

Ordinary Meeting

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on **October 9, 2007 at 6.00pm** and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager

October 2, 2007



Agenda

Opening of Meeting and Prayer (Mayor)

Apologies and Leave of Absence
Councillors Chant and Tomlinson
Confirmation of Minutes
September 11, 2007

Disclosure of Interest

Public Access Session
Janet Allen – Cameron Road and Roseview Road – LEP Amendment No. 20
Ian Lawson – Cameron Road and Roseview Road – LEP Amendment No. 20
Public Question Time

Condolences

Mayoral Minutes

Notice of Rescission Motions

Notice of Motions

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

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Financial Assistance - Section 356

Questions Without Notice

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Strategic Plan Summary

Lismore regional city

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

Notice of Motion

I hereby give notice of my intention to move at the next meeting of Council the following motion:

That Council agrees to become a member of the Sustainable Choice Program by:

1. Accepting in writing the LGSA's invitation to join the program.
2. Establishing a team with responsibility to co-ordinate sustainable purchasing in council.
3. Developing, adopting and implementing sustainable purchasing policy principles
4. Integrating sustainable purchasing principles into council's existing purchasing processes.
5. Establishing a tracking system to monitor the scope and level of purchasing activity.
6. Participation in the Sustainable Choice annual reporting questionnaire to record the scope and level of sustainable purchasing taking place in NSW local governments.
7. Staff participation in peer education forums to facilitate increased levels of awareness of the benefits of sustainable purchasing.

Councillor J Dowell

Comment

Sustainable Choice is a sustainable purchasing program helping local government meet Ecologically Sustainable Development (ESD) and triple bottom line objectives.

It is a joint undertaking of the Local Government and Shires Associations of NSW with the Department of Environment and Conservation NSW (DEC), and participating councils.

The program provides support and guidance to councils on products and services that save energy or water, contain recycled content, are non-toxic, have greenhouse or biodiversity benefits, or advance council's social or environmental objectives in some way.

Participation in Sustainable Choice aligns well with Lismore City Council's commitment to ESD and the CCP program. There are no fees or charges to join.

Staff Comment

Refer to report in Business Paper.

Notice of Motion

I hereby give notice of my intention to move at the next meeting of Council the following motion:

That Council engage a consultant as soon as possible to work with the McLeans Ridges community to create a vision for the area that will guide future land development and the provision of facilities and other infrastructure.

Councillor J Dowell

Comment

It is becoming increasingly apparent that Council's method of exhibiting proposals for land rezonings and development is not meeting the community's expectations for consultation. A better method of engagement must be found.

Communities are indicating their desire and expectation to be involved in the decisions that affect them. Electronic communication also assists residents to be more aware of proposals before Council and in ensuring their views are conveyed to Council and Councillors with ease and speed. Our community is more educated in the ways of Council and expect to be involved in the early stages of any development and to be engaged in every step of the process. We ignore this expectation at our peril.

The employment of a consultant to work with the McLeans Ridges community will result in the creation of a vision for this area that will not only lead to a more sustainable and acceptable outcome for McLeans Ridges but could well indicate a new way of engaging other communities in future to ensure that land development is undertaken with an improved process of engagement. To avoid unnecessary delay, it is imperative that a consultant be engaged as soon as possible.

Staff Comment

Executive Director Development and Governance

This proposal is not supported for the following reasons:

- When the Rural Housing Strategy (RHS) was being developed McLeans Ridges had a representative on that Committee. That representative was in agreement with the Strategy which was adopted by Council.
- If the Council were to employ a consultant to work with a Community Group to develop a vision for their area it would in all likelihood arrive at a vision which was not truly representative of the whole of the community. The McLeans Ridges community has had many years to develop or refine their 'vision' but they have not chosen to do so until now. All segments of the McLeans Ridges community deserve fair representation not just the most vocal or organised.
- There is no budget for a consultant to be employed for a section of the community and if such a commission were funded it would set a very dangerous precedent.
- There is a very extensive consultation process being currently undertaken in the McLeans Ridges area of the RHS and the community group's ideas and concerns are being received and considered by staff on a regular basis.

Report

Subject	Cameron Road and Roseview Road – LEP Amendment No. 20
File No	S884
Prepared by	Strategic Planner
Reason	Completion of public exhibition and Councillor workshop
Objective	Council's endorsement to
Strategic Plan Link	Quality of Life – encourage sustainable development
Management Plan Project	Implement adopted Council Land Use Strategies

Overview of Report

This report makes recommendations in regard to the rezoning proposals that have been lodged for McLeans Ridges and following an assessment of submissions received as a result of the public consultation provides criteria which will assist the development of future proposals which may be received for this area.

Background

At its meeting of October 10, 2006 Council resolved to prepare and exhibit a draft Amendment to the Lismore LEP to permit rural residential subdivision in the Roseview Road and Cameron Road localities. Although each rezoning submission was lodged separately, both proposals were incorporated into a single draft amendment – LEP Amendment No 20.

Draft LEP Amendment 20 was publicly exhibited from 16th April to 14th May 07. The exhibition period was extended to 28th May 07 following requests from residents at the community meetings held on April 26 and May 17, 2007. A Councillor forum was also held on June 18, 2007.

A total of 126 submissions were received in response to the exhibition, 97 (77%) of which were in the form of objection and 29 (23%) in support. The principal issues raised in the objections were:

- Increased traffic and adequacy of the local road network 95%
- Loss of rural amenity & impact on landscape 85%
- Provision of community services and facilities 66%
- On-site wastewater disposal 36%
- Provision of utility Infrastructure 29%
- Impact on agricultural land 27%
- Environmental impacts 23%
- Lack of public consultation 17%

These issues were discussed in some detail at the Councillor workshop held on September 4, 2007.

Council workshop

Following a discussion of the principal issues raised in the submissions, the following possible recommendations were presented as a means of addressing the issues raised in the submissions:

- That staff pursue negotiations with the RTA regarding re-alignment of the Cowlong/Bruxner intersection
- That S 94 road contributions (\$2,366 per lot) be re-allocated towards upgrading Boatharbour Road.
- That the applicants be invited to submit amended subdivision plans that comply with a minimum 70m lot frontage.
- That minimum 5m landscaped areas be required in “no build” zones along the side boundaries of lots.
- That revegetation of the Cameron Road reserve with local rainforest species be required following road upgrading works.
- That the contribution for the McLeans Ridges hall be increased to include an extending parking area and relocated access to facilitate improved intersection sight distance.
- That the amended proposals be re-exhibited for 28 days and further consultation with the community be initiated.

In addition to the above other suggestions were put forward by Councillors at the workshop and in the week following the workshop further Councillor comment was received. These suggestions and comments are assessed later in this report.

Further Community Response

The McLeans Ridges Community Group is a group that was formed to coordinate community response to the two rezoning proposals incorporated in draft LEP Amendment No 20. A representative from the group addressed Council during public access at the Council meeting of September 11, 2007. A number of issues were raised in that address and these issues are assessed later in this report.

McLeans Ridges Hall

Following initial telephone discussions with the secretary of the McLeans Ridges Hall Committee, the Committee has responded in writing that:

- It is agreed that the Cowlong /McLeans Ridges Road intersection is dangerous and the issue needs to be addressed
- Rear access to the hall grounds would be safer for vehicular use and this is achievable subject to some works being undertaken.
- From the committee’s point of view parking at the hall is not an issue however they would be happy for the area outside of the fence to be reshaped to accommodate vehicles.

Assessment of issues/suggestions raised by Councillors and the community

The following is an assessment of the issues and suggestions that have been received in response to the Councillor workshop held on September 4, 2007:

Suggestions put forward by Councillors at the workshop

1. Costs in the Planning Agreement should be indexed using the Construction Index rather than CPI.

Comment: *Agreed. This can be incorporated into the new draft Planning Agreements.*

2. Council to record traffic counts on surrounding road network.

Comment: *This will be done by Infrastructure Services and available prior to assessment of future*

applications.

3. Look at possibility of acquiring an alternative site for an improved hall. The McLeans Ridges Hall Committee to be consulted in any negotiations.

Comment: A meeting was held with representatives from the hall committee on September 18, 2007 to discuss various issues affecting the hall that were canvassed at the workshop. Committee representatives were asked about their views on a potential alternative community centre closer to the development site. They replied that, in spite of several letter drops by the committee to all local residents, the hall does not receive a high level of use with just three regular bookings each week and the occasional one off event. Use of the hall has declined over the years and it is not anticipated that extensions to the hall will be necessary in the foreseeable future. The committee were not opposed to the idea that the existing hall could possibly be moved to a larger site in Cameron Road at some time in the future. The acquisition of a larger public site, suitable for future hall usage would keep open the opportunities to provide for the community in the future.

4. Consult Council's Parks Section regarding the need for a new sporting field in the locality.

Comment: Council's Parks Coordinator has been consulted on this matter. Given the projected growth there is no current requirement for a sporting field in this area. Future active open space needs in the locality can probably be met by extensions to the Sam Trimble Oval at Bexhill.

5. Consult with the Department of Education and Training regarding school capacity in the area.

Comment: A copy of the proposal has been forwarded to the Department of Education and Training and Council is awaiting their comment.

6. Dual use of footpaths (pedestrians/cyclists)

Comment: The amount of land available within the road reserve may preclude the development of a full width cycleway/pedestrian footpath, however with the relatively low level of use generated in the area dual use of the footpath should not create significant problems.

7. Investigate use of swales and table drains rather than kerb and gutter.

Comment: The applicants will be asked to investigate the use of swales and table drains in their re-design.

8. Reconsider the value of the proposed park in the Roseview Road proposal as there may be a better solution.

Comment: There is an opportunity to provide a larger, more centrally located area for community open space near the corner of Cameron Road and the proposed Road No 1. An area of around 6000m² could service both developments and could accommodate a picnic area/playground, 2,500m² "kick around" area as well as a future community centre/preschool if needed. A suitable lot close to the community lot could also be nominated as a preferred site for a future neighbourhood shop. Pedestrian and cycleway access to the area could be facilitated by constructed footpaths ultimately connecting the two development areas.

9. Ensure that the Teak tree in Roseview Rd is adequately protected.

Comment: An arborist's report will be required to address the on-going protection and care of the Teak tree. If the tree is to be incorporated into the road reserve it should be located within a "blister" of sufficient width to ensure that disturbance of the root system is avoided.

Further Councillor comment received following the workshop

10. Support for a minimum lot size of 5000 m² combined with a minimum lot frontage of 70 metres.

Comment: *An increase in minimum lot frontage is unlikely to result in lots much less than 5000 m². If such a minimum were to be adopted, the applicants could probably satisfy this requirement by extending the lots further down the slope and encroaching into the riparian areas which ideally should be consolidated into single large lots.*

11. The loop road in the Roseview proposal should be replaced with a single road and cul-de-sac to retain consistency with the character of our rural areas. The other advantages of this are that the road would run along the top of the ridge therefore eliminating any need for kerb and guttering, and with the cost reduced from \$1 million for the proposed loop road then the pressure on increased density is reduced.

Comment: *It is agreed that a re-design of the Roseview proposal to accommodate wider lot frontages should also accommodate a single road layout.*

12. Support for 50m frontages with a 25m wide building envelope and 5m “no build” landscaped zones on the boundaries. This would create a 25m gap (10m of which is landscaped) between each building. With a 50m frontage the loss of lots is minimized. Also, there may be some topographical reason why some lots have to be less than 50m frontage. If so Council should allow a compromise in these circumstances. It is easy to say that a 60m or 70m frontage will only lead to the loss of 1 additional lot – it’s the cumulative loss that is the concern.

Comment: *It is considered that a minimum of 70m frontages is reasonable having regard to the need to reduce density while still maintaining viability of the proposals.*

13. Council should not be increasing S94’s for the extended parking area but rather ‘re-directing’ some of the current \$600/lot towards the carpark. The real consequences of additional usage include carpark, on site sewer, and maybe some emergency exit signs (if they don’t exist already).

Comment: *Relocation of the vehicular access to the rear of the McLeans Ridges Hall will have considerable safety benefits, is supported by the hall committee and is likely to result in minimal increase per lot to the contribution rate.*

14. Council should establish a ‘line in the sand’ regarding re-exhibition otherwise we could have umpteen iterations of exhibitions and workshops and eventually get to a 1 lot subdivision. Maybe the “Possible Recommendations” from Tuesday night with some refinement is that ‘line.’

Comment: *Any changes to the proposals as recommended by staff at the workshop will require re-exhibition of those proposals.*

McLeans Ridges Community Group

15. Requirement for 70m lot frontages will do little to decrease visual impact. Richmond Hill Road is a poor example as it is a single road with lots on either side whereas in the Roseview proposal there are multiple layers of development.

Comment: *The Roseview proposal can be re-designed so that it has a single road and cul-de-sac.*

16. In the existing Roseview development the lots are all over 1ha and are irregular in shape and not created in a line along the ridgeline.

Comment: *As the current rezoning applications will not proceed it is premature to draw comparisons between the existing stages of Roseview and any applications which may be lodged in the future.*

17. Proposed developer contributions are not enough to adequately upgrade the road system. If the road network can’t be fully upgraded to a suitable standard the development should not proceed.

Comment: *The contributions are sufficient to upgrade the full length of Cowlong Road to the development with further contributions being directed to “black spots” on Boatharbour Road. No increase in road contributions is recommended.*

18. No traffic counts on local roads have been done.

Comment: *Infrastructure services will undertake traffic counts on roads in the area.*

19. Little consideration has given to comments in the submission from the Environmental Defender's Office.

Comment: *The EDO submission raised the following issues:*

- *Lack of community consultation by the applicants*
- *Adverse impacts on scenic amenity*
- *Deficiencies in ecological assessments*
- *Failure to consider cumulative impacts of on-site wastewater disposal*
- *Failure to adequately assess risk of land use conflicts*

In terms of impact on scenic amenity this is a matter that is being addressed by the current process. DECC has raised no issue with the adequacy of the ecological assessments and the cumulative impact of wastewater disposal is an issue that is addressed through compliance with Council's On-Site Wastewater Management Strategy. The EDO has raised potential conflict with horticulture as an issue however the nearest macadamia plantations are well outside Council's DCP requirement for buffers to horticulture.

20. Revegetation plans for gullies and steep blocks are inadequate. When cattle are removed these areas will be infested with weeds.

Comment: *This issue can be addressed in future proposals.*

21. The recommendation for an arborist's report for the Teak tree does not address other threatened species close to the loop road in the Roseview proposal.

Comment: *It will be recommended that the loop road concept be abandoned in favour of a single road. Threatened species require a Plan of Management to ensure their protection. Teaks are not a threatened species and a Plan of Management is not required. Council's Parks Coordinator has recommended the requirement for an arborist's report.*

22. How will the 5m landscaped “no build” areas be enforced and maintained? Trees will also block solar access.

Comment: *The species planted in the “no build” zone need not be sufficiently high as to preclude solar access to the dwellings.*

23. Given the projected ultimate population for McLeans Ridges, the social needs of the community have not been addressed. The Community Facilities Needs Assessment identifies the importance of having a multi-purpose community facility which can provide a range of services to the community including sporting fields, playground equipment, tennis court and general park facilities. This is impossible at the McLeans Ridges Hall site.

Comment: *This issue has been addressed under points 3 & 8 above.*

24. There is concern that the proposals are not consistent with the Lismore Rural Housing Strategy (LRHS) in that they are not compatible with nor compliment existing settlement patters or the natural environment and they do not maintain nor enhance the existing services or facilities.

Comment: *It is acknowledged that the current proposal are deficient in a number of areas however there exists a diverse range of lot shapes and sizes within the McLeans Ridges area which provides*

latitude when making comparisons.

25. There is concern that existing traffic data is not available and that the overall strategic plan for McLeans Ridges has not been made public.

Comment: *Council recognises that Cowlong Road requires upgrading as does Boatharbour Road. Traffic information will be gathered and made available. The “strategic plan” for McLeans Ridges, in regard to closer Rural Settlement has been available in the LRHS document since 2002.*

26. We have not had sufficient opportunities to be involved in the planning process. Again, we would like to emphasise that our community would like to work with Council to develop a holistic vision and plan for our community. We would like access to a consultant or the expertise from Council that will help us do this. We believe that this must be done before any decision can be made around the rezoning of land in McLeans Ridges.

Comment: *The LRHS clearly identified that McLeans Ridges was an appropriate area for future residential development and is a document adopted by Lismore City Council. Landowners are entitled to rely on this document and it would be inappropriate for Council to encourage a reassessment of the LRHS after landowners have sought to bring forward rezoning proposals within the framework of the strategy. If the community were uncomfortable with the strategy as adopted, they have had since 2002 to bring forward timely amendments.*

27. A cap on the eventual population of McLeans Ridges. We propose that Council consider determining a population ‘cap’ (or a cap on the number of dwellings) for McLeans Ridges, based on a realistic and thorough assessment of what the area’s topography, roads and services can sustain while preserving its rural character and natural environments, and protecting the amenity enjoyed by present and future residents.

Comment: *It would be unrealistic to try to determine a population cap for any area.*

28. Ridgeline development should be restricted so that the visual impact is minimised.

Comment: *Council’s LEP already contains a clause which provides guidance in regard to ridgetop development in rural areas and this issue is addressed in the recommendations.*

29. In any proposals for development we would like to see lot size and layout compatible with the existing Roseview Estate, that is, minimum lot size of 1 hectare (10,000m²). The blocks should be irregular, which means building envelopes are not lined up near each other. This would give a rural feeling to the subdivision and respect the rural amenity of the area.

Comment: *It has already been noted that an arbitrary lot size will not necessarily result in an attractive development. The premise that dwellings should have staggered building lines is supported.*

30. We would like to see common land and revegetation in a continuous ecological corridor connecting existing remnants.

Comment: *This proposal has merit but may be subject to site specific constraints.*

31. As increased traffic makes it dangerous for residents to walk or ride around the area, walking/cycling/riding paths could be incorporated into the revegetated corridor (linking these and any future developments) and giving residents opportunities for recreational activities without leaving the area.

Comment: *This issue has been addressed in Point 6.*

32. A Multipurpose Community Facility (identified as a basic requirement in the Community Facilities

Needs Assessment) is already needed for the McLeans Ridges community at its current size, and therefore must be included in proposals for further development. This should incorporate facilities such as a meeting place/hall with adequate seating and parking for the current and proposed population, facilities for families such as a playground and park, barbeque facilities, and sporting facilities such as a tennis court. It would need to be situated in a place that is safely accessible to all residents, eg: Tullera.

Comment: *This issue has been addressed in Points 3 and 8.*

Comments

Financial Services

Not required.

Other staff comments

Not required.

Public consultation

This report recommends that the applicants be invited to make substantive variations to original proposals that have been publicly exhibited. Changes are also proposed to the draft Planning Agreements that have also been exhibited. Draft LEP amendments and Planning Agreements have a minimum statutory exhibition period of 28 days. If amended proposals are received that satisfy the criteria agreed to by Council, the draft LEP Amendment should be re-exhibited by Council for a further 28 days.

Conclusion

Given the number and range of issues raised in the public submissions, it is considered that both the Cameron Road and Roseview Road proposals in their current form are unacceptable and that draft LEP Amendment No 20 should not proceed with the proposals in their current form. It is proposed that the applicants be invited to submit amended proposals that incorporate the recommended changes as discussed in this report.

