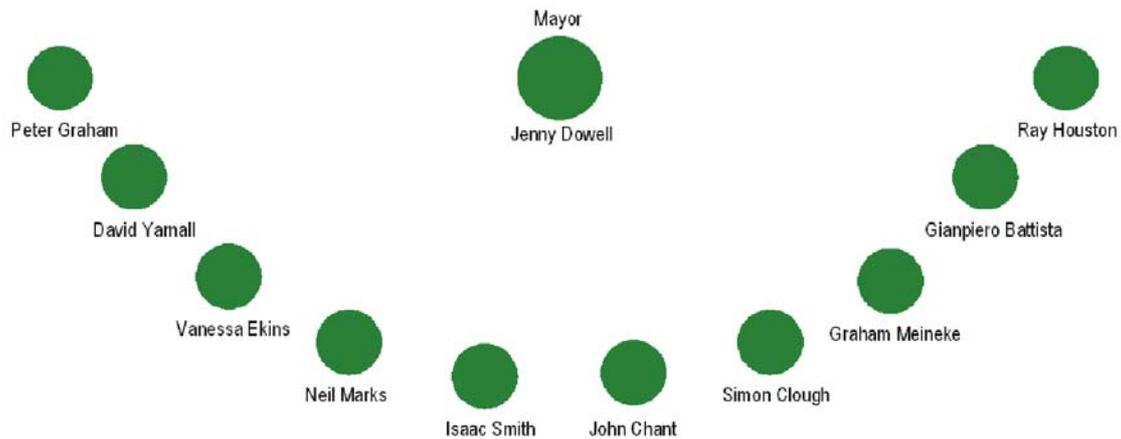


Notice of Council Meeting



Ordinary Meeting

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on **Tuesday, 9 February, 2010, 6:00pm** and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager

2 February, 2010



Agenda

Opening of Meeting and Prayer (Mayor)

Apologies and Leave of Absence

Confirmation of Minutes

Ordinary Meeting held on 8 December, 2009

Disclosure of Interest

Public Access Session

Mr Paul Bennett – Report - NORTEC Employment and Training – Financial Assistance

Public Question Time

Condolences

Mayoral Minutes

Notice of Rescission Motions

Notice of Motions

Councillor Clough - TransGrid Power Line

Councillor Meineke – Urban Land Release Strategy

Councillor Clough – Lismore Tourist Caravan Park

Councillor Graham – CBD Infrastructure Improvements

Councillor Clough – Purchasing Policy

Councillor Yarnall – Public Access Sessions

Altering Order of Business

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

Reports

DA 5.2008.652.2 - Subdivision at Chitticks Access 14

NORTEC Employment and Training – Financial Assistance 39

Sale of Council Properties 51

Review of Infrastructure Services 55

December 2009 Quarterly Management Plan Review 59

December 2009 Quarterly Budget Review 60

Public Art Policy 68

Richmond Tweed Regional Library – Development of Business Model 81

Customer Service Charter 85

Sport and Recreation Policy Advisory Group Membership.....	89
Classification of Land –18/40 Three Chain Road, South Lismore.....	91
Road Closure – off Kyogle Road, Fernside	93
Road Closure – Ingram Road, Wyrallah.....	95
Tender T2010-18 – Hire of Various Trucks and Plant.....	98
Tender T2010-20 – Asphalt Management Services	102
Tender T2010-15 – Contract Crushing.....	105
Tender T2010-23 - Water Main Replacement.....	108
Request for Financial Assistance – Lismore Thistles Soccer Club Inc.....	112
Investments – December, 2009 and January, 2010.....	115
Committee Recommendations	
Documents for Signing and Sealing	
Financial Assistance - Section 356	
Questions Without Notice	
Confidential Matters – Closed Council Meeting	
Proposed sale of land – Simeoni Drive, Goonellabah 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:

1. Council notes that TransGrid plans to build a \$227 million 330kV power line from Bonshaw, west of Tenterfield, to Lismore. This transmission line is to carry coal fired electricity from Queensland.
2. Council is concerned that:
 - a. the high voltage transmission line is unnecessary and a waste of \$227 million;
 - b. residents and local businesses are likely to face increased power bills to pay for the line;
 - c. TransGrid's expectation that peak demand for electricity in the region will grow by more than 40 per cent over the next 10 years is an overestimation;
 - d. TransGrid has failed to properly take into account demand management opportunities and an expected increase in energy efficiency;
 - e. The transmission line will undermine opportunities for renewable energy in this local government area;
 - f. TransGrid has failed to properly take into account the potential for locally generated power, including: household and community solar electricity; gas-fired peak power (e.g. Metgasco Casino); and cogeneration;
 - g. the transmission line will undermine opportunities for employment generation and the creation of new business opportunities in renewable energy in this local government area and;
 - h. the transmission line will destroy important ecosystems along the route, permanently sever the 'Atherton to Alps' green corridor and increase this local government area's carbon footprint.
3. Council calls on TransGrid to engage consultants to independently assess electricity demand management, energy efficiency and local power generation options for the New South Wales Far North Coast.
4. Council communicate its concerns to TransGrid, NSW Minister for Energy, the NSW Finance Minister and Treasurer as shareholding ministers of TransGrid. The letter should also be sent to the Minister for Planning as well as to the Premier of NSW.

Councillor Comment

TransGrid, the State Government-owned monopoly builder and manager of electricity transmission lines in NSW, is planning to build a new 330 kV line from Bonshaw (in the Dumaresq Valley west of Tenterfield) to Tenterfield and upgrade the existing 132 kV line from Tenterfield to Lismore. The project is based on a projected increase in peak demand on the far north coast of 46% by 2017 and the claimed need to provide a backup source of supply in case the main Coffs-Lismore line is down. The project has been through a cursory federal assessment under the national electricity rules, but is currently undergoing a more thorough assessment under Part 3A of the NSW Environmental Planning and Assessment Act. The detailed environmental assessment will be placed on public exhibition - probably early in 2010 - before a final decision is made by the Minister for Planning.

Notice of Motion

This proposal appears to represent a business as usual attempt by TransGrid to maintain its role and profitability in the face of a rapidly changing energy landscape, and could become a stranded asset - ie, a white elephant - in only a decade or so. Given the amount of money involved - \$227 million - this represents a unique opportunity for the NSW Government to show that it is serious about reforming the energy sector to transition to a low carbon future. As a first step in this direction, the Government - as the sole shareholder - should direct TransGrid to stop work on the project and commission a thorough and independent study into demand management and local generation options on the Far North Coast.

Staff Comment

General Manager

Council should satisfy itself that the 'concerns' nominated in this Notice of Motion are soundly based. To that end I have sought input from TransGrid and Country Energy. I have been directed to the website www.transgrid.com.au, which contains a comprehensive report that addresses many of the issues raised. I recommend that Councillors acquaint themselves with this report prior to voting on this matter. As a result of my consultation the following comments have been received from TransGrid.

TransGrid Comment

I would like to take this opportunity to thank you for the information provided regarding the Lismore City Council's proposed Notice of Motion (NOM) for the Dumaresq (near Bonshaw) to Lismore transmission line project. TransGrid would like to politely decline your offer to speak during the public access portion of the upcoming Council meeting on Tuesday, 9 February, 2010 as we do not believe that the short period of time on offer (i.e. the prescribed five minute timeslot) would suffice in adequately explaining and addressing the issues that have been raised in the aforementioned NOM.

However, TransGrid would be more than willing to address the Council, at a date and time of your convenience, in providing a more detailed description and presentation of the current project status and/or any other questions that may arise as a result of a more project specific meeting.

In the interim, please find outlined below TransGrid's responses to the points as listed within the proposed NOM.

2. Council is concerned that:

a. the high voltage transmission line is unnecessary and a waste of \$227 million:

TransGrid is undertaking the project to meet rising peak demand in the Far North Coast. Peak demand is expected to increase by 40% over the next decade, which is higher than the state average. As a result of this increase in demand, TransGrid forecasts that we will be unable to provide current levels of electricity reliability post 2012 - unless we upgrade the transmission network in the area.

b. residents and local businesses are likely to face increased power bills to pay for the line:

As a result of the project, there will be no further impact on consumers outside price increases already approved by the Australian Energy Regulator (a branch of the ACCC).

In NSW, transmission charges represent a maximum of 8 per cent of a consumer's bill. The cost of our proposed project is a fraction of this percentage, so the impact of this specific project on a consumer's bill will be minimal.

A reliable and affordable electricity supply is essential in maintaining the lifestyle, job security and employment opportunities of the entire Far North Coast community.

c. TransGrid's expectation that peak demand for electricity in the region will grow by more than 40 per cent over the next 10 years is an overestimation:

Under the arrangements in place for the National Electricity Market, each year TransGrid formally requests from each of its connected customers a 10 year demand forecast. In the Far North Coast of New South Wales, this customer is Country Energy. This formal request acknowledges that the local Distributors have a better understanding of the drivers for load growth in different areas because of their direct relationship with existing and prospective end-use customers. Under the National Electricity Rules TransGrid is obliged to accept this load forecast unless the information is inaccurate.

To assess whether the forecast is accurate TransGrid considers historical load data to prepare a time-series projection along with additional supporting information which it may request from the Distributor such as load transfers, spot load variations or other relevant factors.

TransGrid is aware that:

- demand for electricity increases much faster than the population increases;
- based on data from the Department of Planning the population in Far North of NSW will increase in excess of 20% over the next 20 years and;
- time series demand data supports a point to point increase in demand of approximately 40%.

TransGrid has no evidence to suggest the demand forecast provided by Country Energy is inaccurate.

Furthermore, the Far North Coast hit a new record for summer peak demand on 8 December, 2009.

d. TransGrid has failed to properly take into account demand management opportunities and an expected increase in energy efficiency:

TransGrid has remained transparent and open regarding the emerging transmission network limitations in the Far North Coast and potential options over an extensive period. A decade ago, TransGrid announced in Annual Planning Statements (1999-2001) and Annual Planning Reports (2002-2009) that due to the high demand growth in the far north of NSW it would be necessary to reinforce the transmission network.

In 1999, six potential options were listed for meeting this need including several transmission line alternatives (network alternatives), local generation and alternative energy saving arrangements (non-network solutions). In 2003 TransGrid also published the document 'Emerging Transmission Network Limitations on the New South Wales Far North Coast'.

Consistent with the National Electricity Rules, TransGrid has consulted with the market and undertaken a regulatory consultation process. TransGrid issued an 'Application Notice' in April, 2008, which invited industry participants to propose alternative solutions to meet growing energy demand in the region. The consultation process sought submissions on alternative proposals such as local generation and demand management alternatives.

TransGrid's Final Report (March 2009) is an analysis considering both network (transmission line) solutions and non network alternatives (such as demand management and embedded generation). This report concludes that the proposed transmission line upgrade is the best option to maintain current levels of electricity reliability on the Far North Coast.

I would also like to clarify that TransGrid is not averse to implementing demand management (non-network) solutions. It recently implemented a demand side solution for the Newcastle, Sydney and Wollongong areas during the summer of 2008/09 - the largest of its type ever delivered in the National Electricity Market.

e. The transmission line will undermine opportunities for renewable energy in this local government area and:

Contrary to this claim, TransGrid provides the infrastructure platform necessary for renewable energy transport. I would like to clarify that TransGrid currently connects to a large amount of renewable generation in NSW (over 4,000 megawatts of hydro and wind generation) and is presently progressing applications to connect additional renewable generation to its network.

TransGrid recently connected the largest wind farm built in NSW to its network, located in Bungendore. It is likely that in the future, more large scale wind farms will be located in areas remote from major population and demand centres.

TransGrid understands that communities across NSW will look increasingly to renewable energy for its future electricity supply. This project will deliver a more reliable electricity network to the Far North Coast – which will encourage companies to invest in renewable technologies in the area. Transmission infrastructure will be a key facilitator of the shift to lower emissions and renewable energy.

g. the transmission line will undermine opportunities for employment generation and the creation of new business opportunities in renewable energy in this local government area and:

As TransGrid's infrastructure will encourage investment in renewable energy in the region, employment generation and the creation of new business opportunities in renewable energy in the NSW Far North Coast is more likely to increase.

f. TransGrid has failed to properly take into account the potential for locally generated power, including: household and community solar electricity; gas-fired peak power (e.g. Metgasco Casino); and cogeneration:

TransGrid has a responsibility to our customers in NSW and the ACT to keep the lights on, and when assessing alternatives for any transmission line project, we require a high degree of certainty from all proposals. That degree of certainty was not provided by any alternatives proposed for our Far North NSW Project.

With regard to the gas-fired power plant in Casino, TransGrid has been in discussions with Metgasco over the last few years and is well aware of their projects in the Casino area. Despite the recent discovery of a major gas deposit, Metgasco's current power station proposal at Casino is only a third of the size necessary to ensure a reliable supply of electricity to the Far North Coast post 2012.

In terms of carbon footprint, TransGrid's Far North NSW Project will save over 33,000 tonnes of CO₂ every year due to increased efficiency of the network. As demand for electricity in the region increases, we will see greater savings in energy as a result of the new transmission line. For instance, after just six years of operation, the amount of energy saved will be almost double the electricity consumption of Tenterfield, at 63 Gigawatt Hours per year.

h. the transmission line will destroy important ecosystems along the route, permanently sever the 'Atherton to Alps' green corridor and increase this local government area's carbon footprint.

TransGrid is currently undertaking an Environmental Assessment in accordance with the Department of Planning's Environmental Planning and Assessment Act. This Environmental Assessment has not yet been completed. We expect this Assessment to be completed and placed on public display during the first half of 2010.

This Environmental Assessment will address a range of environmental considerations, including the Great Eastern Ranges Initiative (formerly named Alps to Atherton) wildlife corridor.

I would like to take this opportunity to clarify a number of issues which may have been misrepresented to

the Councillors of Far North NSW:

- TransGrid's existing transmission line between Tenterfield and Lismore does not traverse either The Richmond Range National Park or the Mullangambe National Park which form part of the proposed Great Eastern Ranges Initiative. Rather, it crosses private property and crown land which occupies the existing 1.6 km wide cleared area between the two National Parks. The Department of Lands 2005 aerial photo below shows a section of TransGrid's existing transmission line between Tenterfield and Lismore in red in relation to the Richmond Range National Park and the Mullangambe National Park (the highlighted light bright green sections to the North and South of the red line respectively), which form part of the Eastern Ranges Initiative corridor.



- TransGrid's existing transmission line between Tenterfield and Lismore was built and established in the 1970s and already has a 45 metre wide easement. As part of the upgrade, this easement would only be extended by 15 metres along the edges of the existing easement, not an additional 60 metres.
- TransGrid has a statutory responsibility to maintain adequate safety clearances between vegetation and transmission line conductors. TransGrid will maintain vegetation in accordance with the law to ensure the safety of the entire community in Far North NSW and the reliability of their electricity supply.
- An easement may not necessarily have to be kept free from vegetation in all circumstances. The removal of any vegetation within an easement will be assessed on a case by case basis and will

depend on the type of topography, vegetation and required clearance to conductors.

3. Council calls on TransGrid to engage consultants to independently assess electricity demand management, energy efficiency and local power generation options for the New South Wales Far North Coast.

Under the arrangements in place for the National Electricity Market, each year TransGrid formally requests from each of its connected customers a 10 year demand forecast. In the Far North Coast of New South Wales, this customer is Country Energy. This formal request acknowledges that the local Distributors have a better understanding of the drivers for load growth in different areas because of their direct relationship with existing and prospective end-use customers. Under the National Electricity Rules TransGrid is obliged to accept this load forecast unless the information is inaccurate.

To assess whether the forecast is accurate TransGrid considers historical load data to prepare a time-series projection along with additional supporting information which it may request from the Distributor such as load transfers, spot load variations or other relevant factors.

TransGrid is aware that:

- demand for electricity increases much faster than the population increases
- based on data from the Department of Planning the population in Far North of NSW will increase in excess of 20% over the next 20 years
- time series demand data supports a point to point increase in demand of approximately 40%

TransGrid has no evidence to suggest the demand forecast provided by Country Energy is inaccurate.

Should you have any further requests or queries, please don't hesitate to contact either David Fayyad or myself.

Regards

Denis Novakovic
Project Manager
Projects/Capital Program Delivery/TransGrid

(EF09/631:ED10/699)

Notice of Motion

Cr Graham Meineke has given notice of his intention to move:

That Council, when it amends the Urban Lands Release Strategy (ULRS) to include Pineapple Road (as per the Resolution of Council's December, 2009 meeting), include in the same amendment the areas known as the North Lismore Plateau and Lagoon Grass Road (shown as Areas A and C on the attached 'Stocktake' plan).

Councillor Comment

These two Areas are mentioned in Council's ULRS but are discounted for various reasons. They are also shown in the State Governments Far North Coast Regional Strategy. Therefore Areas A and C have a fair degree of certainty for future development (subject to local constraints) given their status in the FNCRS and Council's Strategy. It would seem reasonable for the land owners to initiate any studies that Council will require. The cost, risk analysis and decision would rest with solely the land owners. Council cannot wait for the proposed comprehensive LEP to be gazetted until it reviews its Strategy to include areas A and C, but must move now to get those areas included, so that required studies can be commenced, and dialogue entered into with the relevant landowners.

Staff Comment

Strategic Planning Coordinator

On 8 December, 2009 Council considered the outcomes of the Urban Land Release and Infrastructure Servicing Review. One outcome of the Review was a resolution to not proceed with the draft LEP amendment to include land in Pineapple Road in a rural residential zone as rural residential housing will not maximise the use of land close to a significant item of infrastructure, that is, the 'Northern Bypass'. Council also resolved that the Lismore Urban Strategy (LUS) be amended to allow that land to be considered for inclusion in an urban residential zone. The Notice of Motion seeks to include the North Lismore Plateau and Lagoon Grass Road in the same process. However, as resolved at the 8 December Council meeting, it is more appropriate to consider these areas and the staging of their release over the next 25-30 years when the Growth Management Strategy is prepared because:

- A substantial amount of work has already been undertaken by the Pineapple Road land owners and Council to progress the rural residential rezoning and amending the Urban Strategy to include the land is a relatively straightforward process;
- The Review concluded that development of the North Lismore Plateau will require major works even when requirements that benefit the wider community are removed and it presents the most challenges in terms of infrastructure access. Therefore the staff resources required to justify its inclusion in the Urban Strategy are significant;
- The Urban Strategy has a 10 year time frame and the servicing requirements for North Lismore Plateau show that it is not feasible to progress its development within this time. The FNCRS is a 25 year strategy and envisages that the land at North Lismore Plateau and Lagoon Grass Road will be required within that time frame, not within the next 10 years. The Review endorsed the Urban Strategy and the FNCRS;
- Experience indicates that once land owners commence the preparation of studies the pressure increases on Council to consider the studies and staff resources are diverted from Council agreed priorities. It is not appropriate for private developers/landowners to fund from a probity viewpoint studies that feed into strategies. More detailed masterplans that are included in Development Control Plans (DCP's) can be funded by developers and rezoning studies should be completed by land owners.

Executive Director Sustainable Development

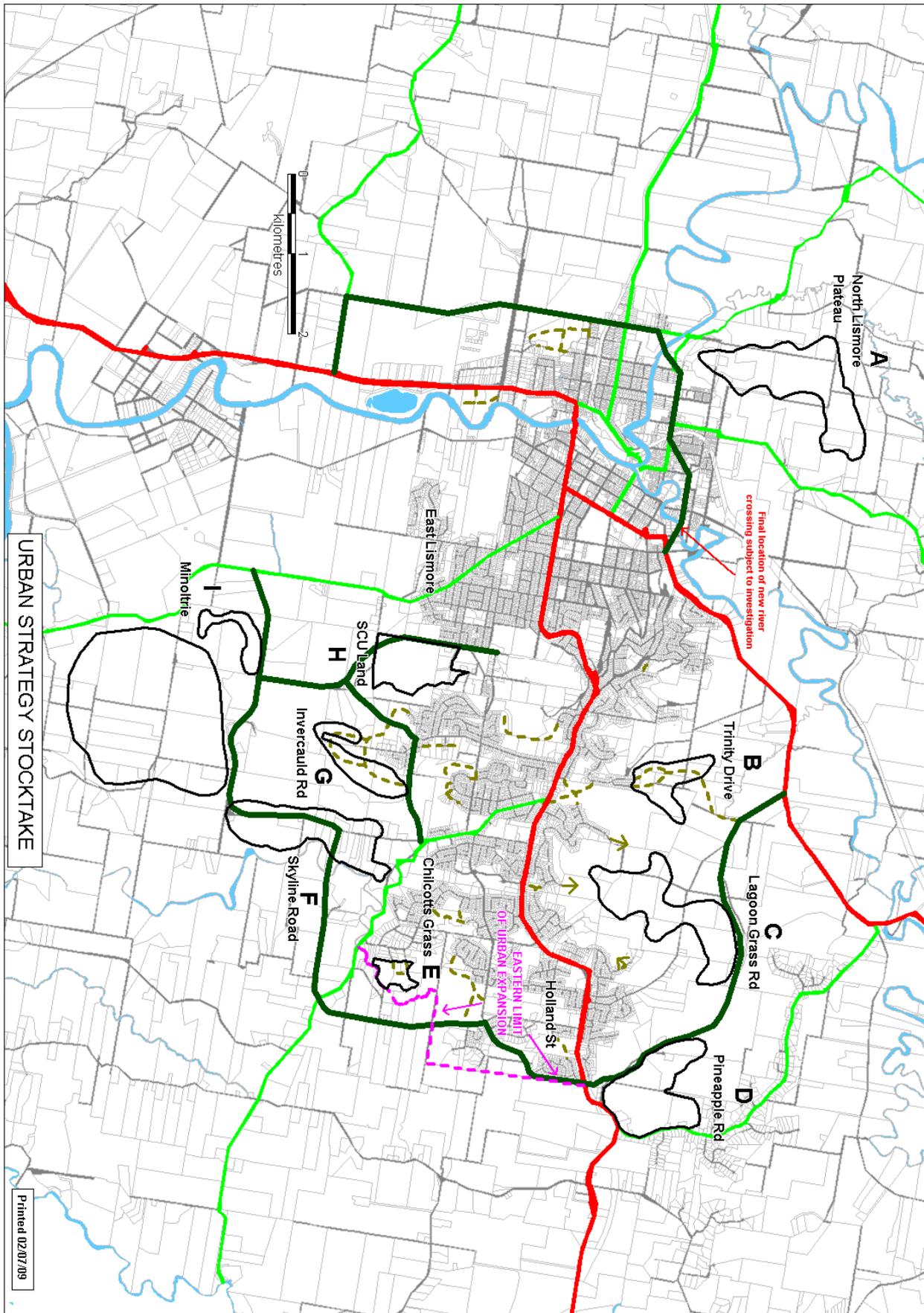
At Council's December 2009 meeting the outcomes of the Urban Land Release and Infrastructure Servicing Review were fully considered (which has become known as the 'urban release stock take'). This was a comprehensive and holistic review of urban land release options. The package of staff recommendations and subsequent Council resolutions did not include the proposal as outlined in this Notice of Motion (NOM) for the reasons listed in the comments from the Strategic Planning Coordinator.

Secondly, this NOM has real resourcing implications. The current work program in this area is already very stretched. In particular diverting from the approach adopted at the December 2009 meeting will impact adversely on the timeframe under which the Council's Draft LEP will be processed by the Department of Planning. For all those reasons the NOM is not supported.

It should be noted that part of the package of resolutions at the December 2009 Council meeting included the 'preparation of a Growth Management Strategy (GMS) that determines the staging of the remaining land releases not included in the draft LEP 2009 over the next 25-30 years'. The GMS would supersede the LUS and the two areas identified in the NOM would be included in the GMS. This of course won't happen in the timeframe of the LUS amendment occurs as sought in this NOM but it is the more appropriate planning document to consider the two land release areas raised in the NOM.

(EF09/631:ED10/1896)

Attachment 1 – Urban Strategy Review Sites



Notice of Motion

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

That as a matter of urgency Council prepare a report on relocating the Tourist Caravan Park on the corner of Dawson and Woodlark Streets to a safe less flood prone position.

Councillor Comment

This motion was passed unanimously by the Floodplain Management Committee on 16 December 2009. The motion reflects the committee's deep concern that the flooding of the caravan park in May 2009 not be repeated.

Staff Comment

Manager Assets

The potential relocation of the Lismore Tourist Caravan Park has been investigated previously and is problematic due to a number of reasons. These include:

- Finding a suitable site, that is not flood affected, close to the services and amenities of the CBD;
- Cost of relocating the park and;
- Community acceptance of any proposed new site.

Nevertheless it is timely to revisit the issue and a report on the matter is the appropriate mechanism to bring it forward again.

(EF09/631:ED10/786)

Notice of Motion

Cr Peter Graham has given notice of his intention to move:

That Council staff prepare a report on the cost of improving the visual appearance of footpaths in the CBD and surrounding walkways.

Councillor Comment

Report could include paving, tiling or stencilling with a regular maintenance and cleaning program, which should include daily sweeping and scrubbing.

Staff Comment

Executive Director, Infrastructure Services

Council currently allocates approximately \$100,000 per annum to CBD footpath cleaning. This provides daily footpath sweeping, four scrubs per year plus scrubbing for one off problems as required. Separate funding is provided for repair works.

The existing footpaths in the main block of Molesworth, Woodlark and Keen Streets are very old. A relatively cheap surface treatment was applied in early 2000. It is very difficult to provide a high quality visual appearance to this product. Additional investment in cleaning may not be effective. Replacement of the existing footpath with good quality paving is recommended.

A report to expand on these issues is supported.

(EF09/631:ED10/1917)

Notice of Motion

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

That Council prepare a review of its local purchasing policy.

Councillor Comment

Several times last year Councillors were prevented from preferring a local manufacturer or provider of services. The review should assess the practicality of increasing the 'weighting' on Council's local purchasing policy particularly taking into account the potential economic multiplier effect in stimulating the local economy.

Staff Comment

Manager Assets

Council does not have a local purchasing policy, rather it has a procurement policy which includes local content as a consideration. A review of the procurement policy can certainly be undertaken, however the apparent reason for calling it raises some concern.

The current policy does not prevent or restrict Council from awarding contracts to local suppliers. The circumstances referred to in the Notice of Motion are a product of the fact that Council must outline in its tender documentation what process will be used to assess tenders. After assessing tenders in the manner outlined in the documentation, it is not open to Council to ignore this assessment and award a contract on a completely different assessment methodology.

It is not considered reasonable to assess the benefits to the local economy of a procurement by Council purely on whether a particular contract was awarded to a local business or not. This issue of local preference versus local content was canvassed widely with Councillors at the time of formulating the original policy. Council adopted the local content approach because it would encourage suppliers and contractors from both inside and outside the Council area to look at ways in which they could support the local economy.

Further, any policy that gives preference to local suppliers is not generally supported by the Independent Commission Against Corruption and they have made a series of recommendations regarding procedures that would need to accompany such a policy.

A workshop on the policy would be an appropriate starting point to determine whether the policy should be reviewed.

(EF09/631:ED10/1916)

Notice of Motion

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

That public access session at Council meetings, section 63, part 2 of Lismore Council's Code of Meeting Practice be changed to read: 'Public access session slots be limited to five minutes'.

Councillor Comment

The effect of the above change is to remove the limit of the number of speakers, currently eight. This is needed to avoid problems encountered whereby public speakers for or against a Council motion are excluded by virtue of the limit on the number of speakers allowed as occurred at a Council meeting in December 2009. This will enhance the democratic nature of Council meetings and provide for more rigorous public debate.

Staff Comment

Corporate Compliance Coordinator

Council must adopt a Code of Meeting Practice which is consistent with the Local Government Act, Regulations and the Model Code. It may also include additional provisions to fit local circumstances.

The Clause in respect to Public Access is a local clause and is capable of being amended as recommended.

Any change to Council's Code of Conduct requires the Code to be publicly exhibited and reported back to Council.

The number of speakers being limited to eight is a number that has evolved over time and has no special significance. The number is rarely reached so its removal should only impact a few times per year. The retention of the clause 63(5), of one speaker for/against each item will also act to regulate the number of speakers. Notwithstanding, there are many other effective mechanisms for the public to make their views known to the Council.

(EF09/631:ED10/1914)

Report

Subject	DA 5.2008.652.2 - Subdivision at Chitticks Access
File No	DA 5.2008.652.1:ED10/236
Prepared by	Senior Development Assessment Officer
Reason	The original Development Application was determined by Council
Objective	Determination of the Development Application
Strategic Plan Link	Sustainable Economic Growth and Development
Management Plan Project	Efficient assessment of development applications

Overview of Report

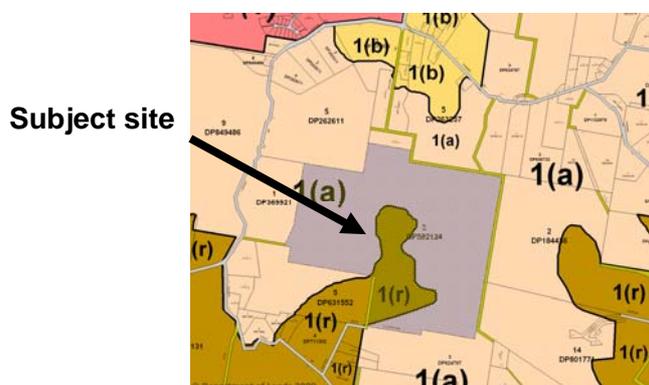
Council approved this Development Application at its meeting of July 1, 2009. A copy of the original report is included as Attachment 1. The applicant has lodged a Section 96 Application (Attachment 2) to amend the consent. The applicant's proposed amendments are to:

- delete Condition 6 that requires the closure of a redundant area of public road; and
- amend Condition 7 to allow dogs to be unrestrained and unsupervised during the day; and
- delete Condition 9 that requires the preparation of a Koala Plan of Management (KPOM).

The deletion of Condition 6 is not supported as it is contrary to Council practice and would leave an isolated and redundant area of road reserve. The amendment of Condition 7 is not supported, as unrestrained dogs that are not working can pose a risk to koalas. Condition 9 was imposed by resolution of Council at the meeting of Council held on July 14, 2009. The deletion of the requirement under Condition 9 of the consent to prepare a KPOM is supported because there is no planning basis for requiring the KPOM. A condition of consent is not valid if it is not for a planning purpose.

1. Site Description and Locality Plan

The development site is at 53 Chitticks Access, Caniaba, Lot 2 DP 592124. The site has a varied topography with flood prone river flats that have been cleared for grazing and vegetated hill slopes. The vegetated hill slopes contain koala feed trees. The site has a total area of 158.6ha.



Map 1 - Locality Plan shows subject site hatched and the town planning zones. The land is zoned 1(a) General Rural Zone and 1(r) Riverlands Zone.

2. Proposal

Landpartners Limited on behalf of Mr B A and Mrs J N Groth have submitted a Section 96 Application to modify the consent for a four lot rural subdivision. There are three lots of 40ha and one of 38.6ha in the proposed development. The application is integrated development as it required a bushfire safety authority under section 100B of the Rural Fires Act 1997. A copy of the application containing the developer's arguments as to why the application should be modified is included as Attachment 2.

The applicant proposes to modify the consent in the following ways:

Original Condition	Applicant's Proposed Amendment
<p>6 Prior to the issue of a Subdivision Certificate, the proponent shall apply for the closure of the unformed road reserve at the end of the formed section of Chittick's Access and in the event that the application is successful incorporate the closed road into the subject blocks.</p> <p><i>Reason: To eliminate redundant road reserves and limit the creation of severed parcels of land.</i></p>	Delete
<p>7 Dogs to be kept suitably restrained and/or in a suitably designed enclosure at all times while not working.</p> <p><i>Reason: To minimise the potential for dogs to prey on koalas.</i></p>	<p>7 Dogs to be kept suitably restrained and/or in a suitably designed enclosure between dusk and dawn and when Koalas are most likely to be active.</p> <p><i>Reason: To minimise the potential for dogs to prey on koalas.</i></p>
<p>9 A Koala Plan of Management be submitted to Council and approved prior to lodgement of application for subdivision certificate.</p>	Delete

3. Public Notification

The application was lodged on October 27, 2009 and was placed on public exhibition from October 29, 2009 until November 12, 2009. Copies of the submissions are included as Attachment 3. The submissions are discussed below.

4. Key Issues

The key issues for consideration with regard to the deletion of Condition 6 are the application of the Newbury Test and the consistent application of Council practise and a question of merit.

The modification of Condition 7 is purely a question of merit. Specifically will the condition, as modified, afford an adequate level of protection to koalas on the property?

The key issue relating to the deletion of Condition 9 is the application of the Newbury Test to determine if this condition is valid or if the condition should be deleted.

The Newbury Test is the commonly accepted method of determining if a condition of consent is valid. If a condition fails to satisfy any one of the three questions in the test then the condition is considered to be invalid and should be removed from the consent. The test comes from **Newbury District Council v Secretary of State for the Environment** [1981] AC 578 (HL). The Newbury tests, as adopted and expressed by McHugh J in **Western Australian Planning Commission v Temwood Holdings Pty Ltd** [2004] HCA 63; (2004) 221 CLR 30 at [57], are as follows:

A condition attached to a grant of planning permission will not be valid therefore unless:

1. The condition is for a planning purpose and not for any ulterior purpose. A planning

purpose is one that implements a planning policy whose scope is ascertained by reference to the legislation that confers planning functions on the authority, not by reference to some preconceived general notion of what constitutes planning.

2. *The condition reasonably and fairly relates to the development permitted.*
3. *The condition is not so unreasonable that no reasonable planning authority could have imposed it.*

This test will be further discussed below as it applies to Conditions 6 and 9.

5. Consideration of Section 96 (1A) of the E.P. & A ACT

The Act states that:

96 (1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

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

Subsections (1), (2) and (5) do not apply to such a modification.

The proposed modifications of the consent will be of minor environmental impact and the development consent, when modified, will result in substantially the same development. The application was notified in accordance with the Development Control Plan (DCP) and the submissions will be discussed below.

Condition 6

Condition 6 requires an area of redundant road reserve that adjoins the subject land to be closed and consolidated into the new lots to be created. Having consideration for the Newbury Test, this condition is clearly for a planning purpose, as it is undesirable to have areas of redundant road reserve that do not connect to other parts of the road network.

This condition is reasonable and fairly relates to the development, as the area of road to be closed is made redundant by the roadworks and opening of another section of public road that is required to access the subdivision. Council has not required other road reserves to be closed. Only the section or road reserve made redundant by the application is required to be closed.

It is contended that the condition is reasonable and could be applied by other Council's to reduce the amount of redundant road reserve in any Council area. It has been Council's practice to not have redundant road reserves. For these reasons this condition should not be deleted.

Condition 7

The modification of Condition 7, as proposed by the applicant, is not supported on merit. It is known that dogs pose a significant risk to koalas. An unrestrained dog that is allowed to roam may pose a threat to a koala that is on the ground. Koalas are not strictly nocturnal and may move around on the ground during the day. It is not unreasonable to impose a condition that will minimise the risk to koalas. It is

recommended that this condition remain unchanged.

Condition 9

The applicant has requested the deletion of the requirement to prepare a Koala Plan of Management (KPOM) from the consent. The requirement for a KPOM was imposed by Council resolution on July 14, 2009 following Council's consideration and determination of the Development Application, and was added to the draft conditions of consent prepared by Council planning staff. To determine if the condition imposed by Council is valid and should remain, the Newbury Test set out above will be applied. The first limb of the test requires that the condition be imposed for a valid planning purpose and that purpose must be founded in planning policy. The relevant planning policy to require a KPOM is State Environmental Planning Policy 44 - Koala Habitat.

