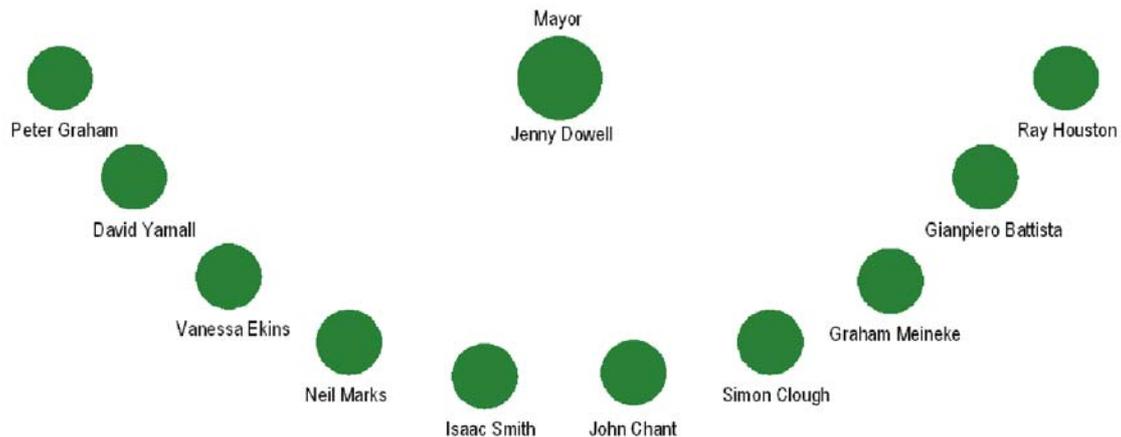


Notice of Council Meeting



Ordinary Meeting

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on **Tuesday, 13 October 2009, 6:00pm** and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager

6 October 2009



Agenda

Opening of Meeting and Prayer (Mayor)

Apologies and Leave of Absence

Confirmation of Minutes

Ordinary Meeting held on 8 September 2009

Disclosure of Interest

Public Access Session

Connor Anderson – Notice of Motion – Federal Community Infrastructure Funding

Julie Rhodes – Report – DA2004/281 – S.96 – Eltham Valley Pantry

Jackie Hudson – Report – Lismore Outside of School Hours Care Service

Gary Pratt – Report - Closure of Pathway – Milgate Close to Phillip Street, Goonellabah

Brian Best – Report – Rochdale Theatre

Public Question Time

Condolences

Mayoral Minutes

Notice of Rescission Motions

Notice of Motions

Councillor Clough – Federal Community Infrastructure Funding

Councillor Clough – Casino-Murwillumbah Railway Line

Councillor Ekins – GSAC Augmentation

Altering Order of Business

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

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Financial Assistance - Section 356

Questions Without Notice

Confidential Matters – Closed Council Meeting

Developer Dispute – Compensation Claim **Error! Bookmark not defined.**

Annual Performance Review 2008/09 – General Manager..... **Error! Bookmark not defined.**



Lismore City Council Community Strategic Plan 2008 - 2018



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

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

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

Notice of Motion

Cr Simon Clough has given notice of his intention to move:

That:

Council as a matter of priority commit its Commonwealth Community Infrastructure Funding (round 2) of \$449,000 to the planning and development of a skate park in Nimbin's Peace Park.

Staff Comment

Manager Finance

Council was advised in July 2009 that it would be offered \$449,000 by the Australian Government to build new or upgrade existing community infrastructure such as libraries, community centres and sports grounds.

The guidelines applicable are yet to be released, but it is expected they will be similar to those applicable to the 2008 Regional & Local Community Infrastructure Program funding received by Council. For that program, Council was required to submit a program of works for approval by the Department of Infrastructure, Transport, Regional Development and Local Government.

At a workshop in August 2009, Councillors called for a report on how this funding could be applied to either the Lismore Lake Water Park or the Nimbin Skate Park. A report in accordance with this request is being prepared for the November meeting. In the absence of full information it would be preferable to wait for the report before deciding where to allocate these funds.

(EF09/631:ED09/16120)

Notice of Motion

Cr Simon Clough has given notice of his intention to move:

That Council:

1. Write to the NSW Minister for Transport and Infrastructure and the Premier to object to the introduction of the Transport Administration Amendment (Rail Trails) Bill 2009 (the Bill) on the following grounds:
 - a) The Bill will remove parliamentary protection from disused rail corridors including the Casino Murwillumbah corridor.
 - b) The Bill is broadly framed even though the publicly stated reason for the legislation is to allow for specific rail trails in the Southern Region of NSW.
 - c) The Bill proposes that State Rail will be able to sell or otherwise dispose of railway tracks and other works used in connection with the Casino to Murwillumbah railway line.
 - d) The Northern Rivers Regional Organisation of Councils (NOROC) is currently developing an integrated regional transport plan. The Casino – Murwillumbah rail corridor is central to that plan.
 - e) There is strong community support for the restoration of a commuter rail service between Casino and Murwillumbah and the extension of the service to the Queensland rail system at the Gold Coast airport.
2. The letters request that the legislation be reconsidered and that the Bill is made specific to proposed rail trails in Southern NSW.
3. The letters include a request for the NSW Government to urgently consider the introduction of commuter rail services on a refurbished Casino-Murwillumbah rail line and that the NSW Government seek funding support from the Federal Government.
4. That a copy of the letters be sent to the Federal members in Page and Richmond with a request to provide letters of support for Council's position.

Councillor Comment

This motion seeks to protect Council's unanimous decision at its extra ordinary meeting on October 21st 2008 when Councillors resolved to support Byron Shire Council's submission to Infrastructure Australia to refurbish the Casino – Murwillumbah railway line and to seek its extension to Gold Coast airport.

Perhaps the real intent of this bill is revealed in a Sydney Morning Herald article on Saturday 26th September 2009 titled "Rail land bill 'a fire sale for developers'". An official briefing note to the Minister for Transport states in part "This will enable the corridors (rail) to be cleared of this remnant infrastructure and revenue be obtained from its sale" The reporter stated this undermines the Minister's "repeated claims that the rail corridors would remain in public ownership..."

Notice of Motion

There is debate within the community as to whether the Casino – Murwillumbah corridor should be refurbished for a commuter rail service or whether it should be transformed into a rail trail. However the absolute common ground is that the corridor must remain in public hands and not sold off to the highest bidder which this bill would allow.

Staff Comment

Executive Director Sustainable Development

The preparation of letters to reinforce the need for the maintenance of essential strategic corridors within the local and surrounding government area is supported.

(EF09/631:ED09/16112)

Notice of Motion

Cr Vanessa Ekins has given notice of her intention to move:

That:

1. Council access the \$1million climate change fund for GSAC solar heating augmentation with an estimated cost of \$50,000 and savings of \$15,000 per annum.
2. Council access the same fund for GSAC photo voltaic cells to enable self sufficient electricity generation at an estimated cost of \$475,000.

Staff Comment

Manager Assets

The suggestions made to the Councillor Workshop of 29 September 2009 were based on preliminary investigations and information. Certainly the suggested heating augmentation appears at this stage to be a beneficial project. It has not been possible to properly investigate the suggested photo-voltaic cells at this time and further investigation would be required.

In particular these projects were suggested to be funded from the federal government community infrastructure program as Council would not have to meet the capital costs and they would deliver ongoing savings. If the projects are to be funded by Council, their priority would need to be assessed against other projects. For this reason, and in particular to allow proper investigation of the photo-voltaic cell proposal, an alternative resolution is suggested:

That a further report be presented to Council before a final decision is made to install additional solar heating and photo-voltaic cells at GSAC.

Manager Finance

Council has previously used the Climate Change Implementation Fund (Internal Reserves) for these types of projects. As the source of funds are internal reserves and therefore are primarily held for a specific uses, the recommended projects are required to have a payback period of less than 10 years. The level of total internal reserves is also a consideration.

For that reason a financial viability assessment must be undertaken before committing funds to this project. The recommendation of the Manager Assets is supported.

(EF09/631:ED09/16057)

Report

Subject	DA2004/281 – S.96 – Eltham Valley Pantry
File No	DA2004/281:ED09/15980
Prepared by	Acting Manager Development and Compliance and Development Assessment Engineer
Reason	The original Development Application was determined by Council.
Objective	Determination of the Section 96 Application.
Strategic Plan Link	Sustainable Economic Growth and Development
Management Plan Project	Efficient assessment of land-use development applications

Overview of Report

The purpose of this report is to enable Council to determine an application to amend the Development Consent for the Eltham Valley Pantry under Clause 96(2) of the *Environmental Planning & Assessment Act 1979*. The key issues of traffic generation, noise and onsite wastewater are discussed in the Report, with the conclusion recommending approval of the application, subject to additional conditions.

Background

Council approved Development Application (DA) No. 2004/281 for the establishment of a thirty (30) seat refreshment room (café) and minor alterations to an existing approved building associated with a rural industry on July 20, 2004. The hours of operation were restricted in this approval to limit traffic generation by the development. The reason for this limitation was to keep the estimated traffic generated below the threshold in the Austroads standard, which would require road upgrading.

An amendment was approved on July 20, 2006 for modification of Condition No. 3 relating to the hours of operation of the refreshment room. The original consent approved hours of operation from Wednesday to Friday, 10.00a.m. to 3.00p.m. The modification approved hours of operation from Wednesday to Friday 10.00a.m. to 3.00p.m. and Sunday 8.00a.m. to 6.00p.m., provided that all relevant road conditions relating to DA2004/281 and Conditions 4 and 5 of DA2005/381 be complied with prior to commencement of Sunday trading. This increase in the hours of operation was also premised on keeping the estimated average hourly rate of traffic generated by the development below fifteen (15) vehicles per hour during the opening hours of the business.

An amendment was approved by Council at its meeting held on August 14, 2007 to amend the original consent by amending Condition No. 3 to extend the hours of operation to include Saturday and Public Holiday trading from 8.00a.m. until 6.00p.m. and Monday and Tuesday between 10.00a.m. until 3.00p.m.

The current Section 96(1A) Application seeks to amend the original consent by amending the approval to include eighty eight (88) seats and to amend Condition No. 3 to extend the hours of operation to include twelve (12) Saturday evenings per year until 10.00p.m. and to allow for the erection of a marquee in the grounds. The marquee will utilise existing seating within the facility and is not to provide additional seating.

Applicant:

J Rhodes and J Payne, 713 Boatharbour Road, Eltham NSW 2480.

Location:

The subject land is located at Lot 41 DP 854198, 713 Boatharbour Road, Eltham as shown on the map below.



Zoning:

The land is zoned part 1 (a) (General Rural Zone) and part 1 (r) (Riverlands Zone). The development is permissible with consent in these zones.

Key Issues:

The key issues associated with this section 96 modification are:

- Traffic;
- Noise;
- Effluent disposal.

Each of these issues is addressed in the report below.

Public Notification

The proposal was advertised in the Echo from October 16, 2008 to November 7, 2008 and all adjoining landowners and objectors were notified in writing and given twenty eight (28) days to provide a written response.

As a result of the modification being amended the application was re-advertised from November 21, 2008 to December 12, 2008. All adjoining landowners and objectors were again notified in writing and given twenty eight (28) days to provide a written response.

A further modification to the application was made to include an updated noise report and to allow for the erection of marquees in the grounds. This amendment was exhibited from August 6, 2009 until August 28, 2009.

Assessment under Section 79C of the E.P. & A Act

Section 96 (2) of the Act requires that Council consider those parts of section 79C that are of relevance to the modification.

Any Environmental Planning Instruments

State Environmental Planning Policies (SEPPS)

There are no provisions that impact upon this amendment.

Regional Environmental Plan (REP)

There are no provisions that impact upon this amendment.

Lismore Local Environmental Plan (LEP)

The amendment is permissible with consent under the terms of the LEP. The development remains consistent with the zone objectives

Any Draft EPI that is or has been placed on Exhibition

There are no draft planning instruments that impact on this proposal.

Any Development Control Plan (DCP)

The Lismore Development Control Plan applies to this proposal. The consent as amended will be consistent with the provisions of this plan.

Any Matters Prescribed by the Regulations

The application was exhibited in accordance with the regulation and with Chapter 10 of Part A of the Lismore DCP.

The Likely Impacts of that Development, including Environmental Impacts on both the Natural and Built Environments, and Social and Economic Impacts in the Locality

Traffic

In June 2004 the proponent identified expected usage patterns for the business. As part of the assessment the details provided by the applicant were converted to an expected traffic generation. At the time of assessment, traffic counts were taken by Council on Boatharbour Road in the vicinity of the proposed development. The expected traffic generation was then added to the existing surveyed traffic to determine the level of impact on the road network. The counts showed an average daily traffic volume of 166 vehicles per day. Boatharbour Road is a one lane (3.5m) wide sealed road between Camerons Road and the development and Eltham Road and the development.

The relevant standard for the assessment of road requirements for this type of road is Austroads Rural Road Design Guide. This standard identifies that single lane carriageways may be used where traffic volumes are less than 150 vehicles per day. It was evident that the road was carrying in excess of 150 vehicles per day and the Austroads standard recommended a 6m wide seal on an 8m wide gravel pavement to cater for the existing and proposed traffic.

The length of road that would require upgrading to meet this standard would be 4.8km, 2.1 kilometres to the upgraded section of Boatharbour Road, near Camerons Road, west of the development and 2.7 kilometres from the development along Boatharbour Road, east of the development, to Eltham Road. The existing road has on average a 4m sealed width. To align with the Austroads standard the road should have a 6m seal on an 8m pavement. Therefore the works required to upgrade the road to the suitable standard would be the construction of an additional 2m of sealed pavement with a 1m wide gravel shoulder on each side. A cost estimate for this work would be \$270,000 per kilometre. The total cost to upgrade the existing road to the required width standard would be \$1.3 million.

In light of the above, the proponent proposed to restrict the opening hours of the café to overcome the need for these upgrading works. The proposal was to restrict the hours of operation of the development to the hours where the traffic volumes were below a maximum vehicle per hour volume that was extrapolated from the standard daily rate. The standard does not suggest this approach, however it was accepted in that instance as it is an approach that would meet the intent of the standard which would have originally be developed based on hourly information and then converted to a daily volume. To do this the hourly counts had to be less then 10% of the daily volume i.e. 15 vehicles per hour would be the extrapolated value for a one-lane road. This approach was accepted in assessing the previous application.

In the current application before Council the applicant's traffic consultant has identified that the Austroads standard 'Guide to Traffic Engineering Practice Part 2 - Roadway Capacity' identifies in Table 3.9 that the conversion rate from a daily to hourly count for rural roads will vary from 10% to 15%. Upon review of the standard this appears to be correct and would therefore amend the above figure to be between 15 and 22.5 vehicles per hour. Thus Council had initially based the assessment of an acceptable hourly rate of traffic at 15 vehicles per hour being at the lower end of the scale. After review of the standard it is considered reasonable to apply the accepted range of 15 - 22 vehicles per hour.

The previous application proposed to open on three days per week and to generate an additional 5 trips per hour. Average hourly counts taken at the time of the original application for each of the proposed opening days showed a range of 7-9.4 vehicles per hour for the proposed hours of opening i.e. 10.00a.m. - 3.00p.m. Wednesday to Friday. The proposed additional 5 trips per hour were added to these figures which resulted in an expected hourly trip generation of between 13 - 14.4 trips. As these figures were below the 15 trips per hour as extrapolated from Austroads for a one-lane road the café development was considered to meet the standard for access with the opening hours restricted to 10.00a.m. -.3.00p.m., Wednesday to Friday. This can be summarised as:

	Wednesday	Thursday	Friday
Existing average hourly trips 2004	7	9.4	8.4
Expected average hourly trips	12	14.4	13.4

As part of this approval, conditions of consent required the applicant to pay contributions of approximately \$10,000 towards the future upgrading of Boatharbour Road and undertake roadworks to upgrade Boatharbour Road at the location of the developments entrance and at a corner within the frontage of the development that had restricted sight distance. These works have now been undertaken by the developer for a cost of approximately \$80,000.

Subsequent amendments to the application have been approved to extend the opening hours to include Monday and Tuesday between the hours of 10.00a.m. – 3.00p.m. and Saturdays and Sundays between the hours of 8.00a.m. -.6.00p.m.

These amendments were assessed on a similar basis to the original application based on the following traffic data.

	Saturday	Sunday	Monday	Tuesday
Existing average hourly trips 2004	11	11	8.6	8.6
Expected average hourly trips	16	16	13.6	13.6

Again with the opening hours restricted to 10.00a.m. – 3.00p.m. Monday and Tuesday these figures were below the 15 trips per hour as extrapolated from Austroads for a one-lane road and were considered to meet the standard for access. With the addition of the 5 trips per hour to the Saturday and Sunday averages the expected traffic generation would be 16 movements per hour. This means that likely traffic volumes will be slightly, 1 vehicle per hour, in excess of the standard of 15 movements per hour. Although this exceeded the lower end of the scale (by 1 trip) that was being applied at that time the application was supported on the basis that the development had contributed approximately \$90,000 towards the upgrading of Boatharbour Road to a standard suitable for 100 vehicles per hour. It should be noted that based on the additional information lodged as part of this application regarding Austroads standard 'Guide to Traffic Engineering Practice Part 2 - Roadway Capacity' the previous maximum of 15 veh/hr has been reassessed as a range between 15 and 22.5 veh/hr. The current operation is clearly within this range.

As part of the assessment for this application traffic counts on Boatharbour Road in either direction of the development were undertaken from the March 6 to March 16, 2009. The following is a summary of the average hourly volumes for the existing approved opening hours of the café.

Average hourly vehicles (weekday 10.00a.m. – 3.00p.m. weekends 8.00a.m. – 6.00p.m.)							
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
East Development	8	11.8	13.8	13.6	13.2	16.8	17.5
West Development	8.8	12.4	10.2	16.2	12.6	15.4	15.5
Expected traffic from Previous assessment	13.6	13.6	12.0	14.4	13.4	16.0	16.0

From the above table it is evident that the current traffic volumes upon Boatharbour Road are both similar to the originally predicted volumes and within the acceptable range as calculated from Austroads i.e. 15 to 22.5 vehicles per hour. It is to be noted that these volumes include the traffic generated by the café as it is operating at the proposed intensity of 88 seats.

With regard to the proposal to open Saturday nights, if a similar methodology to that previously detailed was adopted the existing average hourly traffic currently utilising Boatharbour Road between 6pm-10pm of a Saturday night is 4 veh/hr. If this figure is deducted from the maximum range interpolated from Austroads it gives 11-18.5 veh/hr. If we assume that 3 people travel per car on average and that all vehicles arrive within the same hour, given that it is a function with set start time, then 18.5veh/hr will give 55.5 people therefore if function was limited to 50 people traffic generation should be within maximum limits. A condition of consent limiting the seating capacity of the café for night time operations is proposed.

In addition to the above assessment, the recent accident statistics for Boatharbour Road were obtained from the Roads and Traffic Authority (RTA) accident database for the 2000-2008 period. A review of this data shows that in this period there have been three reported accidents on Boatharbour Road. These accidents can be summarised as follows:

- 27/02/2000 - A car ran off the road at 2am Sunday morning in foggy conditions travelling at 100km/hr about 400m west of the development with speed and driver fatigue identified as factors.

- 7/02/2005 - A motorcycle ran off the road at 7.15pm Monday evening on a straight section of road under good conditions about 1.4km west of development. Vehicle was travelling at 100km/hr.
- 23/08/2006 - Two car head on collision 7.45am Wednesday morning on a curve. One vehicle was on wrong side of road around curve, driver distracted under good weather conditions about 200m east of development (accident occurred on the curve that has been upgraded as a condition of consent for this application prior to the works being undertaken) vehicle speed 60km/hr.

The above accident statistics show that of the three accidents reported upon the road in the last 8 years they have all occurred outside of the hours that the café has been open or is proposed to be open. Two of the accidents occurred prior to the café commencing operation. The nature of the two accidents that occurred prior to commencement appear to relate to excessive speed. The narrowness of the road may have been a contributing factor to the third accident, however it should be noted that the accident occurred at the location where upgrading works have since been undertaken by the development to upgrade the road to a 2 lane, 6m wide road.

Review of Section 94 levies

The developer has paid \$10,491 in Section 94 levies on September 24, 2004 and this was based on daily traffic generation of 21.4 trips per day. The developer has recently provided data on the number of customers for the current operation. This data was converted by the Development Engineer into vehicle movements.

The development currently generates 238 weekly movements which gives daily average of 34 movements. If we subtract the previously levied 21.4 movements from 34, this gives 12.6 movements. An amended condition requiring payment of Section 94 contributions based upon 12.6 additional traffic movements is proposed.

Noise

A new Noise Impact Assessment (NIA) has been submitted. The NIA is generally consistent with the objectives of the Industrial Noise Policy and the Environmental Criteria for Road Traffic Noise. Noise levels anticipated to be generated by the development should not be offensive at any receiver. Appropriate conditions are nominated to be included in any consent.

On-site Sewage Management

There is sufficient land with suitable capability to manage all wastewaters generated by the development. A Section 68 application will be required to be submitted for approval. Appropriate conditions are nominated to be included in any consent.