Council will need to consider a further report on the amended proposals prior to resolving to place them on public exhibition.

Recommendation

That Council:

1. Advise the applicants of both the Cameron Road and Roseview Road rezoning proposals that the applications in their current form are unacceptable to Council.

2. Invite the applicants to submit amended proposals that:
 - provide for minimum lot widths of 70m at the building line, other than for battleaxe lots or lots situated at the end of cul-de-sacs, and
 - provide a 5m landscaped area in “no build” zones along the first 40m of all side boundaries of all lots, and
 - provide a revegetation plan of the Cameron Road reserve using local rainforest species, and
 - integrates appropriate stormwater management and driveway design into roadside table drains, so as to negate where possible, the need for kerb and gutter within the road designs, and
 - achieves an integrated outcome for the design and location of approximately 6,000m² of open space and community facilities in a more centralised location within the McLeans Ridges strategy area, and
 - includes an arborist’s report that provides for the protection of the Teak tree on the Roseview Road proposal, and
 - provide appropriate footpaths/cycleways to support the centralised community open space, and
 - promote reduced building line setbacks for lots with frontages greater than 70m, and
 - facilitate the utilisation of ridgetops for road usage to ensure future dwellings are located below ridges and do not have linear building line setbacks, and
 - encourage non linear road alignments.
3. Prepare amended draft Planning Agreements that include:
 - an additional \$2,366 per lot to be allocated towards the upgrading Boatharbour Road (being equivalent to the current S 94 contributions for roads that would otherwise be payable),
 - a provision that no other S94 roads contribution will be applicable, and
 - a provision that all monetary contributions are to be adjusted annually to reflect any increase in the Construction Price Index.
4. Include the Cowlong Rd/BruXner Hwy intersection within the area of the traffic model to be developed by TTM Consultants.

Report

Subject	S94 Contributions Plan – Woodlawn Ave to Ballina Road
File No	S517
Prepared by	Strategic Planner
Reason	Close of public exhibition of the draft S94 Plan and completion of Council workshop
Objective	Council's adoption of the Contributions Plan incorporating proposed amendments
Strategic Plan Link	Infrastructure
Management Plan Activity	Review and update planning controls

Overview of Report

This report follows the Councillor workshop on the draft section 94 Plan for Woodlawn Ave held on September 18, 2007. It is recommended that Council adopt the Contributions Plan incorporating the proposed amendments to the exhibited plan.

Background

At its meeting of August 14, 2007 Council considered a report on the draft Section 94 Contributions Plan for a new road linking Woodlawn Ave to Ballina Road at or near the Rous Road intersection following the public exhibition of the draft plan. Direct access to Ballina Road will be required to address traffic and safety issues arising from increased traffic generated by new development in the area. The purpose of the draft Section 94 Plan is to provide developer funding for a future road link.

Council resolved to defer consideration of the matter pending a Councillor workshop to discuss the route and design of the proposed road.

At the Councillor workshop on September 18, 2007 several options for a road route linking Woodlawn Ave to Ballina Road were discussed. The contribution rates in the exhibited draft Section 94 Plan were based on cost estimates for one of those options.

A copy of the original report to the August 14 meeting is attached to this report.

Comments

Financial Services

Not required.

Other staff comments

Council's Development Engineer provided input into the preparation of the Section 94 Plan.

Public consultation

The draft Contributions Plan for Woodlawn Ave to Ballina Road was exhibited for twenty eight (28) days from April 23, to May 21, 2007. Landowners potentially affected by the draft plan, including those with

properties fronting Trinity Drive in the section north of Woodlawn Ave, received written notification of the plan's exhibition.

Thirteen submissions were received to the draft Contributions Plan. Seven submissions were received from residents in Trinity Drive. Two submissions were received from landowners whose properties would have to be acquired under the plan. One submission was received on behalf of two landowners where partial property acquisition is proposed and submissions were received from the owner of Area 1 and from his consultant surveyor. One submission was received from someone who is not a resident of the area who claims the plan subsidises developers. Copies of the submissions are provided in a separate attachment for Councillors. The following is a summary of the issues raised in the submissions:

Submissions from residents of Trinity Drive:

Trinity Drive residents raised the following issues:

- Trinity Drive has a strong sense of community. It is a safe place for children and for people to walk. This will be jeopardised by increased traffic (7 submissions).
- Trinity Drive will become a short cut for through traffic, there should be no continuous link between Ballina Road and Bangalow Road (4 submissions).
- Additional traffic will have an adverse effect on property values (3 submissions).
- The nature strips are too narrow to accommodate the proposed off-street parking bays and the proposed bays are unattractive (6 submissions).
- The Woodlawn Ave / Trinity Drive intersection is 'blind' (1 submission)

Comment:

Many of the issues raised by the Trinity Drive residents are matters that will need to be addressed in more detail when a rezoning submission for the Trinity Drive release area is lodged with Council. It is anticipated that this will occur within the next two months as the owners have expressed interest in seeking a rezoning as part of the comprehensive LEP review process. The draft Contributions Plan does not pre-empt Council's decision on the rezoning. If Council were not to support the rezoning, the Contributions Plan would have no effect in terms of this land. However the Trinity Drive land has been zoned 1(d) Investigation since 1992 and is identified in Council's urban strategy as having residential development potential. It is therefore reasonable to assume that a proposal in some form will ultimately be successful. Issues raised by Trinity Drive residents should be addressed by the proponents in their rezoning submission. Trinity Drive should not become a short cut for through traffic and the road design and configuration in the new release area will need to incorporate appropriate measures to discourage through traffic. The proposed Pineapple Road / Lagoon Grass Road link is identified in Council's DCP as the alternative through road from Ballina Road to Bangalow Road. This road will be designed to encourage use by through traffic.

Development of the Trinity Drive release area will generate a need to upgrade a section of Trinity Drive north of Woodlawn Ave. Both Trinity Drive and Woodlawn Avenue are of insufficient width to accommodate the expected traffic volumes. To provide the extra width it is proposed that the existing upright kerb be replaced by layback kerb with parking bays constructed upon the road verge along one side of the street only. The removal of parked vehicles along one side of the carriageway will ensure that two through traffic lanes can be maintained at all times. It has been observed that a number of vehicles in Trinity Drive already park on the footpath rather than in the carriageway. The construction of parking bays will formalise that process. The parking bays would be constructed only where they can be accommodated within the road verge and would not create a continuous strip of parking along the road.

In terms of the sight distance at the existing intersection of Woodlawn Ave and Trinity Drive, it is considered that sight distance for the intersection can be achieved.

There were also some questions raised in the submissions by Trinity Drive residents:

1. Will traffic from Area 1 be able to access Woodlawn Ave before Area 2 is developed?
Comment: Because Area 1 is already zoned 2(a) Residential it is likely that this area will be developed before Area 2 and could have access to Woodlawn Ave although this will be subject to the findings of a traffic analysis that would be considered as part of that DA.
2. There are no playgrounds in Trinity Drive. Will new development be required to provide them?
Comment: The rezoning submission will be accompanied by a community needs assessment that will identify local open space requirements for the area which the developer will be required to provide.

Submissions from owners of property likely to require full acquisition

Two submissions were received from owners of properties likely to require full acquisition under the plan.

Submission No 1

The owner has advised that any objection he might have would be dependant on when the proposal will become a reality. He has asked the following questions:

- What is the timeframe for the proposal?
- What compensation will apply to landowners?

Comment: It is anticipated that the Trinity Drive landowners (Area 2) will lodge a rezoning submission as part of the current comprehensive LEP process. That process has a deadline for completion by March 2009. Given further time involved in the development approval process and subdivision construction, as well as the staging requirements for the subdivision to commence at the northern end, it would be expected that development in Area 2 would not connect to Trinity Drive within the next five years but the timeframe could possibly be much longer. However if development of Area 1 cannot proceed without a new access to Ballina Road there could be pressure for Council to forward fund the road. Given the necessary processes of property acquisition and approvals before construction could commence, it would be very unlikely that this could occur before 2010. Landowners would receive full compensation for their properties under the Land Acquisition (Just Terms Compensation) Act 1991.

Submission No 2

The submission is from people who have only recently purchased a property that would require full acquisition to accommodate the road. The submission states that the previous owners did not receive correspondence from Council regarding the draft plan although Council's records show that a letter was sent to them on April 19, 2007 and has not been returned as undelivered mail. The new owners are opposed to the proposal because:

- They are looking forward to living in their new house and do not want to loose it.
- The gradient of the proposed road route is too steep to meet current standards.
- The route cuts through a koala corridor.
- Rous Road roundabout is already a congested intersection.
- Woodlawn Ave and Trinity Drive are too narrow to handle the extra traffic
- The road will wreck development plans for the neighbouring property (Area 1).
- There was insufficient information provided with the proposal.

Comment: The owner's distress at having just purchased a property and then find that it is targeted for future road acquisition is understandable. As discussed previously, the construction of the road would be unlikely to occur before 2010, but it is more likely that the timeframe will be considerably longer than this. The Section 94 Plan is simply to put in place the mechanism for collecting contributions for the road over a number of years. Landowners who have all or part of their properties acquired would of course be fully compensated under the Land Acquisition (Just Terms Compensation) Act. It would be premature at this stage for detailed designs of the proposed road to be prepared. The design of the road will be dependant on a number of factors including the internal road design for Area 1 which Council has not yet received. Consequently it has not been possible to provide more detailed information than that provided in the section 94 Plan.

A preliminary investigation of the proposed route indicates that it is possible for the road to be constructed within the proposed alignment although the anticipated grades will exceed the desirable grades for such roads. However given the lack of viable alternatives the proposed route is considered to be acceptable.

Traffic consultants TTM have undertaken a traffic impact study to ascertain the impact that the proposed road and additional traffic would have on the Rous Road roundabout. This issue is discussed in more detail later in this report.

Submission from owners of land targeted for partial acquisition

This submission is from two landowners whose properties are adjacent to the Rous Road roundabout and where acquisition of relatively small areas of each property would be required. One of the properties (Tulloona House) has heritage listing. The issues raised in the submission are:

- Both properties have difficult access (from in front of the Stegbar building) and previous requests for direct access to the roundabout have been denied.
- The land is in a koala corridor and koalas are frequent visitors
- The proposal will result in the loss of the Stegbar building which is of heritage significance.
- The volume and frequency of traffic will be increased.
- There was insufficient information provided with the proposal.

Comment:

1. As no detailed plans of the road have been prepared it has not been possible to show how the access arrangements for the two properties will be accommodated at this stage. However the road design will have to make provision for access to both properties and it is likely that the new access will be an improvement on the current arrangements.
2. It is likely that koalas move through the area however Council's mapping of koala habitat shows that there are only isolated patches of marginal koala habitat in the area. There is a larger area of remnant vegetation at the Woodlawn Ave end of the proposed road link but this is also identified as marginal koala habitat and would be unlikely to preclude the construction of the road.
3. Council's heritage adviser has assessed the heritage significance of the Stegbar building. It was built by John Morris, the third owner of Tulloona House, as a garage and service station circa 1930's. The curved frontage with simple curved geometric shapes and raked horizontal mortar joints is described as Inter-War Functionalist Style. Minor modifications have been carried out during the life of the building.

This building does have significance as part of the development of the Tulloona site and should be recorded by means of existing condition plan drawings and photographs of the exterior and interior. However the assessment states that both the Stegbar building and the stucco cottage to the east of Tulloona House are intrusive items on the curtilage of the original four-acre garden setting of Tulloona and its outbuilding structures, as built by the original owner William Jessie Northcott. This also is the case for housing at the rear of original curtilage. The proposal to create a road through the Stegbar site may provide an opportunity to retrieve part of the original open curtilage of the west portion of Tulloona House's garden setting.

4. The issue of the level of detail on the proposed road design and alignment that is available has been discussed previously.

Submission from owner of Area 1

- Objects to a road through his land to cater for future development in the Trinity Drive area
- The plan would have an adverse effect on the operation and future of (Area 1) and surrounding properties.
- Other less intrusive and less costly alternatives need to be investigated.

Comment:

1. Development in Area 1 will eventually result in the linking of Cavendish Road and Bruxner Crescent. The existing road network provides poor alternatives for vehicles accessing Ballina Road from properties north of Ballina Road. The current access options for traffic from new development in Area 1 are either Deegan Drive or Bruxner Crescent. Neither of these intersections has suitable geometry or location to facilitate upgrading to accommodate the additional traffic. Bruxner Crescent is steep at its intersection with Ballina Road making it difficult for vehicles to queue in Bruxner Crescent while waiting to enter Ballina Road. The right turn movement from Ballina Road into Bruxner Crescent requires turning vehicles to stop in Ballina Road in the through traffic lane while waiting to turn. There is a high accident incidence (at least 10 tow away accidents in the last 5 years) at this location. Due to the grades on either side of the existing road pavement, widening of the pavement to provide a suitable turning treatment is not feasible.

At the Deegan Drive intersection Ballina Road is a divided carriageway with height differential. Therefore the Deegan Drive intersection is a left in/left out only intersection. Traffic leaving Deegan Drive to head west towards the CBD is required to travel one kilometre in the opposite direction to the Gordon Blair Drive roundabout to change direction. Traffic entering Deegan Drive from the east is required to use the Rous Rd roundabout to change direction of travel in order to approach Deegan Drive. The limited distance from the Rous Road roundabout to the Deegan Drive intersection makes it difficult for vehicles to make a right hand turn around the roundabout then a left turn into Deegan Drive. In light of these issues it is undesirable that significant additional traffic movements be placed upon this intersection.

2. Although the proposed new road link will involve some steep longitudinal grades and some property acquisition, it appears to be the only feasible option for new development to access Ballina Road. One of the benefits of this option is that it utilises an existing intersection by introducing an additional leg to the current roundabout. A preliminary investigation of the proposed route indicates that the proposal is feasible although longitudinal grades will approach the maximum allowable and will require cuts of up to 3 metres. The option of utilising the Rous Road roundabout appears to be the most practical and feasible option available for upgrading of access to both Areas 1 & 2.

Submission from consultant for Area 1

- The plan does not adequately establish the nexus between the demonstrated need and the requirement for land acquisition
- The plan does not demonstrate the 'public benefit' of the proposal
- The plan does not consider alternative access proposals
- The plan does not adequately determine the quantum of public expenditure required
- The plan does not substantiate the projected road, acquisition and associated costs.
- The plan does not substantiate that the link road can be constructed to RTA and Council standards.

Comment: There is a clear nexus between the need for a new access to Ballina Road and proposed development in both Area 1 and Area 2 due to the volume of traffic that each development will generate and the unsuitability of existing intersections. Because the requirement for the new access to Ballina Road will be generated by new development the cost is apportioned 100% to new development. There is a distinct public benefit in having new development fund the necessary infrastructure required to service it rather than that burden falling on the wider community. Moreover there is a broader public benefit in facilitating new residential subdivision that will make a significant contribution to Lismore's growth and development.

The land acquisition costs in the plan are based on current land valuations provided by a registered valuer. In the absence of detailed engineering design plans the cost estimates for road construction

have been based on average costs per m² of construction. This is the best information available to Council at this time. Although only a preliminary investigation of the route has been undertaken, it indicates that the proposal is feasible and capable of being constructed.

Submission concerning developer subsidy

This submission claims that the fees being charged are not equal to the costs and that Council is subsidising developers.

Comment: The entire rationale of the S94 Plan is to ensure that infrastructure required to service new development is funded by that development.

Issues related to the Rous Road roundabout

Council engaged TTM Consulting to prepare a Traffic Impact Study to investigate the impacts that the proposed additional access road would have on the functioning of the existing roundabout. The study has found that the existing roundabout will not have the capacity to support the additional traffic from the link road to the north. The study also found that the existing intersection will reach full operating capacity by the year 2012 as a direct result of background traffic growth even without the construction of the additional access from the north.

TTM recommends that upgrading the intersection to traffic signal control presents the most beneficial outcome to accommodate future traffic demands as well as the northern link road with traffic from Areas 1 and 2.

Council staff have met with the RTA to discuss the issue and explore potential funding opportunities for upgrading the intersection in accordance with the TTM recommendations. The RTA supports a holistic approach to intersection upgrading along the Bruxner Highway and have recommended an investigation of all intersection capacities within the urban area. It was proposed that the traffic model currently in preparation for the CBD precinct could be expanded to include the wider urban area and that RTA funding would be available to assist with such a project.

The outcome of such a study would lead to a review of the strategic urban roads works schedule in Council's citywide S94 Contributions Plan. At present there is some upgrading of Bruxner Highway intersections proposed in the Plan. It is likely that this will need to be changed to reflect the results of the modelling which would also take into account impacts of traffic from future residential release areas identified in the Lismore Urban Strategy.

The main costs of upgrading the Rous Road intersection would be included in the citywide Contributions Plan, however the additional costs of providing traffic signals for the northern road link (estimated at \$100,000) would be a component of the local Contributions Plan for Woodlawn Ave.

Conclusion

The geometry and location of existing intersections at Bruxner Crescent and Deegan Drive mean that it is impracticable to upgrade these intersections to accommodate the additional traffic that may be expected from future development in the area. The Trinity Drive release area has an estimated potential of 330 lots and is one of the major release areas that will facilitate future growth and development in Lismore. It could be many years before the proposed road link is constructed, however if there is no forward planning to secure the route and fund its construction, a significant component of Lismore's future growth potential could be jeopardised.

The traffic analysis undertaken by TTM indicates that the road will have a detrimental effect on traffic flows at the roundabout particularly during the morning peak, however TTM also found that the existing intersection will reach full operating capacity by the year 2012 even without the construction of the road link from the north. In view of this the cost of upgrading the intersection should be met on a citywide basis using RTA funding and S94 contributions collected through Council's citywide Contributions Plan. However the cost of providing traffic signals for the northern road link should be met wholly by new development in Areas 1 and 2 and should be included in the local Contributions Plan.

The exhibited plan included an amount of \$350,000 for land acquisition within Area 1. This was to purchase part of the proposed road corridor to connect to Ballina Road. However as discussed in this report, it is unlikely that existing intersections at Bruxner Crescent or Deegan Drive could accommodate the additional traffic generated by development in Area 1 (an estimated 550 traffic movements per day). Furthermore the Lismore DCP identifies the Woodlawn Ave to Ballina Road link through Area 1 so that future development of this area would be required to accommodate the road corridor within its internal road design thus making land acquisition within Area 1 unnecessary.

Consequently this cost should be deleted from the plan and the additional cost of providing signals for the northern road link included. The overall impact on the contribution rate would be a reduction of \$665 per ET for Area 1 and \$670 per ET for Area 2. The following tables show the original schedule of estimated of costs and the revised schedule that includes the cost of providing signals:

Original schedule of estimated costs:

Description of works	Location	Estimated cost
Land purchase	Ballina Road properties	\$755,000
Land purchase	Within Area 1	\$350,000
Road construction	Ballina Rd to Area 1	\$370,000
Road upgrading	Within Area 1	\$118,000
Sub-total		\$1,593,000
Road upgrading	Woodlawn Ave	\$8,500
Road upgrading	Trinity Drive	\$42,000
Sub-total		\$50,500
TOTAL		\$1,643,500

Proposed amended schedule of estimated costs:

Description of works	Location	Estimated cost
Land purchase	Ballina Road properties	\$755,000
Provision of signals	Rous/Ballina Rd	\$100,000
Road construction	Ballina Rd to Area 1	\$370,000
Road upgrading	Within Area 1	\$118,000
Sub-total		\$1,343,000
Road upgrading	Woodlawn Ave	\$8,500
Road upgrading	Trinity Drive	\$42,000
Sub-total		\$50,500
TOTAL		\$1,393,500

A copy of the amended Contributions Plan for the Woodlawn Ave to Ballina Road link incorporating the revised works schedule shown above is attached to this report.

