the western side of Keen Street between the 'entry' and 'exit' driveways.

### 3. Beaumont Buses – Cameron Road and Boatharbour Road

That Council support the introduction of Option 2 as outlined below on a six month trial basis with a continuation should no issues arise.

**Option 2:** In the morning the upgraded 57 seater bus would continue to drive along Boatharbour Road for 2.2km past Cameron Road before turning around at McKinnon Road and continuing back along Boatharbour Road and turning into Cameron Road. In the afternoon the upgraded bus would make a single turn to the right into Boatharbour Road from Cameron Road.

# Report

<b>Subject</b>	<b>Investments - October 2011</b>
<b>TRIM Record No</b>	BP11/480:EF09/2216
<b>Prepared by</b>	Management Accountant
<b>Reason</b>	Required by Local Government Act 1993, Local Government (General) Regulation 2005 and Council's Investment Policy
<b>Community Strategic Plan Link</b>	Best-Practice Corporate Governance

## Overview of Report

Investments as at 31 October 2011 are estimated to be \$39,258,289 subject to final market valuations typically provided after month end.

The interest rate reported for October 2011 is estimated to be 5.59% which is above the Bank Bill Swap Rate for the period of 4.74%. 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 – 30 September 2011</i> | <i>\$42,543,319</i> |
| • <i>Estimated Investments – at Market Value – 31 October 2011</i>         | <i>\$39,258,289</i> |

The current rate of return on investments for October 2011 is estimated to be 5.59% which is above the Bank Bill Swap Rate for the period of 4.74%. The rate of return reported has been calculated using actual returns where available and estimates based on the previous period balance and interest rates. The methodology used to calculate estimates appears reasonable in light of discussion with the portfolio advisor.

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

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

The estimated interest earned for October 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. When a variance is certain, it will be reported to Council as part of the quarterly budget reporting process.

## 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 31 October 2011, investments are estimated to total \$39,258,289 and the annualised rate of return is estimated at 5.59%.

## 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  
31 October 2011

Name of Investment / & Counterparty	Type of Investment	Rating	Assessment of return of Capital	Purchase Date	Maturity Date	Last Date Confirmed Valuation Available	Balance Sheet Valuation (Note 1)	Current Market Value (Note 4)	
<b>Cash Based Returns</b>									
Blackrock Care & Maintenance Fund	Managed Fund	Not Rated (Note 7)	High	15/10/2008	N/A	21/04/2011	\$ 1,799,597	\$ 2,066,329	Note 3
CBA Business On Line Banking A/C	Cash Management Account	Cash	High	N/A	N/A	25/10/2011	\$ 1,280,500	\$ 1,280,500	
Macquarie Cash Management Trust	Cash Management Account	Cash	High	1/9/2006	N/A	25/10/2011	\$ 269,020	\$ 269,020	
UBS Cash Management Trust	Cash Management Account	Cash	High	N/A	N/A	25/10/2011	\$ 459,101	\$ 459,101	
AMP Easysaver Account	Cash Management Account	Cash	High	N/A	N/A	25/10/2011	\$ 2,000,000	\$ 2,000,000	
Local Government Financial Services	Cash Management Account	Cash	High	N/A	N/A	30/09/2011	\$ 227,889	\$ 227,889	
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	
IMB Banking & Financial Services	Term Deposit	A-2	High	14/10/2011	11/4/2012	14/10/2011	\$ 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	
Corsair (Kakadu)	Floating Rate CDO	CCC-	Low	1/9/2006	20/3/2014	30/06/2010	\$ 125,000	\$ 125,000	Note 5

**Capital Value Movements  
Summary of Investments held as at  
31 October 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)	
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 (Cooangatta)	Floating Rate CDO	Early Termination	Low	1/9/2006	20/9/2014	30/06/2010	\$ -	\$ -	Note 5
Aphex (Gleneig)	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
<b>Investment on Hand</b>							<b>\$ 38,991,558</b>	<b>\$ 39,258,289</b>	
<b>Investments Redeemed during period (Note 6)</b>									
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	

**\$ 44,991,558    \$ 45,258,289**

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	30,044,369
Internally Restricted	9,213,921
	<u>\$ 39,258,289</u>

