

Ordinary Meeting

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on **Tuesday, August 9, 2005** and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager

August 2, 2005



Agenda

Opening of Meeting and Prayer (Mayor)

Apologies and Leave of Absence

Confirmation of Minutes

Ordinary meeting 12/7/05

Extraordinary meeting 19/7/05

Public Access Session

Public Question Time

Condolences

Disclosure of Interest

Mayoral Minutes

Notice of Rescission Motions

Notice of Motions

Altering Order of Business

(Consideration of altering the order of business to debate matters raised during Public Access).

Reports

Amendment No. 8 to DCP 26 – Industrial Development	1
Amendment No 24 to Lismore Local Environmental Plan – Lot 80 DP 1058639, 9 Livotto Drive, Richmond Hill.....	3
Draft LEP Amendment No. 23 – Miscellaneous Amendments	6
Lismore Floodplain Management Plan.....	9
Construction Certificate and Inspection, Fees and Charges Review 2005/06	12
Nesbitt Park – Old Tennis Court Site	18
Tenders for the renewal of sewer mains, various locations, Lismore	20
Provision for Mowing Services	23
Provision for the Maintenance of Turf Wickets.....	25
Miscellaneous Section 356 Community Donations Funding.....	27
The Australian Sister Cities Association (ASCA) National Conference 2005 - ‘A New Energy in Sister Cities’.....	30

Lismore City Council

Meeting held August 9, 2005

One Local Government Association.....	32
June 2005 Quarterly Budget Review Statement	34
Management Plan Review 2003-2006 – quarter ended June 2005.....	37
July 2005 – Investments held by Council	49
 Committee Recommendations	
Traffic Advisory Committee 20/7/05	51
Strategic Plan Steering Committee	55
 Documents for Signing and Sealing	
Section 356 Donations	56
 Questions Without Notice	
 Confidential Matters – Committee of the Whole	

Strategic Plan Summary

Lismore regional city

STRATEGIC PRIORITY	AIMS	INITIATIVES
Economic Development	Build Lismore's reputation as a regional city for residents, businesses, education providers, health services and government.	<ul style="list-style-type: none"> ▶ Champion education ▶ Promote health facilities ▶ Support regional agriculture ▶ Promote cultural life ▶ Promote Lismore as a legal centre ▶ Support for sport
	Increase regional economic development, tourism and job creating investments.	<ul style="list-style-type: none"> ▶ Promote regional development ▶ Develop tourism ▶ Support businesses ▶ Pursue CBD revitalisation ▶ Assist in job creation ▶ Assist in creating new income opportunities
Quality of Life	Make Lismore a safe, healthy and caring community in which to live.	<ul style="list-style-type: none"> ▶ Increase social cohesion ▶ Support villages ▶ Provide community services ▶ Encourage sustainable development ▶ Promote recreation and leisure
Leadership by Innovation	Lead the region by demonstrating innovative practices in governance, customer service, communication, consultation, virtual amalgamation and financial management.	<ul style="list-style-type: none"> ▶ Lead the region ▶ Increase revenue from grants ▶ Improve customer service ▶ Consult the community ▶ Update technology ▶ Provide user pays services ▶ Privatise selected services ▶ Share assets and resources
Natural Environment	Preserve and rehabilitate Lismore's natural environment.	<ul style="list-style-type: none"> ▶ Provide sustainable land use planning ▶ Improve catchment management ▶ Conserve and repair the environment
Infrastructure	Further enhance Lismore's transportation, parking and pedestrian networks.	<ul style="list-style-type: none"> ▶ Improve transport systems ▶ Improve roads, cycleways and footpaths ▶ Assist with public transport ▶ Assist airport operations ▶ Support fleet operations
Water and Waste Cycle	Educate our community and lead the state in water and waste-cycle management.	<ul style="list-style-type: none"> ▶ Manage stormwater drainage systems ▶ Manage water and sewage ▶ Manage the waste stream and reduce waste

Report

Subject	Amendment No. 8 to DCP 26 – Industrial Development
File No	S545
Prepared by	Manager Planning Services
Reason	Public exhibition period has ended
Objective	Adoption of the amending DCP
Strategic Plan Link	Economic Development
Management Plan Activity	Review and update planning controls.

Overview of Report

At its meeting of June 14, 2005 Council considered a report recommending that noise mitigation requirements be included within Development Control Plan No. 26 – Industrial Development, specifically in relation to Council's Airport Industrial Estate between the Airport Terminal and Krauss Ave. The amending DCP has been publicly exhibited and no submissions were received. However the wording has been altered on the basis of suggestions made at the meeting of June 14, and adoption by Council is now recommended.

Background

At its meeting of June 14, 2005 Council considered a report recommending that noise mitigation requirements be included within Development Control Plan No. 26 – Industrial Development, specifically in relation to Council's Airport Industrial Estate between the Airport Terminal and Krauss Avenue.

Although no submissions were received during or after public exhibition of the amending DCP, its wording has been altered slightly in response to comments by Councillors at the June meeting. It is intended that the noise mitigation measures indicated in the DCP are suggestions only, and that other measures with similar, or improved, effect on noise mitigation, would also be considered.

The revised amending DCP follows this report in the Business Paper.

Comments

Financial Services

Not required

Other staff comments

Manager Environmental Health & Building Services:

The need for noise attenuation is clearly required in accordance with the Department of Environment and Conservation (former EPA) requirements as defined in the Industrial Noise Policy. This involves attenuation to minimise impact on the motel and caravan park situated on Bruxner Highway and internal noise attenuation to any areas of the buildings proposed for quiet uses, such as offices.

Suggested methods to achieve attenuation are indicated in the DCP, however, any other measure to mitigate noise both inside and outside the building may also be considered by Council.

The inclusion of this noise component in the DCP will hopefully negate any future complaints to Council in regard to noise amenity from the industrial estate.

Public consultation

The draft amending DCP was publicly exhibited for 28 days, from 23 June to 22 July, 2005. No submissions were received.

Conclusion

The amending DCP provides guidance for noise attenuation measure to be included in buildings on Council's Airport Industrial Estate. It will come into effect with a notice printed in the local newspaper, in accordance with the Environmental Planning & Assessment Regulation.

Recommendation (PLA3)

That Council adopt Amendment No. 8 to Development Control Plan No. 26 Industrial Development.

Report

Subject	Amendment No 24 to Lismore Local Environmental Plan – Lot 80 DP 1058639, 9 Livotto Drive, Richmond Hill.
File No	S896
Prepared by	Strategic Planner
Reason	Completion of consultation with government agencies and public exhibition period
Objective	Council's adoption of LEP Amendment No. 24
Strategic Plan Link	Quality of Life – Encourage sustainable development
Management Plan Activity	Implement adopted land use strategies (Rural Housing Strategy)

Overview of Report

This report advises on the outcome of the public exhibition of the rezoning proposal for Lot 80 DP 1058639, 9 Livotto Drive, Richmond Hill and recommends that Council adopt the LEP Amendment No. 24 and forward it to the Minister for gazettal. The proposal is in accordance with the adopted Rural Housing Strategy.

Background

Subject land:	Lot 80 DP 1058639 9 Livotto Drive, Richmond Hill
Applicant:	Newton Denny Chapelle
Owner:	RG, AM & SL Livotto
Proposal:	Rural residential subdivision to create 14 rural residential lots.

At its meeting of December 14, 2004 Council resolved to prepare an amendment to the Lismore LEP to enable rural residential subdivision on Lot 80 DP 1058639, 9 Livotto Drive, Richmond Hill. The amendment will permit the lodgement of a Development Application to create 14 rural residential allotments ranging in size from 2933m² to 3.45ha. The submission is lodged in accordance with the provisions of the Lismore Rural Housing Strategy (RHS) 2002.

The Livotto Drive site has an area of 12.73ha, and is located adjacent to an existing 1(c) Rural Residential area in Livotto Drive. Access to the proposed 14 rural residential lots is to be provided by extending Livotto Drive.

A copy of the subdivision plan is attached separately. Due to the size of the Rezoning Submission prepared by Newton Denny Chapelle, a copy will be available in the Councillor's Meeting Room for perusal, rather than being placed within the Attachments.

The site is located within one of the preferred localities identified in the RHS as having potential for closer rural settlement. As there is no adjoining land identified as having potential for rural residential development in the RHS, there are no issues concerning integration of access.

The RHS provides that all land approved for rural residential subdivision in accordance with the strategy shall be rezoned by way of inclusion in a schedule to the LEP. The Schedule is to include a three year "sunset clause" together with such conditions to ensure that any future applications for subdivision is consistent with the adopted Master Plan.

Consultation with Government Agencies

Following Council's resolution to prepare the Plan, the proposal was referred to relevant government agencies in accordance with the requirements of s62 of the *EP&A Act*. The Department of Primary Industries requested a Land Use Conflict Risk Assessment Plan be prepared to address any potential conflict with the proposed rural residential subdivision and the adjoining macadamia plantation. The assessment was completed and the Department has raised no objection to the proposal.

Comments

Financial Services

Not required

Other staff comments

City Works, Lismore Water and Council's Environmental Health and Building Services originally assessed the property and their responses were addressed and incorporated into the amended submission.

Public consultation

The draft LEP amendment and master plan were publicly exhibited for twenty eight days from March 7, 2005 to April 4, 2005. Owners adjoining the property were also notified of the rezoning proposal by letter.

In response to the public exhibition, one submission was received. A copy of the submission is separately attached. The main issue raised is that the proposed road layout would not allow for access to create rural residential lots on the adjoining property (Lot 15 DP 755718, 534 Ballina Road, Richmond Hill).

Comment:

Lot 15 DP 755718, 534 Ballina Road, Richmond Hill is not identified in Council's Rural Housing Strategy for potential rural residential development. The property has been identified by the State Government as State Significant Farmland. Consequently the ministerial direction under S117 of the Act precludes this land being rezoned in the future for rural residential purposes. Alternative access to the property could be gained via an existing road reserve off Cowlong Road.

Conclusion

The proposed 14 lot rural residential subdivision on Lot 80, DP 1058639, 9 Livotto Drive, Richmond Hill is an extension of the existing rural subdivision. The submission was lodged in accordance with the provisions of the Lismore Rural Housing Strategy.

Recommendation (PLA1)

That Council:

1. Adopt LEP Amendment No. 24 as attached to this report; and
2. Use its delegations under section 69 of the EP& A Act to forward the amendment and report to the Minister for Infrastructure and Planning with a request that the Minister make the Plan, and
3. Adopt the Livotto Drive, Richmond Hill Rezoning Submission prepared by Newton Denny Chapelle dated May 9, 2005 as a Master Plan including the following reports:
 - Richmond Hill Road Catchment Local Development Guidelines prepared by Newton Denny Chapelle.
 - Proposed Rural Residential On Site Sewage Management Strategy prepared by Peter Lucena and Associates Pty Ltd dated April 23, 2004.
 - 395 Richmond Hill Road Lismore City, Ecological Assessment Report prepared by Place Planning and Design.
 - Land Use Conflict Risk Assessment Plan prepared by Newton Denny Chapelle.

Report

Subject	Draft LEP Amendment No. 23 – Miscellaneous Amendments
File No	S894
Prepared by	Senior Strategic Planner
Reason	Close of LEP exhibition period
Objective	Council's adoption of LEP Amendment No. 23
Strategic Plan Link	Sustainable development
Management Plan Activity	Review and Update Planning Controls

Overview of Report

This report discusses the outcome of the public exhibition period for draft LEP Amendment No. 23 and recommends that Council proceed with the Amendment subject to some minor modifications.

Background

At its meeting of February 8, 2005, Council resolved to prepare and exhibit draft Amendment No. 23 to the Lismore Local Environmental Plan 2000. The draft Amendment is the outcome of Council's annual review of the LEP and contains a variety of administrative matters as well as some minor rezonings.

Council's original resolution included the proposed reclassification of Crozier Field and Oakes Oval, the Goonellabah Leisure Centre site, Left Bank Café and Greenhills Park from Community to Operational land. Because of the specific procedural and public interest matters involved in the reclassification of public lands, these matters are being dealt with as a separate Amendment and will be reported to Council in due course.

Consultation with Government agencies

The Department of Primary Industries and the NSW Heritage Office were consulted pursuant to section 62 of the EP&A Act. No objections were raised to the draft Amendment.

Comments

Financial Services

Not required

Other staff comments

Not required

Public consultation

The draft amendment was exhibited from May 26, 2005 to June 24, 2005. Four submissions relating to three separate issues were received in response to the exhibition. Copies of the submissions are separately attached.

Issue: Crematoriums in 4(a) Industrial Zone

Submission 1

A submission from Newton Denny Chapelle on behalf of Parkview Funerals supports the amendment to permit crematoriums in the industrial zone. Parkview wishes to establish a crematorium at their existing premises in Holland Street, Goonellabah. They state that similar proposals in residential zones have resulted in significant community resistance due to perceived operational issues. The submission describes aspects of the cremation system. It states that the operation emits no odour or smoke and will have negligible impact on environment and amenity.

Submission 2

The writer does not object to crematoriums in industrial areas providing they don't front on to a residential area. The submission states that any proposal at the Parkview premises in Holland Street will impact upon eight houses on the opposite side of the road.

Comment:

Under the current LEP, crematoriums are a permissible use in the 2(a) Residential Zone but are prohibited in the 4(a) Industrial Zone. The 4(a) zone is considered to be an appropriate zone for such uses. However it is acknowledged that there are likely to be conflicts where a proposed site is in proximity to existing residences. Concerns from residents are understandable even where they may be based on perception rather than actual impacts. Potential incompatibility with adjacent residences was identified in the February Council report where it was recommended that DCP 27 (Buffer Areas) be amended to incorporate an appropriate buffer separation between residential development and crematoriums as a consequence of any amendment to the LEP.

There should be sufficient separation between crematoriums and residential development to overcome any perception issue. Separation by a road only is considered to be inadequate. A minimum buffer of 80 metres is recommended to ensure that, where an industrial zone adjoins a residential zone, the buffer distance is sufficient to provide a reasonable visual separation between the two forms of development. It is also recommended that the LEP be amended to make crematoriums a prohibited use in the 2(a) Residential Zone.

Issue: Development in Floodways

The submission proposes amendments to the LEP to permit alterations and additions to existing buildings as well as caretaker's residences (in conjunction with an approved use) within an existing building located in a floodway. The submission refers specifically to a property in Taylor Street, South Lismore.