Recommendation

That Council:

1. Adopt the Section 94 Contributions Plan for the Woodlawn Ave to Ballina Road link as attached to this report which incorporates the recommended amendments contained in the August 14 report, and
2. Give notification of its decision in accordance with clause 31 of the EP&A Regulation 2000.

2.2 Specific Urban Roads

This part of the Contribution Plan applies to specific roads in the urban area that require construction or upgrading to cater for additional traffic generated by anticipated new development within the immediate locality.

2.2.1 Road Link between Woodlawn Avenue and Ballina Road

Where does this part of the Plan apply to?

This part of the Plan applies to Area 1 and Area 2 as identified on the Map.

Causal Nexus

The need for a new road link to service the future development in Area 2 is identified in Council's Lismore Urban Strategy and its Development Control Plan for the Lismore urban area. The new road will be required to accommodate traffic resulting from future residential development in both Area 1 and Area 2. Both Area 1 and Area 2 lack a satisfactory road access from Ballina Road and existing intersections at Deegan Drive and Bruxner Crescent are unsuitable for the volume of traffic expected to be generated by new development in the locality. The construction of a new road linking Woodlawn Avenue to the Rous Road intersection is required to overcome the problems that additional traffic in this area will generate.

The need for a new link road and access to Ballina Road is wholly attributable to new development in the area as existing roads and intersections are considered to be adequate for the existing residential development in the locality.

Physical Nexus

The location of the proposed new road has been determined having regard to the location of the increased demand, topographic characteristics, and limitations in terms of providing a functional intersection with Ballina Road.

Temporal Nexus

Construction of the road will be required before any further development north of the existing residential zone boundary in Trinity Drive and Ashgrove Drive is permitted to connect to either Trinity Drive or Ashgrove Drive.

What is the formula for calculating contributions?

The formula for calculating contributions for the new road link and intersection is as follows:

$$\text{Contribution (per ET)} = \left\{ \frac{C}{N} + AL \right\} \times \text{CPI}$$

Where:

C = total cost of road construction and upgrading.

N = estimated number of new lots/ET's within the local catchment area.

AL = administration levy of 2.5% (see clause 15 of Part B)

CPI = Consumer Price Index (see clause 13 of Part B)

What are the estimated costs of constructing the new road?

The estimated costs of providing a new road link from Woodlawn Ave to Ballina Road at the Rous Road roundabout are set out in the Table below:

Description of works	Location	Estimated cost
Land purchase	Ballina Road properties	\$755,000
Provision of signals	Rous/Ballina Rd	\$100,000
Road construction	Ballina Rd to Area 1	\$370,000
Road upgrading	Within Area 1	\$118,000
<i>Sub-total</i>		\$1,343,000
Road upgrading	Woodlawn Ave	\$8,500
Road upgrading	Trinity Drive	\$42,000
<i>Sub-total</i>		\$50,500
TOTAL		\$1,393,500

What are the contribution rates for the new road link

Area 1 has an estimated lot yield of 55 lots. Area 2 has an estimated lot yield of 330 lots, giving a total estimated lot yield for the locality of 385 lots. There is no causal nexus between new development in Area 1 and the requirement for upgrading works in Woodlawn Ave and Trinity Drive. Consequently the contribution for Area 1 does not include the costs of upgrading Woodlawn Ave and Trinity Drive. These costs will be borne entirely by new development in Area 2.

The contribution for Area 1 is:

$$\begin{aligned} \text{Contribution (per ET)} &= \frac{\$1,343,000}{385} + 2.5\% \times \text{CPI} \\ &= \$3,575 \times \text{CPI} \end{aligned}$$

The road contribution for Area 2 is:

$$\begin{aligned} \text{Contribution (per ET)} &= \frac{\$1,343,000}{385} + \frac{\$50,500}{330} + 2.5\% \times \text{CPI} \\ &= \$3,730 \times \text{CPI} \end{aligned}$$



Report

Subject	Amendment to Development Application for Crozier Field to remove requirements for public access at nominated times
File No	DA 5.1997.309.2
Prepared by	Development Assessment Coordinator
Reason	To ensure consistency between the development consent and the recently adopted plan of management.
Objective	Determination of the section 96 application
Strategic Plan Link	Quality of Life
Management Plan Project	Determination of development applications

Overview of Report

The plans of management and the development applications for Crozier Field have been through much iteration, public consultation and have been the subject of several challenges to their validity in the Land and Environment Court. This application is to bring the development consent into alignment with the plan of management. The application involves the deletion of two conditions of development consent to allow for the field to be closed to public access when it is not being formally used. The report canvases the history of the site, the current plan of management and an assessment of the application under section 79C. The main issues associated with closure of the field are:

1. Crime prevention;
2. Loss of public access;
3. Pedestrian access;

Points 2 and 3 are not of such significance that they outweigh the crime prevention benefits gained by limiting access to the field.

Background

On July 10, 1995, the Lismore District Sporting Association (LDSA) lodged Development Application 95/268 "for the erection of a 900 seat spectator grandstand and associated perimeter fencing being of 2.5 metres maximum height" on Crozier Oval. DA 95/268 was approved on August 18, 1995, but a subsequent s102 (now s96) amendment resulted in the Development Consent being reissued without the fence component on August 20, 1995. The relevant building approval ("BA") 95/415 for the grandstand was issued on September 6, 1995. Thereafter, there were some works and the placement of certain structures on Crozier Oval.

The "Lismore Greens" commenced action in the Land and Environment Court on October 5, 1995. Both Council and the LDSA were respondents and the Greens sought declarations that DA95/268 and BA95/415 were null and void. They also sought orders restraining the LDSA from carrying out further work on Crozier Oval unless and until prior consent has been granted by Council.

On January 25, 1996, Justice Stein made orders along the lines sought by the Greens. The orders also required Council to demolish and remove the unauthorised work and structures within 6 months, but

liberty was granted to apply to be released from the undertaking in the event of a grant of development consent and building approval. The time for compliance with these orders was extended no fewer than five times.

On November 28, 1995, Council had adopted a generic Plan of Management covering all community land in the local government area, including Lismore Park. The rationale behind the 6 month extension of the demolition order on January 25, 1996 was to enable Council to prepare a Plan of Management that would apply specifically to Lismore Park, the generic plan having been regarded as inadequate.

To this end, a process of community consultation for a Lismore Park Plan of Management was carried out between May and July 1996 and a draft Plan of Management was exhibited on August 21, 1996.

On June 28, 1996 Justice Pearlman made further orders extending the period that the demolition had to be undertaken to January 31, 1997, and ordering that the respondents withdraw a new Development Application, DA96/146. The Court noted a further undertaking that the respondents would not lodge a further Development Application in respect of "the site known as Crozier Oval, 170 Magellan Street Lismore " pending adoption by Council of a Plan of Management in respect of Lismore Park, pursuant to the LGA.

On October 29, 1996, following the receipt of submissions on the draft Plan of Management, a detailed report to Council resulted in a resolution to adopt the Plan of Management, to abort the proposal to construct a football stadium, to demolish the grandstand, and to conduct a thorough investigation of alternative locations. However, a notice of rescission was given at that meeting and it succeeded at a subsequent Council meeting on November 13, 1996, where Council resolved that the draft Plan of Management be referred to the General Manager for further consideration and report.

The General Manager reported to Council on December 10, 1996 and Council resolved that a new Plan of Management be prepared and that a Steering Committee oversee the preparation of that plan. The Steering Committee met during February-April 1997, and on May 5, 1997 the second draft Plan of Management was placed on exhibition.

On July 8, 1997, Council resolved to adopt the draft plan ("the July Plan"), and resolved to prepare and lodge a development application for a grandstand for 900 persons, a security fence, and other related facilities.

A third draft version of the Plan of Management for Lismore Park was placed on exhibition on September 22, 1997. It was adopted by Council on 9 December 1997 and had the effect of revoking the July Plan.

DA 97/309, was lodged by Geolink on October 20, 1997. The application was independently assessed by external consultants, and Council granted consent on December 16, 1997 (to operate from January 9, 1998). Relevant building approval was subsequently granted for the grandstand (to operate from January 27, 1998).

DA 97/309 was for the continued use of Crozier Field (Oval) as a recreation area, and involving the following works:

- the erection of a roofed grandstand structure having a length of 66.7m, depth of 8.59m and maximum overall height of 7.56m;
- construct at ground level and to the rear (western side) of the structure, change rooms, showers, toilets, first aid and referee facilities;
- construct at ground level immediately northward of the grandstand structure a canteen and storeroom having external dimensions of 6.3m x 6.0m;
- construct a single storey toilet block westward of the grandstand structure abutting existing buildings associated with Oakes Oval;

- erect a 2.1 metre high security fence around the external perimeter of the sports field to enable security of the site during events;
- erect a 0.9 metre high spectator control fence around the playing field;
- undertake intense landscaping at the Magellan Street boundary of the site;
- provide earth mounding on the eastern side of the field to a height of around 900mm;
- regulate site access to provide for spectators, player and maintenance access via the northern end of the field (via pedestrian paths from both Dawson and Uralba Streets) and player and maintenance access via the western end of the field (via Oakes Oval);
- provide for emergency and services access only from Magellan Street; and
- undertake ancillary ground works including minor filling of the northern end of the site of approximately 30 cubic metres.

The 1997 December POM and DA 97/309 were subject to further court challenge in *AL OSHLACK ON BEHALF OF THE LISMORE GREENS v. LISMORE CITY COUNCIL* [1998] NSWLEC 227 (25 September 1998). The court upheld the POM and the development consent and discharged Council from its obligations (under the decision of Justice Stein January 25, 1996), to demolish the works already undertaken on the site.

Council then completed the works on the grandstand and fencing of the oval.

A s96 modification application (MC01/24) to undertake minor modifications to the referees and players change rooms was approved under delegated authority on May 25, 2001.

An updated draft Plan of Management was considered by Council at its meeting of September 12, 2006. A Councillor workshop on the draft Plan followed on September 26, 2006 and as a result the draft Plan was publicly exhibited from October 19, 2006 with submissions closing on November 30, 2006.

A Public Hearing for the draft Plan of Management was held on January 31, 2007. Three verbal submissions and three written submissions were received at the Public Hearing with respect to the draft Plan. A report on the Public Hearing was also prepared.

Council considered a report on the Draft POM at its meeting of April 10, 2007. The report covered the objections raised to the daytime closure of Crozier Field and the issues arising out of the Public Hearing. Council resolved to adopt the plan of management inclusive of the daytime closure of Crozier Field.

Current Application

The s96 application currently before Council seeks to amend the consent by deletion of conditions 27 and 29. These conditions are set out as follows:

27 *The use of the site for competition or other purposes which restricts public access through the site shall not exceed three (3) days average per week per year (156 days per year) and not exceeding eight (8) continuous daylight hours per day.*

29 *When access to the site is not restricted, the following gates shall remain open during the hours:*

*7.00am to 6.00 pm (EST) and
7.00 am to 7.00 pm (DST):*

the perimeter fence gates adjoining Magellan Street, Heaps Oval and Blair Oval, and all spectator

fence gates.

A copy of the application is provided in the attachments. The amendment of the development consent will bring the consent into line with the 2007 POM.

This application is made under the terms of section 96 (2) of the Environmental Planning and Assessment Act 1979. A copy of the relevant sections of the act is set out as follows:

(2) Other modifications

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 development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, 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 the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1) and (1A) do not apply to such a modification.

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application.

There is a wide discretion in determining if a development is substantially the same. The essential description of the development does not change nor does any of the works. It is not considered that the proposed change alters the inherent nature or intent of the development application enough so that a reasonable decision maker could not conclude that it is substantially the same development.

No consultation with external government agencies was required.

The application was notified in accordance with Council policy. This is discussed below under "Community Consultation". The submissions are also considered under that heading.

Section 79C Evaluation

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:

 - (i) any environmental planning instrument, and*
 - (ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making**

- of the draft instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
 - (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
 - (c) the suitability of the site for the development,*
 - (d) any submissions made in accordance with this Act or the regulations,*
 - (e) the public interest.*

79C (1) (a) (i) The land is zoned Zone No 6 (a) (Recreation Zone) under the terms of the Lismore City Local Environmental Plan 2000. Clause 29 (3) requires Council to consider if the application is consistent with the zone objectives. The objectives are:

- (a) to ensure access by the general public to adequate open space to meet the needs of all residents and provide opportunities to enhance the quality of the total environment of the City of Lismore, and*
- (b) to allocate land which will adequately provide both active and passive open space to service the present and future recreational needs of residents and visitors, and*
- (c) to manage flora and fauna on public open space.*

If objective (a) is read broadly and in the context of objective (b) then the adequate provision of open space across the whole of the locality to meet the passive and active open space needs of the general public is the intent of the objective. That is: if there is enough open space of varying categories (sportsground, park, natural area etc) in the locality to meet the needs of the general public and if a sufficient amount of that open space is accessible then the objective is met. In the context of Lismore Park there is a significant amount of land allocated for the community uses such as sportsground and park (refer map 3 of the 2007 POM). Only a small area being Oaks Oval and Crozier Field would be closed to public access during times when formal use of the fields is not occurring. The objective requires that the needs of the residents be met with respect to the provision of open space. Formal use of Crozier field for training and game use meets the needs of a section of the population. The other uses of open space can be fulfilled on other parts of Lismore Park which the public has unfettered access.

The alternate narrow reading of objective (a) is that access (at all times) by the general public to open space is a requirement to enable their recreation needs to be met. On this narrow construction the present modification application could not be said to be consistent with the zone objectives.

The narrow construction is not preferred because it creates a far too restrictive obligation on the Council with respect to appropriate management of swimming pools, recreation centres and other ovals such as Oaks Oval where unrestricted public access is not desirable or safe. It is common practice to restrict unfettered public access for safety or commercial reasons. There is also suitable open space where access is unrestricted to enable the recreation needs of the public to be met within the locality of Lismore Park. For the above reasons it is considered that the proposed modification is consistent with the zone objectives.

79C (1) (a) (iii) The Lismore Development Control Plan applies to the modification. Chapter 13 Crime Prevention Through Environmental Design is relevant to the assessment. One of the core objectives of the application is to minimise the potential for crime and vandalism on the site. The method used is access control. The restriction of access to areas with poor passive surveillance minimises the potential for minor property crime. The removal of the general public from this area removes potential targets for assaults, robbery and rape within the confines of the field. For this reason the closure of the field is recommended.

79C (1) (b) The most significant likely impact of the development are loss of public access and loss of a pedestrian thoroughfare. The public will still have access when the field is being used for formal sporting or training. This is considered an appropriate level of access given the nature and proposed use of the site. The loss of the pedestrian thoroughfare is less significant. There is still access to the CBD via Lismore Park or via Magellan Street.

79C (1) (c) There is no significant changes to the site itself. Only the level of access is varied.

79C (1) (d) Submissions are covered below under the heading "Public Consultation".

79C (1) (e) It is considered that the restriction of access is in the public interest. The loss of informal use of Crozier Field and pedestrian access is offset by the benefits of crime prevention and public safety. The formal use of Crozier Field will be retained.

Council should have consideration for the adopted plan of management in considering any application for development or modification of Community Land. This proposal is consistent with the 2007 POM.

Comments

Financial Services

Not required.

Other staff comments

The application was referred to Building Services, Infrastructure Services, Environmental Health and Lismore Water, none of whom raised any objection. The application was also referred to the Parks Coordinator who supports the application.

Public consultation

The proposal was publicly exhibited from June 21, 2007 until July 13, 2007. Notification letters were sent out in accordance with Chapter 10 Notification and Advertising of DAs of the Lismore DCP. A notice was placed in the Echo Newspaper on June 28, 2007. The original objectors to the DA were also written to as required by the DCP. Two submissions were received as well as an eighty signature petition. Copies of the letters and petition are attached. A précis of the main point of objection is as follows:

- Council is not following the recommendations of ICAC
- Loss of pedestrian access to the CBD;
- Council is not following the decisions of the court;
- The conditions of consent are binding;
- It is a waste of public land;
- Crozier field is well used during the day time;
- Most of the vandalism occurs at night and not during the day;
- It is preferable to adopt the other vandalism minimisation strategies in the POM rather than close off the field;
- Council has an obligation to maximise the use of the field due to the expenditure on the field;
- Crozier field provides a vital pedestrian link;
- Crozier field should remain open so that the whole community benefits.

Comments:

The application was not considered to be of such a significant nature to warrant calling in an independent town planning consultant to report on the application. There was a significant amount of public consultation undertaken during the preparation of the 2007 POM. Given the amount of consultation, the reasons for the 2007 POM (Crime Prevention) and the minimal impacts it was not considered necessary to engage an external consultant to report this matter to Council.

There will still be pedestrian access to the CBD via Lismore Park. There is an existing footpath network that connects the surrounding streets with the CBD. The maximum increase in walking distance is less than 300m when taken from the existing entrances to the field.

The conditions of consent are binding on the Council unless they are amended in accordance with the provisions of the Act. The 2007 POM sets the strategic framework for the use of Lismore Park. The 2007 POM provides appropriate and adequate reasons as to why the development consent should be amended.

The issues of being a waste of public land and having an obligation to use the field to its maximum capacity (ie open to the public) are matters that Council as a responsible manager of land has already taken into consideration in the assessment of the 2007 POM. These are not valid grounds of objection.

It is open to Council to use appropriate Crime prevention measures to minimise the potential for crime to occur through unrestricted access to the field.

The field may be well used during the day. This does not mean that there are not other alternatives for the public to use in Lismore Park. The loss of the informal use of the field will not be significantly detrimental to the recreational use of the whole of Lismore Park.

None of the objections are considered to be of determinative weight and they do not warrant refusal or modification of the application.

Conclusion

The deletion of conditions 27 and 29 is considered to be reasonable having consideration for the adopted plan of management and the circumstances of the case regarding crime prevention and vandalism.

Recommendation (PLA11)

- 1 Council grant delegated authority to the General Manager subject to the concurrence of the DAP to make amendments of a minor or arithmetic nature to the development consent.
- 2 That conditions 27 and 29 be deleted from DA 1997/309

Report

Subject	Review of the Special Business Rate Variation Levy – promotion fund component
File No	S740
Prepared by	Manager – Economic Development
Reason	In response to Council resolution 391/07 part 3: <i>That Management undertake a strategic review of the promotion fund component of the SBRVL in consultation with EDPAG, LUO, EDU and business ratepayers and report back to Council.</i>
Objective	Council to take a more pro-active role in the management and administration of the promotion fund component of the Special Business Rate Variation Levy
Strategic Plan Link	Economic Development through support of business and CBD revitalisation
Management Plan Project	Economic Development

Overview of Report

The Special Business Rate Variation Levy provides \$189,800 from rate revenue which is intended to promote Lismore in a positive manner and business activity on behalf of all Lismore urban businesses.