The Suitability of the Site for the Development

The site is suitable for the increased number of patrons as proposed in the amendment.

Any Submissions made in Accordance with this Act or the Regulations

The first and second exhibitions generated a number of submissions containing both objections and letters of support for the proposal. A petition signed by fifty eight (58) people supporting the proposal was also submitted.

A précis of the main points of objection is as follows:

- Traffic and road capacity and current standard not suitable for proposal and will result in a decrease in safety of road users;
- Noise impacts;
- Operating hours not supported;
- Development is not in public interest;
- Development is not in the interest of rural agricultural community;
- Increase in drink drivers on the road;

- Inappropriate use in the rural zone;
- Visual impact of the carpark;
- Proposed amendment seeks to legitimise a breach in consent conditions.

A précis of the main points in support is as follows:

- Provided employment;
- Tourists opportunity;
- Supports other local business;
- Tasteful and fits the location;
- Fantastic service in the local community;
- Benefits the local community by bringing people to our area therefore economy in our village is supported.

The final exhibition resulted in the submission of further objections. The additional points of objection that were not already raised in the first exhibition are as follows:

- The rural agricultural community does not benefit from this development;
- Extension of hours will lead to further requests to extend the hours of operation;
- No public transport services the development;
- Dense fog and no street lights make driving dangerous at night;
- The developer will not comply with new conditions as they have failed to comply with conditions in the past;
- Noise and music will not be able to be contained in a marquee;
- Marquee will be left up over the weekend;
- Council should be enforcing the conditions of consent;
- Night time operation takes the Pantry beyond being a rural tourist facility.

Some of the submissions re-iterated questions asked by Councillors at the workshops. It is not intended to repeat the answers to these questions.

Copies of all the submissions are provided as attachments to this report.

Planner's comments on submissions:

Regarding the submission in support of the application it is the opinion of the Acting Manager Development and Compliance that these submissions are not relevant to the consideration of the Section 96 application and no planning weight should be given to them at all. It is not disputed that the submitters hold these opinions and that these give an indication to the Councillors of the level of support that a proposal has but they provide little guidance in the determination of a Section 96 application. The numbers of submissions in support, inclusive of petitions, and the numbers of submissions objecting to a proposal is not the determinative factor when considering a Development Application or Section 96 application. The content of the submissions is the important matter for Council to consider.

The issues relating to traffic and road safety are relevant and important and have been given a detailed engineering assessment. This is addressed in the above report. Council's Development Engineer and Acting Manager Development and Compliance consider that there is adequate capacity in the road network to cater for the increase in the number of seats. The issue of safety impacts caused by adverse weather conditions (fog at night) is addressed by the principle that drivers should adjust their driving to suit the road and weather conditions.

The issue of noise raised in some submissions is both relevant and important as it may impact on resident's amenity. The acoustic report prepared by the applicant's noise consultant has demonstrated that there will not be a significant noise impacts caused by the operation of the café at night. The marquee is not to be used at night so the issue of noise containment in the marquee does not arise.

Many of the issues raised such as inappropriate use in the rural zone, visual impact of the carpark, development not in the interest of rural agricultural community, rural agricultural community does not benefit from this development and no public transport services the development are objections against the original approval and are not relevant to the modification being applied for. Council has already concluded that the development complies with the zone objectives and is both permissible and acceptable within the rural zones. The issue of benefit to the community is not a planning consideration. The question before Council is "*are the impacts of the amendment sufficient to warrant refusal of the Section 96?*". If this question is answered in the affirmative then the application should be approved. Questions relating to the benefit to the community should not come into this consideration.

There is no dispute that the Section 96 application is attempting to rectify a breach of the consent. Several submissions raise this issue. It is within Council's power to amend the consent to bring the current use into compliance. If Council does not approve the Section 96 application then there are enforcement provisions in the Act available to force compliance. These are issues of process rather than specific objections against the development. With regard to the process, it is acknowledged that there is a technical breach of the Act. There was not a significant risk to life nor an immediate threat of environmental harm caused by the breach. The applicant showed a willingness to work with Council to rectify the breach and bring the consent into compliance. On this basis it was determined that processing the Section 96 application was a reasonable course of action. If the developer does not comply with the conditions of consent then Council's Compliance Officer will investigate and an appropriate course of action will be determined based on the circumstances of the breach.

The Public Interest

It is considered that allowing a café to increase the hours of operation and to have night functions is not contrary to the broad public interest.

Comments

Financial Services

Not required for this application.

Conclusion

The proposed amendments to the consent are reasonable and will not have a significant detrimental impact on the environment. The impacts on the road network are within accepted standards.

Recommendation

That Council:

1. grant delegated authority to the General Manager to approve variations of a minor nature and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.

2. as the consent authority, approve the Section 96 application to Development Application 5.2004.281.2 to:

a) Modify the description of the development as follows:

The establishment of an eighty eight (88) seat refreshment room (café), minor alterations to an existing approved building associated with a rural industry and the use of a marquee in the grounds.

b) Modify conditions 1, 3 and 42 as follows:

1 In granting this development consent, Council requires:

- All proposed buildings be constructed in accordance with any amendment or modification outlined in these conditions
- All proposed works be carried out in accordance with any amendment or modification outlined in these conditions
- Any proposed use of buildings or land be in accordance with any amendment or modification outlined in these conditions

and be substantially in accordance with the stamped approved plan(s) No. 2004/5847 dated March 2004, DA04/281-1 & 2 dated 17/5/04 and **plan showing locations of marquees dated Jan 09** and/or supporting documents submitted with the application. Copies of the approved plan are attached to this consent.

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

3 The hours of operation of the refreshment room and marquee are limited to:

Monday to Friday	10.00a.m. to 3.00p.m.
Saturday & Sunday	8.00a.m. to 6.00p.m.
Public Holidays	8.00a.m. to 6.00p.m.

Except as provided for in Condition 3A.

Reason: *To preserve the amenity of the area and traffic safety. (EPA Act Sec 79C(b))*

42 Provision shall be made for twenty nine (29) carparking spaces with a dust free or equivalent surface constructed and landscaped in accordance with the requirements of the Council's Development Control Plan No. 18 Off Street Carparking Requirements, Australian Standard AS2890.1 Parking Facilities – Offstreet Parking and Council's Development, Design and Construction Manuals (as amended). Documentary evidence to be submitted to the Principal Certifying Authority prior to the release of an Interim or Final Occupation Certificate.

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

c) Add additional conditions 3A, 3B, 3C, 43A, 49 and 50 to the consent.

3A The Saturday night functions are limited to a maximum of 50 patrons and must only operate between the hours of 6pm and 10pm for a maximum of 12 occasions per year with the following frequency:

- A maximum of three functions in December
- A maximum of two functions in any one month in October, November, January, February and March, and
- A maximum of one function in any one month in April, May, June, July, August and September.

Amplified music is not permitted and the windows must remain closed during any function. All patrons must be seated within the building. Marquees are not to be used for night functions.

Reason: *To preserve the amenity of the area and traffic safety. (EPA Act Sec 79C(b))*

- 3B All patrons must have vacated the premises on any Saturday night function on or before 10:20pm and in a manner that ensures that no offensive noise is created.

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

- 3C The seating contained within the marquee shall not exceed the total number of approved seats for the development being eighty eight (88). Seating in the marquee is not additional seating for the development.

Reason: *To preserve the amenity of the area and traffic safety. (EPA Act Sec 79C(b))*

- 43A Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and Lismore Contributions Plan 1999 (as amended) are required. Such levies shall contribute towards the provision of public services and/or amenities identified in the attached schedule. Such levies shall be calculated at the rate(s) in effect within two months of the date of this amended consent. The rates and amounts applying at the date of this notice, totalling **\$7,313**, are set out in schedule 2 for your information. All contributions, bonds etc. shall be paid prior to the **Construction Certificate being granted.**

Should levies set out in the attached schedule not be paid within twelve (12) months of the date of this consent, the rates shall be increased in accordance with the listing of rates applicable for the financial year in which payment is made. This listing of rates reflects the adjustment made for the Consumer Price Index (CPI) on an annual basis.

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

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

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

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

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

On-Site Sewerage Management System

- 49 The on-site sewage management system must be upgraded to properly manage all wastewater effluent generated by the existing and proposed development in accordance with contemporary statutes and standards.

Reason: *To protect public health and the environment.*

- 50 Prior to the commencement of the approved use a Section 68 application under the

Local Government Act, 1993 for an on-site sewage management system must be submitted to Council and be approved, and all work must be completed in accordance with the requirements of the approval. The application must include a comprehensive on-site wastewater management report.

Note: The on-site wastewater management report must properly address all the relevant matters contained in Council's letter of request for further information dated 26 February 2009.

Reason: *To protect public health and the environment and to comply with statutory requirements.*

Schedule 2

To be read in conjunction with advice of development consent.

The levies imposed by Condition No. 43A, as contributions towards the cost of meeting increased demand for public services and amenities that will result from the development, are identified in this Schedule.

The following Levies are charged under Section 94 of the Environmental Planning and Assessment Act 1979 and amounts payable are set out below.

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

Levy Area	Account No.	No. of ET's/m ²	Cost Per ET/m ²	Amount Payable
<i>Rural Roads</i>				
Boatharbour Road	90440801	1	7313	\$7,313
TOTAL				\$7,313

Report

Subject	Lismore Outside of School Hours Care Service
File No	EF09/1832:ED09/15978
Prepared by	Acting Manager Community Services
Reason	To advise Council of parental feedback on the proposed transfer of the Lismore Outside of School Hours care Service (LOOSHCS) license from Lismore City Council to the Lismore Neighbourhood Centre.
Objective	That Council approve the transfer of Council's run LOOSHCS to the Lismore Neighbourhood Centre to be operated in conjunction with the Lismore Vacation Care in the same location.
Strategic Plan Link	Efficient Use of Council Resources
Management Plan Project	Community Services

Overview of Report

This report includes a summary of feedback received from a consultation process conducted with parents of children who attend Council's LOOSHCS and also an attached letter from Lismore Neighbourhood Centre to Council's General Manager detailing additional updated information to support the proposed license transfer.

Background

At Council's Ordinary Meeting on September 8, 2009 it was resolved that a decision on the proposed transfer of the LOOSHCS license be deferred to enable further information from Lismore Neighbourhood Centre and also feedback from parents to be provided to Councillors.

A copy of Lismore Neighbourhood Centre's letter to Council General Manager is attached to this report.

Council's Acting Community Services Coordinator attended LOOSHCS at 'pick up time' on the evenings of September 10, 11 and 14, 2009. During this time Council's Acting Community Services Coordinator made herself available to parents and, during the course of informal conversations, negotiated the most acceptable form of consultation with parents.

The following parent consultation process was then developed and delivered:

1. A letter detailing of all aspects of the proposed license transfer was provided to all parents. Details of the proposed consultation process were also included in this letter to parents.
2. An information sheet from the Lismore Neighbourhood Centre was provided to all parents.
3. Council's Acting Community Services Coordinator's contact details were made available to all parents and an invitation to make direct contact was extended.
4. A feedback box was created and placed upon the sign-in desk at LOOSHCS and parents were encouraged to provide written feedback about the proposal.
5. A lunch time focus group was timetabled at Council's Magellan Room in the CBD office on September 25, 2009.

To date, very limited formal feedback has been received through these consultation processes:

- No written feed back has been received.
- One phone call has been received from a parent who wanted to clarify logistical arrangements related to the transfer. The parent had no concerns about the actual transfer.
- No parents attended the Focus Group.
- Informal on the spot conversations have taken place between Council's Acting Community Services Coordinator and attending parents. While numbers of parents had questions about likely logistical changes most simply wanted to express their strong desire that the transfer be seamless. Many also expressed their pleasure in learning that Council's recent LOOSHCS Director, is now employed at the Lismore Neighbourhood Centre. Parents commented that they were generally pleased with this outcome and would therefore continue to utilise the service for their family childcare needs.

Comments

Financial Services

Not required.

Other staff comments

Not required.

Public consultation

At the time of writing this report the parent consultation process had not concluded. Should additional submissions be received during the remaining period, an additional summary of subsequent feed back will be provided with this report.

Conclusion

Throughout the consultation period as detailed within this report very little feedback has been provided by patrons and members of the community. Consideration of the feedback provided suggests patrons of the service have no significant concerns relating to the proposed licence transfer and it is considered appropriate to proceed with the licence transfer.

Recommendation

That:

1. Council approve the transfer of the Council's Lismore Outside of School Hours Care (LOOSHC) service to the Lismore Neighbourhood Centre to be managed and operated in conjunction with Lismore Vacation Care.
2. Effective transfer of service to the Lismore Neighbourhood Centre occur when the transitional issues outlined in the Council report of 8 September 2009 are resolved to ensure that there is a continuous service provided to LOOSHC patrons.



Lismore Neighbourhood Centre Inc.

ABN 76 023 582 425

76 Carrington Street or PO Box 525, Lismore NSW 2480

Phone: (02) 6621 7397 Fax: (02) 6622 0235 Email: info@lnci.org.au

Paul O'Sullivan
General Manager
Lismore City Council

Dear Paul,

Further to the decision by Council to defer the transfer of licence for Council's Out of School Hours Care until further information, at Council's meeting of the 8.9.09, please take into account the following information regarding LNC's services in this area.

1. LNC restructured the administration of Lismore Vacation Care in late 2008 and since then we have received no complaints from parents, staff or school management in relation to safety or administration.
2. We are aware that prior to this restructure there were some issues relating to poor communication with parents regarding fees and procedures; these questions have been fully addressed with the comprehensive reworking of staff and policy manuals, induction processes, reporting requirements and staff / parent surveys.
3. We employed Tarlai Iggleden to manage this process because of her acknowledged record in safety and child care management. We intend to continue to employ Tarlai to handle the transition process for LNC.
4. Our Vacation Care service was subject to an intensive accreditation process in late 2008 and we were reaccredited with no conditions and with a glowing report from the Accreditation Agency.
5. Lismore Neighbourhood Centre is financially secure, we have sufficient reserves to cover all staff entitlements, rent and outgoings for the financial year 2009/10 and I have attached the 2008/9 financial year balance sheet for your reference.
6. In late 2008 we were requested by local member Janelle Saffin to assist in the resolution of difficulties in the management of Vacation Care and After School Hours care at Wollongbar/Alstonville. The then management agency, BDCSA was unable to continue operating and our Board agreed to take over the service. We underwent an extensive transfer process with DEEWR and NCAC and were successful in acquiring the services, which has been running now for eight months. The service is more than satisfactory and we have been complimented by both School Principals as well as staff and parents on the quality and standards of care.
7. The Wollongbar/Alstonville services have recently been awarded an above average rating after spot checks by the accreditation agency.
8. Our track record in OHSC since January 2008 has been exceptional. We have had no incidents regarding child safety or care and no complaints from parents. We have implemented a system of regular parent consultations and communication (newsletter), have produced detailed policies and procedures

and are setting up a steering committee of parents and Board members to assist the Coordinator and on site supervisors. I have attached the powerpoint staff training presentation for your interest.

We have just been informed by NCAC that the time between request for notification of a new service and accreditation is usually 6 weeks.

This means that if LCC notifies DEEWR and NCAC that they are discontinuing a service, and LNC concurrently lodges a notification of a 'new service', there will still be a substantial delay during which we need to be in constant communication to ensure seamless transition. The previous transfer of licence from BDCSA to LNC was able to be completed without any interruption and we anticipate that having recently gone through the process with Wollongbar/Alstonville, a similar successful transition will be possible.

Regards



Paul Cruickshank
Manager
Lismore Neighbourhood Centre

cc. Jenny Dowell
Mayor LCC

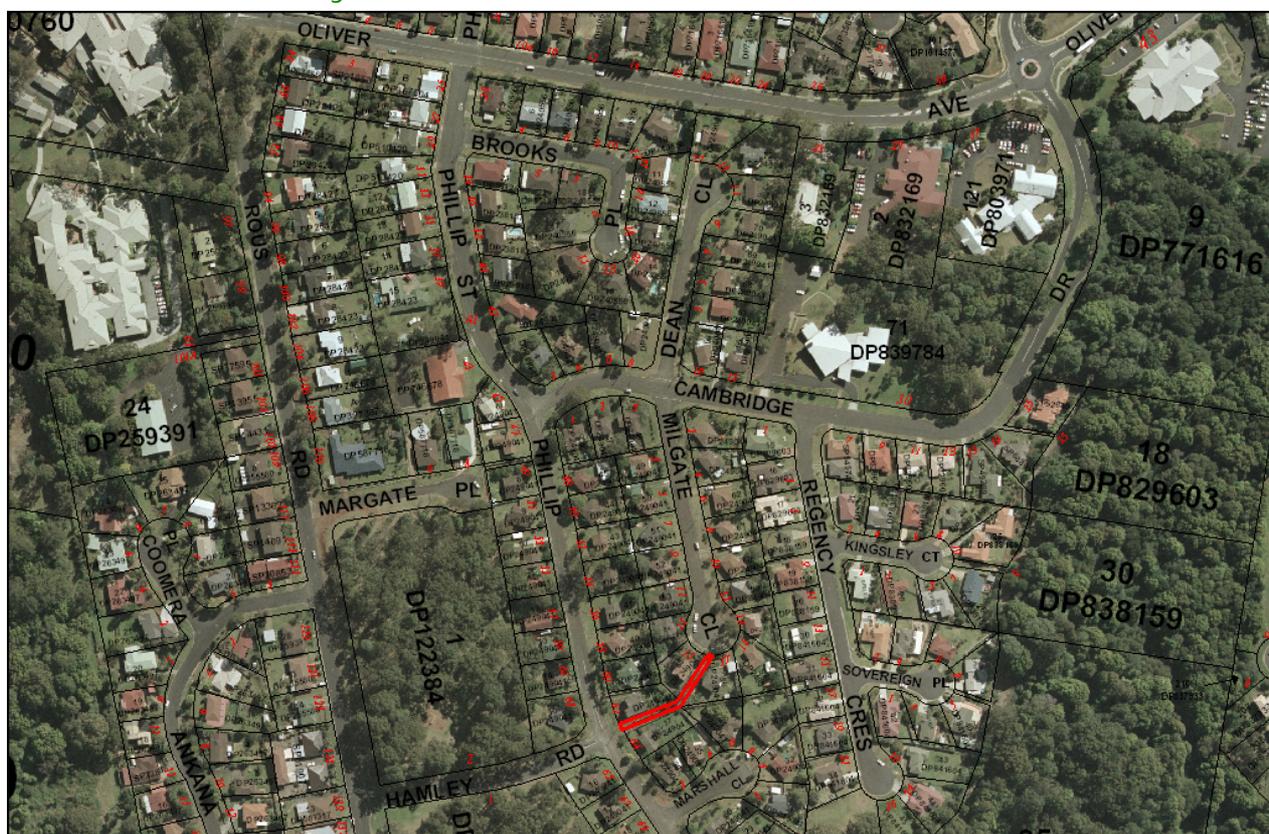
Report

Subject	Closure of Pathway - Milgate Close to Phillip Street, Goonellabah
Record No.	R6485:ED09/15914
Prepared by	Property Officer
Reason	To create a safer place for the Lismore community.
Objective	To seek Council endorsement of recommendation.
Strategic Plan Link	Engage with the community
Management Plan Activity	Roads and Bridges

Overview of Report

In response to a petition from nearby residents, Council has investigated the possible closure of the pathway between Milgate Close and Phillip Street, Goonellabah, due to the ongoing anti-social behaviour. The closure is also supported by the NSW Police and the adjoining landowner. Considerable support for the pathway closure has also been received as a result of consultation undertaken with the local community.

Location of Pathway



Background

Milgate Close, Goonellabah, is a cul-de-sac from which leads a pedestrian pathway to Phillip Street, Goonellabah. The majority of properties in this cul-de-sac are owned by the Department of Housing – there are two privately owned properties. The pathway is a dog-legged shaped concrete pathway comprising many steps which adjoin the boundaries of four properties (two to the north, two to the south owned by the Department of Housing).

A street light was installed in 2005 along the pathway in an attempt to reduce the unacceptable level of anti-social behaviour in this area. However, unlawful and anti-social behaviour has persisted.

As a result of a petition to close the pathway from nearby residents, a meeting was held between representatives from the Department of Housing, Lismore Police and Council staff. Due to public safety concerns and from a crime prevention viewpoint, the parties agreed that the process to formally close the pathway should commence as soon as possible.

Crime statistics provided by the NSW Police for Milgate Close for the period September 2008 to August 2009 reveal 168 incidents and included: homicide, malicious damage, fires, assaults, personal violence, resisting arrest and other offences.

Costs to Close Pathway

The Department of Housing has agreed to pay for the following:

- removal of infrastructure on the pathway, ie, concrete stairway and electricity pole with streetlight;
- installation of new fencing (once pathway is closed);
- all costs associated with the survey plan for pathway closure and issue of title, boundary adjustment and consolidation, and land transfer; and
- \$1,000.00 (excl GST) paid to Council for the land component.

The cost to Council would be:

- application to the Land and Property Management Authority (Department of Lands) to close the pathway (\$767);
- advertising and erection of temporary pathway closure signs; and
- temporary fencing until the Land and Property Management Authority approves and gazettes the closure.

Each party is to pay its own legal costs.