**Estimated Interest  
Summary of Investments held as at  
31 October 2011**

Name of Investment / & Counterparty	Type of Investment	Rating	Annualised Coupon / Interest Rate	Current market Value (Note 6)	Estimated Interest for Period	Weighted Interest for Period
<b>Cash Based Returns</b>						
Blackrock Care & Maintenance Fund	Managed Fund	Not Rated	0.00%	\$ 2,066,329	\$ -	0.00%
CBA Business On Line Banking A/C	Cash Management Account	Cash	4.35%	\$ 1,280,500	\$ 4,731	0.14%
Macquarie Cash Management Trust	Cash Management Account	Cash	4.75%	\$ 269,020	\$ 1,085	0.03%
UBS Cash Management Trust	Cash Management Account	Cash	3.82%	\$ 459,101	\$ 1,489	0.04%
AMP Easysaver Account	Cash Management Account	Cash	5.60%	\$ 2,000,000	\$ 9,512	0.28%
Local Government Financial Services	Cash Management Account	Cash	4.65%	\$ 227,889	\$ 900	0.03%
People's Choice Credit Union	Term Deposit	Not Rated (Note 7)	5.60%	\$ 2,000,000	\$ 9,512	0.28%
Bankwest	Term Deposit	AA	5.65%	\$ 2,000,000	\$ 9,597	0.28%
Newcastle Permanent	Term Deposit	A-2	5.86%	\$ 2,000,000	\$ 9,954	0.29%
Bank of Cypress (Australia) Ltd	Term Deposit	Not Rated (Note 7)	6.05%	\$ 2,000,000	\$ 10,277	0.30%
National Australia Bank	Term Deposit	A1+	6.60%	\$ 2,000,000	\$ 11,211	0.33%
Bank of Queensland	Term Deposit	A-2	5.85%	\$ 2,000,000	\$ 9,937	0.29%
ME Bank	Term Deposit	A-2	6.15%	\$ 2,000,000	\$ 10,447	0.30%
Southern Cross Credit Union	Term Deposit	Not Rated	6.30%	\$ 2,000,000	\$ 10,701	0.31%
Heritage Building Society Ltd	Term Deposit	A-2	6.10%	\$ 1,000,000	\$ 5,181	0.15%
Summerland Credit Union	Term Deposit	A-2	6.35%	\$ 1,000,000	\$ 5,393	0.16%
Magnolia (Flinders)	Floating Rate CDO	BB-	6.21%	\$ 255,000	\$ 1,582	0.04%
Wide Bay Australia Ltd	Term Deposit	A3	5.75%	\$ 2,000,000	\$ 9,767	0.28%
ING Bank Australia Limited	Term Deposit	A1+	6.31%	\$ 2,000,000	\$ 10,718	0.31%
IMB Banking & Financial Services	Term Deposit	A-2	5.90%	\$ 2,000,000	\$ 5,496	0.16%
RaboDirect (Rabobank Australia Ltd)	Term Deposit	A1+	6.60%	\$ 1,000,000	\$ 5,605	0.16%
Australian Defence Credit Union	Term Deposit	Not Rated	6.55%	\$ 1,000,000	\$ 5,563	0.16%
Omega (Henley)	Floating Rate CDO	CCC	5.55%	\$ 280,000	\$ 1,885	0.04%
Commonwealth Bank of Australia	Term Deposit	A1+	7.00%	\$ 400,000	\$ 2,378	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	\$ 5,690	0.17%
Investec Bank (Australia)	Term Deposit	A2	6.52%	\$ 1,000,000	\$ 5,538	0.16%
Queensland Teachers' Credit Union L:d	Term Deposit	Not Rated	6.40%	\$ 1,000,000	\$ 5,436	0.16%
Corsair (Torquay)	Floating Rate CDO	CCC-	0.00%	\$ 20,000	\$ -	0.00%
Zircon (Merimbula)	Floating Rate Note	Early Termination	0.00%	\$ -	\$ -	0.00%
Queensland Teachers' Credit Union L:d	Term Deposit	Not Rated	6.40%	\$ 1,000,000	\$ 5,436	0.16%

Note 1,3

**Estimated Interest  
Summary of Investments held as at  
31 October 2011**

Name of Investment / & Counterparty	Type of Investment	Rating	Annualised Coupon / Interest Rate	Current market Value (Note 6)	Estimated Interest for Period	Weighted Interest for Period
Corsair (Kakadu)	Floating Rate CDO	CCC-	6.11%	\$ 125,000	\$ 2,595	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	\$ 6,361	0.19%
Helium (Scarborough)	Floating Rate CDO	CCC-	6.56%	\$ 16,000	\$ 1,114	0.00%
Beryl (Global Bank Note)	Floating Rate Note	Early Termination	0.00%	\$ -	\$ -	0.00%
Zircon (Cooiangatta)	Floating Rate CDO	Early Termination	0.00%	\$ -	\$ -	0.00%
Aphex (Glenelg)	Floating Rate CDO	CCC-	6.45%	\$ 100,000	\$ 2,739	0.02%
Zircon (Miami)	Floating Rate CDO	Early Termination	0.00%	\$ -	\$ -	0.00%
<b>Investment on Hand</b>				<b>\$ 39,258,289</b>	<b>\$ 187,832</b>	<b>5.29%</b>

Note 2,5

Note 4

**Investments Redeemed during period**

Credit Union Australia (CUA)	Term Deposit	A-2	5.60%	\$ 2,000,000	\$ 1,841	0.05%
IMB Banking & Financial Services	Term Deposit	A-2	5.80%	\$ 2,000,000	\$ 4,132	0.12%
Suncorp Bank	Term Deposit	A-1	5.80%	\$ 2,000,000	\$ 4,449	0.13%