Comment:

At its meeting of June 14, 2005 Council resolved to prepare an amendment to the LEP to allow building works to occur on existing buildings in the floodway subject to:

- *No expansion of the building footprint; and*
- *All work to be internal or above the 1 in 100 ARI flood level; and*
- *Any new materials below the 1 in 100 ARI flood level shall be compatible with immersion; and*
- *A certificate from a suitably qualified engineer that states that the building (including foundations) when modified will be able to withstand the impacts of the floodwaters and debris in the floodway for floods up to the 1 in 500 ARI flood event; and*

No residential use is allowed for the modified building (other than existing dwelling houses or dwellings used in conjunction with an industrial or commercial use) subject to the above dot points.

The above resolution has been incorporated into a separate draft LEP Amendment No 26. As the intent of Amendment No 26 is contrary to that of the exhibited flood provisions in Amendment No 23, it is recommended that that this section of amendment No 23 be deleted. Amendment No 26 will be reported back to Council following s62 consultations and the public exhibition period.

Issue: Zoning of land surrounding the Tuncester rifle range

Submission from the Lismore Target Rifle Club states that the proposed changes to zoning surrounding the rifle range will not affect the legal operation of the two clubs that utilise the range.

Comment:

The draft amendment does not alter the current 5 Special Uses (Rifle Club) Zone on the rifle range but removes it from surrounding lands which are not associated with the operational aspects of the rifle range. Buffer restrictions provided within DCP 27 (Buffer Areas) will ensure that incompatible development that could potentially jeopardise the on-going operations of the rifle range does not occur on lands adjacent to the site.

Other issues

Planning Services has made a submission concerning clause 24(3) – (Advertisements on trailers on public land prohibited). The clause prohibits the display of an advertisement for a commercial purpose on a trailer on public land unless the trailer is attached to a motor vehicle otherwise lawfully using the street. The submission recommends that the same provision should also apply to motor vehicles parked on public land for commercial advertising purposes. This would involve a minor amendment to clause 24(3).

Conclusion

It is recommended that Council adopt draft LEP Amendment No 23 as publicly exhibited but with the following modifications:

1. Amend clause 48 to prohibit crematoriums in the 2(a) Residential Zone; and
2. Omit the exhibited amendment to clause 22 (Development on flood affected land), and
3. Amend clause 24(3) to prohibit the use of motor vehicles parked on public land for the display of advertisements for commercial purposes.

A copy of the exhibited Amendment incorporating the proposed modifications is attached to this report. It is also recommended that Council prepare a draft amendment to DCP 27 (Buffer Areas) to establish a minimum 80 metre buffer distance between crematoriums and residential development.

Recommendation (PLA4)

That Council resolve to:

1. Adopt LEP Amendment No.23 as per the attachment to this report; and
2. Use its delegations under section 69 of the EP&A Act to forward a report to the Minister for Infrastructure, Planning and Natural Resources with the request that the Minister make the plan; and
3. Prepare and exhibit a draft amendment to DCP 27 (Buffer Areas) to require a minimum 80 metre buffer between crematoriums and residential development.

Report

Subject	Lismore Floodplain Management Plan
File No	S106
Prepared by	Senior Strategic Planner
Reason	Need to update concept for Airport Industrial Estate
Objective	Exhibition of the proposed amendment to the Floodplain Management Plan
Strategic Plan Link	Economic Development
Management Plan Activity	Strategic Planning

Overview of Report

This report describes a proposed amendment to the Lismore Floodplain Management Plan to update the concept plan that limits the amount of fill that can be placed on Council's Airport Industrial Estate.

Background

Council adopted the Lismore Floodplain Management Plan (LFMP) in October 2004. The LFMP sets the parameters for development on flood prone lands in Lismore. Flood controls in both the Lismore Local Environmental Plan and Development Control Plan No 7 (Flood Prone Lands) have since been amended consistent with the provisions of the LFMP.

When Patterson Britton undertook the flood modelling to produce the flood hazard maps for the LFMP, a concept plan for filling on Council's Airport Industrial Estate at South Lismore was factored into the model. The LFMP includes the original concept plan for the estate showing the extent of fill that could be placed on that site without adversely affecting flood levels upstream.

Since then the design of the estate and subsequent modelling has been further refined using the Patterson Britton model. This has resulted in a more detailed and accurate plan indicating the maximum limits to fill that may be placed on the site. The updated plan was incorporated into a recent amendment applying to this land in DCP No. 26 (Industrial Development).

Because both the LEP and DCP No.7 make reference to plans in the LFMP, it is desirable that the LFMP contains the most up to date plan. This will ensure that future development applications are assessed having regard to the best available information. It is recommended that the LFMP be amended by replacing the existing concept plan with the more recent plan. A copy of the updated plan is attached to this report.

Comments

Financial Services

Not required

Other staff comments

Development Assessment Engineer

The proposal to update the concept plan limiting the amount of fill allowable upon the airport industrial estate is supported. Flood modelling of the proposed filling scenario shows that the impacts of the proposed fill are similar to those generated by the existing concept plan.

Public consultation

It is recommended that the amendment be placed on public exhibition for a period of one month.

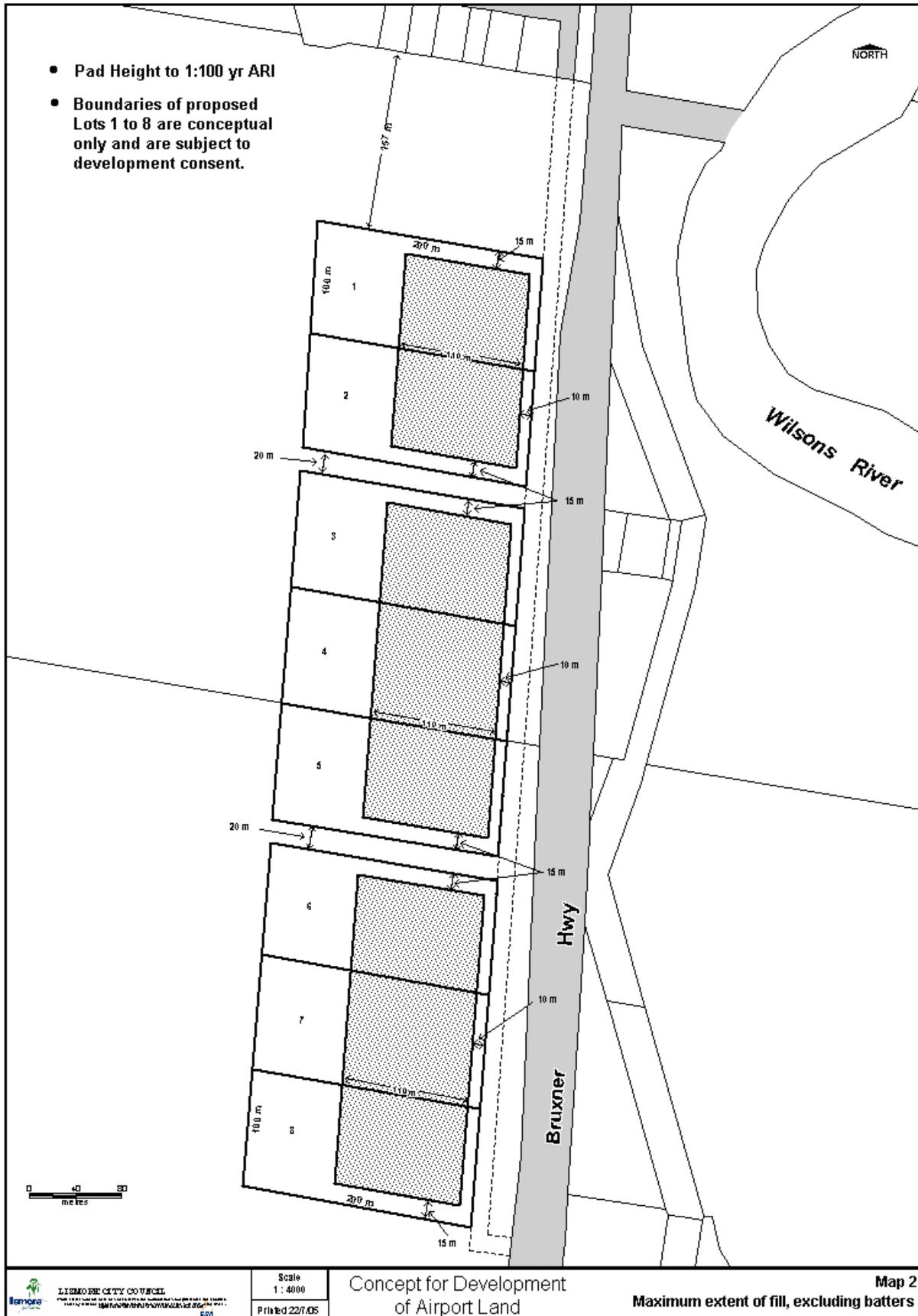
Conclusion

Although the proposed amendment to the LFMP is of a minor nature, it will ensure that the relevant clauses in the LEP and DCP 7 refer to the current plan and are consistent with DCP 26.

Recommendation (PLA2)

That:

- 1 The Lismore Floodplain Management Plan be amended by replacing the current plan for fill restrictions on the Airport Industrial Estate with the updated plan as attached to this report.
- 2 The amended Lismore Floodplain Management Plan be placed on exhibition for public comment for a period of one month.



LISMORE CITY COUNCIL
 Lismore City Council Logo
 50th

Scale
 1 : 4000
 Printed 22/7/05

Concept for Development
 of Airport Land

Map 2
 Maximum extent of fill, excluding batters

Report

Subject	Construction Certificate and Inspection, Fees and Charges Review 2005/06
File No	S161
Prepared by	Manager Environmental Health & Building Services
Reason	To respond to a submission on the 2005/6 - 2008 Management Plan and Resolution 131/05 – Item 4
Objective	To establish appropriate fees and charges for Building Services
Strategic Plan Link	Economic Development
Management Plan Activity	Building Services

Overview of Report

Council is in receipt of a submission from Mark Norris and Associates - Building Development and Environment Consultants, regarding proposed fees and charges to be levied for the year 2005 –2006 by Building Services. The submission relates to Council's charges for:

- the issue of Construction Certificates and mandatory building inspections,
- the charging of an archiving fee at Construction Certificate stage not Development Application stage and
- the charging of an archiving fee with the lodgement of Complying Development Certificates.

After reviewing the estimated average cost to assess a Construction Certificate and undertake the 6 mandatory building inspections for a \$250,000 dwelling, the 2005/06 fees charged exceed full cost recovery but are at a fair market price when compared to other local councils.

Background

The Fees & Charges for the 2005/06 financial year have been established for Building Services. As a result of the public exhibition period Council is in receipt of one submission from Mark Norris and Associates in relation to the above three issues, which are addressed separately as follows:

- **The establishment of a minimum fee and charge for the issue of Construction Certificates and mandatory building inspections.**

The submission states *“As Council would understand, the standard costs to deliver services do inevitably increase and the Council is experiencing growth, which does place demand on Council's infrastructure and resources and I believe that Council should be maximising revenue by charging market rates for its existing services..... The Australian Institute of Building Surveyors (AIBS) is the professional body representing Building Surveyors. The Institute conducted extensive research into the Construction Certificate process within the last twelve months, and had published a recommended fee schedule for adoption by Local Councils and Building Certifiers....the fee for a dwelling approval and the mandatory six inspections should be approximately \$2,000. I note that Council's proposed Construction and Certification and inspection fees for a typical dwelling is \$934..... By increasing the fees to a market value for Construction Certificates, a significant contribution will be made to Council's revenue.”*

The Development Application & Construction Certificate Process

It is appropriate to define the Development Application process.

Generally most development including building works within the local council area requires the submission to Council of a Development Application (DA). All DA's must be submitted to the Council for determination. Fees for the assessment of the DA are legislated under the Environmental Planning and Assessment Act, 2003 (EP&A, Act). Council's Fees & Charges are in accordance with this requirement. An applicant after receiving development consent can choose who they wish to be the Principal Certifying Authority (PCA). This may be a private PCA such as Mark Norris & Associates or the Local Council. The PCA is required to assess and issue the Construction Certificate (CC) prior to the commencement of work, ensuring that all DA conditions are complied with and undertake inspections of the development during construction, which includes mandatory inspections. Fees charged for the issue of the CC and inspections on the development are **NOT** legislated. This creates an open competitive market for PCA's charging for the required issuing of CC's and undertaking inspections.

Comments

- Building Services when setting its annual fees and charges historically has sought to establish a fee that was considered fair and reasonable and in a similar price range with other Councils in the region. The charges for the issuing of a CC and conducting inspections for 2005/06 has only been increased from 2004/05 in accordance with annual CPI percentage increases.
- Building Services has not been established as a Business Unit in order to maximise revenue and is considered to be a service provider to the community, as are many other areas of Council.

Maximising profit from the operation of the Building Services section is not the intention of the current section structure.

- Council's Building Services covers many aspects of community services, which are not undertaken by private PCA's. The community has an expectation that Council will undertake many customer or community service activities without cost. These activities include provision of public education and information, attending to and investigating formal complaints/enquiries from the public, attendance at development industry meetings and committee, and enquiries of a professional nature from builders, consultants, community members and the like. The large customer service component of the Building Services section is what currently sets Council apart from private PCA's.
- There is not a level playing field in regard to private and Council's role as a PCA. Councils do not have an option in declining CC applications for assessment, whereas a private PCA has the right to decline a client's application for assessment. This can lead to Council having to determine and inspect applications that may be declined by a private PCA for any number of reasons including applications being too complex or difficult, applications not being financially viable or time consuming and other reasons.
- Council's market share for the issuing of CC's and conducting inspections for 2003/04 was 86% and 2004/05 83%.
- The fees and charges strategy to date has placed Council in a position to maintain its majority market share in a competitive market and maintain costs of development to an appropriate level in the Lismore LGA compared with other regional Councils for the issuing of CC's and conducting of inspections.

The submission to Council by Mark Norris & Associates regarding charges for CC's and inspections presents Council with an ideal opportunity to determine the direction of Council's Building Services section in regard to its Fee & Charge for this component of its operational activities. It is not the intent of this report to discuss full cost recovery for the entire operations of the Building Services section as this would require much further research and investigation.

Options Available to Council

The options available to Council include:

- Maximising profit to Council, whereby the fees & charges are set to maximise Council's financial return at the expense of the development industry, or
- Subsidising development fees and charges and thereby assisting development costs.
- Undertaking full cost recovery, whereby, full costs to Council to undertake the CC and inspection activity are charged to the applicant

Each of these options are discussed as follows:

- **Maximising Profit**

This option provides Council the opportunity to maximise its fees and charges in order to gain the optimum financial return to Council beyond cost recovery. The Australian Institute of Building Surveyors (AIBS) has recommended a minimum fee of **\$2,000** be charged for the issue of CC and inspections. This is a recommendation **only** as any attempt to establish this fee as a uniform standard charge across the industry would be construed as Price Fixing.