The current timeframe for the Land and Property Management Authority to close a public road is three years. Due to the community's safety concerns, a request will be made to the Department to treat this application with urgency. Until the application is determined, the pathway may be temporarily closed with appropriate signage and temporary fencing.

Comments

Financial Services

The net cost to close this pathway is estimated at \$1,000. These costs will be funded from within the existing budget.

Other staff comments

Crime Prevention Officer

Council's Crime Prevention Officer supports the proposed closure of the pathway between Milgate Close and Phillip Street, Goonellabah. This pathway does not meet basic crime prevention through 'Environmental Design Principles' and the high crime statistics and anti-social behaviour exhibited in the area confirm this concern.

Senior Strategic Planner

No objection to this proposal.

Manager – Works

The proposal to close the pathway between Milgate Close and Phillip Street is strongly supported from the Works Section.

Public consultation

The following consultation with the community was conducted:

- advertisement in *The Northern Rivers Echo*, 3 September 2009;
- 180 letters sent to residents and landowners in the vicinity of the pathway;
- public notices were displayed at many locations in Goonellabah; and
- signs were erected at both ends of the pathway notifying the proposed closure.

Submissions closed on 17 September 2009.

A total of 20 submissions were received. Nineteen (nine by telephone and ten written), were received supporting the pathway closure; and one written submission was received opposing the closure.

Councillors may view the submissions by contacting Council staff.

Conclusion

Ongoing unlawful and anti-social activities occurring along or near the pathway have been reported to the police for a number of years. The removal of the pathway will reduce the number of areas available for unlawful or inappropriate behaviour. The closure is supported by the residents, police and the owner of the adjoining four properties.

Residents have expressed their wish for the pathway to be closed as soon as possible.

Recommendation (IS60)

That:

1. That an 'Application to Close a Public Road' be completed and forwarded to the Land and Property Management Authority for the pathway between Milgate Close and Phillip Street, Goonellabah.
2. Council request the Land and Property Management Authority to treat the application with urgency.
3. The Department of Housing to pay for:
 - (a) removal of infrastructure on the pathway, ie, concrete stairway and electricity pole with streetlight;
 - (b) installation of new fencing (once pathway is closed);
 - (c) all costs associated with the survey plan for pathway closure and issue of title, boundary adjustment and consolidation, and land transfer; and
 - (d) \$1,000.00 (excl GST) paid to Council for the land component.

4. Lismore City Council to contribute by way of:
 - (a) application to the Land and Property Management Authority to close the pathway;
 - (b) advertising and erection of temporary pathway closure signs; and
 - (c) temporary fencing until the Land and Property Management Authority approves and gazettes the closure.

5. The Mayor and General Manager be authorised to sign and seal the survey plan, contract for the sale of land, transfer documents and any other related document to effect this resolution.

Report

Subject	Rochdale Theatre
Record No.	P583-02:ED09/16075
Prepared by	Manager - Assets
Reason	The Lismore Theatre Company's lease of their premises has expired and under the terms of Council's Policy for Leasing of Council Properties, Council must determine their request for a subsidised rental.
Objective	To have the terms of a new lease to the Rochdale Theatre Company agreed by Council prior to the preparation of necessary documentation.
Strategic Plan Link	Best-Practice Corporate Governance
Management Plan Project	Asset Management

Overview of Report

This report outlines the current situation regarding negotiations with the Lismore Theatre Company for a new lease over the Rochdale Theatre. The report recommends continuation of the current lease arrangements whilst exploring the possibility of selling the premises.

Background

The Lismore Theatre Company (LTC) have been long term tenants of Council in the building known as the Rochdale Theatre at the corner of Jubilee Avenue and Ballina Road, Goonellabah. In the time that they have occupied the building, LTC have made some changes and improvements to the building to suit their needs. These include the construction of an addition at the rear of the building for costume storage, various fit out items including sound and lighting systems to suit their requirements, external landscaping and construction of a concrete pathway to the rear of the building to provide access to the accessible toilets and installation of a kitchen facility. Some of this work was undertaken with funds provided by Council.

The previous lease expired in December 2003 and several attempts have been made, both by Council and LTC, at having a new lease put in place since that time. One of the features of the previous lease was that LTC paid a reduced rental (compared to market value) based on a condition that required they undertake some maintenance of the building. In discussions with Council since the previous lease expired, LTC has expressed a preference for Council to take over the building maintenance, in return for paying an increased rental. LTC have also proposed to relinquish any entitlement/ ownership they may have of the improvements made to the building. LTC has not paid any rental since 1 July 2007, following a Council resolution to waive their rental for one year. The rental due since 1 July 2008 has not been paid as LTC are awaiting Council's decision on the matter before paying the appropriate outstanding amount.

During the course of negotiations and discussions on a new lease, LTC had sought to maintain or further reduce their rental on the basis of being a not for profit and/or "community oriented" organisation whilst also transferring responsibility for maintenance of the building to Council. This has also contributed to delays in the process. Council at its November 2008 meeting adopted a new policy regarding the leasing of Council properties and it sets out a method by which Council will determine the amount of subsidy, if any, to be provided to organisations that seek a subsidy on their rental.

LTC has advised that they are prepared to pay a rental of \$12,000 per annum, with a 50% subsidy from Council, i.e. pay Council \$6,000 per annum or \$500 per month. The rental currently paid to Council by LTC is \$5070.72 per annum or \$422.56 per month. Council has had a valuation undertaken which indicates a potential rental return of \$13,520 per annum or \$1,126.67 per month.

An issue for Council to consider is the condition of the building. One of the reasons that LTC do not wish to be responsible for maintenance of the building is that they cannot afford it and there are a number of pressing issues that need attention. Most notably the costume storage room at the rear of the building has been damaged by water ingress and this is due to a leaking roof and failed guttering as a result of poor maintenance over the years. There is rising damp in sections of the building, the fire safety protection systems need to be upgraded and the electrical switchboard and some of the wiring needs to be upgraded to deal with regular power outages. It is estimated that these works would cost approximately \$30,000 although detailed assessment has not yet been undertaken. In regard to the damaged costume storage room, LTC are currently renting other facilities to store their costumes.

In general terms the offer to pay a rental that is only marginally increased from what was paid previously, in return for Council being responsible for all ongoing maintenance of the building, including rectification of the current issues with the building, is not seen as reasonable. If Council is to be responsible for building maintenance, the rental charged should be the full commercial rate.

Council had considered the future of the building on a previous occasion when determining whether to lease the building to the LTC. At the ordinary Council meeting held on 27 October 1998, Council considered the preparation of a new lease with LTC for the Rochdale Theatre. Council resolved, inter alia, that:

“Council retains ownership of Rochdale Hall, for as long as it can provide a public facility to the Goonellabah Community, at a “break-even” financial position. Should this situation change, (at whatever point in time), then an investigation into the possible sale be undertaken forthwith.”

Given the proposed rental amount from the LTC, the cost of the required repairs and upgrades to the building, and the regular outgoings such as rates and charges, it is considered reasonable for Council to now consider disposing of the building. A preliminary approach has been made to representatives of the LTC and they have indicated an interest in exploring this option further.

A potential sale of the building would need to be conducted through an open and transparent process. Clearly the LTC could not be guaranteed of success in such a process. In addition, the issue of ownership of the improvements to the building that LTC has funded (as opposed to those undertaken with funds provided previously by Council), would need to be resolved, should Council determine to sell the property to another party. Council would also need to determine the rental amount owing since 1 July 2008.

One matter that will need to be further investigated and clarified regardless of how Council chooses to proceed is the contents of a caveat on the title of the property. The land was gazetted to Council as a public reserve and there are restrictions on the title of the land which refer to requirements under the Local Government Act 1919 and it is not clear whether these would still apply. Liaison with the Land Titles Office and legal advice will be required to determine how these restrictions apply, if at all, to the current property.

These investigations will need to be completed prior to any decision to sell the property.

Comments

Financial Services

The Rochdale Theatre has been used by the Lismore Theatre Company Inc. (LTC) for many years. Their tenancy can be considered one of exclusive use as the facility and inclusions have been adapted to suit LTC's requirements. The indications are that LTC is looking to extend this arrangement into the foreseeable future.

The recommendations are supported as based on the information and costing within the report, it is unlikely that the facility will ever achieve a break-even position from Council's perspective. That being the case, Council will need to realistically address the shortfall between revenue raised, and the ongoing maintenance and upgrading works required by this facility. Given the limited discretionary funding in the Budget and many competing priorities, this is becoming an increasingly difficult task.

Other staff comments

Not required.

Public consultation

Not applicable.

Conclusion

Council now has two potential courses of action to consider in regard to the Rochdale Theatre building. These are:

1. Agree to a new lease of the premises for the LTC with the request for a rental subsidy to be determined by Council. If this option was chosen, Council would also need to address the issue of funding to undertake the necessary repairs and upgrades to the building.
2. Determine to explore the option of disposing of the property.

In view of the resolution of Council of 27 October 1998, the current condition of the building, and the inability of LTC to pay market rental for the building, it is considered that the preferred option for Council is Option 2 – i.e. to explore the option of disposing of the property.

It is considered appropriate for LTC to continue on the terms of the previous lease whilst Council investigates this option. In regard to the payment of outstanding rent, this should be paid to Council at the rate required under the terms of the previous lease, with Council to spend the money on the necessary repairs and statutory upgrades required to the building on a priority basis as funding permits.

Recommendation (IS62)

That:

1. Given Council's decision of 27 October 1998, the rental offer made by the Lismore Theatre Company to continue occupying the building known as the Rochdale Theatre and the cost of required repairs and upgrades, Council explore the option of disposing of the building.
2. Council undertake the necessary investigations into the restrictions on the title of the property, and in the event that these can be resolved satisfactorily, conduct an expression of interest process for sale of the property with the results to be reported back to Council before a final decision is made.
3. Council determine that the rental to be paid on the premises by the Lismore Theatre Company from 1 July 2008 until such time as Council determines the future of the building be \$5,070.72 per

annum or \$422.56 per month, indexed by CPI on 1 July each year, being the rental amount calculated under the terms of the previous lease on the understanding that the lease conditions pertaining to maintenance of the premises are observed.

4. All rental collected from the Lismore Theatre Company in the period until Council determines the future of the building be used to fund repairs and maintenance to the building on the following priority basis:
 - A. Repairs to prevent water ingress to the rear of the building,
 - B. Electrical wiring upgrade,
 - C. Statutory upgrades to the fire services in the building.
5. In the event that Council determines not to dispose of the building the terms of any future lease be negotiated at that time.

Report

Subject	Shelter for the Homeless
File No	EF09/101:ED09/15974
Prepared by	Acting Community Services Coordinator
Reason	To advise Council of community feed back received from the public advertisement of Council's intention to provide financial support to the Lismore Soup Kitchen Incorporated's purchase of the Winsome Hotel.
Objective	To sign off on the allocation of Council and grant funding to the Lismore Soup Kitchen Incorporated to assist with the purchase of the Winsome Hotel.
Strategic Plan Link	Social Inclusion and Participation
Management Plan Project	Community Services

Overview of Report

The report provides a summary of feedback received from the community on the proposal that Council provides support to apply \$100,000 from the 2009/10 Budget towards the purchase of the Winsome Hotel by the Lismore Soup Kitchen Incorporated for a Homeless Shelter.

Background

At Lismore City Council's Ordinary Meeting on September 8, 2009 it was resolved:

156/09 **RESOLVED:**

1. *That Council provides in-principle support to the proposal to apply \$100,000 from the 2009/10 Budget towards the purchase of the Winsome Hotel by the Lismore Soup Kitchen Incorporated for a Homeless Shelter.*
2. *The proposal be advertised for 28 days and be brought back to Council for a final determination.*
3. *An agreement be prepared between Lismore Soup Kitchen Incorporated and Council where the Council's funds are to be returned if the premises are sold or if the Homeless Shelter is discontinued, within five years.*
4. *The agreement in 3. is to be secured by bank guarantee, mortgage or personal guarantee.*
5. *The Department of Families, Housing, Community Services and Indigenous Affairs be requested to amend the funding agreement so as to remove the 'not at risk of flood' condition and to better reflect the proposed service delivery model.*

6. *A separate service level agreement be prepared which sets out Council's, Lismore Soup Kitchen Incorporated and St Vincent De Paul Society commitment and responsibilities in regards to the provision of the Homeless Shelter, meeting the Department of Families, Housing, Community Services and Indigenous Affairs requirements, the lodgement of development application by December 2009 and any other condition deemed prudent.*
7. *That a detailed joint public statement be prepared between Lismore Council and the Lismore Soup Kitchen, and distributed to the local media, informing the community of the above development proposal and the community consultation processes involved.*

(Councillors Yarnall/Battista) (ED09/11446:EF09/101)

In accordance with Item 2 of the resolution of September 8, 2009 the proposal was advertised in The Northern Star Public Notices section on Saturday, September 12, 2009. Since that date, limited community feedback has been received by Council. One written submission in support of the proposal has been received from one resident of North Lismore. To date, eleven phone submissions have been received by Council's Acting Community Services Coordinator.

In summary, this feedback highlighted the following concerns:

1. All eleven residents identified their inability to access to timely community consultation processes as their major concern.
2. Five residents highlighted anticipated community safety issues for North Lismore community as concerns.
3. Three community members outlined strong opposition to the proposed development, the application of Council funds towards the purchase of the Winsome Hotel and also any allocation of funds from the Department of Families, Housing, Community Services and Indigenous Affairs.

The existing agreement with the Federal government is currently under negotiation to better reflect the current intentions of this development.

Comments

Financial Services

It is understood that financial settlement of this purchase is scheduled to occur immediately if Council support this request. To do so, this will require both Council's donation of \$100,000 and the Department of Families, Housing, Community Services and Indigenous Affairs' contribution to be remitted to the Lismore Soup Kitchen Incorporated as early as the day after this meeting.

This being the case, the following issues are raised:-

- *The agreement between Lismore Soup Kitchen Incorporated and Council where the Council's funds are to be returned if the premises are sold or if the Homeless Shelter is discontinued, within five years may not be finalised.*
- *It has been agreed by both parties that the above agreement is to be secured by a mortgage however it is unlikely to be in place at the time of settlement.*
- *Negotiations are continuing with the Department of Families, Housing, Community Services and Indigenous Affairs in regards to varying the funding agreement with Council and may not be finalised.*
- *A separate service level agreement be prepared which sets out Council's, Lismore Soup Kitchen Incorporated and St Vincent De Paul Society commitment and responsibilities in regards to the provision of the Homeless Shelter, meeting the Department of Families, Housing, Community Services and Indigenous Affairs requirements, the lodgement of development application by December 2009 and any other condition deemed prudent may not be finalised.*

If Council resolves to support the request, it needs to be acknowledged that not all financial issues will be finalised at this time.

Other staff comments

Not required.

Public consultation

At the time of writing this report the period of public exhibition had not closed. Should additional submissions be received during the remaining exhibition period, an additional summary of subsequent feedback will be provided with this report.

Conclusion

The advertisement of the proposed allocation of Council funds received limited direct feedback. The overwhelming focus of community members' concern was upon the very limited consultation which has been conducted within the community and, most significantly among North Lismore residents.

Recommendation

1. That Council authorise the transfer of \$100,000 from the 2009/10 Budget to Lismore Soup Kitchen Incorporated to assist with the purchase of the Winsome Hotel in order to establish a Homeless Shelter subject to the resolution 156/09 Items 3, 4, 5, 6 and 7.
2. That the \$200,000 from the Department of Families, Housing, Community Services & Indigenous Affairs be authorised for release by the General Manager, subject to written confirmation that the use of the funds is in accordance with the Department's requirements.

Report

Subject	Revision of Regional Demand Management Plan
File No.	RH:VLC; EF09/1697:ED09/15267
Prepared by	Strategic Engineer – Water and Wastewater
Reason	Development of a consistent regional approach for implementation of Demand Management initiatives.
Objective	To obtain a resolution of Council to adopt the <i>Regional Demand Management Plan 2009-2012</i> .
Strategic Plan Link	Integrated Water Cycle Management
Management Plan Project	Water Supply Services

Overview of Report

This report seeks a resolution of Council to formally adopt the *Regional Demand Management Plan 2009-2012*, which has recently been developed by Rous Water. The new Demand Management Plan replaces the former *Regional Demand Management Plan 2004 – 2009*. Revision of this plan has been undertaken by Rous Water in consultation with constituent councils and the Regional Demand Management Steering Committee.

Background

Over the past six months Rous Water has been undertaking a review of the Regional Demand Management Plan. This review has been undertaken in consultation with constituent councils and the Regional Demand Management Steering Committee. The new Regional Demand Management Plan was adopted by Rous Water on 20 July 2009. In accordance with a resolution made at this time, Rous Water has written to all constituent councils requesting that they formally adopt the new *Regional Demand Management Plan 2009 – 2012*.

Key points of the new plan are:

- The plan proposes the introduction of new Permanent Water Saving Measures (PWSM); a regime of voluntary water conservation measures which residents are to be encouraged to adopt on a permanent basis.
- The proposed PWSM listed do not include 'Odds 'n Evens'. This issue was the subject of a report considered by Lismore City Council at its meeting of 9 June 2009. At this time Lismore City Council resolved to request Rous Water to include the Odds 'n Evens program in its suite of Permanent Water Saving Measures. However, despite repeated requests from Lismore City Council, Rous Water has not included Odds 'n Evens within the new PWSM.
- The new Demand Management Plan incorporates the consumption limit of 200 kL/residence/annum imposed by the Wilsons River Source licence and refers to the corresponding provisions within the Service Level Agreement with constituent councils to ensure this target is met.
- Rous Water is currently developing a new Residential Home Retrofit Program and is hoping this will recommence in the near future.
- Rous Water rainwater tank rebate to be continued.
- Rous Water dual flush toilet rebate to be continued.

- Rous Water rebate for purchase of water efficient washing machines not to be continued (State Government currently offering rebate).
- Outdoor Water Efficiency Program not to be continued. This includes the Water Saving Garden Packs, the garden mulch rebate and sponsorship of water wise garden competitions. The plan concludes that these measures are not cost effective. Mulch rebates, in particular, were concluded to be far less cost effective than any other demand management program. Water saving garden packs may be reintroduced if additional funds become available.
- No introduction of new rebates for a range of water saving devices. The situation will be reviewed should additional funds become available.
- No introduction of a rebate for grey water treatment systems (State Government currently offering rebate).
- Revised non-residential assistance program to continue.
- Reclaimed water reuse assistance program to be incorporated within revised non-residential assistance program.
- Funding for water loss reduction programs undertaken by constituent councils will not be introduced. The situation will be reviewed should additional funds become available.
- Existing education programs to be continued.

Apart from the ongoing issue with respect to the inclusion/exclusion of Odds 'n Evens within the PWSM, the remaining provisions of the plan are considered to have merit and warrant support from Lismore City Council.

In the past Lismore City Council has entered into an arrangement with Rous Water that enables rebates, which apply to customers connected to the regional water supply, to be extended to customers in Nimbin. Under this arrangement Rous Water initially pays the rebate to customers and then seeks reimbursement of this rebate from Lismore City Council. An agreement has been made with Rous Water for this arrangement to continue.

Comments

Financial Services

Council has allocated \$150,000 in the 2009/10 Budget for Demand Management. This is an increase of \$50,000 from 2008/09. It is anticipated that this will be sufficient to fund both regional and local initiatives.

Other staff comments

Incorporated into body of report.

Public consultation

Revision of the Regional Demand Management Plan, and the associated implementation of Permanent Water Saving Measures, has been the subject of an extensive public consultation program undertaken by Rous Water. Rous Water is planning to commence promotion of the new Permanent Water Saving Measures in the near future.

In recognition of the investment already made and the high public awareness level Lismore City Council has developed an appropriate message regarding the continued operation of Odds 'n Evens within the Lismore local government area. This will complement the campaign to be undertaken by Rous Water promoting the new Permanent Water Saving Measures.

Council staff have organised a new promotion in regards to Odds 'n' Evens based on the new Rous Water permanent water saving measures. A flyer has been prepared to go to all Lismore water customers through the next round of water accounts and the Council website has been updated.

Conclusion

Putting aside the difference of opinion regarding exclusion of Odds 'n Evens from the proposed new Permanent Water Saving Measures, the remainder of the plan is considered sound and provides the basis for a consistent approach to Demand Management across the region.

Adoption of the new Regional Demand Management Plan in no way precludes Lismore City Council from continuing to promote the continued use of Odds 'n Evens within the Lismore local government area.

Recommendation (IS55)

That Council adopt and support the *Regional Demand Management Plan 2009 – 2012* and acknowledge the enhancement value of continuing the Odds 'n' Evens program in the Lismore local government area.