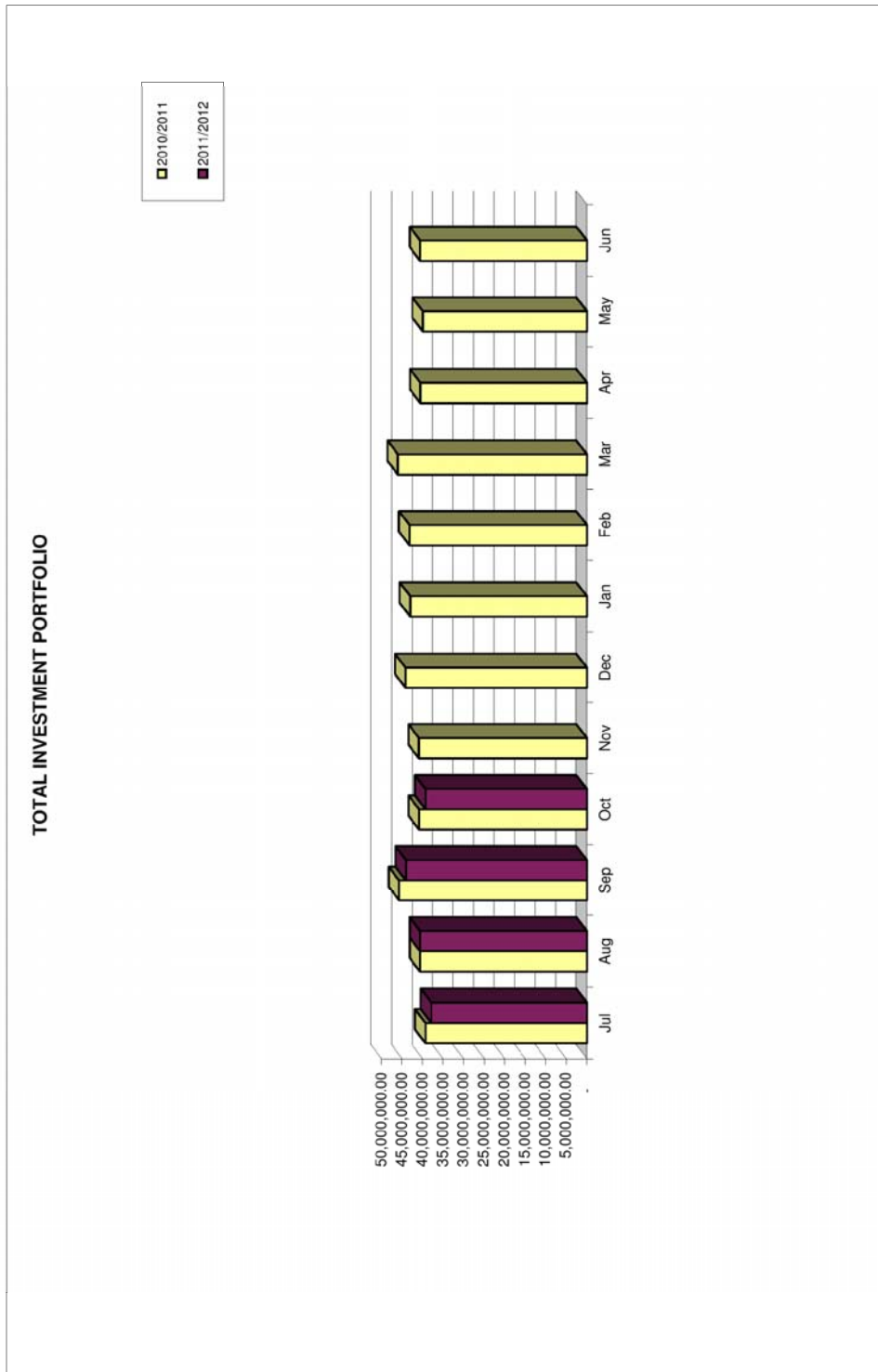
31/10/2011	
\$ 45,258,289	\$ 198,254

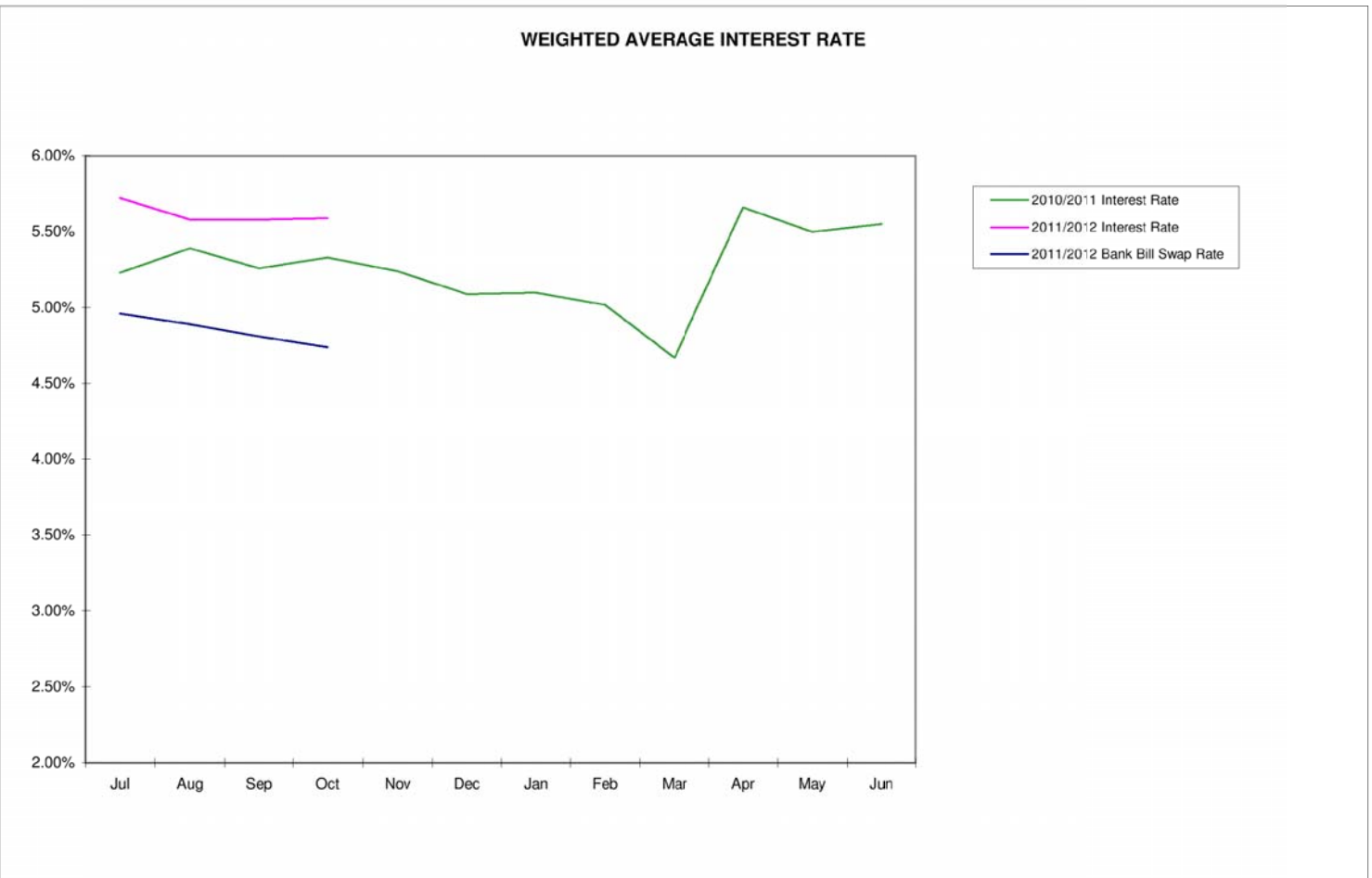
