



Ordinary Meeting

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on **August 14, 2007 at 6.00pm** and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager
August 7, 2007



Agenda

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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

Mayoral Minute

Subject **Land for Homeless Shelter**

I hereby move:

- 1. That Council negotiate with the State Government to lease vacant railway land off Norco Lane, South Lismore for the purpose of constructing an overnight shelter for Lismore's homeless.**
- 2. That Council foster a partnership approach to resourcing this community facility by engaging with the State and Federal Governments, community service providers, charitable agencies, volunteers and experienced professionals to develop a homeless shelter service model suited to Lismore's needs.**
- 3. That all parties focus on providing a homeless shelter in Lismore by March 2008.**

Background

For a number of years the Lismore Soup Kitchen has operated from a State Rail building in Norco Lane, South Lismore. This site has proven to be suitable for the service provided by community minded volunteers and meets a need for a clientele requiring regular sustenance.

The current tenure of this site does not provide reasonable certainty over future improvements planned by the Board of the Lismore Soup Kitchen, thus, Council staff have been in discussion with the State Government to secure a longer lease.

Being conscious of the plight of some in Lismore who are homeless I have asked that the possibility of establishing a suitable night shelter in the same general area be considered. This land has the advantage of being accessible for pedestrians, is remote to residential premises and it is close to the Soup Kitchen. The initial response was favourable so I personally spoke to a representative of the railways land to confirm that my intentions were achievable. I am satisfied that the project is viable from that perspective.

Whilst the discussions to date have been exploratory I believe it is now timely to identify a site for a homeless shelter in Lismore and in so doing focus the energy of all parties on making the proposal a reality.

I anticipate that a community based venture such as this will require extensive consultation in order to develop a service model which will meet local needs. With all goodwill I sincerely hope that Lismore will be able to establish a suitable facility prior to the onset of next winter. To that end I propose to convene a stakeholder meeting at the earliest opportunity and set in train a process which will improve the lot of Lismore's homeless as quickly as possible.

Cr M H King

Mayor

August 2, 2007

Notice of Motion

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

Councillor Irwin moves that the Bocce Club and Sales yard buildings are not demolished before a detailed report in terms of options and costs has been brought to Council

Councillor Irwin

Staff Comment

Manager Assets and Support Services

The proposal to demolish the Bocce Club and Sales yard buildings is based on an assessment that the buildings are unsafe. However, there are no plans to commence this process immediately. Alternatives to demolition will be explored and a report presented to Council on these alternatives to allow Council to make a decision on the best way forward with this matter.

The proposed motion is therefore supported.

Notice of Motion

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

Councillor Irwin moves that the proposed rezoning of 2F land to industrial land in North Lismore be deferred pending development of an appropriate vision for North Lismore in conjunction with the North Lismore Progress Association, and embedding of that vision.

Councillor Irwin

Staff Comment

Executive Director – Governance and Development

One of the options for Council in considering the proposed rezoning of land in North Lismore to industrial was to defer preparation of the draft LEP amendment and deal with the proposal as part of the comprehensive LEP for Lismore. Although work on the comprehensive LEP has commenced, staff recommended that Council proceed with preparation of the draft industrial amendment for the following reasons:

1. The rezoning submission was originally lodged back in May 2005 and (although sufficient information to proceed to the section 54 stage was not received by Council until May 2007) a significant body of work had been done.
2. In the interests of Lismore's economy there should be sufficient stock of vacant industrial land available in a variety of locations and the North Lismore proposal will contribute to this.
3. The State government has been encouraging Councils to zone land for employment purposes and the land is identified in the Far North Coast Regional Strategy as having the potential for such use.

The draft LEP amendment is currently with the Department of Planning's LEP Review Panel. As part of its review process the Panel will consider whether or not the subject proposal should proceed in isolation or be incorporated into the comprehensive LEP and will instruct Council accordingly.

It is therefore inappropriate for Council to defer consideration of this rezoning proposal when such a decision would be contrary to the Department of Planning's current recommendations.

Notice of Motion

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

Councillor Irwin moves that the proposed water feature for Carrington Street be redeveloped in line with Council's Public Art policy.

Councillor Irwin

Staff Comment

Comment Executive Director - Infrastructure Services

The water feature in Carrington Street was originally developed as part of the overall design prepared by John Dayman - Landscape Architect (Land Partners). A draft design brief - Aboriginal artwork for water feature sculpture Carrington St, Lismore has been prepared for the artist and also for consultation purposes.