SEPP 44 Koala Habitat Protection applies to the proposal. Clause 7 of SEPP 44 states:

- (1) *Before a Council may grant consent to an application for consent to carry out development on land to which this Part applies, it must satisfy itself whether or not the land is a potential koala habitat.*

The applicant provided an assessment of development in accordance with the provisions of SEPP 44 and Circular B35 (SEPP 44 Koala Habitat Protection) with the original Development Application. The applicant's Ecologist identified that there may be potential koala habitat on the site.

Potential koala habitat means areas of native vegetation where the trees of the types listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.

Forest red gum, a listed Schedule 2 tree, dominates the upper stratum of the canopy with up to 70% of the canopy of the dry sclerophyll forest composed of this species.

However Circular B35 states that "*it is the intention of the policy that investigations for "potential" and "core" koala habitats be limited to those areas in which it is proposed to disturb habitat*". The proposed development has located the dwelling sites in areas that are clear of habitat. The subdivision will not disturb any areas of potential habitat. On this basis it was concluded that further investigation into core koala habitat, or an individual koala plan of management, was not required for this development under the terms of SEPP 44.

If the KPOM was not required because of the policy, it is extremely difficult to sustain an argument that the condition is for a valid planning purpose. On this basis the condition fails the first Newbury Test and should be deleted from the consent. In light of the assessment of the application and conclusion above, it is also considered that the imposition of this condition could also fail the second Newbury Test and does not fairly relate to the form of development proposed.

It is therefore recommended that this condition be deleted.

6. Section 96 (1A) (c) (i) Submissions made in accordance with the regulations.

A précis of the main points from the submissions is as follows:

- Object strongly to the modification of any conditions;
- Time and cost should not be a consideration when dealing with a species that is so valuable;
- All dogs should be restrained at all times. In the case of working dogs, this should mean whenever they're not working under the supervision of the property owner, not just between dusk and dawn.
- The existing Condition was watered down significantly from that proposed by the planner's originally and further compromises should not be made;
- A KPOM is essential to ensure that all relevant matters are to be identified;
- The applicant's submission that the same matters contained within a KPOM can be addressed by conditions is not logical;
- A KPOM will provide:
 - Guidance to property management;
 - Indications of baseline population;
 - Monitoring;
 - A mechanism to prevent the further fragmentation of habitat.
- Routine agricultural management are a loophole in the Native Vegetation Act and SEPP 44;
- NSW has an Approved Recovery Plan for the koala;
- If staff were so concerned about koalas that they recommended that no dogs be kept on the property why didn't they support a KPOM.

Planner's response to the key points of objection

It is agreed that time and cost should not generally be a factor in considering if a condition should be imposed or not.

It is agreed that dogs should be restrained, when not working, to prevent attacks on koalas. The concept that because a condition was "watered down" from what was originally recommended is not relevant to the determination of whether a condition should be modified. The relevant matters are the merits of the condition and the application of the Newbury test as outlined above.

The proposition that a KPOM is essential to ensure all relevant matters are identified cannot be supported as there is no legislative requirement under SEPP 44 or Circular B35 to prepare a KPOM. It is not disputed that a KPOM would be beneficial to koalas and that it could achieve good outcomes with respect to population monitoring and provide guidance for property management. However the benefits of a KPOM are not relevant to determining if a KPOM is required to address the potential impacts of the specific development. The relevant matters for Council to consider are SEPP 44 and Circular B35 as the policy basis to answer the first of the Newbury Tests.

It is not disputed that routine agricultural management activities can impact upon habitat but it is very clear from the legislation that these activities are exempt from requiring consent under the Native Vegetation Management Act 2003. Section 11 of the Native Vegetation Management Act 2003 sets out what these activities are:

11 Meaning of routine agricultural management activities

- (1) *For the purposes of this Act, routine agricultural management activities mean any of the following activities on land carried out by or on behalf of the landholder:*
 - (a) *the construction, operation and maintenance of rural infrastructure:*
 - (i) *including (subject to the regulations) dams, permanent fences, buildings, windmills, bores, air strips (in the Western Division), stockyards, and farm roads, but*
 - (ii) *not including rural infrastructure in areas zoned as rural-residential under environmental planning instruments or on small holdings (as*

- defined in the regulations),*
- (b) the removal of noxious weeds under the Noxious Weeds Act 1993,*
 - (c) the control of noxious animals under the Rural Lands Protection Act 1998,*
 - (d) the collection of firewood (except for commercial purposes),*
 - (e) the harvesting or other clearing of native vegetation planted for commercial purposes,*
 - (f) the lopping of native vegetation for stock fodder (including uprooting mulga in the Western Division in areas officially declared to be drought affected),*
 - (g) traditional Aboriginal cultural activities (except commercial activities),*
 - (h) the maintenance of public utilities (such as those associated with the transmission of electricity, the supply of water, the supply of gas and electronic communication),*
 - (i) any activity reasonably considered necessary to remove or reduce an imminent risk of serious personal injury or damage to property.*
- (2) The regulations may make provision for or with respect to extending, limiting or varying the activities that are routine agricultural management activities, and subsection (1) is to be construed accordingly.*

Section 22 of the Native Vegetation Management Act 2003 allows these routine agricultural management activities to occur without the need to get consent. These activities could occur even if a KPOM was in place regardless of the content of the KPOM. The objector may consider such clearing to be a loophole but this is not a relevant consideration for Council in determining the current application.

7. External Referrals

No external referrals are required for this application.

8. Comments

Financial Services

Not required for this application.

Development Engineer

The application to delete Condition 6 relating to the closure of the existing road reserve is not supported as it is Council's adopted practice to require redundant road reserves contained within proposed subdivisions to be closed and incorporated within the proposed lots. This practise has been adopted for a number of reasons including:

- removing potential conflict between the occupiers of the land and general public access lands which for all intents and purposes are within the farmers holding;
- remove the potential for improvements to unknowingly be constructed upon public lands;
- reducing potential maintenance responsibilities for public lands.

9. Conclusion

The Section 96 Application is not supported in its entirety. The deletion of the requirement to close the road is not supported on merit as this is based upon sound planning practice. The proposal to alter Condition 7 as it relates to dogs is not supported on merit. The application to delete the requirement to prepare a KPOM is supported as this condition does not have any legislative or planning basis and fails the Newbury Test.

To achieve the outcome of removing Condition 9 and retaining Conditions 6 and 7 it is recommended to Council that the modification application be determined by approval in part only.

Recommendation (PLA1)

That Council:

As the Consent Authority modify Development Consent 2008.652 in respect to a proposal for the subdivision of rural land into three 40ha lots and one lot of 38.6ha, on land described as 53 Chitticks Access, Caniaba, Lot 2 DP 592124 by granting part approval to application No. DA2008.652.2 under the provisions of Section 96 of the Environmental Planning and Assessment Act, only in so far as will provide for the following:

- 1 Condition 9 is deleted.
- 2 The proposed deletion of Conditions 6 and 7 is refused, for the following reasons:
 - a) *The area of road to be closed is made redundant by the road works and opening of another section of public road that is required to access the subdivision; and*
 - b) *To minimise the potential risk to koalas from roaming dogs.*

Report

Subject	DA2008/652 - Subdivision at Chitticks Access
File No	ED09/7833:DA 5.2008.652.1
Prepared by	Development Assessment Coordinator
Reason	Councillor Clough and Councillor Ekins called the application in to be determined by Council.
Objective	Determination of the development application
Strategic Plan Link	Natural Environment
Management Plan Project	Efficient assessment of development applications

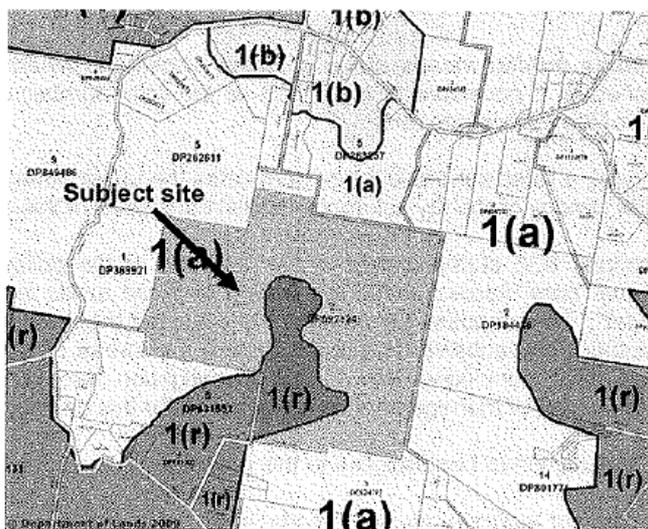
Overview of Report

The development is for a four lot rural subdivision. The report covers the statutory provisions of Section 79C of the *Environmental Planning and Assessment Act* 1979 to enable Council to consider the Development Application (DA). There are no significant environmental issues associated with this development.

It is recommended that the application be approved subject to conditions of consent.

1. Site Description and Locality Plan

The development site is at 53 Chitticks Access, Caniaba, Lot 2 DP 592124. The site has a varied topography with flood prone river flats that have been cleared for grazing and vegetated hill slopes. The site has a total area of 158.6ha.



Map 1 - Locality Plan shows subject site hatched and the town planning zones.

The land is zoned 1(a) General Rural Zone and 1(r) Riverlands Zone.

2. Proposal

Landpartners Limited on behalf of Mr B A & Mrs J N Groth have submitted a development application for a four lot rural subdivision. There are three lots of 40ha and one of 38.6ha. The application is integrated development as it requires a bushfire safety authority under section 100B of the Rural Fires Act 1997. A copy of the Statement of Environmental Effects is available for viewing in the Councillors Room.

3. Public Notification

The application was lodged on December 10, 2008 and was placed on public exhibition from December 16, 2008 until January 16, 2009. Additional information was sought from the applicant concerning the impacts on koalas and SEPP 44.

Two submissions were received and are discussed below.

4. Key Issues

There are no issues of significance associated with this development. This development is a standard rural subdivision and is unlikely to have any major adverse impacts on society or the environment.

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

5.1 Any Environmental Planning Instruments

5.1.1 State Environmental Planning Policies (SEPPS)

SEPP 44 Koala Habitat Protection applies to the proposal. Clause 7 of SEPP 44 states:

- (1) *Before a Council may grant consent to an application for consent to carry out development on land to which this Part applies, it must satisfy itself whether or not the land is a potential koala habitat.*

The applicant provided an assessment of development in accordance with the provisions of SEPP 44 and Circular B35 (SEPP 44 Koala Habitat Protection). A copy of this assessment is provided in the attachments. The applicants ecologist identified that there may be potential koala habitat on the site.

Potential koala habitat means areas of native vegetation where the trees of the types listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.

Forest red gum, a listed schedule 2 tree dominates the upper stratum of the canopy with up to 70% of the canopy of the dry sclerophyll forest composed of this species.

However circular B35 states that *"it is the intention of the policy that investigations for "potential" and "core" koala habitats be limited to those areas in which it is proposed to disturb habitat"*. The proposed development has located the dwelling sites in areas that are clear of habitat. The subdivision will not disturb any areas of potential habitat. On this basis it has been concluded that further investigation into core koala habitat, or an individual koala plan of management, is not required for this development.

SEPP 55 Remediation of Land applies to this proposal. Clause 7 of SEPP 55 states:

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
 - (a) *it has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose*

- (c) *for which the development is proposed to be carried out, and if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Based on an assessment presented by the applicant, Council can be satisfied that based on previous land uses the land is unlikely to be contaminated and is suitable for the continued practice of agriculture (grazing).

SEPP 1 Development Standards applies to the proposal. Clause 36 (1) of the Lismore City Local Environmental Plan 2000 sets a development standard of 40ha as the minimum lot size. Because one of the proposed lots is below this standard the applicant has provided an objection to the development standard in accordance with clause 6 of the SEPP. Clause 6 is set out as follows:

- (6) *Where development could, but for any development standard, be carried out under the Act (either with or without the necessity for consent under the Act being obtained therefor) the person intending to carry out that development may make a development application in respect of that development, supported by a written objection that compliance with that development standard is unreasonable or unnecessary in the circumstances of the case, and specifying the grounds of that objection.*

The SEPP 1 objection is contained within the Statement of Environmental Effects, a copy of which is provided in the attachments. The proposal is to vary the standard by 3.5%. This level of variation is within the scope of the delegations granted to Council for assumed concurrence and does not require referral to the Department of Planning.

It is considered that a lot of 38.6ha will achieve the underlying objective of the development standard and that the lot is consistent with the zone objectives. The applicant has demonstrated that strict compliance with the development standard is unnecessary in the circumstances of this case as:

- There will be no conflicting land uses;
- The land will continue to be used for agriculture;
- The rural character of the locality will be maintained;
- The variation is minor and will not set any undesirable precedent.

SEPP (Rural Lands) 2008 applies to this development. Clause 10 sets out the matters to be considered in determining development applications for rural subdivisions. Clause 10 is set out as follows:

- (1) *This clause applies to land in a rural zone, a rural residential zone or an environment protection zone.*
- (2) *A consent authority must take into account the matters specified in subclause (3) when considering whether to grant consent to development on land to which this clause applies for any of the following purposes:*
- (a) *subdivision of land proposed to be used for the purposes of a dwelling,*
 - (b) *erection of a dwelling.*
- (3) *The following matters are to be taken into account:*
- (a) *the existing uses and approved uses of land in the vicinity of the development,*
 - (b) *whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,*
 - (c) *whether or not the development is likely to be incompatible with a use*

- referred to in paragraph (a) or (b),
- (d) if the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone,
 - (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).

The existing uses and approved uses surrounding the development are agriculture, predominantly grazing with some cropping within 2km of the site. There is some rural residential and village use to the north at Caniaba, 1km from the northern boundary of the property. The proposed subdivision is not likely to have a detrimental impact on any existing activity or use in the locality.

5.1.2 Regional Environmental Plan (REP)

Clause 12 of the North Coast Regional Environmental Plan apply to this proposal. Clause 12 is set out as follows:

12 Development control—impact of development on agricultural activities

The Council shall not consent to an application to carry out development on rural land unless it has first considered the likely impact of the proposed development on the use of adjoining or adjacent agricultural land and whether or not the development will cause a loss of prime crop or pasture land.

The proposed development will not have any impact on adjoining agricultural development.

5.1.3 Lismore Local Environmental Plan (LEP)

Clause 11 of the Lismore City Local Environmental Plan 2000 requires that a person may not subdivide any land to which the plan applies except with development consent. Accordingly the applicant has made a development application to subdivide the land.

Clause 20 requires that consent must not be granted to residential, rural residential or tourism development (including subdivision for those purposes), unless it has been demonstrated, to the satisfaction of the consent authority, that the proposed development will be compatible with any existing specified land uses in the locality and with surrounding established development.

“specified land uses means use of land for the purposes of cattle dips, dairies, cattle feedlots, chicken farms, intensive horticulture, piggeries, refuse disposal areas, sewage treatment works, quarries and other similar land uses.”

There are no specified land uses within the locality that would impact upon this proposal.

Clause 29 of the Lismore City Local Environmental Plan 2000 requires that Council be satisfied that the proposed development is consistent with the objectives of the zone.

The zone objective for the 1(a) and 1(r) zones are set out as follows:

Zone No 1 (a) (General Rural Zone)

The objectives are:

- (a) to maintain and encourage sustainable agricultural activities within the zone, and
- (b) to enable a range of other uses to occur on rural land providing such uses do not conflict with existing or potential agriculture and do not detract from the scenic amenity and character of the rural environment, and
- (c) to discourage the fragmentation of rural land, and
- (d) to restrict the establishment of inappropriate traffic generating uses along main road frontages, and
- (e) to enable the provision of rural tourist accommodation and facilities only where such facilities are compatible with the form and density of the nature of the locality.

Zone No 1 (r) (Riverlands Zone)

The objectives are:

- (a) to encourage the use of the land for its optimum productive potential, and
- (b) to permit a range of activities that support the agricultural industries being conducted on the land and limit development that may, in the opinion of the Council, reduce the agricultural production potential of the land, and
- (c) to discourage the fragmentation of rural land, and
- (d) to control development that may restrict the function of, or create a traffic hazard along, classified and other formed roads, and
- (e) to limit the development of non-agricultural uses, except those which will not be adversely affected by flooding.

A subdivision of land into three 40ha lots and one 38.6ha lot will maintain sustainable agricultural activities within the locality. Subdivision into lots of this size will not create conflict, nor will it detract from the scenic quality of the area. Creation of lots at the minimum size, or just below the minimum is not considered to be fragmentation of rural land. Objectives (d) and (e) are not relevant to this application. This application is broadly consistent with the zone objectives.

Clause 36 sets out the development standards for minimum lot sizes for rural subdivisions in the 1(a) and 1(r) zones. This development complies subject to the acceptance of the SEPP 1 objection to the minor variation of the 40ha standard.

Clause 37 (4) relates to dwelling entitlements. Each of the lots that are 40ha will have a dwelling entitlement in accordance with clause 37(4)(a). The 38.6ha lot will not automatically have a dwelling entitlement, however a dwelling may be erected on this lot through the use of SEPP 1 based on clause 37(5).

5.2 Any Draft EPI that is or has been placed on Exhibition

There are no draft environmental planning instruments that impact upon this development.

5.3 Any Development Control Plan

The Lismore Development Control Plan applies to this development. Specifically:

Chapter 4 Subdivision General Requirements
Chapter 6 Rural Subdivision
Chapter 10 Advertising of Development Applications
Chapter 11 Buffers

The development complies with the provisions of chapters 4, 10 and 11. A condition of consent concerning road upgrading is proposed to meet the standards set out in Chapter 6. The development generally complies with other provisions of the DCP.

5.4 Any Matters Prescribed by the Regulations

Clause 92 of the regulation does not apply to this Development Application.

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

The subdivision of rural land into large lots is unlikely to have any significant detrimental impacts on the natural environment. No vegetation is proposed to be removed as a result of this development that is not otherwise exempted under the terms of the Native Vegetation Act 2003. Routine agricultural management activities are permitted under section 22 of that Act.

“routine agricultural management activities mean any of the following activities on land carried out by or on behalf of the landholder:

- (a) *the construction, operation and maintenance of rural infrastructure:*
 - (i) *including (subject to the regulations) dams, permanent fences, buildings, windmills, bores, air strips (in the Western Division), stockyards, and farm roads, but*
 - (ii) *not including rural infrastructure in areas zoned as rural-residential under environmental planning instruments or on small holdings (as defined in the regulations),*
- (b) *the removal of noxious weeds under the Noxious Weeds Act 1993,*
- (c) *the control of noxious animals under the Rural Lands Protection Act 1998,*
- (d) *the collection of firewood (except for commercial purposes),*
- (e) *the harvesting or other clearing of native vegetation planted for commercial purposes,*
- (f) *the lopping of native vegetation for stock fodder (including uprooting mulga in the Western Division in areas officially declared to be drought affected),*
- (g) *traditional Aboriginal cultural activities (except commercial activities),*
- (h) *the maintenance of public utilities (such as those associated with the transmission of electricity, the supply of water, the supply of gas and electronic communication),*
- (i) *any activity reasonably considered necessary to remove or reduce an imminent risk of serious personal injury or damage to property.”*

There has been an issue raised with respect to the impacts of dogs that may be associated with agricultural use or with dwelling houses on the new lots. It is acknowledged that dogs do have an adverse impact on koalas. Whilst there may be no requirement to prepare a koala plan of management consideration needs to be given to the impacts of dogs on koala under the terms of the Threatened Species Conservation Act and subsection 78A (8) (b) of the Environmental Planning and Assessment Act. The simplest mechanism to prevent predation by dogs associated with dwellings or agricultural use on the lots created by this development is to impose a condition that prevents the keeping of dogs on the property. Such a condition is difficult to enforce and may impact upon legitimate agricultural use of the property. The imposition of a condition would also need to involve a restriction as to user imposed on the title to give affect to the condition and advise prospective purchasers of the condition.

There is adequate area within the lots to site a dwelling with appropriate asset protection zones without the need to clear any vegetation. There is sufficient area to enable the appropriate siting of low technology gravity fed on-site wastewater management systems for the future dwellings that may occur on the site.

The subdivision will not have any significant detrimental impact on:

- social issues;
- water quality;
- visual amenity;
- the local economy.

This development is unlikely to create a risk of silicosis for the surrounding residents or koalas.

The development will require upgrading of road infrastructure and conditions are proposed requiring the upgrading of Chitticks Access and the payment of section 94 contributions for upgrading of the rural road network.

5.6 The Suitability of the Site for the Development

The site is suitable for the development.

5.7 Any Submissions made in Accordance with this Act or the Regulations

There were two submissions received as a result of the exhibition and notification process. Copies of both these submissions are attached. The first submission was from a landowner on Dougan Road whose property does not adjoin the subject land and the other submission was from Friends of the koala. A précis of the main points of objection is as follows:

Submission 1

- The plans only provide an approximate lot size and these lots may be below the 40ha minimum;
- The justification of the variation to the 40ha standard is questionable and these are large rural residential lots;
- The existing road network is not adequate in terms of width to service the development;
- The development will have an adverse impact on koalas due to predation by dogs;
- The vegetation assessment is inadequate;
- Remnant rainforest and sclerophyll forest needs to be preserved and regenerated. Council should require a suitably qualified consultant to prepare a Vegetation Management Plan including removal of weed species and this should be implemented prior to the release of the linen plan as happened with the subdivision at Dougan Road.
- No objection in principle to the subdivision provided the concerns are addressed.

Submission 2 - Friends of the Koala

- Forest redgum occurs on the site and forms more than 15% of the canopy;
- The assessment is not adequate to determine if core koala habitat exists on the site;
- There are koalas in the locality;
- Council is risking a legal challenge if it approves the DA without a koala plan of management.

Planner's comments on the submissions

The plans are adequately dimensioned to determine that the lots will meet the 40ha standard.

The issue of the variation to the 40ha standard has been discussed above in the SEPP 1 assessment. The variation is both minor, reasonable and consistent with current Council practice. It is not considered that these are large rural residential lots. These lots meet the minimum lot size for agricultural lots as set out in the LEP.

Conditions requiring the road to be upgraded are proposed to ensure a suitable standard of access is provided. The objectors request that the road be upgraded to a sealed road is not required by Council policy for this type of subdivision. Rural residential subdivision requires a sealed road as per pp 25 of the Rural Housing Strategy and Table 6-12 of Chapter 6 Lismore Development Control Plan. General rural subdivision does not require a sealed access. A gravel road is acceptable in accordance with Table 6-16 of Chapter 6 Lismore Development Control Plan.

A condition of consent has been recommended that prevents dogs from being brought onto the property.

The vegetation assessment and the initial SEPP 44 assessment was considered to be inadequate and further information was requested from the applicant. This additional information is sufficient to enable Council to make a determination on the development application.

Council has no policy on requiring general rural subdivisions to undertake vegetation management. The requirements for vegetation restoration on the Dougan Road subdivision came from Council's Rural Housing Strategy (p. 52). As this is not a rezoning and is not being done under the Rural Housing Strategy then there is no policy basis on which to require a vegetation management plan. The objector requesting that the standards for rural residential development be applied to general rural subdivision. This is not appropriate and is contrary to the provisions of the DCP.

The issue of vegetation and the requirement of koala plan of management as raised by Friends of the Koala have been addressed in the section on SEPP 44 above. The only potential for a legal challenge would be a judicial review. Such a review would not be on the merits of the case but on the process undertaken by Council. An applicant would have to prove that Council did any of the following:

- Did not consider a relevant matter i.e. SEPP 44 and circular B35 Koala Habitat;
- Considered irrelevant matters;
- Did not follow the correct process i.e. advertising or reporting to Council;
- Was manifestly unreasonable in the determination.

Council staff do not consider that there are grounds for a successful appeal.

5.8 The Public Interest

The proposed development is not considered to be contrary to the public interest.

6. External Referrals

The application was referred to the NSW Rural Fire Service (RFS) under the integrated development provisions of the Act. The RFS have provided recommended conditions of consent to be imposed on the approval should Council grant consent to the development.

7. Conclusion

The development will have minimal impact on the environment and it complies with Council's standards for rural development. On this basis the application should be approved.

Comments

Financial Services

Not required for this application.

Other staff comments

The Development Application was referred internally as per normal procedure and the recommended conditions of consent are included in Schedule 1.

Recommendation (PLA11)

That Council:

- 1 As the Consent Authority, approve Development Application 5.2008.652.1 for the subdivision of rural land into three 40ha lots and one lot of 38.6ha.
- 2 Grant delegated authority to the General Manager - subject to the concurrence of the Development Assessment Panel, 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.

Lism

Meeting held July 14, 2009 - Development Application 2008/652 - Subdivision

Schedule 1

1 In granting this development consent, Council requires:

- the development,
- all roads/civil works,
- lot boundaries, and
- areas subject to any amendment or modification called for in the following conditions

be substantially in accordance with the stamped approved plan(s) No. LM080101-EV4D dated 08/12/08 and/or supporting documents submitted with the application. A copy/copies of the approved plan is/are attached to this consent.

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

ROADS

2 The proponent shall provide the following roadworks with associated stormwater drainage structures that have been designed and constructed in accordance with Council's Development, Design and Construction Manual (as amended). The proponent shall be responsible for any costs, including maintenance, for a period of six months from the date of approval of completion of the work. Required roadworks include:

Construction of Chittick Access to a 3.5 m wide gravel pavement with a minimum gravel depth of 300mm on a 7m wide gravel formation with a minimum gravel depth of 150mm, from the intersection with Pelican Creek Road to the southern boundary of the proposed lots and terminating in a 12m radius turning circle.

The existing concrete bridge on Chittick Access shall be upgraded by the provision of guide posts and flood height marker posts.

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

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

3 **Prior to commencement of any works** upon the site the proponent shall obtain a Construction Certificate for the proposed works. The construction certificate application shall include full design details of the proposed engineering works to satisfy condition(s) RD1. Such application shall be accompanied with the relevant fee, as adopted at the time of the relevant payment, as indicated in Council's Fees and Charges.

Reason: *To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a)) and to comply with requirements of EPA Act Sec 81A(4).*

SUBDIVISION

4 **Prior to release of the Subdivision Certificate**, in accordance with Lismore Council's Rural Road Numbering System, the proponent shall place road number identification on a post at the vehicular entry point at the front boundary of the proposed lots.

Reason: *To provide visual identification of allotments (EPA Act Sec 79C(e)).*

5 The proponent shall submit an application for a Subdivision Certificate for Council certification. Such application shall be accompanied by a Subdivision Certificate fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges.

Reason: *To comply with environmental planning instrument (EPA Act Sec 79C(a)).*

6 **Prior to the issue of a Subdivision Certificate**, the proponent shall apply for the closure of the unformed road reserve at the end of the formed section of Chittick's Access and in the event that the application is successful incorporate the closed road into the subject blocks.

Reason: *To eliminate redundant road reserves and limit the creation of severed parcels of land.*

KOALA PROTECTION

Lismore City Council

Meeting held July 14, 2009 – Development Application 2008/652 - Subdivision

- 7 No dogs shall be kept on any lot within this subdivision.

Reason: *To minimise the potential for dogs to prey on koalas.*

- 8 A restriction as to user in accordance with section 88B of the Conveyancing Act 1919 shall be imposed on each allotment in this subdivision to give affect to condition 7.

Reason: *To ensure that prospective purchasers are aware of the conditions.*

CONTRIBUTION

- 8 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 on the date the Subdivision Certificate is released. The rates and amounts applying at the date of this notice, totalling **\$21,395**, are set out in the schedule for your information. Where the total contribution payable exceeds \$20,000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc. shall be paid prior to the release of the Subdivision Certificate.

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

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

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

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

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

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

INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL

General terms of approval under Section 100B of the Rural Fires Act 1997

- 1 At the issue of Subdivision Certificate and in perpetuity the land surrounding the existing dwelling on proposed Lot 1 to a distance of 10 metres (or to the boundary), shall be maintained as an inner protection area (IPA) as outlined within Section 4.1.3 and Appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.

Reason: *To provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.*

INFORMATION TO APPLICANTS

ADVISORY NOTES

NOTE 1: In regard to any enquiries in relation to compliance with the above General Terms of Approval imposed by the NSW Rural Fire Service, please contact Jason Hulston on 02 8741 5555.

NOTE 2: The Subdivision Certificate shall not be released by Council until all conditions of Development Consent Notice 2008/652 as imposed by Lismore City Council have been complied with to the satisfaction of Council.

NOTE 3: If the provision of services or the construction of any infrastructure or any other thing required by this consent occurs, and a GST is payable by Council, the applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of this consent.

NB: 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.

NOTE 4: This development approval does not guarantee compliance with the Disability Discrimination Act and the developer should therefore investigate their liability under the Act. Council can assist developers by directing them to Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility (Part 1 is mandatory in the BCA).

Attachment 2 - Development Consent Modification Application



THE COUNCIL OF THE CITY OF LISMORE
 43 Oliver Avenue, Goonellabah
 PO Box 23A LISMORE 2480
 DX 7761 LISMORE
 Telephone: (02) 6625 0500 or Facsimile: (02) 6625 0434
 E-Mail: council@lismore.nsw.gov.au
 ABN No. 60 080 932 837

CS.
 268

Office Use Only
 File No. 5.2008.652.2
 Property No. 13497

7/07

DEVELOPMENT CONSENT MODIFICATION APPLICATION

(Environmental Planning and Assessment Act, 1979, (As Amended))
 (Section 96)

Please Tick appropriate Modification Type:

S96(1) S96(1A) S96(2)

1 L
A
N
D
No. 53 Street/Road: CHIMICKS ACCESS
 Locality: CANIABA
 Lot No. 2 Sec. Deposited/Strata/Neighbourhood Plan No.: 592124

2 A
P
P
L
I
C
A
N
T
(S)
 Name: MR. B.A & MRS. J.N. GRATH (Ref.)
 Full Postal Address: c/o LANDPARTNERS LTD
PO BOX 1134 LISMORE Postcode: 2480
 Telephone - Business: Mobile: Private:
 x Jill Grath
 x Brett Grath
 Date: 22 / 10 / 09
 Signature/s of ALL Applicant/s

3 C
O
N
S
E
N
T
 Give details (eg DA No, Subdivision, etc)
DA 5.2008.652.1
 CITY OF LISMORE
\$100 -
 27 OCT 2009
 RECEIPT No. 286653

4 M
O
D
I
F
I
C
A
T
I
O
N
 Provide evidence that the modification does not substantially alter the development.
The modification is to remove consent condition 6, given that the road does not extend through the property and was not part of the development application,
and modify conditions 7 & 9 in relation to Koala Protection.
Refer to attached.

5

O W N E R S	Name: <u>JILL N. GROTH & BRETT A. GROTH</u> <small>block letters please</small>
	Full Postal Address: <u>c/o LANDPARTNERS</u> <u>PO Box 1134 LISMORE</u> Postcode: <u>2480</u>
	Telephone - Business: Mobile: Private:
	I/we hereby authorise the Council or its appointed officers to enter upon the subject premises for the purpose of pre-determination site inspections and for the purposes of conducting inspections of work being carried out in relation to the application/s herein. I/we hereby apply for approval to carry out the activities described herewith.
This application and the accompanying plans and documents may be photocopied by or on behalf of Councillors, Council Officers, Government Agencies for the use in the assessment and determination of the application.	
× <u>Jill N. Groth</u> <u>Brett A. Groth</u> Date: <u>22</u> / <u>10</u> / <u>09</u> Signatures of all Owners	

6

OFFICE USE ONLY		
F E E S	Receipt Type No.	Fee \$
	S96 Fee (POA)	268 \$.....
	TOTAL	\$.....
	Correct	(Council Officer)/...../.....

PRIVACY & PERSONAL INFORMATION PROTECTION ACT

The personal information that Council has collected from you is personal information for the purposes of the Privacy and Personal Information Protection Act 1998.

The intended recipients of the personal information are:

- Officers within the Council;
- Any other agent of the Council; and
- Public sector agencies.

The supply of the information by you is required by law. Failure to provide this information will prevent Council determining this matter.

Council has collected this personal information from you in order to assist it in its determination of this matter. You may make application for access or amendment to information held by Council. You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the PPIPA.

Council is to be regarded as the agency that holds the information. Enquiries concerning this matter can be addressed to Graeme Wilson.

(:/forms/S96.doc)



Your Ref: 5.2008.652.1
Our Ref: LM080101.000

Lismore
2A Carrington Street
Lismore NSW 2480
PO Box 1134
Lismore NSW 2480
T : 61 2 6627 5600
F : 61 2 6621 7664

20th October 2009

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

ATTENTION: Chris Soulsby

Dear Chris,

RE: Section 96 Application 1 (A) – to amend Development Application 5.2008.652.1, Lot 2 DP592124, 53 Chittcks Access, Caniaba

The following information is to serve as application under Section 96 1(A) of the EP&A Act to Amend Development Application 5.2008.652.1. This application seeks to modify condition 6, relating to the closure of an unformed road reserve, and conditions 7& 9, in relation to Koala Protection. Each has been dealt with separately below.

Condition 6:

Prior to the issue of Subdivision Certificate, the proponent shall apply for the closure of the unformed road reserve at the end of the formed section of Chittick's Access and in the event that the application is successful incorporate the closed road into the subject blocks.

The unformed road reserve referred to above was not part of the Development Application and does not cross or any of the proposed allotments. As such, it does not pose any practical impediments to the subdivision, nor does its closure result in any foreseeable planning benefit.

Rather, the requirement that the applicant apply for the closure of this road, imposes both cost and time burdens, both now as part of the application process to the Department of Lands, and in the future (should the application be approved) with the requirement to apply for a new Deposited Plan.

Therefore, given that the unformed road reserve does not traverse through the site and has no direct impact upon the proposed approved subdivision, it is respectfully requested that this condition be removed.

Conditions 7 & 8 – Koala Protection:

Consent conditions 7, 8 and 9 pertain to Koala protection, with items 7 and 8 being concerned with the restriction of dogs and item 9 requesting the completion of a Koala Plan of Management (KPoM).

As you would be aware a KPoM is a comprehensive document which requires addressing a number of 'matters of consideration' including detailed field survey, population estimates and the preparation of a number of strategies relevant to the likely impacts of a proposed development.

20th October 2009

For a residential subdivision, a KPoM might identify a number of relevant mitigation measures such as slowing traffic speeds, using traffic calming devices, the banning of (or restrictions on) dogs, habitat restoration, signage, lighting, Koala-proof fencing etc. In an urban or rural residential context these type of measures are more readily enforceable and some measures (eg. koala crossings etc) can be built into the layout design to achieve a more integrated outcome.

For the proposed subdivision of the subject land, such mitigation measures are harder to apply, and a KPoM will not result in any better mitigation measures for Koalas which could be otherwise achieved by consent conditions (such as those already outlined within conditions 7 and 8 of the existing consent. As discussed in the revised SEPP 44 assessment previously submitted to Council (dated 25th May 2009, as attached), the main threats to Koala from the proposal are likely to be roaming dogs, with some very minor habitat loss also occurring for fencing of the allotments. Any future dwellings are unlikely to require the removal of Koala habitat as large areas of cleared pasture are already available.

As such, the primary mitigation measure of relevance is that regarding dog containment. While items 7 & 8 of the consent largely achieve this end, we believe that these would impose impractical measures on any future landowners in regards to managing their properties and using working dogs. Considering the rural context of the locality it is reasonable for landowners to utilise dogs without restriction as part of routine farm activities during daylight hours.

We therefore propose to amend condition 7 such that dogs would be kept suitably restrained and/or in a suitably designed enclosure between dusk and dawn when Koalas are most likely to be active.