5.59%

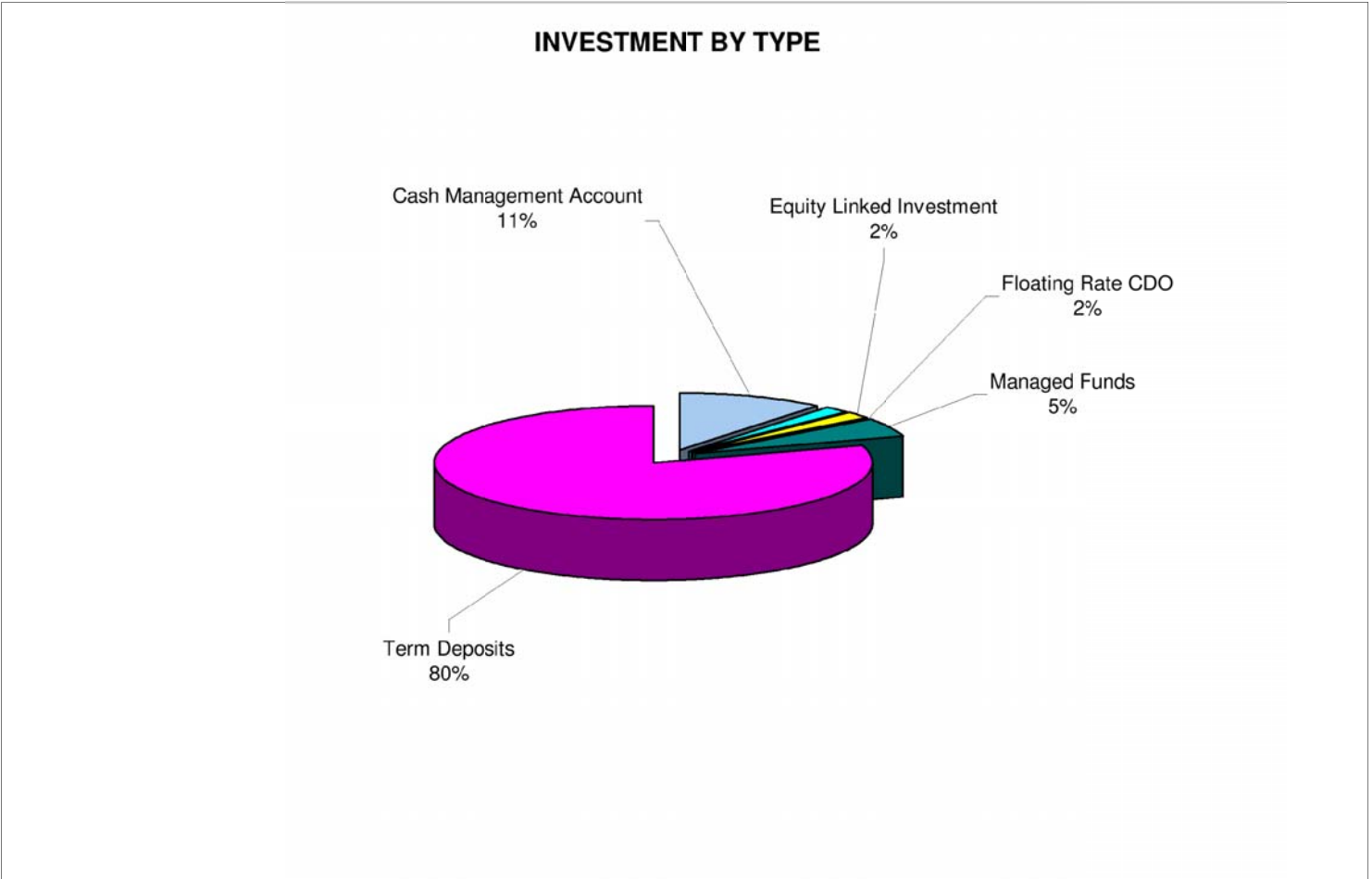
**Investment Income Earned vs. Budget Year to Date**