The brief was referred to the Arts and Culture PAG for comment. The PAG responded that the process was not in accordance with Council's "Public Art Policy". The guidelines referred to in the policy are currently under development but in the circumstances input from the PAG would enable the works to proceed.

While this project could be a pilot to develop the guidelines to ensure they are practical, workable and meet the objectives of the policy, it will mean that completion of the Carrington Street upgrade will be delayed further.

Report

Subject	Section 96(1A) E P & A Act 1979 - Application to Modify Development Application No 2004/281
File No	DA04/281
Prepared by	Development Assessment Planner
Reason	Two Councillors have requested the application be determined by Council
Objective	To determine the Section 96 Application to extend the operating hours at the Eltham Valley Pantry, 713 Boatharbour Road, Eltham
Strategic Plan Link	Economic Development, Natural Environment and Quality of Life
Management Plan Activity	DA Assessment

Overview of Report

The purpose of this report is to enable Council to determine an application to amend the development consent for the Eltham Valley Pantry under Clause 96(1A) of the Environmental Planning & Assessment Act 2979. The key issues of traffic generation and road upgrading are discussed in the report with the conclusion recommending consent be given to the application for amendment of DA 2004/281.

Location:

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

Zoning:

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

Key Issues:

Traffic generation and road upgrading.

Background

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

ASSESSMENT UNDER SECTION 79C OF THE E.P. & A ACT -

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

Any Environmental Planning Instruments**State Environmental Planning Policies (SEPPS)**

Nil that impact upon this amendment

Regional Environmental Plan (REP)

Nil that impact upon this amendment

Lismore Local Environmental Plan (LEP)

The amendment is permissible with consent under the terms of the LEP.

Any Draft EPI that is or has been placed on Exhibition

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

Any Development Control Plan

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

Any Matters Prescribed By The Regulations

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

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

In the original DA assessment traffic counts were taken on Boatharbour Road in the vicinity of the proposed development. These counts showed an average daily traffic volume of 166 vehicles per day. Boatharbour Road exists as a one lane i.e. minimum 3.5m wide, sealed road between Camerons Road and the development and Eltham Road and the development.

The relevant standard for the assessment of road requirements for this type of road is Austroads Rural Road Design Guide. This standard identifies that traffic volumes for a one-lane road should not exceed 150 vehicles per day. The road is currently below standard for the volume of traffic currently utilising it. The road standard required to cater for the existing and proposed traffic would be a 6m wide seal on an 8m wide gravel pavement.

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

In the original development application the proponent proposed to restrict the opening hours of the café to overcome the need for these upgrading works. The proposal was to restrict the hours of operation of the development to the hours where the traffic volumes were below a maximum vehicle per hour volume. This meant that even though the daily traffic volumes exceeded the standard, the hourly volumes, when extrapolated from the standard daily rate, would be below the standard during the limited opening times. The hours of opening for the development, being 10.00am to 3.00pm during the weekdays, were specifically conditioned to ensure that any traffic generated by the development did not add to the traffic of the morning and afternoon peaks. The standard does not recognise this approach however it was accepted that in this instance it was reasonable to take this approach to avoid refusal of the application. To apply an hourly extrapolation from the daily counts the hourly counts had to be less than 10% of the daily volume i.e. 15 vehicles per hour would be the maximum for a one-lane road. This approach was adopted by officers however it could be debated whether it is an appropriate methodology as it involves interpretation of the intent of the standard rather than strict application of the standard. It should

therefore be considered as the most liberal interpretation of the standard and therefore the maximum variation of the standard.

It should be noted that Council has refused other development applications based on non compliance with this standard where the cost of the upgrading works was considered to be unreasonable. However these refusals were based on significant non compliance with the standard which is not the case in this application.

The original development application proposed to open on three days per week and to generate an additional 5 trips per hour. Average hourly counts for each of the proposed opening days showed a range of 7-9.4 vehicles per hour for the proposed hours of opening i.e. 10-3 Wednesday to Friday. The proposed additional 5 trips per hour were added to these figures which resulted in an hourly trip generation of 13-14.4. These figures were below the maximum 15 trips per hour as extrapolated from Austroads for a one-lane road and therefore the café development was considered to meet the standard for access with the opening hours restricted to 10-3 Wednesday to Friday.

A subsequent amendment to the application was approved in July 2006 varying the opening hours to include Sundays between the hours of 8am and 6pm. This amendment was assessed based on the above methodology and no adverse traffic implications arose from that extension of the hours of operation.