We submit (as stated above) that the preparation of a KPoM would be unlikely to result in any better mitigation measures for Koalas at the site than would be achieved by consent conditions. Furthermore, a KPoM would burden the proponent with substantial costs related to Koala survey and population analysis.

As such, we propose that the preparation of a KPoM is not required as a condition of consent and that any matters Council wishes to address in regard to Koala protection be addressed by individual consent conditions only, as described above.

Please contact me if you require further information, and please advise when the application will go before Council.

Yours Sincerely



Kim Barrett
Town Planner
LandPartners Limited

Attachment 3 - Submissions

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

Attention Mr C Soulsby, Acting Manager Development & Compliance
Re: Amended Application DA 2008/652 – 53 Chittick Access, Caniaba

Dear Sir

Thank you for the opportunity for Friends of the Koala to make this submission objecting to those parts of the application pertaining to modifying the koala protection conditions 7 and 9 of the . . . Granting of Consent Determination.

You will be aware that the Friends of the Koala objected strongly to the lack of a requirement for a Koala Plan of Management (KPoM) by written submission and also spoke on the matter to the Council Meeting on 14 July 2009 during public access.

We had been perfectly satisfied with the staff's assessment that no dogs were to be kept on any lot within the subdivision.

During the course of the July meeting the Councillors, *by resolution*, changed the conditions of consent by significantly diluting condition 7 from no dogs, to dogs being kept suitably restrained and/or in a suitably designed enclosure at all times while not working, and adding condition 9 requiring a KPoM to be submitted and approved prior to lodgement of the application for a subdivision certificate.

The applicant's submission claims that a KPoM is burdensome and unnecessary and the same outcome can be achieved by consent conditions. In this respect the applicant's submission defies logic, as without a KPoM all relevant 'matters of consideration' are unlikely to be identified. Furthermore the KPoM, rather than imposing impractical measures on future landowners in regards to managing their properties" will provide future owners with the necessary detail and guidance which can then be incorporated into Farm Management Plans, and help raise issues relating to co-operative landscape management for koalas in the locality. A KPoM will also provide baseline population estimates, to enable future landowners to monitor the success of their efforts and adjust their Farm Management Plans accordingly.

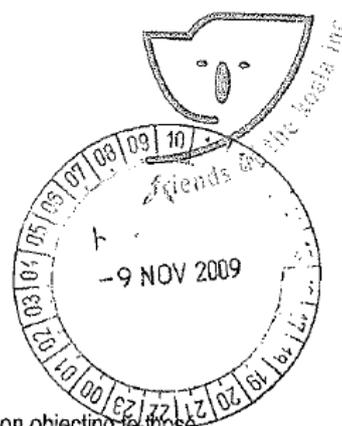
In our address to Council we reiterated our written objection to approving the subdivision without a KPoM because we believe without such a Plan there is much greater opportunity for future fragmentation of koala habitat and restriction to koala movement across the locality in which the subdivision sits. We pointed out that the recommendation for approval was premised on continued agricultural use, permitting routine agricultural management activities (RAMAS) which have long been acknowledged as a significant loophole to the intent of both the *Native Vegetation Act* and State Environment Planning Policy 44 – Koala habitat Protection (SEPP 44). In our experience, subdivision where RAMAS can legally continue increases the potential for their detrimental impact on koalas and their habitat.

*Volunteers conserving koalas and their habitat on the Northern Rivers.
Friends of the Koala services the local government areas of Ballina, Byron, Kyogle,
Lismore, Richmond Valley and Tweed.
It is a member of the New South Wales Wildlife Council, Inc.*

24 hour Koala Rescue and Information
02 6622 1233

PO Box 5034
East Lismore NSW 2480

info@friendsofthekoala.org
www.friendsofthekoala.org

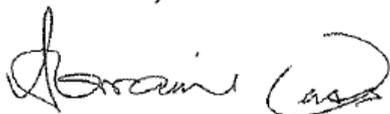


We went on to say that New South Wales now has in place an Approved Recovery Plan for the Koala which establishes a landscape-scale conservation framework using existing legislative mechanisms such as SEPP 44. The Plan acknowledges that there has been a lot of research undertaken since the SEPP's introduction in 1995 and calls on other tools which will assist in the task of reversing the current trend of koala population decline, which is why SEPP 44 and its plans of management were brought into existence in the first place. The publication, *Planning Guidelines for Koala Conservation and Recovery: a guide to best planning practice (2007)* is one such tool.

We made the point that if the issue of koalas was important enough to warrant staff recommending that no dogs be kept on any part of the subdivision, why were the risks of future fragmentation and movement obstruction, which increased human habitation on smaller acreages, with their entitlement to RAMAS will surely lead to, so lightly dismissed?

We are strongly opposed to the application as it relates to the koala protection provisions of the conditions of consent and urge its rejection by Council.

Yours faithfully



Lorraine Vass
for
Friends of the Koala Committee
9 November 2009

*Volunteers conserving koalas and their habitat on the Northern Rivers,
Friends of the Koala services the local government areas of Ballina, Byron, Kyogle,
Lismore, Richmond Valley and Tweed.
It is a member of the New South Wales Wildlife Council, Inc.*

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

Attention: Mr C Soulsby, Acting Manager Development & Compliance

Re: Amended Application DA 2008/652 – 53 Chittick Access, Caniaba

Dear Chris Soulsby,

Thank you for the opportunity for us to the proposed modification of Conditions 6, 7, 8 and 9 of the above DA.

In regard to Condition 6, whilst we believe the conditions in regard to roads should have been stronger, we think that Council's proposed condition under the circumstances was appropriate and should not be varied just because of the time and cost factors. Council in the past has refused to consider these issues and, for the sake of consistency and upholding certain principles, should maintain its position.

In regard to Conditions 7, 8 and 9, those who watched the 7.30 Report on Monday 9 November will be aware that the number of koalas is in decline and that as we speak the Federal Government has requested a review of whether they should be added to the threatened likely extinction category. Against this background, we make the following points in strongly objecting to any modification to the existing Conditions:

- time and cost should not be a consideration when dealing with a species that is so valuable to our communities, locally, nationally and internationally
- all dogs should be restrained at all times. In the case of working dogs, this should mean whenever they're not working under the supervision of the property owner, not just between dusk and dawn. Apart from koalas, roaming dogs are a threat to livestock as well as wallabies and echidnas in this area and have been sighted moving through our property chasing wallabies, baling up and killing livestock during daylight hours. The existing Condition was watered down significantly from that proposed by the planners originally and further compromises should not be made
- a KPOM is essential to ensure that all relevant matters are to be identified. This is a known koala habitat area and removing the requirement for a KPOM will only increase the likelihood of further fragmenting koala habitat and restricting their movement through and across this area. Given the many challenges facing this iconic species through removal and fragmentation of habitat, this condition should not be changed.

We are strongly opposed to the proposed modification of Conditions 6,7,8 and 9 and urge its rejection by Council.

Yours faithfully

Bill Sheaffe and Ros Irwin
32 Dougan Road
CANIABA

Report

Subject	NORTEC Employment and Training – Financial Assistance
File No	EF09/385:ED10/818
Prepared by	Business Facilitator
Reason	To demonstrate Lismore City Council's commitment to the small business incubator project
Objective	Demonstrable partnership contribution by way of site development regulatory fees contribution
Strategic Plan Link	Sustainable Economic Growth and Development
Management Plan Project	Economic Development

Overview of Report

Council has resolved to contribute and partner with NORTEC on a proposed business incubator for Lismore. Unfortunately NORTEC has not proceeded with the development of an incubator on the site that was originally proposed at the Council-owned Three Chain Road site for a variety of reasons at quite a considerable cost. NORTEC now has a new site and is requesting assistance from Council as outlined in the report. Even though time has progressed since the original Council resolution the proposed incubator is very much supported by senior management and it is aligned with Council's new strategic direction.

Background

Lismore City Council (LCC) has worked closely with NORTEC during the last 5-6 years in the development and establishment of a small business incubator in Lismore. Lismore City Council effectively entered a joint venture partnership with NORTEC (previously BETC) for the establishment of the business incubator in Lismore.

NORTEC Business Incubators are an established Not-For-Profit, community-based enterprise. NORTEC has maintained 100% occupancy of the 37 units within their three other established operating incubators which are located in Ballina, Byron and Mullumbimby. Since 1993 NORTEC has graduated 200 businesses - being businesses that have matured to the point of independence.

The Lismore Business Incubator will accommodate 14 resident clients in the 14 units. In addition an office space is set aside for non-resident (virtual) clients who are usually home-based but engage under the same umbrella of opportunity as the resident clients. The Lismore Incubator will manage 20-25 non-resident clients once fully occupied. NORTEC Employment and Training is also involved with recruitment, labour hire, volunteering, youth services, training, literacy/numeracy and the Government Funded New Enterprise Incentive Scheme (NEIS).

In June 2006 Council considered a report on the proposal and resolved to support the proposal and provide its unused Three Chain Road site in a flood free state via a long term lease. Attached is the Council report and resolution (Attachment 1). There was then a subsequent report and resolution (Attachment 2) that allocated \$25,000 to filling the site. There were two reasons for this proposal not proceeding namely that Council's \$25,000 fill estimate was significantly underestimated and there were several Development Application conditions that were not foreseen by NORTEC. As a result NORTEC

was unable to proceed further to use the site with a write-off of to them of \$109,000.

NORTEC have since purchased land in Slade Street, Goonellabah and have lodged a new Development Application for their new, independent of the Council's site. Paul Bennett, CEO NORTEC asks Lismore City Council to continue with its partnership support of NORTEC, albeit not in the same manner as proposed at the outset, but for Lismore City Council to cover the Development Application and Section 94 fees associated with the new site.

NORTEC's business model, expertise, track record and business reach fits both the Community Strategic Plan and Delivery Plan deliverables i.e. the engagement of key partnerships for the development of successful new innovative, profitable business enterprises – the benefit being the ongoing enhancement of Lismore as Regional service and business centre. Council's Business Facilitator is presently engaged in favourable discussions with NORTEC in the development of a Memorandum of Understanding between the NORTEC and Lismore City Council.

Comments

Financial Services

NORTEC have requested Council to waive fees associated with the Development Application for a business incubator in Slade Street, Goonellabah. There is no funding allocation in the 2009/10 Budget to meet this request.

If Council wishes to support the request, there are two funding options being:

- Option 1 Inclusion in the 2009/10 Budget, which would require in-principle support, advertising the donation for 28 days calling for submissions, and then formal consideration of any submissions before determination by Council at a later date; or
- Option 2 Treat the request as a submission to the 2010/11 Operational Plan on the assumption that this request can be strongly linked to Community Strategic Plan and Delivery Plan initiatives.

From a financial perspective and after considering the deficit position of the 2009/10 Budget, Option 2 is preferred.

Other staff comments

Manager Integrated Planning

As a business incubator NORTEC is essential to develop or hold businesses in Lismore. The waiver/payment of fees, required to establish NORTEC's business incubation centre would be an appropriate investment towards maintaining and enhancing Lismore role as a Regional Centre.

This consideration would be an effective way of achieving one of Councils four (4) year Delivery Projects intended to achieve Councils Community Strategic Plan i.e. "Enhance Lismore as a Regional Centre through partnerships and alliances with key Lismore organisations".

A number of Councils Strategic Priorities and supporting delivery projects will be achieved with the development and execution of an Economic Development Strategy (EDS). Typically Economic Development Strategies put a premium on developing strategic relationships to deliver outcomes and the need for business incubators to support business growth and retention. The Business Facilitator is seeking partnership funding from Department of Industry and Investment and the Lismore Chamber of Commerce to fund an Economic Development Strategy.

Given that Lismore's EDS will recognise the value of having a local business incubation service, the funding of NORTEC's development application fees would be a prudent investment. Council can also promote this direct investment in local economic development as part of its contribution to leverage the joint funding of its Economic Development Strategy.

Manager Development and Compliance

Development Application 2009/548 proposing development of a new business incubator at 8 Slade Street, Goonellabah was lodged with Council on November 19, 2009. This development involves the construction of a training facility and 15 business incubator units on the subject site, which is currently being assessed by Council staff.

Upon lodgement of the Development Application, NORTEC paid \$2,200.00 in Development Application fees. In addition to this amount already paid, it is estimated that favourable determination of the development application would result in NORTEC being subject to the following **estimated** fees and charges to progress the construction of the business incubator development.

Section 94 Contributions	\$29,051.00
Section 64 Contributions	\$29,084.15
Construction Certificate & Inspections	\$5,948.00
Plumbing approvals and inspections	\$2,670.00

It should be noted that the above fees are estimates only, and are subject to finalisation upon determination of the Development Application and may be subject to variation. The total estimated amount of Council fees and charges already paid and likely to be required to progress the development therefore totals \$68,953.15.

Council's Section 94 and Section 64 Contributions (for water and sewer headworks) do not provide for waiving of the applicable charges, and only provide for works in kind to offset any contributions required (not applicable to the proposed development) or to make deferred or periodic payments of the contributions on terms satisfactory to Council.

Council Policy 1.4.7 - *Section 356 Donations - Development and Other Application Fees* states that, 'a donation under Section 356 of 30% of the above fees payable by community based non-profit organisations shall be made by Council.' Given the history relating to the applicant pursuing a similar development on other land in the Council area, and that site development not being pursued despite development consent being granted, Council may wish to give consideration to varying the provisions of Council Policy 1.4.7 in this circumstance, and make a donation greater than the nominated 30% amount.

Given the economic benefits associated with the proposed development Council may also wish to give favourable consideration to enabling deferral of the applicable s.94 and s.64 contributions for a period of three years from the date of the consent, and making a contribution towards the Council fees applying to construction of the proposed development, which would total \$10,818.00.

Executive Director Sustainable Development

Council has already resolved to support and contribute to this project via a peppercorn rental of a Council site and at least \$25,000 in fill costs. NORTEC now after abandoning the Council site have requested Council fund \$68,953.15 in compliance fees/charges. Secondly if Council adopts the recommendations NORTEC will have to wait to get a decision on the donation until the matter is advertised and reported back to Council. They will also have to provide a security. Given our previous commitment and their current request it is a moot point if what is recommended will result in the project proceeding i.e. we would only donate far less than requested and the Section 64/94 fees are the subject of a security.

The indicated donation is unfunded and would result in adding to the 2009/10 deficit. However given Council's previous commitments to NORTEC and the continued strong alignment of the project with Council's new strategic objectives this approach is recommended. As outlined Council can't waive the Section 94/64 charges but could donate them. This would result in a larger deficit.

Conclusion

The Business Facilitator has identified that a business incubator program, for the safe incubation of new business, is overdue and moreover is an essential and critical community asset to sustainable business growth and development for Lismore.

NORTEC is an important potential key stakeholder for the Lismore Local Government Area. The benefits of business incubators are well known and are used internationally to foster new business ventures.

As an agreed partner with NORTEC, NORTEC are seeking tangible and non-tangible support to verify Lismore City Council's continued commitment for this important socio-economic asset.

Recommendation

That Council resolve in respect of NORTEC's proposed business incubator at 8 Slade Street, Goonellabah and the request in respect of the compliance fees/charges:

- 1 To provide in principle support to donating \$10,818.00 in compliance fees (construction certificate, plumbing approvals and associated inspection fees) being a variation of Council's Policy 1.4.7 in respect of the 30% maximum.
- 2 This donation be funded via the budget deficit.
- 3 The payment of the estimated \$58,135.15 Section 64 and 94 fees be deferred for three years subject to the provision of an acceptable security.
- 4 The proposed donation and deferral of charges be advertised for twenty eight days and reported back to Council for a final decision.
- 5 That Council continues to support the proposal by the provision of in-kind services via support from the Business Facilitator.

Attachment 1 – Report to Council (13 June, 2006)

Report

Subject	Proposal for joint venture to establish a Small Business Incubator in Lismore
File No	S640
Prepared by	Manager – Economic Development
Reason	Follow-on action from the Lismore Small Business Incubator Feasibility Study
Objective	To grow the business base in Lismore, provide cost effective support for fledgling businesses & create jobs
Strategic Plan Link	Economic Development
Management Plan Activity	Economic Development & Tourism

Overview of Report

Ballina Employment & Training Centre Inc. (BETC) is proposing a joint equity partnership with Lismore City Council to establish a Small Business Incubator at Lot 202 DP 1076367, Three Chain Road, Lismore. This proposal is subject to funding from the Federal Government. The BETC seeks a letter of support from Council confirming our “approval in principle”, prior to an approach to AusIndustry being made for funding.

Background to Lismore Small Business Incubator

In mid 2005, with 100% assistance of AusIndustry funding of \$29,000, Lismore City Council commissioned a Feasibility Study on a Small Business Incubator to operate here in Lismore. The final report was completed in December 2005 - see Attachment A for overview of Feasibility findings.

The Feasibility Study listed the following probable job outcomes for the Lismore incubator:

Tenants: 20 resident (and 20 non-resident/outreach tenants not calculated in the outcomes)
2 to 4 people in each business
3 year tenancy

Year 4 of operation: 17 resident tenants
34 to 68 jobs in the incubator
5.66 graduates (tenant = 1 business with 2 to 4 people working) / year

Year 10 of operation: 17 tenants X 2 to 4 jobs + (5.66 graduates X 7 years X 2 to 4 jobs)
= between 113 to 226 jobs
Allowing for a 20% failure rate = between 90 to 181 jobs after 10 years

Even using more conservative figures, it can be seen that the Lismore incubator would be a significant creator of jobs. N.B. We have not calculated the flow on effect that these successful businesses have on the broader community as they purchase and trade in the local community.

As part of the Study, a search of suitable sites was undertaken with the preferred site being the north east corner of Lot 202 DP1076367, Three Chain Road, Lismore – see Attachment B for aerial view of preferred site.

The proposal

That the BETC and Lismore City Council enter into a joint equity partnership to establish a Small Business Incubator at Three Chain Road, Lismore.

N.B. This proposal is subject to the BETC being successful in an incubator funding application for the maximum amount of \$700,000 to AusIndustry.

The BETC would undertake to:

1. Prepare an application for funding (\$700,000) to AusIndustry for the next round of funding, expected to be announced in the third quarter of 2006
2. Contribute approximately \$350,000 cash and in-kind to cover the cost of construction of the 15 - 20 unit incubator and associated equipment, together with the co-ordination/project management of building construction
3. Provide full management responsibilities for the daily operation of the incubator. Furthermore, the incubator would be incorporated into BETC's network of regional incubators.
4. In the event that the incubator is established in Lismore, the BETC has committed to undertaking a community project in Lismore in the second half of 2006, similar in scope & style to the community projects undertaken in Ballina (see examples below)

Lismore City Council would undertake to:

1. Provide the land identified in Appendix B under a lease agreement with minimal "peppercorn" rent for a period of 10 x 10 years; There could be a buy out option included at the completion of the Agreement.
2. Provide fill for the building footprint (approx 1,000sq metres and required car parking) and associated earthworks to compact the fill to the required specifications

At the completion of the construction phase, the land (improved value) and building would be independently valued to determine the joint equity percentages. For example, if the completed value of the building was \$1m and the improved value of the land was \$500,000, the equity arrangement would be 67%-33%.

Background to Ballina Employment & Training Company (BETC)

- The BETC is a not for profit, community based, organisation that has been operating in the Northern Rivers region for 17 years
- The BETC has a strong commitment to reinvesting in the local economy
- The BETC has added over \$2m in community infrastructure and owns outright the following buildings:
 - a. BETC Head Office and Training Centre, 10 Endeavour Close, Ballina.
 - b. Ballina Business Centre (incubator), 18 Clark Street, Ballina.
 - c. Byron Creative (incubator), 42 Centennial Circuit, Byron Bay
- Major community projects have been undertaken through "Work for the Dole" programs, for example:
 - a. Development of Missingham Bridge Park, Ballina: funds raised from State government to purchase picnic shelters, playground equipment & landscaping
 - b. Refurbishment of Pop Dennison Park, Shaws Bay, Ballina: same work as above; also extensive fencing
 - c. Ballina Amphitheatre, Missingham Bridge: funds raised through a Federation grant

- Each year, the BETC undertakes a major community project. In 2004/2005, the organisation undertook the development of the Community Learning and Innovation Centre (CLIC) at the former Country Energy building in Mullumbimby

BETC in Lismore

- BETC has had a presence in Lismore for 5 years through their office in the Strand Arcade, Molesworth Street, Lismore
- From this office, the BETC runs a Job Network Placement Office and the Work for the Dole & Personal Support Program funded by the Federal Government; the organisation also trains a number of trainees with their Registered Training Organisation through the New Apprenticeship Program; currently, BETC has trainees with 30 Lismore businesses

BETC - business incubator experience

- The BETC has been operating small business incubators on the North Coast since 1993
- BETC opened the first regional light industrial incubator in Ballina in 1993; the second incubator, "Byron Creative", in 1999 with an arts and crafts focus; Mullumbimby CLIC Business Village in 2004 with a knowledge based business focus
- All incubators are 100% occupied and any vacancies are usually filled within days - the national average occupancy is 80%
- BETC has won 3 national awards, including the "2003 Incubator of the Year" Award funded by AusIndustry
- BETC is planning to add a small business incubator in Lismore to our network of regional incubators; the Lismore incubator would differ in that it would have full time staff and some outreach (non resident) clients
- It is planned that the Northern Rivers Business Advisory Service (NORBAS) – formerly the Lismore Business Enterprise Centre (BEC) - will be a permanent "anchor tenant" in the incubator, which would be a positive outcome for NORBAS and incubator tenants. NORBAS clients (once developed to the point where they need to leave the kitchen table or home garage) are the natural "feeder clients" for the proposed Business Incubator.

BETC – Ballina & Byron Bay business incubator outcomes

- Tenants: on average each business has 2 people working in the unit; there is an exit policy which states that tenants must move out after 3 years
- The majority of tenant graduates in Ballina and Byron Bay move into new, larger premises within 3 kms of the incubator. For example, the first two Ballina graduates in 1995 - Ballina Computer Solutions and Headlands Glass - are still operating from the same premises, one kilometre from the incubator
- On average, the Byron Bay incubator graduates 3 businesses/year and the Ballina incubator graduates 2 businesses/year - most people move out as there is not enough room in the incubator due to their businesses expanding. For example, Mark Wallace (Carpet) entered the Byron Bay incubator with very little capital and graduated 3 years later with enough money to buy his own factory. Phil Way, Fluid Foils, was in a similar position in Ballina and has just signed with an international company to sell his products.

Comments

Financial Services

From Council's financial perspective, the proposal requires the investment of the land, which is currently not being used, and approximately \$20,000 - \$25,000 to fill, compact and subdivide the site. In this situation as distinct from many others, the return to Council will be derived from the potential capital growth in the land value at some future point in time and not from ongoing rental or leasing income.

It is proposed to fund costs associated with fill, compaction and subdivision from the profit on sale of land in the airport industrial estate by reducing the repayment for development costs. This will have a minimal impact on the overall repayment arrangements for this estate.

Other staff comments

Not required.

Public consultation

Not applicable.

Conclusion

The BETC has a proven record of success in supporting new business' in the region and is seeking to expand its presence in Lismore. The proposal requires that Council provide a flood free site for a new incubator building in Three Chain Road. The BETC will contribute all of the capital to construct and fit out the new building.

This is an opportunity that Council should support.

Recommendation (PD05)

1. That Council support the Lismore Small Business Incubator proposal & writes to the BETC confirming Council's proposed contribution to the project.
2. That Council not proceed with the land preparation until the BETC funding is confirmed.
3. That Council secure its equity in the project by entering into a long term lease agreement with the BETC.

Council Meeting 13 June, 2006 RESOLVED that:

Proposal for Joint Venture to establish a Small Business Incubator in Lismore

103/06

RESOLVED that the report be received and –

- 1 That Council support the Lismore Small Business Incubator proposal & writes to the BETC confirming Council's proposed contribution to the project.
- 2 That Council not proceed with the land preparation until the BETC funding is confirmed.
- 3 That Council secure its equity in the project by entering into a long term lease agreement with the BETC.
- 4 If this proceeds Council make a determination on where the funding is to be sourced.
(Councillors Henry/Dowell) (S640)

Attachment 2 – Report to Council (13 November, 2007)

Report

Subject	Nomination of funding source for the Small Business Incubator in South Lismore
File No	S640
Prepared by	Manager – Economic Development
Reason	To determine source and value of Council funding for Small Business Incubator
Objective	To grow the business base in Lismore, provide cost effective support for fledgling businesses and create jobs
Strategic Plan Link	Economic Development through support of business, plus assistance with creation of job opportunities and new income opportunities
Management Plan Project	Economic Development

Overview of Report

This Report will update Council on significant developments with the Lismore Small Business Incubator and is seeking a resolution on the funding source for Council's contribution.

Background

At the 13 June 2006 Council Meeting, Council resolved to support a joint equity partnership proposal with the BETC (Ballina Skills Development Centre Inc) to establish a Small Business Incubator in Lismore (103/06).

Council's agreed contribution to the proposal was in two parts:

- a) The provision of a suitable site at 40 Three Chain Road, South Lismore, under a Lease Agreement for a period of 10 x 10 years, with minimal "peppercorn" rent. A buy-out option would be included at the completion of the Agreement.
- b) The provision of fill for the building footprint (approximately 1,000 sq. metres and required car parking) and associated earthworks to compact the fill to the required specifications.

Council's decision to proceed was conditional upon the BETC securing their investment contribution and confirming these arrangements with Council. The BETC has since contacted Council to confirm these financial arrangements and can demonstrate that adequate funds have been secured from government to proceed with the project as proposed.

The final part of Resolution 103/06 was that in the event that the project proceeds, that Council make a determination on where the funding is to be sourced.

Costs for Council's contribution and funding source

Calculations for the provision of fill for the building footprint and associated earthworks have been made and are estimated to be \$25,000. Approximately 5,000 sq.m of airport land has been pledged to this project, designed to support the needs of fledgling businesses,

Comments

Financial Services

The funds for this project will be provided from internal borrowings with repayments to be made from the sale of Airport land.

Other staff comments

Not required.

Public consultation

Not required.

Conclusion

The Lismore Small Business Incubator is poised for the next stage of development. Cash funds to the value of \$1,050,000 have been secured by the BETC. Lodgement of the Development Application is imminent.

Recommendation

1. That \$25,000 for the provision of fill for the Small Business Incubator building footprint and associated earthworks, be sourced from the proceeds of the sale of Airport Land.

Council Meeting 13 November, 2007 RESOLVED that:

Nomination of funding source for the Small Business Incubator in South Lismore

501/07 **RESOLVED** that the report be received and that \$25,000 for the provision of fill for the Small Business Incubator building footprint and associated earthworks, be sourced from the proceeds of the sale of Airport Land.
(Councillors Henry/Hampton)(S640)

Report

Subject	Sale of Council Properties
File No.	P583-02; P1270-03; P17488-07; P28293-02; P6397-04:ED10/1856
Prepared by	Manager – Assets
Reason	To update Council with progress and relevant information regarding the proposed sale of a number of Council properties.
Objective	To have Council endorse a process for the disposal of these properties and in regard to one property, endorse a reclassification from community to operational land.
Strategic Plan Link	Best-Practice Corporate Governance
Management Plan Project	Properties

Overview of Report

In the latter half of 2009 Council conducted a full budget review. A number of Council properties were identified as potentially suitable for sale out of that process. Other processes had also been in train regarding other properties. This report outlines progress with investigations and identifies a number of issues that need to be resolved in some instances. A process is recommended to move the matters forward.

In one case, a sale of the property is not possible at this time and a recommendation is provided to re-classify the property from community to operational land.

Background

During 2009 Council identified a number of properties as potentially suitable for disposal/sale. This was a result of individual circumstances regarding those properties and a full budget review conducted in the second half of the year.

This report provides an update on the following properties:

- Rochdale Theatre
- Lismore Neighbourhood Centre Building (Bounty Street)
- Terania Building (Magellan Street)
- Nimbin Caravan Park (excluding the pool).

A matter of relevance to each of these proposed sales is the method by which they must be disposed in order to satisfy the requirements of the *Local Government Act*. Section 55 (1) (g) of the act requires that Council must invite tenders before entering into a contract for the sale of Council property. Exemptions apply if the value of the contract will be less than \$150,000 or if the property is disposed by way of public auction.

This creates a number of issues for Council to consider. The first is that current tenants of these buildings may not be guaranteed their tenure after any sale is completed, especially those that do not have a current lease. Secondly, it is known that at least one of the current tenants is eager to negotiate a purchase of their building. Thirdly, it is unclear what each property may sell for and whether in fact a tender process is required (if the sale price was to be less than \$150,000). The fourth issue is that some

properties will require a subdivision process to separate the property that Council wishes to sell. This will involve costs and take time to complete and may be superfluous if a sale cannot be achieved on the relevant property.

The key issue for Council is whether the objective of selling these properties is to obtain the best possible price for each property, or whether Council wishes to consider and allow for existing tenants to be catered for in regard to an ongoing tenancy or even an opportunity to purchase the property.

In order to deal with these issues it is recommended that initially an expression of interest process be conducted for each property to be sold. This would allow Council to assess the desires of potential purchasers in regard to existing tenants, and the effect this might have on the potential purchase price. Following completion of this process, Council could make a decision about whether it wishes to proceed with a sale, what the potential sale price might be and how to structure a selective tender process where required to dispose of the properties. Any property that is likely to realise a price that is less than \$150,000 could be sold via a direct negotiation process. Valuations would be obtained for each property to guide Council on likely purchase prices. Subdivisions of relevant properties would then only proceed where Council had been able to agree on terms with a potential purchaser.

Rochdale Theatre

This matter was considered separately by Council at its meeting on 13 October 2009 when it was resolved:

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 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 rental amount and conditions of any future lease be negotiated at that time.
6. That the report include comments on ownership of improvements made by Lismore Theatre Company and the cost of getting the building to a satisfactory condition.

The matters referred to in Point 2 of the resolution relate to a caveat on the title of the property, given that the land was originally dedicated to Council as a public reserve. Further investigations and legal advice has been taken in this regard and in summary, Council cannot sell the property at this time. As the land was originally vested to Council as a public reserve, it automatically became community land with the commencement of the *Local Government Act, 1993*.

Council did conduct a process to purportedly classify the land as operational. However, due to the

previous status of the land as a public reserve, this process was unable to be used to re-classify the land. The land can only be re-classified as operational through an LEP amendment.

An opportunity exists for Council to include reclassification of this parcel of land in the current draft LEP if a decision to proceed is made at this Council meeting. Regardless of whether Council eventually sells the property, an operational land classification would make future management of the property far simpler than a community land classification. There are considerable restrictions on the use of community land, including a requirement for the preparation of a plan of management and restrictions on leasing. All of Council's other commercial and leased properties are classified as operational land for ease of management. It is recommended that Council proceed with reclassification of the land from community land to operational land in the current draft LEP.

Lismore Neighbourhood Centre

The Lismore Neighbourhood Centre can be sold in its current form and the land is classified as operational.

It is expected that an expression of interest process will be commenced in March/April 2010.

Terania Building

This building is currently leased to ACE North Coast and is located on a parcel of land that includes the Council's CBD Centre and the Barney Shearman Carpark at the rear of both buildings. In order to sell the Terania building, a subdivision of the property would first need to be undertaken. The land is classified as operational and therefore can be subdivided and sold.

It is expected that an expression of interest process will be commenced in March/April 2010.

Nimbin Caravan Park

This matter was considered separately by Council at its meeting on 10 November 2009 when it was resolved inter alia to proceed with an expression of interest process to sell or lease the property.

Documentation for the sale or lease of the caravan park is currently being prepared and it is expected that expressions of interest will be called by the end of February 2010. As Council has determined to retain ownership of the pool, a subdivision of the property would be required in order for a sale to proceed. No action would be commenced on a subdivision of the property until the results of the expression of interest process are known.

Comments

Financial Services

The approach recommended for all properties is supported.

Other staff comments

Strategic Planning

Changing the Rochdale Theatre property classification from community to operational requires an LEP amendment and the preparation of the draft Lismore Local Environmental Plan 2010 is an opportunity to undertake land reclassifications. Therefore this course of action is supported. Public consultation on the reclassification will then occur as part of the public exhibition of the draft Lismore LEP 2010.

Public consultation

Public consultation on the reclassification of the Rochdale Theatre property will occur as part of the public exhibition of the draft Lismore LEP 2010.

In relation to other issues in this report public consultation is not applicable. Information would be provided to tenants and occupants of each building to ensure they are kept informed as each process proceeds. If, after conducting the expression of interest processes, Council wishes to include relevant conditions to ensure ongoing tenancies or provide certainty regarding some matters in the tender documentation, further consultation with relevant tenants would be required at that time.

Conclusion

Council has resolved to investigate selling a number of properties that it currently owns. The report outlines a number of issues that are relevant. An expression of interest process is recommended to overcome these issues for Council, before making a final decision about whether to proceed with a sale, and exactly what process would be used to finalise a sale.

In regard to the Rochdale Theatre, Council cannot proceed to sell the property at this time. It is recommended that Council commence a process to reclassify the land from community land to operational land such that a sale can proceed in the future.

Recommendation (IS09)

That:

1. Council proceed with an expression of interest process in regard to the potential sale of its Bounty Street property where the Lismore Neighbourhood Centre is located and the Terania Building.
2. Council note the progress and proposed timetable for the expression of interest process for the potential sale or lease of the Nimbin Caravan Park.
3. The results of the processes outlined in Points 1 and 2 be reported back to Council for further consideration prior to any decision to proceed with a sale of each property.
4. Pursuant to Sections 27 and 31 of the *Local Government Act 1993*, Council resolve to reclassify the property known as 603 Ballina Road, being lot 1 in DP 815940 and on which the Rochdale Theatre is located, from community to operational land for inclusion in the new comprehensive Local Environmental Plan consistent with the standard instrument.

Report

Subject	Review of Infrastructure Services
File No.	EF09/113:ED10/796
Prepared by	Executive Director – Infrastructure Services
Reason	Council resolution
Objective	Recommend to Council an effective methodology to review Infrastructure Service's operations.
Strategic Plan Link	Best Practice – Corporate Governance
Management Plan Project	Infrastructure Services

Overview of Report

This report examines various methods of undertaking a review of Infrastructure Service's operations. It concludes the most effective manner is to invite expressions of interest from competent independent consultants. The report also clarifies the Scope of the Review. Consultants will be invited to submit a proposal based on a fixed sum to undertake the review. The brief will include Key Performance Indicator information which the consultant will use as part of their assessment.

Background

Council resolved at the ordinary meeting of 10 November 2009 “.....that a report be prepared on the most effective manner in which to carry out a review of Council's Infrastructure Services section. The review will examine value for money and environmental issues concentrating on, but not be limited to:

- a. the maintenance workshop and fleet;
- b. the appropriateness of Council's plant and equipment for the work required;
- c. work practices;
- d. the role of outsourcing; and
- e. the techniques and technology applied to road construction and maintenance.”

This issue arose during the budget review process where Council examined every line item in the budget to ensure Council funds were allocated in the most effective manner. The Infrastructure Services Directorate is responsible for the expenditure of the vast majority of Council's budget. In the current tight financial environment it is logical for Council to ask whether these funds are being spent in an efficient and effective manner.

Council last undertook a comprehensive review of:

- Roadwork Operations in 1999;
- Plant Equipment and Workshop in 2000;
- Quarry Operations in 2001; and
- Parks Operations in 2003.

The reviews were undertaken by an independent consultant, Neil Arbuthnot from Corporate Management Systems Australia Pty Limited.

It is timely that a review be undertaken as it will inform Council and the community on the efficiency and effectiveness of Council operations. It also allows operational areas to review methods and work practices and implement improvements.