Report to Council

Subject	Lismore Business Promotion Panel
File No	EF09/1902:ED09/16092
Prepared by	Executive Director - Sustainable Development
Reason	To gain Council endorsement of the composition of the Lismore Business Promotion Panel
Objective	Council to take a proactive role in the management and administration of Special Business Rate Variation Levy (SBRVL) funding.
Strategic Plan Link	Revitalise the CBD
Management Plan Activity	Sustainable Economic Growth and Development

Overview of Report

This report seeks Council endorsement of the composition of the new Lismore Business Promotion Panel (LBPP), which is to replace the former Special Business Rate Variation Levy (SBRVL) Advisory Group. At its final meeting in July 2009, the 14 member SBRVL Advisory Group recommended that the numbers on the group be halved. This was endorsed by Council at its meeting of August 11, 2009. The make up of the new eight member LBPP is to include four automatic representatives as follows:

- Executive Director – Sustainable Development (non-voting Chair)
- Lismore City Councillor (EDPAG Chair)
- Representative of the Lismore Chamber of Commerce
- Representative from Lismore Shopping Square and
- An additional four representatives from the business community who financially contribute to the fund chosen from the submitted nominations.

The purpose of the LBPP is to provide support, direction and guidance for the Lismore Promotion Program within the parameters of the recently approved City Centre Management Business Plan 2009-2010.

Background

The Special Business Rate Variation Levy (SBRVL) *Lismore Promotion Program* has been levied annually as part of the Council rates on all business properties in the Lismore Urban Area since July 1, 1998.

At its inception, the stated purpose of the *Lismore Promotion Program* was to “Promote Lismore in a positive manner, which reinforces its position as the regional centre of the Far North Coast of NSW.” The overarching aim of the *Lismore Promotion Program* is to re-invigorate the city’s status as a great place to visit, shop, do business, live, work and play.

In 2009/10 there are 1,089 rated property owners and an estimated 2,987 registered businesses in the Lismore Urban Area, directly and indirectly contributing to the \$202,700 comprising the Promotion Fund of the SBRVL.

The Council at its August 2009 meeting resolved to make the CBD the focus of the fund for the 2009/10 year by adopting the City Centre Management Business Plan. At the same meeting Council endorsed the SBRVL Advisory Group's recommendation that this group's membership be significantly reduced and made up of an 8 member LBPP as outlined in the 'Overview of the Report' section above.

All registered businesses and property owners in the Lismore Urban Area contributing to the Lismore Promotion Program were sent forms inviting them to nominate for a position on the newly formed Lismore Business Promotion Panel (LBPP). This resulted in 15 nominations being received by the closing date for nominations (September 18, 2009). The nominations are listed below:

Nominations received for *Lismore Business Promotion Panel*

	Name	Company	Industry Sector	Geographic Location of the Business	Business or Property Owner
1.	Michael Timbrell	Lismore Turf Club Ltd	Cultural and Recreational Services	Outer CBD	Business
2.	Craig Howlett	Westpac Bank, Lismore	Finance and Insurance	Inner CBD	Business
3.	Bill Sheaffe	Caddies Coffee Co	Accommodation, Cafes & Restaurants	Inner CBD	Business
4.	Jon Paterson	The New Camera House	Retail Trade	Inner CBD	Property & Business
5.	Michael Haddin*	Chandlers	Retail Trade	Inner CBD	Business
6.	Geoffrey Gooch**	Lismore Shopping Square	Retail Trade	Outer CBD	Business
7.	James Clarke-Williams	Goonellabah Veterinary Hospital	Other – Veterinarian	Outer CBD	Business
8.	Kaylene Hopf	Harvey World Travel	Retail Trade	Inner CBD	Business
9.	Helen Nott	Pepper Tree Kitchen	Retail Trade/ Accommodation, Cafes and Restaurants	Inner CBD	Property & Business
10.	Daniel Owen	Lismore Private Hospital	Health and Community Services	Outer CBD	Business
11.	Jim Pryce	Complete Business Services	Personal and other Services	Inner CBD	Business
12.	Sharnette Josephs	Biztax Services Pty. Ltd	Property and Business Services	Inner CBD	Business
13.	Robyn Reardon	Shop 4 Star Court Arcade	Health and Aged Care Service Management/Retail	Inner CBD	Property Owner
14.	Sana Hosseini	Aussie Home Loans NR	Finance	Inner CBD	Business
15.	Barry Robinson	Rosada Pty Ltd	Property & Business Services	Lismore - various	Property & Business

* Michael Haddin may be the Lismore Chamber of Commerce (LCOC) representative as the President.

** Denotes automatic inclusion in the LBPP namely the Lismore Shopping Square Representation.

Criteria for selection:

Each Nomination was assessed using the following criteria:

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

Listed below are the recommended four business members to make up the LBPP

	Name	Interest in the initiative and strengths to be brought to the process
1	Michael Trimbrell	<ul style="list-style-type: none"> • Member of the original SBRVL Advisory Group and proponent of the new Lismore Business Promotion Panel • Effective representative of the Lismore businesses situated outside the CBD which are valued contributors to the SBRVL • Direct experience in relation to tourism, promotion and event management • Organiser of one of Lismore's annual premier events - the Lismore Cup.
2	Craig Howlett	<ul style="list-style-type: none"> • Former Westpac Regional Manager Home Finance for Northern NSW and now Westpac Bank Manager, Lismore with 20 years finance industry experience • Extensive small business experience including running a successful motel in Port Macquarie, managing a hospital, and Human Resource management • Willing to play an active role in the business community, and utilise his combination of skills, knowledge and corporate background to assist economic growth in Lismore • Keen understanding of the challenges facing small business.
3	Bill Sheaffe	<ul style="list-style-type: none"> • Member of the amalgamated group that saw the introduction of the Special Rate in 1998 • Owned and operated several businesses in Lismore's CBD since 1975 • Member of several Lismore City Council citizen based committees • Highly-developed knowledge of Town Centre Management and city centre renewal strategies throughout Australia and world wide.
4	Helen Nott	<ul style="list-style-type: none"> • An experienced and successful small business operator in the City Centre • Has owned and managed Pepper Tree Kitchen for 18 years, and two years ago purchased new business premises in Magellan Street • Operated a successful pharmacy for 13 years in Narrabri prior to moving to Lismore • Consistently active in every initiative aimed at promoting Lismore and the CBD.

Comments

Financial Service

Not required.

Program Manager

Not required.

Other comments

Stephen Nelson the City Centre Manager has reviewed the nominations and supports the four persons nominated for the LBPP.

Conclusion

The proposed LBPP is a workable size for a responsive and well functioning committee. All recommended representatives bring a good mix of skills and knowledge required to assist the City Centre Manager achieve the vision and objectives outlined in the Lismore City Council adopted ***Lismore Promotion Program Business Plan 2009 – 2010.***

Recommendations

That Council appoint the following nominees to the Lismore Business Promotion Panel (LBPP) with the term of appointment to be up to three months following the next general Local Government election:

1. Michael Trimbrell
2. Craig Howlett.
3. Bill Sheaffe
4. Helen Nott

Report

Subject	Urban and Rural Sports Facilities Fund
File No	EF09/1850:ED09/15961
Prepared by	Community Services Officer (Sport and Recreation)
Reason	Annual recommendations for fund allocations from the Urban Sports Facilities Fund and the Rural Sports Facilities Fund.
Objective	Approval of recommendations for urban and rural sports facilities funding passed at a special meeting of the Sports and Recreation Policy Advisory Group.
Strategic Plan Link	Improve Passive and Active Recreational Facilities
Management Plan Project	Community Services

Overview of Report

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

Background

In the 2009/10 budget a sum of \$149,500 was allocated to the Urban Sports Facilities Fund and \$24,100 to the Rural Sports Facilities Fund to assist sports ground users and recreation facility providers with the development of local sports facilities. To commence the process an advertisement was placed in the Echo seeking submissions from interested parties. Eleven applications were received for funding from the Urban Fund and two for funding from the Rural Fund. The submissions were assessed in the first instance by staff from both the Parks and Community Services sections.

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

Urban Sports Facilities Fund	\$
Balance carried forward	36,000
Plus: 2009/10 Budget	149,500
Sub-Total Funds Available	185,500
<i>Less: Already Committed</i>	
• <i>South Lismore Soccer Club</i>	<i>20,000</i>
• <i>Lismore Little Athletics</i>	<i>13,500</i>
Balance Available	152,000

Rural Sports Facilities Fund	\$
Balance carried forward	45,800
Plus: 2009/10 Budget	24,100
Sub-Total Funds Available	69,900
<i>Less: Already Committed</i>	
• <i>Nimbin Demons Australian Rules Club</i>	<i>5,800</i>
Balance Available	64,100

The unexpended funds as shown in green above are for projects previously approved through the Urban Sports Facilities Fund process. These amounts are a carry over into this current budget.

Applications were received from the following organisations:

Urban Sports Facilities Fund (USFF)

Club Name	Project description	Total cost of project	Value of grant
Football Far North Coast	Development of 2 nd football pitch @ Riverview Park	\$40,000	\$20,000
Northern Rivers Kart Club Inc	Bitumen for widening & re-surfacing of Lismore Go-Kart Track	\$206,500	\$32,000
Lismore City Council Parks and Recreation	Nesbitt Park Redevelopment – Half Basketball Court	\$35,000	\$10,000
Lismore City Council Parks and Recreation	Nesbitt Park Redevelopment – Jogging Track	\$30,000	\$30,000
Lismore Old Boys Rugby League Football Club Inc	Lighting For Jolley Filed & Heaps Oval	\$19,820	\$19,820
Lismore Swans Australian Football Inc	Lismore Swans Lighting project 2	\$51,950	\$15,000
Lismore Tennis Club Inc	Lismore Tennis Club Court Re-Surfacing Courts 7 -12	\$39,495	\$25,000
Northern Rivers Radio Controlled Model Club	Nesbitt Park Tennis Fencing	\$7,575	\$7,575
Goonellabah Tennis Club Inc	Construction of Shade Shelter	\$25,260	\$16,760
Lismore Basketball	Four new backboards and the removal of existing ones	\$59,775	\$27,313
Goonellabah Sport and Aquatic Centre	Construction of shade areas near Leisure Pool	\$20,000	\$20,000
TOTALS		\$535,375	\$223,468

Rural Sports Facilities Fund (RSFF)

Club Name	Project Description	Total cost of project	Value of grant
Dunoon & District Sports & Recreation Club	Balzer Oval Earthworks & Floodlighting	\$70,000	\$20,000
Tullera Tennis Club Inc	Renovation of Tullera Tennis Courts	\$20,790	\$20,790
TOTALS		\$90,790	\$40,790

The Sport and Recreation Policy Advisory Group met on September 16, 2009 to review the applications. The following issues required discussion with respect to the current funding guidelines and eligibility

criteria.

Football Far North Coast (FFNC)

The application from FFNC had been submitted by a third party without the prior approval of FFNC. The application was subsequently withdrawn.

Council Owned Land

Two (2) submissions were outside the current guidelines with respect to land ownership. The submissions were from the Northern Rivers Kart Club and the Basketball Club. The previous Council had determined that only facilities on Council owned land were eligible for funding with respect to the USFF and RSFF grant schemes.

The PAG resolved that the submissions from the applicants with facilities on land not owned by Council be excluded from consideration.

Goonellabah Sport and Aquatic Centre (GSAC)

The PAG believed the GSAC submission was not within the philosophy of the intention of the funding program and resolved that the GSAC submission not be accepted. The PAG considered that such an application should be considered by Council when undertaking its budget allocation for GSAC.

Goonellabah Tennis Club

The PAG discussed whether the application from the Goonellabah Tennis Club for a shade structure beside their courts fell within the current guidelines. It was agreed that the structure would form an integral part of their sports facility.

Other Eligibility Issues

The PAG discussed the viability of projects that depend on other funding with particular focus on the application from the Swans AFC. The PAG meeting was advised by a club representative that extra funding had been sought from AFL Queensland and the Federal Government. The funding from the AFL was in place but also dependant on the other funding applications being successful. It was decided to recommend that, where a submission is successful but the project was dependant on funding from another source, the grant would be withdrawn if the other funding applications were not successful and the project was no longer viable.

Comments

Financial Services

The 2009/10 Budget includes amounts of \$149,500 for the Urban Sports Facilities Fund and \$24,100 for the Rural Sports Facilities Fund. In addition, there is \$36,000 and \$45,800 held in reserves as at June 30, 2009 for these purposes.

As such, there is sufficient funding available to meet the recommendations.

Other staff comments

Parks and Recreation

Parks and Recreation staff are fully supportive of the recommendations of this report. All applicants are worthy of the grant contributions that aim to improve recreation experiences within the Lismore Local Government Area.

Public consultation

Advertisements were placed in The Echo for both grant schemes. Eleven applications were received for funding from the Urban Sports Facilities program, including two (2) submissions from Council's Parks and Recreation section; and two (2) applications were received for funding from the Rural Sports Facilities program.

A significant amount of interest was generated by this process and numerous meetings and telephone conversations were held with interested parties. All applicants were invited to the Sport and Recreation Policy Advisory Group Meeting and most did attend.

Conclusion

The Sport and Recreation Policy Advisory Group is recommending a number of facility improvements across a range of sporting and recreational activities around the City. Whilst the lighting of sporting fields continues to be a priority, the sports field lighting strategy pursued by the PAG is nearing its conclusion after significant improvements have been made to a large number of fields in the last three or four years. There is a continued emphasis on improving Nesbitt Park and the PAG is recommending some funding to commence Stage Two of the Master Plan.

The recommendations also include improving facilities at two of Lismore's Tennis Clubs, an area that has not been funded in recent times.

It is worth noting that in recent times the funding through the Urban Sports Facilities and Rural Sports Facilities program has on average provided around 50% of the total value of improvements to Council owned facilities, with the remainder coming from either the State Government or from local clubs.

The PAG is recommending that **\$124,155** be allocated in grants from the Urban Sports Facilities Fund and **\$40,790** in grants be allocated from the Rural Sports Facilities Fund.

Recommendation

That Council:

1. allocate funds from the Urban Sports Facilities Fund and the Rural Sports Facilities Fund for the amounts and projects and to the organisations listed in the table below:

Urban Sports Facilities Fund		
Club	Project	Grant
Goonellabah Tennis Club	Assist with construction of a shade shelter at the Goonellabah Tennis Club courts	\$16,760
Lismore City Council's Parks and Recreation Section	Assist with construction of a half basketball court at Nesbitt Park	\$10,000
Lismore City Council's Parks and Recreation Section	Commence Stage 2 of the Nesbitt Park project with the construction of a 1km jogging track in the Park	\$30,000
Lismore Old Boys Rugby League Club	Quality lighting for Jolley Field and Heaps Oval for training	\$19,820
Lismore Tennis Club	Assist with the resurfacing of courts 7 – 12 at the Lismore Tennis Club courts	\$25,000
Northern Rivers Radio Controlled Car Club	Assist with the erection of new fencing at the Club's facility at Nesbitt Park.	\$7,575

Rural Sports Facilities Fund		
Dunoon & District Sports & Recreation Club	Assist with earthworks and floodlighting as part of an extension of the sporting field at Balzer Oval	\$20,000
Tullera Tennis Club	Assist with the renovations of the Tullera Tennis Club's tennis court	\$20,790

2. allocate a grant of **\$15,000** to the Swans AFL Club to assist with the finalisation of the lighting project for Mortimer Oval, subject to confirmation of funding from the AFL Queensland (\$15,000) and the Federal Government (\$26,000).
3. advise the Northern Rivers Kart Club and Lismore Basketball that their submissions for grant allocations were not considered on the grounds that their facilities are not on Council owned land as per Council's funding Guidelines.
4. not support the submission from Goonellabah Sports and Aquatic Centre on the grounds that such a submission is outside the intent of the funding program.

Report

Subject	Joint Regional Planning Panel
File No	EF09/825:ED09/16149
Prepared by	Executive Director - Sustainable Development
Reason	There is a need for Council to reconsider its representation on the Joint Regional Planning Panel (JRPP) in consideration of the yet to be lodged Olley development application given the adopted JRPP member code of conduct.
Objective	For Council to reconsider its JRPP representation on the JRPP for the Olley DA consideration.
Strategic Plan Link	Best-Practice Corporate Governance
Management Plan Project	Margaret Olley Arts Centre – planning and design elements

Overview of Report

This report recommends that the nominated Council members of the Joint Regional Planning Panel (JRPP) not participate in the determination of The Margaret Olley Arts Centre Development Application given the Code of Conduct for the JRPP. The report also recommends amending the title of the alternate Council member due to the restructure.

Background

Council at its June 9, 2009 meeting resolved in respect of Council members on the JRPP the following:

1. *Council nominate the Mayor and Executive Director of Development and Governance as its delegates to the Joint Regional Planning Panel.*
2. *Council nominate the Manager of Planning Services as the alternate delegate.*
3. *Council write to the Minister for Planning supporting the Local Government and Shires Association request for the Minister to provide guidelines for the operation of the panels including information on conflicts of interests.*

The proposed Olley Art Gallery ('the Olley') Development Application (DA) will be referred to the JRPP because it is a Council development of more than \$5 million in value. The Mayor and Executive Director - Sustainable Development recently attended a JRPP member training session where the example of the Olley Art Gallery DA was raised in terms of the potential conflict of interest under the Code of Conduct. Both the Mayor and Executive Director – Sustainable Development have had previous involvement in the Olley Art Gallery proposal including the recent Olley master planning session.

An important test of the JRPP's Code of Conduct is could a reasonable person believe that Council's JRPP members previous involvement in the Olley could compromise their perceived impartiality? It is considered that someone could make that conclusion. It is therefore better for Council's JRPP members not to be involved in the determination of the Olley Art Gallery DA. An advantage of this approach is that both the Mayor and the Executive Director – Sustainable Development can be fully involved in developing the Olley Art Gallery proposal without restriction.

The question arises should Council replace its sitting members for this DA? Firstly the alternate member namely the Manager Planning Services no longer works for Lismore City Council (it is proposed to change the title of that role in line with the restructure). Both Councillors and other senior staff would have the same perceived conflict of interest or would fail to meet the specialist knowledge criteria. Therefore an external person would be the option for Council to consider if it wanted to go down that route. It is considered that Council does not need to replace its members for two reasons:

1. Council has a very robust policy framework in respect of the cultural precinct that takes into account local objectives and interests. There is a significant section with the Local Environment Plan (LEP) and Chapter 3, Part B of the Development Control Plan (DCP) in respect of the master plan for the cultural precinct. Council recently reviewed the location of the Olley in that master plan and as a result it was confirmed that it was very robust. The JRPP when considering the Olley Art Gallery DA will therefore have the master plan as a key consideration in determining the application. In that respect, Council can take some comfort that 'local interests' will be at the centre of deliberations by the JRPP without the need for local members.
2. Council can take comfort that the members of the State appointed members of the Northern Region JRPP are of an extremely high calibre. The members of the Northern Region Regional Panel are as follows:

Garry West (Chair) - Garry West is a former member of the NSW Parliament (1976-1996) and held various Ministerial portfolios including the Tourism, Lands and Forests, Conservation and Land Management, Energy, Police and Emergency Services. Retiring in 1996, Garry now provides strategic advice to a number of clients. He has been instrumental in conducting the State's Inquiry into rural land. Garry holds a number of positions on various regional Livestock Health Pest Authority Committees and is active in the community.

Pamela Westing - Pamela Westing brings more than 25 years of experience in planning and Local Government in NSW. Currently running her own town planning and business management consultancy, Pamela's Local Government experience includes five years as General Manager, Byron Shire Council, plus roles with Port Stephens Council and Eurobodalla Shire Council in a variety of planning, development and environmental roles.

A resident of the NSW North Coast, Pamela holds a Master of City and Regional Planning and a Bachelor of Arts in Political Science (Hons) from the University of California, Berkeley and is a fellow of the Planning Institute of Australia.

John Griffin - John Griffin has 34 years of experience working for State and Local Governments, culminating in 15 years as General Manager of Tweed Shire Council. John's previous roles included Chief Operating Officer of the Northern Territory Electricity Commission and senior roles with the State Electricity Commission of Victoria.

A resident of Tweed Heads, John holds a Bachelor of Engineering (Mechanical), Diplomas in Mechanical and Electrical Engineering, a Master of Engineering, a Doctorate of Management and is Fellow of the Institute of Company Directors and the Institute of Management.

Alternative Member, Bruce Clarke - Bruce Clarke is a lawyer and has extensive experience as an advisor to Local and State Government and the private sector and is a Director of Ally Group, a private consultancy. During a career which included Directorships with Price Waterhouse Coopers and Ernst & Young, Bruce developed particular expertise in the area of Public Private Partnerships and has advised State Government Ministers and the private sector on a range of high profile infrastructure projects.

A resident of Byron Shire, Bruce is a practicing Barrister and Solicitor of the ACT Supreme Court and a Solicitor of the NSW Supreme Court and continues to practice.

Comments

Financial Services

Not required.

Other staff comments

Not required.

Public consultation

Not required.

Conclusion

That the Mayor and the Executive Director - Sustainable Development not sit on the JRPP for consideration of the Olley Art Gallery DA given the Code of Conduct for JRPP members. It is further recommended that Council does not need to appoint any Council members for consideration of this DA particularly given that Council's planning principles and intentions for the cultural precinct including the Olley are embedded in our LEP and a specific chapter of the DCP, both aspects being integral to the determination process of the Joint Regional Planning Panel.

Recommendation

That Council:

1. agree that Council nominated members of the Joint Regional Planning Panel not sit on the Joint Regional Planning Panel for consideration of the proposed Olley Art Gallery Development Application.
2. endorse the nomination of the alternate member on the Joint Regional Planning Panel to be the Manager Integrated Planning.