The market rate in the region is variable as indicated in **Table 1** within this report. Total CC and inspection packages within the region range from \$620 (Tweed Council) to \$1,612 (Kyogle Council). Lismore currently at \$934 is mid range.

In a competitive market Council obviously would need to be cautious of overcharging, which could lead to losing its market share due to clients choosing alternative PCA's who are more price competitive and leading to subsequent loss of revenue to Building Services and Council.

It should be noted that the building industry locally is sensitive to rises in fees and charges and have in the past voiced their concerns to increases. Any increased charges are generally passed directly onto their client.

- **Subsidising Development**

This option would allow fees and charges to be maintained below cost recovery. Should Council choose to subsidise the cost of CC's and inspections in the Lismore LGA, the net operational cost to Building Services may increase, therefore having a negative effect on Council's budget. Council when subsidising fees and charges in a competitive market, must not unfairly advantage Council in regard to the National Competition Policy.

- **Full Cost Recovery**

Council's costing for conducting both the CC and inspections are as follows:

Construction Certificates

The cost to Council for assessment of CC's has been established for 2005/06 on a sliding scale depending on the value of the construction from < \$5,000 to >\$250,000. Assessment time for CC's is case specific depending on the particulars and complexity of the individual development. However, an **estimated average** time to assess a CC on development valued at \$250,000 is considered to be 2 hours. Similarly, Council's administrative support for the processing of a CC can vary, however, is considered to be a minimum 1 hour. Council's recovery cost after taking into account professional staff, administration staff and support services is approximately \$151.

Inspections

Council's inspection charges for 2005/06 for dwellings have been established at \$616 for the 6 mandatory inspections. Time taken to conduct this activity is also variable and dependent on travel distance, type of inspection and complexity of the development. However, an **estimated average** inspection time is considered to be 1hour. Council's recovery cost after allowing for professional staff, transportation and support services is approximately \$408.

In total, the **estimated average** cost to assess a CC and undertake the mandatory inspections is \$559.

Cost Comparisons

CC's and Inspections

A comparison of Councils within the region for Fees & Charges regarding the issue of a CC and conducting mandatory inspections for 2005/06 based on a dwelling valued at \$100,000 to \$250,000 are as follows:

TABLE 1

Council	Construction Certificate	Inspection Fee	Total
Lismore City Council	\$318	\$616	\$934
Ballina Shire Council	Combined	Package	\$900
Richmond Valley Council	\$800	\$600	\$1,400
Kyogle Shire Council	\$952	\$660	\$1,612
Byron Shire Council	\$500	\$660	\$1,160
Tweed Shire Council	\$110	\$510	\$620
Private sector			\$2,000

As is indicated above, LCC's charge for the issue of a CC's at \$318 is mid range, compared to the lowest charge by Tweed and Ballina Councils, and the more expensive charge by Kyogle, Richmond Valley and Byron Councils.

The current cost of inspections by LCC at \$616 is again mid range and is comparable with all other Councils within the region.

- **The charges for an archiving fee are to be levied at Construction Certificate stage not Development Application stage.**

The submission states... *"It is believed that a recording and archiving fee is supposed to be paid by Applicants to Council when seeking construction approval, where not combined with the Development Application, which is then able to be used for the specific purpose of recording and archiving."*

The archiving fee is charged fee for the keeping of Council records for future reference. This may entail microfiche or electronic data recording. Administration staff conducts this activity when the DA is lodged with Council, not at CC stage. It is therefore not appropriate that the archiving fee is charged at the CC stage.

- **The charging of an archiving fee with the lodgement of Complying Development Certificates**

The submission states... *"I note that Council has nominated a registration plus archiving fee for Complying Development Certificates issued by a Private Certifier for which Council has nominated a total fee of \$51 per certificate. This is administered under the provisions of Clause 263 (2) of the Environmental Planning Assessment Regulations, nominating a prescribed fee of \$30 (maximum)."*

Council's fees and charges have been amended to reflect this discrepancy.

Comments

Financial Services

Council's 2005/06 Fees & Charges lists the relevant fees applicable to construction certificates (pages 36-37) and building inspection fees (pages 38-39). A copy is attached as Attachment A.

For construction certificates, the fees are categorised into a) residential and b) commercial works. Within these categories, there is further dissection. The rationale behind the categorisation and dissection is that some construction certificates require more assessment and administration than others, and hence the tiered fee structure. The fees range from \$57 for residential dwelling additions/alterations valued at less than \$5,000, to in excess of \$2,110 + \$1.25 for every \$1,000 in value for commercial works valued at more than \$1,000,000.

While it is possible to estimate an average hourly cost for professional staff, administrative staff and support services, the amount of time assessing a construction certificate is specific to that application. As a guide, based on a \$250,000 dwelling, the fee charged would be \$318 and after allowing 2 hours for professional staff, 1 hour for administration staff and support services, the cost would be approximately \$151.

As with construction certificates, the building inspection fees regime is categorised so as to reflect the required or averaged anticipated number of inspections for an application. In some circumstances, such as a dwelling (6), aboveground swimming pools (1), tennis courts (1), the number is definite while for others it is application specific. All building inspection fees are charged on the approved fees & charges regime in advance and if additional inspections are required, a fee of \$92.50 per inspection is applied. The fees range from \$92.50 for an aboveground swimming pool, to \$555 + \$95 per every \$100,000 for commercial/industrial development above \$200,000.

As a guide, for a \$250,000 dwelling, the fee charged would be \$616 and after allowing 1 hour for professional staff, transportation and support services, the cost would be approximately \$408.

Unfortunately, due to the lack of readily available financial information, variable assessment times and variable number of inspection undertaken per application, it is not possible to reliably estimate the total costs or fees for the 739 construction certificates received and processed in 2004/05.

On face value, given the information available and the scenario used, the 'average' time to assess and inspect an application would have to almost double for the costs to equal the fees charged. As such, it would appear that there already is a premium charged for the provision of this service if the averaging assumption applied for this scenario is correct, meaning we are NOT subsidising this service now.

If Council chose to increase fees to a 'market level' consistent with the Australian Institute of Building Surveyors recommendation, it may result in increased fees from construction certificates and inspections, which could further subsidise other activities of Council. If this approach is supported, further investigation is required to ascertain what increase the market could afford prior to it being financially detrimental to Council.

Other staff comments

Not required

Public consultation

Not required

Conclusion

The submission to Council has recommended that Council's fees and charges in regard to the issuing of Construction Certificates and inspections be maximised in accordance with the AIBS recommendation of \$2,000.

The options to Council in prioritising the direction of Council's Building Services section in regard to its Fee & Charge structure for CC's and inspections are as set out in the report.

As stated the current structure of the Building Services section is one which places a high focus and priority on customer and community service and is not established as a core business unit to maximise profit.

Should Council choose to increase charges for the issue of CC's and inspections to regional market rates (\$14,000-\$1600) or the AIBS recommended rate (\$2,000), Council has the opportunity to maximise revenue to substantially offset Building Services operational costs. If Council wishes to pursue this option, it is suggested that broader consultation with the development industry would be required.

The current charges as scheduled are above cost recovery rate for the activities being conducted, however this charge places Lismore City Council in the mid range of charges being conducted by all councils in the region. The rate is considered fair and equitable compared with other councils and allows Council to be price competitive in the open market. The current scheduled charges, importantly allows partial cost recovery for the operation of the Building Services section.

Conversely should Council choose to subsidise development by reducing fees and charges in relation to CC's and inspections, Council's operational revenue will be decreased. Council would need to be diligent in complying with the National Competition Policy in regard to a level playing field.

In regard to charging an administration fee at CC stage, it is appropriate for the archiving charge to be levied with the lodgement of the DA.

Council's fees and charges have been amended to reflect the intent of Clause 263(2) of the Environmental Planning Regulations in establishing a maximum fee of \$30 per certificate.

Recommendation (PLA5)

- 1 That Council's fees and charges for the issuing of Construction Certificates and Inspections remain unchanged as scheduled.
- 2 That the archiving fee remain to be charged at Development Application stage.

Report

Subject	Nesbitt Park – Old Tennis Court Site
File No	P1863
Prepared by	Manager-Roads & Parks
Reason	Requested by Council
Objective	Advise Council of the current position with the subject site.
Strategic Plan Link	Infrastructure
Management Plan Activity	Parks

Overview of Report

This report provides an up date to Council regarding the proposed usage of the Old Tennis Court site at Nesbitt Park.

Background

Council at its extraordinary meeting held June 21, 2005 when considering the 2005/06 Management Plan, resolved to “..... request a process be undertaken by management to assess all demands, including *that of the Summerland Model Auto-Sports Club Inc, for the Nesbitt Park Tennis Courts site and report back to Council.*”

History

In April 2003 Council wrote to 25 local sporting clubs inviting expressions of interest for the use of the above site. This included all major sporting clubs in the Lismore area. Only two expressions of interest were received from Lismore District Cricket Association and Nimbin Soccer Club.

In August 2003 the two clubs were requested to submit proposals for the redevelopment of this area. A draft lease agreement was also included in the correspondence. A response was only received from Lismore District Cricket. No response was received from Nimbin Soccer Club, as I understand they no longer operate.

Negotiations to finalize the lease agreement with Lismore District Cricket have been drawn out due to the volunteer nature of the organization and their heavy commitment to the Australian Country Cricket Championships held in Lismore in January 2005. Also Council has changed the format of the lease to ensure more uniformity across Council's leases.

Current Proposal

Of more recent times Lismore District Cricket has approached Council on behalf of Summerland Model Auto Sports Club (SMASC) to propose that about 40% of the site be used by SMASC. This effectively shares the maintenance and upkeep of the site between two organizations.

It is now proposed to enter into a lease with Lismore District Cricket Association (LDCA). The lease will provide the ability for LDCA to sub-lease a portion of the site to Summerland Model Auto Sports Club.

The sub-lease with Summerland Model Auto Sports Club will be subject to a successful Development Application approval and all DA conditions will form part of the agreement.

A sketch of the site showing proposed usage, is attached for information.

Comments

Financial Services

The Summerland Model Auto - Sports Club Inc. made a submission to the 2005/6 - 2008 Management Plan requesting Council financially support the construction of a model radio-controlled model car racing facility at Nesbitt Park Tennis Courts, with either a full contribution of \$35,000 or to assist in the development of a staged approach, requiring a contribution from Council at each stage of approximately \$12,000.

If Council were to support this proposal, it would be appropriate to enter into discussions on how to financially assist both the Lismore District Cricket and Summerland Model Auto - Sports Club to develop this site. Funding for this could come from Nesbitt Park reserves (approximately \$24,900 available).

Other staff comments

The Property Section supports the recommendation.

Public consultation

25 Sports clubs from the Lismore area were invited to submit expressions of interest for the site.

Conclusion

Lismore District Cricket are now in a position to immediately sign a lease with Lismore City Council for the lease of the Nesbitt Park old tennis court site. They will maintain and develop the site.

Recommendation (INF04)

That Council endorse the proposal to lease the Nesbitt Park Old Tennis Court site to Lismore District Cricket Association.

Report

Subject	Tenders for the renewal of sewer mains, various locations, Lismore
File No	T25025
Prepared by	Contracts Engineer - Lismore Water
Reason	To inform Council of the tenders received for the renewal of sewer mains, various locations, Lismore
Objective	To obtain Council approval to award the Contract
Strategic Plan Link	Water and Waste Cycle
Management Plan Activity	Wastewater Services

Overview of Report

This report outlines the recommendation to award the tender for the renewal of sewer mains and to allocate extra funding for these works.

Background

Council called tenders for the renewal of sewer mains in some parts of Casino Street, Wilson Street, Garrard Street, First Avenue, Pollard Place, John Street, Phyllis Street, Ballina Street, Dibbs Street, McKenzie Street, Showview Street, Crescent Street, Nielson Street, Eggins Lane and Harmony Avenue in Lismore. These sewer mains are in poor structural & service condition and in need of urgent rehabilitation.

The request for tender was advertised in the Weekend Star, the Courier Mail and the Sydney Morning Herald

Ten organisations collected the tender documents and three tenders were received by the closing time at 2.00pm on Tuesday 5 July 2005.

Tender Examination

Summary of the tenders received is given below.

TENDERER	SEPARABLE PORTION 1	SEPARABLE PORTION 2
Camglade Pty Ltd	No offer	\$ 310,500
Collex Pty Ltd	\$ 1,318,461	\$ 316,500
Pipe Replacement Solutions Pty Ltd	\$ 929,666	No offer

Note: Prices shown are **exclusive of GST**.

The tender is a schedule of rates tender. The "tender price" is the estimated price of the works, as inserted by the tenderers using their respective rates.

An evaluation committee comprising Ravi Ariyasinghe (Contracts Engineer), Janaka Weeraratne (Asset Manager), Jeremy Silk (Project Engineer) and Kim Bulmer (Water and Wastewater Inspector) undertook the assessment of tenders.

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

- i. Total Price,
- ii. Material equipment and methodology,
- iii. Capability and Past Experience,
- iv. Quality, safety and Environmental Management; and
- v. References.

Separable Portion 1

The Separable Portion 1 consists of the renewal of approximately 2,500m of sewer mains, reconstruction of 140 junctions & house services lines and associated works with trenchless technology.

Collex Pty Ltd proposed to renew some of the sewer mains with pipe bursting and the balance with relining as specified in the tender documents whereas Pipe Replacement Solutions Pty Ltd proposed to renew all the sewer mains with pipe bursting.

The Attachment 'A' shows the evaluation for Separable Portion 1. Taking all the assessment criteria into account, Collex Pty Ltd provides a better proposal despite being the higher price out of the two tenders received.

Separable Portion 2

The Separable Portion 2 consists of the renewal of approximately 300m of sewer mains, reconstruction of 35 junctions & house services lines and associated works with open trenching.

Camglade Pty Ltd proposed to renew all the sewer mains with open trenching as specified in the tender documents whereas Collex Pty Ltd proposed to renew the sewer mains with an alternative method, which is detailed in the Attachment 'B'.

The Attachment 'B' shows the evaluation for Separable Portion 2. Taking all the assessment criteria into account, Camglade Pty Ltd provides a better proposal out of the two tenders received for the Separable Portion 2.

During the tender process, the staff of Council's Roads Section advised that one part of the sewer mains (from manhole 1C6 to 1C7) under this tender should not be replaced with open trenching. At the same time, Lismore Water Staff observed that another main needed urgent renewal. Therefore, the preferred tenderer, Camglade Pty Ltd was requested to revise their tender price to accommodate these changes. The revised tender price was \$293,260 plus GST.