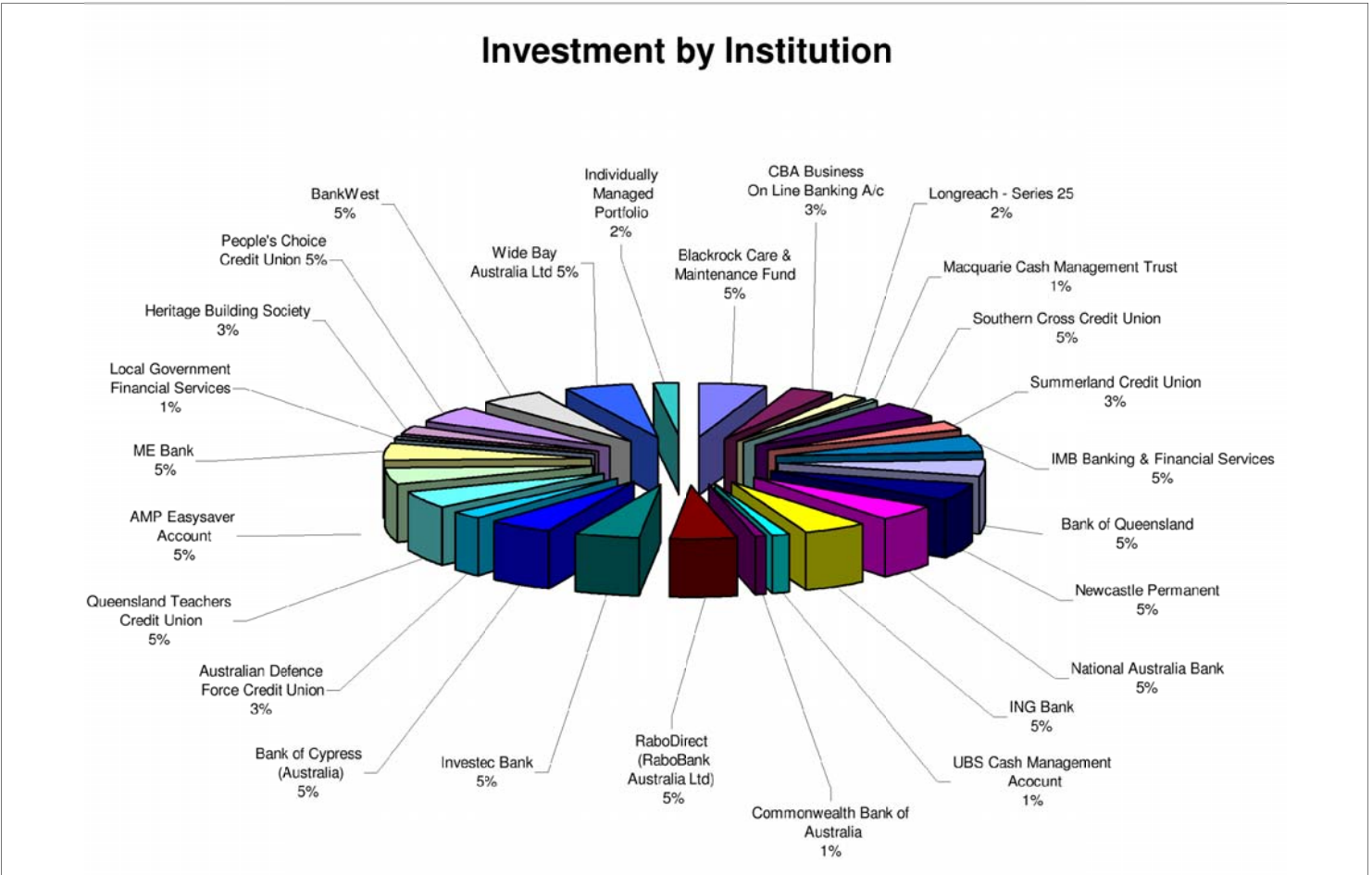
Estimated interest earned to date	\$ 766,393
Pro Rata annual budget	\$ 520,933

- 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.











# Documents for Signing and Sealing

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# Document for Signing and Sealing

## Document for Signing and Sealing

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

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

### Recommendation

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

#### **Assignment of Lease at Lismore Airport (P29428)**

The current lease of the café in the airport terminal building is to Caddies Coffee Company Pty Ltd for a period of three years from 1 July 2010 with a five year option. Caddies Coffee Company has requested Council to consent to an assignment of this Lease to Rainbow Regional Aviation Pty Ltd.

# Financial Assistance - Section 356

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## Financial Assistance – Section 356

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

Budget: \$15,000                      Spent to date: \$1,655.39

September 2011

Multitask \$343.63

Nimbin Aquarius Landcare Group \$53.39

Five Loaves \$227.63

Friends of the Koala \$65.02

Lismore Soup Kitchen \$108.00

Westpac Life Saver Helicopter \$59.99

**Total                      \$857.66***In accordance with policy.***b) Mayor's Discretionary Fund (GL390.485.15)**

Budget: \$3,000                      Spent to date:\$900

**The Ngulingah Local Aboriginal Land Council** is seeking a donation towards the Aboriginal families and community Christmas Party at Cubawee on 2 December 2011 (C111/29631).**\$100****Recommendation**

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

Confidential Business

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## Confidential Matters–Closed Council Meeting

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

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

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

### Clause 34 of Council Code of Meeting Practice

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

### Recommendation

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

<b>Item</b>	<b>17.1 Section 339 Senior Staff</b>
<b>Grounds for Closure</b>	Section 10A(2) (a):
<b>Public Interest</b>	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: personnel matters concerning particular individuals (other than councillors).