This Report:

- examines and compares the Lismore Promotion Fund against Australian best practice in special rate and /or charge schemes for marketing and promotion
- presents research on attitudes and opinions from key Lismore SBRVL stakeholders, and
- makes a series of recommendations for Council, through the Economic Development Unit, to take over the management and co-ordination of the Promotion Fund, on behalf of the 3,000 direct and indirect SBRVL contributors

Disclosure

The occupant of the Council position of Manager – Economic Development is an ex-officio Director of Lismore Unlimited Opportunities.

Background

For some time, Councillors have expressed concerns that the rate collections derived from the promotion fund component of the Special Business Rate Variation Levy are not being deployed with optimum effect for the purposes originally envisaged when this additional rate levy was introduced in 1998.

At the 21 June 2007 Council Meeting, these concerns culminated in a resolution *"That Management undertake a strategic review of the promotion fund component of the SBRVL in consultation with EDPAG, LUO, EDU and business ratepayers and report back to Council"*. (391/07; part 3)

What is the Special Business Rate Variation Levy?

The Special Business Rate Variation Levy (SBRVL) has been levied annually since 1 July 1998, with the income received by Council being indexed in line with rate pegging. The 2007/08 SBRVL comes in two parts:

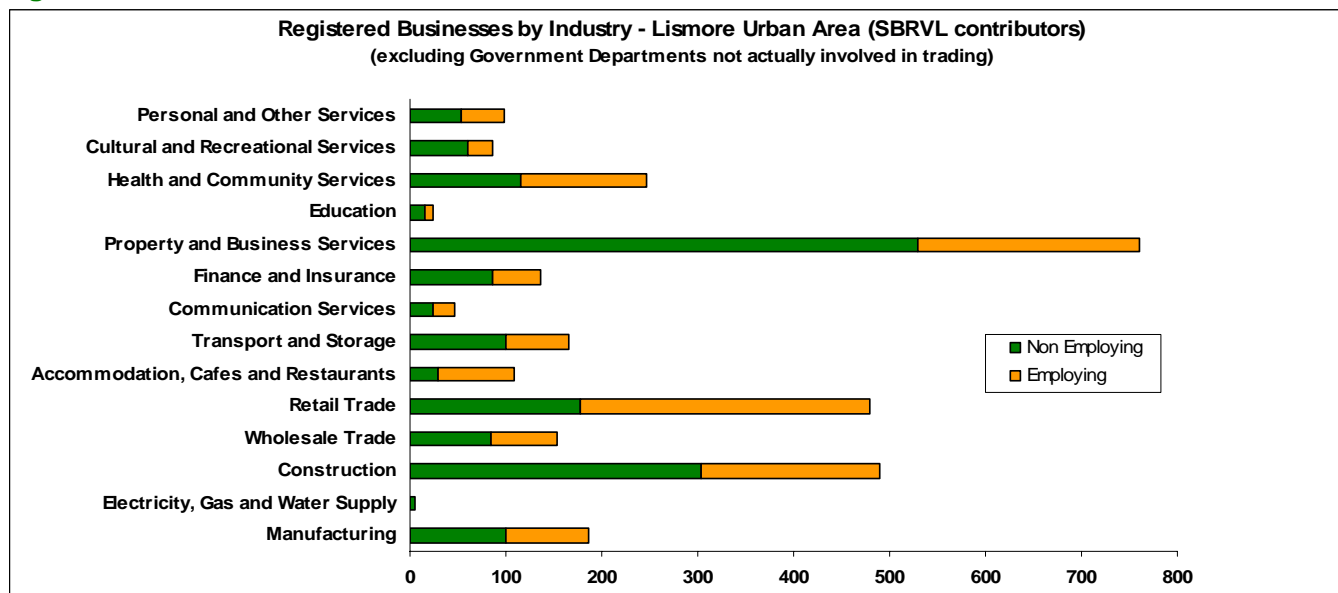
- Funding of \$142,200 for the *City Safe Program* which principally entails recurrent costs associated with the CBD safety cameras and security patrols in the CBD. All properties in the defined city centre are levied these rates, i.e. the area bounded by Woodlark, Molesworth, Magellan and Keen Streets.

2. A pool of \$189,800 for the purposes of promoting business activity and thus economic development in the Lismore Urban Area, and to which all urban business contribute.

This Report will focus only on the promotional component or second part of the SBRVL.

In 2007/08 there were 1,089 rated property owners and an estimated 2,987 registered businesses in the Lismore Urban Area, directly and indirectly contributing to the \$189,800 comprising the Promotion Fund of the SBRVL (see Figure 1). This figure is a snapshot of the composition of contributors to the Fund, by industry breakdown and employing status.

Figure 1:



Source: ABS Counts of Australian businesses (including entries & exits) June 2003 – June 2006 (extrapolation)

History of Lismore's SBRVL

Following its approval by the Minister for Local Government on 9 July 1998, Lismore City Council assigned responsibility for the expenditure of the SBRVL to Lismore Unlimited Opportunities (LUO). This assignment was made on the assumption that LUO was representative of the business community. In 1998, LUO membership (incorporating the sub-committees of Lismore Chamber of Commerce and Industry and the Main Street Committee) consisted of around 300 members. Today it stands at less than 200 members.

A subsequent Memorandum of Understanding between Council and LUO stipulated that:

- SBRVL expenditure would be in accordance with an adopted Strategic Plan, as endorsed by Lismore City Council. Such a Strategic Plan would be prepared by LUO in consultation with the Lismore business community.
- Each year, LUO would provide Council with an independent evaluation of promotional activities and audit report of all funds expended by LUO from the SBRVL.
- To maximise the benefit of promotion activities to the Lismore business community, LUO and Council would pool resources so that there was a coherent and consistent marketing message.

A data review of SBRVL records over the past decade has highlighted increasing disquiet from the wider business community with LUO's programmed promotional activities, together with increasing concern from Council over the paucity of evaluation of these activities. For the 2005/06 financial year, Council noted that the SBRVL evaluation findings were "inconclusive and contradictory", questioning whether the promotional activities undertaken – (signature) events in particular – were in fact truly representative of the collective view of the 3,000 contributors to the promotion fund.

It is apparent that the current process for the expenditure and programming of the SBRVL promotion fund is flawed and is delivering inconsistent, patchy and unsatisfactory outcomes for both Council and the wider business community. This unsatisfactory delivery is the result of a number of factors:

- At inception, the management of the Fund was given over to a third party - a not for profit, member-based organisation, governed by a volunteer Board.
- This Board has a primary mandate to serve its 200 members (predominantly retail businesses), which is less than 10% of the 3,000 contributors to the Fund.
- The third party fund manager is not representative of the contributors to the Fund.
- For the past 3 years, the organisation has been financially stressed. This has meant that the Board has focussed predominantly on internal matters, effectively disengaging it from the wider business community.
- The activities selected for SBRVL expenditure are linked to the vision of that Board.
- Board members of not-for-profits are subject to change and this particular Board has had many changes in the past few years, with three different Presidents alone in the past nine months.
- The ability to implement programmed SBRVL activities and leverage further funds is inextricably linked with the resource base of the organisation managing it. Membership organisations with volunteer boards generally have limited and modest resources.

In essence, the third party who has managed the SBRVL promotion fund for the past nine years is no longer representative of the wider business community, has competing interests, and neither the resources to adequately implement the activities, nor to leverage and maximise the fund's corpus. Moreover, on a national level, chambers of commerce are becoming less relevant to the wider business community. Recent privacy legislation has also served to hamper the ability for third parties to access Council-held records on property owners. It means that LUO, or any third party for that matter, is restricted in its ability to communicate with the more than 90% of SBRVL promotion fund contributors, who are not their members.

Council is ultimately accountable to the Ratepayers for the expenditure of these public monies and has a responsibility to serve the whole of the business community.

In order to deliver more satisfactory outcomes to the wider business community, more control, consistency and certainty must be built into the process. To better service the needs of the total business community, there is a compelling case for Council, through the Economic Development Unit, to take on the role of systematically supporting the business community in a way that maximises their SBRVL contribution. Such a move will put certainty back into the process for the administration and management of the promotion fund, delivering more satisfactory outcomes for all.

How do SBRVL's operate across Australia?

Councils throughout Australia use special rate and /or charge schemes to fund specific activities, such as infrastructure, shopping precinct promotion and marketing, or economic and tourism development activities.

For this Report, a selection of marketing and promotion schemes in operation in NSW and Victoria was researched in depth. Additionally, information was gathered from Community Business Centres Victoria Inc (CBCV), a non-profit, member-based organisation, committed to supporting the traditional village shopping strips and town centres of Victoria. CBCV was formed in 1996 to provide knowledge, information and support to people working in, and with, these traditional community shopping and business centres. CBCV are national leaders in the field of town centre management.

There are two basic types of marketing and promotion schemes:

1. Retail based Schemes
2. Economic Development and Tourism based Schemes

1. Retail based Schemes

- Special rates and charges in business activity centres have been in place for over 15 years
- There are 150 special levy programs of this nature across Australia

Council accountable for Special Charge or Rate	Organisation responsible for expenditure and activity programming	Name of scheme and/or precinct it applies to	Number of rateable properties	Corpus of Fund \$ per annum + allowable increases	Purpose of fund
Monash City Council	Pinewood Chamber of Commerce Inc	a. <i>Special Charge:</i> Pinewood Shopping and Business Centre	72	\$29,000	<ul style="list-style-type: none"> ▪ Marketing and business development fund used to defray costs of advertising, promotion, centre management, business development and other expenses associated with the encouragement of commerce in the precinct <ul style="list-style-type: none"> ▪ As above
	Mount Waverley Chamber of Commerce Inc	b. <i>Special Charge:</i> Mount Waverley Village Activity Centre	128	\$63,000	
City of Stonnington	Glenferrie Road Malvern Business Association Inc	a. <i>Special Rates and Special Charges for Promotional Purposes:</i> Glenferrie Road, Malvern Shopping Precinct	Not specified	\$140,000	<ul style="list-style-type: none"> ▪ Enhancement of the Shopping Precinct through increased economic retail activity which will maintain or increase the value of all land included in the scheme, its desirability as a letting proposition and the general image and stature <ul style="list-style-type: none"> ▪ As above
	The Streets Ahead Promotions Inc	b. Chapel Street, Windsor, Prahran and South Yarra (Streets Ahead) Shopping Precinct	Not specified	\$462,000	
	Toorak Road, South Yarra Traders	c. Toorak Road, South Yarra Shopping Precinct	Not specified	\$140,000	

Council accountable for Special Charge or Rate	Organisation responsible for expenditure and activity programming	Name of scheme and/or precinct it applies to	Number of rateable properties	Corpus of Fund \$ per annum + allowable increases	Purpose of fund
	Association Inc Toorak Village Traders	d. Toorak Village Shopping Precinct	Not specified	\$95,500	<ul style="list-style-type: none"> As above
City of Moreland	Association Inc Coburg Trader's Association Inc	<i>Coburg Special Charge Scheme: Coburg Shopping Centre</i>	283	120,355	<ul style="list-style-type: none"> Used to defray costs of advertising, promotion, decoration, management, security and expenses associated with encouragement of commerce in precinct
City of Greater Bendigo	Bendigo Traders Association Inc	<i>Special Rate Scheme (Marketing and Promotion Fund): Bendigo CBD - Specialty Retail and Peripheral Retail Precincts</i>	500	\$300,000	<ul style="list-style-type: none"> Collective marketing, promotion and encouragement of commerce and retail A dedicated Centre Manager to co-ordinate the daily management of activities and drive the overall strategic promotions and marketing Enhanced value of properties and the individual businesses
					<ul style="list-style-type: none"> Rundle Mall, Adelaide: \$1.82M for management and marketing for 675 retailers Cabramatta, NSW: Council contribution equivalent to the Special Rate; total of \$910,000 for 900 businesses Newcastle, NSW: Approximately \$1M for various business precincts

Source: Community Business Centres Victoria

- In summary**, the majority of Retail based Schemes:
 - operate in large inner metropolitan areas
 - cater for a relatively small, discrete and homogenous business group (typically around 200 retail / commercial businesses in the Scheme)
 - occupy a relatively small geographic area (generally a strip shopping centre)

- have common interests at the micro-economic level, such as business trade / competition / customers, and the physical environment of the immediate shopping precinct
- have narrow Scheme objectives centred around collective marketing to sell more goods and services and enhance the value of the properties
- All Retail based Schemes rely on Council for collection of rates and are administered by Council
- Retail based Schemes managed by third parties work best when they are truly representative of the group contributing to and involved in the Scheme, eg. a Marketing and Promotion Fund for a strip shopping centre administered by a Traders Association
- Larger Schemes are becoming more popular, such as in the City of Greater Bendigo, where we see the advent of more sophisticated Scheme objectives, in particular, centre management

Centre management of the Central Business District

“A report found 44% of all jobs in Victoria were found in town centres, and 47% of all household expenditure occurred at these locations” (Government News, May 2007, *Town centre strategies put streets ahead*)

A group of main street retailers can often be dismissed as of little economic importance when compared with a large manufacturing plant or a major tourism facility. What contemporary Town Centre Management research has shown is that there is a higher proportion of jobs, investment and business activities located in traditional town centres that deserve more recognition as economic drivers, than they have typically received in the past.

Many Australian business communities managing retail based special rate and /or charge schemes are coming to realise that promotion and marketing are just one facet of creating a thriving shopping precinct. Similarly, many Councils are recognising that improving the physical environment of a business activity centre is not the only key to CBD revitalisation. For example, you might drive into a town centre and think the trees look good, or the paving’s fantastic, or the seats look nice. You might stop and park your car. But if you then try and go into one of the businesses and find that they’re either closed or they’re not providing the right services, you’ll get back into your car and drive onto the next town. Further, it’s also highly likely that you’ll probably never go back to that town centre.

Whilst there is no “one-size fits all” strategy for the creation of thriving town centres, many components are required for the success of a centre. Urban planning provisions, such as the design of the physical environment and the addressing of transport and access issues, currently absorb the vast majority of attention and resources, but are only three of the elements essential to a centre’s success. Of equal importance are the activity mix of the centre, business development, marketing, image, operation and the range of community services and facilities, together with the relationship of the centre to its local residential community. To successfully improve and grow town centres, a strategic approach that is capable of balancing the broad range of fundamental issues in an integrated manner is required.

The implementation and delivery mechanisms are the most important ingredients for a successful centre. Without an efficient representative and well resourced management and implementation program, the best, most sophisticated plans and frameworks are unlikely to be effective.

Many centre management programs exist in Australia, with eighty formal programs in Victoria alone, such as in the CBD of the City of Bendigo. Internationally, centre management is commonplace, well resourced and accepted as a fundamental aspect of the overall planning and development processes.

At the CBCV 2007 Special Rates and Charges Forum, the following guidelines were offered in determining weekly time requirements for a Centre Manager:

Businesses under active management	Time required to perform required tasks (weekly)
Less than 30 businesses	4 hours
30 – 75 businesses	8 hours
75 – 150 businesses	16 hours
150 – 200 businesses	20 hours
200 – 300 businesses	25 hours
More than 300 businesses	Usually full time employment

A recent Lismore CBD parking and traffic management study by TTM Consulting introduced the concept to Council of centre management of the CBD – in particular The Block. In May 2007, TTM Consulting found that Lismore’s CBD is under economic stress, as evidenced by factors such as higher than average shop vacancies. Moreover, Council has determined that an integrated approach to the revitalisation of the CBD is required to determine the way forward. This centre management approach jointly considers a variety of integrated factors that will strengthen the role of the CBD and make it a more attractive place to shop and invest in new business ventures well into the future.

2. Economic Development and Tourism based Schemes

Council accountable for Special Charge or Rate	Organisation responsible for expenditure, activity programming & DELIVERY	Name of scheme and/or precinct it applies to	Number of rateable properties	Corpus of Fund \$ per annum + allowable increases	Purpose of fund
Alpine Shire Council	Council's Economic Development Unit (EDU)	<i>Commercial and Industrial Special Rate</i> : applicable to commercial/industrial properties throughout the municipality	504	\$370,000 representing 65% of Council's tourism and economic development budget \$200,000 goes to Tourism with advice from Alpine Region Tourism \$170,000 goes to Economic Development & is directly spent by EDU (no comparable committee for economic development)	<ul style="list-style-type: none"> 54% is used to fund various tourism initiatives designed to attract visitors to the municipality 46% used to finance various economic development initiatives, designed to attract business and residents to the municipality and stimulate commercial activity within the existing commercial/industrial sectors
City of Ballarat	Council's Economic Development Unit (EDU)	<i>Tourism and Economic Development Special Rate and Special Charge (TEDSR&C)</i> : entire municipal district of Council – all commercial and industrial properties	2,849	\$1.1 million representing 23.5% of Council's tourism and economic development budget	<ul style="list-style-type: none"> To give Ballarat an edge, a competitive advantage in regional and global markets Make Ballarat a desirable city to live, work and invest in, providing credibility with Government and major investors To attract new residents, new industry, exciting events and new businesses
Swan Hill Rural City Council	Council's EDU, in partnership with Swan Hill Inc (combined local	<i>Special Rate for Marketing the Swan Hill Region</i> : all rateable properties used for commercial, industrial,	Not specified	\$256,000	<ul style="list-style-type: none"> Marketing programs and activities associated with promotion of the Swan Hill region as a place to live, work, invest, shop and visit

Council accountable for Special Charge or Rate	Organisation responsible for expenditure, activity programming & DELIVERY	Name of scheme and/or precinct it applies to	Number of rateable properties	Corpus of Fund \$ per annum + allowable increases	Purpose of fund
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Parramatta City Council	tourism association and chamber of commerce) Council's Economic Development Unit (EDU), under guidance of an advisory panel	tourism and hospitality purposes in the Swan Hill Rural City area <i>Special Rates for Economic Development in the Parramatta Primary Centre:</i> broad urban area	Not specified	\$500,000	<ul style="list-style-type: none"> ▪ To increase visitor numbers, employment, residents, investment and new businesses to the region, contributing to our local economy <ul style="list-style-type: none"> ▪ To implement their <i>Economic Development Programme</i>, which aims to deliver on the Regional Environment Plan (REP) Action Plan, so that Parramatta can fulfil its role as Sydney's second CBD ▪ 50% job growth in next 20 years plus business/industry investment <ul style="list-style-type: none"> ▪ Actions include: <ul style="list-style-type: none"> – good design competition in the Parramatta Primary Centre – Community safety initiatives <ul style="list-style-type: none"> – Business Awards – Implementation of the Parramatta Tourism Strategy <ul style="list-style-type: none"> – REPEAT Streets Programme – Research for economic and employment opportunities
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- **In summary**, the vast majority of Economic Development and Tourism based Schemes:
 - are more prevalent in large regional cities or regional centres
 - cater for a relatively large, broader base business / industry group across entire municipal districts or urban areas
 - commonalities arise more at the macro-economic and regional level, with broad Scheme objectives in investment attraction (business and residents), job creation and regional tourism promotion

- are fewer in number than the retail based schemes described above
 - rely on Council for collection of rates
 - frequently offset Council's budget in Economic Development and Tourism by anywhere between 23.5% and 65%
 - are not only administered by Council, but Scheme activities are additionally programmed by Council - through their Economic Development Unit (EDU) – often with advice or guidance from a specialist advisory panel, with activities being implemented and directly co-ordinated by the EDU
- Centre management can readily co-exist with this type of broad based Scheme

How does Lismore’s Promotion Fund compare?