Referee Check

Lismore City Council has contracted both Collex Pty Ltd and Camglade Pty Ltd for many works in the past. During the last financial year, Collex Pty Ltd carried out the works under T25006 - Renewal of Sewer Mains and Camglade Pty Ltd the works under T25001 - Replacement of Water Mains. These works were performed to a high standard.

Funding

The current budget allocation for undertaking the sewer renewal works is \$1.5 million. Based on the tender prices received, the current estimated budget for these works is \$1.83 million. (This includes an estimate for contract administration, supervision and a nominal amount for contingency.) Lismore Water believes that the tenders received were competitive and the recalling of tenders would not result in lower tender prices. It is essential that the renewal of these sewer mains is undertaken as these mains are in poor structural and service condition.

Comments

Financial Services

The 2005/06 Budget has an allocation for mains renewal of \$1,500,000. There are sufficient reserves available for the amount included in this tender above the \$1,500,000.

Other staff comments

Not required

Public consultation

Not required.

Conclusion

Separable Portion 1

Collex Pty Ltd is considered to have the ability to complete the work satisfactorily. It is recommended that the contract for the renewal of sewer mains - Separable Portion 1 be awarded to Collex Pty Ltd at the rates submitted.

Separable Portion 2

Camglade Pty Ltd is considered to have the ability to complete the work satisfactorily. It is recommended that the contract for the renewal of sewer mains - Separable Portion 2 be awarded to Collex Pty Ltd at the rates submitted.

Recommendation (INF01)

- 1 The contract for the renewal of sewer mains - Separable Portion 1 be awarded to Collex Pty Ltd at the rates submitted. (The estimated price of the works is \$ 1,318,461 plus GST.)
- 2 The contract for the renewal of sewer mains - Separable Portion 2 be awarded to Camglade Pty Ltd at the rates submitted. (The estimated price of the works is \$ 293,260 plus GST.)
- 3 The Mayor and General Manager be authorised to execute the Contracts on Council's behalf and attach the Common Seal of the Council.
- 4 An additional \$330,000 from Council's sewer reserves be allocated to undertake these sewer main renewal works.

Report

Subject	Provision for Mowing Services
File No	T25021
Prepared by	Contracts Officer
Reason	To inform Council of tenders received for the provision of mowing services of various urban & rural areas for the period to July 31, 2006
Objective	To obtain Council approval to award the Contract
Strategic Plan Link	Infrastructure
Management Plan Activity	Parks & Recreation

Overview of Report

This report details the evaluation of tenders received in relation to the provision of mowing services of various urban & rural areas and the recommendation to award the tender

Background

Tenders for the provision of mowing services of various urban & rural areas were recently invited.

Tenders were advertised in the Northern Star. Tender documents were issued to six (06) companies, with five (5) tenders being received by the close of tender on 2.00pm, Tuesday, July 21, 2005.

Tenderer

Lower River Lawn Services
 Gaudrons Mowing & Vegetation Management
 Aspect North Pty Ltd
 Lismore Challenge Limited
 Lismore City Council

The tender document listed 27 urban and 37 rural parks and reserves and the tender advised that Council would consider awarding contracts for each separable location or a single contract for all of the works. Only two (2) tenderers Gaudrons Mowing & Vegetation Management and Aspect North Pty Ltd tendered for all of the locations listed in the tender document and the other three submissions were for various locations both urban and rural.

An evaluation panel consisting of Garry Hemsworth, Garry Henville and Chris Allison undertook the assessment of tenders.

The tender documentation (Clause B7) defined four (04) areas by which each tender would be assessed: Total Price, Capability & Past Experience, Quality & Safety and Management & Financial with 60% of the total attributed to the price. The tenderers were required to address each of these criteria in their tender. Attachment A shows the weighted result for each criteria excluding price.

The tender pricing for all of the works is as follows:

Gaudrons Mowing & Vegetation Management	\$ 85,040.00 + GST
Aspect North Pty Ltd	\$255,644.06 + GST

In addition staff compared the pricing for each individual location for each tenderer. Gaudrons Mowing & Vegetation Management was the lowest priced tenderer for all locations except one, with the price difference being minor.

Comments

Financial Services

N/A

Other staff comments

Manager - Roads & Parks

Currently mowing of rural sites is undertaken by Council staff. A lot of time is used to move resources to remote rural areas such as The Channon, Dunoon, Tregeagle, Wyrallah, etc. Rural mowing only accounts for approximately 7% of our total mowing responsibility. Management as part of the on-going Parks review believed savings could be made by contracting out this work.

Council Staff submitted a tender for this work. Although they were not competitive with the recommended tenderer they were competitive with the remainder of the field, which is pleasing to note.

Adjustments to staffing levels have already been implemented and awarding this contract will not have any impact on staff numbers.

Mowing of Cemeteries was also included in this tender. This work has been undertaken by contract for some time.

Some difficult sites in the urban area were also included in this tender. These sites typically have difficult access and are very labour intensive to maintain. It has been recognised by staff that we are not competitive undertaking this work, so these sites were included in this tender.

I endorse the recommendation.

Public consultation

Nil

Conclusion

Gaudrons Mowing & Vegetation Management has provided the lowest tender price for all the locations listed in the tender document. Gaudrons have been undertaking mowing for Council in a number of locations for Council for a number of years and have completed the works to a high standard.

Recommendation (INF03)

- 1 The contract for the provision of mowing services of various urban & rural areas for the period to July 31, 2005 be awarded to Gaudrons Mowing & Vegetation Management for the amount of \$85,040.00 +GST.
- 2 The Mayor and General Manager be authorised to execute the Contract on Council's behalf and attach the common seal.

Report

Subject	Provision for the Maintenance of Turf Wickets
File No	T25026
Prepared by	Contracts Officer
Reason	To inform Council of tenders received for the provision of the maintenance of turf wickets for the period to July 31, 2006
Objective	To obtain Council approval to not award the Contract
Strategic Plan Link	Infrastructure
Management Plan Activity	Parks & Recreation

Overview of Report

This report details the evaluation of tenders received in relation to the provision of the maintenance of turf wickets and the recommendation not to award the tender

Background

Tenders for the provision of maintenance of turf wickets were recently invited.

Tenders were advertised in the Courier Mail, Gold Coast Bulletin and the Northern Star. Tender documents were issued to three (03) companies, with one (1) tender being received by the close of tenders on 2.00pm, Tuesday, July 21, 2005.

Tenderer

Sports Turf Specialists Pty Ltd

An evaluation panel consisting of Garry Hemsworth and Chris Allison undertook the assessment of tenders.

The tender documentation (Clause B7) defined four (04) areas by which each tender would be assessed: Total Price, Capability, Relevant Experience and Quality & Safety with 50% of the total attributed to the price. The tenderers were required to address each of these criteria in their tender.

The tender pricing for the works is as follows:

Sports Turf Specialists Pty Ltd	\$293,070.10 + GST
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Staff carefully reviewed the tender submission and concluded that Sports Turf Specialists Pty Ltd had the expertise to undertake the maintenance of the turf wickets, however the tendered price is in excess of the current budget allocation.

The Local Government (Tendering) Regulations 1999 requires that Council, subject to special exceptions, must by resolution determine tenders received for a publicly advertised tender.

Comments

Financial Services

N/A

Other staff comments**Manager - Roads & Parks**

Preparation of turf wickets for cricket has some unique features including being very labour intensive, heavily influenced by weather conditions, it requires work outside of normal work hours (including weekends) and is only undertaken during the cricket season. Therefore management believed it was worth exploring other methods of delivery such as contracting out. On this occasion this form of delivery has not proved economically viable.

Other methods of delivery are now being explored

I endorse the recommendation.

Public consultation

Nil

Conclusion

Although Sports Turf Specialists Pty Ltd appear capable of undertaking the specified works the current budget allocation is insufficient to meet the tendered price. Council has been maintaining the turf wickets successfully for many years and it is proposed that these works be continued utilising Council staff.

Recommendation (INF02)

The contract for the provision of maintenance of turf wickets for the period to July 31, 2005 not be awarded.

Report

Subject	Miscellaneous Section 356 Community Donations Funding
File No	S164
Prepared by	Tricia Shantz
Reason	To administer Council's annual miscellaneous s356 funding
Objective	To inform Council of the S356 funding for 2005/06
Strategic Plan Link	Quality of Life
Management Plan Activity	Community Services

Overview of Report

Council has an annual funding process under Section 356 miscellaneous community donations. This report is to provide the results of this process.

Background

Council has allocated \$30,500 in its 2005/2006 budget for Miscellaneous Section 356 Community Donations. In accordance with Council policy, applications were sought from community groups and a total of forty-five (45) applications valuing \$87,027 were received.

The following projects received the most votes from Councillors:

1. Northern Rivers Community Transport	\$1,400
2. Interchange Respite Care Inc.	\$2,200
3. Tower Pre-school Inc.	\$2,200
4. Lismore Soup Kitchen	\$2,000
5. Five Loaves Mobile Soup Kitchen	\$2,200
6. Lismore Senior Citizens Club	\$1,650
7. Lismore Meals on Wheels	\$2,200
8. South Lismore Soccer Club	\$2,200
9. Lismore Swans Junior AFL	\$2,200
10. Ngamahl Goori Youth Group Inc.	\$2,000

Sub-Total **\$20,250**

The sub-total for these projects is \$20,250. There is an amount of \$10,250 remaining to be allocated. The next six projects each received five votes.

1. YWCA – for the breakfast program in Goonellabah & South Lismore primary schools	\$2,200
2. Humour Foundation – purchase of costumes & props for Clown Doctor hospital visits	\$2,190
3. Cedar Guitar Country Music Festival – to assist with festival costs	\$2,200
4. The Channon Trust Youth Group Project – to provide youth job training and after school school employment at the Channon Café community initiative	\$2,200

5. Lismore Over 50's Learning Centre – assist with publishing 25 th anniversary book	\$2,000
6. Northern Rivers Community Legal Centre – project material for Indigenous Family Violence Awareness Project	\$2,200

If all these projects were to be funded the total would be \$33,240, which is \$2,740 over the allocated amount of \$30,500. There are a number of options here.

Option 1 – Council could increase the section 356 miscellaneous community donations funding from \$30,500 to \$33,240 and therefore fund all sixteen (16) projects.

Option 2- Council could vote for four of these six projects for the full amount to a maximum of \$8,800 and hold the remaining funds over to meet unexpected requests for Community Donations to a maximum of \$200 each for the remainder of the financial year.

Option 3 – Council could vote for four of these six projects for the full amount to a maximum of \$8,800 and with the remaining funds allocate these to one of the two remaining projects at a reduced amount.

Comments

Financial Services

Council has provided \$30,500 for this purpose in 2005/06. While the allocation of these funds to projects with the most votes is straightforward, there is an issue with how to allocate the remaining funds for projects with equal votes.

While it is possible to apportion the remaining funds between the projects, or for Council to determine which projects receive funding up to the available funds, the recommendation is to increase the budget for this purpose by \$2,700. If approved, Council's overall surplus budget would decrease to \$8,300.

In regards to the Tower Pre School, Councillors have voted to provide them with \$2,200 to purchase equipment for fundraising activities as distinct to providing them with \$2,200 for the building of the Tower Pre School as discussed during the 2005/06 Budget deliberations.

Other staff comments

N/A

Public consultation

N/A

Conclusion

It is recommended that Councillors vote for Option 1.

Recommendation (DG01)

1 That the 2005/2006 miscellaneous Section 356 donations be provided to the following ten (10) projects:-

a) Northern Rivers Community Transport	\$1,400
b) Interchange Respite Care Inc.	\$2,200
c) Tower Pre-school Inc.	\$2,200
d) Lismore Soup Kitchen	\$2,000
e) Five Loaves Mobile Soup Kitchen	\$2,200
f) Lismore Senior Citizens Club	\$1,650
g) Lismore Meals on Wheels	\$2,200
h) South Lismore Soccer Club	\$2,200
i) Lismore Swans Junior AFL	\$2,200
j) Ngamahi Goori Youth Group	\$2,000

2 That Councillor's vote to increase the section 356 miscellaneous community donations funding from \$30,500 to \$33,240 and therefore fund the following six (6) projects in addition to the ten (10) above, so that all sixteen (16) projects are funded.: -

a) YWCA	\$2,200
b) Humour Foundation	\$2,190
c) Cedar Guitar Country Music Festival	\$2,200
d) The Channon Trust Youth Group Project	\$2,200
e) Lismore over 50's Learning Centre	\$2,000
f) Northern Rivers Community Legal Centre	\$2,200

Report

Subject	The Australian Sister Cities Association (ASCA) National Conference 2005 - <i>'A New Energy in Sister Cities'</i>
File No	S390
Prepared by	Acting Manager, Economic Development
Reason	Council resolution required for Councillor travel interstate to represent Council
Objective	To provide background information and justification for councillor attendance at the ASCA conference from 25 to 28 September 2005.
Strategic Plan Link	Economic Development
Management Plan Activity	Economic Development

Overview of Report

The report provides background information on the conference to assist Council to determine if attendance at the conference is warranted.

Background

Council previously adopted guidelines on attendance at Conferences/Seminars, which specify the requirements relating to interstate and overseas travel.

The basis of the Council Policy is that plans for such travel should be transparent to the community and have an identifiable benefit to the local area through Council activity.

The General Manager of Latrobe City Council has written to Council inviting representatives to attend the conference.

It is anticipated that the cost of travel will exceed \$2,000, and in accordance with Council Policy, the following information is provided:

- 1 Who is to take part in the travel

Councillor Swientek has requested approval to attend.

- 2 The objectives to be achieved and community benefits

The conference program includes workshop activities, high profile guest speakers and seminars. The Mayor of Latrobe City has highlighted that the conference theme of energising sister city relationships will encourage all conference delegates to share a common bond of friendship commensurate with sister-city relationships, underpinned by cultural, educational and economic development exchanges. Over 200 national and international participants from all levels of government, community groups and private agencies are expected to attend.

The purpose of the ASCA is to assist its members establish and maintain sister city relationships and to link together members who have similar goals and values in the pursuit of continually improving and advancing sister city relationships.

3 Details of costs (Estimates)

Conference Registration	\$1,000
Travel	\$ 400 (Maximum for return airfares)
Accommodation and expenses	\$ 600

Comments

Financial Services

All costs associated with this Conference are funded from the 2005/06 'Councillors Professional Development' allocation of \$30,000. At this time, \$29,986 is available.

Other staff comments

Not required.

Public consultation

Not required.

Conclusion

The conference presents a valuable opportunity for Council to participate in the ASCA's annual conference program, and to learn about the developments and trends in sister city relationships.

Recommendation (DG02)

- 1 That Council resolve to support Councillor's Swientek's attendance at the ASCA Conference.
- 2 That Councillor Swientek provide a written report and evaluation of the conference which clearly outlines the conference outcomes and anticipated benefits to the community as a result of participation.