Scope of Review

It is important to determine the scope of the review to ensure Council's expectations are fulfilled and the consultant is correctly briefed. It is proposed the review will cover the following operations of Council:

- Roads
- Workshop
- Fleet
- Quarry & Asphalt
- Parks
- Water and Wastewater.

The consultant will be asked to comment on:

- The efficiency (cost per unit of output), and effectiveness (value for money) of Council's operations. They will base their opinion on industry benchmark information and their experience. They will take into account such factors as budget levels, asset condition, environmental and geographical conditions.
- Work practices and techniques.
- Resourcing - including staff, plant and equipment; comment on the type and quantity of plant and equipment, staffing levels and structure.
- Conformance with environmental legislation and comment on the sustainability of operations.
- Outsourcing – review the current practices and make recommendations for change.
- Other Performance Targets including – Customer Service, OH&S, Communication and Teamwork, Continuous Improvement.

Review Options

Internal or External Review

It is possible to undertake an internal review, however the staff qualified to undertake the review work within this area, and are too close to be impartial and objective. It is difficult for staff to review themselves as it is a case of *'not seeing the forest for the trees'*.

An internal review will not be effective and may lack credibility, therefore an external review by an independent consultant is recommended.

Expressions of Interest

Regardless of the engagement method of the consultant, a Brief should be produced which sets out the scope of works. This will include the information above. It is recommended Expressions of Interest (Eoi) be called from qualified consultants. Proposals will be sought from consultants and assessment will be undertaken using Council's normal criteria:

- Total Cost
- Capability and Experience
- OH&S, Risk Management and Quality
- Environment and Community
- Local Content.

There are a number of methods of engagement which will be discussed further below:

Hourly Rate

The consultant can respond to the EoI with a proposal which includes a methodology and estimated time to undertake the review and be engaged under a schedule of rates or hourly charge.

The benefit of this method is that it is very flexible and the consultant can investigate issues further as they arise during the review. This method however is susceptible to budget over-runs and there is no incentive for the consultant to conclude the review. Therefore this method of review is not recommended.

Lump Sum

Council can call for proposals which address the Scope of Works and the consultant charges a lump sum fee to undertake the review. This method is difficult for the consultant because they do not know what level of information is available or what level of detail is expected. The end product can be tailored to suit the consultant's budget and not deliver the full expectations of the client.

Fixed Sum

This method would involve Council setting a fixed amount for the review. Consultants would respond with a proposal and methodology for that amount. Council would choose the best proposal based on the selection criteria.

Fixed Sum - Supplying Key Performance Indicators (KPIs) Information

This method is similar to the *Fixed Sum* above, however it is proposed to include KPIs in the Brief, for the various operations. The consultant will rely heavily on KPI information using any of the above methods. This method provides the information upfront rather than staff responding to requests when the consultant starts. This is considered the most efficient form of review. The supply and gathering of information is often the most expensive element of a review. This method forces the consultant to review and interpret information which is available. The potential problem with this method is that some important information for the consultant to reach a conclusion is not available. This however can be highlighted in the proposal and factored into the project.

Budget and Timing

No funds have been allocated in the current budget to undertake the review. The amount set by Council for the fixed sum will reflect the level of detail and thoroughness provided in the review (you get what you pay for). A sum of \$50,000 is considered adequate to undertake the review.

It will take some time to consolidate the KPI information to be included in the consultant's Brief. The following timeline is proposed to coincide with the new financial year:

Development and consolidation of KPIs	February – March 2010
Write Brief	April 2010
Call for EoI	May 2010
Close EoI	June 2010
Engage consultant	July 2010

Comments**Financial Services**

There is no specific funding allocated for this purpose in the recurrent budget. As such, it will require an allocation of new funds or a reallocation of existing funds in the 2010/11 Budget. As the review is proposed to include a range of Program Areas, some of which are self funding (Workshop, Fleet, Quarry and Asphalt, Water and Wastewater), the net impact on available funds in the General Fund will be less than \$50,000. The exact amount can be assessed when preparing the 2010/11 Budget.

Other staff comments

Not required.

Public consultation

Not applicable. When the results of the review are known they will be disseminated to the community as appropriate.

Conclusion

It is proposed to call for expressions of interest to review Council operations in Roads, Workshop, Fleet, Quarry and Asphalt, Parks, Water and Wastewater. The method of undertaking the review will involve setting a fixed sum of \$50,000 and supplying Key Performance Indicator information in the Brief. The scope of the review will include an assessment of the efficiency and effectiveness of current operations, looking at work practices, resourcing levels, environmental impact, outsourcing and other performance targets as outlined in the body of the report.

Recommendation (IS01)

That Expressions of Interest be called from competent independent consultants to undertake a review of Infrastructure Services using the method of *Fixed Sum – Supplying Key Performance Indicator Information* outlined in the body of the report.

Report

Subject	December 2009 Quarterly Management Plan Review
File No	EF09/1726:ED10/775
Prepared by	Manager Corporate Services
Reason	Requirement of Local Government Act S.407(1)
Objective	Information for Councillors
Strategic Plan Link	Whole of Council Corporate Planning
Management Plan Project	This is a report on the progress of the 2009/2010 Management Plan

Overview of Report

This report relates to the performance of programs and activities highlighted in the 2009/2010 Management Plan during the quarter ended December 2009.

Background

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

This report reflects the current management plan that sets out the major projects the Council will complete and what standards it intends to achieve.

Recommendation

That the report be received and noted.

Report

Subject	December 2009 Quarterly Budget Review
File No	EF09/592:ED10/849
Prepared by	Principal Accountant
Reason	Clause 7, Local Government (Financial Management) Regulations 1993
Objective	To gain Council's approval to amend the 2009/10 Budget to reflect actual or anticipated results
Strategic Plan Link	Best Practice Corporate Governance
Management Plan Project	Various

Overview of Report

A review of all operational and capital works budgets has been undertaken based on actuals to December 31, or anticipated trends or additional information received subsequent to the preparation of the original budget. Where a budget variation exists, this has been reported.

The 2009/10 Budget has moved from an opening surplus of \$14,700 to an accumulated deficit of (\$283,800 as at September 30, 2009 and now an accumulated deficit of (\$28,900) as at December 2009. The operating surplus for the December 2009 quarter was \$254,900. Major budget variations that impact the operating result for the December Quarter are:

- Reduction in electricity infrastructure costs \$203,000
- Increase in interest return on investments \$171,400
- Building Services revenues higher than original estimates \$135,800
- Dividend Recycling Centre Operations \$100,000
- Increase in Pensioner Subsidy \$60,000
- Lower than estimated cost for abandoned rates \$21,000
- Engage a consultant to assist with Special Rates variation (\$30,000)
- Increase building maintenance (\$35,000)
- Increased operating costs Nimbin Caravan Park (\$37,200)
- Caretakers residence Nimbin Caravan Park increased costs (\$44,000)
- Lower than anticipated revenue from tea tree farm operations due to lower market prices - (\$49,500)
- Lower than estimated revenues from Planning Services (\$63,700)
- Revised operating deficit for Goonellabah Sports and Aquatic Centre due to lower than anticipated revenues (\$65,800)

In addition, the estimated depreciation expense for all Council operations has been increased by \$2,764,900. This adjustment results in the estimated depreciation expense for 2009/10 being similar to actual depreciation expense for 2008/09. While depreciation is a non cash expense and therefore not included in the cash based financial reporting above, it is relevant to Council's overall financial position and performance for 2009/10.

Background

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

The objective of the December review is to revise all budgets based on actuals for the first six months, anticipated trends and additional information received subsequent to the preparation of the original budget.

At the time of the preparing this report the restructure of the Development and Governance Directorate was still being finalised. As such, changes as a result of the restructure have yet to be reflected in this report and will be when quantified.

General Fund

The original 2009/10 Budget provided for a surplus of \$14,700 and this changed to an accumulated deficit by September quarter of (\$283,800). This review details a surplus of \$254,900 for the December quarter, with the annual accumulated deficit at December 31, 2009 being (\$28,900). A summary of the movement follows:

Budget Movements for Quarter	Amount \$
September 30 2009/10 Deficit	(283,800)
Add – Reduction in estimated contribution required for SES operations	1,500
Add - Reduction in estimated contribution required for NOROC	3,300
Add – Reduction in Council contribution for Road Safety	7,100
Add – Distribution received in relation to HIH Insurance	7,800
Add – Operational savings identified in maintenance of cemeteries	12,300
Add – Lower than estimated cost for abandoned rates	21,000
Add – Additional pensioner subsidy received	60,000
Add – Additional dividend from recycling centre due to increase in return from operations. Higher commodity prices and savings in operational costs due to tendering out.	100,000
Add – Increased revenue estimated from building inspection fees \$67,400, construction certificates \$23,100, developer applicant fees \$19,500 and other revenues in relation to building services application fees	135,800
Add – Interest returns have been revised based on actuals received to December 31 and increased interest rates on investments.	171,400
Add – Electricity infrastructure expenses have been revised down due changes in charging policy by supplier.	203,000
Less – Adjustment to contribution to Far North County Council	(300)
Less – Additional contribution to RTRL	(5,300)
Less – Additional S356 donations in relation to rental of City Hall	(6,200)
Less – Lower than estimated other revenue from Financial Services	(6,500)
Less – Adjustment to contribution to NSW Fire Brigade	(8,800)
Less – Revised cost of rates for Lismore City Hall	(11,500)
Less – Adjustment to contribution to Rural Fire Service (Total contribution increased by \$30,800 with \$15,100 funded from reserves)	(15,700)
Less – Cost of consultant to assist with the community consultation for the Special Rate Variation application	(30,000)
Less – Additional building maintenance cost	(35,000)
Less – Additional Nimbin Pool and Caravan Park operating cost with the major cost being increased security \$20,000, and rates \$10,200	(37,200)
Less – Increased cost associated with the provision of the Nimbin Caravan Park Caretaker's residence	(44,000)

Less – Additional electricity usage charges due to increase in unit rate charge by supplier and increase usage	(44,000)
Less – Deficit on Master Games with costs for new software and one off expenses incurred. The new software will provide operational benefits and efficiencies over future years of operations. It is anticipated that all these costs will be recouped over future events and will be repaid to General Fund.	(44,800)
Less – Lower than anticipated revenue from tea tree farm operations due to lower market prices	(49,500)
Less – Lower than anticipated revenue from Planning Services	(63,700)
Less – Goonellabah Sports and Aquatic Centre operating deficit due to lower than anticipated revenues refer note 1	(65,800)
Closing Deficit Balance at December 31, 2009	(28,900)

Note 1 - Goonellabah Sports and Aquatic Centre

Budgets have been revised based on usage to December 31, estimates of trends over the remaining six months to June 30 and identified savings in operating expenses. Revenues are \$717,900 lower than original estimates with identified operational savings of \$652,100.

Comments: Manager – Arts, Tourism and Leisure

GSAC's operating result has been impacted primarily due to initial unrealistic revenue targets. The targets have not been achieved and have since been revised downward. Expenditure will also be revised downward which will impact on service delivery over the next 6 months. Factors which have contributed to limited revenue generation include:

- Learn to Swim (LTS) program - inefficient early operations. The entire program has been reviewed and is linked to the Memorial Baths program. Despite the significant change to LTS operations it will take 12 - 18 months to establish and grow the business and begin generating significant revenue.
- The temperature of the heated pools is not ideal for all patrons with a negative impact on enrolments and memberships. The LTS area needs to be warm, optimally up to 33 degrees C, whereas the lap swimming area is preferred to be around 27 degrees C. One body of water cannot deliver such different temperature requirements and this has affected revenue.
- The Lismore Lake Pool and Memorial Baths are active competition for recreational swimmers.
- Early anti-social behaviours (rock throwing, assaults, intimidation and disruption etc) within the complex and associated with the Youth Plaza have had a negative impact on patrons. This has impacted on casual visitation and memberships.

Management will take immediate steps to curb expenditure so that it runs in line with revenue. Staffing levels will be the primary focuses together the other operational expenditure. These changes will be effective from early February. Selected promotional strategies will be maintained in order to generate and grow existing business.

Note 2 - Depreciation

The estimated depreciation expense for all (General, Water & Wastewater) Council operations has been adjusted in December by \$2,764,900 based on actuals included in the 2008/09 Financial Reports. Depreciation is treated as a non cash item and thus there is no impact on the cash based operating result. The increased depreciation expense does negatively impact on the net "operating result from continuing operations". The full impact is outlined within Change in Net Assets section of this report.

Program Summary

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

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

Finance

Return on investments has been revised based on interest returns received to December 31 and anticipated increasing interest rates over the remainder of the year. A portion of estimated interest to be received has been transferred to reserves in accordance with Council Reserves Policy 1.5.10.

Additional interest has also been attributed to Section 94 Funds and these have also been transferred to S94 reserves.

Organisational Development and Human Resources

A transfer of \$11,000 has been made from Employee Leave Entitlement reserves for works associated with the insulation of the Lismore Library. These works were undertaken whilst the roof was being replaced through an insurance claim. The amount plus interest is to be repaid over 8 years through savings anticipated from lower electricity consumption resulting from the insulation of the roof.

Caravan Parks and Nimbin Pool

Additional capital expenditure of \$15,900 for the replacement of the Caretakers residence at the Nimbin Caravan Park has been included with funding from reserves.

Lismore Lawn Cemetery and Crematorium

A review of the operations at the Lawn Cemetery and Crematorium based on December actuals indicates lower than anticipated revenues from Crematorium operations (\$15,900) which have been off set by higher revenues from Lawn Cemetery operations of \$85,000. Expenses have also been adjusted with an overall reduction in operating costs of \$12,100 expected over the year. A net transfer of \$81,200 has been made to reserves.

Northern Rivers Quarry Group

The Quarry Group operations have been revised based on performance to December 31 and anticipated results over the remaining six months to June 30. The overall net result from all operations is estimated to be (\$442,700) lower than original estimates. Revenues are estimated to be lower by (\$264,700) with operating expenses across all areas higher by \$175,800. Management is also reviewing non essential capitals works with an intention to defer where possible.

The operating result for the Quarry Group has moved from an adopted surplus of \$827,800 to a revised surplus of \$387,300. A summary of movements in the operating result by production area is as follows: Asphalt increase by \$321,700; Blakebrook operations have decreased by (\$381,800); Ballina operations have decreased (\$349,900).

Some of the major factors influencing this decline are:

- Loss of sales due to a decline in quarry market sales, this has been reflected across the industry as a whole.
- Increased in asphalt plant activity due to higher than anticipated works
- Increased costs of production – management is actively working on reducing production costs to identify further efficiencies.

Dividends of \$395,000 are still anticipated to be paid from the Quarry Group as the overall result will be sufficient to provide for the dividend. The revised operating result will however impact on the Quarry Group's ability to repay part of the internal loan from reserves made in 2008/09 to cover the cash deficit from operations. This is continually being monitored with the results reported to Council both in this report and separate ad hoc reporting to Councillors from time to time.

Lismore Wastewater

A review of the operations of Lismore Wastewater based on December year to date actual and revised capital works programs was undertaken. Included in the period review was a write off of revenue (\$82,000) of the Clunes Wastewater charges; capital works have been revised down by \$134,100 with the main adjustments being the deletion of Woodlark Street (\$350,000) and a partial offset of additional capital works not originally included in the works program. For Councillor's information, no capital wastewater works are required in Woodlark Street hence it is all funded from General Fund, Water Fund and grants. A net transfer of \$126,200 has been made to reserves.

In addition, the estimated depreciation expense has been increased by \$235,300. This adjustment results in the estimated depreciation expense for 2009/10 being similar to actual depreciation expense for 2008/09.

Lismore Water

A review of the operations of Lismore Water based on December year to date actual and revised capital works programs was undertaken. Capital works have been increased by \$69,500 due to a revised capital works programs with the additional expenditure being offset by increased revenues and a reduction in operating expenses.

The estimated depreciation expense has been increased by \$160,400. This adjustment results in the estimated depreciation expense for 2009/10 being similar to actual depreciation expense for 2008/09.

Lismore Recycling and Recovery Centre

Capital works funded by grants have been included for the Improvement of Waste Performance \$82,700.

The Waste Services operations have been revised based on performance to December 31 and anticipated results over the remaining six months to June 30. The overall net surplus result from all Waste Services is estimated to increase by \$540,000 and this has been transferred to Waste reserves. Revenues are estimated to increase by \$675,800 and operating expenses are estimated to increase by \$135,800.

A summary of the movements by operational area is Recycling Centre increase return of \$330,000; Waste Disposal \$148,900, Waste Minimisation \$29,300 and Commercial Waste Services \$22,300.

There have been a number factors contributing to the net increase in surplus operating results with some of the major impacts being: rise in metal prices; higher revolve sales and increased waste disposal revenues. Revenue increase has also been complimented by a review of operating expenses to ensure maximum efficiency.

Miscellaneous Properties

Operating expenses were decreased by (\$11,100) comprising an increase in costs for the building alterations \$6,400 (funded by a transfer from reserves) and a transfer of vote (\$17,500) to the Library building maintenance vote.

Rural Fire Services

Operating expenses were increased by \$15,100 (\$30,800 in total) in relation to Council's statutory contribution to the Rural Fire Services with funding from a transfer from reserves. Capital expenditure has been decreased by \$90,000 to \$20,000 for the construction of the Blue Knob Equipment Bay with funding from grants funding.

Emergency Services

Additional operational expenses of \$38,500 have been included for the upgrade of the Browns Creek Pump \$30,000 and Divider Plate \$8,500, with funding from a transfer from reserves.

Workshop and Fleet

The Workshop and Fleet operations have been revised based on performance to December 31 and anticipated results over the remaining six months to June 30. The overall net surplus result for Workshop and Fleet is estimated to increase by \$290,300 and this has been transferred to reserves. Revenues are estimated to increase by \$419,100, operating expenses to increase by (\$157,100) and capital expenditure reduced by \$28,300.

Asset Management

Operating expenses have increased by \$87,400 for various road safety projects programmed for 2009/10. In addition, capital expenditure has decreased by \$10,000 being funding for the Margaret Olley Art Centre incorrectly adjusted as part of the September 2009 Quarterly review. These adjustments have been funded from a combination of new grants, reserves and additional revenues.

Lismore Regional Airport

A review of the operations based on December actuals has identified a better than anticipated trading result for the Lismore Regional Airport of \$9,700. Operating revenues are expected to be (\$67,800) lower than the original budget however management has identified savings in operating expenses of \$80,400 with minor capital works included (\$2,900). A net transfer of \$9,700 has been made to reserves.

Art Gallery

Operating costs have been increased by \$101,900 with the major increase being the Splendour in the Grass \$100,000. These increases have been funded from new grant funding \$100,000 and additional revenues.

Community Services

Operating costs have been increased by \$324,000 with the major items being Lismore Homeless Shelter \$300,000 and youth programs associated with the GSAC Youth Plaza \$23,500. These increases were funded from a transfer from capital works \$100,000, unexpended grants \$200,000 and a transfer from reserves \$23,500.

Economic Development

Operating expenses have been increased by \$110,300 being for SBRVL expenditure. There has been a corresponding transfer from reserves \$92,700 and additional contributions received \$17,600.

Information Services

Operating expenses have been increased by \$57,800 with the major item being the development of Crystal reports for enhancement of Council reporting systems. Capital expenditure has increased by \$94,500 with the major item being finalisation of the Electronic Document Records Management system implementation. There is a corresponding transfer from reserves \$152,300.

Public Libraries

Operating expenses have been increased by \$28,500 with the major items being thermal roof insulation \$11,000 and increase building maintenance \$17,500. These increases were funded from an internal loan from Employee Leave Entitlements \$11,000 to be repaid from savings in electricity costs, and a transfer from Miscellaneous Properties maintenance operating expenses \$17,500.

Environmental Services and Building Control

Operating expenses have been increased by \$75,600 with the major items being EMP Urban tributaries – Hollingworth \$40,900, Indian Myhna birds \$6,500, NRG Energy Committee \$21,400 and WSUD Strategy \$6,800. These increase are funded from 2009 unexpended grants \$72,900 and reserves.

There was a transfer of \$262,000 from operating expenses into specific capital works identified as part of the Stormwater Management Plan.

Planning Services

Operating expenses have been increased by \$15,100 being General Fund's contribution to the Stocktake of Council's infrastructure. These works were funded from a transfer from reserves.

Change in Net Assets

The 2009/10 Management Plan showed an Operating result from Continuing Operations of \$4,925,000. The September review reduced this by (\$3,935,100) to \$989,900 and the December review shows a further decline of (\$2,550,600) to report an Operating loss from Continuing Operations of (\$1,560,700). The major component of this movement relates to increased depreciation costs of \$2,764,900. Council should note that depreciation is a non cash item and therefore does not affect the reported cash based operating result.

Council will need to consider how it manages the assets under its control including adequately funding maintenance and renewal costs. This will be addressed as asset management plans are developed and factored into future budgets.

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

Conclusion

The 2009/10 Budget has moved from an opening surplus of \$14,700, to an accumulated deficit of (\$283,800) in September, and now an accumulated deficit at December being (\$28,900). The operating surplus for the December 2009 quarter was \$254,900.

The objective of the December review is to provide an accurate estimate of operations to June 30 based on year to date revenues and expenses to December 31 and anticipated trends over the remaining six months of the year.

Management has reinforced the message that meeting 2009/10 Budget expectations is a priority for all Budget Managers as this will place Council in a solid financial position for the remainder of the year.

Recommendation

1. Council adopt the December 2009 Quarterly Budget Review Statement for General, Water and Wastewater Funds.
2. This report be forwarded to Council's Auditor for information.

2009/10 Estimates of Income and Expenditure To June 2010				
BUDGET ITEMS	Original 2009/10	September	December	Total
		30-Sep-09 Quarter	31-Dec-09 Quarter	Budget
OPERATING REVENUES				
General Manager	27,511	(862)	237	26,885
Infrastructure	46,587	(361)	965	47,191
Development & Governance	6,343	(70)	(577)	5,697
TOTAL OPERATING REVENUES	80,441	(1,294)	625	79,773
OPERATING EXPENSES				
General Manager	4,159	54	39	4,252
Infrastructure	52,232	593	619	53,445
Development & Governance	14,023	539	(157)	14,405
TOTAL OPERATING EXPENSES	70,414	1,187	502	72,102
OPERATING RESULT BEFORE DEPRECIATION	10,028	(2,480)	124	7,671
<u>Less</u>				
DEPRECIATION	16,248	0	2,765	19,013
OPERATING RESULT BEFORE CAPITAL AMOU	(6,220)	(2,480)	(2,641)	(11,342)
Add: Capital Grants and Contributions				
Non-cash Developer Contributions	750	0	0	750
Capital Grants and Contributions	8,543	(1,455)	91	7,179
Section 94 Contributions (incl. interest)	1,717	0	0	1,717
Gain / (Loss) on Disposal of Assets	135	0	0	135
Operating result from continuing operations	4,925	(3,935)	(2,551)	(1,561)
AVAILABLE FUNDS RECONCILIATION				
Add Expenses Not Involving a Flow of Funds				
Depreciation	16,248	0	2,765	19,013
Subtract Income Not Involving a Flow of Funds				
Non-cash Developer Contributions	(750)	0	0	(750)
Add Non-operating Funds Employed				
Loan Funds Used	11,322	16	0	11,338
Unexpended Specific Purpose Grants Used	150	3,180	264	3,593
Developer Contributions (Section 94) Used	20	(0)	(10)	10
Repayments by Deferred Debtors	43	0	0	43
Subtract Funds Deployed for Non-operating Purposes				
Acquisition of Assets	(32,005)	(1,531)	(214)	(33,750)
Repayment of Principal on Loans	(2,092)	0	0	(2,092)
Subtract Unexpended Grants and Contributions Received During Year				
Developer Contributions Net Movement	(754)	0	0	(754)
Cash Surplus / (Deficit)	(2,893)	(2,271)	253	(4,910)
Equity Movements				
Reserve Funds - Increase / (Decrease)	(2,908)	(1,972)	(2)	(4,882)
Reserve Funds - Operating Surplus Reserve	0	0	0	0
Working Capital - Increase / (Decrease)	15	(299)	255	(29)

Report

Subject	Public Art Policy
File No	EF09/1849:ED09/18874
Prepared by	Executive Director Sustainable Development
Reason	For Council to consider revised Public Art Policy.
Objective	To develop a comprehensive revised Public Art Policy and procedure.
Strategic Plan Link	Develop and Support Art, Cultural, Sporting and Tourism Activities.
Management Plan Activity	Public Art Policy

Overview of Report

This report outlines the need and content of a revised Public Art Policy for Council's consideration and approval for exhibition. There is also a detailed public art procedure that outlines how public art proposals and acquisitions will be assessed. The procedure covers public art de-accessioning, maintenance, relocation, removal and in some instances disposal. The public art procedure is not the subject of Council adoption. It is proposed to establish a Public Art Reference Group (PARG) to administer the policy and procedure. The PARG is also referred to in Chapter 21 of the Development Control Plan (DCP) on public art which has been in place for some time.

Background

Public art is something that is being increasingly recognised by communities as being important to their sense of place, identity, wellbeing and belonging. Certainly the public art that has been put in place in Lismore and its villages provides those communities a greater sense of place and appreciation of our unique identity. In Lismore the public art also helps newcomers have landmarks that help them find their way around the city e.g. the public art on the corner of Uralba and Dawson Streets.

Given the emerging need for public art Councils have been developing public art policies to provide a system to assess proposals and acquisitions. Secondly such policies often commit Councils to some level of expenditure on public art either on an annual basis or triggered by major Council building or streetscape projects. These policies also provide a system to administer any developer requirement to provide public art through a DCP.

Specifically in relation to the Development Control Plan Council adopted some time ago DCP 21 on public art (Attachment 1). The DCP's requirements outlined only trigger when there is commercial or retail development in Business zones and tourist development in Business and 2(a) Residential zones of greater value than \$2,000,000. The developer has two options in the DCP namely to provide it on the subject site to the value of at least \$15,000 or cash in lieu effectively to at least the value of \$12,000. Clause 21.3 of the DCP requires developers to submit documentation of the proposed public art to a Public Art reference Group (PARG). DCP 21 came into place 18 months ago.

Prior to this in 2005 Council adopted a Public Art Policy. However it was not aligned with the DCP in that it did not refer to a PARG and secondly it incorrectly referred to section 94 developer contributions as the means of requiring contributions to public art. The revised Public Art Policy corrects both these aspects. In particular the revised Policy and new Procedure establishes a framework for the PARG. Hence the need for this report. The revised policy and procedure have been in the process of development and

drafting for some time.

Revised Public Art Policy and Procedure

Attached is a copy of the revised Public Art Policy and procedure (Attachment 2). Key features are as follows:

1. There is the same definition of public art in both the policy and procedure. Of note public art does not include designed architectural or landscape features such as exterior designs on buildings or mosaics on pavers. That was seen as too restrictive and it could require paving designs etc to be considered by the PARG and Council. Public art can be situated within the public areas of privately owned development such as a shopping complex or more commonly in publicly owned spaces such as a park.
2. In the 'commitments/aspirations' section of the policy of note where Council constructs a major building, urban streetscape or sporting facility of greater value than \$2,000,000 it will include in the development integrated Public Art to the value of at least 1% of the total project cost. This is a higher rate than the DCP for developers i.e. at least \$20,000 plus whereas the developer contribution is at least \$12-15,000. The rationale for this higher rate is that Council needs to show leadership in this area. The Woodlark Street upgrade valued at \$4.5 million is contributing \$95,000 to public art (just over 2%). Ballina Shire Council in their equivalent policy and DCP commit at least \$15,000 for development valued over \$1,000,000 for Council and private development plus commit \$15,000 pa in each budget cycle.
3. The procedure establishes the PARG including its membership and scope. The PARG assesses and makes recommendations to Council on public art commissions, acquisitions (gifts or bequests etc), removals, relocations and de-accessing. New commissions can come by way of the DCP 21 or Council projects in terms of the policy. The detail of these aspects won't be repeated in this report. The determination of the members in terms of the elected member, the art representative and the Aboriginal art representative will be resolved by Council when the matter is reported back in the early 2010 when it has come off public exhibition. The PARG will recommend a number of sites for public art activation. The PARG will also have a role in recommending to senior staff the selection of artists for certain commissions. The PARG can also like other PAG's, make submissions to Council as part of the budget round process on public art.
4. The procedure also sets out the roles of the Public Art Officer being the Gallery Director.

Comments

Financial Services

The introduction of this policy will require Council to include an allowance of 1% of the total project costs for public art in its major buildings, urban streetscapes and sporting facilities project budgets.

The inclusion of funding for the above aspect of the policy, new acquisitions and maintenance will need to be considered as part of the annual budget process.

Other staff comments

The policy and procedure was reported to and is supported by Council's senior management (ExCom).

Consultation

At the Arts and Culture Policy Advisory Group (ACPAG) special meeting of June 10, 2009 the members unanimously recommended that the Public Art Policy be adopted. The revised policy has to be exhibited for a period of twenty eight days prior to adoption. The procedure would be made available during that exhibition period but is not the subject of submission.

Conclusion

Public art is something that is being increasingly recognised by communities as being important to their sense of place, identity, wellbeing and belonging. Certainly the public art that has been put in place in Lismore and its villages provides those communities with a greater sense of place and appreciation of our unique identity. The revised Public Art Policy and Procedure including the establishment of a PARG are required to ensure the right public art is located on the right site. It also provides for a procedure to remove or relocate public artwork in certain circumstances. The PARG has been required for some time given that the DCP has been in place for 18 months.

Recommendations

That Council resolves:

1. to approve the revised Public Art Policy as attached to be exhibited for a period of twenty eight days before the matter being reported back to Council for final consideration.
2. that the draft Public Art Procedure be made available for information during the public exhibition period.

Chapter 21

Public Art



21 Public Art

This Chapter applies to commercial and retail development in the Business zones and to tourist development in the Business and 2(a) Residential zones where the value of the development is greater than \$2 million.

21.1 Benefits of Public Art

Public art is an important element in the urban environment and can help to promote the diverse and unique characteristics of a city. The provision of public art can assist in creating more liveable and enjoyable urban spaces. A city's history and local identity can be reflected through public art, which can increase civic pride, community cohesion and develop a sense of place.

Encouraging public art can add interest and vitality to public spaces and can also encourage the revitalisation of the built environment. This can create a focal point for social and cultural activities and can increase opportunities for community development. The inclusion of public art in the urban environment also creates a positive image of the city, making it more attractive to tourists, visitors and investors.

21.2 Provision of Public Art

New commercial, retail and tourist development to which this Chapter applies must either provide public art as a component of that development or else enter into an arrangement with Council to contribute towards the funding of public art at a location other than the development site.

Provision of public art on the site of the development

Where public art is to be provided as a component of new development on the development site it must:

- Be to a value of at least \$15,000,
- Be provided in a location that is readily accessible to members of the public, and
- Be of a permanent and durable nature.

Documentation showing details of the proposed art work must be submitted with the development application. Documentation is to include:

- Scaled plans showing the location of the proposed work.
- A sketch of the proposal.
- Information on approximate dimensions
- Information on the type of materials and finish to be used.
- A statement concerning the intent of the art work

Provision of public art other than on the development site

Where the applicant prefers not to provide the art work on the site of the development, the applicant may enter into an agreement with Council to contribute an amount of at least \$12,000 towards the provision of public art on public land.

21.3 Assessment of Proposals

Where public art is to be provided on the development site, documentation on the proposed art work that is submitted with the development application will be reviewed by the Public Art Reference Group prior to the determination of the Development Application.

Attachment 2

DRAFT PUBLIC ART POLICY

POLICY NO: DRAFT	DRAFT PUBLIC ART POLICY
FUNCTION:	Sustainable Development
ACTIVITY:	Public Art Officer / Gallery Director
OBJECTIVE:	Acquire and manage high quality public artworks that enrich and vitalise the public domain and enhance Lismore's identity.
SECTION RESPONSIBLE:	Arts, Tourism and Leisure
AUTHORISED:	REVIEWED: November 2009

What is 'Public Art'

"Public Art" for the purposes of this policy is defined as artworks created for or located in a public space and readily accessible to members of the public. Public art includes works of a permanent or temporary nature located in the public domain. A public space means all public space, which the public has access to or can view; this includes, but is not limited to; parks, streets, squares, gardens, walkways, public plazas and building foyers. Public art for the purpose of this policy does not include designed architectural or landscape features such as exterior designs on buildings or mosaics on pavers.

Aim

The aim of the Public Art Policy is to facilitate the acquisition and management of high quality public artworks that improve the amenity of public places, enhance local identity and sense of place as well as enriching the cultural life of the community. A strong sense of place and identity are keys to a community's sense of wellbeing and belonging.

Objectives

Within the overarching 'Aim' of this Policy the following objectives are supported:

- The creation of Public Art that tell the 'Lismore story' in all its expressions.
- The installation of Public Art in appropriate settings and sites.
- Appropriate expenditure on Public Art by the Council.
- The fostering of high quality artwork which exhibits appropriate standards of excellence, relevance and consistency.
- Consistent levels of quality maintenance for Public Art.

Commitments/Aspirations

Lismore City Council will aspire to:

- Develop awareness within Council and in the community of the value of art in public places.
- Enhance the quality of urban and open space environments through the sensitive placement of locally relevant and meaningful public artworks.
- Establish an effective process through which Council can address public art planning issues, including identifying sites/ zones for future public art works.
- Integrate public art into Council's urban designs in order to improve the quality of community spaces and to enhance the pedestrian streetscape experience.
- Encourage the use of collaborative arrangements between artists and design professionals, such as architects and landscape architects, in the creation and commissioning of public works to ensure the context of the artwork is fully taken into account.
- Working with education institutions to develop skills in Public Art, through professional placement opportunities for artists and art administrators.
- Where Council constructs a major building, urban streetscape or sporting facility of greater value than \$2,000,000 it will include in the development integrated Public Art to the value of at least 1% of the total project cost.

Framework

The aims and objectives of the Public Art Policy are to be implemented within the Public Art Procedures and will be overseen by the Public Art Reference Group (PARG). This group will oversee the operations of the Public Art Policy and will balance the Policy against all other adopted Council Policies and Procedures.

DRAFT PUBLIC ART PROCEDURES

PROCEDURE NO: DRAFT	DRAFT PUBLIC ART PROCEDURES
FUNCTION:	Sustainable Development
ACTIVITY:	Public Art Procedure document
OBJECTIVE:	Acquire and manage high quality public artworks that enrich and vitalise the public domain and enhance Lismore's identity. The Procedure document outlines the working process that articulates the Public Art Policy.
SECTION RESPONSIBLE:	Arts, Tourism and Leisure
AUTHORISED:	REVIEWED: November 2009

Scope

These Procedure document guidelines are applicable to the Public Art Reference Group (PARG) and are to guide the group in its dealings with the regulation of private sector development, Council capital works, and cultural development. The guidelines apply to all Public Art projects within the City. The PARG has the status as an advisory group to Council. In particular Chapter 21 of Council's Development Control Plan (DCP) is on public art. This chapter relates to public art required as a result of commercial, retail and tourist development in certain zones. This procedure applies to Public Art referred to the PARG under that DCP. The PARG has a role in respect of Chapter 21 of the DCP.

Purpose

To outline the main elements that need to be considered in the implementation of the policy.

Definitions

For the purposes of implementing the Lismore City Council Public Art Policy the following definitions will apply:

Art: Creative visual arts and craft activity that produces unique material objects or works of art made from lasting components and materials, or significant temporary/ephemeral works of art that can be documented and displayed in a lasting way.

Artist: Professional practitioners in the creative industries, visual arts, craft and design.

Artworks: Permanent or temporary works of art made by, or with, professional artists.