Council accountable for Special Charge or Rate	Organisation responsible for expenditure and activity programming	Name of scheme and/or precinct it applies to	Number of rateable properties	Corpus of Fund \$ per annum + allowable increases	Purpose of fund
Lismore City Council	Lismore Unlimited Opportunities Inc	<i>Special Business Rate Variation Levy: Lismore Promotion Program – All Lismore urban area</i>	1,089	\$189,800	<ul style="list-style-type: none"> Promote Lismore in a positive manner, which reinforces its position as the regional centre of the Far North Coast of NSW with a strong emphasis on encouraging business activities

- Lismore’s SBRVL has the hallmarks of an Economic Development and Tourism based Scheme, but has been operating more as a Retail based Scheme, with a strong CBD retail focus
- Instead of Council’s EDU managing and co-ordinating the SBRVL’s expenditure, activity programming and delivery, the local Chamber of Commerce has been responsible for this task
- The ratio of rateable properties to corpus of fund is quite low compared with other Schemes:
 - City of Lismore 1:174
 - City of Ballarat 1:386
 - Alpine Shire 1:734
- The SBRVL acts relatively independently of Council and its resources, and does not maximise the benefit of promotion activities to the Lismore business community

Research on attitudes and opinions of key stakeholders

1. Business ratepayers

110 business ratepayers were surveyed on four issues relating to the promotion fund component of the SBRVL. The telephone survey was conducted by an independent contractor between 11 and 14 September 2007.

The respondents were randomly selected from Council's list of 1,089 rated property owners who also ran a business from the same address, together with businesses listed in the Yellow Pages selected from the Lismore Urban Area. Care was taken to ensure that a representative sample of businesses was selected by location, as well as from the industry categories as shown in Figure 1.

The results can be viewed in their entirety in Attachment 1. Following are the summarised findings:

- 55% of respondents were totally unaware that their business currently contributes to a special business levy for promotional purposes
- Only 22% of respondents agreed or strongly agreed that their business is getting value for money from this levy
- 64% of respondents agreed or strongly agreed that they would like to contribute to the ideas and plans that Council develops for the SBRVL
- An overwhelming 90% of respondents agreed or strongly agreed that they would like feedback from Council on how this SBRVL money is being spent and the marketing results

This response indicates that there is definite room for improvement in the manner in which the SBRVL is managed. It is necessary to implement changes to the management process, particularly in the areas of business involvement and feedback to Fund contributors.

2. Economic Development Policy Advisory Group

At a recent Economic Development Policy Advisory Group (EDPAG) meeting members expressed concerns in regard to the proposal put forward in this report. Their concerns can be summarised as:

- a) Lismore City Council is not a body which has a ready understanding of what is required by business nor can it respond quickly enough to business' issues.
- b) Insufficient detail is available for the EDPAG to be able to form a definitive view in regard to the proposals.
- c) The proposal may undermine Lismore Unlimited Opportunities (LUO) to the extent that they could become unviable. This would be an unacceptable outcome as, irrespective of their short comings, LUO should be supported.
- d) Any future management of the SBRVL Promotional Fund should work to the betterment of the business community and strengthen the working relationship between LUO and LCC.

3. Lismore Unlimited Opportunities

Past and present representatives from the Lismore Unlimited Opportunities' (LUO) Executive between June and September 2007, have recognised the shortcomings in the current management model and made the following "in principle" commitments. That:

- LUO will work more closely with Council on all matters that impact on economic development and tourism for the City, to maximise benefits for their members, LUO and Council
- LUO will hand back the management of the SBRVL Promotion Fund to Council
- LUO will work with Council to make recommendations towards the Fund programming and assist, resources permitting, with pooling of resources to deliver activities relevant to both parties, thereby saving costs and avoiding unnecessary duplication

- LUO will work with the EDPAG to provide member input into the revitalisation of the Lismore CBD / centre management project
- \$45,000 – which is listed in the 2007/08 SBRVL budget for costs relating to administration, auditing, evaluation and contingencies – be not claimed from the fund.

4. Economic Development Unit

Meetings and workshops with team members of the Economic Development Unit (EDU) on the SBRVL have resulted in their endorsement of this Report and its recommendations.

Comments

Financial Services

The Promotion Fund component of the Special Business Rate Variation Levy (SBRVL) is collected from all business rated properties in the Lismore Urban area. For 2007/08, this equates to approximately 1,100 properties generating \$189,800.

The recommendations are supported as they offer a comprehensive integrated approach to maximising the return from the SBRVL promotion fund to a broad range of contributing business rated properties. The capacity of the SBRVL to fund this approach will be assessed as part of the strategy development where cost estimates will be prepared and funding options explored.

Other staff comments

Not required

Public consultation

Consultation has been undertaken with a representative sample of the business ratepayers, the Economic Development Policy Advisory Group and representatives of Lismore Unlimited Opportunities.

Conclusion

The Economic Development Unit (EDU) is well positioned to take a leadership role in strengthening programs that support the needs of businesses within the Lismore Urban Area. Business support services are the central plank of an economic development unit.

The proposed model is for Council, through the EDU, to directly consult with the SBRVL rated business community and related member-based business organisations, including LUO, with a view to identifying and funding preferred business stimulation promotions. This role will also extend to taking a strategic overview of the marketing needs of the Lismore region. This will be achieved by devising an integrated marketing and promotion program that attracts new business to the area, generates employment and helps diversify the local economy to improve prosperity for all. Such a co-ordinated marketing program will incorporate tourism, events and business development initiatives in a way that sets Lismore apart from its competitors.

These SBRVL initiatives will leverage off other available existing EDU promotional budgets, including tourism, events and business investment attraction, as well as that of the SBRVL budget, with a view to creating maximum regional value. Leveraged investment will also be sought from State and Federal Government assistance programs, together with financial contributions from the private sector wishing to take advantage of promotional campaigns that may deliver individual business benefits.

It is anticipated that the promotional program, subject to consultation with and confirmation from the business community, will comprise, but not be limited to, these elements:

- **RESEARCH:** Undertake research on shopping habits: shopping habits of people who live in Lismore and where they shop; shopping habits of inhabitants from surrounding Northern Rivers towns and villages, plus South East Queensland, and what we need to do to entice them to shop in Lismore. This research will build on the research commissioned from SBRVL funds in 2002.
- **RETAIL MARKETING STRATEGIES/CAMPAIGNS:** targeting shoppers to shop in Lismore from outside of the Lismore, such as SE Queensland & surrounding Northern Rivers towns and villages

- **REGIONAL PROMOTION:** Marketing and promotion of the Lismore region in conjunction with Lismore Tourism, Council's Events Team and selected stakeholders, such as Southern Cross University ... "Come to Lismore: Great place to live, work, do business, play and study."
- **INDUSTRY CAPACITY BUILDING:** Skills gap analyses of industries under stress, such as skilled trades areas, for the purposes of building a case for better training facilities for our trades apprentices and wider choice in trade programs delivered in Lismore

Ongoing consultation with the business community will refine these individual elements.

The last but most important dimension of this proposed model is that Council, through the EDU, take on the ongoing role of CBD Centre Manager. Such a function will be dedicated to overseeing the business activity mix of the centre, together with co-ordinating the daily management of activities, and drive the overall strategic promotions and marketing programs.

In closing, this function will assist with the revitalisation of the CBD, supported by a "whole of Council" approach, that balances and co-ordinates the broad range of fundamental issues critical to a centre's success, in an integrated manner.

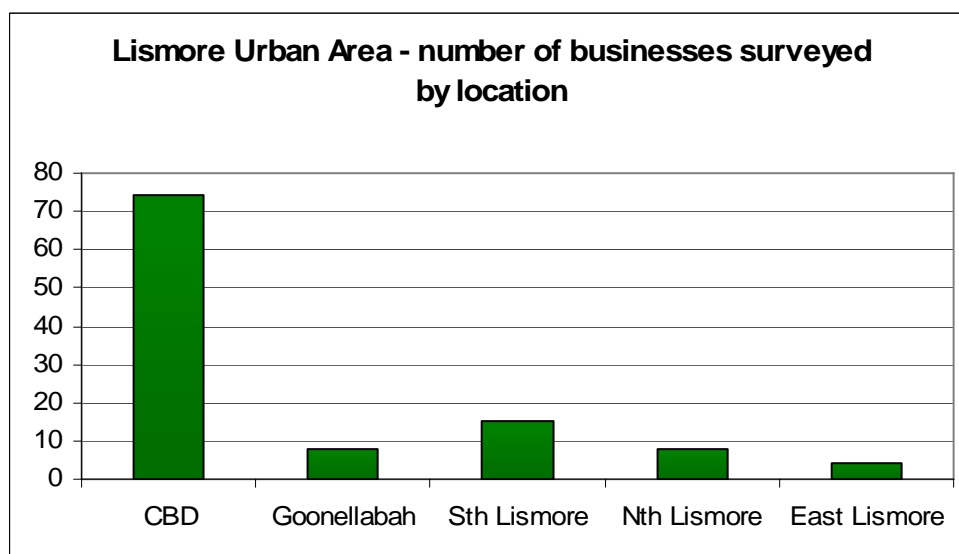
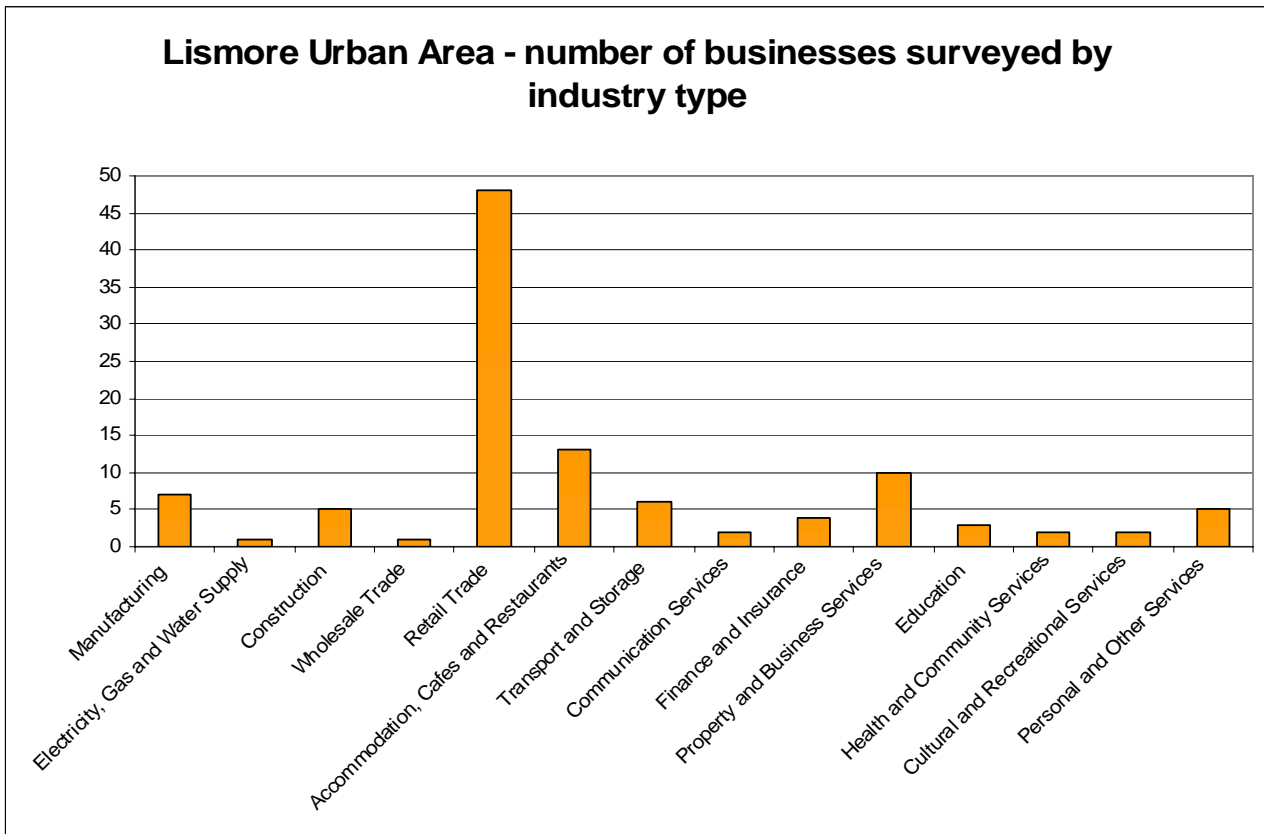
Recommendations

That:

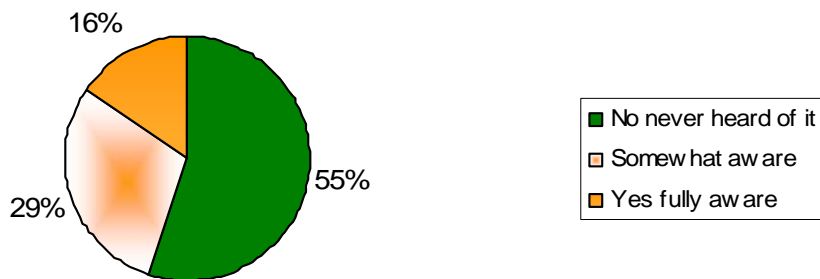
1. Council, through the Economic Development Unit coordinate a working group, comprising members from the business community, the Lismore Unlimited Opportunities, Economic Development Unit and two Councillors to developing a framework for the Economic Development Unit's management of the SBRVL Promotional Fund.
2. the SBRVL programs leverage off other available funds including tourism, events and business investment attraction, so that Council's promotional budgets can be maximised. Leveraged investment will also be sought from State & Federal Government assistance programs, together with financial contributions from the private sector wishing to take advantage of promotional campaigns that may deliver individual business benefits.
3. Council, through the EDU, take on the role of CBD Centre Manager to co-ordinate Council's activities essential to the centre's success.

Results from Lismore SBRVL Survey – Promotion Fund component
23 September 2007

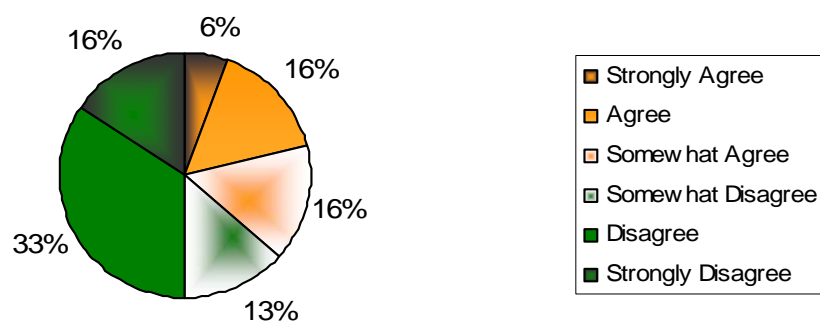
Sample size: 110 respondents
Method: Telephone survey
Time frame: 11 – 14 September 2007



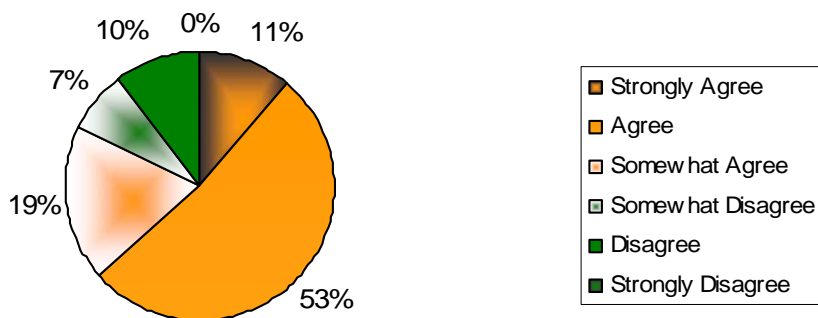
Question 1: Are you aware that your business currently contributes to a special business levy for promotional purposes?



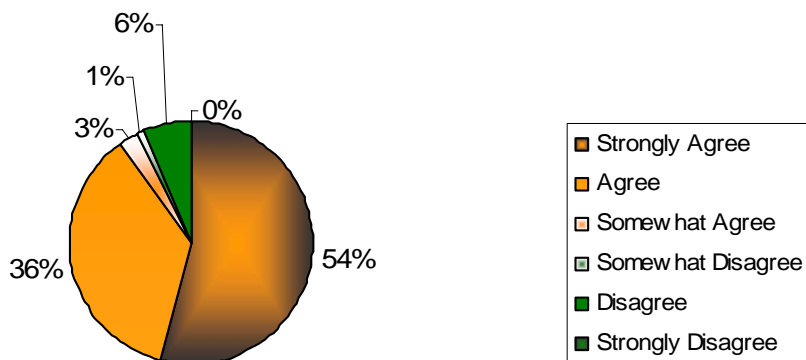
Question 2: Do you believe your business is getting value for money from this Levy?



Question 3: Would you like to contribute to the ideas and plans that Council develops for the SBRVL levy?



Question 4: Would you like feedback from Council on how this SBRVL money is being spent and the marketing results?



Report

Subject	Resource Recovery Facility
File No	S317
Prepared by	Manager - Business Services
Reason	To seek Council approval for the construction of a Resource Recovery Facility
Objective	To reduce landfill volumes and improve safety and amenity of the Waste Facility
Strategic Plan Link	Infrastructure
Management Plan Project	Waste

Overview of Report

This report outlines the next stage in the development of Lismore's waste services and waste diversion plan through the development of a Resource Recovery Facility. Such a facility will see the public no longer going to the tip face to dispose of their waste. The waste sorting function of the facility aims to reduce landfill by in excess of 5,000 tonne per annum by reclaiming materials from a large section of the commercial waste stream. This represents over twenty percent of current landfill volumes.

Background

History

Wyrallah Road Landfill site has been operating since the early 1980's. Until the late 1990's all material coming to the site went to landfill. At that time political and public attention turned to controlling the waste stream and looking to re-use / recycle as much material as possible rather than sending it to landfill.

Lismore Council introduced the collection of organic material in 2000. A significant volume of material was collected and diverted from landfill or from backyard burning activities. A buy-back facility/steel recovery operation was also introduced increasing diversion rates. Drop off centres for recyclables formed the other component of the diversion strategy of that time.

Since 2005 there has been an expansion of diversion activities including:

- Kerbside collection of recyclables in both urban and rural areas.
- Introduction of timber and rubble diversion activities.
- Tyre collection.
- Hazardous Waste and Drummuster collection days.
- Council revamp of the Revolve Centre.
- Battery collections.
- Fluoro tube collection.
- Bulky items tip free days .

The effect of these activities has been to stop the yearly increase in land filling activities, despite continued increases in total waste stream volumes, as indicated in the table below:

	01/02	02/03	03/04	04/05	05/06	06/07
Total Waste Stream (tonne)	29293	32140	33902	35653	35280	38145
Waste disposed to landfill	20,513	22,456	23,038	24,797	23,544	22,839
Waste diverted from landfill	8,780	9,684	10,864	10,856	11,736	15,351
Percentage diverted from landfill	30	30	32	30	33	40

Resource Recovery Facility

The waste strategy outline presented to Council in August 2005 and updated in March 2006, pre-empted the development of a Transfer Station / Waste Reival Facility. Council staff have been developing the transfer station concept based on analysis of the current self haul waste stream and the technologies and developments occurring in the waste management industry.