Background

Council has received an application from the owner of Lot 1 DP 122297 and Lot 1 DP 122288 for the closure of Redcotes Road, Nimbin (marked red on aerial photo above). The segment of road is approximately 550m long and 1.06ha in area. The location is 950m north of Nimbin - runs in an east-west direction off Crofton Road, 80m north of the Blue Knob Road intersection.

The applicant has requested closure of the road to facilitate a proposed rural subdivision of the applicant's land. The lots adjoining the road are zoned 1(a) General Rural Zone and 1(r) Riverlands Zone.

This road is not included in the network of public and Crown roads requested to remain open for future public use.

The road has been constructed and used as an access for many years. No Council services are known to exist within this section of road, therefore closure will have no impact on Council's existing infrastructure or services.

As construction has previously been undertaken, in accordance with Section 38(2)(b) of the *Roads Act 1993*, upon closure, the former road will become vested in Council.

Prior to the application being forwarded to the Land and Property Management Authority (Department of Lands) the applicant would be required to enter into an agreement with Council to purchase the portion of closed road at market value and that all associated costs will be borne by the applicant. It is intended that the closed road will be included in the applicant's proposed rural subdivision. Should the subdivision application be withdrawn, refused or not proceed, the portion of closed road must be consolidated with the applicant's adjoining lots.

Upon receipt of approval of the road closure from the Land and Property Management Authority a valuation will be conducted. The applicant is to purchase the portion of closed road at market value and pay all associated costs including survey, plan registration, land transfer and Council's legal fees related to the road closure and land transfer.

Comments

Financial Services

On the basis that the applicant will pay Council the market value of the closed road and all costs associated with the closure the recommendations are supported.

Other staff comments

Senior Strategic Planner

No objection to this proposal.

Development Assessment Engineer

The proposal to close this section of road was suggested by Council's Development Assessment Engineer at the time of assessment of the abovementioned development application. When assessing the DA it was apparent that this section of public road was only servicing one allotment and as such could be part of the lot rather than a public road. This would remove the need for Council to maintain the road as a public asset, thus reducing Council's ongoing maintenance costs.

In addition, the change of status from road to driveway would also provide some benefits for the developer with regard to the standard of access required to be constructed as part of the DA. Council's construction standards for driveways upon private land are somewhat less stringent than the standard for public road construction. The existing road meets Council's driveway standard however does not meet Council's public road standard.

Therefore if the road was to be left as a public road it would be required to be upgraded as a condition of development consent, however if the road was to be closed then the existing road would be adequate as a driveway. The DA was conditioned with the above options of either closing the public road and utilising the existing road as a driveway or retaining the public road and upgrading it to the minimum public road standard. This application is to give effect to the aforementioned condition regarding the closure of the public road.

Manager – Works

The closure of Redcotes Road is supported from the Works Section as it would reduce Council's ongoing maintenance responsibility for a road that currently services only one (1) property.

Public consultation

If approved by Council, the Land and Property Management Authority takes responsibility for consulting with all adjoining landowners and the placement of public notices giving 28 days for interested parties to make submissions on the proposal.

Conclusion

The closure of this road is consistent with Council's previous closures for which Council has no intended future use. Upon closure, the land is to be included in the applicant's proposed rural subdivision, or be consolidated with the adjoining land.

No known existing Council infrastructure or services will be impacted by the closure. However, should any impact become apparent during the closing process the applicant will be responsible for ensuring that their continuity and integrity is retained either by way of an easement or relocation to the satisfaction of the Council.

As this road has been previously constructed, the land comprising the former road will, upon closure, become vested in the Council.

Recommendation (IS59)

That:

1. Council consent to an 'Application to Close a Public Road' known as Redcotes Road, Nimbin, adjoining Lot 1 DP 122297 and Lot 1 DP 122288, marked red on the aerial photograph included in the report.
2. The applicant be required to enter into an agreement to purchase the land from Council at market value (to be determined by a registered valuer) and pay all associated costs including valuation, road closure, survey, plan registration, land transfer and Council's legal costs.
3. The portion of closed road is to be included in the applicant's proposed rural subdivision or be consolidated with the adjoining lots.
4. The Mayor and General Manager be authorised to sign and affix the Council seal to plans of survey and land transfer documents or any other documents deemed necessary to complete the resolution.

Report

Subject	Tender T2010-05 – Supply of Pre-stressed Concrete Bridge Girders
Record No.	T10/5:ED09/15985
Prepared by	Rural Works Engineer
Reason	To inform Council of tenders received for the provision of pre-stressed concrete bridge girders.
Objective	To obtain Council approval to award the Contract.
Strategic Plan Link	Improve Roads, Cycleways and Footpaths
Management Plan Project	Roads and Bridges

Overview of Report

This report details the evaluation of tenders received in relation to the provision of pre-stressed concrete bridge girders and a recommendation to award the tender.

Background

Tenders for the Supply of Pre-stressed Concrete Bridge Girders were recently invited for three bridges due for replacement under the State Governments, Regional Roads Timber Bridge Replacement Programme. The bridges due for replacement include Cullen's Bridge and Southwells Bridge on MR142 Blue Knob Road, Nimbin and Ruthven Bridge on MR148 Coraki Road.

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

Tender documents were received from four (4) companies by the close of tender on 2.00pm, Thursday, 3 September 2009.

Tenderers

- Con-Tec Pty Ltd
- Civil Build Precast Pty Ltd
- Richmond Valley Council
- Structural Concrete Industries Pty Ltd.

Tender Examination

An evaluation committee comprising the Contracts Administration Officer, Rural Works Engineer and Bridge Supervisor undertook the assessment of tenders.

Tenders were invited on a Schedule of Rates basis for the supply of pre-stressed bridge girders. Individual Schedule of Rates were sought for each bridge to provide Council with flexibility in the awarding of the tender.

The tender documents, (Clause B7), defined five (5) areas by which each tender would be assessed as detailed below:

1. Total Price

A price comparison was completed on each Tenderer for the three (3) individual bridges. The totals for each bridge are as follows (refer Attachment A enclosed separately):

(a) Cullen's Bridge

Con-Tec Pty Ltd	\$206,250.00
Structural Concrete Industries Pty Ltd	\$367,983.00
Civil Build Precast Pty Ltd	\$370,623.00
Richmond Valley Council	\$405,422.60

Con-Tec Pty Ltd has submitted the best overall price, with prices being Structural Construction Industries 78.4%, Civil Build Precast 79.7%, and Richmond Valley Council 96.6% more expensive.

(b) Southwells Bridge

Con-Tec Pty Ltd	\$209,880.00
Richmond Valley Council	\$365,296.80
Structural Concrete Industries Pty Ltd	\$372,592.00
Civil Build Precast Pty Ltd	\$486,750.00

Con-Tec Pty Ltd has submitted the best overall price, with prices being Richmond Valley Council 74%, Structural Construction Industries 77.5%, and Civil Build Precast 131% more expensive.

(c) Ruthven Bridge

Con-Tec Pty Ltd	\$189,750.00
Structural Concrete Industries Pty Ltd	\$306,900.00
Civil Build Precast Pty Ltd	\$316,580.00
Richmond Valley Council	\$334,986.40

Con-Tec Pty Ltd has submitted the best overall price, with prices being Structural Construction Industries 61.7%, Civil Build Precast 66.8%, and Richmond Valley Council 76.5% more expensive.

2. Capability and Experience

All Tenderers have a demonstrated ability to supply the product with a broad range of technical expertise and experience within the industry. Structural Concrete Industries, Con-Tec Pty Ltd and Richmond Valley Council have been manufacturing pre-cast concrete products for in excess of 20 years whilst Civil Build Precast Pty Ltd has been supplying pre-cast concrete products since 2001.

3. Quality and Safety

All Tenderers have demonstrated significant experience in supplying their products for a large range of infrastructure projects for various State Governments, Local Councils and private Contractors. All have demonstrated an ability to supply a quality product under OH&S systems with Structural Concrete Industries having won a number of awards for its quality systems.

4. Environment and Community

All Tenderers showed an adequate level of awareness of environmental issues and sustainability.

5. Local Content

Due to the nature of the product, manufacturers are mainly based in the larger metropolitan areas.

Richmond Valley Council is the only Tenderer that utilises local regional labour and materials. The other Tenderers however would utilise local haulage.

The rates tendered by Con-Tec Pty Ltd resulted in the lowest costs for all three bridge projects. Considering the remaining evaluation criteria specified in the tender (Capability & Experience, Quality & Safety, Environment & Community, and Local Content), Con-Tec is also the highest ranked Tenderer, refer Attachment B enclosed separately.

Referee Check

Con-Tec Pty Ltd has not supplied Council with pre-cast concrete products to date. However, good references were received from the companies contacted.

Comments

Financial Services

The bridges to be reconstructed are part of the Regional Roads Timber Bridge Replacement Programme which is 50% funded by the RTA and 50% by Council. The total estimated cost to reconstruct these bridges is \$4.1 million and this Contract is part of the total estimated cost.

Other staff comments

Manager – Works

Con-Tec Pty Ltd has manufactured pre-stressed concrete bridge girders for major infrastructure projects both in Northern NSW and Southern Queensland for in excess of 20 years resulting in extensive capability and experience in this field.

The recommendation to award the Contract for the supply of pre-cast concrete bridge girders to Con-Tec Pty Ltd is supported.

Public consultation

Nil

Conclusion

Con-Tec Pty Ltd has ranked first in the evaluation criteria. In addition, Con-Tec Pty Ltd has provided the lowest price for the supply and manufacture of pre-stressed concrete bridge girders for all three bridges.

Con-Tec Pty Ltd has demonstrated its capability and experience to manufacture and supply Council with the pre-stressed concrete bridge girders as outlined in this request for tender.

Recommendation (IS61)

That:

1. The contract for the supply of pre-stressed concrete bridge girders for the three bridges outlined as part of the State Governments Regional Roads Timber Bridge Replacement Programme is awarded to Con-Tec Pty Ltd with the total price of works being \$605,880.00 inclusive of GST, based on the tender submission.
2. The Mayor and General Manager on behalf of Council be authorised to execute the contracts and attach the Common Seal of the Council.

Report

Subject	Tender T2010-04 - Sprayed Bituminous Surfacing Works
Record No.	T10/4; ED09/15823
Prepared by	Urban Works Engineer
Reason	To inform Council of tenders received for the provision of bituminous surfacing works for the period to 30 June 2011.
Objective	To obtain Council approval to award the Contract.
Strategic Plan Link	Improve Roads, Cycleways and Footpaths
Management Plan Project	Contracts and Private Works

Overview of Report

This report details the evaluation of tenders received in relation to the provision of bituminous surfacing works and the recommendation to award the tender.

Background

Tenders for the 2009/2011 Sprayed Bituminous Surfacing Program were recently invited.

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

Tender documents were received from five (5) companies by the close of tender on 2.00 pm, Tuesday, 27 August 2009.

Tenderers

- Boral Asphalt
- Pioneer Road Services
- SAMI Road Services Pty Ltd
- FRH Group Pty Ltd
- RPQ Spray Seal Pty Ltd.

Tender Examination

An evaluation committee comprising the Contracts Administration Officer, Urban Works Engineer and Manager - Works undertook the assessment of tenders.

Due to the type of work being carried out at many separate locations at various times throughout the year, tenders were invited on Schedule of Rates basis. The rates received are shown in Appendix A attached separately to this report.

To enable a comparison of the rates received, two typical projects for this Council were selected and

costs calculated based on the tendered rates (refer Appendix B enclosed separately) - refer tables below.

Major Works Program (10 Days)

Contractor Total Cost

Pioneer Road Services	\$238,687.20
RPQ Spray Seal Pty Ltd	\$251,066.00
Boral Asphalt	\$252,530.15
SAMI Road Services Pty Ltd	\$295,587.00
FRH Group Pty Ltd	\$306,833.00

Minor Works Program (2 Days)

Contractor Total Cost

SAMI Road Services Pty Ltd	\$ 21,832.47
Boral Asphalt	\$ 24,836.68
Pioneer Road Services	\$ 24,853.81
RPQ Spray Seal Pty Ltd	\$ 27,934.40
FRH Group Pty Ltd	\$ 33,208.87

The tender documents (Clause B7), defined four (4) areas by which each tender would be assessed:

1. Total Price

As demonstrated in the typical projects, prices vary considerably across the differing scales of work. Totals for the two types of work:

Pioneer Road Services	\$263,541.01
Boral Asphalt	\$277,366.83
RPQ Spray Seal Pty Ltd	\$279,000.40
SAMI Road Services Pty Ltd	\$317,419.47
FRH Group Pty Ltd	\$340,041.87

Pioneer Road Services has submitted the best overall price with prices being Boral 5.2%, RPQ Spray Seal 5.9%, SAMI Road Services 20.4% and FRH Group 29.0% more expensive.

2. Capability

All Tenderers have a demonstrated ability to undertake this type of work with a broad range of technical expertise within the industry. Boral has a long history of working within Lismore City Council, while Pioneer and FRH have recently completed works here and have a growing knowledge of the local conditions. SAMI has indicated that it has a number of contracts at this time to fulfil and as such service to Council's contract may suffer.

3. Relevant Experience

All contractors have a significant amount of experience in this type of work with differing contractors servicing Richmond Valley, Byron, Ballina Councils and major contracts for Brisbane City Council. Council has experienced a number of small issues with the recent contract with Pioneer including availability and warranty works.

4. Quality, Safety and Environmental Management

Contractors have demonstrated a high level of OH&S systems and safety records in past dealings with other contracts.

5. Local Content

Boral has a local depot employing 14 employees directly. RPQ has indicated if it is successful in this tender it would work in conjunction with Clark Asphalt to share a depot and plant. All Tenderers have indicated they would purchase fuel and accommodation locally while in the area. Materials are all sourced from Brisbane.

The rates tendered by Pioneer Road Services result in the lowest costs for both projects. However, when the other evaluation criteria specified in the tender are applied (Capability, Relevant Experience, Quality and Safety Plans, and Local Content), Boral is the highest ranked Tenderer - refer Appendix B attached separately to this report.

Referee Check

Boral Asphalt, Pioneer Road Services, RPQ and FRH have all had dealings with Lismore City Council in the past and have executed their contracts diligently.

Excellent references have been received about SAMI from Works Engineers of councils they are dealing with currently.

Comments

Financial Services

The 2009/10 Budget provides \$256,300 for urban and \$618,100 for rural road reseals. The approved contractors would predominately undertake works funded by these budgets.

Other staff comments

Manager - Works

Boral Asphalt has serviced Lismore City Council for a number of years prior to the past contract. The company is based in Lismore which gives Council a great deal of flexibility in delivery of their contract.

I endorse the recommendation.

Public consultation

Nil

Conclusion

Boral Asphalt has ranked first in the evaluation criteria. Due to the nature of this work, the selection of a Contractor can depend significantly on availability at the time required. As a result, the specification enables Council to use any of the Contractors who submitted a tender, depending on cost and availability.

Recommendation (IS57)

That:

Council adopt a panel of suppliers for the duration of the contract, and implement the following order of priority for the engagement of bitumen sealing contractors for major and minor works:

1. Boral Asphalt
2. Pioneer Road Services Pty Ltd
3. RPQ Spray Seals Pty Ltd
4. SAMI Road Services Pty Ltd
5. FRH Group Pty Ltd.

Report

Subject	Asphalt Plant Operations ROI 2009-24
Record No.	PJK:VLC:T09/24; ED09/15243
Prepared by	Manager - Commercial Services
Reason	To inform Council of the outcome of a review of business opportunities that provide for asphalt synergies and income security for Council.
Objective	To obtain Council's approval to proceed to a selective tender process for the provision of technical services for Council's asphalt operation.
Strategic Plan Link	Efficient Use of Council Resources
Management Plan Project	Quarries

Overview of Report

The current agreement with State Asphalt Services (SAS) has completed its duration. A new Registration of Interest (ROI) was called to explore options for future development of the asphalt business. The report recommends that Council proceed to a selective tender process from three companies that responded to the ROI process.

Background

In April 2004, as part of the budget process for that year, discussions were held regarding possible ways to expand or improve the Council's Northern Rivers Quarries business. A report was submitted to Council in May 2004 detailing a process for calling for expressions of interest for the development of business opportunities at Blakebrook Quarry. ROI 24030 was advertised in June 2004. Seven (7) submissions were received and evaluated in September 2004 based on the criteria set out in the ROI document. From this round, three companies were determined to have provided sufficiently acceptable proposals to be invited to put forward more detailed submissions. A Request for Tender Document 25010 was issued to these three companies in November 2004 with a closing date of 22 February 2005. Following some complications and requests for further information and receipt of requests for extension by all parties, a final closing date was set as 14 September 2005.

The proposals received generally did not show any increase in annual returns, nor did they fully recognise the market value of existing assets held by Council. It was clear that there was no long term benefit for Council to give up control and sell out to a third party.

The proposal from State Asphalt Services (SAS) was the exception and was accepted to establish a relationship based on an arrangement whereby Council retained ownership of the assets of the operation and staff and SAS provided professional services such as technical and sales services, for a flat fee plus a percentage of profits. This led to the signing of a management and operation agreement between Lismore City Council and SAS for a three year period from June 2006.

With the expiration of that agreement in 2009 a new ROI (ROI 2009-24) was called for business development opportunities within the asphalt section of the quarry operations. The ROI made it clear that the areas of interest to Council were:

- increased return on investment;
- increased access to other markets;
- expanding the capacity of existing plant;
- recognising Council's own interest in demand for asphalt products;
- maintaining the level of competition in quarry and related products in the region, and
- Council was not intending to sell its interest in the property or business.

Council was seeking responses from parties capable of developing the asphalt business, without damaging the local market or reducing Council's control. Nine (9) responses were received with a range of arrangements proposed, from staffing supply to full take over of the operation.

In summary the results were:

- Three proposals for the supply only of equipment or services to the existing operations.
- Two proposals for the establishment of a full joint venture involving loss of asset and management control by Council.
- One proposal for complete take over of the asphalt and quarry operations.
- Three proposals for a similar arrangement to that currently in operation.

As Council does not wish to cede control of the operation at this time, only the final three proposals fully satisfied the conditions outlined in the ROI. These proposals were received from:

- State Asphalt Services Pty Ltd
- Fulton Hogan Pty Ltd
- Downer EDI Works Pty Ltd

Comments

Financial Services

Not required at this time.

Other staff comments

Not Required

Public consultation

Not Required

Conclusion

The ROI did not identify any new opportunities in the market for increased business development for the asphalt operations that did not expose Council to increased risks of losing control of the future of the business.

Three (3) companies have satisfied the conditions of the ROI and demonstrated the necessary capabilities to work with Council and deliver the desired technical support for Council's asphalt operations. It is recommended that Council proceed to a selective tender process with the three identified companies.

That:

1. Having conducted a registration of interest process, in accordance with Clause 166(b) of the Local Government (General) Regulation, Council proceed with a selective tender process to establish a suitable management contract for our asphalt plant operation.
2. Three parties that responded to the registration of interest process and satisfied the conditions of the expression of interest be invited to submit a tender to Council.
3. The three parties to be invited to tender are:
 - State Asphalt Services Pty Ltd
 - Fulton Hogan Pty Ltd
 - Downer EDI Works Pty Ltd.
4. In accordance with Clause 171 of the Local Government (General) Regulation, the time for response to the tenders be shortened from the normal 21 days, to 14 days after invitations to tender are sent out due to the level of detail sought and provided by respondents in the registration of interest process.

Report

Subject	Councillor Interstate Travel
File No	EF09/112:ED09/15774
Prepared by	Executive Director – Sustainable Development
Reason	To advise Council of interstate travel by a Councillor
Objective	To advise Council of Interstate travel by a Councillor
Strategic Plan Link	Efficient Use of Council Resources
Management Plan Project	Councillors

Overview of Report

To seek Council approval for a Lismore City Council representative to attend the 10th International Cities Town Centres and Communities Society Conference “Cities in Transition” being held October 2009 in Geelong, Victoria. As the cost of attending this conference exceeds \$2,000 this report has been prepared in accordance with the requirements of the Councillors Expenses and Facilities Policy.

Background

The forthcoming International Cities Town Centres and Communities Society Conference “Cities in Transition” has been identified as a valuable event for Lismore City Council to have a representative attend. The conference provides the most concentrated program and impressive opportunity for 'education' regarding City Centre Revitalisation and Place Management available in Australasia.

Furthermore the host city, Central Geelong is the current model for the approach being undertaken by the City Centre Manager, Stephen Nelson. The City of Geelong is presently the leaders in town centre management and revitalisation.

This report has been prepared to support and enable the attendance of Councillor Battista as required by the Councillors Expenses and Facilities Policy.

2.2.2 **Policy – Interstate Travel**

Where the cost of the travel is expected to exceed \$2,000 for transport, accommodation, registration and out of pocket expenses per person, a detailed report to Council should be provided outlining:

- *Who is to take part in the travel*
- *The objectives to be achieved in undertaking it, including an explanation of what community benefits will accrue to undertaking the visit*
- *Details of costs, including any amounts expected to be reimbursed by participants.*
- *If the travel is to be sponsored by private enterprise, ICAC guidelines and reporting structures should be followed.*

A detailed report should be included in the Annual Report in the year which the travel was undertaken, outlining how the travel's objectives were met and how the community benefited from it.