City: Lismore City including its villages.

Community Art: Work resulting from a high degree of community consultation and/or preparation. Community Art is to be produced in consultation or collaboration with an artist.

Council: Lismore City Council.

Plonk-Art: Artwork that is taken out of context, unplanned, inappropriate or existing outside its intended environment. Plonk Art excludes the correct process of consultation, planning and integration within a place/precinct.

Public Domain: Includes but is not limited to; streets, parks, squares and spaces within buildings that are accessible to general public and/or in the ownership/control of Council, State Government or Commonwealth Government agencies.

Public Art: for the purposes of this policy is defined as artworks created for or located in a public space and readily accessible to members of the public. Public art includes works of a permanent or temporary nature located in the public domain. A public space means all public space, which the public has access to or can view; this includes, but is not limited to; parks, streets, squares, gardens, walkways, public plazas and building foyers. Public art for the purpose of this policy does not include designed architectural or landscape features such as exterior designs on buildings or mosaics on pavers.

Art Register: The Art Register has formal rules for inclusion and exclusion of artworks from the collection.

Reference Group: Public Art Reference Group (PARG).

Reference Documents

This guideline has been developed to assist in the application or administration of the Public Art Policy to achieve the policy outcome.

Associated Documents:

- Lismore City Council Strategic Plan
- Lismore Local Environment Plan (LEP)
- Lismore City Council Cultural Plan
- Lismore City Council Cultural Policy
- Lismore Regional Gallery Policy
- Lismore Development Control Plan (DCP)
- Lismore City Council Consultation Policy
- Lismore City Council Aboriginal Consultation Procedure.

Private and Public Funding for Public Art

The ability to fund a Public Art program is a key consideration. It is a principle of the Public Art Policy that the public and private sectors contribute to the creation of a vibrant public realm through the funding of Public Art. There are two ways in which Public Art can be required namely:

1. Chapter 21 of the DCP requires a minimum of \$15,000 contributions where Public Art is provided on-site or at least \$12,000 where a contribution to the fund is made for commercial, retail and tourist development over \$2,000,000 in value. This procedure applies under this DCP.
2. The Public Art Policy requires Council to contribute at least 1% of the value of certain types of development over the value of \$2,000,000. This figure is higher than in (1) due the need for the Council to show leadership in this area.

Parameters

- Public Art may be incorporated within a building's structure or result in the creation of new architectural spaces or new public spaces.
- Public Art may take the form of tapestries, carpets, weaving, textiles, hangings, banners, use of colour, mobiles, ceramics, tiling, interior lighting, signage and flooring.
- Public Art could be sculpture, landmarks, environmental land works, photography, prints, paintings, projection, moving images, computer generated images.
- Public Art can introduce narrative or text, be issue based, decorative, humorous, challenging, beautiful, subtle or contentious.
- Public Art may refer to our heritage or celebrate the future, highlight specific areas and issues or be conceptual.
- Public Art can be permanent or temporary, internal or external, integral or free standing, monumental or local, large or small scale, design or ornament.

Public Art is generally initiated:

- As part of Centre Improvement Strategies, i.e. Council funded streetscape projects.
- Through Development Applications as a condition of approval. The work is funded by the developer and may be on private or public land – e.g. park or road reserve.
- Through the Regional Open Space Strategy i.e. in parks funded by Council.
- Through a community driven initiative funded by grants e.g. Ministry for the Arts and Australia Council.
- Percentage for art partnerships with State Government.
- Through a donation, gift or bequest.

Public art projects are generally managed as:

- Public art commissions.
- With or without community involvement in the development of the brief.
- Community arts projects.
- With community involvement in planning, design and fabrication.
- Community environment art design projects.

Scope of Public Art Reference Group Operations

The Public Art Reference Group will have an overseeing management role for all commissioning, implementation, relocation and de-accessioning of Public Artwork. The Group will work within the Public Art Policy and will use the Public Art Procedures as their reference documents.

The Public Art Reference Group

The Public Art Reference Group (PARG) will be the Lismore City Council's public art advisor body and will be made up of the following members:

1. 1 Councillor (Chairperson)
2. Lismore Regional Gallery Director (support officer for PARG)
3. 1 Indigenous art representative
4. 1 Arts industry representative
5. Executive Director of Sustainable Development.

PARG members (1), (3) and (4) shall be appointed by Council within 12 months after a Council election. Representatives (3) and (4) shall be done by expressions of interest.

The PARG will also consider advice pertinent to each project from the following:

- 1 Strategic Planner/ Development Assessment Planner,
- 1 Public liability/ risk management representative.

The PARG scope is to:

1. Recommend to Council in respect of proposed new Public Art concept briefs prior to the commissioning of the artists and the construction of the work.
2. Recommend to Council in respect of Public Art acquisition (via gift, donation, bequest or other means), removal, relocation and de-accession.
3. Recommend to Executive Director Sustainable Development the selection of an artist or artists to complete new Public Art works including recommendations in respect of final concept drawings within the concept brief approved by Council and the approved budget.
4. Recommend to Council six sites within the Lismore LGA for public art zones of activation. These will be the preferred locations for public art. In terms of scope items (1) and (2) the location or relocation of the subject Public Artwork will be part of the PARG scope.
5. Recommend to Council a public art plan for each site; integration, enhancement of the site, connectivity to community, relevance to history and currency of the site, and prospective partners.
6. Consult with the community as appropriate, consistent with Council's Consultation Policy and work generally in accordance with the Public Art Procedures.
7. Ensure quality control and provision of quality advice not to have any financial responsibility. However the PARG can make written submissions to the annual budget round on Public Art commissioning of work and maintenance.

The Public Art Officer (Gallery Director) will:

- Make recommendations to Council in regard to Public Art.
- Facilitate the selection of artists, being mindful of Council's tendering procedures.
- Be the support officer for the PARG.
- Contact all relevant departments and organisations, e.g.: roads, parks, electricity etc to obtain approval if necessary.
- Initiate and facilitate the collection of any background, historical and Indigenous information.
- Facilitate the project status, i.e. by commission or community arts project.
- Manage the public art aspects of projects.
- Coordinate the implementation of Council's Public Art Policy and Procedure.
- Source and consider significant policy and practice issues and trends relevant to the arts both nationally and internationally that will enhance this policy.
- Be essential in assisting/ facilitating the process of communication between: architects, builders, town planners, engineers; and artists, arts workers, other professionals; and the community.
- Liaise with all relevant sections throughout Council depending on the project.

- Consult with all stakeholders. This will vary depending on projects and what they want to achieve.
- Manage the de-accessioning, relocation and disposal of public art works.
- Prepare Public Art documents including, but not limited to, Public Art Reference Group Minutes, Public Art Contracts, Public Art Condition Reports for City Works inspectors and individual Public Art Project Briefs inline with the Code of Practice for the Australian Arts and Crafts Sector.

Selection Criteria for Public Artworks

Evaluation and approval of all public art will be based on the following criteria:

Storey telling/sense of place: It's important that Public Art tells the various stories of Lismore and villages that are unique to our area. Telling 'our stories' is critical to creating a sense of place, wellbeing and belonging. The concept brief for Public Art should reflect a storey that is relevant to the place it will be located in.

Excellence: Artwork shall be of lasting value, quality and artistic merit that will enhance the City's collection.

Audience: The artwork will be suitable for display to a diverse audience including children. It should enhance its setting and help create a sense of place. The Public Art Reference Group may not acquire public art that would, when displayed, create a hostile environment for the public.

Style: The artwork should be suitable in scale, materials, and form for its surroundings, or capable of being sited in a variety of public spaces. Artwork selected for the Council's collection should advance the purpose specified by the Public Art Reference Group at the time an acquisition project is undertaken.

Condition and Permanence: The artwork will be of materials and method of construction suitable to the setting. Artwork for outdoor exhibition will be resistant to theft, vandalism, weathering and constructed to avoid extensive maintenance and repair. At the time of acquisition, the artwork will be in good condition or worthy of restoration.

Technical Feasibility: The Reference Group will consider for commissions only those artwork proposals it finds likely to be completed according to design. The Reference Group will only select artworks for which it has an immediate location or storage capacity.

Fiscal Feasibility: The Reference Group will consider only such artworks for which it possesses adequate funding for appropriate display, maintenance, insurance and safeguarding.

Because Public Artworks are located in public areas they must be able to be safely handled by children and others, and therefore must comply with all relevant health and safety regulations and are subject to review by Council's Risk Management.

Relevance: The Reference Group will consider only such artworks that clearly demonstrate the relevance of the proposed work to its site and address aspects of the City's history, culture or society.

Consistency: The Reference Group will consider only such artworks where there is consistency of the overall vision for the Public Art Reference Group.

Spatial Relationship between Public Art and the Construction Projects that fund it

Council reserves the right to locate Public Art in the most appropriate and meaningful sites for the community. In determining the appropriate site for an artwork the following criteria will apply:

- The six sites identified by the PARAG and adopted by Council shall be the priority sites for Public Art depending upon the budget etc.
- Desirable public art sites will be identified through the local area planning process.
- Pooling of funds for Public Art will be encouraged within Centres and in conjunction with Streetscape Improvement Projects.

The location of private sector funded artworks will be subject to negotiation with the project developer and will be determined within the following framework:

- Within the defined Urban Centre of which the development is a part.
- Within a prescribed area e.g. – sites within a Streetscape Improvement Project.

Uniform Public Art Evaluation and Approval Process

All proposals for new Public Art that arise from private sector development or Council capital works will be subject to a uniform Public Art Evaluation and Approval Process. This process will provide expert advice to the Development Assessment Teams and Council capital works managers on the acceptability of a proposal under the Public Art Policy and Guidelines. The process will reflect the following characteristics:

- Single point of coordination for each proposal
- Public Art Reference Group made up of key stakeholders
- Two step evaluation: preliminary and full evaluation
- Guidelines and performance criteria.

Acquisition and Establishment of New Artwork

- Upon identification of a new Public Art project the Public Art Reference Group will oversee the development and establishment of the Artwork, in accordance with adopted Procedures. Importantly the PARG will recommend to Council if the Public Art should be acquired and approve any newly commissioned work.
- Council can acquire Public Art via gift, donation or bequest or other means. Before this occurs the PARG would make a recommendation to Council for a resolution.
- New Public Art, proposed as a response to a Development Consent condition, any other Council Policy or at the behest of a private benefactor will be subject to this Procedure and will be overseen by the Public Art Reference Group.
- Council has adopted several methods for the acquisition of artwork: commission, purchase, donation, integrated (built-in) into urban initiatives in collaboration with other professionals, community projects and sponsored competitions.
- Council recognises that consultation with key stakeholders, city, state, arts, private, business sectors and community is essential prior to and during the acquisition process.
- Council places a high priority on the employment of local artists and supporting emerging artists for the supply of public art. Priority is 1. Locally (City of Lismore), 2. Regionally (Northern Rivers); 3. Northern State (Northern NSW); 4. State NSW and SE Qld.
- Council places a high priority on interactive artworks designed so as to be touched, where practicable, but must conform to health and safety legislation and be easily maintained.

Relocation or Removal of Artwork

- The Council may, as necessary or appropriate, transfer Council-owned artwork from one public site to another, remove artwork to storage or make a temporary loan of artwork to another agency or organisation.
- The Public Art Reference Group will review such proposals to relocate or remove a Council-owned artwork and make recommendations to the Council if required. Considerations for the relocation or removal of artworks may include, but are not limited to:
 - Security of the artwork can no longer be reasonably guaranteed.
 - Maintenance costs are higher than anticipated.
 - Faults of design or workmanship make repair unfeasible.
 - The artwork has been damaged and repair is unfeasible.
 - As erected, the artwork poses risks to public safety not identified during the selection process.
 - Once installed, the artwork does not conform to the expectations according to which it was selected.
 - Significant changes in the use, character or design of the site have occurred, affecting the integrity or appeal of the artwork.
 - The authenticity of the artwork is called in to question.
 - The aesthetic quality of the artwork is called in to question.
 - The Public Art Reference Group wishes to replace the artwork with a more appropriate work by the same artist.
 - The site on which the artwork has been located is required for other community or utility undertakings.
 - The significant redevelopment or upgrade of the surrounding site or the buildings necessitating the relocation or removal of the artwork.

Relocation or removal considerations and arrangements

In reviewing proposals for relocation or removal the Public Art Reference Group will receive a report from the Public Art Officer that covers the following steps/matters:

- Discussion has occurred with the artist and/or donor in respect of the circumstances prompting the review.
- If appropriate seek opinions of more than one independent professional qualified to recommend on the concern prompting the review (conservators, engineers, architects, landscape architects, critics, art historians, safety experts, etc).
- Review written correspondence, press and other public suggestions.
- Explore means of resolving the concerns prompting review of relocation or removal.
- Carry out appropriate consultation as per Council's policy.

If the Public Art has to be removed the Public Art Officer will:

- Seek a suitable relocation of the artwork.
- If the artwork was designed for a specific site, the Public Art Officer will endeavour to relocate it to a site consistent with the artist's intention. If possible, the Public Art Officer will obtain the artist's assistance in making this determination.
- If there is a cost in relocating the artwork the original artist can be commissioned to relocate it at the Executive Director Sustainable Development's discretion without seeking expressions of interest (EOI) assuming there is budget for the work.
- If no relocation is suitable, Public Art Officer will store the work in consultation with Council City Works or seek de-accession consistent with the de-accession procedure.
- Nothing in this policy shall limit the Council's ability to take whatever action is deemed appropriate to protect artwork and human health and safety in the event of an emergency.

Maintenance

- Public Art will be professionally managed and maintained (within resource constraints) so as to make the maximum contribution to the quality of life of the community and to business development.
- As part of the Art Gallery annual budget a maintenance amount should be put aside for the long term maintenance of public artworks.
- All artists designing and/or installing public artworks in the Lismore Local Government Area must provide a comprehensive written Maintenance Report.
- The Public Art Officer will perform a condition report of all public artworks once every twelve months and will inform the Public Art Reference Group of any incidents or deterioration. The Public Art Officer will determine appropriate methods of repair, which may include:
 - The artist/agent making repairs.
 - A local artist making repairs as recommended by the Public Art Officer.
 - The work being removed for de-accession (see de-accession procedure).
 - Where works require repair, Council approval will be sought following consultation with the artist/agent, preservation specialists and the community as necessary.
 - The PARG can make a submission to the annual budget round on significant maintenance if required after considering a condition report. The Gallery Director can independently allocate an annual budgetary fund to provide maintenance of installed works.
 - Where the cost of maintenance exceeds the allocated amount, the Public Art Officer will advise the Executive Manager in writing.

De-Accession

Selection criteria de-accessioning

A Public Art work may be recommended by the PARG (and then resolved by Council) to be de-accessioned if at least one of the following applies:

- Security of the artwork can no longer be reasonably guaranteed.
- There is no suitable site for relocation of a work that must be moved.
- Maintenance or relocation costs are higher than anticipated.
- The artwork requires repairs that are unfeasible.
- The work's condition requires restoration in excess of its aesthetic value.
- The work is so deteriorated that restoration would prove unfeasible or misleading.

- If, as erected, the artwork poses risks to public safety not identified during the selection process.
- It is determined that the work lacks significant aesthetic, historical and/or cultural value.
- The work is determined to be a forgery or fake. The Reference Group is responsible for ensuring that any such forgery or fake is identified as such when it leaves the Council's collection.

Disposal Procedures

The Public Art Officer may dispose of an approved de-accessioned work by any of the following means, or others not listed, as warranted by each circumstance:

- The artist/agent or donor will be given the right of first refusal to reacquire the work at fair market value, original price or gratis, depending on the recommendation of the Reference Group.
- The Public Art Officer may sell the work through a dealer.
- The Public Art Officer may sell the work through competitive bidding.
- The Public Art Officer may sell the work at a Public Sale.
- Trades or exchanges may be negotiated under special circumstances with a dealer or artist. The Public Art Officer may also trade a work to be de-accessioned for another artwork by the same artist.
- If a marginally significant work has deteriorated to such an extent that it is irreparable and unsuitable for exhibition or cannot be disposed of by means listed above, the Reference Group may, with the approval of the Council, elect to destroy it upon de-accession.
- The cost of removal of the work will be borne by the buyer.
- The cost of the artwork will be determined by the Public Art Officer after discussion with certified art valuers.
- Any monies raised through de-accession will be deposited into the Council's Public Art Fund. The Council will endeavour to use such funds for future acquisitions.
- No works may be sold, traded or transferred to a member of the Public Art Reference Group, its supporting staff or its agents. Once de-accessioned from the Council's collection, a work may not be installed on Council property and the Public Art Officer will remove all acquisition numbers and labels from the work and coordinate its physical departure from the Council's collection. The Public Art Officer will transmit a final report informing the Council of the removal of the object from the Council's collection.

Report

Subject	Richmond Tweed Regional Library – Development of Business Model
File No	EF09/74:ED10/1889
Prepared by	Manager – Finance
Reason	The current business model is not consistent with the legal agreements forming Richmond Tweed Regional Library and acceptable business models consistent with the Local Government Act 1993.
Objective	To implement a business model that is acceptable to all four participating councils and is compliant with the Local Government Act 1993
Strategic Plan Link	Social Inclusion and Participation
Management Plan Project	Community Services

Overview of Report

The business model to operate the Richmond Tweed Regional Library (RTRL) has been under review for some time. The current agreements to operate a regional library service date back to the 1970's and require changed to meet statutory compliance requirements.

The RTRL and member council representatives considered the options and engaged a consultant to undertake an independent assessment of the county council and one council service delivery models.

Based on the consultants report and discussions between the RTRL and member Council representatives, and RTRL Committee considerations, an administrative council model is recommended to be pursued.

Background

Richmond Tweed Regional Library (RTRL) commenced operations in the early 1970's. By the late 1970's, all member Councils (Ballina Shire Council, Tweed Shire Council and Byron Shire Council had signed agreements with Lismore City Council as the Executive Council to participate in the regional library service.

The agreements creating RTRL are between Lismore City Council (LCC) and Ballina Shire Council, and LCC and Tweed Shire Council, and LCC and Byron Shire Council These separate agreements are still considered legally binding on all parties in the absence of alternative agreements.

In accordance with the agreements, the RTRL is to be managed by the RTRL Committee with two members appointed by each Council with LCC's Town Clerk (General Manager) appointed as the Executive Member. LCC is also the Executive Council and is responsible for implementing the decisions of the Library Committee and undertaking the day to day management of the Library.

Current Situation

RTRL has evolved to operate successfully with a high degree of autonomy to the point where LCC does not provide the day to day management of the Library. For example, RTRL recruit and pay all staff,

prepare and adopt the annual budget, prepare strategic planning documents, maintain bank and investment accounts, pay all creditors, issue tax invoices, remit and claim taxes, prepare the annual report and annual financial reports.

From a legal perspective, it can be considered an unincorporated body established by LCC in accordance with its obligations under the agreements. As such, it cannot hold real property in its name resulting in the RTRL Headquarters in Goonellabah being held in the name of the Executive Council (LCC). Furthermore, the employees are legally employed by LCC although current practices make this invisible.

Legal Status

The need to update the agreements or change the organisation's legal structure has been on the RTRL's agenda for more than 15 years. A comprehensive assessment of the alternatives by RTRL was undertaken in the late 1990's but did not proceed due to legislative limitations.

In 2008, LCC requested legal advice on the responsibilities of the Executive Council. The need for this advice came about as there was uncertainty as to how certain situations and requests from LCC to RTRL and visa versa should be treated. While the legal advice received provided the information requested and LCC has acted on that advice (Council meeting 10/11/2009 - Resolution 218/09), the most significant consequence for RTRL is that it cannot continue to operate with the current level of autonomy.

Development of Business Model

RTRL has been aware of the limitations of the current agreements and requirements of the LGA for more than 15 years with a comprehensive assessment of alternatives undertaken in the late 1990's. The options were reduced to an administrative council (similar to an Executive Council), joint management (all Council's), trust or corporation. The RTRL's preferred options of either a trust or corporation were not pursued as the neither would satisfy the requirements of the Library Act 1939 meaning member councils would not be eligible for the annual library subsidy.

Based on the legal advice which clearly indicated that RTRL cannot continue to operate with the current level of autonomy, a meeting was held with member Councils (Mayors and General Managers invited) to discuss business model options and how to progress their development. It was agreed that consultants would be appointed to develop a business plan that clearly sets out the business case of both a county council (RTRL preferred model) and a one council service delivery model option (similar to current agreement).

It was also agreed that the business plan would consider governance and compliance matters as based on the performance and comparative information provided by the Department of Local Government (DLG) and NSW State Library as RTRL already has an efficient and effective service delivery model.

ACE Group Consultants were appointed to undertake the consultancy and they presented their report to RTRL and member Councils (All Mayors except Byron Council's and all General Managers attended) in November 2009. A copy of the full report is available on request, but the key points are listed below:

- The formation of a county council would resolve the risk and legal issues, however it is unlikely that such a model would be approved by the State Government in the short to medium term.
- An administrative model could work. This model involves one council taking control of all staff (approximately 60 EFT) and all the functions of the library. The model then relies heavily on that council providing the regional library services based on service level agreements (SLAs) with all the member councils. The SLAs would need to be negotiated between all members and the administrative council which then charges the members for the provision of the library services.

- The third possible model is defined as Shared Services. Under this model one council delivers specific elements of the library service. These elements could include items such as centralised procurement, operation of the mobile library service etc. The member councils would then provide the remaining elements and an example would be the direct employment of staff.

The consensus of the joint meeting was that an administrative council model with service levels to be determined be pursued.

At the December 4, 2009 RTRL Committee meeting, it was resolved that:

- 1) That the RTRL Committee supports the adoption of the Administrative Council option as the preferred model at this time.
- 2) That the RTRL Committee request that General Managers develop a service level agreement of library services and the management of staff under one organisation.
- 3) The RTRL Committee acknowledge the merits of a County Council Model and commits to pursuing it as a long term option.

Byron Shire Council, Tweed Shire Council and Ballina Shire Council have considered this matter at their December meetings. Byron and Tweed have clearly indicated their support for an administrative council model with service levels to be developed and with Tweed prepared to act as the administrative Council in the absence of any other contender. Ballina has noted the on-going discussions.

From Lismore City Council's management perspective, the development of an administrative council business model that is acceptable to all member councils is supported.

Comments

General Manager

Even though on a day-to-day basis the library service is being delivered to a standard acceptable to all four member Councils, some key requirements of the Local Government Act are not and cannot be met under the current structure.

Changes anticipated by adoption of an administrative Council model will require a higher level of active involvement in library management by the staff of Lismore City Council. This will be particularly pronounced in the finance, governance and human resource areas. Lismore City Council will be entitled to recoup any actual additional costs from the member Councils and this aspect is understood by the General Managers.

As the status quo is not an option the model preferred by the member Councils and as recommended in this report is supported.

Public consultation

Not required.

Conclusion

The development of a new business model for Richmond Tweed Regional Library has been ongoing for at least fifteen years. The current agreements between member councils are dated in the 1970's and some current practices do not comply with these agreements or meet statutory requirements.

Both RTRL and high level member council representatives have considered options and based on an independent consultants report, and individual council considerations, an administrative council approach is recommended

Recommendation

That:

1. Council support the adoption of an administrative council model as the business model for the Richmond-Tweed Regional Library Service.
2. Lismore City Council offer its resources to perform the role of administrative Council under a new Regional Library Agreement.
3. That Council authorise the General Manager to develop in conjunction with the General Managers of the other member councils the service levels to be incorporated into an Agreement for the provision of Library Services under the administrative council model with the management of staff under one organisation.

Report

Subject	Customer Service Charter
File No	EF09/277:ED10/402
Prepared by	Customer Advocate
Reason	Improve communication with our customers
Objective	Provide consistent standards of customer service
Strategic Plan Link	Providing Excellent Customer Service
Management Plan Project	Improve Customer Service

Overview of Report

This report recommends the introduction of a Customer Service Charter for Lismore City Council. The Customer Service Charter outlines overall standards of customer service and communication and is a commitment to Council's guiding principles in the Community Strategic Plan 2008-2018.

Background

The Customer Service improvement project conducted in 2008 identified specific customer service improvements including fostering strong communication with our customers and articulating the level of service that our customers could expect to receive.

The Customer Service Charter ("The Charter") which follows this report, explains how Council will communicate and respond to the community. Council recognises the importance of consistent standards of customer service and has a genuine desire to continuously improve the services we provide. The Charter promotes engagement with the community by encouraging responsible interaction with Council and the management of customer expectations.

The Charter will ensure continued emphasis is placed on improving customer service outcomes. This will be achieved through monitoring customer service levels, training staff, business process improvement and improved technologies.

Customer Service Monitoring

Key Performance Indicators (KPIs) for customer service were introduced at Lismore City Council in February 2009. The development and measurement of KPIs is in alignment with the corporate focus on performance improvement and provision of excellence in customer service. The KPIs measure the two key aspects of customer service; productivity and quality. This ensures a balance between efficiency of service and customer satisfaction. The Customer Charter articulates a number of these KPIs to our customers as a guarantee of service.

A consolidated report on customer service KPIs is provided to the Executive Committee on a quarterly basis with recommendations for improvements to customer service levels.

Communication and Implementation

The Customer Service Charter will be publicly available on Council's website, and copies available in the

CBD Office and Corporate Centre.

Council will communicate the Customer Service Charter to all staff through the intranet, general staff meetings, employee newsletter and staff training. All new employees will receive training and a copy of the Customer Service Charter in their induction process.

Comments

Financial Services

Not required.

Manager Corporate Services

The Customer Charter is an important document which clearly articulates Council's commitment to our customers. It sets the standards that all staff must adhere to and is reinforced by the measurement and reporting of key performance indicators.

The draft Charter has been distributed to all Program Managers for their input.

Other staff comments

Not required.

Public consultation

Not required.

Conclusion

The Customer Service Charter aims to achieve a common understanding across Council as to what constitutes an acceptable level of customer service. Lismore City Council is committed to continuous improvement in customer service by providing an accessible and consistent approach to customer service. The Charter will ensure accountability into Council's customer service provision.

Recommendation

That Council adopt the draft Customer Service Charter as presented.

Lismore City Council Customer Service Charter



Lismore City Council is committed to fostering excellence in customer service by creating a relationship with our customers and the community based on trust and open and effective communication.

We aim to deliver consistently high standards of customer service across all services Council provides, regardless of how the community or you, the customer, access these services. Specifically, this charter outlines the customer services you can expect to receive from Council, how you can expect our staff to behave and outlines your responsibilities as our customer.

The customer service charter is consistent with our values and guiding principles, as outlined in Council's Community Strategic Plan 2008-2018. Copies are available on our website at www.lismore.nsw.gov.au or the front counter at the Corporate Centre or CBD Office.

Community We, in partnership with the community, respond to needs and aspirations in a caring, fair and accountable manner through the provision of quality services.

Customers and Suppliers We conduct our business with integrity and respect, ensuring consistency and accountability in all our dealings.

Our Customer Service Commitment

Council are fully committed to:

- Considering the needs of the customer when selecting our method of communication or consultation.
- Providing the most effective first point of contact resolution.
- Treating customers with courtesy, patience, sensitivity and attentiveness.
- Providing information that is timely, accurate and complete.
- Responding to complainants in accordance with our complaint handling policies and procedures.

When contacting Council:

Written correspondence:

- Council will acknowledge incoming written correspondence requiring action within 10 working days of receipt. We will normally provide a full response by this time. Where matters are more complex, we will provide an interim response outlining the expected date of completion.
- Council will correspond with you in clear, plain English.
- Council will conduct random audits on outgoing correspondence to ensure they comply with predefined standards.

Telephone Calls:

- Council will return telephone calls, messages and voice mail messages within 2 working days of receipt. If the officer will be unavailable for more than this period, Council will endeavour to advise you of the planned date of return.

Availability of Council Officers:

- Customer Service Officers will be available to speak with you between the hours of 8.30am and 4.30pm, Monday to Friday.
- Council Officers from Integrated Planning or Development and Compliance will be available for an interview or consultation, between the hours of 8.30am and 10.00am daily, Monday to Friday.
- Other Council Officers are generally available between the hours of 8.30am and 4.30pm, Monday to Friday.
- If a specific Council Officer is not available at the requested time, a mutually convenient appointment may be arranged. If you wish to meet with a particular Council Officer please phone to arrange an appointment.

Lismore City Council Customer Service Charter



Customer Request Management System:

Council has a Customer Request Management (CRM) system to record, monitor and report on requests for service.

- A customer request may be logged in the CRM system or may be resolved immediately on receipt.
- Due to limited resources, Council will prioritise all customer requests for work and services.
- Council will continually monitor and review logged customer requests.
- Council will endeavour to respond to and complete customer requests within predefined target dates. Requests for standard work and services are usually not actioned immediately on receipt but will be completed in accordance with planned inspection and maintenance activities.
- Council will continue to respond immediately to urgent requests that relate to events that may pose a risk to public health, safety or a risk to property (examples may include road oil spills, sewer overflows or damaged trees posing a risk).

Community and customer responsibilities

Council will continue to focus on understanding, responding to and improving the level of service provided to our customers. Council will consult with members of the public and we invite open and constructive feedback from all our customers.

To ensure that your communication with Council is effective, we would encourage you to:

- Behave appropriately, avoid use of abusive language or threatening behaviour and treat Council Officers with courtesy and respect.
- Respect the privacy, safety and needs of other members of the community.
- Provide accurate and complete information.
- Respect the obligation of Council Officers to adhere to Council Policy and Procedures.
- Accept that Council operates under resource constraints.

For comments on our levels of service or customer service charter or if you wish to submit a compliment, complaint or suggestion please refer to our contact details listed below.

How you can contact us

 **Website** www.lismore.nsw.gov.au

 **Email** council@lismore.nsw.gov.au

 **Phone** 1300 87 83 87

 **Fax** (02) 66 250 400

Visit Us: 43 Oliver Avenue, Goonellabah or 55 Magellan Street, Lismore

Postal Address: PO Box 23A, Lismore, New South Wales, 2480

Office Hours: 8.30am – 4.30pm (Monday to Friday)

Cashier Hours: 8.30am – 4.00pm (Monday to Friday)

Report

Subject	Sport and Recreation Policy Advisory Group Membership
File No	EF09/1922:ED09/19809
Prepared by	Manager Corporate Services
Reason	For Council to endorse a new Sport and Recreation PAG Member
Objective	Select a new Sports and Recreation PAG Member
Strategic Plan Link	Engage with the Community

Overview of Report

This report provides details of the nomination/s for Sport and Recreation PAG membership for the current Council term.

Background

Following the resignation of a Sports and Recreation PAG member, nominations have been called to fill the vacant position.

If a PAG member resigns Council selects a community member to fill the position until the end of the current Council term. Advertisements for nomination for PAG membership were issued in the Northern Rivers Echo and Council's Website. The nominations received up until 4.00pm on 8 January, 2010 have been compiled in this report.

Nominations for Membership

Only one nomination for the position was received. The completed nomination form follows this report.

- Steve Mackney

Comments

Financial Services

NA

Other staff comments

NA

Conclusion

Steve Mackney was the only applicant for the vacant position on the Sports and Recreation PAG. He meets the required criteria.

Recommendation

That Council approve Steve Mackney to fill the vacant position on the Sports and Recreation Policy Advisory Group for the term of this Council



Sports and Recreation Policy Advisory Group

NOMINATION FORM

Thank you for your interest in Lismore City Council's Policy Advisory Groups. One position is currently vacant on the SRPAG. Council will choose a PAG member that provides the SRPAG with a broad range of skills and experience.

Name..... STEVE MACKNEY
 Telephone No. Home Mobile 0438 215593
 Email..... soccergm@bigpond.net.au
 Address..... 35 Kruseona Ave
Goonellabah NSW 2480

What contribution could you make to the Sports and Recreation PAG?

More than 30 years of involvement in local sporting organisations as a player and administrator. Currently employed as General Manager Football Far North Coast which is the biggest sporting organisation on the FNC. Commitment to sport and the community, including strong relationships with local media and tiers of government!

Do you represent a particular community group or perspective? (Please provide details)

Whilst my employment is with Football FNC, I am still actively involved with cricket, as Treasurer of Lismore Junior cricket and with Lismore Under 12 carnival (annual tournament). My support exists for all sports and my knowledge of a range of facilities and organisations within the community has been clearly demonstrated.

What skills and knowledge can you bring to the Sports and Recreation PAG?

Qualifications include Business Degree, Economics teacher and experience as a lecturer and facilitator. Currently studying for a Masters in International Sports Management at SCU. Broad range of contacts with other sporting groups. Actively involved with Soccer and cricket but with relationships through hockey, baseball, rugby league and netball plus other sporting contacts. Good understanding of sporting facilities and local issues.

Steve Mackney
7.1.10

Report

Subject	Classification of Land –18/40 Three Chain Road, South Lismore
File No.	P28927:ED10/176
Prepared by	Property Officer
Reason	Fulfil legislative requirements for classification of land
Objective	Classify land as operational in accordance with Sections 31 and 34 of the <i>Local Government Act 1993</i> .
Strategic Plan Link	Efficient Use of Council Resources
Management Plan Project	Lismore Airport

Overview of Report

The Local Government Act 1993 specifies a process for the classification of land acquired by a Council. This process for classification has been followed with respect to land at 18/40 Three Chain Road, South Lismore. To complete the process, Council may now resolve to classify the land as operational.

Background

Council, at its meeting held on 11 August 2009 resolved:

1. *Council agree to purchase the site at Lismore Airport sold to Aspect North as a contribution towards the establishment of a proposed spatial mapping facility in Lismore with the purchase funded in accordance with the reported advice of the Finance Manager.*
2. *The purchase be undertaken generally in accordance with the terms of the caveat registered on the property title which outlines a maximum price for the purchase and the General Manager be delegated authority to finalise the matters on Council's behalf.*
3. *Council's seal be affixed to the necessary documentation to complete the purchase.*
4. *Upon completion of the sale, Council classify the land as "operational" in accordance with the requirements of the Local Government Act.*

The land transaction occurred in accordance with the abovementioned resolution and was transferred to Council on 12 December 2009.

It was resolved on 10 November 2009 to sign and seal the plan and Section 88B Instrument for the subdivision of this land. It is Council's intention to dispose of a portion of the land and the remainder be consolidated with the adjoining airport land. If a portion of this land is to be sold, the land classification is required to be operational.

Requirements of the *Local Government Act 1993*

In accordance with Sections 31 and 34 of the *Local Government Act 1993*, the process has been followed to classify the land known as Lot 201 in DP 1076367, being 18/40 Three Chain Road, South Lismore, as operational. Any land acquired by Council that is not classified in accordance with the *Local Government Act 1993* within three months is taken to be community land. Limitations apply to community land - one of which is that it cannot be sold.

For the land to be classified as operational, a resolution of Council is now required to complete the process. The classification of the land as operational will ensure that Council can use the land for the purpose for which it was acquired.

Comments

Financial Services

This land purchase in 2009 was on the basis that it would be subdivided with land required for Council purpose to be held and the residual sold. The purchase is funded from an internal short term loan with the expectation that the sale of the residual land would offset all costs. For this to occur, the land must be classified as operational hence the recommendation is supported.

Other staff comments

Manager - Assets

The proposed classification of the land as operational is consistent with the remainder of the land that Council owns at the airport. The proposal is supported as it will allow Council to determine the best use and configuration of the land to complement the operation of the airport into the future. To have the land classified as Community Land would require lengthy processes to prepare plans of management and provide little flexibility for Council in future decision making.

Public consultation

Public notice of the proposed resolution to classify the land as operational was given in *The Northern Rivers Echo* on 10 December 2009. Submissions were invited with a closing date of 13 January 2010 (seven additional days were added due to the holiday period). No submissions were received.