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

The present application proposes to extend the opening hours of the café to also include 10.00a.m. to 3.00p.m. Monday – Tuesday and 8.00a.m. to 6.00p.m. Saturday. For the proposed opening hours of 10.00a.m. to 3.00p.m. Monday and Tuesday and 8.00a.m. to 6.00p.m on Saturday the average hourly rates were observed.

	Saturday	Monday	Tuesday
Ave. hourly trips	11	8.6	8.6

If the additional 5 trips per hour to be generated by the café are added to these averages it would yield 13.6 for both Monday and Tuesday. This figure is below the maximum 15 trips per hour, as extrapolated from Austroads for a one-lane road. The proposal to vary the application to include operation of the café between 10-3 Monday and Tuesday is considered to meet the standard for access.

With the addition of the 5 trips per hour to the Saturday average the expected traffic generation would be 16 movements per hour. This means that likely traffic volumes will be slightly, 1 vehicle per hour, in excess of the standard of 15 movements per hour. Though this is the case the application has been supported on the basis that the development has contributed approximately \$90,000 towards the upgrading of Boatharbour Road to a standard suitable for 100 vehicles per hour.

It should also be noted that further extension of the hours of operation into the morning or afternoon peaks would not be approved unless the road were bought up to an acceptable standard.

The Suitability of the Site for the Development

The site is suitable for the development subject to restricting the hours of operation to limit the impacts on Boatharbour Road.

Any Submissions made in Accordance with this Act or the Regulations

Four submissions (three identical) were received following public consultation and the issues raised are summarised as follows:

- Road / traffic safety
- Applicants working outside current approved operating hours
- Request for Council to consider upgrading Boatharbour Road

A copy of the submissions is attached to the report for Council's consideration.

Planners comment on the submissions:

It is considered that the traffic generated by the development will not have such a significant detrimental impact on Boatharbour Road as to warrant refusal of the application.

The developers operating otherwise than in accordance with their consent in the past is not a reason to refuse the application. This is provided that Council is satisfied that the conditions imposed on the consent are capable of being enforced either by penalty infringement notices or by orders.

The request for Council to consider upgrading of Boatharbour Road will be forwarded to the Roads Policy Advisory Group for consideration in accordance with Council policy.

The Public Interest

The proposal is not contrary to the public interest.

Conclusion

The concerns expressed regarding traffic safety by the objectors are relevant, however staff consider that the standard has not been significantly exceeded either for Monday, Tuesday or Saturday trading as set out in this report. On this basis the modification is considered justified.

The development provides the opportunity for locals and visitors to the region to enjoy dining in a rural atmosphere and contributes to the economy of the region through employment generation. Approval of the application will ensure the facility meets the criteria to utilise the Austrack tourist indicator signs.

The amendment of Condition No 3 is considered reasonable and acceptable having regard to the above issues, and to the circumstances of the case.

The provisions of Section 96(1A) of the Environmental Planning and Assessment Act 1979 have been satisfactorily upheld.

Recommendation

That Council;

1. grant delegated authority to the General Manager - subject to the concurrence of the Development Assessment Panel, to approve variations of a minor nature and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.
2. as the consent authority, approve the modification of condition 3 of DA 04-281 as follows:

The hours of operation of the refreshment room are limited to:

Monday to Friday	10.00am to 3.00pm
Saturday & Sunday	8.00am to 6.00pm
Public Holidays	8.00am to 6.00pm

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

Report

Subject	Draft S94 Contributions Plan – Woodlawn Avenue to Ballina Road
File No	S517
Prepared by	Senior Strategic Planner
Reason	Close of public exhibition of the S94 Plan for a new road linking Woodlawn Ave to Ballina Road
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 advises of the outcome of the public exhibition of the draft Contributions Plan for a new road linking Woodlawn Ave to Ballina Road. Thirteen submissions were received to the draft plan raising a range of issues. The proposed road link is integral to future growth and development in this part of Lismore. A traffic impact study undertaken by TTM indicates that upgrading of the Rous Road intersection will be necessary before the proposal can proceed and it is recommended that the Contributions Plan be amended accordingly. It is recommended that Council adopt the Contributions Plan incorporating the proposed amendments.

Background

At its meeting of April 10, 2007 Council considered a report on the draft Section 94 Contributions Plan for a new road linking Woodlawn Ave to Ballina Road at the Rous Road intersection. The new road link will be required to service future residential development north of Ballina Road. None of the other existing intersections on Ballina Road have suitable geometry or location that would permit upgrading to accommodate the anticipated additional traffic. Council resolved to place the draft Contributions Plan on public exhibition for a period of 28 days.