Attendee

Both Councillor Battista and Councillor Smith were provided information in relation to the upcoming Conference by Council's Executive Director – Sustainable Development as the focus of the conference this year is "Cities in Transition". Councillor Battista expressed an interest in attending and following discussion with City Centre Manager, Stephen Nelson, it was agreed that Councillor Battista would be a valuable representative to attend on behalf of the City of Lismore.

The attendance by Councillor Battista as a representative of Lismore City Council is supported by Council's Executive Director – Sustainable Development. The Executive Director has attended the International Cities Town Centres and Communities Society Conference on two occasions and found the focus on CBD revitalisation, integrated planning and town centre management invaluable.

Objectives achieved by attendance

Attendance at this Conference will provide a significant benefit for the Council, community and business community. The recently adopted Council Strategic Community Plan identified CBD revitalisation, sustainability and integrated planning as important priority areas. The International Cities Town Centres and Communities Society Conference is the best conference in Australasia for these three areas as it has a unique mix of presentations on multi-disciplinary approaches to these subjects. Secondly Geelong has developed best practices to city centre management. Councillor Battista's attendance at the conference is very timely particularly given the significant challenges facing the Lismore CBD. A copy of the conference program is attached.

Details of cost

Registration Fees* (non-members)	\$1095.00
Airfares	\$445.24
Approximate costings:	
Accommodation	\$450.00
Meals	\$400.00
Transport	<u>\$60.00</u>
<i>Approximate total costing:</i>	<i>\$2450.25</i>

* In order to qualify for the mid rate registration of \$1095.00, registration was required by 21 September, 2009. This deadline is the primary reason for this report being prepared after the completion of the registration process.

Comments

Financial Services

The 2009/10 Budget provides a total of \$27,500 for the Mayor and Councillors' professional development. This budget pays for the costs detailed above. Approximately \$7,200 or 26% has been expended to date.

Other staff comments

Not required.

Public consultation

Not required.

Conclusion

The proposed conference attendance is recommended as the International Cities Town Centres and Communities Society Conference will provide Council with valuable insight into CBD revitalisation and integrated planning best practices affecting cities in Australasia. Councillor Battista will prepare a detailed document at the conclusion of the conference outlining how the objectives of the conference were met and how the community benefited. This report will be included in the Annual report for 2009/10.

Recommendation

That Council:

1. Approve the attendance of Councillor Battista at the International Cities Town Centres and Communities Society Conference "Cities in Transition" in Geelong, Victoria.
2. Require a detailed delegate report be completed by Councillor Battista outlining how the objectives of the conference were met and how the community benefited, provided to the General Manager and Councillors in November 2009 and subsequently included in the Annual Report for 2009/10.

Report

Subject	Investments – September 2009
File No	EF09/2209:ED09/15918
Prepared by	Management Accountant
Reason	Required by Local Government Act 1993, Local Government (General) Regulations 2008 and council's Investment Policy
Objective	To report on Council Investments
Strategic Plan Link	Best-Practice Corporate Governance
Management Plan Project	Financial Services

Overview of Report

Council investments as at 30 September 2009 are estimated to be \$30,905,900 subject to final market valuations typically provided after month end.

The interest rate reported for September 2009 is estimated to be 3.17% and is below the Bank Bill Swap Rate for the same period of 3.38%. The final interest return may vary due to actual returns achieved on investments advised after month end.

The market value of Council's investments to June 30, 2009 continues to be negatively affected by the global financial crisis with a further write down of \$609,000 to be recognised as part of the 2009 Financial Reports. The market value write down of the investment portfolio for 2008/09 totals \$2.359 million.

Background

The Local Government Act 1993 (Section 625), Local Government (General) Regulations 2005 (Regulation 212) and Council's Investment policy requires a monthly report be provided to Council on investments. The report is to include the source and amount of funds invested, terms of performance of the investment portfolio over the preceding period and a statement of compliance in relation to the requirements of the Local Government Act 1993.

Report on Investments

- | | |
|---|--------------|
| • <i>Confirmation of Investments – at Market Value – 31 August 2009</i> | \$29,920,505 |
| • <i>Estimated Investments – at Market Value – 30 September 2009</i> | \$30,905,900 |

The current rate of return on investments for September 2009 is estimated to be 3.17% and is below the Bank Bill Swap Rate for the same period of 3.38%. The rate of return reported has been calculated using actual returns where available and estimates based on the previous period balance and interest rates. The methodology used to calculate estimates appears reasonable in light of discussion with the portfolio advisor.

The return on investment is lower than the Bank Bill swap rate due to a number of investments not paying coupons. These include investments in Longreach – Series 25 and ASPRIT III Trust. These investments are shown on the 'Estimated Interest' attachment with an estimated interest rate and weighted interest for the period of zero.

Terminating Investments

As reported previously, Council has five (Beryl Esperance 2, Beryl Global Bank Note, Zircon Merimbula, Zircon Coolangatta and Zircon Miami) investments directly affected by the Lehman Brothers bankruptcy. Successful legal action taken in the High Court of England and Wales resulted in expectations that part of the invested funds would be returned to investors including Council.

On appeal, further hearings will take place after October 1, 2009 and as such it is not possible to quantify the likely invested funds return, if any, and when.

Market Value – June 30, 2009

As previously advised, Council is required to report the market value of the investment portfolio and this is to be recognised in its annual financial reports. The market value is what a prudent investor would reasonably expect to receive for an investment at a point in time that may not be the same as the investment's maturity date.

In the August 2009 Investment Report, it was advised that for June 30, 2009, Council will report a capital loss on investments of \$1.750 million. This capital loss has deteriorated further to \$2.359m due to the inability to reliably assess the asset value of the 5 terminating investments with an estimated market value of \$609,000 listed above. This position was taken after discussion with Council's auditors.

These 5 investments are now shown on the "Summary of Investments held" Attachment with a current market value of zero.

Attachments

The following attachments have been included for Council's information:

- Capital Value Movements including name of institution, lodgement date and maturity date.
- Estimated Interest showing interest rate and estimated interest earned for the period.
- Total Investment Portfolio held by month with last year comparison - graphical
- Investment by Type - graphical
- Weighted Average Interest Rate with bank bill swap rate and last year comparison – graphical
- Investment by Institution as percentage of total portfolio – graphical

Comments

Financial Services

The global financial crisis continues to negatively impact both the market value and return on Council's investment portfolio. Staff are working with Council's investment advisors, CPG Research and Advisory, to minimise the impact. While this has been beneficial with new investments, the lack of real opportunities with grandfathered investments limits the ability to proactively manage the portfolio.

Other staff comments

Not Required

Public consultation

Not Required

Conclusion

A report on investments is required to be submitted to Council monthly. This report meets that requirement. For September 30, 2009, investments total \$30,905,900 and the annualised rate of return was 3.17%.

The investments held by Council with various financial institutions, have been made in accordance with the Local Government Act 1993, Local Government (General) Regulation 2005 and Council's investment policy.

The market value of Council's investments portfolio has decreased by \$2.359 million as at June 30, 2009. The impact of this decline in market value will be reported to Council as part of the 2009 Financial Reports.

Recommendation

That the report be received and noted.

**Capital Value Movements
Summary of Investments held as at
30 September, 2009**

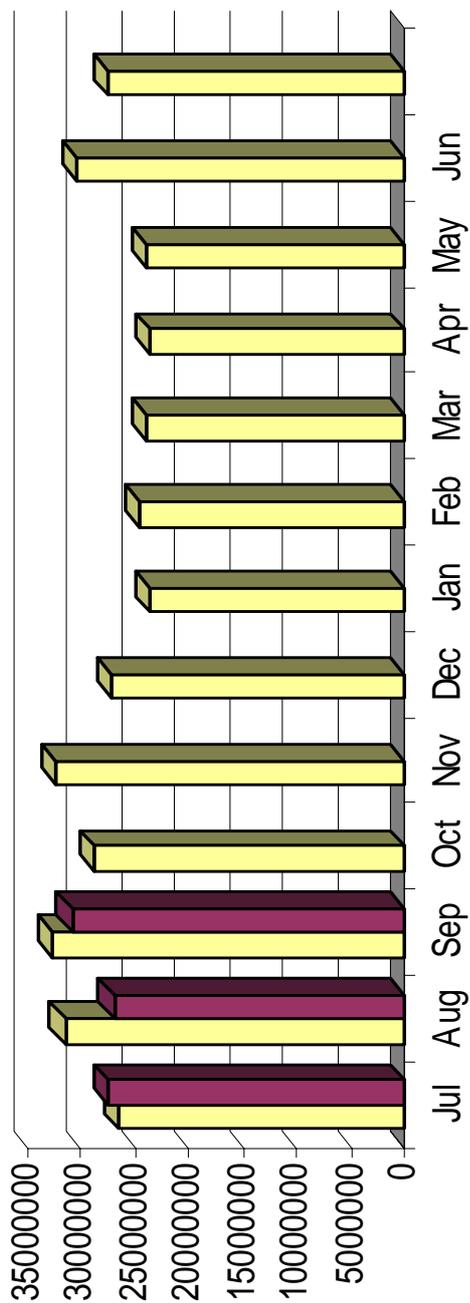
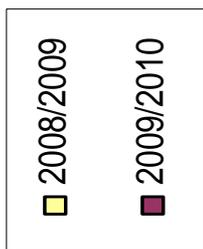
Name of Investment / & Counterparty	Type of Investment	Rating	Assessment of return of Capital	Purchase Date	Maturity Date	Last Date Confirmed Valuation Available	Base Capital Value	Estimated Current Market Value (Note 4)		
Cash Based Returns										
Blackrock Care & Maintenance Fund	Managed Fund	A	High	15/10/2008		N/A	27/09/2009	\$ 2,393,576	\$ 2,568,200	Note 3
CBA Business On Line Banking A/c	Cash Management Account	Cash	High		N/A	N/A	28/09/2009	\$ 4,036,000	\$ 4,036,000	Note 1
Macquarie Cash Management Trust	Cash Management Account	Not Rated (Note 7)	High	1/9/2006		N/A	28/09/2009	\$ 247,986	\$ 247,986	Note 1
ANZ High Yield Cash Account	Cash Management Account	AA	High		N/A	N/A	31/08/2009	\$ 2,010,212	\$ 2,010,212	Note 1
Bank of Queensland	Term Deposit	A2	High	3/9/2009	6/10/2009	3/09/2009		\$ 2,000,000	\$ 2,000,000	Note 1
IMB Banking & Financial Services	Term Deposit	A2	High	3/9/2009	2/11/2009	3/09/2009		\$ 2,000,000	\$ 2,000,000	Note 1
Newcastle Permanent	Term Deposit	A2	High	3/9/2009	2/11/2009	3/09/2009		\$ 2,000,000	\$ 2,000,000	Note 1
Southern Cross Credit Union	Term Deposit	Not Rated (Note 7)	High	9/9/2009	9/11/2009	9/09/2009		\$ 2,000,000	\$ 2,000,000	Note 1
Westpac Banking Corporation	Term Deposit	AA	High	3/9/2009	2/11/2009	3/09/2009		\$ 2,000,000	\$ 2,000,000	Note 1
Suncorp	Term Deposit	A-1	High	21/9/2009	21/10/2009	21/09/2009		\$ 2,000,000	\$ 2,000,000	Note 1
Credit Union Australia (CUA)	Term Deposit	Not Rated (Note 7)	High	22/9/2009	22/10/2009	22/09/2009		\$ 2,000,000	\$ 2,000,000	Note 1
Summerland Credit Union	Term Deposit	Not Rated (Note 7)	High	21/7/2009	19/10/2009	21/07/2009		\$ 1,000,000	\$ 1,000,000	Note 1
Merrill Q A/A FRN / CBA	Floating Rate Note	A+	High	22/3/2005	30/6/2009	31/08/2009		\$ 1,000,000	\$ 972,700	Note 1
Bishopsgate (Wentworth)	Floating Rate CDO	AA	High	1/9/2006	20/9/2010	30/06/2009		\$ 500,000	\$ 435,100	Note 1.5 5
Heraid Limited (Quartz)	Floating Rate CDO	B+	Low	1/9/2006	20/12/2010	31/07/2009		\$ 30,000	\$ 13,572	Note 1.5 6
Cypress (Lawson)	Floating Rate CDO	BBB+	Low	1/9/2006	30/12/2010	30/06/2009		\$ 500,000	\$ 379,500	Note 1.5 7
Deutsche Bank CG Yield Curve Note	Euro Bond	Not Rated (Note 7)	High	1/9/2006	18/10/2011	30/06/2009		\$ 250,000	\$ 247,500	Note 1.5 2
BELO (Kalgoorlie)	Commodity Backed Security	AA+	High	1/9/2006	27/2/2012	30/06/2009		\$ 700,000	\$ 580,440	Note 1.5 8
Magnolia (Finders)	Floating Rate CDO	BB+	Low	1/9/2006	20/3/2012	30/06/2009		\$ 300,000	\$ 210,000	Note 1.5 9
Omega (Henley)	Floating Rate CDO	CCC	Low	1/9/2006	22/6/2012	30/06/2009		\$ 400,000	\$ 126,200	Note 1.5 10 Reference entity includes Lehman Bros
Beryl (Esperance 2)	Floating Rate CDO	BB+	Low	1/9/2006	20/3/2013	30/06/2009		\$ 400,000	\$ -	Note 1.5 11 Did not pay coupon 22/9/08 ET
Corsair (Torquay)	Floating Rate CDO	CCC-	Low	1/9/2006	20/6/2013	30/06/2009		\$ 500,000	\$ 59,400	Note 1.5 12 Reference entity includes Lehman Bros &
Zircon (Merimbula)	Floating Rate Note	C	Low	1/9/2006	20/6/2013	30/06/2009		\$ 300,000	\$ -	Note 1.5 13 Did not pay coupon 22/9/08 ET
ASPRIT III Trust	Equity Linked Investment	AA	High	13/7/2007	13/7/2013	31/03/2009		\$ 2,000,000	\$ 1,742,000	Note 1.2
Corsair (Kakadu)	Floating Rate CDO	CCC	Low	1/9/2006	20/3/2014	30/06/2009		\$ 500,000	\$ 124,550	Note 1.5 14 Reference entity includes Lehman Bros
Longreach - Series 25	Equity Linked Investment	AA-	High	2/4/2007	4/4/2014	30/06/2009		\$ 1,000,000	\$ 666,140	Note 1.2
Helium (Scarborough)	Floating Rate CDO	CCC-	Low	1/9/2006	23/6/2014	30/06/2009		\$ 200,000	\$ 2,200	Note 1.5 15 Reference entity includes Lehman Bros &
Beryl (Global Bank Note)	Floating Rate Note	C	Low	1/9/2006	20/9/2014	30/06/2009		\$ 150,000	\$ -	Note 1.5 16 Did not pay coupon 22/9/08 ET
Zircon (Coolangatta)	Floating Rate CDO	C	Low	1/9/2006	20/9/2014	30/06/2009		\$ 500,000	\$ -	Note 1.5 17 Did not pay coupon 22/9/08 ET
Aphex (Glenelg)	Floating Rate CDO	CCC+	Low	1/9/2006	22/12/2014	30/06/2009		\$ 500,000	\$ 60,900	Note 1.5 18 Reference entity includes Lehman Bros &
Bendigo Bank FR Sub Debt	Subordinate Debt	Not Rated (Note 7)	Medium	1/9/2006	14/12/2015	31/07/2009		\$ 500,000	\$ 473,700	Note 1.5 3
Elders Rural Bank Sub Debt	Subordinate Debt	Not Rated (Note 7)	Medium	1/9/2006	16/3/2016	31/08/2009		\$ 1,000,000	\$ 949,600	Note 1.5 4
Zircon (Miami)	Floating Rate CDO	C	Low	1/9/2006	20/3/2017	30/06/2009		\$ 50,000	\$ -	Note 1.5 19 Did not pay coupon 22/9/08 ET
Investment on Hand							\$ 34,967,774	\$ 30,905,900		
Investments Redeemed during period (Note 6)										
Southern Cross Credit Union	Term Deposit	Not Rated (Note 7)	High	10/8/2009	9/9/2009	10/08/2009		\$ 2,000,000	\$ 2,000,000	
IMB Banking & Financial Services	Term Deposit	A2	High	4/8/2009	3/9/2009	4/08/2009		\$ 2,000,000	\$ 2,000,000	
Suncorp	Term Deposit	A-1	High	20/8/2009	21/9/2009	20/08/2009		\$ 2,000,000	\$ 2,000,000	
Credit Union Australia (CUA)	Term Deposit	Not Rated (Note 7)	High	21/6/2009	22/9/2009	21/06/2009		\$ 2,000,000	\$ 2,000,000	
							\$ 42,967,774	\$ 38,905,900		

Note 1: Base Capital Value is the face value of the investment
 Note 2: Capital Guaranteed note if held to maturity
 Note 3: The Base Capital Value is the Market Value as at 30/6/09 plus additions less redemptions during the year.
 Note 4: Latest estimates based on information provided by investment managers and prior period performance.
 Note 5: Market Value is the Capital Value of the Investment and any accrual of income.
 Note 6: These investments were redeemed during the period and impact on the interest return for the period. They are not part of the Balance of Investments Held.
 Note 7: These Counterparties & Products are authorised under the Minister Order and require no minimum Credit Rating.

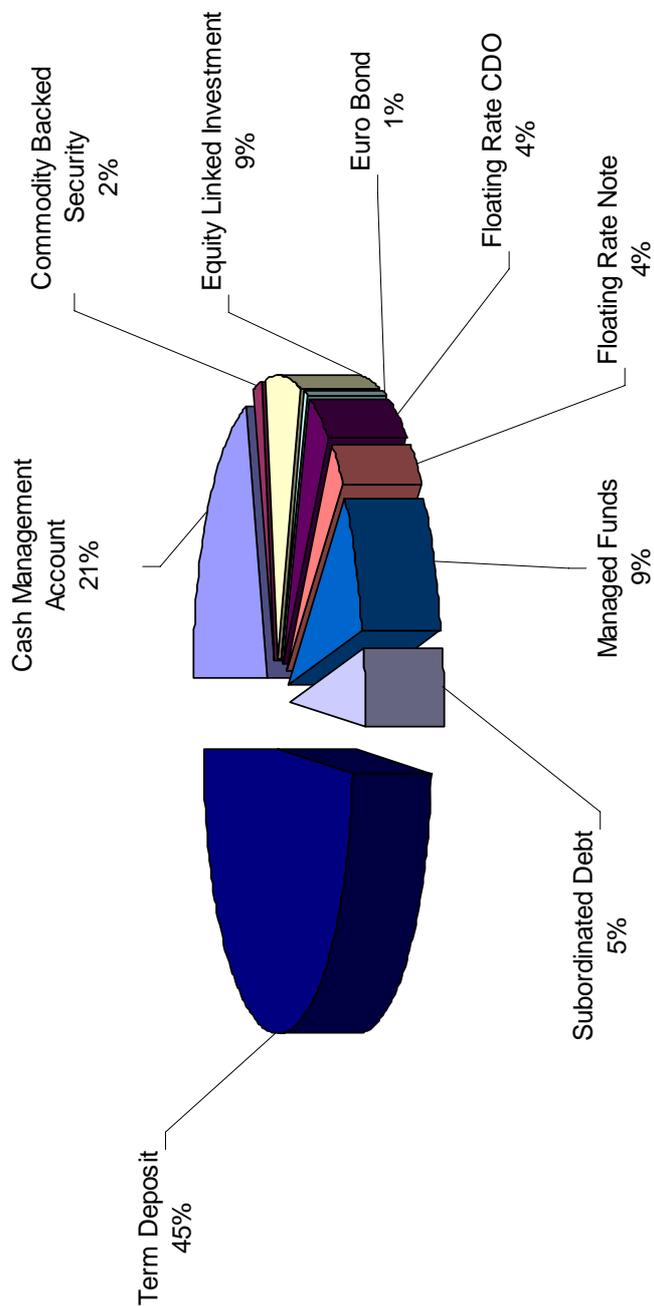
"Indicative" Source of Funds

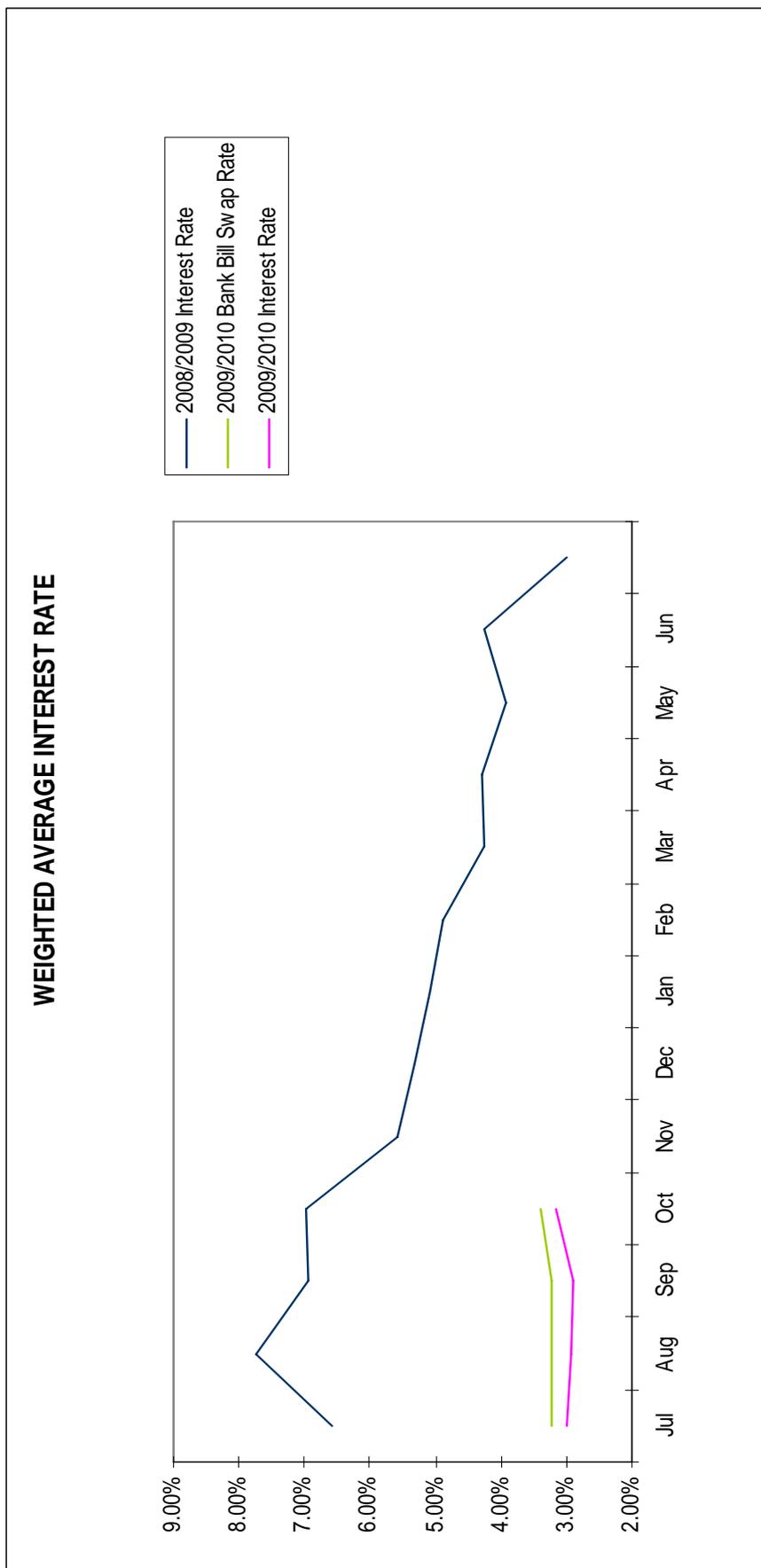
Externally Restricted	24,474,382
Internally Restricted	6,431,518
	<u>\$ 30,905,900</u>