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN COUNCIL CHAMBERS ON TUESDAY, 11 OCTOBER 2011 AT 6.00PM.**

## Present

Mayor, Councillor Dowell; Councillors Houston, Meineke, Clough, Chant, Graham, Yarnall, Ekins, Marks, and Smith, together with the General Manager, Executive Director-Sustainable Development, Executive Director-Infrastructure Services, Manager-Finance, Manager-Assets, Manager-Information Services, Community Services Coordinator, Development Assessment Officer (Planning), Environmental Strategies Officer, Environmental Health Officer, Fleet Operations Coordinator, Natural Resource Management Resource Officer, Business Facilitator, Community Services Officer (Sport and Recreation), Media and Community Relations Coordinator, Corporate Compliance Coordinator and General Manager's Personal Assistant.

## Apologies and Leave of Absence

An apology for non-attendance on behalf of Councillor Battista was received and accepted and leave of absence granted at the 13 September 2011 Council Meeting.

484/11 **RESOLVED** that a leave of absence be granted for:

Councillor Neil Marks from 22-29 October 2011; and  
Councillor Isaac Smith from 24-30 October 2011.

(Councillors Chant/Clough)

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

**Voting against:** Nil

## Confirmation of Minutes

485/11 **RESOLVED** that the minutes of the Lismore City Council held on 13 September 2011 be confirmed.

(Councillors Chant/Clough)

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

**Voting against:** Nil

## Disclosure of Interest

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

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### **Report – Traffic Advisory Committee Minutes (Siddhartha School)**

**Nature of Interest:** A friend lives opposite the proposed development. I will leave the Chamber if this item is raised in the consideration of the Traffic Advisory Committee Minutes and not participate in the debate or voting.

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

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### **Report – Financial Assistance Section 356**

**Nature of Interest:** I have an interest in the Big Scrub Landcare Group. I will leave the Chamber and not participate in the debate or voting.

## 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:

### **Ian Gaillard - Environment Protection and Biodiversity Conservation Amendment Bill**

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Mr Gaillard spoke in support of the Notice of Motion. He focused on the adverse impact of the Coal Seam Gas industry on water and food security.



**Robert Fisher - Development Application No. 5.2011.151.1 - Recreation (Zorb Ball Riding) Area**

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Mr Fisher spoke against the Development Application. He raised issues in respect to amenity, noise, adverse impact on wildlife, conflict with rural values and conflict with the objectives of the rural zone.

**Damian Chappell - Development Application No. 5.2011.151.1 - Recreation (Zorb Ball Riding) Area**

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Mr Chappell spoke on behalf of the land owner/applicant. He advised that the application was submitted to meet the legal requirements. He spoke to additional reports and activities undertaken by the owner to enhance the proposal.

**Leanne Gilchrist - Tender No. T2012-05 - Lismore Tourist Caravan Park Lease**

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Ms Gilchrist spoke on behalf of residents of the Lismore Tourist Caravan Park. She described the characteristics of the residents, the issues and barriers to them finding alternative accommodation. She asked for certainty for the residents and possible assistance to facilitate alternative accommodation.

**Nigel Hayes - Draft Lismore Sport and Recreation Plan 2011-2021**

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Mr Hayes from the Nimbin Headers Sporting organisation detailed the efforts to provide sporting facilities for Nimbin and surrounds for over 22 years. To continue their efforts, he asked that the Urban and Rural Sports Facilities Programs be amended for 2011-12 to allow organisations such as them to access the program.

## Notice of Motions

**10.1 TransGrid's Environmental Assessment**

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486/11 **RESOLVED** 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
- Metgasco's 30 MW gas powered electricity plant does not seem to have been taken into consideration.

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

(Councillors Clough/Smith) (BP11/779)

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

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

### 10.2 Environment Protection and Biodiversity Conservation Amendment Bill

487/11

**RESOLVED** that Council:

1. 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.
2. Work with Rous County Council in writing to the Premier, the Minister for Planning and Infrastructure, the NSW Office of Water, Minister for Local Government – Mr Don Page and the State Member for Lismore - Mr Thomas George requesting total protection for the catchment area of the Wilson (formerly Lismore) Source from the adverse affects to our water supply of coal seam gas mining.

(Councillors Yarnall/Smith) (BP11/778)

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

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

## Reports

### 12.1 Development Application No. 5.2011.151.1 - Recreation (Zorb Ball Riding) Area

488/11 **RESOLVED** 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:

<b>Drawer/Name</b>	<b>Description of Plan</b>	<b>Ref/Plan No.</b>	<b>Revision</b>	<b>Date</b>
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 Area Layout Section Plan Pad Site &	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. Blade Road shall be designed in a manner to limit the speed environment to 40kph and take all measures necessary to preserve the existing roadside vegetation while ensuring the 6 metre seal width is maintained. However, should any vegetation be required to be removed on the Blade Road reserve it shall be restricted to weed species and the absolute maximum number of 9 trees marked for removal on the Newton Denny Chapelle Drawings “Blade Rd Widening East and West” ref No.10488 dated July 2011.