Conclusion

In accordance with the *Local Government Act 1993*, the process has been followed to classify the land as operational. Council may now resolve to classify the land as operational. Land acquired by Council that is not classified in accordance with the Act within three months is taken to be community land. Amongst other limitations, community land is not able to be sold. As it is Council's intention to dispose of a portion of this land it is required to be classified operational.

Recommendation (IS07)

That in accordance with the requirements of the *Local Government Act 1993*, the property described as Lot 201 in DP 1076367, being 18/40 Three Chain Road, South Lismore, be classified as operational land.

and 1(r) Riverlands Zone.

The road is unformed and no previous construction or maintenance has been undertaken by Council. No Council services or utilities are known to exist within the section of unformed road subject to the application, therefore closure will have no impact on Council's existing infrastructure or services.

As Council has not previously undertaken any construction or maintenance within this road reserve, in accordance with Section 38(2)(b) of the *Roads Act 1993*, upon closure the former road will become vested in the Crown as Crown land.

Comments

Financial Services

All costs associated with the road closure are to be borne by the applicants.

Other staff comments

Strategic Planning

Strategic Planning staff have no objection to the proposed road closure as shown.

Manager – Works

The Roads Section concurs with this request and has no objections to the proposed road closure as shown.

Public consultation

If approved by Council, the Land & Property Management Authority will take 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 unformed road is consistent with Council's previous closure of unformed roads for which Council has no intended future use. Upon closure, the closed road is to be consolidated with the adjoining lots.

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 their continuity and integrity is retained either by way of an easement or relocation to the satisfaction of the Council.

As this road is unformed and has had no previous construction or maintenance undertaken by Council, the land comprising the former road will, upon closure, become vested in the Crown as Crown land.

Recommendation (IS08)

That:

1. Council consent to the application to close the unformed, unnamed road reserve separating Lot 4 in DP 883293 and Lot 129 in DP 755742, indicated in red colour on the aerial photograph included in the report and it be forwarded to the Land and Property Management Authority.
2. All costs associated with the closure are to be met by the applicant.
3. The applicant be required to consolidate the portion of closed road with the adjoining lots.

Report

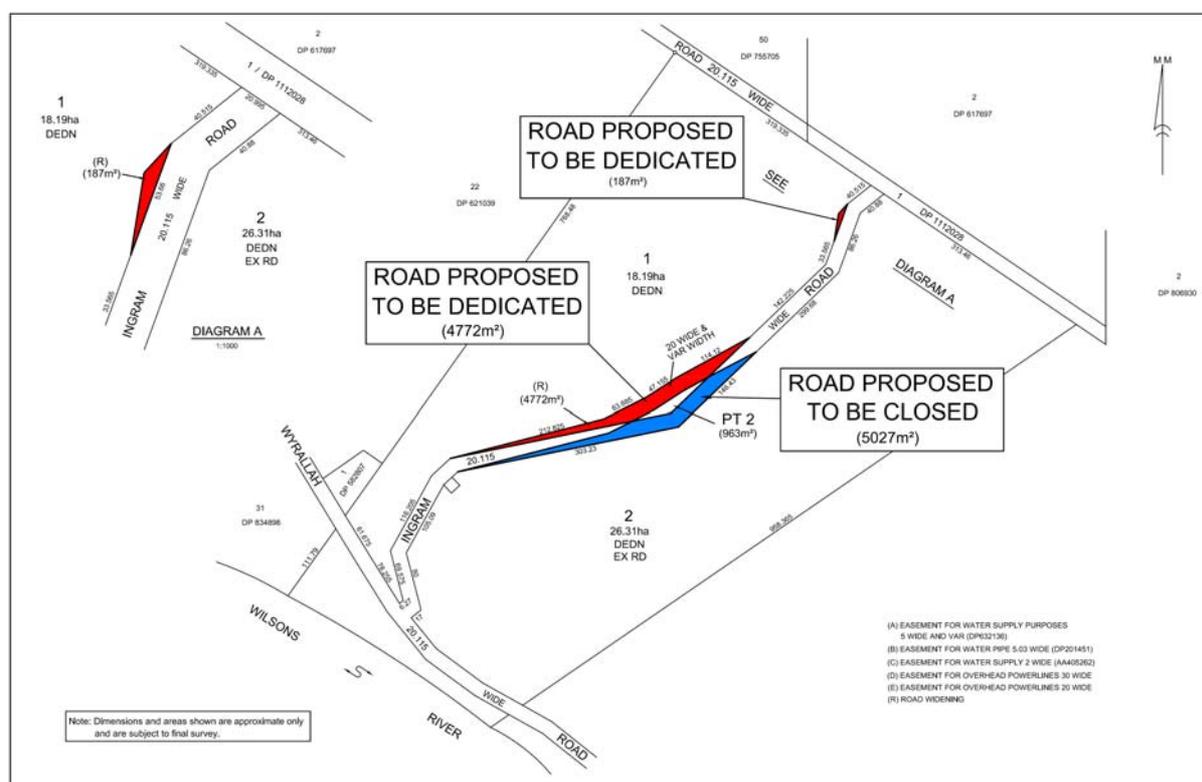
Subject	Road Closure – Ingram Road, Wyrallah
File No.	R5205:ED10/813
Prepared by	Property Officer
Reason	To close part of road reserve in exchange for the portion of land upon which the road has been constructed.
Objective	To seek a Council resolution for a road closing application.
Strategic Plan Link	Improve Roads, Cycleways and Footpaths
Management Plan Project	Roads and Bridges

Overview of Report

The proposal is to simultaneously open and close a portion of Ingram Road, Wyrallah, which is located 900m due north of the township of Wyrallah. Some time ago part of this road was constructed outside the road reserve. It is proposed to close the portion of road previously dedicated as road in exchange for the area upon which the road has been constructed.

Background

Council has received an application from the owners of Lots 2 and 3 in DP 542597 for the closure of part of the road generally running in an east-west direction, east of Wyrallah Road, being 900m north of the Wyrallah township. The area marked red is proposed to be dedicated as road, and the area marked blue is road proposed to be closed.



The landowners have requested that the area of their privately owned land, upon which the road has

been constructed (4,959m²), be exchanged for the area of road reserve to be closed road (5,027 m²) with no land acquisition costs to be incurred by them. The landowners have agreed to pay all costs relating to the road closing and opening and the consolidation of the new lot with the adjoining land. Development consent (DA 2008/134) has been granted to further subdivide this land with the plan indicating the proposed opening to align with the location of the constructed road within the road reserve.

With the exception of Council's legal fees in relation to the land transfer, Council will not incur any expenses for Land and Property Management Authority (LPMA) application fees or other associated costs for the road opening and closure process to occur. The value of the land area of 68m² to benefit the adjoining landowner is nominal (zoned 1(a) General Rural Zone) when compared to the possible costs that would be incurred by Council for the process of rectifying the location of the road within a road reserve by compulsory acquisition, with Council incurring administration, surveying, valuation and additional legal costs. In light of the savings to Council and the areas being similar in land size, this proposal is beneficial to both parties.

No services or utilities are known to exist within the section of road subject to the application. Should any services or utilities be impacted, the applicant will be responsible for ensuring their continuity and integrity is retained either by way of an easement or relocation to the satisfaction of Council. All associated costs shall be the responsibility of the applicant.

In accordance with section 38(2)(b) of the *Roads Act 1993*, as the road has been constructed, upon closure the former road will be vested in the Council; section 43 provides that upon closure the land will be vested in Council as operational land.

Prior to lodgement of the application, the applicant will be required to acknowledge that if the LPMA does not for any reason approve the abovementioned road opening and closing, Council will not be held responsible for costs incurred by the applicant. The applicant will also be required to bind their heirs and successors to the land in relation to their agreement to pay all costs associated with the road opening and closing and consolidation.

Comments

Financial Services

All costs associated with the road closure are to be borne by the applicant with the exception of Council's legal fees in relation to the transfer of the land.

Other staff comments

Strategic Planning

Strategic Planning staff have no objections to the proposed road closure and dedication of public road as shown.

Manager - Works

The Roads Section has no objections to the proposed road closure and dedication of public road as shown.

Public consultation

If Council consents to the application proceeding, the LPMA 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 proposed road dedication and closure will result in the road reserve being formalised over the constructed road. The adjoining landowner will be transferred the portion of closed road at no land component cost. The applicant has agreed to pay all costs associated with the road opening and closing

and consolidation processes in exchange for the portion of closed road which will vest in Council as operational land upon closure. Council is to pay its own legal fees in relation to the transfer of land.

The portion of closed road is to be consolidated with the adjoining lots as part of a further subdivision of the land.

Recommendation (IS05)

That:

1. Council consent to the application to close the portion of road reserve (5,072m²) separating Lots 2 and 3 in DP 542597 indicated in blue colour on the plan included in this report, to be exchanged for the area of land to be dedicated road (4,959m²) indicated in red colour to formalise the road reserve over the constructed road.
2. Upon closure, the portion of closed road (5,072m²) indicated in blue colour on the plan, will vest in Council as operational land and shall be transferred to the adjoining landowner without payment for the land component.
3. The applicant shall undertake to bind their heirs and successors to the payment of all costs associated with the road opening, closing and consolidation.
4. All costs associated with the road opening, closing and land consolidation are to be met by the applicant. Council is to pay its own legal costs in relation to the land transfer.
5. The Mayor and General Manager be authorised to sign and seal documentation associated with the road opening, closing, land consolidation and transfer.

Report

Subject	Tender T2010-18 – Hire of Various Trucks and Plant
File No.	T10/18: ED10/843
Prepared by	Urban Works Engineer – Roads
Reason	To inform Council of the tenders received for the hire of various trucks and plant to deliver Council's operational programmes.
Objective	To obtain Council approval to award the Contract.
Strategic Plan Link	Best-Practice Corporate Governance
Management Plan Activity	Contracts

Overview of Report

This report outlines the recommendation to award the tender for the hire of various trucks and plant.

Background

During day-to-day operations of Council business, occasionally plant of different types are required to be hired by staff. This process is designed to streamline procedure for staff to hire plant undertaking Council functions, while still abiding by the Procurement Policy.

The tender document was written to cover a two and a half year period with reviews of pricing allowed every six (6) months. This allows for movement in inflation and consumables like fuel which greatly influence the rates tendered.

The document also allows the inclusion of additional tenderers at the six (6) month review time.

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.

Sixty-five (65) tenders were received by the closing time of 2.00pm on 5 November 2009.

Tender Examination

A summary of the tenders received is given below –

Tenderer	Tenderer	Tenderer	Tenderer
Clements Haulage	PM Contracting	K&J Pratt Haulage	Byron Hire
Swan Weed Control Pty Ltd	Barneys Rock Breaking Pty Ltd	Active Hire Service Pty Ltd	Combination Earthmoving
Hardings Earthmoving	CM & SM Fraser Pty Ltd	Coster Construction	Flexi-Dig
Transpacific Industries Pty Ltd	Vac Group Pty Ltd	Troys Driveway & Landscaping	Civworx

Tenderer	Tenderer	Tenderer	Tenderer
Trublu Tractor Services Pty Ltd	Terragon Mobile Crushing Pty Ltd	Compass Equipment Hire Pty Ltd	Limestar Pty Ltd
Ballina Pipeline Constructions Pty Ltd	Summerland Environmental	Microearthworks	Precision Screen Pty Ltd
Tom Bachelor Backhoe Hire	Remoplains Pty Ltd	Sharpe Bros (Aust) Pty Ltd	Rockcycle Crushing Pty Ltd
Traffic Control Services Pty Ltd	Coates Hire Operations Pty Ltd	Barry Conlon	North Coast Tree Services Pty Ltd
M&M Crushing Pty Ltd	BTW Pty Ltd	Conlon Bros.	L&R Martin
McClelland Bros Pty Ltd	Mark Conlon Earthmoving	MSC Rentals Pty Ltd	Rough Range Pty Ltd
PJ & WL Evans Excavations Pty Ltd	North East Cranes Pty Ltd	Brad Conlon Bobcat Hire	Clark Asphalt Pty Ltd
CG Conlon Excavations	B&S Earthmoving	S&L Sand and Gravel	Gaudrons Mowing & Vegetation Management
McKrob Holdings Pty Ltd	MJ & KF Boland	Conplant Pty Ltd	Smith Plant (Lismore) Pty Ltd
Byrnesy's A-1 Excavations Pty Ltd	Richmond Sand and Gravel Landscaping	Backhoe on the Plateau	Camglade Pty Ltd
Glenbest Pty Ltd	Newman Quarrying Pty Ltd	Ballina Pumping Service	Sherrin Rentals Pty Ltd
Stove Enterprises Pty Ltd	Aqua Assets	Lightning Plant Hire Pty Ltd	Max Hire Pty Ltd
Karls Bobcat Hire			

The tender is a hire rate for either “wet” or “dry” hire.

An evaluation committee comprising the Urban Works Engineer, Waste Operations Supervisor, Parks Supervisor, Urban Roads Supervisor, Quarry Operations Coordinator and Contracts Administration Officer undertook the assessment of tenders. It should be noted any panel member with a conflict of interest regarding any plant item was excluded from the evaluation for that category of plant.

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

1. Total Price (60%)
2. Capability and Past Experience (20%)
3. OH&S, Risk Management and Quality (5%)
4. Environment and Community (5%)
5. Local Content (10%)

Plant and trucks tendered were broken down into a schedule for each type and assessed. Appendix A enclosed separately to this report shows the full list of schedules derived from the tender.

The full list of plant categories are:

- Articulated Truck
- Chipper
- Cranes
- Excavator
- Loader
- Paver
- Profiler
- Roller – Double Drum
- Roller – Multi Tyre
- Screen
- Skid Steer
- Truck (Hour)
- Truck and Dog (Lead)
- Work Platform
- Backhoe
- Combination
- Crusher
- Grader
- Low Loader
- Plant Trailer
- Reclaimer
- Roller – Smooth Drum
- Roller – Padfoot
- Service Locator
- Spray Unit
- Truck (Lead)
- Vacuum Truck
- Bulldozer
- Compactor
- Dingo
- Grinder
- Mower
- Prime Mover
- Roller – 3 Point
- Roller – Grid
- Scalper
- Sidewinder
- Tractor
- Truck and Dog (Hour)
- Water Truck

Capability and Experience

In the area of Capability and Experience, tenderers were assessed in three independent areas. These include:

1. *Experience* – experience of personnel associated with the tenderer in delivery of the requirements;
2. *Reliability* – when contacted tenderers reliably attend and execute the requirements of the work;
3. *Availability* – when contacted by staff the machine is available at the time requested by Council with reasonable notice.

The assessment of Capability and Experience is based on Council staff past experience with a tenderer or 'phone references of those tenderers unknown to Council.

Quality and Safety

For Quality and Safety, staff assessed a tenderer based on:

- their previous demonstrated safety systems;
- systems supplied with the tender.

Any contractors with previous deficiencies in their quality and safety systems were marked down in this area.

Environment and Community

In the area of Environment and Community the panel considered that a tenderer would need to demonstrate a level of excellence in this area to receive higher points; this may have included plant with lower emissions or a recruitment process which includes a high level of apprenticeships. None of the tenderers demonstrated a higher level of ability but all were considered satisfactory.

Local Content

Nearly all of the tenderers demonstrated a local content with spending in the local areas being consumables and accommodation of staff. With all being the same, the best thought for assessment of local content would be via the base of the company.

From this the following scoring was derived:

- Lismore local government area – 10
- Northern Rivers – 6
- Within 100km Lismore – 4
- Australia – 2

Referee Check

The majority of tenderers were able to be reference checked by staff who have had previous exposure to the tenderers. The remaining tenderers were cross-checked with other councils or businesses which have utilised their services in the past.

Comments

Financial Services

The tender process undertaken for various truck and plant hire will result in the best overall supply arrangement for Council. As such, the recommendations are supported.

Other staff comments

Acting Manager - Works

The schedules of various trucks and plant available for hire present the best value for Council in undertaking its operational role while maintaining a fair, equitable and transparent system for contractors that interact with Council.

Conclusion

The tender schedules are considered to be the best assessment of all tenders across the range of categories considered.

Recommendation (IS02)

That Council adopt the attached schedules until 30 June 2010 with six (6) monthly reviews occurring, with a view to Council extending the agreement, at its absolute discretion, up to a maximum period contract to 30 June 2012.

Report

Subject	Tender T2010-20 – Asphalt Management Services
File No.	T10/20:ED10/1485
Prepared by	Manager - Commercial Services
Reason	To inform Council of tenders received for the provision of asphalt management services.
Objective	To obtain Council approval to enter into a contract for provision of asphalt management services.
Strategic Plan Link	Efficient Use of Council Resources
Management Plan Project	Quarries

Overview of Report

This report details the evaluation of tenders received in relation to the provision of asphalt operation management services and the recommendation to award the tender.

Background

The three year agreement with State Asphalt Services (SAS), whereby Council retained ownership of the asphalt plant assets and staff, and SAS provided professional services such as technical and sales services expired in June 2009.

ROI 2009-24 was therefore called for business development opportunities within the asphalt section of the quarry operations. The Registration of Interest (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.

Nine (9) responses were received with a range of arrangements proposed, from staffing supply to full take over of the operation. Staff assessed the submissions and determined that only three (3) proposals fully satisfied the conditions outlined in the ROI. A report was submitted to Council at its October 2009 meeting and the following resolution was passed:

“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.”*

The request for tender 2010/20 was delivered to the three preferred tenderers in December 2009.

Tender documents were received from two (2) companies by the close of tender on 2.00 pm, Thursday, 21 January 2010. Fulton Hogan declined to provide a submission.

The tenderers were:

1. State Asphalt Services (SAS)
2. Downer EDI Works (DEW).

An evaluation committee comprising the Contracts Administration Officer, Quarry Operations Coordinator and Manager - Commercial Services undertook the assessment of tenders. The submissions were assessed as per the following criteria.

Criteria Group Summary		
1	Total Cost	45%
2	Capability and Experience	30%
3	OH&S, Risk Management and Quality	10%
4	Environment and Community	5%
5	Local Content (Minimum 10% weighting)	10%

The detailed assessment sheets are attached to this report in Appendix A, but principal considerations of the assessment include:

1. Both submissions offer a profit share arrangement with little difference in outcome for Council on the majority of work, except that DEW are seeking 90% of profits from any opportunities introduced by them. The DEW proposal for new products/opportunities has the potential to limit Council's share of real growth in asphalt profits.

State Asphalt Services Current	Downer EDI Works Proposal
No rental payment	Annual rent paid to LCC of \$10,000 (\$20,000 in year 1)
Profit split quarterly \$0-30,000 – 100% LCC \$30-60,000 – 100% SAS Over \$60,000 – 50/50	Profit up to previous year level : split 50/50 Additional profit 0-10% : 75% LCC, 25% DEW; 10-20% : 100% DEW Over 20% increase : 50/50 split
	On new products/opportunities introduced by DEW : 10% LCC, 90% DEW

2. DEW is a much larger company than SAS with subsequently greater resources and administrative

systems in place. In some ways this would be to Council's benefit and in others may pose a risk when taken into consideration with the following point.

3. DEW "envisage taking responsibility for production and the processes of the asphalt facility" whereas SAS "would continue not to audit or interfere with Council's accounting or OH&S or administration procedures" and "understands Lismore City Council wishes to maintain control of the operation".
4. SAS provide a greater local input through the hire of local contractors for the majority of work that they win. DEW would in the majority bring their own laying crews from out of the area.
5. SAS and Council have had a good relationship over the last four years which has seen the asphalt business grow fourfold. There is little risk in continuing this relationship.

Comments

Financial Services

Continuation of an asphalt management arrangement is supported as it brings essential pre-qualification benefits to Council's business as well as expertise not currently held in-house.

In regards to the assessed proposals, the simplicity of the SAS arrangement is considered to be 'best fit' in meeting Council's expectations.

Other staff comments

Not Required

Public consultation

Not Required

Conclusion

Only two submissions were received. On analysis of the submissions there was little difference in the proposals and capability of the two tenderers in most of the aspects of concern to Council. It is perceived that there is a greater risk of loss of control and a risk of impact on local employment with the Downer EDI Works proposal. As such, it is preferred to enter into a new contract with State Asphalt Services.

Recommendation (IS04)

That:

1. A contract for the supply of asphalt plant management services is awarded to State Asphalt Services Pty Ltd for a period of two (2) years, with an option at Council's absolute discretion to extend the contract for a further two (2) years.
2. The Mayor and General Manager on behalf of Council be authorised to execute the contract and attach the Common Seal of the Council.

Report

Subject	Tender T2010-15 – Contract Crushing
File No	T10/15 ; ED10/876, ED10/1468,ED10/1469
Prepared by	Manager - Commercial Services
Reason	To inform Council of tenders received for the provision of contract crushing services for two years with an option for an extension of two years.
Objective	To obtain Council approval to award the contract for crushing services.
Strategic Plan Link	Efficient Use of Council Resources
Management Plan Project	Quarries

Overview of Report

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

Background

Council's quarry operations have from time to time engaged various crushing contractors to undertake works on its behalf. Since the commencement of the lease of quarries at Ballina this requirement has increased significantly. To ensure Council receives the best possible rate for this work and to satisfy procurement procedure requirements, Tender 2010-15 was called in December 2009.

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 11 companies by the close of tender on 2.00 pm, Thursday, 14 January 2010.

The tenderers were:

- M&M Crushing Pty Ltd – Cameron Park, NSW
- Screenmasters Australia Pty Ltd – Kelso, NSW
- Texas Class Pty Ltd – Cameron Park, NSW
- Santin Quarry Products –Caniaba, NSW
- Holme's Pty Ltd – Clovass, NSW
- Jeff Page Earthmoving – Casino, NSW
- SEE Civil Pty Ltd – Chinderah, NSW
- On-Trax Crushing and Screening Pty Ltd – Banora Point, NSW
- Moresload Pty Ltd – East Seaham, NSW
- Civworx – Wollongbar, NSW
- Terragon Mobile Crushing – Murwillumbah, NSW.

Tender Evaluation

An evaluation committee comprising the Contracts Administration Officer, Quarry Operations Coordinator and Manager - Commercial Services undertook the assessment of tenders. The committee used the following criteria as the basis for the comparative evaluation of tenders:

Criteria	Weighting (%)
1. Total Price	40%
2. Capability and Experience	30%
3. Quality and Safety	15%
4. Environment and Community	5%
5. Local Content (min 10%)	10%

Price

Due to the type of work being carried out at several separate locations involving different types of materials and product ranges, tenders were invited on a Schedule of Rates basis. The rates received are shown in Appendix A attached to this report. Council produces approximately equal volumes of road base and aggregates in a year and at times produces both at once. Additionally, it may be necessary to contract to crush both products over a short period and it makes sense to use the same contractor to crush all this product as price reductions come into effect for larger volumes in each production run. Therefore to enable a comparison of the rates received, two typical production runs, aggregates and road base, were selected and costs averaged for each of these production runs based on the tendered rates for a 30,000 tonne plus program (refer Appendix A).

Capability and Experience

A significant range of capability and experience was noted in the assessment of the tenders. Some operators had greater capability in one of the crushing modes but not in the other. There was also a significant variation in equipment types and standards amongst the submissions. Strengths in this area of the assessment rated very highly as the crushing operations are not simple and errors can be very costly. Larger operators with extensive experience rated highest.

Quality and Safety

Quality and Safety is of paramount importance in the quarry operation. Quality is particularly important with regard to the aggregate production requirements of the tender as several different specifications are required to meet Council's customer's needs. Regular audits by the Mines Department require continual focus on safety matters including procedural compliance. The more professional operators rated highest in this criterion as they provided significant evidence of their systems and records of their performance.

Environment and Community

Strict controls are imposed on the quarry operations by the Department of Environment Climate Change and Water. All contractors are required to comply with these restrictions. Again the more professional operators rated highest in this criterion.

Local Content

Input into the local area was a significant parameter in the tender and included assessment of the sourcing of local materials and labour, the physical location of the business and expenditure in the community.

The evaluation committee scored each of the tenderers on each of these parameters and the results are included in the assessment sheets attached in Appendix B. An average of the scores for aggregate and road base was then calculated and an overall rating given.

Comments

Financial Services

The tender process undertaken for contract crushing services will result in the best overall supply arrangement for Council. As such, the recommendations are supported.

Other staff comments

Not required.

Public consultation

Not required.

Conclusion

Due to the nature of this work, the selection of a contractor can depend significantly on availability at the time required. While the quarry industry is currently at a low point, most of the tenderers are readily available. However, this will change as workloads increase and the larger contractors are lured by larger jobs elsewhere. Therefore it is proposed to list all the operators, based on the assessment ratings, on a contractor's panel.

If at any time the panel availability was exhausted then other tenderers would be contacted depending on type of crushing required. The specification enables Council to use any of the contractors who submitted a tender, depending on cost and availability.

Recommendation (IS03)

That:

1. Council adopts a panel of suppliers for the contract for a period of two (2) years, with an option at Council's absolute discretion to extend the contract for a further two (2) years.
2. Council implement the following order of priority for the engagement of crushing contractors for quarry works as required:
 1. SEE Civil Pty Ltd
 2. Texas Class Pty Ltd
 3. Moresload Pty Ltd
 4. M&M Crushing Pty Ltd
 5. Holme's Pty Ltd
 6. On-Trax Crushing and Screening Pty Ltd
 7. Screenmasters Australia Pty Ltd
 8. Terragon Mobile Crushing
 9. Jeff Page Earthmoving
 10. Civworx
 11. Santin Quarry Products

Report

Subject	Tender T2010-23 - Water Main Replacement
File No.	T10/23:ED10/1846
Prepared by	Capital Works Engineer – Water & Wastewater
Reason	To inform Council of the tenders received for the renewal of water mains in various locations within Lismore.
Objective	To obtain Council approval to award the Contract.
Strategic Plan Link	Integrated Water Cycle Management
Management Plan Activity	Contracts

Overview of Report

This report outlines the recommendation to award the tender for water main replacements for the financial year of 2009/10.

Background

Council called a tender for water main replacement in some parts of Wyrallah Road, Ballina Road, Foleys Road and Esmonde Street in Lismore. Except for the relocation of the water mains in Wyrallah Road due to road widening, the mains are in poor structural and service condition and in need of urgent replacement.

The total length of mains for this contract is 1,400m, varying in sizes of 100mm \varnothing , 150mm \varnothing and 225mm \varnothing .

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.

A compulsory pre-tender meeting was held on 16 December 2009, with all prospective contractors attending. Two (2) tenders were received by the closing time of 2.00pm on Thursday, 7 January 2010.

Tender Examination

A summary of the tenders received is given below –

Tenderer	Tender Price (\$)
Camglade Pty Ltd	\$814,304.00
Coe-Drilling Pty Ltd	\$425,425.00

Prices shown are **exclusive of GST**.

The tender is a schedule of rates tender. The "tender price" is the estimated price of the works as inserted by the Tenderers using their respective rates. Council's estimate for the construction of these

works is reflected in the budget allocation set at \$800,000.00 for these four projects.

An evaluation committee comprising the Capital Works Engineer–Water & Wastewater, Acting Manager-Works and Trade Waste & Development Inspector undertook the assessment of tenders.

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

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

Total Price

Attachment 1 to this report shows the evaluation.

The rates submitted by each contractor were compared for a typical job location and moderate consistency could be found in the tendered rates; the exception being for the water main relocation works to be undertaken at Wyrallah Road. In this particular item, Camglade Pty Ltd submitted a schedule of works to complete this project indicating a time frame of 46 days compared to Coe-Drilling Pty Ltd which envisaged the works to take 25 days. This substantial difference is subsequently reflected in the schedule of rates for these works in which Camglade Pty Ltd tendered at \$471,614.00 and Coe-Drilling Pty Ltd at \$188,105.50, with Council budgeting these works to be around \$300,000.00.

It is therefore viewed that there may be some risk with Coe-Drilling Pty Ltd with this particular item of the tender. The rates submitted by the contractor who ranked the highest in the tender assessment (Coe-Drilling Pty Ltd), are considered to be below previous tenders that have been awarded by Council for similar works and this may be a reflection of the downturn in the economy where rates are falling to ensure the possibility of securing a successful tender. Camglade Pty Ltd has in this instance submitted rates comparable to its previous tenders.

Capability and Experience

- Camglade Pty Ltd has undertaken numerous tenders for Lismore City Council, the last construction works being undertaken for Tender T2010-01 being the Woodlark Street Water Main Reconstruction within the CBD which was completed ahead of schedule. The company is well experienced to undertake the scope of works required within this tender.
- Coe-Drilling has not undertaken any works for Lismore City Council to date; however come highly recommended as being able to carry out the works as required within this tender, by a Council undertaking similar works.

Quality and Safety

- Camglade Pty Ltd has consistently performed works at a high standard and completed them on time if not ahead of schedule. The company's staff are all qualified and trained to perform their duties to a high standard with respect to OH&S and risk management issues for co-workers and members of the public.
- Coe-Drilling has presented documentation within its tender submission that affirms the same high standard with regard to OH&S and Risk Management issues and having trained personnel.

Environment and Community

While both tenderers have demonstrated a satisfactory capability in this area, neither showed an above par approach or considered any exceptional environmental techniques.

Local Content

- Camglade Pty Ltd is a local business which has been operating in Lismore for 22 years. All vehicles and equipment used have been procured through Lismore business houses. All staff are local and apart from major selected water fittings, all material is purchased within Lismore.
- Coe-Drilling Pty Ltd has staff based in Pottsville and Murwillumbah who will be used for this tender. Its main office is located at the Gold Coast with offices at Arundel, Qld and Murwillumbah, NSW. Pipe and major fittings will be purchased directly from the supplier interstate, with all other materials being purchased locally. All plant used is registered interstate.

Taking all the assessment criteria into account, Coe-Drilling Pty Ltd provides the best value to Council at a significant cost saving.

Referee Check

Camglade Pty Ltd

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

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

These works were performed to a high standard.

Coe-Drilling Pty Ltd

Lismore City Council has contacted various referee checks in the past for Coe-Drilling with respect to the contract awarded for the replacement of Sewer Rising Main No. 3, T2009-15, but in this instance the Senior Manager, Capital Works from the Moreton Bay Regional Council was contacted in respect to similar works that were undertaken by Coe-Drilling to those being performed in this tender. He stated that the works undertaken for the Morton Bay Regional Council were performed by Coe-Drilling to a high standard.

Comments

Financial Services

Council has allocated \$2.09 million for water main renewal works in 2009/10 with \$1.04 million available. There are sufficient funds within the current budget for the tendered works.

Other staff comments

Acting Manager – Works

While Camglade Pty Ltd has delivered this type of project previously, there is a significant opportunity for saving with acceptable risk. Reference checks of Coe-Drilling Pty Ltd have shown a demonstrated ability to deliver this type of project.

At a meeting held with Coe-Drilling Pty Ltd, they confirmed their ability to undertake the works and advised they would undertake this work in conjunction with Sewer Rising Main No. 3.

Conclusion

With respect to the extreme variation in the schedule of rates presented for the works to be undertaken at Wyrallah Road (which represents almost half the works being tendered), it is viewed that there may be

some risk to Council should this tender be awarded to Coe-Drilling Pty Ltd. However, in view of the reference checks made, it is considered that Coe-Drilling has the ability to complete the work satisfactorily. It is recommended that the contract for the water main replacement be awarded to Coe-Drilling Pty Ltd at the clarified rates submitted.

Recommendation (IS06)

That:

1. The contract for water main replacement (T2010-23) be awarded to Coe-Drilling Pty Ltd from the clarified rates submitted (the estimated price of the works being \$425,425.00 plus GST).
2. The Mayor and General Manager be authorised to execute the contracts on Council's behalf and attach the Common Seal of the Council.

Report

Subject	Request for Financial Assistance – Lismore Thistles Soccer Club Inc.
File No	EF09/723:ED10/135
Prepared by	Management Accountant
Reason	Lismore Thistles Soccer Club Inc. has requested a loan from Council to complete the “Thistles Eco Project”
Objective	For Council to determine the level of any financial assistance
Strategic Plan Link	Efficient use of Council Resources
Management Plan Project	Community Services, Economic Development

Overview of Report

Lismore Thistles Soccer Club Inc have requested support from Lismore City Council by way of a \$12,000 loan to be repaid over three years with interest adjusted annually in line with the Consumer Price Index.

At it's November 2009 meeting, Council resolved to support the proposal in principle.

The proposal was advertised in the Northern Rivers Echo from 12 November, 2009 to 10 December, 2009. One telephone call was received requesting additional information however no actual submissions were received.

To assist Lismore Thistles Soccer Club Inc to move forward with their Eco Project, supporting their request is recommended.

Declaration of Interest – Finance Manager

In accordance with the requirements of Council's Code of Conduct for all Council officials to ensure full disclosure in the interests of transparency and probity I wish to draw attention to the fact that I am a current registered player with Lismore Thistles Soccer Club Inc and therefore have excluded myself from any involvement in the preparation of this report and its recommendations.

Background

Council received a request from Lismore Thistles Soccer Club for financial assistance at its 10 November, 2009 meeting. It was resolved to “provide in principle support to the request from Lismore Thistles Soccer Club Inc to provide a loan of \$12,000 over a three year period with interest calculated at the Bank Bill Swap Rate (BBSW), that Council advertise for 28 days seeking public submissions and a report on any submissions received and final recommendations be submitted to the February, 2010 Council meeting.”

The primary reason for the request was to allow the Lismore Thistles Soccer Club Inc to complete the "Thistles Eco Project" consisting of the installation of efficient and sustainable irrigation equipment, rainwater tank, new energy efficient heat pump and storage tanks to replace the 20 year old gas hot water system.

The proposal was advertised in the Northern Rivers Echo on 12 November, 2009 with submissions closing 10 December, 2009. During the submission period, one phone call was received requesting additional information however no actual submissions were received.

Loan Details

Loan Structure

The amount of the loan proposed is \$12,000. Lismore Thistles Soccer Club Inc. have requested terms of a 3 year repayment period and an interest rate equivalent to the CPI.

To facilitate the provision of the loan funding would be structured from existing cash resources, namely reserves.

Based on the request, yearly repayments of approximately \$4,245 would be required to repay the loan within three years. (CPI rate used for the purposes of calculations was 3.0%)

As a comparison – based on the current BBSW (currently 4.08% - Council's investment portfolio is returning 3.79%) yearly repayments of approximately \$4,400 would be required to repay to loan within three years.

Based on the cost of funds to Council if it were to borrow funds in the current market at a rate of 8-10%, yearly repayments of approximately \$4,825 would be required to repay the loan within three years.

Security

Council has previously provided loans to, or been guarantor for various external parties both on a short term and long term basis. Security for these arrangements has ranged from Personal Guarantees (FNC \$420,000) to no security on the loan facility (Lismore Unlimited Opportunities \$18,000).

Given the amount of the request, the short term nature of the loan and in keeping with previous loans of this size made to external bodies, it is considered the loan should be unsecured.

Ability to Service Loan

Financial Information provided by the soccer club for the 2009 season (October 2008 to September 2009) showing a surplus of approximately \$8,000 supports that Lismore Thistles Soccer Club Inc. is capable of meeting loan repayments as and when they fall due.

Public consultation

The proposal was advertised in the Northern Rivers Echo on 12 November, 2009 with submissions closing on 10 December, 2009.

Conclusion

Lismore Thistles Soccer Club Inc has requested a loan from Council of \$12,000 to be repaid over three years to complete the "Thistles Eco Project". The soccer club has received funding from the NSW Government through the NSW Climate Change Fund but requires a further \$12,000 to complete the project. This project will allow the club to move forward into the future with sustainable, efficient and environmentally friendly irrigation and hot water systems.