TOTAL INVESTMENT PORTFOLIO

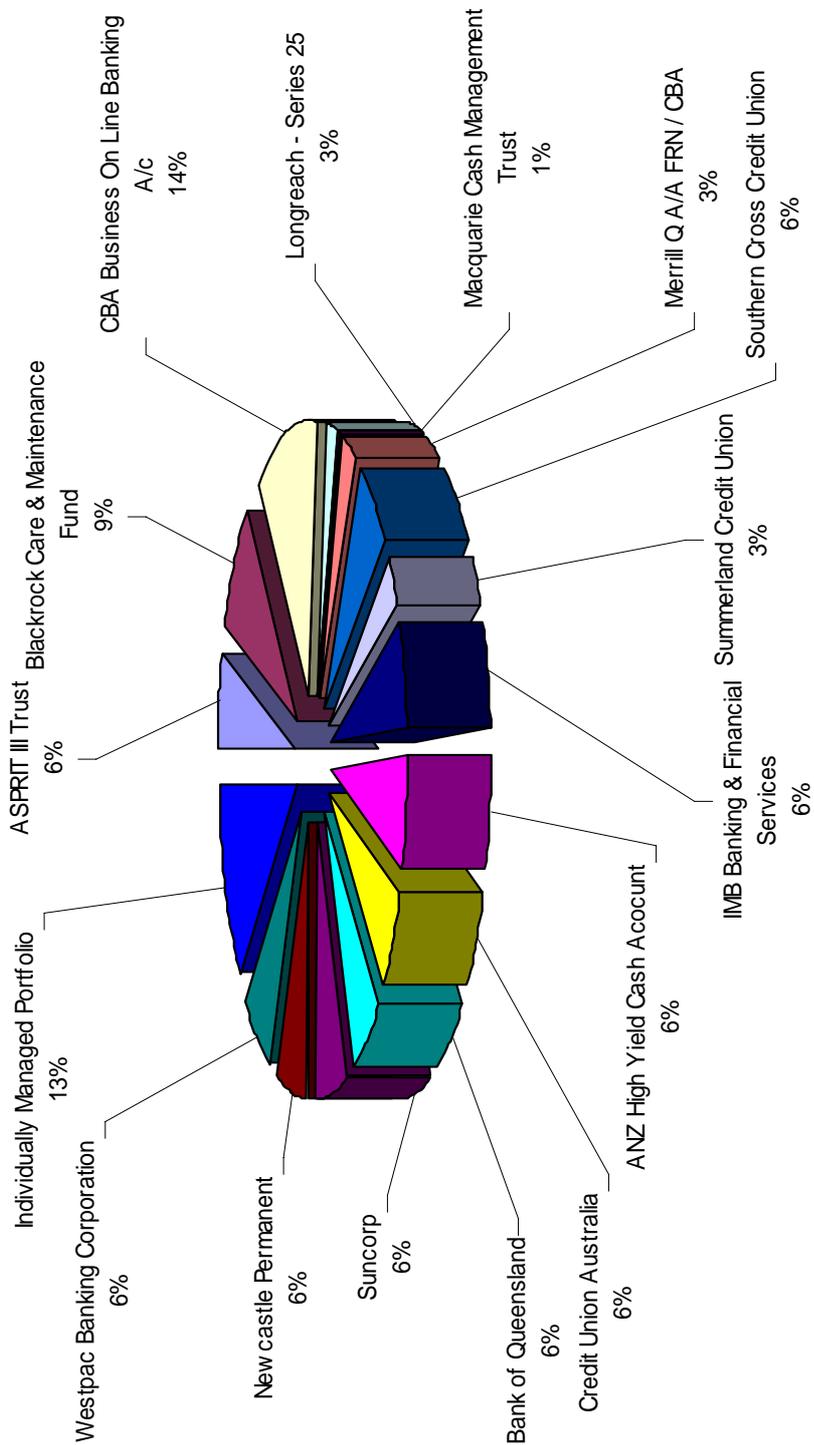


INVESTMENT BY TYPE





Investment by Institution



Report

Subject	Disclosure of Pecuniary Interest Returns 2008/09
File No	EF09/645:ED09/15729
Prepared by	Corporate Compliance Coordinator
Reason	Required by the Department of Local Government
Objective	To meet the Guidelines Requirements
Strategic Plan Link	Best-Practice Corporate Governance
Management Plan Project	Administration Services

Overview of Report

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

Background

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

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

Staff comments

Not required.

Public consultation

Not required.

Recommendation

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

**MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING
HELD ON SEPTEMBER 16, 2009, AT 10.00 AM.**

(EF09/1963:ED09/15970)

	Present	Councillor Jenny Dowell (<i>Chairperson</i>), Bronwyn Mitchell on behalf of Thomas George, MP, Liz Smith (<i>RTA</i>), Snr Const. Rob Clarke (<i>Lismore Police</i>).
	In Attendance	Bill MacDonald (<i>Traffic & Emergency Services Coordinator</i>).
TAC41/09	Apologies	An apology for non-attendance on behalf of Thomas George MP was received and accepted.
TAC42/09	Minutes	The Committee was advised that the minutes of the Traffic Advisory Committee meeting held on August 19, 2009, were confirmed by Council on September 9, 2009, excluding Item No. B09:8.5 when it was resolved that this issue be referred to Council's Design Services Section with a view to developing a plan and estimates for the installation of a pedestrian refuge on Ballina Road in front of the City Hall. Further, that if it is found a pedestrian refuge cannot be installed at the proposed location due to site restriction, that a report back to Council with alternate options be prepared.

Disclosure of Interest

Nil

Part 'A' – Committee Recommendations

Trinity Catholic College – Accessible Parking Bays

Concerns have been raised regarding the use of temporary signage in the existing accessible parking bays in the public car park beside Trinity College on the corner of Dawson and Leicester Streets.

The accessible parking bays were recently relocated and reduced in number from 4 to 2 to the northern end of the car park to cater for internal modifications carried out by the College to ensure ease of access for several wheelchair bound students who arrive in either private vehicles or maxi taxis. The College has been placing temporary Taxi Stand signs at the rear of the bays to ensure they are generally accessible before and after school to enable students in wheelchairs to access transport. It is proposed to introduce a 15 minute time limit on the existing 2 bays with the inclusion of times 8.30am to 9.15am and 3pm to 3.45pm School Days, to resolve current concerns. Whilst there doesn't appear to be a great demand for the accessible parking bays throughout the school day, there is the option of providing an additional unrestricted accessible parking bay in the future should this be found to be required.

TAC43/09 Recommendation: That a 15 minute time limit 8.30am to 9.15am and 3pm to 3.45pm School Days be placed on the two existing accessible parking bays in the public car park beside Trinity College on the corner of Dawson and Leicester Streets. (R6017,R6042)

Councillor John Chant – Woodlark Street

Requesting consideration of introducing a Loading Zone and 5 minute parking bays in

Woodlark Street in front of the Commonwealth Bank.

There are a number of parking and traffic issues that need to be considered as part of the overall upgrade of Woodlark Street, between Molesworth and Keen Streets. These include short term parking, loading zones, accessible parking bays and the introduction of one hour parking in the centre parking areas. A recent parking study clearly showed that the two hour centre parking was under utilised with the majority of use being under one hour. The proposed reduction to one hour would assist in ensuring a higher, more consistent turnover and less abuse of the current two hour limit and would be in line with what occurred on Molesworth and Keen Street as part of the reconstruction in those streets. A recent survey carried out in conjunction with the RTA indicated that the section of Woodlark Street had been identified as a high pedestrian activity area and in accordance with the guidelines a 40kph speed limit was appropriate.

A plan was tabled at the meeting showing proposed parking arrangements and locations for consideration.

TAC44/09 Recommendation: That:

- One hour centre parking be introduced in lieu of the current two hour parking
- Two accessible parking bays, one either side of the mid block crossing in the centre rank
- Two 5 minute parking bays in the centre rank immediately east of the accessible parking bays
- A retention of the existing loading zone on the southern side of Woodlark Street in front of the Gollan Hotel
- A retention of the existing half hour parallel parking on both sides of Woodlark Street
- A 40kph speed limit be introduced. (R7329)

Part 'B' – Determined by Committee

Emma Grealy – Request for round mirror Martin Road, Larnook

Requesting a round mirror be erected on a bend in Martin Road near where Council has recently completed work on a landslide.

Martin Road is a sealed dead end road on which most who travelled the road would be aware of prevailing conditions. There is some doubt as to the effectiveness of a convex safety mirror given the road alignment and concerns that it could in fact distract motorists' attention when negotiating the road. Whilst there is no significant reported accident history in the location in question the erection of a suitable warning sign would act as a prompt for motorists to take due care when negotiating the road ahead.

- B09-9:1 It was agreed:** That a 'caution narrow winding road' warning sign be erected near the start of Martin Road. (CI09/12471:R2303)

Adrian & Leanne Felsch – Access to 35 Norwood Avenue

Raising concerns regarding the difficulties being experienced in gaining vehicular access to their property and parking in front of 35 Norwood Avenue due to the recent painting of the double white centre line along Norwood Avenue and suggesting several improvements to alleviate current problems.

An on site meeting was held with Mr Felsch where it was pointed out that although the double white centre line in Norwood Avenue had only recently been repainted as a result of the road being resealed, it had existed for many years prior to the reseal. Regardless of whether the centre line was in place or not the angle at which the driveway had been constructed to the property at 35 Norwood Avenue made it extremely difficult to access the property without going on to the wrong side of the road when coming from the east or Rous Road end. It was also noted that additional on site parking was currently being constructed and this was seen as a safer option than attempting to park on street which was difficult due to the restricted road width and the vertical kerb along the frontage of the property. Extending the width of the existing driveway on the top end would significantly enhance the ease at which vehicles could access the property however, this would be at the owners' expense.

- B09-9:2** **It was agreed:** That Mr Felsch be advised that any modifications to the existing driveway and parking facilities would be at the property owners' expense and would need Council approval prior to commencement of any works. (CI09/12884:R6492)

Michael Roberts – Gunna Wanna Be Café

Complaining about buses and cars being parked in front of the business at 18 Union Street by nearby businesses and asking for advice to resolve current concerns.

An on site meeting was held with Mr Roberts where it was noted that the main concern related to vehicles being regularly parked in front of their driveway and property access roller door. Whilst it was pointed out that parking in front of the driveway and thereby prohibiting vehicular access to the property was illegal, the painting of "no parking" on the roadway in front of the driveway with a white line either side would assist in keeping this area clear. Due to the narrow property frontage, virtually one car length apart from the driveway, it was suggested to Mr Roberts that rather than impose a time limit, he negotiate with his adjoining property owners with a view to having access to several off street parking spaces immediately adjacent to the northern wall of his building which he agreed would be the most practical solution.

- B09-9:3** **It was agreed:** That the proposal outlined above be noted and arrangements be made to have "no parking" and a single white line either side painted in front of the driveway and roller door to 18 Union Street. (R6938)

Mayor Jenny Dowell – Parking in Conway, Uralba and Keen Streets

Raising the potential for nose-in parking in Conway Street, Uralba Street and the northern end of Keen Street to limit congestion and delays caused by rear-to-kerb parking and to maximise parking spaces.

In general nose-in parking versus rear-to-kerb parking largely depends on the existing road environment in terms of speed, formation and available width. Angled nose-in parking works well in areas where there has been the opportunity for reconstruction and provision has been made for a dedicated parking or browsing lane separated from the through traffic lane such has been done in Molesworth and Keen Street in the CBD. Reversing out of nose-in angle parking bays involves some of the vehicle protruding into the adjacent road space before the driver can see oncoming vehicles. This affects safety and also interferes with traffic movement.

Mayor Jenny Dowell – Parking in Conway, Uralba and Keen Streets
(Cont'd)

Unless there is a manoeuvre space between the parking bays and the traffic lanes, the obstructed sight lines when reversing out are particularly dangerous for the less visible and more vulnerable bicycle traffic. Unloading from the rear of the vehicle is also a concern when there is insufficient buffer from through traffic. Conway Street has centre of road turning lanes which restricts available width. Uralba Street and the northern end of Keen Street have inherent problems with both available width and a mix of designated parking in their current form. With the above in mind and the fact that the majority of 45 degree angle parking is rear-to-kerb in areas not reconstructed for some time, it is suggested that the status quo remain pending further consideration should these roads be upgraded in the future. It should be noted that there is no increase in the actual number of available spaces with either option.

- B09-9:4** **It was agreed:** That the status quo remain on the above streets and the issue of the appropriate parking direction be considered along with any future reconstruction proposals.
(R7307 :R6058 :R7313)

Proposed Quarry on Molly's Grass Road

Council's Development Engineer has referred this matter for comment.

Council's Development Engineer Mike Perkins was present for this item. Council has received an application for a proposed small quarry operation off Molly's Grass Road. As a result of safety concerns at the intersection of Molly's Grass Road and Rous Road and proposed treatments which include the provision of left in left out, the matter has been referred to the Committee for comment. Whilst it would be unreasonable to expect that all traffic entering or leaving Molly's Grass Road should be left in left out, regulatory signage specifically for heavy vehicles limiting their movements to left in and left out is seen as imperative largely due to the poor alignment of Rous Road on the approach from the east. Part of the proposal also includes the provision of a left turn slip lane onto Rous Road and this would be supported, however in the absence of any further earthworks to improve sight of oncoming vehicles from the east the proposal in general should not be supported unless further works are carried out. The attached report from a consultant indicates that with minor benching of 20m of the verge of Rous Road, sight distance would be improved to a more acceptable level. It was suggested that if Council was to approve the proposal then a heavy vehicle management plan should be developed by the quarry owner as part of any conditions of operation. The RTA has advised that a 'Left turn only' sign with a supplementary plate 'Vehicles over 4.5 tonnes' erected on Molly's Grass Road and a 'No right turn' sign with a supplementary plate 'Vehicles under 4.5 tonnes Excepted' erected on Rous Road for east bound traffic would ensure heavy vehicle movements operated as intended. The actual weight of 4.5 tonnes could be varied to target a higher quarry vehicle weight.

- B09-9:5** **It was agreed:** That the conditions described in the consultant's report be required as part of any approval for the quarry proposal.
(C109/14101:DA09/10:R5302)

Lismore Turf Club – Traffic Management, Lismore Cup

Submitting a proposal to management traffic and parking along Woodlawn Road on Lismore Cup Race Day September 24, 2009

Over the last couple of years a number of measures were introduced to further enhance the safety of both pedestrians and motorists who were attending the race day. Restricting parking along the eastern side of Woodlawn Road from the racecourse entrance for the first 100m or so back towards Lismore ensured the area was kept clear for pedestrian traffic. The traffic management plan also shows a proposal for signage and traffic controllers to be positioned to ensure the smooth flow of traffic by making all traffic exiting the turf club to turn left. This is important to ensure traffic both entering and leaving can do so with minimum disruption.

- B09-9:6** **It was agreed:** That it support the proposed barricading of the eastern side of Woodlawn Road on race day and other measures as shown on the traffic management plan.
(CI09/14121:R4251)

Douglas Steele – Access 73 Taylor Road

Raising safety concerns when entering or exiting his property at 73 Taylor Road due to significant sight restrictions of oncoming vehicles and suggesting the installation of a mirror opposite his driveway to improve the current situation.

The property in question was on a bend in Taylor Road and the positioning of the driveway meant that sight distance of oncoming traffic in either direction was restricted. The installation of a convex safety mirror may assist in improving this situation, however any costs associated with its erection should be borne by the property owner.

- B09-9:7** **It was agreed:** That the writer be provided with a quotation for supply and installation of a convex safety mirror.
(CI0914279:R6608)

Closure

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

Chairperson

**Traffic and Emergency
Services Coordinator**

Financial Assistance - Section 356

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

Budget: \$15,200 Spent to date: \$0

The Frank Whiddon Masonic Homes requesting Council discount the hire charges (\$125) for the hire of the Fountain Room on August 1, 2009. An entrance fee is not to be charged (CI09/13972).

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

\$31.25

Real Art Works Inc. requesting Council discount the hire charges (\$125) for the hire of the Fountain Room on August 3, 2009 to develop a project titled 'veryAbility Project' in partnership with R.E.D. Inc. An entrance fee is not to be charged (CI09/13973).

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

\$31.25

Joseph Kennedy requesting Council discount the hire charges (\$156) for the hire of the Fountain Room on August 23, 2009 to hold a concert for the youth of Lismore. An entrance fee is to be charged (CI09/13975).

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

\$31.20

Five Loaves 'Caring is Sharing' requesting Council waive the hire charges (\$309) for the hire of the City Hall on October 17, 2009 to hold a meal and concert to express appreciation to the community for the dedication and continual support of the "Five Loaves" programme. An entrance fee is not to be charged (CI09/13976).

Recommendation: In accordance with Clause 5 of the policy, a donation of 100% of the hire fee applies

\$309.00

Lismore Neighbourhood Centre on behalf of the Sudanese Community Association NSW Northern Rivers Inc. requesting Council discount the hire charges (\$85) for the hire of the City Hall Foyer on August 1, 2009 for a meeting. An entrance fee is not to be charged (CI09/13978).

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

\$21.25

Australian Vaccination Network requesting Council discount the hire charges (\$125) for the hire of the City Hall on October 22, 2009 for a seminar to provide information on vaccination. An entrance fee is to be charged (CI09/17972).

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

\$25.00

In accordance with policy.

b) Banners – Policy 1.4.14 (GL390.50.15)

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

Friends of the Koala application Section 356 Street Banner Site Hire fee 9-15 November 2009 (CI09/13777).

\$120

In accordance with policy.

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

Budget: \$2,700 Spent to date: \$550

Dunoon Public School is seeking funding to support two performance events for 9-11 year old students.

\$100

g) Miscellaneous Donations

The Great Eastern Fly -in Incorporated, requesting that Lismore Airport waive landing fees for visiting aircraft associated with the fly-in held at Evans Head aerodrome.

Comment

It is considered that the benefits to the airport businesses and local community through supporting this event would be worth while, with the following limitations:

- Only display aircraft that are associated with the fly-in have the landing fee waiver.
- Any aircraft that are sightseeing/charter aircraft that are operating commercially at the event will not have the landing fee waived.
- The event organisers will need to report the aircraft registrations and dates the aircraft visit Lismore Airport within one week of the event for the fees to be waived.