The principal drivers for this development are:

- Maximum recovery and re-use of materials from the self haul domestic waste stream, (less landfill and improved environmental outcome).
- Introduction of diversion activities for commercial waste, particularly construction and demolition skips, (less landfill, improved environmental outcome).
- Improved public safety, (reduced risk).
- Improved staff safety and working conditions, (reduced risk).
- Streamlining of some of the various existing specialist collection facilities, waste oil, recyclables, batteries, light bulbs, etc, in a single facility, (reduced operational costs).

As such, the facility can be better described as a Resource Recovery Facility (RRF).

Tenders

In May 2006, GHD was engaged to assist with the design concepts of the RRF, particularly in relation to traffic flow issues. Final design concepts were received from them in January 2007. Further discussions ensued and in April 2007, tenders were called for the design and construction of a RRF at the Wyrallah Road site. Two (2) submissions were received, (one with two options):

1. Woollam Constructions
 - 78mx45m – \$3,043,714
2. Spantech Pty Ltd
 - 90mx40m - \$2,752,694
 - 61mx40m - \$2,143,813

These prices were considered to be excessive, (original budget estimates were \$830,000), so both tenderers' were asked to look at alternatives to reduce the costs. Woollam declined to resubmit a revised proposal. Spantech, in consultation with the Waste Facility staff, made some changes and have now submitted a range of prices for the shed construction based on various concepts.

The initial reduction of costs focussed on two areas:

1. Reducing the criteria for the materials used to construct the shed. Both Woollam and Spantech had originally quoted for highest grade, thick, self-supporting steel roofs, galvanized support posts and beams, high wear concrete finishes and excessive footing and slab structures etc. These were considered by staff to be overkill on a facility designed to receive and sort waste.
2. Reducing the high contingency items and earthwork related items that the contractor was responsible for by Council staff undertaking some of the works. This included moving power lines, DA applications, earthworks and road development.

In addition, Spantech suggested replacing some concrete areas with asphalt, reducing wall cladding and modifying the roof design. These options also reduced footing and civil costs.

As a result of these cost savings, the final budget for a fully roofed, partially enclosed 70mx40m facility is:

Spantech	\$1,075,800
<u>Council</u>	<u>\$ 300,000</u>
Total	\$1,375,800

The Council works cost component is derived as follows:

Council fees	\$ 15,000
Electrical line relocation	\$ 11,500
Earthworks and fill material (largely sourced on site)	\$100,000
Asphalt floor	\$ 55,000
Road construction	\$100,000
Fire services	\$ 15,000
Signage	<u>\$ 5,000</u>
TOTAL	\$300.000

An alternative considered to further reduce the cost of the facility was to reduce the roofed area but this defeats a significant part of the reason for constructing the facility, namely reducing the effects of the weather on operations.

Justification for the Development

Although the principal drivers for this development outlined earlier do not provide a significant income stream, they do provide for the following:

- Reduced material to landfill. Diversion from landfill is a prime objective of modern waste management practice. It is anticipated from on-site audits of the self haul waste stream, (public vehicles and commercial operators), that at least a third of the material currently going to landfill could be recovered. Some of this will be sold via metal recovery and Revolve activities and some would go to the composting process. Other Councils' who have adopted similar practices report 60% to 70% recovery rates are possible.

The self haul waste stream at WRWF is approximately 15,000 tonne per annum. The conservative estimate of 5,000 tonne recovery is worth the equivalent of \$500,000 per year in air space at the landfill. That is, Council is receiving payment for taking and processing the waste however, is not using the landfill space. This will prolong the life of the landfill and provide for improved environmental outcomes:

- Improved amenity. Anyone who has had the misfortune to need to attend the landfill in wet weather will be fully aware of the terrible conditions prevalent at such times. These conditions are not satisfactory for the public or the staff. The proposed facility would transform these conditions with most other activities occurring on a sealed and covered area. Only a few commercial trucks and Council vehicles would continue to access the actual tip face area.
- Improved Safety. Public accessing the tip face area presents considerable risk exposure to Council from personal injury and from contact with machinery. It is not a safe area with sharp objects, broken glass, nails, etc, all presenting opportunity for cuts and other injuries. Several large machines and many commercial trucks all use the same area as the public. There were three minor traffic accidents and several near misses in the last six months.

Staff safety conditions are also not ideal. Exposure to extreme weather conditions and manual sorting of the incoming waste presents numerous hazards for staff. There have been four minor injuries to tip face staff in the last seven months. Improvements to the working conditions will reduce the risk to these staff members.

- Efficiencies of operation. Several efficiencies of operation will be incorporated into the new Facility. These will include:
 - Ease of separation of mixed waste loads by virtue of the use of machinery on a hard stand area.
 - Separation of commercial, (trucks) and domestic, (cars and trailers), waste streams.
 - Self separation of loads by the public via provision of convenient signposted bins.
 - One-stop shop for specialty diversion issues, (waste oil, recyclables, batteries and light bulbs).
 - Improved customer service as the current Traffic Controller and Waste Operator will act as Customer Service personnel, assisting with unloading and sorting of the public's waste.
 - Increased parking area at the Revolve Shop as the current DOC will be incorporated into the new facility.

Operational Costs

A mini excavator, (8 tonne) and bobcat will be purchased to work in the shed sorting materials. Existing trucks and bulk skip bins will be used, with the addition of new bins as required. These items will be purchased from the waste plant fund. Reduced costs of operating the landfill compactor, (hours are expected to reduce from six, to three per day), will compensate for the costs of running these two small machines.

With the reduction in material going to the landfill, both directly and in total, the cost of operating the Tip Face will be significantly reduced. These savings, (mainly wages and plant costs), will be transferred to the cost of operating the RRF. It is anticipated that one additional staff member will be required to assist with the sorting of the waste. This cost will be at least partially covered by the sale of additional recovered materials, and will not significantly affect the overall budget of the waste operations.

Comments

Financial Services

Council has allocated \$810,000 for this facility in the 2007/08 Budget with funding coming from reserves, (\$310,000) and loans, (\$500,000). The increase in costs, (\$565,000), is proposed to be funded from additional loan borrowings at an estimated annual cost of \$61,400 per annum for 15 years, (\$31,200 in 2007/08).

This facility is estimated to recover a further 5,000 tonnes from the waste stream that is currently being disposed. This diversion effectively increases the life of the existing facility which allows more time to assess requirements for the next waste cell development.

Additional operating costs for staff and plant as well as the increased loan repayment costs for 2007/08 will be offset within the overall waste budget.

Other staff comments

Manager Environmental Health

The provision of a Resource Recovery Facility is required if Council is to implement best management practice in regard to waste avoidance at the Wyrallah Road Landfill. The recovery of material for recycling and other purposes enhances Council's environmental and sustainability performance including contributing to reduced greenhouse gas emissions. The proposal is fully supported from the environmental perspective.

Public consultation

No formal consultation process has been undertaken however, considerable feedback is received on a regular basis by Waste Facility staff regarding the poor and hazardous condition of the tip face in wet weather.

Conclusion

The construction of the Resource Recovery Facility is the next step in the continuing program of improving Waste Facility services provided for Lismore residents. It is also the next major step in reducing the volume of waste going to landfill and thus improving the rate of and returns from recycling waste.

Recommendation (IS52)

1. Council approves the construction of the Resource Recovery Facility located at the Wyrallah Road Waste Facility as detailed in this report and note funding of \$1,375,800 to cover the estimated total cost.
2. The contract for construction be awarded to Spantech Pty Ltd.
3. The Mayor and General Manager be authorised to execute the contract on Council's behalf and attach the Common Seal of the Council.
4. Council write to the Department of Local Government Seeking approval to borrow an additional \$565,000 to construct the Resource Recovery Facility.
5. The 2007/08 Budget for the construction of the Resource Recovery Facility be increased from \$810,000 to \$1,375,000.

Report

Subject	Tenders for Sewer Main Renewal - Various Locations within Lismore
File No.	T27020
Prepared by	Contract Project Engineer - Lismore Water
Reason	To inform Council of the tenders received for the renewal of sewer mains in various locations within Lismore
Objective	To obtain Council approval to award the Contract
Strategic Plan Link	Infrastructure Services
Management Plan Activity	Sewer Services

Overview of Report

This report outlines the recommendation to award the tender for Sewer Main Renewal for the financial year of 2007/08.

Background

Council called tenders for Sewer Main Renewal in some parts of:

- Dawson Street.
- Gordon Street.
- Oakeshott Street.
- Ostrom Street.
- Uralba Street.
- Somerville Avenue.
- Dalziell Street.
- Maloney Avenue.
- Ona Street in Lismore.

The nominated sewer mains are in poor structural and service condition and are in need of urgent renewal.

The total length of mains for this contract is 1848m, varying in size from 150mmø, (1670m), to 225mmø, (178m) and there are 83 house junctions and service lines to be replaced.

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

A pre-tender meeting was held on September 5, 2007, with all prospective contractors attending. Four (4) tenders were received by the closing time of 2.00pm on Friday, September 14, 2007.

Tender Examination

A summary of the tenders received, (Attachment 1), is given below:

Tenderer	Tender Price (\$)	Adjusted Price (\$)
Kembla Water Technologies Pty Ltd	\$508,765.00	\$508,765.00
Interflow Pty Ltd (Option 2)	\$649,525.00	\$1,009,525.00 (1)
Interflow Pty Ltd (Option 1)	\$757,395.00	\$1,117,395.00 (1)
Little Ants	\$972,606.00	\$972,606.00
CLM Trenchless	\$1,150,828.00	\$1,150,828.00

Prices shown are **exclusive of GST**.

Note (1): Allowance for pipe collapse repairs 18 No x \$20,000 = \$360,000

The tender is a schedule of rates tender. The “tender price” is the estimated price of the works as inserted by the Tenderers using their respective rates.

An evaluation committee comprising of Contract Project Engineer, Trade Waste & Development Inspector, Trade Waste & Development Inspector, Acting Manager Lismore Water and Contracts Officer, undertook the assessment of tenders.

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

1. Total Price

Comment: The comparison of total price is difficult due to the wide variation in prices and the differences in the proposed lining techniques. The three conforming tender prices were also compared to the benchmark price of \$1,002,250. The benchmark price has been based on the unit rate calculated from the 2006/07 contract rates with an allowance for CPI of 3.5%.

2. Capability and Past Experience

Comment: In the initial assessment two (2) of the tenders have been identified as non-conforming and have been removed from the assessment process.

Kembla Water Technologies did not conform to the specifications and drawings in that all lines were nominated to be pipe burst whereas the tender required sewers under buildings and where the level of risk of structural damage of buildings was high, to be relined only. Kembla also nominated numerous exclusions within the tender which reduced the level of confidence that the total price for undertaking the contract would remain close to that tendered. The exclusions nominated and the very low quoted price, (50% below the 2006/07 benchmark price), present an unacceptable risk to Council in the undertaking of the contract.

Interflow provided two alternative tenders. Both tenders included lining of the sewers without pipe bursting through the use of a spiral wound liner which is fed into the existing sewer main. The limitation to this process is that collapsed sewer lines cannot be relined and require open cut repair. The tender offer does not raise this as an issue and no rates have been provided if such repairs are required. It is estimated that for every 100m of sewer line one collapse will be encountered. This is confirmed by the inability of the CCTV survey to fully view the total lengths of some sewer lines.

The contract requires 1848m of sewer to be renewed so it is reasonable to estimate that 18 collapse failures will be encountered at a cost of \$20,000 per site. Thus, the actual cost of the Interflow offers, have been adjusted by \$360,000 to reflect the probable actual cost to Council, (Attachment 2).

Interflow tender Option 2 includes the repair of house service lines, (HSLs), using a robotic repair process which limits repair of the HSLs to the actual connection to the relined sewer main and for one pipe segment in the HSL. The tender specifications require replacement of HSLs to the first inspection opening, (IO) on the HSL thus Option 2 is a non-conforming tender and will not be further considered.

3. Quality, Safety and Environmental Management

4. References

Comment: The four (4) contractors who submitted tenders, complied with Section B4 of the tender documents, which states "*Tenderers must complete the Form of Tender and all other Schedules to be a conforming tender*". However, only three of the tenders submitted are considered as conforming tenders and Attachment 1 to this report shows the evaluation of the conforming tenders.

Taking all the assessment criteria into account, Little Ants Pty Ltd provides the most advantageous tender to Council. The rates submitted by each contractor were compared for a typical job location and with the exception of manhole construction, little consistency could be found in the tendered rates. The rates submitted by the contractor who ranked the highest in the tender assessment are considered reasonable taking into account the level of difficulty of the jobs and the subsoil conditions within Lismore City.

Referee Check

Lismore City Council engaged Little Ants Pty Ltd to undertake Contract 26011 'Renewal of Sewer Mains, Tweed Street' in January and February 2007. This included 420m of high level open cut sewer main construction and pipe bursting and relining of 420m of 6.5m deep sewer main under difficult conditions. Little Ants Pty Ltd undertook the works in an efficient and professional manner and the contract did not attract any additional costs in variations to the contract. Other references were checked and reinforced the observed performance of the contractor.

Comments

Financial Services

The 2007/08 Budget provides \$1,520,000 for the sewer main renewal programme.

The recommendations are supported as the proposed schedule of works is within the original estimate and available funds allow for construction, supervision, consultant's fees and potential variations to contract.

Other staff comments

Not required.

Conclusion

Little Ants Pty Ltd is considered to have the ability and local experience to complete the work satisfactorily. It is recommended that the contract for sewer main renewal be awarded to Little Ants Pty Ltd at the rates submitted.

Recommendation (IS56)

1. That the contract for water main replacement be awarded to Little Ants Pty Ltd at the rates submitted (the estimated price of the works being \$972,605.90 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	Local Government Shires Association (LGSA) Sustainable Choice Program
File No	S908
Prepared by	Environmental Health Services
Reason	To obtain resolution from Council to become a member of the Sustainable Choice Program
Objective	To support Council and procurement officers in sustainable purchasing
Strategic Plan Link	Leadership by Innovation, Natural Environment, Water and Waste Cycle, Infrastructure, Economic Development, Quality of Life
Management Plan Activity	Corporate Sustainability

Overview of Report

The Local Government and Shires Associations (LGSA), in partnership with the Department of Environment and Climate Change (DECC) has established a new sustainable purchasing program for local government called Sustainable Choice.

By making informed purchasing decisions, Council can dramatically reduce water and energy consumption, the amount of pollution, waste, greenhouse gas emissions generated and demonstrate positive leadership. In many cases Council can make long term cost savings.

Background

In NSW, the local government sector spends approximately \$5 billion per year buying products and services. This represents a powerful force to help drive technical innovation and improved efficiency.

Purchasing sustainable products and services will help Council meet its obligations under Section 8 of the Local Government Act – “to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecological sustainable development (ESD)”. Sustainable purchasing also helps Council to achieve triple bottom line objectives, delivering better environmental, social and economic outcomes for the Council and the community.

All products have some level of environmental and social impact. This may occur at any or all stages of a product’s life cycle – raw material acquisition, manufacture, distribution, transport, use and disposal.

The program provides support and guidance to Council on products and services that save energy or water, contain recycled content, are non toxic, have greenhouse or biodiversity benefits, or advance Councils social or environmental objectives in some way.

Sustainable purchasing can;

- improve efficiency and reduce waste.
- save money.
- stimulate markets for material collected through Council's kerbside collection.
- demonstrate leadership to the community and stakeholders.
- support local communities and businesses.
- deliver statutory and community services obligations.
- help achieve long term social and environmental objectives.

Becoming a member of the Sustainable Choice Program will value-add to work that is currently being undertaken at Council, including the Cities for Climate Protection program. Council is already actively implementing a number of steps in relation to sustainable purchasing including:

- 10% recycled paper being used throughout Council.
- Council Fleet includes 1 hybrid, 1 dual fuel vehicle and has recently replaced 2 six cylinder vehicles with 2 four cylinder vehicles.
- Waterless urinals at Council Depot.
- Air-conditioner upgrade in tender process and includes options for energy efficiency models.

The Sustainable Choice program builds sustainable purchasing capacity within local government. Joining the Sustainable Choice Program Council involves the following;

- Written acceptance of the LGSA's invitation to join the program.
- A Council resolution re-affirming Council's support for sustainable purchasing and committing council to participate in the Sustainable Choice program.
- Creation of a team within Council to drive the process.
- Incorporation of sustainable purchasing principles into Council's purchasing policies and systems.
- Participation in the Sustainable Choice annual reporting survey that will ascertain the scope and level of sustainable purchasing across the NSW local government sector.
- Participation in free staff peer education and information sharing between Councils (through newsletters, workshops, seminars, etc.) organised by Sustainable Choice to facilitate increased awareness of the benefits of sustainable purchasing.

There are no fees or charges to join the Sustainable Choice Program and no obligations to contribute yet the benefits to Council are substantial.

Comments

Financial Services

The recommendations are supported as a co-ordinated approach to harness better outcomes from local government's \$5 billion annual spend on products and services should be encouraged. Membership is free and importantly Council has access to this resource to assist in making sustainable (social, economic and environmental) purchasing decisions.

Other staff comments

Contracts Administration Officer

The proposal to join LGSAs Sustainable Choice Program is strongly supported. Membership should provide Council with the opportunity to demonstrate leadership in environmental management and sustainability. The Sustainable Choice Program will dovetail into a future proposal for the development of a broader spectrum Procurement Policy that will incorporate social, environmental, and economic

impacts and will form part of the decision making process when procuring goods and services on behalf of the community. The LGSAs database of endorsed suppliers is a valuable tool for sourcing a range of sustainable goods and services for the Council requirements.

Conclusion

The objective of the Sustainable Choice program is not to create a new set of milestones and onerous reporting obligations, but rather to build upon what councils are already doing by facilitating increased levels of sustainable purchasing. Sustainable purchasing is an effective mechanism to help council deliver other programs and activities such as energy and water saving plans, greenhouse and waste reduction strategies and community service and environmental obligations.

Recommendations (PLA10)

That:-

1. Council become a member of the Sustainable Choice Program.
2. That Management develop, adopt and implement sustainable purchasing procedures and integrate these into Council's existing purchasing practices.
3. That the Environmental / Sustainability working group coordinate sustainable purchasing within Council.
4. That Council investigate the establishment of a tracking system to monitor the scope and level of purchasing processes.
5. Council to participate in the Sustainable Choice annual reporting questionnaire.
6. Staff are encouraged to participate in education forums, workshops and opportunities to facilitate increased levels of awareness to the benefits of sustainable purchasing.