Based on available financial information, Lismore Thistles Soccer Club Inc. is capable of repaying the loan.

Recommendation

Council agree to Lismore Thistles Soccer Club Inc. request to provide a loan of \$12,000 over a three year period with annual repayments and interest calculated at the Bank Bill Swap (BBSW) rate.

Report

Subject	Investments – December, 2009 and January, 2010
File No	EF09/2209:ED10/1976
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's Investments
Strategic Plan Link	Best-Practice Corporate Governance
Management Plan Project	Financial Services

Overview of Report

Investments as at 31 January 2010 are estimated to be \$27,534,563 subject to final market valuations typically provided after month end.

The interest rate reported for January 2010 is estimated to be 4.53% and is above the Bank Bill Swap Rate for the same period of 4.19%. The final interest return may vary due to actual returns achieved on investments advised after month end.

Investments as at 31 December 2009 were \$27,301,389. The interest rate for December was estimated to be 3.79% which was below the Bank Bill Swap Rate for the same period of 4.08%.

Council's investment in ASPRIT III has been redeemed during the period. A capital loss has been realised by this redemption, however the funds have been reinvested at an interest rate that will not only recoup the capital loss but also create potential to generate additional interest revenue.

Council has been advised that Financial Guaranty Insurance Company and AIFUL, two underlying names in some of Council's CDO's, have had credit events during December/January. These events have negatively impacted the subordination of the investments and therefore increase the risk of potential capital loss.

To meet compliance requirements as the Executive Council for Richmond Tweed Regional Library (RTRL), the monthly investment report will now include a summary of the investments held by the RTRL.

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 – 30 November 2009</i>	\$27,474,301
• <i>Confirmation of Investments – at Market Value – 31 December 2009</i>	\$27,301,389
• <i>Estimated Investments – at Market Value – 31 January 2010</i>	\$27,534,563
•	

The current rate of return on investments for January 2010 is estimated to be 4.53% and is above the Bank Bill Swap Rate for the same period of 4.19%. 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 slightly inflated for January due to the payment of a coupon from Blackrock Care and Maintenance Fund. There are however a number of investments not paying coupons. These include investments in Longreach – Series 25 and five Lehman Brothers related investments that are terminating. These investments are shown on the 'Estimated Interest' attachment with an estimated interest rate and weighted interest for the period of zero.

In regards to the Blackrock Care & Maintenance Fund, as this fund is being independently managed with a view to its ultimate termination, the payment of a coupon is dependent on funds available net of costs. A coupon payment has been recognised as a return on investment this month.

ASPRIT III

CPG Research and Advisory advised in their quarterly review for September 2009 that it would be prudent to redeem the investment in ASPRIT III prior to maturity if investment in another product at a predetermined interest rate could be obtained. ASPRIT III was a capital protected note that was no longer receiving coupons and would remain non income producing until its maturity date of 13 July 2013. Council had the opportunity of redeeming the investment in December. A total capital loss of \$362,845 has been realised. Modelling indicates that if the redeemed funds can be invested at a rate greater than 5.96% to July 2013, the capital loss would be recovered. Based on current interest rates, this is considered highly achievable with the funds now invested in a Term Deposit with Westpac Banking Corporation for 12 months at 6.80%.

Financial Guaranty Insurance Company and AIFUL

Financial Guaranty Insurance Company (FGIC) was ordered by its regulators to cease claim payments in early December, 2009. This was determined to be a credit event recorded against the company. FGIC is an underlying name in Herald Limited (Quartz), reducing the subordination in this investment but not impacting principal at this stage. Council's has \$30,000 investment in Quartz. The market value of this investment was written down to \$13,572 as at 30 June, 2009.

Early in the new year, the Japanese International Swaps and Derivatives Association Committee announced that AIFUL's planned deferral to repay maturing debt had constituted a credit event. This credit event has a significant impact on the principal of both Helium (Scarborough) and Corsair (Torquay) with the current subordination (before principal loss) now standing at 0.51 and 0.22 defaults supported respectively. Council has investments with a face value of \$200,000 in Scarborough and \$500,000 in Torquay. The market value of these investments was written down to \$2,200 and \$59,400 respectively as at 30 June, 2009. We have not received any advice to decrease these market values any further at this stage.

AIFUL is also an underlying name in Aphex (Glenelg) and Corsair (Kakadu) however current subordination levels before principal loss are still around 3 defaults.

Richmond Tweed Regional Library

To meet compliance requirements associated with being the Executive Council for Richmond Tweed Regional Library, Council must report on investments held by the Library each month. For the month ended 31 January, 2010 the estimated total value of investments held by Richmond Tweed Regional Library is \$2,210,966. The current rate of return on the library's investments for January 2010 is estimated to be 6.01%.

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 redemption of the ASPRIT III investment is supported as there is a strongly likelihood that interest returns over the next 3.5 years will result in more being received than the capital losses realised.

In regards to credit events impacting some of Council's CDO's, this increases the risk of a capital loss on these investments. This is not unexpected hence the market value of these investments is significantly below the principal invested.

Other staff comments

N/A

Public consultation

N/A

Conclusion

A report on investments is required to be submitted to Council monthly. This report meets that requirement. For January 31, 2010, investments total \$27,534,563 and the annualised rate of return was 4.53%.

This report includes investment information for the Richmond Tweed Regional Library. As Council is the Executive Council for the Richmond Tweed Regional Library, this information must be reported to Council monthly.

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.

Recommendation

That the report be received and noted.

**Capital Value Movements
Summary of Investments held as at
31 January, 2010**

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	25/01/2010	\$ 2,580,236	\$ 2,580,236	Note 3
CBA Business On Line Banking A/c	Cash Management Account	Cash	High	N/A	N/A	25/01/2010	\$ 7,313,000	\$ 7,313,000	Note 1
Macquarie Cash Management Trust	Cash Management Account	Not Rated (Note 7)	High	1/9/2006	N/A	25/01/2010	\$ 250,671	\$ 250,671	Note 1
ANZ High Yield Cash Account	Cash Management Account	AA	High	N/A	N/A	25/01/2010	\$ 1,019,954	\$ 1,019,954	Note 1
Suncorp Bank	Term Deposit	A-1	High	8/1/2010	8/2/2010	8/10/2010	\$ 2,000,000	\$ 2,000,000	Note 1
Credit Union Australia (CUA)	Term Deposit	Not Rated (Note 7)	High	21/12/2009	18/2/2010	21/12/2009	\$ 1,000,000	\$ 1,000,000	Note 1
Southern Cross Credit Union	Term Deposit	Not Rated (Note 7)	High	6/1/2010	8/3/2010	6/01/2010	\$ 2,000,000	\$ 2,000,000	Note 1
IMB Banking & Financial Services	Term Deposit	A2	High	18/1/2010	19/3/2010	18/01/2010	\$ 2,000,000	\$ 2,000,000	Note 1
Westpac Banking Corporation	Term Deposit	AA	High	4/12/2009	4/12/2010	4/12/2009	\$ 2,000,000	\$ 2,000,000	Note 1
Newcastle Permanent	Term Deposit	A2	High	18/12/2009	20/12/2010	18/12/2009	\$ 1,000,000	\$ 1,000,000	Note 1
Summerland Credit Union	Term Deposit	Not Rated (Note 7)	High	17/1/2010	17/1/2011	17/01/2010	\$ 1,000,000	\$ 1,000,000	Note 1
Merrill Q A/A FRN / CBA	Floating Rate Note	A+	High	22/3/2005	8/6/2010	31/12/2009	\$ 1,000,000	\$ 992,850	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
Herald Limited (Quartz)	Floating Rate CDO	B+	Low	1/9/2006	20/12/2010	30/06/2009	\$ 30,000	\$ 13,572	Note 1.5
Cypress (Lawson)	Floating Rate CDO	BBB+	Low	1/9/2006	30/12/2010	30/06/2009	\$ 500,000	\$ 379,500	Note 1.5
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
BELO (Kalgoorlie)	Commodity Backed Security	AA+	High	1/9/2006	27/2/2012	30/06/2009	\$ 700,000	\$ 580,440	Note 1.5
Magnolia (Flinders)	Floating Rate CDO	BB+	Low	1/9/2006	20/3/2012	30/06/2009	\$ 300,000	\$ 210,000	Note 1.5
Omega (Henley)	Floating Rate CDO	CCC	Low	1/9/2006	22/6/2012	30/06/2009	\$ 400,000	\$ 126,200	Note 1.5
Beryl (Esperance 2)	Floating Rate CDO	BB+	Low	1/9/2006	20/3/2013	30/06/2009	\$ 400,000	\$ -	Note 1.5
Corsair (Torquay)	Floating Rate CDO	CCC-	Low	1/9/2006	20/6/2013	30/06/2009	\$ 500,000	\$ 59,400	Note 1.5
Zircon (Merimbula)	Floating Rate Note	C	Low	1/9/2006	20/6/2013	30/06/2009	\$ 300,000	\$ -	Note 1.5
Corsair (Kakadu)	Floating Rate CDO	CCC	Low	1/9/2006	20/3/2014	30/06/2009	\$ 500,000	\$ 124,550	Note 1.5
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
Beryl (Global Bank Note)	Floating Rate Note	C	Low	1/9/2006	20/9/2014	30/06/2009	\$ 150,000	\$ -	Note 1.5
Zircon (Coolangatta)	Floating Rate CDO	C	Low	1/9/2006	20/9/2014	30/06/2009	\$ 500,000	\$ -	Note 1.5
Aphex (Glenelg)	Floating Rate CDO	CCC+	Low	1/9/2006	22/12/2014	30/06/2009	\$ 500,000	\$ 60,900	Note 1.5
Bendigo Bank FR Sub Debt	Subordinate Debt	Not Rated (Note 7)	Medium	1/9/2006	14/12/2015	31/12/2009	\$ 500,000	\$ 493,050	Note 1.5
Elders Rural Bank Sub Debt	Subordinate Debt	Not Rated (Note 7)	Medium	1/9/2006	16/3/2016	31/12/2009	\$ 1,000,000	\$ 979,300	Note 1.5
Zircon (Miami)	Floating Rate CDO	C	Low	1/9/2006	20/3/2017	30/06/2009	\$ 50,000	\$ -	Note 1.5
Investment on Hand							\$ 31,443,861	\$ 27,534,563	

Investments Redeemed during period (Note 6)

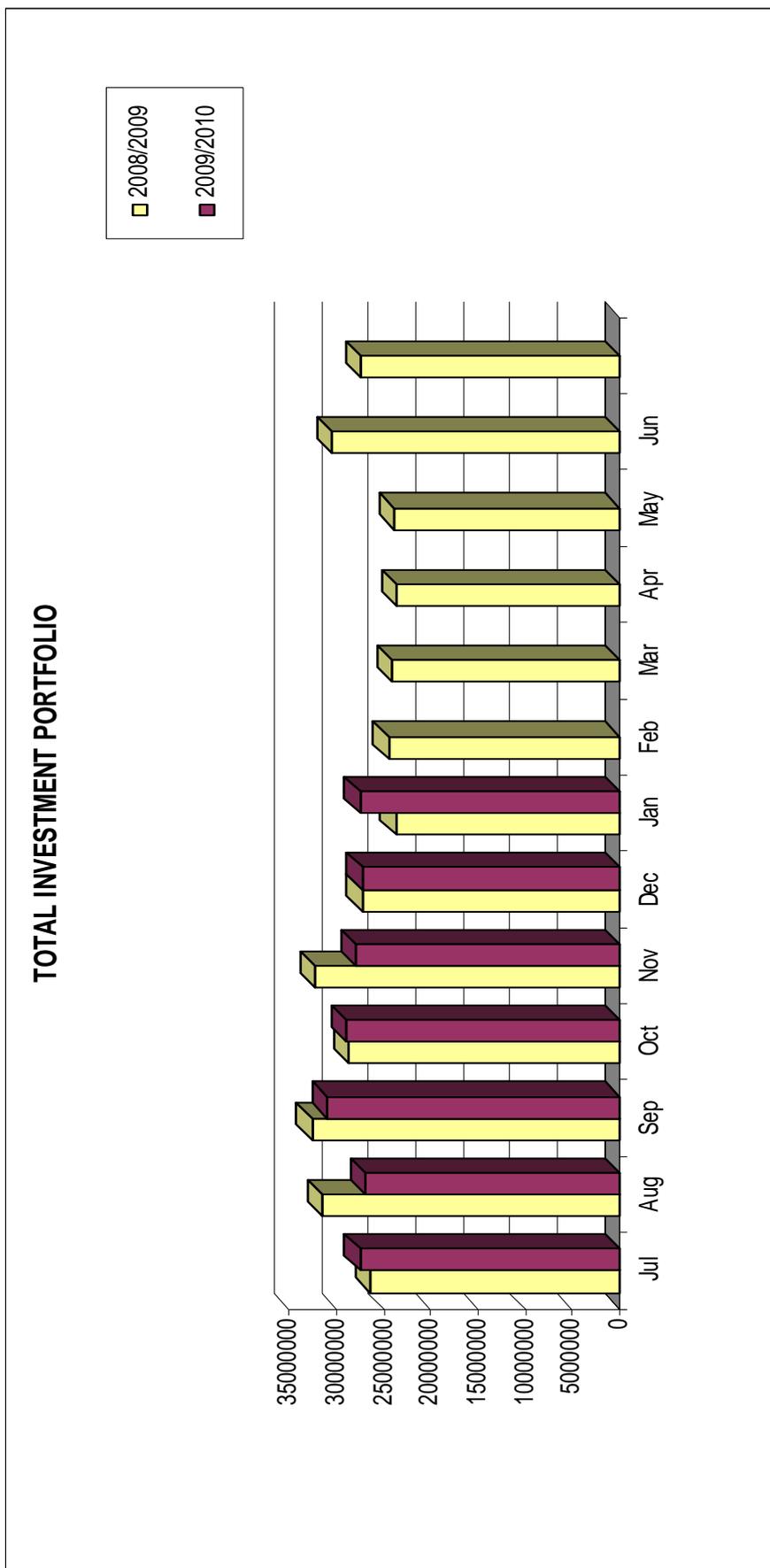
Southern Cross Credit Union	Term Deposit	Not Rated (Note 7)	High	2/12/2009	6/1/2010	2/12/2009	\$ 2,000,000	\$ 2,000,000
Summerland Credit Union	Term Deposit	Not Rated (Note 7)	High	19/10/2009	17/1/2009	17/10/2009	\$ 1,000,000	\$ 1,000,000
IMB Banking & Financial Services	Term Deposit	A2	High	2/12/2009	18/1/2010	2/12/2009	\$ 2,000,000	\$ 2,000,000
Westpac Banking Corporation	Term Deposit	AA	High	9/11/2009	9/1/2010	9/11/2009	\$ 2,000,000	\$ 2,000,000
Newcastle Permanent	Term Deposit	A2	High	2/12/2009	15/1/2010	2/12/2009	\$ 2,000,000	\$ 2,000,000

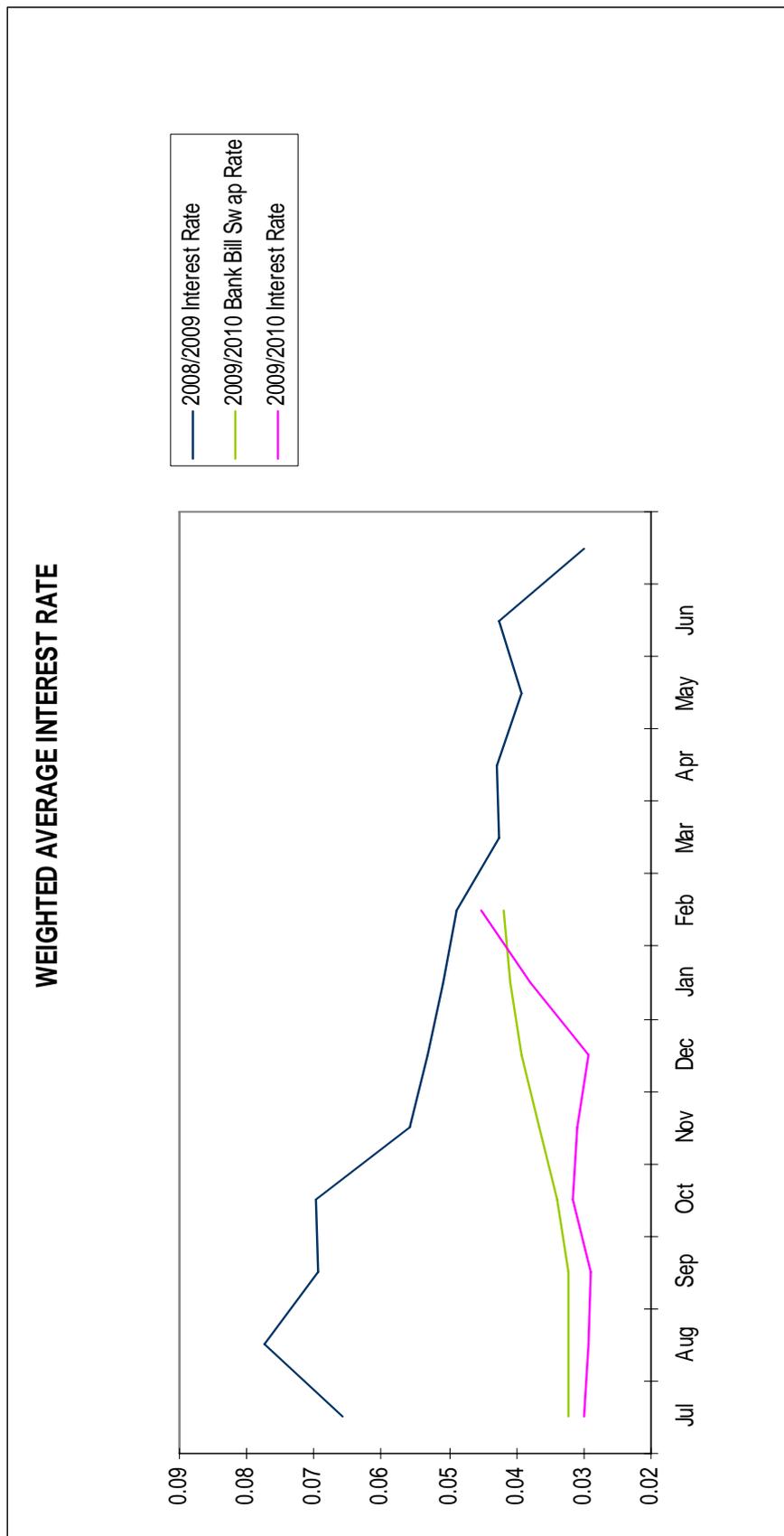
\$ 40,443,861 \$ 36,534,563

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.

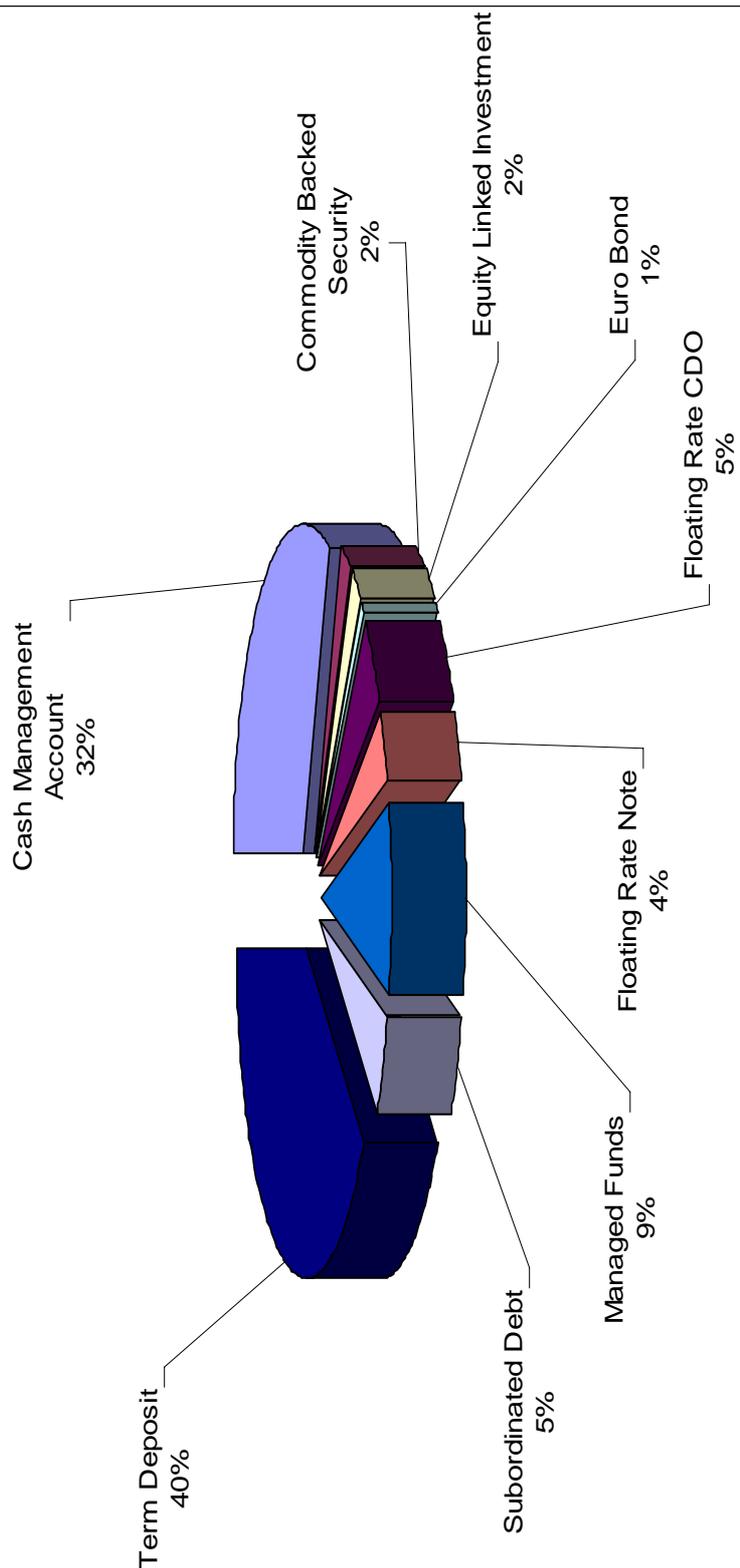
"Indicative" Source of Funds

Externally Restricted	21,804,621
Internally Restricted	5,729,943
	<u>\$ 27,534,563</u>

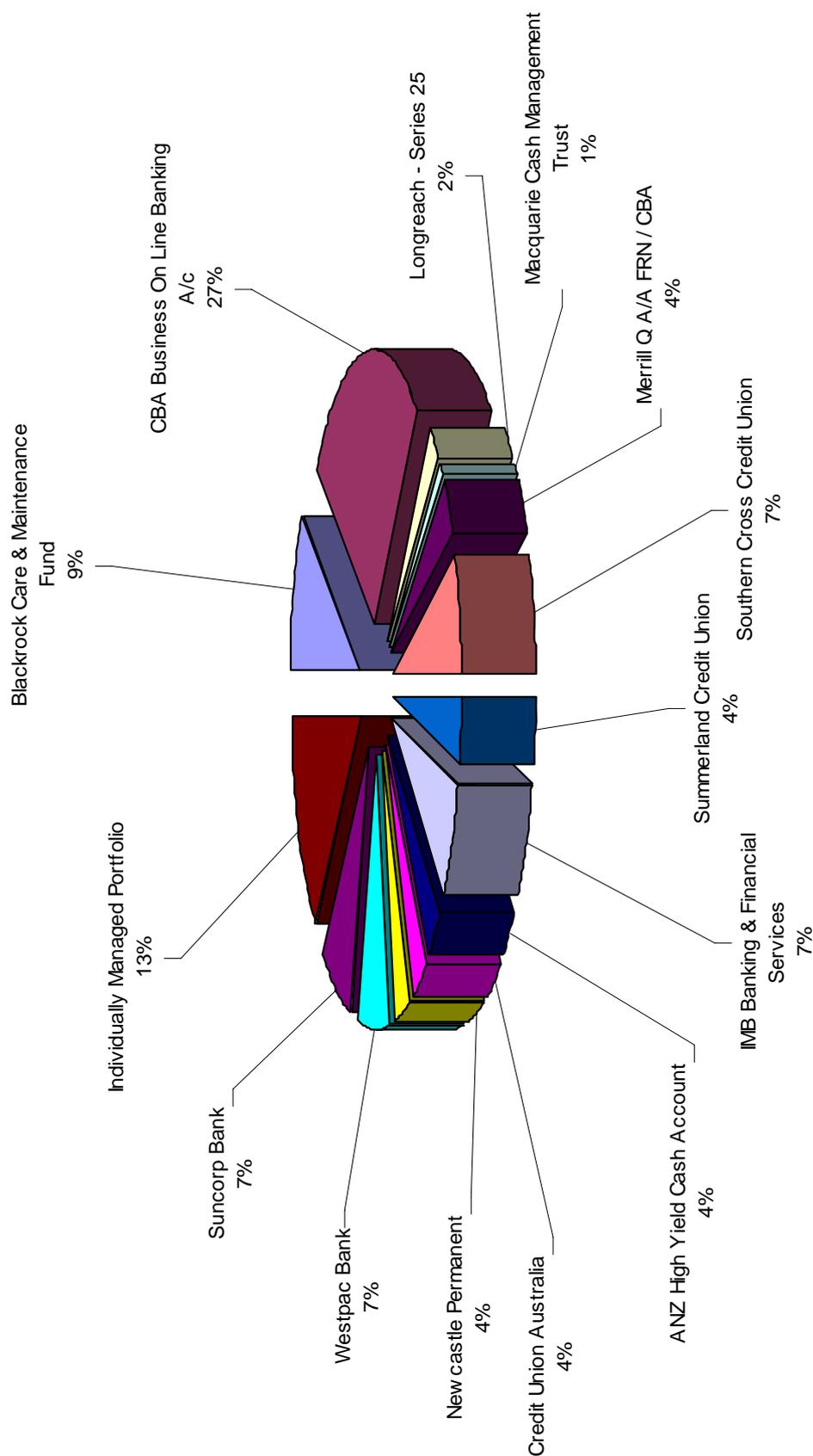




INVESTMENT BY TYPE



Investment by Institution



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

(EF09/1963:ED10/671)

Present	Councillor Jenny Dowell (<i>Chairperson</i>), Thomas George, MP, Liz Smith (<i>RTA</i>) and Snr. Const. Rob Clarke (<i>Lismore Police</i>).
In Attendance	Lisa Marshall (<i>Road Safety Officer</i>) and Bill MacDonald (<i>Traffic & Emergency Services Coordinator</i>).
Apologies	Nil
TAC50/09 Minutes	The Committee was advised that the minutes of the Traffic Advisory Committee meeting held on November 18, 2009, were confirmed by Council on December 8, 2009.

Disclosure of Interest

Nil

Part 'A' – Committee Recommendations

Nimbin Mardi Grass – Traffic Management Plan

Requesting consideration of approval for proposed traffic management measures for next year's Nimbin Mardi Grass.

A TMP prepared by Land Partners Limited was tabled at the meeting. The plan showed Sibley Street being closed with appropriate road closed signage, detour signage, as well as a number of areas where it is proposed that parking be restricted both in Cullen Street and along the southern side of Cecil Street. A pedestrian walkway had also been identified through private property leading from the showground camping area in Cecil Street up to the pedestrian crossing near the Town Hall in Cullen Street. It was suggested that signage indicating the location of the off street parking areas should be shown on the plan and erected as part of the overall signage for the event.

TAC51/09 Recommendation: That the TMP plan be approved with the addition that parking area signage be included. (EF09/1881)

Part 'B' – Determined by Committee

Jordy Murphy – Hazardous Driveway Access – 726 Rous Road

Requesting installation of a "Concealed Driveway" sign prior to the approaching corner where his driveway is located.

An inspection of the location revealed that sight distance of oncoming vehicles when exiting could be significantly improved by thinning out and removing some of the vegetation in front of and within the property. This is considered to be more effective than erecting a warning sign in this instance.

- B09-12.1 It was agreed:** That the writer be advised that action should be taken to improve the current situation by way of clearing or thinning vegetation to afford a better view of vehicles coming from the west. (CI09/24010:EF09/1390:R6610)

J & B Bus Services Pty Ltd – Drop-off and Pick-up of Students at Lismore High School

Enclosing letter from M White enquiring whether her daughter could be transported to the support unit at Lismore High School next year rather than having to change buses at the Trinity Interchange.

Bus movements at the time proposed to access the Lismore High School bus zone in Dalley Street are very small and there would be no significant disruption to existing runs that service the High School. J & B Bus Services already service Wyrallah Road Public School and would go from there to Lismore High School and then to Trinity Interchange.

- B09-12.2 It was agreed:** That approval be granted for the bus run extension as proposed. (CI09/24800:EF09/1581:R7426)

RTA

Proposing to carry out additional works in front of Goonellabah Public School to further enhance the operation and visibility of the existing traffic lights on Ballina Road.

Liz Smith advised that the Authority was currently investigating a number of options to upgrade the existing traffic lights in terms of improving visibility for approaching motorists. Part of the proposal may include the relocation of the existing bus shelter in front of Rochdale Theatre, however this also needed further investigation to ensure any new site complied with disability access guidelines. The Authority would further advise of any proposal once the investigations had been completed.

- B09-12.3 It was agreed:** That the above be noted. (R6408)

Trinity Bus Interchange

A meeting between major stakeholders was recently held at the office of Thomas George MP to discuss concerns relating to a number of incidents at the interchange.

Trinity Catholic College had raised concerns that their staff had been placed in the compromising position of having been expected to deal with issues involving students not necessarily related to their school. It would appear that the loss of a security presence on a Tuesday and Wednesday was impacting on general behaviour leaving teachers to deal with any issues that may arise. It has been found to be not economically viable to reintroduce security on these two days due to a minimum four hour call out required. Police have been patrolling when resources permit and the Police School Liaison Officer has been attending schools and talking to students about behaviour and what is expected. The matter will continue to be monitored in the New Year.

- B09-12.4 It was agreed:** That the above be noted. (EF09/1581)

Alphadale Cross Roads

The Mayor raised concerns on behalf of a resident with whom she had had a meeting recently where they had raised concerns relating to the intersection of the Bruxner Highway with Cowlong Road and Alphadale Road.

Liz Smith confirmed that a meeting had been held recently with Council Officers and believed the intersection had been recognised in a recent TTM Bruxner Highway as having a high priority in terms of any proposed upgrade. Specifics of any proposal were still to be confirmed.

B09-12.5 It was agreed: That the above be noted. (R4807)

Bangalow Road

Thomas George raised concerns that it would appear that Bangalow Road was not being given sufficient prominence in terms of future upgrades.

It was recognised that this State Road would continue to be an important link within Council's road hierarchy. Snr Const. Clarke confirmed that Bangalow Road was of serious concern to Police with the number of serious accidents that continued to occur. It was agreed that a high level meeting between the RTA, Councils, Police and Political Leaders would be organised in the near future to reinforce the above concerns.

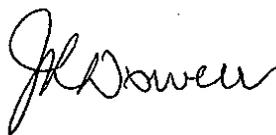
B09-12.6 It was agreed: That the above be noted. (R4101)

Next Meeting

17 February, 2010

Closure

This concluded the business and the meeting terminated at 10.50 am.



Chairperson



**Traffic and Emergency
Services Coordinator**

Financial Assistance - Section 356

a) Donations to Rural Halls – Policy 1.4.11 (GL390.680.15) (GL390.705.15)

Budget: \$29,000 and \$16,600

Spent to date: \$29,000.00 and \$15,325.99

Recommendation: In accordance with policy, a donation towards maintenance and rates is made to the following 29 rural halls:-

<u>Rural Hall</u>	<u>Maintenance</u>	<u>Rates</u>	<u>Total</u>
Eltham Public Hall	\$1,000.00	\$591.11	\$1,591.11
Corndale Hall	\$1,000.00	\$577.85	\$1,577.85
Clunes Public Hall	\$1,000.00	\$961.02	\$1,961.02
Keerrong Public Hall	\$1,000.00	\$646.80	\$1,646.80
Rock Valley Public Hall	\$1,000.00	\$555.04	\$1,555.04
Rosebank Public Hall	\$1,000.00	\$832.44	\$1,832.44
Ruthven Public Hall	\$1,000.00	\$476.02	\$1,476.02
Whian Whian Public Hall	\$1,000.00	\$729.02	\$1,729.02
South Gundurimba Hall	\$1,000.00	\$363.57	\$1,363.57
Caniaba Literary Institute	\$1,000.00	\$787.36	\$1,787.36
Blue Knob Public Hall	\$1,000.00	\$495.64	\$1,495.64
Koonorigan Hall	\$1,000.00	\$657.41	\$1,657.41
Coffee Camp Public Hall	\$1,000.00	\$548.68	\$1,548.68
Numulgi Public Hall	\$1,000.00	\$742.28	\$1,742.28
Tullera Public Hall	\$1,000.00	\$832.44	\$1,832.44
Nimbin School of Arts	\$1,000.00	\$1,513.41	\$2,513.41
Goolmangar School of Arts	\$1,000.00	\$707.80	\$1,707.80
Jiggi School of Arts	\$1,000.00	\$646.80	\$1,646.80
Repentance Creek Hall	\$1,000.00	\$657.41	\$1,657.41
Dungarubba Memorial Hall	\$1,000.00	Non Rateable	\$1,000.00
Dorroughby Hall	\$1,000.00	Non Rateable	\$1,000.00
Dunoon Hall	\$1,000.00	Non Rateable	\$1,000.00
Wyrallah Hall Association	\$1,000.00	Non Rateable	\$1,000.00
Tregeagle Hall	\$1,000.00	Non Rateable	\$1,000.00
Bexhill School of Arts	\$1,000.00	Non Rateable	\$1,000.00
Roy Waddell Community Centre	\$1,000.00	Non Rateable	\$1,000.00
The Channon Hall	\$1,000.00	Non Rateable	\$1,000.00
Billen Cliffs Hall	\$1,000.00	Non Rateable	\$1,000.00
Tuntable Creek Hall	\$1,000.00	Non Rateable	\$1,000.00
Totals	\$29,000.00	\$13,322.10	\$42,322.10

b) Donations to Community Organisations – Policy 1.4.14 (GL390.151.15) (GL390.300.15) (GL390.310.15) (GL390.355.15) (GL390.565.15) (GL390.570.15) (GL390.705.15) (GL390.441.15) (GL390.447.15)

Budget: \$2,000, \$5,000, \$2,000, \$700, \$4,600, \$2,000, \$16,600, \$1,000, \$20,000 and \$40,000.
Spent to date: \$2,000.00, \$56.75, \$2000.00, \$700.00, \$4,600.00, \$2,000.00, \$15,325.99, \$1,000.00, \$10,000.00 and \$23,333.31.