Report

Subject	One Local Government Association
File No	S47
Prepared by	Administrative Services Manager
Reason	Request from Local Government Association
Objective	To determine Council's response.
Strategic Plan Link	Leadership by Innovation
Management Plan Activity	Councillors

Overview of Report

Proposal by Local Government Association to amalgamate with the Shires Association into one body.

Background

Currently there is a proposal that the Local Government Association and the Shires Association be amalgamated into one body.

In this regard the following action has been taken:

- An options paper has been prepared (previously distributed to Councillors);
- The Shires Association has conditionally agreed to an amalgamation and formed a working party;
- Members of the LGA have been asked to comment on the proposal.

The options paper has been distributed to Councillors with an invitation to have any comments they may wish to make included in the business paper. At the time of writing the report no comments were received.

There is certainly merit in local government in NSW being represented by one voice, and it could be argued that there is little to separate the two Associations now.

The main concern seems to be that the rural voice of NSW will be lost to the city councils. Whilst this is a legitimate concern this aspect can be addressed in the finalised structure as now occurs with the current LGA.

Council may at this time wish to debate the various components of the Options Paper. However, as the options are a starting point in a long process it may be more appropriate to indicate 'in principle' support, or otherwise, as a first step.

Comments

Financial Services

Not required.

Other staff comments

Not required.

Public consultation

Not required.

Recommendation (GM01)

That Council support in principle the amalgamation of the Local Government Association and the Shires Association of NSW into one organisation.

Report

Subject	June 2005 Quarterly Budget Review Statement
File No	S880
Prepared by	Principal Accountant
Reason	Clause 7, Local Government (Financial Management) Regulations 1993
Objective	To gain Council's approval to amend the 2004/05 budget to reflect actual or anticipated results.
Strategic Plan Link	N/A
Management Plan Activity	N/A

Overview of Report

Council's full year 2004/05 budget has moved from a surplus of \$50,000 to a balanced result.

Revenues are generally in line with expectations, with some additional revenue being recognised from higher than anticipated building activity.

Expenses are overall in line with expectations, the single major adjustment being a transfer of \$105,700 to the Flood Mitigation reserve. It is likely that Council will need to contribute to the upgrading of pumps at the Browns Creek Pump Station to address issues identified during the June 2005 flood. The estimate of Councils' share is approximately \$100,000, with no funding allocated in 2005/06 for this purpose. Rather than consider changing planned works, this funding option is recommended.

The revenue and expenses adjustments generated a budget deficit for the June 2005 quarter of \$50,000.

Background

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

The purpose of this review is to give Council an indication of the anticipated financial result for 2004/05. At this point in time, the completion and audit of the 2005 Financial Reports is scheduled for the middle of September and as such, it is likely that the reported result will change as there will be changes for items such as for reserves, accrual of revenues and expenses, and the treatment of assets and liabilities.

Due to the fact that the result is likely to change, this review has been completed at programme level and only significant variances, which affect the working cash balance, have been reported. A more informative report will be provided as part of the 2005 Financial Reports and this will be supplemented by a detailed Reserves report.

General Fund

The 2004/05 Management Plan provided for a \$133,300 surplus. The September 2004 review reported an accumulated surplus of \$77,700, the December review and March review reporting an accumulated surplus of \$50,000.

The June 2005 review details a balanced budget result at June 30, 2005.

For Councillors benefit, the detail of this movement is as follows:

Budget Balance Movements for Quarter	Amount \$
Opening Surplus Balance at April 1, 2005	50,000
Plus – Additional net income due to Private works	14,000
Plus – Additional net income due to increased building activity	41,700
Less - Transfer to Flood Mitigation Reserve for the review of Browns Creek pump station operation	(105,700)
Closing Deficit Balance at 30th June 2005.	0

For Council's information, listed below are the details of the activities, other than those reported as impacting on the surplus, with significant variances. Please refer to the attachment for individual programs for details of all budget movements.

Information Services

There has been a transfer from Information Service reserves (\$22,500) to provide for costs associated with consultants to undertake a review of the information system; there is no impact on the general fund.

Community Services

There has been a transfer to reserves of \$26,000 being to provide for Council commitments in 2005/06 towards the "Active Communities – Nimbin" grant and the Museums and Galleries grant, these funds were from savings from within the 2004/05 operational budget, there is no impact on the general fund.

Survey & Design

Equipment replacement was undertaken (\$32,000) with the funds coming from reserves, there is no impact on the general fund.

Emergency Services

Funds have been allocated to the Flood Mitigation - Lismore Levee (\$812,500) based on the contribution to RRCC, with funds being sourced from reserves (\$41,900) and from Unexpended Loans (\$770,600). There have been funds also allocated to the acquisition of flood prone properties (\$96,000) with funds sourced from Grants (\$30,600) and Unexpended Loans (\$65,400). There is no impact to the general fund.

Parks

The Spinks Parks rotunda works are not anticipated to commence until 2005/06, the funds being transferred to reserves (\$40,000).

Urban and Rural Roads

The CBD - Laneway Development did not commence in 2004/05; loan funds borrowed have been restricted for future use. There is no impact to the general fund.

Funds have been allocated to– Dunoon Road from section 94 contributions.

Wastewater Fund

Capital works totalling (\$140,000) for the Heather Avenue pump station have been included with funding from reserves (\$140,000). There is no impact on the operating result.

Change in Net Assets

The 2004/05 Management Plan showed a surplus in the "Change in Net Assets" of \$4,136,000. The September review decreased the surplus by \$406,000 to \$3,730,000 with the December review increasing this position by \$310,000 to \$4,040,000 and the March 2005 review increasing the net assets position by \$30,000 to \$4,070,000.

The June 2005 has decreased the surplus by (\$712,500) to give a total "Change in Net Assets" of \$3,357,500.

It should be noted that this amount reflects the estimated increase 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.

Other staff comments

Not required.

Public consultation

Not Required

Conclusion

Council's budget has moved from a surplus of \$50,000 to a balanced result.

Generally actual result for expenditures and revenues are in line with expectations, with some additional income being recognised due to the increased building activity.

This review gives Council an indication of the anticipated financial result for 2004/05. The completion and audit of the 2005 Financial Reports is scheduled for the middle of September and as such, it is likely that the reported result will change as there will be changes for items such as for reserves, accrual of revenues and expenses, and the treatment of assets and liabilities. A more informative report will be provided as part of the 2005 Financial Reports and this will be supplemented by a detailed Reserves report.

Recommendation (GM03)

- 1 Council adopt the June 2005 Budget Review Statement for General, Water and Sewerage Funds.
- 3 This information is submitted to Council's Auditor.

Report

Subject	Management Plan Review 2003-2006 – quarter ended June 2005
File No	S4
Prepared by	General Manager
Reason	Requirement of the Local Government Act
Objective	Information of Councillors
Strategic Plan Link	Leadership by Innovation
Management Plan Activity	General Manager

Overview of Report

This report relates to the performance of programmes and activities highlighted in the 2004/05-07 Management Plan during the quarter ended June 2005

Background

Council is required under Clause 407 (1) of the Local Government Act, 1993 to periodically report on the performance targets outlined in the Management Plan.

GROUP: GENERAL MANAGER
 Management Plan Review
 Period ending June 2005

Review of items across each functional area of the General Manager's Group.

Communications and Community Relations

Strategic Planning

- Ensured Strategic Planning is incorporated into the Management Plan 2005/06-2008.

Improve Council Reputation

- Issue management - maintained daily pro-active media schedule via staff management.
- Regular liaison with media outlets.
- Continued review of Council publications and branding to inform new Communications Strategy, including new 'city brand'.

Improve Community Relations

- Internet – Published Winter edition of website.

Events - Community Relations

- Facilitated the Emergency Call Centre during flood June 29/30.

Special Projects and Properties

- Councils legal documents register and store required review. This has been undertaken and is 100% complete.
- Spinks Park and Riviera - the rowing club wharf has been completed and will be open to the public 2nd September officially.
- The Memorial Baths project continues on schedule. The pool opening for July 05 was put back to enable completion of additional facilities secured through a special government grant. The site work will be completed by the end of August 05.
- Airport industrial land has been rezoned ahead of schedule – six contracts for sale have been issued. Site work has been delayed by wet weather, but would be now only 2 weeks behind schedule.

Workshop , Fleet Management and Sign Shop

- Fleet registration inspections and repairs completed for LCC fleet. (except for heavy vehicles – March CED)
- Completion and delivery of last 3 Roadworks ganger's trucks complete with service bodies and cranes.
- Agreement reached between LCC and RTRL for purchase of old library semi trailer which is being replaced, to use as promotional / information centre at special functions, etc.
- Delivery of 2 tipping trucks. Fleet No. 115, 116, in May 05. (Tender T25008, December 2004 meeting)
- Tenders (T25012) evaluation completed for replacement 2 Roadworks compaction rollers. Fleet No.307 & 351. Report to be presented to July 05 Council meeting.
- Order placed for supply of additional 33 tonnes excavator for Council quarry operations, machine delivered at end of June. (Tender T25013, April 05 meeting)
- Delivery of new Bomag Landfill waste compactor to the Wyrallah Road Waste Facility. (Tender T25004, October 04 meeting).

General Manager (Cont.)

- Parks & Recreation replacements include 1 x 40hp New Holland tractor, 1 x three point linkage gang mower, 1 x dual cab utility and trailer to replace tilt tray truck.
- Purchased 3 new utilities for Rangers, special service bodies being built in Tamworth.
- Co-ordinate sale of 6,000 kg dual cab truck to SES, transport to Tamworth for special body to be fitted. Will replace existing rescue truck when complete.
- Utilise new mobile silenced water pump to fill Lismore Lake, commenced filling 13th April 05 and completed 23rd June 05.

Signs

- Special signs and banners for:- Lismore Water, Lismore Visitor Centre, Norpa, Musica Viva, Public Transport promotion, Lantern Parade, Rural Fire Service vehicles and fire stations, Kirkland's Car Park, Kadina Park, Clarence Valley, Woodburn RRCC depot, Rous Water – Perradenya, Heritage Park, LCC Waste Education, Dept. of Lands, Car Parks, Northern Stars Under The Big Top, Rescue Helicopter, Nimbin Mardi Gras, Paddle for Life, Rosella Gardens
- Upgrade of signage on roundabouts.
- LCC Fleet logos
- Replacement street signs due to age or increased vandalism.
- LCC Temporary Warning Signs for road construction, Lismore Water, Waste Water Treatment Works, etc., and other activities (Grass cutting, roadworks, etc.)

Economic Development / Tourism

- Successful launch of 'Cafe and Culture Trail' - media interest, Tourism NSW Executives visit 5 August
- Wilsons River Redevelopment Project - Official launch proposed for 2 September
- Development Business Plan completed and first meeting of new Management Board occurred in July
- Funding submissions - Grant for Incubator Feasibility \$28k; Submissions being written for Regional Partnerships Program, Urban Design Awards
- Aurora Visitor Information Network - Successful audit and positive feedback on Lismore Visitor Information Centre; Accreditation application approved for Nimbin VIC
- Event management and planning - Masters Games; Floodplain Managers Association Conference; Pura Cup and Australian Marist Carnivals
- Health and Herb Festival planning progressing well for 20-21 August event
- Nimbin Visitor Centre now operational with support by Lismore & VIC staff member
- Assistance with Industrial Land sales at Airport

Human Resources

- Co-ordinated recruitment for ED positions
- Assisted GM in conducting organizational restructure workshops and plan for change
- Reported on regional Aurion implementation to GM's group
- Ongoing risk assessments and site visits by OH and S committee
- OH & S Audit completed
- Ongoing recruitment activity - 8 placements
- Reviewed corporate procedures for workplace change, lateral transfer, sick leave
- Up loaded base data into Aurion HRIS

GROUP: CORPORATE and COMMUNITY SERVICES
Management Plan Review
Period ending June 2005

Review of items across each functional area of Corporate and Community Services.

Community Services

- *Child Care Centres* – Lismore Outside of School Hours Care has been granted an additional 15 child care benefit places for a total of 75 places. The Centre has recently undergone quality assurance testing and achieved good – high quality in all areas. Koala and Gingerbread continue to report a slight drop in enrolments for pre-school aged children, a phenomenon impacting all child care centres.
- *Lake Gates* – Pumping into the lake has now been concluded, and the final planting of wetland plants will be completed in July.
- *Community Development* – organised World Refugee Day, and housing and general interagency meetings. The Community Development Officer has been instrumental in the integration of Sudanese refugees into the Lismore community. The Community Services section sponsored and helped coordinate four community lanterns in the very successful Lismore Lantern Parade.
- *Closing the Gaps project (National Community Crime Prevention Program)* has focused on issues involving the Aboriginal community this quarter. Work on the Aboriginal Employment Strategy included a survey of the Lismore business community and conducting an Aboriginal youth employment forum. The information gathered from both initiatives will be beneficial in Council assisting organisations (including Aboriginal employment agencies) and young people identify impediments and solutions to gaining employment. The two Aboriginal youth worker trainees have moved to their second employment placements: Juvenile Justice and TAFE.
- *Aboriginal Community Development* – major events organisation included Reconciliation Week, “Healing Day” morning tea held in the Council Chambers, and an Elders/Councillors brunch held at Oakes Oval. Preparation continues for NAIDOC week, to be held in July.
- Cultural Precinct – consultants from EDAW gillespies have commenced work on amendments to the master plan completed early in 2004.

Information Services

General

- Consultancy commenced to review information needs of Council, to identify costs of moving towards a new asset, property and financial information system.

Councils Computer Network

- New Sun (CIVIL) server installed. Existing Sun server to become Disaster Recovery Computer at Wyrallah Road Depot.
- 65 new desktop computers ordered to replace 1/3 of fleet. 40 computers to be donated to community groups.

Records Management

- Richmond Valley Council and Clarence Valley selected Dataworks as their preferred Records Management System. No decision reached by Lismore City Council.

Finance and Administration

- 2005/06 Budget - Adopted by Council at the June 21, 2005 meeting with an \$11,000 surplus result. A total of 210 councillor, committee, public and staff submissions were considered. The Budget provides for in excess of \$750,000 in new works, services and initiative as well as \$20 million in capital works.

Corporate & Community Services (Cont.)