*Reason: To ensure preservation of existing vegetation whilst maintaining an adequate road network*

#### **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.

**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](http://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.

(Councillors Meineke/Graham) (BP11/524)

### Section 375A Voting Record:

**Voting for:** Councillors Houston, Meineke, Clough, Chant, Marks, Dowell, Graham and Smith

**Voting against:** Councillors Yarnall and Ekins

## 12.2 Tender No. T2012-05 - Lismore Tourist Caravan Park Lease

A MOTION WAS MOVED 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.

(Councillors Marks/Graham) (BP11/777)

AN AMENDMENT WAS MOVED 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 include Lismore City Council providing 10 caravans in good repair and easily capable of being towed. Lismore City Council is to take responsibility for the removal of these vans in case of a flood threat. The negotiations should also 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.

(Councillors Clough/Ekins)

On submission to the meeting the AMENDMENT was DEFEATED.

**Voting for:** Councillors Clough, Chant, Ekins and Smith

**Voting against:** Councillors Houston, Meineke, Marks, Dowell, Graham and Yarnall

A FORESHADOWED AMENDMENT WAS MOVED that Council 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. A further report be presented to November 2011 Council on options to manage the park.

(Councillors Smith/Ekins)

On submission to the meeting the FORESHADOWED AMENDMENT was DEFEATED.

**Voting for:** Councillors Clough, Chant, Ekins and Smith

**Voting against:** Councillors Houston, Meineke, Marks, Dowell, Graham and Yarnall

489/11

**RESOLVED** that:

1. In accordance with Clause 178(1) (b) of the *Local Government (General) Regulation*, Council decline to accept any tenders for T2011-17 – Lease of 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.

(Councillors Marks/Graham) (BP11/777)

**Voting for:** Councillors Houston, Meineke, Marks, Dowell, Graham and Yarnall

**Voting against:** Councillors Clough, Chant, Ekins and Smith

### **12.3 Draft Lismore Sport and Recreation Plan 2011-2021**

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490/11

**RESOLVED** that:

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.

(Councillors Marks/Smith) (BP11/762)

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

**Voting against:** Nil



## 12.4 Cycleway Plan

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A MOTION WAS MOVED that:

1. Council adopt the revised Cycleway Plan and its associated Works Program with the condition that recreational cycleway provision be postponed until all cycleways with a point score of 6.42 are completed.
2. The Works Program be reviewed on an annual basis by the Infrastructure Assets Policy Advisory Group and the Public Transport Reference 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.

(Councillors Clough/Ekins) (BP11/763)

AN AMENDMENT WAS MOVED 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.

(Councillors Graham/Marks) (BP11/763)

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

**Voting for:** Councillors Houston, Meineke, Chant, Marks, Dowell, Graham, Yarnall and Smith

**Voting against:** Councillors Clough and Ekins

491/11

**RESOLVED** 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.

(Councillors Graham/Marks) (BP11/763)

**Voting for:** Councillors Houston, Meineke, Clough, Chant, Marks, Dowell,  
Graham, Yarnall and Smith

**Voting against:** Councillor Ekins

### **12.5 Southern Trunk Main - Awarding of Contract for Construction**

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492/11

**RESOLVED** 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.

(Councillors Smith/Chant) (BP11/768)

**Voting for:** Councillors Houston, Meineke, Clough, Chant, Marks, Dowell,  
Graham, Yarnall and Smith

**Voting against:** Councillor Ekins

### **12.6 Tender No. T2011-20 - Supply of Water Truck**

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493/11

**RESOLVED** that:

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.

(Councillors Chant/Smith) (BP11/676)

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

### **12.7 Lismore Business Promotion Panel Nominations**

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494/11 **RESOLVED** that both Hayley Brown and Michael Haddin be appointed as members of the Lismore Business Promotion Panel resulting in a total membership of nine.

(Councillors Graham/Smith) (BP11/759)

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

### **12.8 Integrated Waste and Resource Recovery Strategy**

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495/11 **RESOLVED** that Council adopt the Integrated Waste and Resource Recovery Strategy.

(Councillors Smith/Marks) (BP11/764)

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

### **12.9 Disclosure of Pecuniary Interest Returns 2010/11**

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496/11 **RESOLVED** that the report be received and the tabled Pecuniary Interest Return be acknowledged.

(Councillors Marks/Clough) (BP11/766)

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

**12.10 Investments - September 2011**

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497/11 **RESOLVED** that the report be received and noted.

(Councillors Meineke/Marks) (BP11/477)

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

**Voting against:** Nil

## Committee Recommendations

**13.1 Traffic Advisory Committee**

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498/11 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.

(Councillors Clough/Chant) (BP11/788)

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

**Voting against:** Nil

At this juncture Councillor Vanessa Ekins left the meeting.

## Financial Assistance – Section 356

### S.1 Financial Assistance – Section 356 Report

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499/11 **RESOLVED** that in accordance with Section 356(1) of the Local Government Act 1993, the assistance to persons as listed above is hereby approved.

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

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

**Bangalow Cooking School - Northern Rivers Regional Food Celebrations** is requesting Council discount the hire fees (\$600) for use of the City Hall during the North Coast National Show 18 - 22 October 2011 as a support kitchen for the two food stage events over its three day program. No entry fees apply.

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

**\$150.00**

**Lismore Christadelphian Ecclesia** is requesting Council discount the hire fees (\$133) for use of the City Hall on 8 October 2011 for a community church service. No entry fees apply.