Recommendation: In accordance with policy and the 2009/10 Budget, a donation is made to the following organisations:-

Budget: \$5,000 Spent to date: \$5,035.00

Clunes Old School Association	\$2,000.00
Far North Coast Life Education	\$5,000.00
Friends of the Koala	\$2,000.00
Richmond River Historical Society	\$700.00
North Coast Academy of Sport	\$4,600.00
North Coast National A&I Society	\$2,000.00
NSW Police Citizens Boys Club	\$805.00
Nimbin A&I Society	\$553.90
Nimbin Headers Sports Club	\$644.99
Home Garden Education Club	\$1,000.00
Lismore Showgrounds Trust	\$20,000.00
NORPA (Cultural Program)	\$40,000.00

c) Donations to Rural Fire Brigades (GL1080.595.15)

Budget: \$5,000 Spent to date: \$5,035.00

Recommendation: In accordance with the approved 2009/10 Budget, a donation of \$265 is made to the following Rural Fire Brigades:-

Brigade Name	Amount
Wyrallah	\$265.00
Tuncester	\$265.00
Tullera	\$265.00
The Channon	\$265.00
Stoney Chute	\$265.00
Rosebank	\$265.00
Nimbin	\$265.00
Lower River	\$265.00
Larnook	\$265.00
Jiggi	\$265.00
Goolmangar	\$265.00
Northern Rivers Operational Support Brigade	\$265.00
Dunoon	\$265.00
Clunes	\$265.00

Section 356 Donations

Caniaba	\$265.00
Boatharbour	\$265.00
Blue Knob	\$265.00
Bentley	\$265.00
Alphadale	\$265.00
Total	\$5,035.00

d) Council Contributions to Charitable Organisations

Waste Facility – Policy 5.6.1 (GL390.965.15)

Budget:\$11,000 Spent to date:\$7,624.86

December 2009

Animal Right & Rescue \$29.55

Five Loaves \$178.00

Friends of the Koala \$44.00

LifeLine \$280.00

Salvation Army \$9.09

Westpac Life Saver Helicopter \$27.27

Total \$567.91

In accordance with policy.

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

Budget: \$2,700 Spent to date:\$1,495.40

Uniting Care Lismore Regional Mission is seeking a donation towards their *No Room at the Inn* Christmas Concert which was held on 21 December, 2009 (CI09/25127).

\$100

District 69 Southern Division of Toastmasters is seeking sponsorship for their annual conference in Coolangatta/Tweed Heads (CI10/1540).

\$50

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:

Easement for underground power cables – Lot 1 DP 1018474 (P27569)

Easement for underground power cables two meters wide in favour of Country Energy along part of the north eastern boundary of the Riviera Car Park.

Licence – Cappuccinos Coffee Lounge - opposite 74 Molesworth Street, Lismore (P21874)

Licence for outdoor dining over the carriageway adjacent to the premises at 74 Molesworth Street, Lismore comprising an area of 57.19m² for the permitted use as outdoor dining. Licence is in accordance with Lismore City Council Policy 5.2.24, Carriageway and Kerbside Lands Use. Term of the licence is for twelve months.

Licence – Subway – opposite 106 Molesworth Street, Lismore (P23360)

Licence for outdoor dining over the carriageway adjacent to the premises at 106 Molesworth Street, Lismore, comprising an area of 41.4m² for the permitted use as outdoor dining. Licence is in accordance with Lismore City Council Policy 5.2.24, Carriageway and Kerbside Lands Use. Term of the licence is for twelve months.

Licence for part of Wyrallah Road – part Lots 131 and 132 DP 728195 (P16317, P21515)

Parts of Wyrallah Road, Tuckurimba are constructed outside the road reserve and within the above Crown Reserves. A Licence has been established with the Minister for Lands for a term of five (5) years from 23 September, 2008. A plan of survey has been prepared for this area with the intention of rectifying the road alignment to within a road reserve.

(EF10/4:ED10/1936).

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>Proposed Sale of Land – Simeoni Drive, Goonellabah</i>
Grounds for Closure	Section 10A(2) (c):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because information that would, if disclosed, confer a commercial advantage of a person with whom the Council is conducting (or proposes to conduct) business.

This page has intentionally been left blank.

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

Present

Mayor, Councillor Dowell; Councillors Battista, Clough, Chant, Graham, Houston, Marks, Meineke, Smith and Yarnall, together with the General Manager; Executive Director Infrastructure Services, Executive Director Sustainable Development, Manager Finance, Manager Information Services, Acting Manager Integrated Planning, Manager Assets, Manager Arts, Tourism and Leisure, Strategic Engineer Water and Sewer, Coordinator Compliance, Corporate Compliance Coordinator, Communications Coordinator and Personal Assistant to the General Manager.

226/09 **Apologies/
Leave of
Absence**

RESOLVED that an apology be received and accepted on behalf of Councillor Ekins and leave of absence be granted until 31 January 2010.

(Councillors Clough/Smith)

227/09 **Minutes**

The minutes of the Ordinary Meeting held on 10 November 2009 were confirmed.

(Councillors Marks/Clough)

Disclosure of Interest

Councillor Battista declared a non-significant conflict of interest in the following item:
Report – Special Rate Variation for 2010/11

Nature of Interest: I have a business in the CBD.

Councillor Battista declared a non-significant conflict of interest in the following item:
Report – Tender T2009-17 – Health Services

Nature of Interest: I am patient of the Lismore Clinic.

Councillor Meineke declared a pecuniary conflict of interest in the following item:
Committee Recommendations – Minutes of the Traffic Advisory Committee Meeting 18 November 2009

Nature of Interest: Minute No. B09-11.5 – This minute related to my clients development.

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

Rescission Motion – Proposed Addition to Large Lot Residential Zone Draft LEP, 275 Cameron Road

Nature of Interest: Residents opposed to rezonings in McLeans Ridges donated less than \$1000 to my election campaign.

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

Report – Draft Section 94 Contributions Plan for Neighbourhood Park in Cameron Road

Nature of Interest: Residents opposed to this rezoning contributed donations less than \$1000 to my election campaign.

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

Rescission Motion – Proposed Addition to Large Lot Residential Zone Draft LEP, 275 Cameron Road

Nature of Interest: Opponents of other Cameron Road rezonings assisted with my campaign. I will remain in the Chamber and participate in the vote.

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

Report – Urban Land Release and Infrastructure Servicing Review

Nature of Interest: Applicants from Pineapple Road are friends of mine. Advice has been sought and I will remain in the Chamber and participate in the vote.

Public Access Session

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

Neville Stroud Watts – Rescission Motion – Proposed Addition to Large Lot Residential Zone Draft LEP, 275 Cameron Road

Mr Stroud Watts advised he was an adjoining owner to 275 Cameron Road where he was engaged in organic farming. He stated he had not been contacted about the proposed rezoning and raised concerns about contamination of his property from the adjoining development.

David Wolfe – Notice of Rescission Motion – Tender T2010-03 – Margaret Olley Arts Centre

Mr Wolfe spoke against the Rescission Motion. He spoke of the benefits of the Margaret Olley Arts Centre, advised money was in the budget to progress this matter, cited community support and the need for such a facility.

Karla Dickens– Notice of Motion – Leasing of CBD Shops for Local Artists

Ms Dickens spoke against the proposal to use vacant shops in lieu of building the Margaret Olley Arts Centre. She cited the benefits to the general community of the arts community, stressed the vibrancy of such a community and the support such a gallery as the Margaret Olley would give to the whole community.

Lois Randall – Notice of Motion – Margaret Olley Arts Centre

Ms Randall spoke of the benefits of an art gallery to the city of Lismore, cited the efforts of staff to date, the availability of the grant and urged that Council take advantage of this opportunity.

Jim Edwards – Notice of Motion – Clunes Wastewater Project

Mr Edwards supported the Notice of Motion. He spoke of the delays in the project and associated lack of community consultation. He urged that the EIS proceed and the community be advised of the progress of the project.

Damian Chapelle – Rescission Motion – Proposed Addition to Large Lot Residential Zone Draft LEP, 275 Cameron Road, p.1 & Report – Urban Land Release and Infrastructure Servicing Review, p. 9.

In respect to the Rescission Motion relating to Cameron Road, Mr Chapelle advised that the rezoning met buffer requirements and that issues of ground water required investigation but could be overcome by design.

In respect to the Urban Land Release report, Mr Chapelle urged its support, which he claimed would benefit Lismore and reinforce its role as a regional capital, ensuring ongoing growth.

Kali Llewelyn– Report – Full Budget Review 2009/10

Ms Llewelyn urged Council not to close the Goonellabah Library. She stressed its broad community role, its increasing use and the logistical difficulties of accessing the Lismore facility. She spoke of the future growth of Goonellabah and the ongoing need for the library.

Jan Davis – Report – Grant Application – Margaret Olley Arts Centre

Ms Davis spoke in support of the Margaret Olley Arts Centre. She cited the preparation already undertaken, the financial grant opportunity, the support from Southern Cross University, the benefits to the community and that no other projects were ready to take advantage of the Federal grant.

Notice of Rescission Motions

Proposed Addition to Large Lot Residential Zone Draft LEP, 275 Cameron Road

Formal notice having been given by Councillors Meineke, Marks and Graham it was MOVED that Council rescind **Resolution 208/09** regarding the development at 275 Cameron Road, McLeans Ridges.

(Councillors Graham/Marks)

On submission to the meeting the RECISSION MOTION was DEFEATED.

Section 375A Voting Record

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

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

(EF09/1921:ED09/18319)

Tender T2010-03 – Margaret Olley Arts Centre

Formal notice having been given by Councillors Meineke, Marks and Graham it was MOVED that Council rescind **Resolution 211/09** and not proceed to enter into negotiations with Tonkin Zulaikha Geer to design the Margaret Olley Arts Centre.

(Councillors Meineke/Marks)

On submission to the meeting the RECISSION MOTION was DEFEATED.

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

The voting being tied the Mayor declared the RECISSION MOTION DEFEATED on her casting vote.

(EF09/1921:ED09/18305)

Notice of Motions

Proposed Addition to Large Lot Residential Zone Draft LEP, 275 Cameron Road

Formal notice was given by Councillor Graham that Council resolve to include the area of land shown as Lots 1 to 4 on the attached subdivision plan for Lot 5 DP827282, 275 Cameron Road, McLeans Ridges in the R5 Large Lot Residential zone in the new comprehensive Local Environmental Plan consistent with the Standard Instrument, subject to the land owners signing a draft Planning Agreement that includes the matters detailed in this report and the Planning Agreement require the southern boundary of Lot 4 to be moved sufficiently far south to enable a 30m buffer planting to be included in the lot between the building envelope and the adjacent macadamias.

As a consequence of the Rescission Motion on this item being defeated, the Mayor ruled the Notice of Motion out of order and it was not considered.

(EF09/631:ED09/18919)

Leasing of CBD Shops for Local Artists

Formal notice having been given by Councillor Meineke it was **MOVED** that Council immediately move to rent some vacant shops in the CBD and negotiate to lease them rent free to local artists on short term. Revolving leases would enable our local artists to display their artistic endeavours.

(Councillors Meineke/Graham)

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

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

A **FORESHADOWED MOTION** was **MOVED** that Council defer consideration of leasing CBD shops for use by local artists to the City Centre Manager until 2010/11 Management Plan.

(Councillors Yarnall/Clough)

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

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

The voting being tied the Mayor declared the **MOTION DEFEATED** on her casting vote.

(EF09/631:ED09/18672)

Margaret Olley Arts Centre

Formal notice having been given by Councillor Marks it was **MOVED** that:

1. That Council provide a cost benefit analysis to the community of the Margaret Olley Arts Centre.
2. That Council survey Lismore City Council Rate payers on the building of the Margaret Olley Arts Centre after explaining all funding arrangements and the need for any possible extra funding initiatives for the future running of the gallery.

(Councillors Marks/Meineke)

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

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

The voting being tied the Mayor declared the **MOTION DEFEATED** on her casting vote.

(EF09/631:ED09/18916)

Clunes Wastewater Project

228/09 **RESOLVED** that staff report to Council by March 2010 with a proposed timeline which demonstrates the progression of high priority projects within the water and wastewater area, including the EIS for the Clunes Wastewater Project.

(Councillors Battista/Houston)

Voting against: Councillor Yarnall.

(EF09/631:ED09/18918)

Federal funding for Infrastructure

Formal notice was given by Councillor Yarnall that Council investigate the possibility of applying for Federal Government funding through the stimulus package for the either the Southern Trunk Main, Council's Cycleways Plan or other suitable projects.

At the request of the mover the MOTION was WITHDRAWN.

(EF09/631:ED09/18925)

Drug Free Nimbin Signs

Formal notice having been given by Councillor Marks it was **MOVED** that Council erect or rent billboards at southern and northern entrances to Nimbin to state, 'Lismore City Council supports a drug free Nimbin, your support would be appreciated'.

(Councillors Marks/Meineke)

On submission to the meeting the MOTION was DEFEATED.

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

(EF09/631:ED09/18850)

Altering Order of Business

229/09 **RESOLVED** that the order of business be altered to debate the following matters raised during Public Access:

Urban Land Release and Infrastructure Servicing Review

Full Budget Review 2009/10

Grant Application – Margaret Olley Arts Centre

(Councillors Graham/Battista)

Reports

Urban Land Release and Infrastructure Servicing Review

230/09

RESOLVED that Council:

1. Endorse the zoning of the residential/mixed use land release areas included in the draft LEP 2009, namely the subject Crawford land, Invercauld Road land and Chilcotts Grass land subject to recommendation (2) below for the reasons outlined in the report.
2. Allocate highest priority to the investigation and construction of the Southern Trunk Main to facilitate (1) above, including access to Federal or State Government grant funding.
3. Note subject to (2) above that subdivision applications for existing residential zoned land in Lismore is deemed to have sufficient main trunk sewerage capacity.
4. Endorse in principle the inclusion of the subject land at Trinity Drive in a residential zone as a future amendment to the draft LEP 2009, subject to the satisfactory resolution of mitigation of impacts on the thorny pea and the matter being reported in detail back to Council.
5. Not proceed with draft LEP amendment 36 and prepare an amendment to the Lismore Urban Strategy to allow the land in Pineapple Road as per attachment 1 to be considered for inclusion in an urban residential zone.
6. Prepare as part of a housing strategy a study into the best means and most appropriate areas to achieve increased densities in existing urban areas.
7. Include planning controls to achieve greater housing diversity and density in the development control plans prepared for new Greenfield land release areas and achieve this objective by agreement in existing Greenfields residentially zoned areas where possible.
8. Prepare a Growth Management Strategy that determines the staging of the remaining land releases not included in the draft LEP 2009 over the next 25-30 years.
9. Adopt a more proactive approach through the delivery plan to ensuring the northern bypass road is constructed in a timely manner given its citywide benefit in terms of investigation, design and acquiring the road corridor.
10. Develop an integrated transport plan for the City that particularly gives priority to (9) above and the longer term need for a third bridge crossing.

(Councillors Chant/Clough)

Section 375A Voting Record

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

Voting against: Councillor Battista.

(EF09/821:ED09/18653)

Full Budget Review for 2009/10

A MOTION WAS MOVED that:

1. The savings listed on the Savings by Program Area attachment totalling \$506,500 be factored into the draft 2010/11 Budget.
2. Management explore the sale of the Koala Day Care Centre by first consultation with all stakeholders and reporting back to Council on the outcome.
3. Management explore the option of selling surplus properties and report back to Council on the outcome.

(Councillors Graham/Houston)

An AMENDMENT was MOVED that:

1. The savings listed on the Savings by Program Area attachment totalling \$497,200 be factored into the draft 2010/11 Budget.
2. Management explore the sale of the Koala Day Care Centre by first consultation with all stakeholders and reporting back to Council on the outcome.
3. Management explore the option of selling surplus properties and report back to Council on the outcome.
4. Council remove water and environment monitoring \$9,200 from the list of budget savings.

(Councillors Clough/Houston)

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

Voting against: Councillor Meineke.

231/09

RESOLVED that:

1. The savings listed on the Savings by Program Area attachment totalling \$497,200 be factored into the draft 2010/11 Budget.
2. Management explore the sale of the Koala Day Care Centre by first consultation with all stakeholders and reporting back to Council on the outcome.
3. Management explore the option of selling surplus properties and report back to Council on the outcome.
4. Council remove water and environment monitoring \$9,200 from the list of budget savings.

(Councillors Clough/Houston)

(EF09/2198:ED09/19130)

Grant Application – Margaret Olley Arts Centre

A MOTION WAS MOVED that Council nominate the Margaret Olley Arts Centre for funding of \$4.5 million under the Regional and Local Community Infrastructure Program.

(Councillors Battista/Houston)

An AMENDMENT was MOVED that:

1. Council nominate the Margaret Olley Arts Centre for funding of \$4.5 million under the Regional and Local Community Infrastructure Program.
2. If the funding application is successful and before the project proceeds, a report be provided to Council which identifies how the budget will cover in full the Council's extra costs of the centre including borrowing, running, maintenance and depreciation costs.
3. Any budget cuts exclude essential infrastructure spending, particularly roads, cycleways, footpaths, drainage and building maintenance.

(Councillors Yarnall/Chant)

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

Voting against: Councillors Dowell, Houston, Battista and Smith.

232/09

RESOLVED that:

1. Council nominate the Margaret Olley Arts Centre for funding of \$4.5 million under the Regional and Local Community Infrastructure Program.
2. If the funding application is successful and before the project proceeds, a report be provided to Council which identifies how the budget will cover in full the Council's extra costs of the centre including borrowing, running, maintenance and depreciation costs.
3. Any budget cuts exclude essential infrastructure spending, particularly roads, cycleways, footpaths, drainage and building maintenance.

(Councillors Yarnall/Chant)

Voting against: Councillors Battista and Smith.

(EF09/2005:ED09/18858)

Clunes Wastewater Scheme and Southern Trunk Main

233/09

RESOLVED that:

1. Council adopt the following changes to the *Strategic Business Plan for Wastewater Services*:
 - Consistent with the reasons outlined in the Council report entitled 'Urban Land Release and Infrastructure Servicing Review', priority be given to investigation and construction of the proposed southern trunk main to achieve completion of this project as soon as is practicable.
 - Delay construction of the proposed Clunes Wastewater Scheme by two years. Following this change, completion of this scheme would be achieved by the 2014/15 financial year.
2. Full details of these changes, including revised budgets for the southern trunk main, will be provided to Council during preparation of the 2010/11 – 2013/14 Delivery Plan and associated 2010/11 Operational Plan.
3. Levying of the Clunes Sewer Charge be suspended for a minimum period of two years, commencing the current financial year, and that this year's charge be written off from the rates accounts of affected properties.

(Councillors Graham/Marks)

(EF09/2408:ED09/18797)

Special Rate Variation for 2010/11

A MOTION WAS MOVED that Council defer the report "Special Rate Variation" 2010/11 until December 2010 if it is then needed.

(Councillors Graham/Meineke)

On submission to the meeting the MOTION was DEFEATED.

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

A FORESHADOWED MOTION was MOVED that:

1. Council, in February and March 2010, conduct an extensive community engagement process consistent with the requirements of the draft Community Engagement Policy Framework to ascertain public opinion on a proposal to lodge a special rate variation application for an increase in rates of \$1,450,000 per annum for Roads (\$1,150,000) and/or Environment Levy (\$200,000) and/or Business Promotion (\$100,000).
2. Should the SRV be approved, then Council commit to increasing total road spending each year by the same percentage as the increase in rates under rate pegging. Further that Council relays this commitment to the public during the consultation process.
3. A separate consultation process is held with the business community recognising their special circumstances.
4. A report on the outcome of the consultation is presented to Council so a special rate variation application can be submitted in accordance with the Department of Local

Government's guidelines if required.

(Councillors Yarnall)

The FORESHADOWED MOTION lapsed for want of a seconder.

A FORESHADOWED MOTION was MOVED that:

1. In February and March 2010, conduct an extensive community engagement process consistent with the requirements of the draft Community Engagement Policy Framework to ascertain public opinion on a proposal to lodge a special rate variation application for an increase in rates of \$800,000 per annum for Roads (\$500,000) and/or Environment Levy (\$200,000) and/or Business Promotion (\$100,000).
2. A separate consultation process is held with the business community recognising their special circumstances.
3. A report on the outcome of the consultation is presented to Council so a special rate variation application can be submitted in accordance with the Department of Local Government's guidelines if required.

(Councillors Battista/Clough)

234/09 **RESOLVED** that:

1. In February and March 2010, conduct an extensive community engagement process consistent with the requirements of the draft Community Engagement Policy Framework to ascertain public opinion on a proposal to lodge a special rate variation application for an increase in rates of \$800,000 per annum for Roads (\$500,000) and/or Environment Levy (\$200,000) and/or Business Promotion (\$100,000).
2. A separate consultation process is held with the business community recognising their special circumstances.
3. A report on the outcome of the consultation is presented to Council so a special rate variation application can be submitted in accordance with the Department of Local Government's guidelines if required.

(Councillors Battista/Clough)

Voting against: Councillors Meineke, Marks and Graham.

(EF09/1914:ED09/19095)

Uralba Street Paid Parking

235/09 **RESOLVED** that:

1. Council support the introduction of time limited paid parking in Uralba Street between Hunter Street and Dibbs Street, commencing February 2010.
2. The fee for parking be \$1.00 per hour or part thereof with a maximum of 2 hours per parking session.
3. Paid parking be applicable between the hours of 8.30am and 4.00pm Monday to Friday and 8.30am to 1.00pm Saturday.

4. Arrangements be made to introduce a six month trial shuttle transport service within a 1 kilometre radius to and from the Hospital entrance.
5. If the shuttle service is not viable linking with the North Coast Area Health Service program 'Transport for Health' be trialled.
6. A public education campaign be initiated to inform the hospital precinct visitors of these changes.
7. The net financial proceeds be retained for consideration as to purpose in conjunction with the 2010/11 Budget.

(Councillors Houston/Battista)

(EF09/1574:ED09/18486)

Lismore Memorial Baths – 6 month pass

236/09

RESOLVED that Council:

1. Note the lack of submissions regarding the proposed reinstatement of the 6 month pass and its schedule of fees.
2. Endorse the new fee structure, to be effective from 1 October 2009.
3. Endorse the ability of existing 3 month pass holders to extend to a 6 month pass by paying the difference for the new pass and extending the date of the pass accordingly.

(Councillors Chant/Clough)

Voting against: Councillors Battista, Meineke and Marks.

(EF09/1851:ED09/18865)

Draft Section 94 Contributions Plan for Neighbourhood Park in Cameron Road

237/09

RESOLVED that:

1. The Section 94 Plan propose payment to the land owner when 100% (62) lots are released.
2. Council exhibit the amended draft Section 94 Contributions for the Local Park in Cameron Road, McLeans Ridges for a period of 28 days, commencing in late January 2010.

(Councillors Clough/Smith)

Section 375A Voting Record

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

Voting against: Councillors Meineke, Marks and Graham.

(EF09/1957:ED09/10262)

2009/2010 Bitumen Seal Extension Program

238/09 **RESOLVED** that Council approve the 2009/2010 Bitumen Seal Extension Program which allocates \$100,000 each to Lillian Rock Road and Mountain Top Road.

(Councillors Yarnall/Chant)

Voting against: Councillor Smith.

(EF09/1438:ED09/17485)

Resilient Regional Communities

239/09 **RESOLVED** that Council strongly endorse and participate in the North Coast NSW submission to the Department of Broadband, Communications and the Digital Economy being coordinated by Southern Cross University.

(Councillors Meineke/Battista)

(EF09/2449:ED09/18729)

Lismore Festival of Cricket, Post Event Report

A MOTION WAS MOVED that:

1. Council note the findings contained within the DSA Consulting Services report.
2. The current Events Strategy be comprehensively reviewed and underpinned by market research.
3. Subsequent to (2) above that an Events Sponsorship/Promoter Policy be developed.
4. This reviewed Strategy and Policy as referred to in (2) and (3) above be presented to EDPAG and the SRPAG prior to Council consideration and adoption.

(Councillors Clough/Yarnall)

An AMENDMENT was MOVED that:

1. Council note the findings contained within the DSA Consulting Services report.
2. The current Events Strategy be comprehensively reviewed and underpinned by market research.
3. Subsequent to (2) above that an Events Sponsorship/Promoter Policy be developed.
4. This reviewed Strategy and Policy as referred to in (2) and (3) above be presented to EDPAG and the SRPAG prior to Council consideration and adoption.
5. Council make an application to host the Cricket Festival in 2010.

(Councillors Meineke/Marks)

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

Voting against: Councillors Houston, Dowell, Battista and Clough.

240/09 **RESOLVED** that:

1. Council note the findings contained within the DSA Consulting Services report.
2. The current Events Strategy be comprehensively reviewed and underpinned by market research.
3. Subsequent to (2) above that an Events Sponsorship/Promoter Policy be developed.
4. This reviewed Strategy and Policy as referred to in (2) and (3) above be presented to EDPAG and the SRPAG prior to Council consideration and adoption.
5. Council make an application to host the Cricket Festival in 2010.

(Councillors Meineke/Marks)

Voting against: Councillors Battista and Clough.

(EF09/2430:ED09/18648)

Continuation

241/09 **RESOLVED** that the time being 10:30pm the meeting continue to the end of the business paper.

(Councillors Graham/Smith)

Adjournment

The meeting adjourned at 10:35pm and resumed at 10:45pm.

Public Access to Objections/Complaints

242/09 **RESOLVED** that Council Policy number 1.4.4 be amended by deleting Clause 2a and 3.

(Councillors Meineke/Clough)

(EF09/1776:ED09/18491)

Extension of Contract T2009-15 – Sewer Rising Main No. 3

243/09 **RESOLVED** that:

1. In view of the recent failures of the section of Sewer Rising Main No. 3 scheduled for replacement in 2013, and the significant risk of ongoing failures of the main, Council bring forward the works.
2. In accordance with Clause 55(3) of the Local Government Act, Council not call tenders for the proposed Stage 2 works due to extenuating circumstances in that:
 - A. The section of sewer main to be replaced as Stage 2 of the works has recently failed on several occasions and there is a significant risk of ongoing failures which would result in significant expenditure for Council and potential disruption of services to the public.
 - B. Council has only recently awarded a contract for Stage 1 of the works, having conducted a competitive tender process, and the works required for Stage 2 is of the same nature requiring the same resources and materials to complete.
 - C. By undertaking the work for Stage 2 in conjunction with Stage 1, Council can make considerable savings in the form of eliminating site establishment costs and reducing costs associated with repairs to breaks in the sewer main that would otherwise be likely to occur in the timeframe for tenders to be called and awarded for the work.
3. In view of the extenuating circumstances it is considered that a satisfactory result will not be achieved by calling tenders for the work.
4. Council negotiate directly with Coe-Drilling Pty Ltd, as the successful tenderer for the Stage 1 works to replace Sewer Rising Main No. 3, to undertake the Stage 2 works in conjunction with Stage 1.
5. Council note the funding of this contract is predicated on wastewater user charging increasing in accordance with the Strategic Business Plan.
6. Council approve the re-allocation of the remaining funds being \$1,000,000 from the 2009/10 Waste Water Capital Works Budget together with \$1,500,000 from the respective 2010/11 Budget towards the construction of Stage 2 for Sewer Rising Main No. 3 as an extension of works within Contract T2009-15 to be undertaken by Coe-Drilling Pty Ltd.
7. Council approve the re-allocation of the \$4,012,000 approved within the Wastewater

Strategic Business Plan for Sewer Rising Main No. 3, Stage 2, towards the Sewer Mains Capital Works Budget for 2012/13 to cover the deferred works at this time.

8. The Mayor and General Manager be authorised to execute the necessary documentation under seal of Council.

(Councillors Chant/Smith)

(T09/15:ED09/18905)

Tender Nos. T2010-08, T2010-09, T2010-10, Street Sweeping Truck, Side-loading Waste Collection Trucks x 2, 25 Tonne Hydraulic Excavator

244/09

RESOLVED that:

1. Council purchase a MacDonald-Johnston VS500 single engined road sweeper mounted on a DAF FA LF45-220 truck at a cost of \$278,565.45 plus GST.
2. Council sell by auction Plant No. 173 MacDonald-Johnston twin engined sweeper.
3. Council purchase two Superior Pak 23m³ bodies on Isuzu FVZ 1400 trucks at a cost of \$310,758.00 plus GST each (total \$621,516.00 plus GST).
4. Council sell by auction Plant No. 171 and Plant No. 190, both MacDonald-Johnston compactors on Freightliner FL80 trucks.
5. Subject to further investigation with positive indications, Council fit to each of these two trucks a 'retarder' to support braking and preserve brake components.
6. Council purchase an Hitachi ZX240LC-3 hydraulic excavator from Hitachi Construction Machinery at a cost of \$263,700.00 plus GST.
7. Council purchase an extended warranty of an additional two years/four thousand hours at a cost of \$4,240.00 plus GST.
8. Council sell by auction Plant No. 241, being a 1999 Caterpillar 320B excavator.

(Councillors Graham/Chant)

Tender No T2010-19 Pre-assembled Timber Bollards

245/09

RESOLVED that:

1. The contract for the supply of pre-assembled timber bollards for Woodlark Street within the Lismore CBD, be awarded to Scully & Associates with the price of works being \$103,609.00 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.

3. A report be prepared for Council on how it can increase the local content component of tenders.

(Councillors Graham/Marks)

Voting against: Councillor Smith.

(T10/19:ED09/18785:ED09/18782)

Tender No T2009-17 – Health Services

246/09

RESOLVED that:

1. Council accepts the tender proposals from Health Services providers as follows:

Consultant Medical Doctor Services	1. Dr Sukhdeep Bains, The Lismore Clinic 2. Dr Charles Hew, Doctors Johnson, Hew & Kerr
Audiometric Testing services	1. The Lismore Clinic 2. Advanced Hearing
Physiotherapy Services	PhysioPlus
Psychologist	Interact Injury Management and Recovre joint supply
Rehabilitation Services or Employee Assistance Program (EAP) Services	Interact Injury Management and Recovre joint supply

2. The General Manager be authorised to execute the contracts and associated documents to formalise these services.

(Councillors Clough/Marks)

(T09/17:ED09/18997)

Integrated Planning and Reporting Framework

247/09

RESOLVED that Council nominate Group 1 for the implementation of the Department of Local Government's Integrated Planning and Reporting Framework.

(Councillors Houston/Clough)

(EF09/1929:ED09/18810)

Delegate to the Richmond River Historical Society

248/09 **RESOLVED** that Council's delegate to the Richmond River Historical Society be Councillor Smith.

(Councillors Marks/Yarnall)

(EF09/1315:ED09/18360)

Investments – November 2009

249/09 **RESOLVED** that the report be received and noted.

(Councillors Marks/Smith)

(EF09/2209:ED09/18951)

At this juncture Councillor Meineke left the meeting.

Committee Recommendations

Traffic Advisory Committee - 18 November 2009

250/09 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.

(Councillors Graham/Clough)

At this juncture Councillor Meineke returned to the meeting.

Financial Assistance - Section 356

251/09 **RESOLVED** that in accordance with Section 356(1) of the Local Government Act 1993, the assistance to persons as listed is hereby approved.

(Councillors Graham/Yarnall)

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

Budget: \$15,200 Spent to date: \$14,599

Lismore Soup Kitchen requesting Council waive all hire fees (\$220) for Christmas Day lunch at Lismore City Hall. Lunch for about 130 people, most of whom do not have families to celebrate Christmas, will be served. An entrance fee is not to be charged (CI09/24329).

Recommendation: In accordance with previous year's donation and Clause 5 of the policy, a donation of 100% of the hire fee applies.

\$220.00

RealArtWorks Inc. and RED Inc. requesting Council waive all hire fees (\$5,750) for the

Council Minutes

8 December 2009

VeryAbility Festival 2009 to be held at the City Hall from November 28 to December 4, 2009. An entrance fee is to be charged for some of the events audiences (CI09/23162).

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

\$1,150.00

Lismore Neighbourhood Centre Inc. requesting Council discount hire fees (\$246) to hold workshops to develop the Nil Interest Loans Scheme at the City Hall on July 3 and August 10, 2009. An entrance fee was not charged (CI09/24860).

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

\$61.50

Lismore Neighbourhood Centre Inc. requesting Council discount hire fees (\$243) for the launch of the NILS (Nil Interest Loans Scheme) at the City Hall on December 12, 2009. An entrance fee will not be charged (CI09/24856).

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

\$60.75

St John's College Woodlawn requesting Council discount hire fees (\$7,621) for HSC Examinations at the City Hall between October 20 and November 12, 2009 (CI09/24859).

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

\$1,905.25

NSW Users and Aids Association Inc. requesting Council discount hire fees (\$125) to undertake community education at the City Hall on November 23, 2009. An entrance fee was not charged (CI09/24858).

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

\$31.25

The Neighbourhood Club Inc. requesting Council discount hire fees (\$220 per session) for the Club to hold its Friday morning meeting at the City Hall during 2009/10. An entrance fee will not be charged (CI09/24857).

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

\$55.00

Local Congregations of Jehovah's Witnesses requesting Council discount hire fees (\$2,648.50 per day) for the presentation of bible lectures in April and November 2010. An entrance fee is not to be charged (CI09/9901).

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

\$662.12

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: \$6,319.31

Challenge Foundation \$146.36

Five Loaves \$217.64

Friends of the Koala \$39.09

LifeLine \$280.00

Westpac Life Saver Helicopter \$54.55

Total

\$737.64

In accordance with policy.

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

Budget: \$2,700 Spent to date: \$1,045.40

Mr Darcy Goodwin from the **5 Loaves Mobile Soup Kitchen** is requesting financial assistance with a charity dinner held in October 2009 (CI09/23907).

\$100

Mr Matty McInnes from Lismore has been selected in the NSW Country Schools Rugby Union Team to play in South Africa and Malaysia in April 2010 and is seeking assistance with travel expenses (CI09/23184).

\$50

Royal Far West - Caring for Country Kids is seeking a donation to their organisation which assists with access for country children to specialist health care (CI09/24506).

\$100

Goonellabah Transition Program is seeking a donation to their volunteers who support parents, carers and children during the transition period from home to preschool and the formal school setting (CI09/24870).

\$100

In accordance with policy.

d) Miscellaneous Donations

Walk Against Warming organiser requesting free access to the Lismore Memorial Baths for rally walkers on Saturday , December 12, 2009 between 12.00 and 1.30pm. Walk Against Warming is Australia's biggest community day of action on climate change and is Australia's contribution to the International Day of Action on Climate Change. Taking place in every capital city and regional towns and cities across Australia, Walk Against Warming attracts ordinary Australians who are prepared to stand up for the rights of future generations to a safe climate.

The Lismore Memorial Baths will be used to:

- have some photos taken in the wadding pool to bring about awareness on rising sea levels,
- have a swim, hear a speech from the Mayor, listen to some music and a enjoy a BBQ for 1-2 hours,
- to bring about community awareness for the value of water and educate on climate change,
- to improve public image of Baths, help promote Baths as healthy community recreation
- to show Council support for Walk Against Warming as other councils are supporting other rallies across Australia

Comment: It is estimated that between 20 and 150 walkers will participate. This would equate to a donation of between \$70 and \$525.

The Lismore Memorial Baths will be open at the times nominated. If 150 take advantage of the free access, additional lifeguards may need to be engaged during this period, but this is considered minor. As it would be difficult to differentiate between walkers and normal pool users, no entrance charges would be collected during 1this time.

Recommendation: That Council waive all entrance fees for users of the Lismore Memorial Baths between 12.00 and 1.30 on Saturday 12 December 2009.

\$525.00

North Coast School Sports Association are requesting a donation to the sum of \$3,832, being the sum of ground hire fees for the recently held State Primary Cricket Carnival. As per Council Procedure 2.1.10 (Local Schools hiring council sportsgrounds), the majority of this hire fee has already been subject to a discount, being 35% of the original fee. The hire fee includes the hire of 9 synthetic and turf wickets, the Gordon Pavilion and canteen facilities over a period of 4 days (CI09/24687).

Recommendation: As this fee has already been subject to a reduction under Council Procedure 2.1.10, it is recommended that no further discounts/donations be provided.

In accordance with policy.

Closure

This concluded the business and the meeting terminated at 11.07pm.

CONFIRMED this Ninth day of February 2010 at which meeting the signature herein was subscribed.

MAYOR