- Rating Structure Review - After mailing rating options information to all ratepayers, a number of public meetings and Councillor Workshops, Council agreed to change the 2005/06 rating structure to include a base rate of \$270 plus a differential rate for all rateable properties. The differential rate was calculated to achieve the same income from all rating categories as 2004/05.
- TendersLive - A fully compliant electronic tendering system has been developed and implemented. The system allows prospective tenders the ability to download tender documents and submit tenders electronically. It also provides information on both past and future tenders. The Local Government & Shires Association have recognised the quality and potential value of this system and discussions have commenced about how it can be incorporated into the suite of procurement services available to all local government.
- Trades & Services Directory - The directory is now fully operational and provides staff with a comprehensive list of suppliers that meet Council's OH&S, insurance and sub contracting requirements. This will allow staff easy access to reliable information rather than verifying these details with every contractor used and potential reduce Council's liability exposure.
- Information Systems Review - Consultants iPlatinum were appointed to undertake this review with the objective to report back by August on the replacement of the core information system. This has involved them gaining an understanding of Council's future business needs, pursuing indicative financial information on replacement systems and providing advice on overall costs and timeframes involved.

GROUP: PLANNING AND DEVELOPMENT
Management Plan Review
Period ending June 2005

Review of items across each functional area of Planning and Development.

Planning Services

Corporate Relations: Customer Service

- Provision of planning advice in response to enquiries:
 April: 523 phone and counter enquiries
 May: 620 phone and counter enquiries
 June: 486 phone and counter enquiries

Participation in State and regional planning projects

Far North Coast Regional Strategy: Lismore planners Bruce Blackford or Helen Manning represent local government planners on the Technical Advisory Group, which meets every three weeks.

- Development Integration: Assessment of Development Applications
 Planning/land use DAs lodged: 61
 Planning/land use DAs determined: 73
 Miscellaneous applications: 43
 Subdivision certificates: 11
- Average assessment time for DAs requiring referral to Government Departments: 53.6 days
- Average assessment time for DAs determined within Council: 43 days

Development Integration: Monitor and review land use controls

- LEP Am't 12 Review of land zoned 6(a) Recreation: awaiting gazettal
- LEP Am't 23 Annual General Amendment of miscellaneous matters: Exhibited for public comment from 26 May to 24 June.
- LEP Am't 25 rezoning of Dept Education land at Apo St., Goonellabah: Exhibited for public comment during June.
- LEP Am't 26 to permit alterations and additions to buildings in floodway: Council's resolution advised to DIPNR
- DCP 14 Residential Development: draft amendment to reflect BASIX: endorsed by Council in June for public exhibition.
- DCP 17 Tree Preservation Order: endorsed by Council for public exhibition.
- DCP 18 Car Parking: parking generation rates and remainder of DCP almost finalised,
- Heritage Management DCP: draft received from Heritage Advisor.

Development Integration: Implement adopted land use strategies

- Amendment 15: Rezoning of land at Trinity Drive: Awaiting gazettal
- Rural Housing Strategy:
- Amendment 17 Rural Res, Minshul Cres., Tullera: awaiting gazettal
- Amendment 19: creation of 3 lots at 18 Dougan Rd Caniaba. Awaiting gazettal.
- Amendment 20: Cameron Rd., McLeans Ridges: GeoLink assessing on behalf of Council; road connection issues to be resolved.
- Amendment 22: Eltham rural residential development: Awaiting gazettal
- Amendment 24: 9 Livotto Dr., Richmond Hill: Public exhibition completed
- Amendment 27: 96 Breckenridge St., Wyrallah: Council resolved to prepare LEP amendment.

Enforcement: 29 planning matters investigated.

Planning and Development (Cont.)

Building Services

Public Safety – Fire Safety Audit

- Councils Fire Safety Audit continues with inspections conducted and Orders to upgrade issued.

Assessment of Development Applications and Construction Certificates

- Building Statistics – April, May, June
 - 262 Development Applications received for this section
 - 193 Development applications approved
 - Average approval time = 25.93 days.
 - 308 Construction Certificates issued.
 - 9 Building Certificates issued
 - 68 Development Application referrals for town planning

Public Safety – Essential Services

- Councils Essential Services Program is continuing and planning for a separate fee structured system is to be implemented from July 2005. All relevant letters have been amended to reflect the proposed change.

Public Safety – Swimming Pool Fencing

- The swimming pool program continues with the required 25 pools inspected per month.

Policy, procedures, legislative changes

- Preliminary discussions have been held to instigate standard approvals which will help in the issuing of consents.

Customer Service

- 14 complaints received and attended to.

Public Safety – Law enforcement

- Law enforcement issues are undertaken as required. Correspondence has been forwarded to WorkCover Authority in regard to unacceptable performance an asbestos removal contractor.

Improve public safety – Programme Development

- Councils Places of Public Entertainment, caravan parks and public halls has been completed for 04/05 financial years.

Professional Development

- Training has been undertaken in area of Protection for Bushfire Safety with all staff now having attended the course.
The Basix (Building Sustainability Index Course has been undertaken by staff

Assessment of Development Application referrals.

- All assessment of DA's from Planning Services have been undertaken within the statutory turn around time.

Environmental Health

Actions Planned – Strategies and Programmes

Enhancement: Assess Development Applications, On-Site Sewage Management Strategy, Section 68 Applications
52 Planning referrals have been finalised by the Section with 3 Stop the Clock (STC) applications outstanding.

Planning and Development (Cont.)

46 Onsite sewage management reports have been assessed.
68 referrals have been sent from the Planning Services

Corporate Relations: Customer Service

- 79 complaint request received (1 personally, 73 telephone, 19 written)

Commercial Premises Management

High Risk Inspections = 38	Year to date Totals =102 target124
Medium Risk =2	YTD =18 target 9
Low Risk = 1	YTD =9 target 8.64
Skin Penetration = 2	YTD =19 target 49.8
Pre Purchase =2	YTD =5
Re Inspections = 6	YTD =44
New Premises =6	YTD =21
Complaints =1	YTD =23

Fulfil Comprehensive SOE Reporting

- The 2004 Comprehensive State of the Environment (SOE) Report was approved by Council in March 2005.

Stormwater Management Plan

- Councils Catchment Management Officer is currently reviewing the Stormwater Management plan.

WSUD:

- The WSUD internal working Group continues to meet in order to finalise DCP.

Sun Protection

- Posts have been installed at Riverside Park and at Coronation Park at The Channon. Some of the sails purchased from the Bounty Hotel site have been utilised.

Emergency Management

- A quarterly meeting of the Rescue Committee and the LEMC was held in June. The EOC was activated for the floods of 29 June -1 July

On-site Sewage Management

- 53 inspections for the quarter Year to Date Total 279 target =250

Environmental Monitoring

- Environmental Monitoring has not been undertaken in the quarter - a new monitoring program is to be established as per the 05/06 management plan.
- The contaminated lands Policy is under review. A final version should be adopted by July 2005. The database has been amended to include Dips from NSW DPI.
- Investigation of environmental issues continues on a regular basis. Relevant legislation including the POEO Act has been utilised for enforcement.

Protection of the Environment Initiatives

- Cleaner production workshops have been attended to by staff in June.
Training in the maintenance of aerated OSSM attended to by Andy Edwards.

Planning and Development (Cont.)

- Cities for Climate Protection (CCP): Stage 1 of the Cities for Climate Protection program has been finalised. Stage 2 is to commence in 2005.

GROUP: BUSINESS AND ENTERPRISE
Management Plan Review
Period ending June 2005

Review of items across each functional area of the Business and Enterprise Group

Lismore Water

- Clunes Wastewater Committee – Brief prepared for review of new on-site technologies.
- Tenders invited for 2005/06 sewer replacement works.
- Designs and contact documents being prepared for 2005/06 water main replacement contract.
- Commissioning of treatment plant and acceptance of effluent from the Macadamia processing Company.
- Commencement of Nimbin Water supply augmentation works.
- Development of the new maintenance management system (MEX).
- Contract for mesh grates at pump stations commenced.
- Contract for upgrade of the Nimbin STP inlet works awarded (\$ 67,000).
- Consultants appointed for evaluating the options for upgrade of the telemetry project.
- Heather Avenue pump station nearing completion (Joint venture with developers).

Northern Rivers Quarry and Asphalt

- Geological survey Stage 1 completed and submitted to short listed ROI respondents for NRQ&A business development.
- Completed stage 1 of catwalk upgrades.
- New excavator delivered.
- Trial of mobile crushing plant in conjunction with Council development of industrial subdivision.
- Commence State Asphalt Services agreement to provide professional services.

Northern Rivers Waste

- Interviews for recruitment of the Manager of Northern Rivers Waste.
- Commence planning for weighbridge relocation and upgrade of facilities.
- Strategic plan review commenced.
- Continue process for the design and approval of new landfill cell.
- Purchase of buffer land in Gundurimba Road

Lismore Memorial Gardens

- Removal of significant trees from central portion of cemetery
- Redevelopment of chapel catafalque to mitigate distress caused by movement of casket
- Installation of shade cover and seating in lawn area adjoining chapel
- Review of Cemetery Memorial Development Application (CMDA) procedure and resultant process
- Plans developed for installation of stepped headstone support beams within Nimbin Cemetery

Business and Enterprise (Cont.)

- Falling limb risk reduction completed by facilitation of North Power contractor training within LMG grounds.
- Review of LMG OHS site safety management plan.

Lismore Regional Airport

- Harvest of Tea Tree oil – 7.1 tonne.
- Discussions on-going in relation to aviation fuel supply.
- Successful exercise held on site - Safer Skies Program - Regional Rapid Deployment Team
- REX passenger numbers maintained at strong level
- Funding submission assistance being provided for Basic Security Measures Funding (Federal)
- Negotiations being held for a further hangar lease.
- Preliminary discussions with Ambiji in relation to Airport Master Plan and Strategic Plan
- Summerland Credit Union removing ATM - other options being explored
- EDU assisting to promote airport lounge and meeting facilities to Conference market

Commercial Properties

- Airport industrial land has been rezoned ahead of schedule – six contracts for sale have been issued. Site work has been delayed by wet weather, but would be now only 2 weeks behind schedule.

GROUP: CITY WORKS
Management Plan Review
Period ending June 2005

Review of items across each functional area of the City Works Group.

Parks and Recreation:

- Keen Street Upgrade - Complete planting and landscaping
- Successfully held City vs Country Rugby League event
- Prepared documentation for tendering of Turf Wickets, Mowing, Footpath Sweeping and Litter Bins
- Successful change over from summer sport to winter sport
- Completion of Allsopp Park Upgrade at Nimbin
- Terania Street Roundabout - Complete planting and landscaping

Urban Works:

- Holland Street Roundabout complete
- Maintenance Management System implemented into urban maintenance works
- Footpath maintenance: All sections nominated for replacement have been done and the footpath maintenance programme continues.
- Uralba Street – Construction of pavement complete. Footpaths and tree surrounds 80% complete. Final surfacing to be completed 2005/06.
- Diadem Street – Widening of road pavement and footpath works on western side adjacent to development complete. Installation of stormwater system 35% complete.

City Works (Cont.)

- Brewster Street – Widening of road pavement and footpath works on eastern side adjacent to development complete. Excavation of pavement works on western side underway.
- Ballina Street – Widening of road pavement on southern side 80% complete. Widening and kerb on Diadem Street access 60% complete. Drain extension 50% complete. Traffic signals installed but not commissioned.
- Kadina Street – Minor landscaping and drainage works required after major rain event.
- Keen Street – Reconstruction and landscaping complete.
- Reseal, minor stormwater, kerb & gutter and heavy patching programs complete.
- Stage 6 of Oliver Avenue street lighting project complete.

Bridges:

- Bridge works for RTA on Pelican Creek Bridge completed
- Knights Bridge construction on Quilty Road - Complete.
- Ballina Street Bridge, Pedestrian railing refurbishment – Ongoing.
- Elizabeth Street, East Lismore, footbridge – Complete.
- Commenced design of Krauss Avenue bridge.

Traffic and Enforcement:

- Onstreet/off-street parking enforcement continued – 467 fines issued.
- 5 abandoned vehicles impounded.
- 68 incidents recorded by safety cameras.
- Nimbin safety camera installation commenced.
- 4 spaces provided in Crowther Carpark for country bus operators.

Rural Works:

- Reconstruction of Eltham Road, Eltham – Complete.
- Roundabout construction at intersection of SH16 / Holland Street, Goonellabah – Complete.
- Tucki Road reconstruction – Complete.
- Heavy patching completed on the following roads: Wyrallah Road, Rosebank Road, Corndale Road and Coraki Road.
- Reconstruction and bitumen sealing of Mullers and Willis Roads, Tregearle - Complete.
- Eltham Public School / Boatharbour Road bus bay – Complete.
- Shoulder maintenance works: Dorrroughby Road, Whian Whian Road, Broadwater Road.
- Side-arm slashing: Duncan Road, Elliot Road, James Gibson Road, Stony Chute Road.
- Gravel maintenance completed in the following areas: MR306 (Dunoon Road), Missingham Road, Fraser Road, Fox Road, Upper Coopers Creek Road, Whian Whian Road, Leeson Road, Ashlin Road, Starkey Road, Rayward Road, Cross Road, Lychee Drive, Graydon Road, Strong Road, Williams Road, Boggumbil Road, Davis Road.

City Works (Cont.)**Road Safety:**

- Drink Driving and Alcohol Related Crime - Trial of Lismore Late Nighter Bus Service proved successful. Funding secured for continuation of service up until Christmas 2005. Service to provide alternate transport for people socialising in the CBD on Saturday nights.
- Advisory speed checks conducted throughout the LGA with follow-up from the Richmond Local Area Command to address speeding on local roads.
- Safety Around Schools - Dummies used to help slow speeding motorists outside schools.
- Facilitate workshops for supervisors of learner drivers.

Emergency Services:

- Browns Creek Floodway upgraded and widened under construction.
New SES Facility - Funding opportunities for State and Federal government assistance being explored.

Survey, Design and Subdivision Control:

- Duncan Road, Numulgi – Hunters Hill Road – 1.4km south – Rehabilitation.
- Coraki Road, Ruthven – 7.10km-7.75km north of MR145 – Rehabilitation.
- Eltham Road, Eltham – Eltham Bridge to Boatharbour Road – Rehabilitation.
- Phyllis Street, South Lismore – Wilson to Crown Streets – Reconstruction (K&G + Drainage).
- Jubilee Street, Lismore – Hunter to Diadem Streets – Survey design commenced.
- Bruxner Highway, South Lismore – Three Chain Road to flood drain – Survey design commenced.

Development Control:**Design Plans Assessed:**

- Residential Subdivisions – Just Street (Mt Pleasant Estate Stage 2), Forestoak Way, Goonellabah, 10 Parade Street, East Lismore, Hilltop Estate, Goonellabah.
- Commercial developments – Elliot Road, Clunes, Tweed Street, North Lismore.