The new access to the Rous Road intersection will require acquisition of two properties along Ballina Road and part acquisition of two other properties. Estimated land acquisition and road construction costs have been factored into the plan.

The road will service two future residential release areas north of Ballina Road. The Trinity Drive residential release area (Area 2 on the Contributions Plan map) is not yet zoned residential but would have an estimated potential lot yield of 330 lots. Although access will initially be from Bangalow Road (via Lagoon Grass Road), the new road between Woodlawn Ave and Ballina Road will be required before the development connects to Trinity Drive.

An area of vacant 2(a) zoned land east of Woodlawn Ave (Area 1 on the Contributions Plan map) that has an estimated potential lot yield of 55 lots. This land does not have a current subdivision approval and any future subdivision application would need to accommodate the proposed road link within its internal road network.

The cost of the new road link is to be apportioned between new development in Areas 1 & 2 as both areas will utilise the road for access to Ballina Road.

The proposed road link between Woodlawn Ave and Ballina Road is identified in Council's adopted DCP for the Lismore urban area (Chpt 1 of Part B of Lismore Development Control Plan).

Comments

Financial Services

As clearly detailed in the report, all costs associated with the proposed link road between Woodlawn Avenue and Ballina Road will be funded by developer contributions. These will be in addition to all existing developer contributions applicable to property development.

It should be noted that the physical works will more than likely be required before all developer contributions are received. To minimise the financial impact, interest earned on contributions received will be applied to offset any associated financing costs.

Other staff comments

Council's Development Engineer has had 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.

- 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.

- 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:

- 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.

- 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 adopt the Section 94 Contributions Plan for the Woodlawn Ave to Ballina Road link incorporating the recommended amendments as attached to this report and 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
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

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	Draft LEP Amendment No 29 – Stony Chute Road, Nimbin
File No	S928
Prepared by	Senior Strategic Planner
Reason	Receipt of road upgrading plans for Stony Chute Road
Objective	Council's resolution to re-exhibit the draft LEP Amendment with a draft Planning Agreement
Strategic Plan Link	Economic Development
Management Plan Activity	Implement adopted Council land use strategies

Overview of Report

This report advises Council of the approval of engineering plans for the upgrading of Stony Chute Road that were a requirement for the rezoning of a 89ha parcel of land on that road for rural residential purposes. The report recommends that the draft LEP Amendment now be re-exhibited together with a draft Planning Agreement that provides for the upgrading of Stony Chute Road in accordance with the approved plans.

Background

At its meeting of December 14, 2004 Council considered a report on the outcome of the public exhibition of a draft LEP Amendment to enable a Community Title rural residential subdivision on Lot 4 DP 1048778 Stony Chute Road, Nimbin. The proposal comprised 26 rural residential lots and one neighbourhood lot under the Community Titles scheme together with a residue lot created under Torrens Title. The proposal was lodged in accordance with the provisions of the Lismore Rural Housing Strategy 2002.

Council resolved to adopt the LEP Amendment on the condition that, prior to it being forwarded to the Minister, a Planning Agreement be entered into between Council and the owner of the land that formalised the owner's offer to fund the upgrading of Stony Chute Road between the Nimbin Road intersection and the subject property. The landowner has now submitted plans for the upgrading of Stony Chute Road that are satisfactory to Council and suitable for incorporation into a formal Planning Agreement.

In the time that has elapsed since Council's December 2004 resolution, there have been a number of legislative changes that affect the way that LEP Amendments are prepared as well as the way Planning Agreements are prepared and exhibited. Because of these changes, LEP Amendment 29 has been redrafted and conditions that were previously included in the LEP have been incorporated into the draft Planning Agreement instead. A copy of the redrafted LEP Amendment is attached to this report.

For the reasons outlined above it is proposed that Council now re-exhibit the redrafted LEP Amendment together with a draft Planning Agreement that incorporates the following provisions:

- A requirement that any future Development Application for subdivision is to be generally in accordance with the concept plan of subdivision and supporting information submitted with the rezoning proposal.

- A requirement that Stony Chute Road is to be upgraded in accordance with the Council approved plans prior to the release of any Subdivision Certificate.
- A requirement that rehabilitation works are to be carried out on the land in accordance with the proposed plan for environmental repair and enhancement, including a bond for the works which is to be release upon the satisfactory completion and establishment of the agreed stages of the rehabilitation works.
- Provision of a surety to cover the costs of upgrading Stony Chute Road in accordance with the approved plans.

Comments

Financial Services

Not required

Other staff comments

Council's Development Engineer in consultation with Council's Rural Works Engineer has approved the plans for upgrading Stony Chute Road that were prepared by Landpartners on behalf of the landowner.