Report

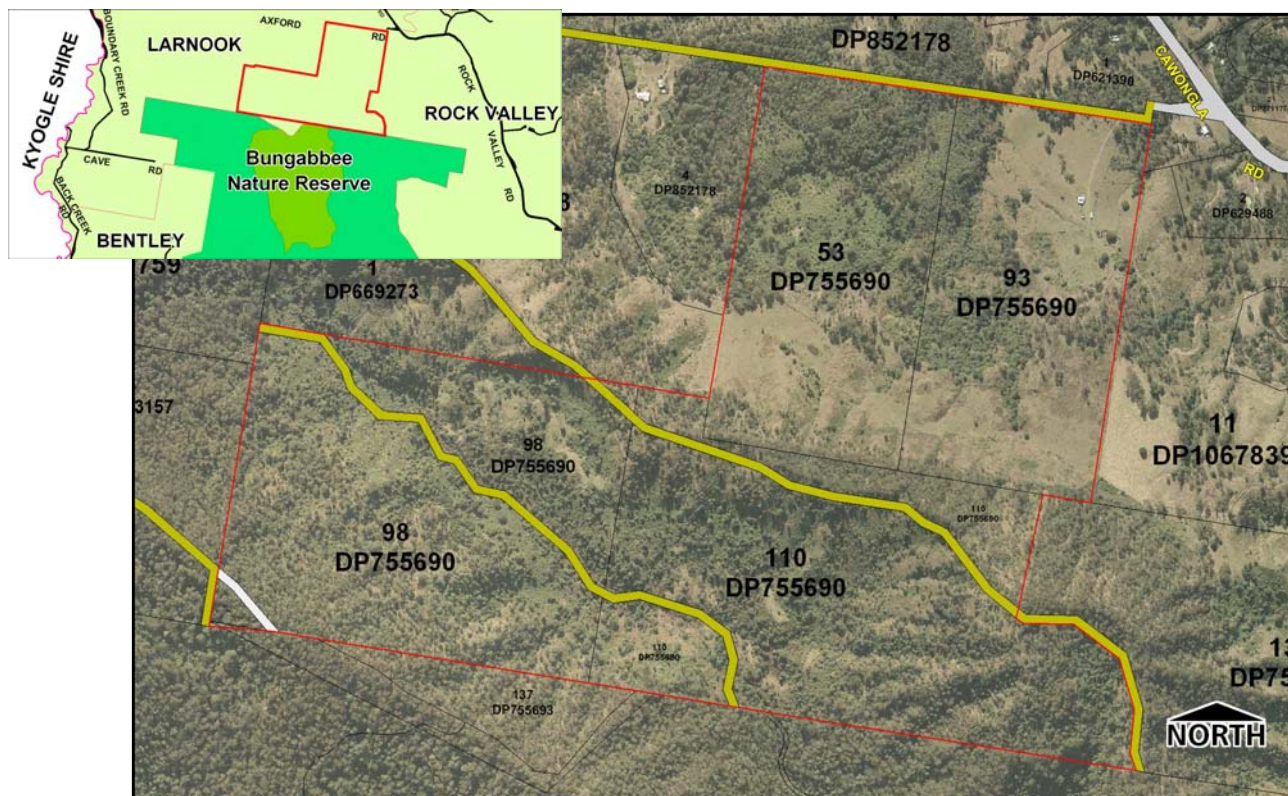
Subject	Application for closure of public roads - unformed roads off Cawongla Road, Larnook.
File No	P11515, P11516
Prepared by	Property Officer
Reason	To amalgamate the unformed roads which divide the applicants' land.
Objective	To seek Council's support in principle, by resolution to the Road Closing application.
Strategic Plan Link	Infrastructure
Management Plan Project	Roads - Urban, rural and regional roads

Overview of Report

Proposal to close two legal unformed unnamed portions of Crown road (marked yellow), plus one legal unformed unnamed portion of Local Government road (marked white), running south-east to north-west, to the west of Cawongla Road. To the south is Bungabbee Nature Reserve and State Forest.

Background

Council is in receipt of an application from the owners of Lot 98 DP 755690 and Lot 110 DP 755690 (outlined red) for the closure of the unnamed unformed roads running parallel with Cawongla Road, Larnook, as shown on the plan displayed below.



The applicants wish to purchase the proposed closed roads from the Crown. The roads are unformed and no previous construction or maintenance has been undertaken by Council. In accordance with the *Roads Act 1993*, upon closure, the former Local Government road will become vested in the Crown as Crown land.

The applicants have requested closure of the roads to allow their land to be amalgamated into one parcel - incorporating the two Crown roads and the one Local Government road to create a more regular aspect and enable the applicants' land to be better utilised without the location of the roads creating a hindrance for future potential development.

No Council services are known to exist within the road subject to the application, therefore closure will have no impact on Council's existing infrastructure or services. Should any services be located the applicants will ensure their continuity either by way of an easement or relocation to the satisfaction of Council. All costs associated with the application will be borne by the applicants.

Comments

Financial Services

As all costs associated with the road closures are to be borne by the applicants, the recommendation is supported.

Other staff comments

Planning services

Planning Services raise no issue for land use planning.

Roads Department

Roads section has no objections to proposed road closures.

Public consultation

If approved by Council, the Department of Lands then takes responsibility for consulting all adjoining landowners and the placement of public notice giving 28 days for interested parties to make submissions on the proposal.

Conclusion

The closure of these unformed unnamed roads is consistent with Council's previous closures of unformed unnamed Crown and Council roads. Council's Finance, Planning and Roads Departments raise no objection to these portions of road being closed.

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

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

Recommendation (IS54)

That the application to close the two unformed unnamed Crown road reserves and one unformed unnamed Local Government road reserve on Lot 98 DP 755690 and Lot 110 DP 755690 (as shown on the plan included in this report) be endorsed by Council for lodgement with the Department of Lands for road closures.

Report

Subject	Best Practice Management
File No	S387 & S301
Prepared by	Contract Engineer, Lismore Water
Reason	Report on Lismore Water's substantial compliance with Best-Practice Management of Water Supply and Sewerage Guidelines (May 2004).
Objective	Payment of a dividend from Lismore Water's Water Supply and Sewerage businesses to the General Fund.
Strategic Plan Link	Water and Waste Cycle
Management Plan Activity	Lismore Water

Overview of Report

This report outlines Lismore Water's demonstrated compliance with the Best-Practice Management of Water Supply and Sewerage Guidelines (May 2004).

Background

The NSW Government encourages best-practice by all NSW Local Water Utilities (LWUs). The purpose of best practice management is:

- To encourage the effective and efficient delivery of water supply and sewerage services.
- To promote sustainable water conservation practices and water demand management.

A local government LWU is permitted to pay an annual dividend from its Water Supply and Sewerage businesses. Such a dividend may be paid for each business after the end of each financial year commencing in 2003/04.

However, as a pre-requisite to the payment of a dividend from the surplus, an LWU must demonstrate compliance with a set of criteria specified within the Best-Practice Management of Water Supply and Sewerage Guidelines (2004).

These Guidelines were produced by the (former) Department of Energy, Utilities and Sustainability, (DEUS), which now forms part of the Department of Water and Energy (DWE).

The need to comply with the Guidelines prior to paying a dividend is a requirement of Section 409(5) of the Local Government Act 1993.

There are six (6) criteria, each of which must be complied with to qualify for a dividend payment. These are:

1. Strategic Business Planning.
2. Pricing and Developer Charges, (including Liquid Trade Waste Approvals).
3. Demand Management.
4. Drought Management.
5. Performance Reporting.
6. Integrated Water Cycle Management.

To be eligible to make a dividend payment, the LWU must:

- Demonstrate compliance against the six (6) Best-Practice Management criteria through an independent compliance audit report.
- Obtain an unqualified financial audit report for its Water Supply and Sewerage businesses.
- Resolve in a Council Meeting open to the public that it has achieved “substantial compliance” with each criterion in the Guidelines.

Lismore Water engaged consultants, HydroScience Consulting Pty Ltd, (HSC), to undertake an independent audit to determine Lismore Water’s compliance with the Guidelines.

HSC undertook this audit in September 2007 and the audit report confirmed ‘substantial compliance’ with the Best-Practice Management criteria as required by the Guidelines.

Comments

Financial Services

All local water utilities are striving for compliance with the best practice management guidelines. Fundamentally, the focus is to improve the economic, social and environmental outcomes for customers and the community in general.

To satisfy prerequisites for the payment of a dividend, both an independent compliance report and unqualified financial audit report are required. The audit report is being completed as part of the audit of Council’s 2006/07 Financial Reports and as such, will be formally considered at the Special Meeting of Council planned for October 30, 2007.

In regards to the dividend from Lismore Water, the 2006/07 Budget anticipated payments of \$3.00 per assessment and \$15.00 per assessment from the Sewerage and Water Funds respectively to be received by the General Fund.

On the basis that the audit reports support the opinion that Lismore Water substantially complies with the Best-Practice Management Guidelines and Council resolves accordingly, the required information will be sent to DWE and the dividend payment processed.

Other staff comments

Not required

Public consultation

Not required

Conclusion

Based on the assessment undertaken by Lismore Water and HSC, Lismore Water substantially complies with the Best-Practice Management Guidelines.

Recommendation (IS53)

1. That Council note Lismore Water has achieved substantial compliance with Best-Practice Management criteria as required by the Guidelines in the six (6) criteria of:
 1. Strategic Business Planning.
 2. Pricing and Developer Charges, (including Liquid Trade Waste Approvals).
 3. Demand Management.
 4. Drought Management.
 5. Performance Reporting.
 6. Integrated Water Cycle Management.
2. That on receipt of an unqualified financial audit report, a maximum dividend of \$15.00 per water assessment and \$3.00 per sewerage assessment be paid to the General Fund in 2006/07.

Report

Subject	Delegates to 2007 Local Government Conference
File No	S569
Prepared by	Corporate Compliance Co-ordinator
Reason	Unavailability of Cr Chant to attend the Conference
Objective	To appoint a new delegate
Strategic Plan Link	Leadership by Innovation
Management Plan Project	Councillors

Overview of Report

Determination of a replacement voting delegate.

Background

At its meeting held on August 14, 2007 Council resolved that Councillors Chant, Meineke and Tomlinson attend the 2007 Local Government Conference as voting delegates with Councillor Swientek attending as an observer.

Councillor Chant, at Council's September meeting sought and was granted "Leave of Absence from Council" for a period which included the Conference. Councillor Chant advises he will not be able to attend the Conference.

Council now needs to determine a replacement voting delegate. The obvious candidate is Councillor Swientek, although it is open to any other Councillor to nominate for this position.

Comments

Financial Services

Not requested

Other staff comments

Not required

Public consultation

Nil

Recommendation

That Council appoint Councillor Swientek as a voting delegate to the 2007 Local Government Conference.

Report

Subject	Disclosure of Pecuniary Interest Returns 2006/07
File No	S18
Prepared by	Corporate Compliance Coordinator
Reason	Request by Department of Local Government
Objective	To meet the guideline requirements
Strategic Plan Link	Leadership by Innovation
Management Plan Project	Administrative Services

Overview of Report

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

Background

In 1997 the Department of Local Government issued a set of guidelines on the administrative processes associated with the completion of Pecuniary Interest Returns.

The new procedures did not change in intent of the Act but are designed to regulate uniformly throughout NSW how the Act is applied. The result is a minor increase in associated administration, including the need for completed Pecuniary Interest Returns to be tabled at a Council meeting.

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

Comments

Financial Services

Not required

Other staff comments

Not required.

Public consultation

Not required.

Recommendation

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

Report

Subject	Investments held by Council – September 2007
File No	S178
Prepared by	Management Accountant
Reason	Required by Local Government Act 1993, Clause 212 Local Government (General) Regulations 2005 and Council's Investment policy.
Objective	To report on Council Investments
Strategic Plan Link	Leadership by Innovation
Management Plan Activity	Financial Services

Overview of Report

Council investments as at 30 September 2007 are estimated to be \$36,599,637 subject to the final value of funds held under separate management being advised shortly.

The interest rate reported over the period of September 2007 is estimated to be 5.71% in comparison to 6.63% for September 2006. Council's return of 5.71% is below the Bank Bill Swap Rate for the same period of 6.87% with predominately managed funds underperforming. The final interest return may vary due to actual returns achieved in the funds held under separate management.

Volatility continues within the markets, however all rated investments held continue to maintain strong credit ratings and therefore receipt of interest on investments and capital on maturity is anticipated.

Background

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

Due to timing issues the final value of some investments is not available within the required reporting time-frame for this report; therefore an estimate is provided based on the investments held and recent updated information on the market situation from the portfolio managers. The actual balance will be confirmed in the next investments report to Council.

Report on Investments

- | | |
|---|--------------|
| • <i>Confirmation of Investments – 31 August 2007</i> | \$37,113,861 |
| • <i>Estimated Investments – 30 September 2007</i> | \$36,599,637 |

The current rate of return on investments for September 2007 is estimated to be 5.71% compared to 6.63% for the same period last year. Council's return of 5.71% is below the Bank Bill Swap Rate for the same period of 6.87% with predominately managed funds underperforming. The rate of return reported has been calculated using actual returns where available and estimates based on the previous period balance and interest rates. These estimates appear reasonable in light of discussions with portfolio managers.

Volatility in the investment markets has continued to impact on Council's current market valuation of investments and interest on investment returns. Council's investment advisors have confirmed the view that the current valuation of the market is not a true reflection of Council's overall position as typically most investments are held to maturity. All rated investments held have a strong credit rating (AAA to AA-) indicating the underlying assets supporting the investments are sound. With credit ratings remaining strong, receipt of interest on investments is anticipated to continue. For information, Standard & Poor's Credit Ratings definition's for short term and long term obligations is attached.

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

- Summary of Investments including name of institution, lodgement date, maturity date, interest rate and the estimated interest earned in the period.
- Total Investment Portfolio held by month with last year comparison - graphical
- Investment by Type - graphical
- Weighted average interest with last year comparison – graphical
- Investment by Institution as percentage of total portfolio – graphical
- Definitions – Standard & Poor's Credit Ratings

Comments

Responsible Accounting Officer

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.

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 30 September 2007, estimated investments total \$36,599,637 and the annualised rate of return was 5.71%.

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

The report be received and noted.

**MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING
HELD ON SEPTEMBER 19, 2007 AT 10.00 AM**

	Present	Councillor Merv King (<i>Chairperson</i>), Bronwyn Mitchell on behalf of Thomas George, MP, Liz Smith (<i>RTA</i>), Snr Const Rob Clarke (<i>Lismore Police</i>).
	In Attendance	Councillors Jenny Dowell and John Hampton, Garry Hemsworth (<i>Executive Director-Infrastructure Services</i>), Scott Turner (<i>Manager-Assets & Support Services</i>) and Bill MacDonald (<i>Traffic & Emergency Services Coordinator</i>).
TAC37/07	Apologies	An apology for non-attendance on behalf of Thomas George, MP, was received and accepted.
TAC38/07	Minutes	The Committee was advised that the minutes of the Traffic Advisory Committee meeting held on July 18, 2007, were confirmed by Council on September 11, 2007.

Disclosure of Interest

Nil

Part 'A' – Committee Recommendations

N Simpson – Traffic and Parking Restrictions in Bent Street, Lismore
Requesting No Stopping signs be erected in Bent Street and a Give Way control on the access road to the Baptist Church.

A meeting with residents revealed a number of areas of concern that require some parking restrictions and intersection controls to be implemented. This is largely a result of increasing pressures on parking demand due to the Hospital expansion.

- TAC39/07 Recommendation:** That a No Stopping zone be introduced on either side of Bent Street at its intersection with Uralba Street heading north, and east along the southern side of Uralba Street from Bent Street. Further, that a Give Way control be introduced on the access road to the Baptist Church giving priority to traffic in Uralba and Bent Streets.
Voting unanimous (07-6076:R6058,R6004)

Ms C Carmont – Intersection of Milton and Renwick Streets

Drawing attention to the number of vehicle incidents at the intersection of Milton and Renwick Streets and restricted sight distance for motorists.

The southern leg of Milton Street at its intersection with Renwick Street is significantly wider than the opposing leg and sight of both the existing kerbside Give Way sign and the continuity line are limited due to the roads' grade and formation. Snr Const. Clarke has advised that there has only been one recorded accident at this intersection since 1997, however, the widening of the intersection is more recent.

- TAC40/07 Recommendation:** That the existing Give Way control on the southern leg of Milton Street at its intersection with Renwick Street be further reinforced with the installation of a small centre median and additional Give Way sign.
Voting unanimous (07-7059:R7125,R7130)

Trinity Catholic College – Trinity Year 12 Graduation Ball

Requesting closure of access to car park on the corner of Dawson and Leicester Streets on November 16, 2007, between 4:00pm and 6:15pm and advising of traffic route for vehicles transporting students to the hall.

The graduation ceremony for 2006 was held under similar conditions with no report of any incidents. The proposed left turn movement into and out of the car park seemed to work well.

TAC41/07 Recommendation: That approval be granted for the use of the car park in line with the proposed traffic measures provided suitable agreement can be reached with the PCYC.
Voting unanimous (07-7595:R6017,R6042)

Jiggi School of Arts Hall Centenary – Temporary Road Closure

Requesting closure of a section of Jiggi Road in the vicinity of the Jiggi Hall on October 14, 2007, between 1:55pm and 2:10pm.

The hall is located along a section of Jiggi Road that has excellent sight distance from either direction. As the proposed event is on a Sunday afternoon when traffic volumes would be reasonably low and providing the proposed traffic control measures were put in place, it was suggested that agreement would be appropriate.

The Mayor advised the committee that he would be attending this function.

TAC42/07 Recommendation: That approval be granted for the proposed closure of Jiggi Road on October 14, 2007, provided all of the measures identified in the letter were implemented.
Voting unanimous (07-7627:R2551)

Traffic Control Plan for NSW Aboriginal Football Carnival
 Event to be held on September 27 until October 1, 2007.

A traffic control plan prepared by Council's Acting Roads Manager was submitted for consideration and approval. The key components of the plan are the closure of Magellan Street, between Dawson and Cathcart Streets to through traffic for the duration of the carnival. This area will be used for bus and taxi services and a mobility parking area. Traffic controllers will be in place to manage heavy pedestrian movements across Dawson Street should they be required. Parking will be available in Fredericks and Crowther Car Parks and on Jolly Field. The need for Dawson Street to be closed temporarily will be made after consultation with the Lismore Police and is dependant on the potential for pedestrian and vehicular conflict.

TAC43/07 Recommendation: That approval be granted for the proposed traffic control measures as indicated in the Traffic Control Plan. (S352)
Voting unanimous

Department of Health – Parking in Glasgow Lane, Lismore CBD

Department representatives have raised concerns about a number of parking and traffic issues in Glasgow Lane in the vicinity of Corporate Express.

Some of these issues can be dealt with by further enforcement of parking conditions in the lane and this has been forwarded to the Rangers for their attention. To keep the lane clear of delivery vehicles it is proposed to replace the existing No Parking zone on the eastern side of Glasgow Lane from the rear of Retravision heading south to cover the two driveway accesses to adjoining properties.

TAC44/07 Recommendation: That the existing No Parking zone on the eastern side of Glasgow Lane from the rear of Retravision heading south be replaced with No Stopping signs. (S352)
Voting unanimous

D Kanaley – Intersection of Upper Coopers Creek / Minyon Falls Road
 Requesting that traffic control measures be reviewed at the above intersection.

At the last meeting of the Committee it had been recommended that an additional Give Way sign be placed on Upper Coopers Creek Road and appropriate line-marking be installed at the intersection to improve safety. The RTA has since advised that the proposed treatment is not in accordance with guidelines for intersection controls and accordingly a further inspection has been carried out.