Although it is going to be hard to estimate the actual aircraft numbers that would be involved with the fly-in display, my conservative estimate would be that the landing fees waived would not be more than \$1,000.00.

Recommendation

That subject to the limitations above Council waive landing fees for visiting aircraft associated with the fly-in held at Evans Head aerodrome.

Recommendation

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

Documents for Signing & Sealing

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

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

Recommendation

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

Licence to Tanelawn Tennis Club Inc – 6B Felicity Drive, East Lismore

Licence to Tanelawn Tennis Club Inc for a period of five years with two five year options at 6B Felicity Drive, East Lismore, being Lot 42 DP632104.

(EF09/1921:ED09/16101)

Confidential Matters–Closed Council Meeting

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

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

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

Clause 34 of Council Code of Meeting Practice

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

Recommendation

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

Item	<i>Developer Dispute – Compensation Claim</i>
Grounds for Closure	Section 10A(2) (g):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it provides advice concerning litigation that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.
Item	<i>Annual Performance Review 2008/09 – General Manager</i>
Grounds for Closure	Section 10A(2) (a):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because this report contains personal matters concerning the General Manager.

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MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY 8 September 2009, AT 6.00PM.

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

Apologies/Leave of Absence A leave of absence was granted for Councillor Yarnall from 26 September to 3 October 2009.

(Councillors Chant/Battista)

152/09 **Minutes** The minutes of the Ordinary Meeting held on 11 August 2009, were confirmed

(Councillors Clough/Smith)

Disclosure of Interest

S451

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

Report – Draft LEP Amendment No. 39 – 25 Roseview Road, McLeans Ridges

Nature of Interest: Supporters of the recommendation assisted in my election campaign.

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

Report – Shelter for the Homeless

Nature of Interest: I am a supporter of the Soup Kitchen and have made small non significant donations. I am also a member of Council's Homeless Shelter Working Party.

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

Report – Policy 1.5.9 – Pricing Policy – Fees and Charges

Nature of Interest: The Director of NORPA made in-kind significant donations to my campaign but the report only relates to general fees/charges so I do intend to vote.

Councillor Houston declared a non significant conflict of interest in the following item:

Report – Draft LEP Amendment No. 39 – 25 Roseview Road, McLeans Ridges

Nature of Interest: Some opponents contributed to my election campaign (in-kind & by donations – not above \$1000). I believe it is non significant and will stay in the Chambers.

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

Report – Policy 1.5.9 – Pricing Policy – Fees and Charges

Nature of Interest: A member of NORPA, which leases City Hall, was involved in my election campaign and my business rent goes to the Art Gallery.

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

Committee Recommendations – Minutes of the Traffic Advisory Committee Meeting held on 19 August 2009.

Nature of Interest: The owner of the Wyrallah Road Shopping Centre was involved in my election campaign.

Councillor Meineke declared a non significant conflict of interest in the following item:

Report – Draft LEP Amendment No. 39 – 25 Roseview Road, McLeans Ridges

Nature of Interest: Has had previous involvement in the development more than five years ago. Hold minority shares in the consultant company.

Councillor Meineke declared a non significant conflict of interest in the following item:

Report – Reclassification of Council Properties

Nature of Interest: Item 54, page 39 – a client runs the subject transport business. My involvement with this client does not relate to the subject land.

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

Report – Shelter for the Homeless

Nature of Interest: Offer of finance to the Soup Kitchen.

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

Documents for Signing and Sealing

Nature of Interest: President of the Community Garden.

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

Report – Draft LEP Amendment No. 39 – 25 Roseview Road, McLeans Ridges

Nature of Interest: Members of the McLeans Ridges community contributed to my election campaign by way of donation in individual amounts of less than \$1000.

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

Report – Reclassification of Council Properties

Nature of Interest: I am member of the Channon Fire Brigade.

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

Report – Shelter for the Homeless

Nature of Interest: Close personal friendship with applicants and closely supported in past and present operations.

Public Access Session

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

Noel Parker - Report – Draft LEP Amendment No. 29 – 25 Roseview Road, McLeans Ridges

Mr Parker spoke to the cost of the proposal and the negative financial impact this would have on Council, contrary to the intent of the Rural Housing Strategy. He supported the staff recommendation and urged Councillors to do the same.

At this juncture Councillors Smith and Clough left the meeting.

Ridley Bell – Report – Shelter for the Homeless

Mr Bell provided background information on the operation of the Soup Kitchen and some housing initiatives. He spoke to the proposal to purchase the Winsome Hotel, outlining how it would be funded and operated. He sought Council's support.

At this juncture Councillors Smith and Clough returned to the meeting.

Jacki Hudson - Report – Lismore Outside of School Hours Care Service

Ms Hudson spoke against the proposed merger. She highlighted the quality of the Council services and detailed problems that had occurred with the Neighbourhood Centre operated Lismore Vacation Care. She urged Council to reject any merger proposal.

Paul Cruickshank - Report – Lismore Outside of School Hours Care Service

Mr Cruickshank apologised for any problems in the past but emphasised changes put in place over the past 12 months in respect to staff and management practices. He demonstrated success in other operations run by the Neighbourhood Centre. He requested Council to support the proposal.

Mayoral Minute

New South Wales State Plan

153/09 **RESOLVED** that:

1. Councillors consider the Draft State Plan and submit to the General Manager any individual input by Friday 11 September 2009.
2. Councillor input be incorporated together with the concerns in this report, as a submission to the State Plan consultation process.
3. The emphasis of the submission be placed on the lack of regional transport initiatives and that the overwhelming Sydney focus of the State Plan to the detriment of regional New South Wales be decried.

(Councillors Dowell/Clough) (ED09/11590:EF09/704)

Election of the Deputy Mayor

154/09 **RESOLVED** that:

1. Council elect a Deputy Mayor and that the period of appointment for the Deputy Mayor be until September 2010.
2. The method of election for Deputy Mayor be by open voting.

(Councillors Ekins/Graham) (ED09/11373:EF09/647)

ELECTION OF THE DEPUTY MAYOR

Nominations

Nominations were received for the position of Deputy Mayor from Councillors Marks and Smith.

Election

At the conclusion of the counting the Returning Officer (General Manager) declared Councillor Isaac Smith elected as Deputy Mayor until September 2010.

Reports

Draft LEP Amendment No. 39 – 25 Roseview Road, McLeans Ridges

A MOTION was MOVED that this council keep the line of communication and negotiation open between the property owners of 25 Roseview Road, the developers and Lismore City Council staff.

(Councillors Graham/Marks)

On submission to the meeting the MOTION was DEFEATED.

Section 375A Voting Record

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

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

A FORESHADOWED MOTION was MOVED that Council not proceed with draft LEP Amendment No. 39 and advise the land owners, developers and the Department of Planning accordingly.

(Councillors Yarnall/Clough)

155/09 **RESOLVED** that Council not proceed with draft LEP Amendment No. 39 and advise the land owners, developers and the Department of Planning accordingly.

Section 375A Voting Record

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

Voting against: Councillors Meineke, Chant, Graham, and Marks.

(ED09/10016:EF09/1957)

At this juncture Councillors Smith and Clough left the meeting.

Shelter for the Homeless

156/09

RESOLVED:

2. That Council provides in-principle support to the proposal to apply \$100,000 from the 2009/10 Budget towards the purchase of the Winsome Hotel by the Lismore Soup Kitchen Incorporated for a Homeless Shelter.
2. The proposal be advertised for 28 days and be brought back to Council for a final determination.
3. An agreement be prepared between Lismore Soup Kitchen Incorporated and Council where the Council's funds are to be returned if the premises are sold or if the Homeless Shelter is discontinued, within five years.
4. The agreement in 3. is to be secured by bank guarantee, mortgage or personal guarantee.
5. The Department of Families, Housing, Community Services and Indigenous Affairs be requested to amend the funding agreement so as to remove the 'not at risk of flood' condition and to better reflect the proposed service delivery model.
6. A separate service level agreement be prepared which sets out Council's, Lismore Soup Kitchen Incorporated and St Vincent De Paul Society commitment and responsibilities in regards to the provision of the Homeless Shelter, meeting the Department of Families, Housing, Community Services and Indigenous Affairs requirements, the lodgement of development application by December 2009 and any other condition deemed prudent.
7. That a detailed joint public statement be prepared between Lismore Council and the Lismore Soup Kitchen, and distributed to the local media, informing the community of the above development proposal and the community consultation processes involved.

(Councillors Yarnall/Battista) (ED09/11446:EF09/101)

At this juncture Councillors Smith and Clough returned to the meeting.

Lismore Outside of School Hours Care Service

A MOTION was MOVED that:

1. Council approve the transfer of the Council's Lismore Outside of School Hours Care (LOOSHC) service to the Lismore Neighbourhood Centre to be managed and operated in conjunction with Lismore Vacation Care.
2. The effective transfer of service outlined in (1) above occur when the transitional issues outlined in the report are resolved to ensure that there is a continuous service provided to LOOSHC patrons.

(Councillors Graham/Meineke)

Voting against: Councillors, Houston, Battista, Clough, Chant, Ekins and Smith.

A FORESHADOWED MOTION was MOVED that this matter be deferred until further information, including parent consultation, becomes available.

(Councillors Battista/Graham)

157/09 **RESOLVED** that this matter be deferred until further information, including parent consultation, becomes available.

(Councillors Battista/Graham) (ED09/13303:EF09/1832)

Reclassification of Council Properties

158/09 **RESOLVED** that:

1. Pursuant to Sections 27 and 31 of the *Local Government Act 1993*, resolve to reclassify the parcels listed below from community to operational land for inclusion in the new comprehensive Local Environmental Plan consistent with the standard instrument:

Real Prop. Description	Street address
Lot 41, Lot 42 and Lot 43 DP 1018780	626 Caniaba Road, 147 Fredericks Road and 25 Sandalwood Drive, Caniaba
Lot 1 DP 261784	33 Allambie Drive, Goonellabah
Lot 1 DP 827005	22A Cullen Street, Nimbin
Lot 231 DP 830171	4 West Road, Nimbin
Lot 21 DP 853496	68A Dawson Street, Lismore
Lot 1 DP 121499	10 Gerard Street, East Lismore
Lot 2 DP 122283	12 Gerard Street, East Lismore
Lot 13 DP 707243	74 Victoria Street, East Lismore
Lot 10 DP 1088977	12A Heather Avenue, Goonellabah
Lot 19 DP 1066242	35 Kadina Street, Goonellabah
Lot 5 DP 882373	34A Millar Street, Lismore Heights
Lot 21 DP 187062	14B Molesworth Street, Lismore
Lot 28 DP 854771	34 Palmvale Drive, Goonellabah
Lot 1 DP 122295	147 Three Chain Road, South Lismore
Lot 31 DP 880280	715 Blue Knob Road, Blue Knob
Lot 1 DP 860193	34 Mulvena Road, Larnook
Lot 31 DP 878692	27 North Woodburn Lane, Woodburn
Lot 1 DP 864350	34 Standing Street, The Channon
Lot 1 DP 530873	72A High Street, Lismore Heights
Lot 31 DP 246781	25 Sunrise Crescent, Goonellabah
Lot 7 DP 556100	21A Gaggin Lane, Lismore
Lot 2 DP 545483	23A Gaggin Lane, Lismore
Lot 5 DP 233507	1A Conte Street, East Lismore
Lot 96 DP 263169	69 Cynthia Wilson Drive, Goonellabah
Lot 42 and Lot 43 DP 249486	1A and 2A Chilcott Drive, Goonellabah

Lot 38 and Lot 39 DP 246195	1 and 2 Figtree Drive, Goonellabah
Lot 19 DP 246560	99 Invercauld Road, Goonellabah
Lot 34 and Lot 35 DP 248490	2A and 1A Westview Drive, Goonellabah
Lot 220 DP 800502	20 Airforce Road, East Lismore
Lot 1 DP 845473	184 Keerrong Road, Blakebrook
Lot 1 DP 537452	5 King Street, Lismore
Lot 2 DP 326163	203 Coraki Road, South Gundurimba
Lot 1 DP 439845	205 Coraki Road, South Gundurimba
Lot 1 DP 711795	23 Glasgow Lane, Lismore
Lot 11 and Lot 12 DP 1093668	41 and 57 Krauss Avenue, South Lismore
Lot 1 DP 772948	11 Ballina Road, East Lismore
Lot 1 DP 957358	13 Exton Street, North Lismore
Lot 11 DP 549608	627 Skyline Road, Goonellabah
Lot 3 DP 1008469	308 James Gibson Road, Clunes
Lot 1 DP 997501	30 Dawson Street, Lismore
Lot 1 DP 568127	161 Military Road, East Lismore
Lot 2 Sec 7 DP 4372	14 Taylor Street, South Lismore
Lot 2 DP 127281	7 Hollingsworth Street, South Lismore
Lot 1 DP 124271	7 Wardell Street, South Lismore
Lot 1 Sec 7 DP 4372	1 Wardell Street, South Lismore
Lot 1 and Lot 2 DP 127280	5 and 5A Wardell Street, South Lismore
Lot 1 DP 122285	16 Taylor Street, South Lismore
Lot 1 DP 772523	182A Union Street, South Lismore
Lot 26 Sec 4 DP 5237	208 Union Street, South Lismore
Lot 14 Sec 4 DP 5237	184 Union Street, South Lismore
Lot 6 Sec 2 DP 1691	208B Union Street, South Lismore
Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6 and Lot 7 DP 942	111 Tweed, 113 Tweed, 115 Tweed, 117 Tweed, 119 Tweed, 121 Tweed and 123 Tweed Street, North Lismore
Lot 33, Lot 34 and Lot 35 Sec 3 DP 975080	105 Tweed Street, 107 Tweed Street and 184 Lake Street, North Lismore
Lot 1 and Lot 2 DP 197047	91 and 97 Tweed Street, North Lismore
Lot 1 DP 795770	77 Tweed Street, North Lismore
Lot 2 DP 212718	36A O'Flynn Street, Lismore Heights
Lot 2 DP 122976	28A Cathcart Street, Lismore

2. Pursuant to Sections 27 and 33 of the *Local Government Act 1993* resolve to reclassify the parcel listed below from operational to community land:

Lot 170 DP 1133062 – 42 Greenhills Drive, Goonellabah.

3. Council arrange a Public Hearing on the reclassification following the public exhibition of the new comprehensive Local Environmental Plan.
4. Following reclassification, that a report be prepared for council regarding the completions

of the above reclassifications for report items 12, 15, 26, 46, 47, 54, and 55/56, cross referenced with the above report to ensure that the above reclassifications from community to operational and back to community occur once the relevant adjustments have taken place.

5. All benefiting parties be required to pay costs associated with land transaction and easement creation.

(Councillors Yarnall/Clough)

Section 375A Voting Record

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

Voting against: Nil. (ED09/11356:EF09/821)

Draft S94 Contributions Plan – Complying Development

- 159/09 **RESOLVED** that Council exhibit a draft Section 94 Contributions Plan that incorporates the attached Section 5 and Section 10.1 for a period of 28 days.

(Councillors Meienke/Marks)

Section 375A Voting Record

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

Voting against: Nil. (ED09/11377:EF09/829)

Waste Management – Ballina Shire Council

- 160/09 **RESOLVED** that the Council endorse the attached Memorandum of Understanding between Lismore and Ballina for future cooperation on waste management initiatives and that the Mayor and General Manager be authorised to sign the document and attach the Council Seal.

(Councillors Graham/Smith) (ED09/14238:EF09/2177)

Tender – Supply of Stormwater Trench Drain and Stainless Steel Grating

161/09 **RESOLVED** that:

1. The contract for the supply of stormwater trench drain and stainless steel grating for Woodlark Street within the Lismore CBD, be awarded to ACO Polycrete Pty Ltd with the estimated price of works being \$220,980.00 plus GST, based on the clarified rates submitted.
2. The Mayor and General Manager be authorised to execute the contracts on Council's behalf and attach the Common Seal of the Council.

(Councillors Meineke/Houston) (ED09/14442:DAB:VLC:T10/7)

Somerville Bridge – Renaming Proposal

A MOTION was MOVED that the name of Somerville Bridge on Kyogle Road, Tuncester, be renamed Cubawee Bridge.

(Councillor Ekins/Houston)

An AMENDMENT was MOVED that:

1. The name of Somerville Bridge on Kyogle Road, Tuncester, be retained.
2. The culvert located approximately 600m to the east of Somerville Bridge on Kyogle Road, Tuncester, be named Cubawee Crossing.

(Councillors Graham/Yarnall)

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

Voting against: Councillors Houston and Ekins.

162/09 **RESOLVED** that:

1. The name of Somerville Bridge on Kyogle Road, Tuncester, be retained.
2. The culvert located approximately 600m to the east of Somerville Bridge on Kyogle Road, Tuncester, be named Cubawee Crossing.

(Councillors Graham/Yarnall)

Voting against: Councillor Ekins. (ED09/13695:VLC:R2707-03)

At this juncture Councillor Battista left the meeting.

Policy 1.5.9 – Pricing Policy – Fees and Charges

163/09 **RESOLVED** that Council adopt the amended Policy 1.5.9 – Pricing Policy – Fees and Charges attached to this report subject to the following amendment:

Program: Lismore Memorial Gardens
Pricing Objective: (i) Maximise the revenues generated to cover all operating expenses and generate reserve funding for future capital developments and bush land cemetery maintenance.

(Councillors Ekins/Clough) (ED09/14408:EF09/2381)

At this juncture Councillor Battista returned to the meeting.

Investments – August 2009

164/09 **RESOLVED** that the report be received and noted.

(Councillors Smith/Yarnall) (ED09/104533:EF09/2209)

At this juncture Councillor Battista left the meeting.

Committee Recommendations

Traffic Advisory Committee- 19 August 2009

165/09 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted with the following exclusions:

B09-8:5 Multitask – Ballina Road pedestrian Crossing – should read:

It was agreed: That this issue be referred to Council's Design Services Section with a view to developing a plan and estimated for the installation of pedestrian refuge on Ballina road in front of the City Hall. Further, that if it is found a pedestrian refuge cannot be installed at the proposed location due to sight restriction, that a report back to Council with alternate options be prepared.

(Councillors Meineke/Clough) (S352) (ED09/14369:EF09/1963)

Financial Assistance - Section 356

166/09 **RESOLVED** that in accordance with Section 356 (1) of the Local Government Act 1993, the assistance to persons as listed below is hereby approved.

a) Banners – Policy 1.4.14 (GL390.50.15)

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

The Friends of the Koala are requesting the cost of the hire fee to display their banner on Dawson Street, between 9-15 November 2009.

\$120

In accordance with policy.

b) Council Contributions to Charitable Organisations

Waste Facility – Policy 5.6.1 (GL390.965.15)

Budget: \$11,000 Spent to date:\$903.81

Animal Rights & Rescue \$13.64
Challenge Foundation \$186.00
Five Loaves \$48.36
Friends of the Koala \$31.64
LifeLine \$280.00
Salvation Army \$203.64
Westpac Life Saver Rescue Helicopter \$45.45
Lismore Soup Kitchen \$22.73
St Vincent De Paul \$591.09 (April - June 2009)
Five Loaves \$319.69 (Jan / Oct 2008)

Total

\$1,724.24

In accordance with policy.

a) Mayor's Discretionary Fund (GL390.485.15)

Budget: \$2,700 Spent to date: \$250

Lions Club of Ballina Inc. is seeking financial assistance to host the World Festival of Magic on the 18 September 2009 at the Lismore Workers Club. The festival gives an unforgettable outing to over 800 of our local special needs and disadvantaged children. This year will feature some top-class performers from around the world (CI09/11989).

\$100

Eltham Public School's P&C is seeking a donation towards the annual Eltham Art Awards, which focuses on artwork by Primary School students in the Northern Rivers Region. The exhibition will be open on 7 November 2009 (CI09/12120).

\$100

Goonellabah Public School Senior Boys Rugby League is requesting assistance in purchasing a full set of uniforms for the Public Schools School's Sports Association Knockout (CI09/13786).

\$100

At this juncture Councillor Battista returned to the meeting.

At this juncture Councillor Clough left the meeting.

Documents for Signing and Sealing

167/09 **RESOLVED** that the following be executed under the Common Seal of the Council.

Deed of Licence for community garden – part Lots 1 and 4 DP 344444 and part Lot 10 DP 16613 Cnr Brewster and Magellan Streets, Lismore (P1296,P1297,P858)

Council has negotiated a licence over the above land with Northern Rivers Social Development Council and Rainbow Region Community Farms Inc for the purpose of a community garden. The period of the licence is three years from September 1, 2009, to be reviewed annually.

Licence Agreement for Lismore Municipal Dip – Lot 2 DP 864899 152 Alexandra Parade, North Lismore (P26099)

Council has negotiated a new Licence Agreement for the above land to The Minister for Agriculture for a period of three (3) years. The purpose of the licence is operational matters related to the Department of Agriculture's cattle tick eradication program including the examination, dipping and or other treatment of cattle.

(Councillors Graham/Yarnall)

At this juncture Councillor Clough returned to the meeting.

Closure

This concluded the business and the meeting terminated at 8:40pm.

CONFIRMED this 13 October 2009 at which meeting the signature herein was subscribed.

MAYOR