Jobs Under Construction:

- Residential Subdivisions – Hillcrest Avenue, Millar Street, Barham Street, 165 Invercauld Road, First Avenue, Wanda Drive, 22 Bristol Circuit, Regatta Estate, Stage 4, Leone Court, Lismore Heights
- Rural Residential Subdivisions – Floreat Estate, Cowlong Road, McLeans Ridges.
- Commercial - Elliot Road, Clunes B&B, Trinity Catholic College, Lismore Square.

Completed Jobs:

- Residential Subdivisions – Heather Avenue, Bristol Circuit, Goonellabah, Cedar Drive, Dunoon, Millar Street, Lismore Heights, Dudley Drive (Olley Estate, Stage 13), Goonellabah.
- Rural Residential Subdivisions – Perradenya Estate Stage 3, Tullera (Stage 3), McInnes Lane, Mckees Hill.
- Commercial Development – East Point Shopping Centre, Front Wheel Drive, Ewing Street, Lismore, Me and My Child Care, Diadem Street, Lismore.

Recommendation

That the report be received and its contents noted.

Report

Subject	July 2005 – Investments held by Council
File No	S178
Prepared by	Principal Accountant
Reason	Required under Clause 16 Local Government (Financial Management) Regulations 1999, Local Government Act 1993, and Council's Investment policy.
Objective	To report on Council Investments
Strategic Plan Link	Leadership by innovation
Management Plan Activity	Financial Services

Overview of Report

Council investments as at 31st July 2005 total \$31,686,548 subject to the final value of funds held under Managed Funds being advised shortly.

Interest rates reported over the period of July 2005 are 6.00% in comparison to 6.19% for July 2004.

Background

The Local Government Act 1993, Clause 16 Local Government (Financial Management) Regulations 1999 and Council's Investment policy requires a monthly report be provided to Council on investments. The report is to include the source and amount of funds invested, terms of performance of the investment portfolio over the preceding period and a statement of compliance in relation to the requirements of the Local Government Act 1993.

Due to timing issues the final value of some investments is not available within the required reporting timeframe, therefore an estimate is provided based on the investments held at the time of this report. The actual balance will be confirmed in the report to Council at the next ordinary meeting.

Report on Investments

- *Confirmation of Investments – June 30, 2005* \$35,124,016

The amount is higher than the estimate reported for June 2005 due to additional positive valuation movements in funds held under Managed Funds.

- *Estimate of Investments – July 31, 2005* \$31,686,548

Some variation is expected on the final balance of Managed Funds. The final valuation of these funds is not made until after the end of the month. The current rate of return on investments for July 2005 was 6.00% compared to 6.19% for the same period last year. Indications are that rates will remain steady in August 2005.

A summary of Council's investments in graphical form has been included as attachments.

Financial Services Comments

N/A

Other staff comments

N/A

Public consultation

N/A

Conclusion

The investments held by Council with various financial institutions, have been made in accordance with the Local Government Act 1993, Local Government (Financial Management) Regulation 1999 and Council's investment policies.

Recommendation

The report be received and noted.

**MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING
HELD ON JULY 20, 2005, AT 10.00 AM.**

Present

Councillors Merv King (*Chairperson*) and Jenny Dowell, Ms Bronwyn Mitchell (*on behalf of Mr Thomas George, MP*), Mr Michael Baldwin and Ms Liz Smith (*RTA*), Snr Const Steve Hilder (*Lismore Police*), Messrs John Daley (*LUO*), Garry Hemsworth (*Manager-Roads & Parks*) and Bill MacDonald (*Co-Ordinator-Traffic & Law Enforcement*).

TAC57/05 **Apologies**

An apology for non-attendance on behalf of Councillor John Hampton, Mr Thomas George, MP, and Mrs Wendy Johnson (*Road Safety Officer*), were received and accepted and leave of absence granted.

TAC58/05 **Minutes**

The Minutes of the Traffic Advisory Committee Meeting held on June 15, 2005, were confirmed by Council on July 12, 2005.

Disclosure of Interest

Nil

Part 'A' – Committee Recommendations

Business Arising

B-Double Application – Lismore to Woodburn

(Refer Clause B-05:05-7 of meeting of May 18, 2005)

The results of a B-Double assessment were tabled at the meeting and the following points noted:

- Intersections along the route were not suitable for B-Double swept paths.
- Cross-fall on Coraki Road may present problems for turning heavy vehicles.
- Wyrallah Ferry Road is not wide enough for B-Doubles. The sealed width is 6.0m with no shoulders.
- Safe intersection sight distance is marginal at intersections along the route.
- Sight distance over Wyrallah Ferry Bridge is marginal for vision to vehicles on incorrect side of road.
- Generally from the Bruxner Highway south to Tuckurimba Road, road and shoulder widths as well as overtaking opportunities are unsuitable for B-Doubles.
- Generally the existing road pavement along the route shows distress in a number of locations and increases in heavy traffic will cause further deterioration.

TAC59/05 **RECOMMENDED** that B-Double access to the Lismore to Woodburn route be refused.
(05-4852:S341,R5201)

General Business

Fermoy Avenue, Lismore – ‘No Stopping’ Signs

Mrs M Underhill of No. 14 Weaver Street, had requested that ‘No Stopping’ signs be erected on Fermoy Avenue, near the corner of Weaver Street. An onsite meeting with Mr & Mrs Underhill revealed that hospital staff on a daily basis used all available parking on both frontages of their property. There was an existing concrete footpath leading from the property in Fermoy Avenue but this was parked out also. Community nurses and occupational therapists carried out regular visits and there was a need for regular transport for appointments.

- TAC60/05 **RECOMMENDED** that a No Parking zone be created on Fermoy Avenue adjacent to the concrete pathway and near its intersection with Weaver Street, for a distance of approximately 6m-7m. (R6022:CR05-2264)

Intersection of Renwick Street / New Ballina Road – ‘Give Way’ Signs

A request had been received for Give Way signs to be erected at the above intersection due to motorists not giving way when exiting Renwick Street.

- TAC61/05 **RECOMMENDED** that a Give Way sign and associated continuity line be erected on Renwick Street at its intersection with New Ballina Road. (R7130:CR05-2561)

Part 'B' – Determined by Committee

Correspondence / Reports

Waller's Bus Company; requesting that the bus zone for Blakebrook Public School be lengthened to accommodate five buses and the turning area before the bridge be made more accessible to larger buses with signage erected to advise of buses turning at this location.

- B-05:07-1 Mr MacDonald advised that an onsite meeting had been held with the principal of Blakebrook Public School and she had indicated that the school was unhappy about a proposed lengthening of the existing bus zone in front of the school as this would impact on the available parking for parents as well as increase safety concerns. It was felt that there was sufficient room for buses to use the existing space provided it was used correctly. The formalisation of the existing turnaround area between the school and the bridge could not be agreed to due to sight distance restrictions of oncoming vehicles. It was suggested to Mr Waller that there was a more adequate turning area some 500m past the bridge but this was considered too far off the bus route. Options of improving sight distance by the removal of several large trees beside the bridge or an alternative turning location would be further explored. (05-6252:S352)

Mrs Heather Clark; drawing attention to the section of Dunoan Road, Tullera, known locally as "McDonald's Corner", that has a major accident history and requesting the area be inspected and made safer for motorists and local residents.

- B-05:07-2 An onsite meeting had been carried out with Mrs Clark and her mother and their issues were discussed. It was agreed that existing signposting prior to and around the curve was adequate but could not cater for driver error due to lack of concentration. There was some concern expressed that the road surface around the curve was corrugated and this could potentially contribute to loss of driver control. Mr Hemsworth undertook to arrange further assessment of the surface condition with a view to upgrading if considered necessary. (05-6860:R3407)

Ms Magda Verbeek; requesting a reduction of the speed limit on Wyrallah Road between Tuckurimba Road and Marom Creek Road from 100 kph to 80 kph, as well as the erection of appropriate signage to reduce speed and truck exhaust/air brakes.

- B-05:07-3 Mr Baldwin advised that the existing speed limit generally complied with existing roadside development and was considered appropriate. This did not negate the requirement on motorists to drive to existing road conditions and this would be reinforced in new signposting of State limits to be introduced shortly. (05-7612:S352,R5201)

General Business

Intersection of Wyrallah Road / City View Drive, East Lismore

- B-05:07-4 Dunoon Buses had expressed concern that motorists were parking vehicles within the bus turnaround area at the above location, obstructing turning movements. As there appeared to be sufficient turning room at the intersection for such manoeuvres, it was agreed that the area would be further monitored to assess the need for any parking restrictions to be introduced. (R5201,R7416)

Ballina Street (SH16) – Proposed Centre Median

- B-05:07-5 A plan was tabled at the meeting showing a proposed centre median along Ballina Street, from Diadem to Brewster Streets, to join up with the existing median. This would remove right-turns into and out of Clarice Street but it was noted that alternative access points were available via Wyrallah Road or Second Avenue.
There would be two lanes in each direction and there were concerns that if a gap was left in the median, there would be a significant growth in rear-end accidents. It was noted that the RTA had already proposed to install a centre median on Ballina Street, between Second Avenue and Diadem Street, as part of the traffic light installation project. (R6002)

Molesworth Street – Bus Zone in Front of Manchester Unity Building

- B-05:07-6 It was unclear as to whether or not this Bus Zone was currently being used to any great extent and it was suggested that it may be replaced by (say) a No Parking zone that would allow motorists to use the area as a drop-off or pick-up point.
Mr MacDonald undertook to further investigate this matter and report back to the Committee. (R7322)

Closure

This concluded the business and the meeting terminated at 11.10 am.

Chairperson

Co-Ordinator - Traffic and
Law Enforcement

MINUTES OF THE STRATEGIC PLAN STEERING COMMITTEE MEETING HELD ON TUESDAY, JULY 19, 2005 AT 8.10PM.

Present Mayor, Councillor King; Councillors Chant, Crimmins, Dowell, Ekins, Graham, Henry, Irwin, Meineke, Swientek and Tomlinson, together with the General Manager, Manager-Special Projects & Properties, Manager-Finance & Administration, Manager-Communications & Community Relations, Manager-Community Services, Acting Manager-Economic Development & Tourism and Administrative Services Manager.

Apologies An apology for non-attendance on behalf of Councillor Hampton, was received and accepted and leave of absence granted.

Committee Recommendations

- 1 That the SPSC identify and prioritise the initiatives detailed specifically in the Strategic Plan that have immediate and pressing need for direction and clarity, and assign the work of progressing these initiatives to a relevant PAG.
- 2 That, notwithstanding point 1, the SPSC ask all PAGs to review and prioritise the initiatives contained in the Strategic Plan that are relevant to their area, with a view to devising recommendations for action to be brought before the SPSC by October 31.
- 3 That the SPSC agree that agenda items for future meetings should be limited to the work of implementing the strategic plan, with a necessary degree of flexibility to discuss emerging issues of a significantly broad nature.
- 4 That agenda items for the SPSC are to be supported by a proposal and may be generated:
 - a. by the Council
 - b. by Councillors acting individually
 - c. by the General Manager.
- 5 That agenda items for the PAGs may be generated:
 - d. by the Council
 - e. by the SPSC
 - f. by the General Manager
- 6 That items for the SPSC and the PAG's be submitted to the General Manager at least 2 weeks before any proposed meeting.
- 7 That all PAG members be provided with training about their role and the concept of strategic planning generally.
- 8 That vacancies on the PAG's be recruited at the earliest opportunity.
- 9 That when the time comes to review Council's Strategic Plan, input be sought from the community, PAG's, Councillors and management.

Closure

This concluded the business and the meeting terminated at 8.55pm.

Section 356 Donations

- a) City Hall Reductions in Rental – Policy 8.4.2 (GL2033.2)**
 Budget: \$11,700 To date: \$11,700
 Lismore Symphony Orchestra – performance on November 12, 2005.
 (05-8098: S164,P6816)
In accordance with policy. \$63.00
- b) Banners – Policy 1.4.14 (GL2033.8)**
 Budget: \$700 To date: \$700
 Lismore Legacy – banner in Uralba Street from August 29-September 2, 2005.
 (05-7794: S164,S374)
In accordance with policy. \$145.00
- c) Council Contributions to Charitable Organisations**
Waste Facility – Policy 5.6.1 (GL2033.15)
 Budget: \$6,000 To date: \$6,000
 St. Vincent de Paul Society (June)
In accordance with policy. \$85.64
- d) Hardship Claim – Lismore Water – Policy 6.1.6 (GL8201.13)**
 Budget: \$12,200 To date: \$12,200
 D & T Blokland, 113 Brunswick Street, Lismore
In accordance with policy. \$277.14
- e) Miscellaneous Donation**
 Lismore Theatre Company (LTC) – request for Council to waive the 'Place of
 Public Entertainment - Annual Registration & Inspection' fee.
 (05-7693 & 05-7999: P583 & S164) \$200.00

Recommendation

In accordance with Section 356(1) of the Local Government Act 1993, the donations to persons as listed above are hereby approved for distribution.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, JULY 12, 2005 AT 6.25PM.

Present Mayor, Councillor King; Councillors Chant, Crimmins, Dowell, Ekins, Graham, Hampton, Henry, Irwin, Meineke, Swientek and Tomlinson, together with the General Manager, Manager-Special Projects & Properties, Manager-Finance & Administration, Manager-Communications & Community Relations, Manager-Planning Services, Senior Strategic Planner, Manager-Roads & Parks, Fleet Manager and Team Leader-Administrative Support.

**Apologies/
Leave of
Absence**

NIL

134/05 **Minutes** The minutes of the Ordinary Meeting held on June 14, 2005, were confirmed.

(Councillors Irwin/Dowell)

135/05 The minutes of the Extraordinary Meeting held on June 21, 2005, were confirmed.

(Councillors Graham/Crimmins)

Public Access Session

Prior to the commencement of the meeting, a Public Access Session was held at which Council was addressed by the following:

Shane Geha re Lismore Urban Strategy

Mr Geha spoke to his submission on behalf of the owners of land at the southern end of Invercauld Road, thanked Council staff for clear directions in this matter and advised he could have prepared more specific submission if he had had more time.
(S650)

Warwick Boyd re DA05/189 – Transport Depot at 7 Exton Street

Mr Boyd spoke on behalf of the North Lismore Progress Association and outlined problems residents had experienced over the past three years due to noise and dust being created by trucks using the transport depot which had never been approved by Council.
(D05/189)

Disclosure of Interest

S459

Councillor Henry declared an interest in report DA05/189 – Transport Depot at 7 Exton Street.

Notice of Motion

Modification to Carparking Area Condition at Lismore Library

Formal notice having been given by Councillor Hampton it was MOVED that any proposed alteration or modification under Section 96 to the existing carparking area condition, approved by Consent Notice 2001/801 (Public Library) be referred to:

- 1 The Regional Library Committee for consultation.
- 2 Full Council for determination.
(Councillors Hampton/Meineke)

AN AMENDMENT WAS MOVED that the report be received and any proposed alteration or modification under Section 96 to the existing carparking area condition, approved by Consent Notice 2001/801 (Public Library) be referred to full Council for determination.