TAC45/07 Recommendation: That the existing Give Way control on the Minyon Falls Road leg be changed to a Stop sign with accompanying holding line. (07-5142:R3606,R3604)
Voting unanimous

Intersection of Ballina Road with Hunter Street and Second Avenue
 Proposal to install a centre median on Ballina Road through the above intersection.

Council's Acting Roads Manager has requested that consideration be given to implementing the long standing proposal to install a centre median on Ballina Road through its intersection with Hunter Street and Second Avenue. This intersection continues to be of concern, particularly for motorists propped on Ballina Road to turn right into Hunter Street. This proposal has been part of an overall traffic management plan for this section of Ballina Road for some 10 years. As the intersections of Ballina Road and Dibbs Street, along with the intersection of Ballina Road and Diadem Street have been upgraded, it would seem appropriate to further consider this proposal. It was noted that vehicle movements north-bound on Hunter Street had increased 64% since the upgrade of the Ballina Road and Dibbs Street intersection. It was raised with the RTA representative that previous advice from the RTA indicated intersections on Ballina Road/Bruxner Highway would not be considered in isolation. The RTA representative advised that due to the circumstances in this instance (ie, accident history and potential), the RTA would support some action being taken.

TAC46/07 Recommendation: That in view of the upgrade of the Ballina Road and Dibbs Street intersection and the potential for a continuance of accidents at the intersection of Ballina Road with Second Avenue and Hunter Street, approval be granted for the installation of a centre median on Ballina Road to prohibit right-turns into and out of Second Avenue and Hunter Street. (R6408,R6030,R7473)
Voting unanimous

Part 'B' – Determined by Committee

B Oort – Speed Limit on Mountain Top Road, Georgica
 Expressing concern for the number of cars and dirt bikes travelling on Mountain Top Road and their impact on local wildlife and requesting a 50 kph speed zone be applied as well as wildlife warning signs.

The section of Mountain Top Road where Mr Oort lives is gravel formation and winding. The opportunity for excessive speed is limited. Development along the road is of a rural nature. Accordingly, due to its gravel formation and limited development, a reduced speed limit was not considered to be suitable. Mr Oort has been spoken to and it was pointed out that unless a clearly defined wildlife crossing area could be identified then signage would not be considered warranted. It was agreed that this road was probably no different to many other rural roads in terms of wildlife movements. It was suggested to Mr Oort that if he could identify particular speeding offenders then Police Officers would be able to follow up.

B-07-09:1 It was agreed that no further action be taken apart from forwarding any information on to the Lismore Police Station should Mr Oort be in a position to provide this. (07-7227:R2186)
Voting unanimous

Mrs V E Parker – Intersection of Dunoon / Repentance Creek Roads
 Requesting that action be taken to formalise traffic movements at the intersection of Dunoon Road and Repentance Creek Road.

Dunoon Road is a gravel formation at its intersection with Repentance Creek Road and has two legs which enter onto the bitumen. It would be confusing to motorists, particularly non-locals, as to which leg they should use. There was also the potential for conflict between opposing traffic movements due to restricted sight distance of oncoming vehicles turning left from Dunoon Road and right from Repentance Creek Road.

- B-07-09:2 **It was agreed** that this matter be referred to Council's Design Services Section for investigation and preparation of a plan and estimate for the upgrade of the intersection and this referred to the Roads Manager for consideration of funding in a future program.
Voting unanimous (07-7426:R3407)

Guide Dogs NSW/ACT – Pedestrian safety along Wyrallah Road
 Requesting a pedestrian crossing to be built on Wyrallah Road in the vicinity of the East Lismore Shopping Centre.

As a result of this request, arrangements were made to have a pedestrian and vehicle survey carried out in the location of the existing pedestrian refuge on Wyrallah Road near the shopping centre to determine whether the existing movements meet the warrant for a marked pedestrian crossing. The counts revealed that between 8.15am and 9.15am there were 1,177 vehicle movements and 11 pedestrians crossing Wyrallah Road. Between 3.30pm and 4.30pm there were 1,270 vehicle movements and 30 pedestrians crossing. Due to the number of visually impaired pedestrians attempting to cross at this location and the high volume of vehicular traffic, it is felt that this may be a case for special consideration of installing a marked pedestrian crossing, even though it falls short of meeting the warrant for same.

- B-07-09:3 **It was agreed** that the matter be deferred to allow for further vehicle and pedestrian counts to be undertaken to determine if the warrants are met and the matter be reported back to the next meeting.
Voting unanimous (07-7631:R5201)

J Dougherty – Intersection of Dalley and Nielson Streets, East Lismore
 Requesting the roundabout at the above intersection be inspected for sight distance problems for approaching vehicles.

Whilst the existing fence on the south-western corner of Dalley and Nielson Streets did restrict the sight distance of oncoming vehicles, it is felt that approach speeds to the roundabout would be sufficiently low to allow motorists time to negotiate the facility safely. There have been no reported accidents at the intersection since the installation of the roundabout and Police reports state that vehicle speeds along Dalley Street have been significantly reduced.

- B-07-09:4 **It was agreed** that the writer be advised in accordance with the above. (R7426,R7459)
Voting unanimous

P McCombe and M Langley – Dibbs Street Vehicle Speeds
 Results of speed survey in the vicinity of No. 125 Dibbs Street.

As a result of concerns raised by residents, classifiers were installed in front of 125 Dibbs Street, south of Ballina Road. The 85th percentile speed for south-bound traffic was 55.1 kph and for north-bound traffic 61.9 kph. It has already been acknowledged that Dibbs Street is part of the major road system within the urban network and as such, traffic calming devices were not considered appropriate. Snr Const. Clarke has advised that Police Officers have been tasked to patrol this area and the additional information that north-bound vehicle speeds are the higher, has been passed on for additional attention.

B-07-09:5 **It was agreed** that the residents be advised in accordance with the above. (R6020)
Voting unanimous

M Bray – No. 64 Dalley Street, Driveway Access

Requesting consideration of installing No Stopping signs either side of her driveway to allow retention of a kerbside area for her to reverse into, rather than backing out onto Dalley Street.

B-07-09:6 **It was agreed** that as there are already a significant number of signs along Dalley Street, arrangements have been made to have a white line painted out from the kerb on either side of the driveway to No. 64 Dalley Street, to help keep this area clear. (R7426)
Voting unanimous

Proposed Aldi Development – No. 83 Conway Street, Lismore
 Review of traffic and pedestrian facilities for the proposed Aldi Store.

A plan was tabled at the meeting that showed the proposed centre median on Conway Street, east of Dawson Street, which included a pedestrian refuge and the associated regulatory signposting on roads surrounding the development. It was noted that a concrete median had been proposed in lieu of a painted median to ensure that west-bound traffic on Conway Street could not prop along the road to turn right but had to use the roundabout at Dawson Street. An additional refuge was proposed on Conway Street, approximately 10m east of Dawson Street. Apart from some minor adjustments in signposting standards, the Committee supported the proposal.

B-07-09:7 **It was agreed** the proposed plan be supported. (D070076,R7307)
Voting unanimous

Closure

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

Chairperson

**Traffic and Emergency
 Services Coordinator**

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:

Contract for the sale of land and transfer - Lot 735 DP 1078465 - 252 Oliver Avenue, Goonellabah (P29037)

Council has negotiated an offer of \$385,000 inclusive of GST for the sale of Lot 735 DP 1078465 - 252 Oliver Avenue, Goonellabah. The square metre rate for this lot is \$87.14 (4,418m²).

Discharge of Mortgage - 71 Union Street, Lismore

Council holds a mortgage on this property as security for the deferral of Section 94 and Section 64 Levies associated with DA 05/10 - Rural Tourist Facility, Dunoon Road, Dorrroughby. The deferred levies have been paid in full and the mortgagors have requested the discharge of the mortgage.

The discharge of mortgage is recommended.
(P9667, D05/10 & P17044)

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, SEPTEMBER 11, 2007 AT 6.00PM.

Present

Mayor, Councillor King; Councillors Chant, Crimmins, Dowell, Ekins, Graham, Hampton, Henry, Irwin, Meineke, Swientek and Tomlinson, together with the General Manager, Executive Director-Development & Governance, Executive Director-Infrastructure Services, Manager-Finance, Communications Co-ordinator, Corporate Compliance Officer and General Manager's Personal Assistant.

- 442/07 **Apologies/
Leave of
Absence** Leave of absence was granted for Councillor Tomlinson October 5 – October 20, Councillor Crimmins September 17 – October 5 and Councillor Chant October 2 – October 24.
(Councillors Irwin/Meineke)
- 443/07 **Minutes** The minutes of the Ordinary Meeting held on August 14, 2007, were confirmed subject to it being noted that Councillor Ekins voted against resolutions 425/07 and 441/07 and that Councillor Henry was absent from the meeting (428/07).
(Councillors Swientek/Dowell)

Disclosure of Interest

Councillor Meineke declared a “perceived conflict of interest” in respect to the Mayoral Minute the McLeans Ridges Rezoning.

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:

Janet Allen – McLeans Ridges Rezoning

Councillor Meineke declared a “perceived conflict of interest in this matter and left the Chamber during debate and determination thereon.

Janet Allen spoke on behalf of the McLeans Ridges Community Group and advised they were strongly apposed to the proposed rezoning. She raised issues in respect to compatibility with existing development, road infrastructure, environmental impact and community facilities. They did not consider the Mayoral Minute provided a way forward.
(S884)

Mayoral Minutes

McLeans Ridges Rezoning

A MOTION WAS MOVED that the report be received and:

- That Council invite the proponents of the Cameron Road and Roseview Road rezoning applications to submit amended proposals that:**
 - provide for minimum lot frontages of 70m, other than for battleaxe lots or lots situated at the end of cul-de-sacs, and
 - provide a 5m landscaped area in “no build” zones along the side boundaries of all lots, and

- provide a revegetation plan of the Cameron Road reserve using local rainforest species, and
- integrates appropriate stormwater management and driveway design into roadside table drains, and
- includes an arborist's report that provides for the protection of the Teak tree on the Roseview Road proposal.

2. That Council's staff:

- Negotiate with the RTA regarding re-alignment of the Cowlong/Bruxner intersection.
- Negotiate with the McLeans Ridges Hall Committee with a view to providing improved carparking and site access as part of the Planning Agreements.
- Prepare amended draft Planning Agreements that include:
 - an additional \$2,366 per lot to be allocated towards the upgrading Boatharbour Road (being equivalent to the current S 94 contributions for roads that would otherwise be payable),
 - A provision that no other S94 roads contribution will be applicable, and
 - A provision that all monetary contributions are to be adjusted annually to reflect any increase in the Construction Price Index.
- Negotiate with the proponents to achieve a more integrated outcome for the design and location of open space and community facilities within the LEP area.
- Seek a legal opinion on the likelihood of a civil action against the Council in the event of the Rose application being refused.

(Councillors King/Graham)(S884)

An AMENDMENT WAS MOVED that the Mayoral Minute be deferred to the October meeting.

(Councillors Irwin/Swientek)(S884)

At this juncture the MAYORAL MINUTE WAS WITHDRAWN from the meeting.

At this juncture Councillor Meineke rejoined the meeting.

2007 Lismore Cup Day

444/07 **RESOLVED** that Council request the Minister for Industrial Relations, The Hon John Della Bosca, MLC to substitute November 29 for the half day holiday declared for September 27 in support of the Lismore Cup.

(Councillors King/Swientek) (S25)

Notice of Motions

Relocation of the Council Chambers to the Old Lismore High School site

445/07 Formal notice having been given by Councillor Chant it was **RESOLVED** that the General Manager investigate the relocation of the Council Chambers to the Old Lismore High School site.

(Councillors Chant/Hampton) (P28295)

Voting against: Councillors Ekins, Tomlinson and Swientek

Election of Deputy Mayor

- 446/07 **RESOLVED** that Council elect a Deputy Mayor and that the period of appointment for the Deputy Mayor be until September 2008.
(Councillors Dowell/Graham)
- 447/07 **RESOLVED** that should there be more than one nomination, the method of election for Deputy Mayor be by open voting.
(Councillors Crimmins/Irwin)

Nominations

Two nominations were received for the position of Deputy Mayor from Councillors Dowell and Chant.

Election

The Returning Officer (General Manager) declared Councillor Chant elected as Deputy Mayor until September 2008.

Reports

Request for assistance – Lismore Lantern Parade

A MOTION WAS MOVED that the report be received and that Council agrees to advance \$15,000 to LightnUp Inc upon receipt of a suitable tax invoice.
(Councillors Irwin/Dowell) (S74)

An AMENDMENT WAS MOVED

1. That Council agrees to advance \$15,000 identified in the 2007/08 Budget period to LightnUp Inc upon receipt of a suitable tax invoice.
2. LightnUp advise Council bi-monthly of the balance of the bank account opened to recoup the advance commencing September 30, 2007 with the final report being no later than April 30, 2008.
(Councillors Meineke/Chant)(S74)

The voting being tied the Mayor declared the AMENDMENT APPROVED on his casting vote.

Voting Against: Councillors Irwin, Tomlinson, Ekins, Dowell, Henry and Crimmins.

- 448/07 **RESOLVED** that the report be received and:
1. That Council agrees to advance \$15,000 identified in the 2007/08 Budget period to LightnUp Inc upon receipt of a suitable tax invoice.
 2. LightnUp advise Council bi-monthly of the balance of the bank account opened to recoup the advance commencing September 30, 2007 with the final report being no later than April 30.

Voting Against: Councillors Irwin and Ekins

Unfunded Budget Items 2007/08

A MOTION WAS MOVED that the report be received and that Council:

1. Consider the \$9,900 requested by Richmond Tweed Regional Library for Sunday afternoon openings at the Lismore City Library after reviewing the library survey results and availability of funding at its November 2007 meeting.
2. Not approve extra funding of specific Atmosphere, Water and CCP Resourcing projects in the 2007/08 Budget after considering the range of environmental sustainable initiatives already included and the availability of funded staff resources.
3. Receive a report detailing opportunities to enhance cultural initiatives and experiences that would flow from increased expenditure of the order of \$100 000 in the Lismore LGA.
(Councillors Henry/Meineke)(S952)

AN AMENDMENT WAS MOVED that Council staff prepare a report to Council as requested in the Budget Workshop.
(Councillors Irwin/Dowell)

On submission to the meeting the AMENDMENT WAS APPROVED.

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

- 449/07 **RESOLVED** that Council staff prepare a report to Council as requested in the Budget Workshop.
(S952)
Voting Against: Councillor Chant.

Management Plan Review 2006-07 – quarter ended June 2007

- 450/07 **RESOLVED** that the report be received and noted and that the format for future reviews of the Management Plan Review be constructed differently.
(Councillors Irwin/Tomlinson)(S4)

Tenders for Water Main Replacement

- 451/07 **RESOLVED** that the report be received and:-
1. That the contract for water main replacement be awarded to Camglade Pty Limited at the rates submitted (the estimated price of the works being \$917,312.00 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.
(Councillors Hampton/Chant)(T27019)

Voting against: Councillor Swientek

Alcohol Free Zone Interim Extension

- 452/07 **RESOLVED** that the report be received and that Council endorse the Lismore Alcohol Free Zones Interim Extension, as illustrated on the attached map, for a two week period from 24 September 2007 to 8 October 2007.
(Councillors Irwin/Crimmins)(S226)

Voting Against: Councillor Swientek.

Strategic Plan Steering Committee

- 453/07 **RESOLVED** that the report be received and that the recommendations from the August meeting of the Strategic Plan Steering Committee as detailed within the report be adopted.
(Councillors Tomlinson/Dowell)(S4)

Nimbin Road Realignment for Blakebrook Bridge

- 454/07 **RESOLVED** that the report be received and:
1. That Council purchase the parcels of land as roadway (part Lot 2, DP825603 and part Lot 101, DP881164), and dispose of the existing roadway as surplus closed road to be dedicated as operational land, and sold to each adjoining land owner. The landowner of the first parcel (Lot 2 DP 825603 is to be paid \$900.00 compensation. The landowners of the second parcel (Lot 101 DP881164) is to be paid \$15,000.00 compensation.
 2. That excess fill generated by this project be relocated to an easily accessible location on the same lot.
 3. That Council pay for fencing (5-strand barbed wire) along the boundary of the realigned roadway.
 4. That Council pay all survey costs, Council's fees, plan registration fees and legal costs in relation to the road realignment.
 5. That the Mayor and General Manager be authorised to sign and affix the Council Seal to land transfer documents and plans of survey or any other documents deemed necessary for the actions contained within this report.
- (Councillors Graham/Hampton)(R2801, P11262, P 26208)

Nominations for Membership – Community Services PAG

- 455/07 **RESOLVED** that the report be received and that Dillon Brice and Chris Binge be appointed as the appropriate representatives on the Community Services Policy Advisory Group.
(Councillors Dowell/Irwin)(S36)

Application for Closure of Public Road – Off Rogerson Road, McKees Hill

- 456/07 **RESOLVED** that the report be received and that the application to close the unformed unnamed road reserve adjoining Lot 1, DP 620640 and Lot 101, DP 861687 (as shown on the plan included with this report), be endorsed by Council for lodgement with the Department of Lands for road closure.
(Councillors Hampton/Graham)(P12276, P25706)

Investments held by Council – August 2007

- 457/07 **RESOLVED** that the report be received and noted.

(Councillors Irwin/Chant)(S178)

Committee Recommendations

Traffic Advisory Committee July 18, 2007

458/07 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.
(Councillors Irwin/Graham) (S352)

Voting against: Councillor Ekins

Documents for Signing and Sealing

459/07 **RESOLVED** that the following documents be executed under the Common Seal of Council:

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

Discharge of Mortgage over Lot 9 DP 598185 (Vol 13714 Fol 170) - 76 Fredericks Road, Caniaba (P14919)

The owner of this property had a mortgage with Council in 1981 which has been paid in full. It is requested that the Mortgage be removed from the Title. The signing and sealing of the Discharge of Mortgage document by Council is requested.
(Councillors Irwin/Chant)(P14919)

Financial Assistance - Section 356

460/07 **RESOLVED** that in accordance with Section 356(1) of the Local Government Act 1993, the assistance to persons as listed is hereby approved.

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

Budget: \$2,700 To date: \$190.91

Lismore Preschool Kindergarten – September 16, 2007 Preschool Carnival as part of ongoing fundraising efforts. \$50.00

Branston Brewer-Charles has gained selection in NSW country Rugby Union State Team. In September/October he will be travelling to Samoa and New Zealand request for travel assistance. \$50.00

b. Council Contributions to Charitable Organisations (390.965.15)

Waste Facility - POLICY: 5.6.1

Budget: \$9,000.00 Expenditure: \$768.05

Contributions for the period of 1/8/07 to 31/08/07

Animal Right & Rescue	\$18.18
Challenge Foundation	\$168.91
Five Loaves	\$138.60
Friends of the Koala	\$38.18
LifeLine	\$198.00
Salvation Army	\$17.27

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Westpac Life Saver Rescue Helicopter \$42.73
TOTAL:

\$621.87

In accordance with Section 356(1) of the Local Government Act 1993, the assistance to persons as listed above is hereby approved.
(Councillors Dowell/Hampton)(S164)

Closure

This concluded the business and the meeting terminated at 9.25 pm.

CONFIRMED this 16th day of October 2007 at which meeting the signature herein was subscribed.

MAYOR

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