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

**\$33.25**

*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.

**\$170.00**

**Big Scrub Landcare Group** have requested that fees be waived for the erection of drop and street banners advertising the Big Scrub Rainforest Day, 25 September 2011. In total, they have requested the waiving of two weeks fees for six drop banners and 1 Carrington Street Banner totaling \$664.40.

**Recommendation:** In accordance with Policy 1.4.14 - Part 5, this organisation is entitled to one weeks equivalent street banner hire. As such, a donation of \$175 is recommended to apply to this request.

**\$175.00**

*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 Tournament of Minds Finals in Hobart on 15 October 2011 (CI11/25066).

**\$100**

**Opponents of Coal Seam Gas Mining** rally organisers are seeking a donation towards the rally at Spinks Park on 15 October 2011 (ED11/31514).

**\$100**

**d) Miscellaneous Donations**

**Lismore and District Junior Cricket Association (LDJCA)** are requesting that Council waive 90% of the fee for the use of four synthetic wickets and for grass turf wickets for their annual Under 12 State Cricket Carnival held this coming January 2012. The carnival is over a period of four days with an overall fee for field and canteen hire being \$7,263. Council has supported this event and this proposed donation for at least the past seven years.

**Recommendation:** The Parks Coordinator recommends the fees (totaling \$6,536.70 - being 90% of the total fees) be waived. Also, due to the increasing costs of field (mostly Turf Wicket) preparations for this event, it is proposed that discussions be held with the LDJCA in an attempt to minimise the impact upon Council resources.

**\$6,536.70**

(Councillors Graham/Yarnall) (BP11/794)

**Voting for:** Councillors Houston, Clough, Chant, Marks, Dowell, Graham, Yarnall and Smith

**Voting against:** Councillor Meineke

At this juncture Councillor Vanessa Ekins returned to the meeting.

## Closure

This concluded the business and the meeting terminated at 9.35pm.

CONFIRMED this EIGHTH day of NOVEMBER 2011 at which meeting the signature herein was subscribed.

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**MAYOR**

**MINUTES OF THE EXTRA ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN COUNCIL CHAMBERS, 43 OLIVER AVENUE, GOONELLABAH ON THURSDAY, 27 OCTOBER 2011 AT 6.00PM.**

## Present

Mayor, Councillor Dowell; Councillors Houston, Battista, Clough, Chant, Graham, and Yarnall, together with the General Manager, Executive Director-Sustainable Development, Executive Director-Infrastructure Services, Manager-Finance, Principal Accountant, Media and Community Relations Coordinator, Corporate Compliance Coordinator and General Manager's Personal Assistant.

## Apologies and Leave of Absence

500/11 **RESOLVED** that an apology be received from Councillors Meineke and Ekins a leave of absence granted.

Apologies for non-attendance on behalf of Cr Smith and Cr Marks were received and accepted and leave of absence granted at the 11 October 2011 meeting of Council.

(Councillors Graham/Yarnall)

**Voting for:** Councillors Houston, Clough, Chant, Dowell, Graham, Yarnall and Battista

**Voting against:** Nil

## Disclosure of Interest

Nil.



## 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:

### Kevin Franey – Report – 2010/11 Financial Reports

Mr Franey, Thomas Noble and Russell, Council's Auditors gave a detailed explanation of the long form audit report in respect to the 2010/11 Financial Report.

## Reports

### 7.1 2010/11 Reserves (Internally Restricted Assets)

501/11

**RESOLVED** that Council:

1. Receive and note the internally restricted reserve balance of \$27,285,400 for 30 June 2011 comprising \$15,455,605 as cash and investments, \$2,446,195 as working capital and \$9,383,600 in internal loans, as detailed on Attachment 1.
2. Amend Policy 1.5.10 - Reserves (Internally Restricted Assets) as shown in the Attachment 2.

(Councillors Clough/Chant) (BP11/796)

**Voting for:** Councillors Houston, Clough, Chant, Dowell, Graham and Yarnall

**Voting against:** Councillor Battista

**7.2 2010/11 Financial Reports**

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502/11

**RESOLVED** that:

1. In accordance with Section 413 (2) (c) of the Local Government Act 1993 and clause 215 of the Local Government (General) Regulation 2005, adopt the 2010/11 Financial Reports and form an opinion based on the attached 'Statement by Councillors and Management' for both the General Purpose Financial Reports and Special Purpose Financial Reports.
2. Delegate to the Mayor and one other Councillor to sign the 'Statement by Councillors and Management' on behalf of Council.
3. Delegate to the General Manager that on receipt of the Independent Audit Reports, submit the 2010/11 Financial Reports to the NSW Division of Local Government.
4. Advertise the presentation of the 2010/11 Financial Reports to the public from 29 October 2011 and invite both inspection and submission.
5. That Council present the audited Financial Reports at the 8 November 2011 Council meeting.
6. A briefing be held to assess how Debt Collection Policies and Procedures can be amended to reduce the level of outstanding rates and annual charges.

(Councillors Clough/Yarnall) (BP11/829)

**Voting for:** Councillors Houston, Clough, Chant, Dowell, Graham and Yarnall

**Voting against:** Councillor Battista

## Closure

This concluded the business and the meeting terminated at 7.00pm.

CONFIRMED this EIGHTH DAY of NOVEMBER 2011 at which meeting the signature herein was subscribed.

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**MAYOR**