(Councillors Irwin/Tomlinson)

At the request of the mover and seconder the amendment was WITHDRAWN.

- 136/05 **RESOLVED** that any proposed alteration or modification under Section 96 to the existing carparking area condition, approved by Consent Notice 2001/801 (Public Library) be referred to:

- 1 The Regional Library Committee for consultation.
- 2 Full Council for determination.
(Councillors Hampton/Meineke)
(05-6650: D01/801)

Reports

Lismore Urban Strategy – Staged Release Options

A MOTION WAS MOVED that the report be deferred to enable further information to be provided by the applicant and for a workshop and site inspection to be held by the Council prior to a decision being made.

(Councillors Irwin/Dowell)

AN AMENDMENT WAS MOVED that the report be received and Council -

- 1 Alter the Urban Development Strategy to indicate that in the short term the urban release areas will be the first stages of Trinity Drive, Chilcotts Grass/Tucki, 226 Invercauld Road areas, together with the SCU Military Road site;
- 2 Advise the Department of Infrastructure, Planning & Natural Resources of its decision; and
- 3 Invite SCU to lodge a revised rezoning submission for the Crawford land that includes the rezoning of Lot 102 DP 1009551 from 2(a) Residential Zone to 5 Special Uses (University) Zone.

(Councillor Hampton)

The amendment lapsed for want of a seconder.

- 137/05 **RESOLVED** that the report be deferred to enable further information to be provided by the applicants and for a workshop and site inspection to be held by the Council prior to a decision being made.

(Councillors Irwin/Dowell)

- 138/05 **RESOLVED** the Planning Department, in conjunction with Councillors Henry and Meineke and other interested councillors, reassess the constraints on residentially zoned land and report back to Council's September meeting on this issue.

(Councillors Meineke/Hampton)

(S650)

DA No. 2005/189 – Transport Depot at 7 Exton Street, North Lismore

Section 459

Councillor Henry declared an interest in this matter and left the Chamber during discussion and determination.

A MOTION WAS MOVED that the report be received and Development Application No. 2005/189 be refused for the following reason:

- The development will have an adverse impact on the amenity of the dwellings in Exton Street and Bridge Street due to impact of truck operations outside acceptable hours (S79C (1) (b)).

(Councillors Irwin/Tomlinson)

On submission to the meeting the MOTION was DEFEATED.

Voting Against: Councillors Swientek, Chant, Crimmins, Graham, Hampton and Meineke.

139/05 **RESOLVED** that this matter be deferred for 6 months to allow the applicant to find an alternative location or access.

(Councillors Irwin/Swientek)

(D05/189)

Management of Lismore City Hall

140/05 **RESOLVED** that the report be received and -

- 1 Council not call tenders for management of the Lismore City hall due to extenuating circumstances, in that it is expected there are limited numbers of reliable tenderers who could undertake the contract.
- 2 Council award a five (5) year management contract to NORPA for an annual fee of \$140,000.00 subject to annual review.

(Councillors Meineke/Hampton)

(P6816)

Memorial Baths – 2005/06 Fees and Charges

141/05 **RESOLVED** that the report be received and Council delay the adoption of the 05/06 fees and charges for the Memorial Baths until it has received the management plan and budget for the operation of the facility, and if necessary, is dealt with at a special meeting of Council.

(Councillors Tomlinson/Swientek)

(S910)

Amendment No. 25 to Lismore LEP – Lot 178, DP 811350, 5 Apo Street, Goonellabah

142/05 **RESOLVED** that the report be received and Council -

- 1 Adopt LEP Amendment No. 25 as attached to this report.
- 2 Use its delegations under section 69 of the EP& A Act to forward the amendment and report to the Minister for Infrastructure and Planning with a request that the Minister make the Plan.

(Councillors Swientek/Hampton)

(S912)

Alteration to DCP 27 – Buffer Areas

143/05 **RESOLVED** that the report be received and Council prepare and exhibit draft Amendment No. 3 to Development Control Plan No. 27.

(Councillors Swientek/Irwin) (S546)

Council Chambers Annexe

A MOTION WAS MOVED that the report be received and Council not proceed with the proposal.

(Councillors Swientek/Irwin)

AN AMENDMENT WAS MOVED that the report be received, Council not proceed with the proposal and a report on options of providing boiling water to the Chamber be investigated.
(Councillors Dowell/Tomlinson)

On submission to the meeting the AMENDMENT was DEFEATED.

Voting Against: Councillors King, Chant, Crimmins, Graham, Hampton, Henry and Meineke.

144/05 **RESOLVED** that the report be received and Council acknowledge the significance of the Council Chamber as a meeting space in demand and endorse the expenditure of budget funds for the construction of the Council Chamber annexe as described.
(Councillors Henry/Hampton)

Voting Against: Councillors Irwin, Tomlinson, Ekins, Dowell and Swientek.
(P558)

Purchase of Council Plant – 2 Rollers

145/05 **RESOLVED** that the report be received and Council –
1 Purchase two (2) only new **Dynapac CA362D** Smooth Drum Self Propelled Rollers as tendered (T25012) from **Dynapac**, Eagle Farm, Qld. For the cost of \$332,530.00 including GST (\$166,265.00 including GST each).
2 Accept the offer to purchase from **R. D. Williams** of Rocklea Qld for the 2 rollers being replaced.

V307 \$29,700.00 includes GST and

V351 \$49,500.00 includes GST.

(Councillors Chant/Hampton)

(T25012)

Sprayed Bituminous Surfacing Works

146/05 **RESOLVED** that the report be received and Council adopt the following order of priority for the engagement of bitumen sealing contractors for major and minor works:

- 1 Boral Asphalt
- 2 Pioneer Road Services
- 3 SAMI Pty Ltd

(Councillors Irwin/Crimmins) (T24022)

Pavement Stabilisation Works

147/05 **RESOLVED** that the report be received and Council adopt the following order of priority for the engagement of pavement stabilisation contractors for major and minor works:

- 1 Stabilised Pavements of Australia
- 2 Works infrastructure Pty Ltd

(Councillors Hampton/Graham) (T25023)

June 2005 – Investments held by Council

148/05 **RESOLVED** that the report be received and noted.
(Councillors Irwin/Crimmins) (S178)

Committee Recommendations

Traffic Advisory Committee 15/6/05

- 149/05 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted, excluding Clauses TAC54/05 and B-05:06-5. These items were discussed and the recommendations adopted.
(Councillors Hampton/Chant)
(S352)

Documents for Signing and Sealing

- 150/05 **RESOLVED** that the following documents be executed under the Common Seal of Council:

Sale of Lot 46, Bristol Circuit, Goonellabah

Council has negotiated an offer of \$115,000 for the purchase of Lot 46 in the next stage of the Bristol Circuit residential subdivision. The price is consistent with both the value ascribed to the lot when the multilist agents visited the site and other comparable lot sales.
(P28714)

Sale of Lot 43, Bristol Circuit, Goonellabah

Council has negotiated an offer of \$122,500 for the purchase of Lot 43 in the next stage of the Bristol Circuit residential subdivision. The price is consistent with both the value ascribed to the lot when the multilist agents visited the site and other comparable lot sales.
(P28714)
(Councillors Hampton/Dowell)

Section 356 Donations

- 151/05 **RESOLVED** that in accordance with Section 356(1) of the Local Government Act 1993, the donations to persons as listed are hereby approved for distribution.

a) City Hall Reductions in Rental – Policy 8.4.2 (GL2033.2)

Budget: \$11,700 To date: \$0
Baha'is of Lismore – meeting on June 18, 2005. (05-6426: P6816)
In accordance with policy. \$88.50

b) Council Contributions to Charitable Organisations

Waste Facility – Policy 5.6.1 (GL2033.15)

Budget: \$6,000 To date: \$0
St Vincent De Paul Society – period March to May 2005
In accordance with policy. \$223.19

Animal Right & Rescue	\$36.36	
Challenge Foundation	\$97.22	
Five Loaves	\$35.91	
Friends of the Koala	\$22.84	
LifeLine	\$110.00	
Lis & Dist Police Boys Club	\$4.84	
St Vincent De Paul Society	\$24.36	
Salvation Army	\$83.00	
Westpac Life Saver Rescue Helicopter	\$13.00	\$427.53

c) Hardship Claim – Lismore Water – Policy 6.1.6 (GL8201.13)

Budget: \$12,200 To date: \$0

B W & J E Graham, 172 Bruxner Highway, South Lismore

In accordance with policy.

\$995.10

d) Representative Selection – Policy 1.4.10 (GL2033.6)

Budget: \$1,100 To date: \$0

Dean Marshall – selected in Australian karate team to compete at world games in Germany July 23-34, 2005. (05-6632: S164)

In accordance with policy.

\$328.00

e) Miscellaneous Donation (GL1572.1)

1. A request has been received from the **North Coast School Sports Association** to waive hire fees for the use of Oakes and Crozier Oval to hold the New South Wales Primary Schools Sports Association Rugby Championships, 9 - 11 August 2005.

Thirteen teams (286 players) from every region of New South Wales will be participating. As the participants are twelve years and under, many families will also visit Lismore during the event.

The extra work required by Council for the event includes linemarking and minor cleaning is valued at an estimated \$1,350.

Recommendation

The fees valued at \$2,706, for the hire of Oakes and Crozier Oval, be waived for the New South Wales Primary Schools Sports Association Rugby Championships. (05-5985: S164,P15870,P25112)

2. A request has been received from **Lismore District Junior Cricket Association** to waive fees for the use of Crozier Oval to hold a cricketing program for five to eight year olds. Crozier Oval was chosen for this event as the facilities suited the very young age of participants. The formal request to waive fees was not received until after the conclusion of the event, which involved use of the oval for nine Friday afternoons.

It should be noted that no special preparation was undertaken by Council and Council incurred no extra costs. The oval was not closed off to public access during the event.

Our current policy requires fees be charged once a booking is received for the use of Crozier and Oakes Oval.

Recommendation

The fees valued at \$1,692, for the hire of Crozier Oval, be waived for the Lismore District Junior Cricket Association - Milo Have-A-Go Cricket Program. The donation is to be funded from Parks & Recreation – Sportfield Hire – Urban Revenue. (05-4285: S164,P25112)

\$1,692.00

f) Mayor's Discretionary Fund (GL2033.26)

Budget: \$2,700 To date: \$0

The Exodus Foundation fundraiser Movie Mania. The Exodus Foundation helps homeless and abandoned young people. Sponsorship of 2 children @ \$35 each. (05-6925: S164)

(Councillors Dowell/Crimmins)

\$70.00

Confidential Matters – Committee of the Whole

152/05 **RESOLVED** that Council now exclude the press and public and meet in Committee of the Whole to consider the following matters:

Item 1 - Mayoral Minute – Monitoring Performance Review 2005/05 – General Manager

Grounds for Closure Section 10A(2) (a):

Public Interest

Discussion of this matter in an open meeting is inappropriate because it would on balance be contrary to the public interest because the contents of the report are of a personnel matter involving a particular individual.

(Councillors Irwin/Dowell) (E/OSU100)

Resumption of Open Council

When the Council had resumed its former sitting, the General Manager reported that Council, meeting in Committee of the Whole, had RECOMMENDED

Item 1 - Mayoral Minute – Monitoring Performance Review 2005/05 – General Manager

- 1 That the Monitoring Performance Review of the General Manager for the six months ended January 2005 be received and noted.
- 2 That Council record its overall level of satisfaction with the performance of the General Manager.
- 3 That Council endorse the 2004/05 Performance Plan as amended.

153/05 **RESOLVED** that the report and recommendations of Council meeting in Committee of the Whole be received and adopted.

(Councillors Irwin/Hampton)

Voting Against: Councillors Ekins and Swientek.

(E/OSU100)

Closure

This concluded the business and the meeting terminated at 10.05 pm.

CONFIRMED this 9TH day of AUGUST 2005 at which meeting the signature herein was subscribed.

MAYOR

**MINUTES OF THE EXTRAORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE
HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, JULY 19, 2005 AT 6.06PM.**

Present Mayor, Councillor King; Councillors Chant, Crimmins, Dowell, Ekins, Graham, Henry, Irwin, Meineke, Swientek and Tomlinson, together with the General Manager, Manager-Special Projects & Properties, Manager-Finance & Administration, Manager-Communications & Community Relations, Manager-Community Services, Acting Manager-Economic Development & Tourism, Administrative Services Manager.

154/05 **Apologies/
Leave of
Absence** An apology for non-attendance on behalf of Councillor Hampton, was received and accepted and leave of absence granted.
Leave of absence was approved for Councillor Crimmins from August 15-22.
(Councillors Irwin/Chant)

Public Access Session

Prior to the commencement of the meeting, a Public Access Session was held at which Council was addressed by the following:

NIL

Notice of Rescission Motion

Council Chamber Annexe

Formal notice having been given by Councillors Swientek, Tomlinson and Ekins it was **MOVED** that Council rescind its support to proceed with the construction of a Council Chambers annexe (July 12, 2005 – Min. 144/05).
(Councillors Swientek/Dowell)

On submission to the meeting the **MOTION** was **DEFEATED**.

Voting Against: Councillors King, Chant, Crimmins, Graham, Henry and Meineke.
(05-7505:P558)

Reports

Lismore Memorial Baths – Management Plan

Suspension of Standing Orders:

155/05 **RESOLVED** that standing orders be suspended to allow for an informal discussion of this issue.
(Councillors Irwin/Tomlinson)

Resumption of Standing Orders:

156/05 **RESOLVED** that standing orders be resumed.
(Councillors Irwin/Chant)

- 157/05 **RESOLVED** that the report be received and Council -
- 1 Receive and note the Lismore Memorial Baths – Management Plan, subject to the opening hours from October 1 to March 31 being 5.30am to 9pm.
 - 2 Advertise the 2005/06 Lismore Memorial Baths Draft Fees & Charges, subject to the following amendments:

<i>Casual swimmers – summer season</i>	<i>Adult</i>	<i>\$3.00</i>
	<i>Child</i>	<i>\$2.30</i>
	<i>0-5 years</i>	<i>Free</i>
 - 3 Promote and encourage ratepayers to visit and use the facility by providing a free family pass.
(Councillors King/Henry)
Voting Against: Councillor Swientek.
(P6768)

Closure

This concluded the business and the meeting terminated at 7.35 pm.

CONFIRMED this 9TH of AUGUST 2005 at which meeting the signature hereon was subscribed.

MAYOR