Public consultation

Draft LEP Amendments and draft Planning Agreements prepared in accordance with section 93F of the EP&A Act, have a minimum statutory exhibition period of 28 days.

Conclusion

Legislative changes that have occurred in the period between Council's original resolution to adopt LEP Amendment 29 and the receipt of satisfactory plans for the upgrading of Stony Chute Road have necessitated the redrafting and re-exhibition of LEP Amendment No 29. The draft Planning Agreement requiring the upgrading of Stony Chute Road is to be exhibited concurrently with the LEP Amendment.

Recommendation

That Council:

1. Place on public exhibition draft LEP Amendment 29 (as per the attachment to this report) for a period of 28 days, and
2. Concurrently exhibit a draft Planning Agreement with the draft LEP Amendment that incorporates the requirements outlined in this report.

Lismore Local Environmental Plan 2000 (Amendment No. 29)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

FRANK SARTOR, M.P.,
Minister for Planning

Lismore Local Environmental Plan 2000 (Amendment No. 29)

1. Name of plan

This plan is *Lismore Local Environmental Plan 2000 (Amendment No. 29)*.

2. Aims of plan

This plan aims to allow, with the consent of Lismore City Council, a rural residential subdivision of the land to which this plan applies to create a maximum of 26 rural residential allotments and one neighbourhood lot under the *Community Land Development Act* and one residue lot.

3. Land to which plan applies

This plan applies to Lot 4 DP 1048778 Stony Chute Road, Nimbin.

4. Amendment of Lismore Local Environmental Plan 2000

Lismore Local Environmental Plan 2000 is amended as set out in Schedule 1.

Schedule 1 Amendments

[1] Schedule 4 Additional development on certain land

Insert at the end of the Schedule in Columns 1, 2 and 3, respectively:

Column 1 Land	Column 2 Purpose	Column 3 Development standards or conditions
Lot 4 DP 1048778 Stony Chute Road, Nimbin	Rural residential subdivision to create 26 rural residential allotments and one neighbourhood lot under the <i>Community Land Development Act</i> and one residue lot.	Consent must not be granted to the purpose specified in Column 2 unless the application is made within 3 years after the commencement of Lismore Local Environmental Plan 2000 (Amendment No 29).

Report

Subject	2008 Local Government Election – Constitutional Referendum
File No	S13
Prepared by	Corporate Compliance Co-ordinator
Reason	Statutory Requirement
Objective	To determine the future composition and method of election for the Council
Strategic Plan Link	Economic Development, Leadership by Innovation
Management Plan Activity	Councillors

Overview of Report

Section 224(2) requires Council to conduct constitutional referendums in respect to wards, number of Councillors and method of Mayoral election. Council must determine a position in respect to the number of Councillors.

Background

The Department has reminded Council of the requirements in respect to constitutional referendums in respect to wards, number of Councillors and method of Mayoral Election. In particular Council is required to determine the number of Councillors for the following terms. These issues are addressed below.

Divide an area into wards

This Council since its formation in 1977 has operated without wards. As far as can be determined there has been no call from the public for the re- establishment of wards.

The creation of wards would be difficult. Each ward has to have the same number of Councillors (minimum of two) and the number of electors must be within 10% of electors in each ward. The direct election of the Mayor is also a complication.

This option will not be canvassed further. Should Council wish to proceed to establish wards another report would be required.

RECOMMENDATION – no change

Direct Election of Mayor

Council has operated the last two terms with a Mayor directly elected by the voters. Prior to this, the election of the Mayor was conducted annually by Councillors. There is a trend towards the election of Mayor by the voters, compared to the alternative.

RECOMMENDATION – no change

Number of Councillors

Section 224(2) of the Local Government Act requires that Council, not less than 12 months before the next ordinary election determine the number of its Councillors for the following term. Should Council determine to change the numbers either by an increase or decrease, the views of the electors must be sought via a constitutional referendum. The result of a constitutional referendum is binding. Any change arising would be effective for the 2012 election.

The reduction in the number of Councillors has previously been debated by successive Councils. There has been seemingly two positions, being the status quo or a reduction to nine Councillors.

In 2002 Council reached a compromise position and agreed to ask the public via a constitutional referendum;

“Are you in favour of decreasing the number of Councillors from 12 to 11 (including the Mayor).”

The referendum was carried overwhelmingly 16,528 for and 5,952 against. This reduction will be effective for the next election in 2008. As stated earlier, Council has debated the option of reducing the number of Councillors to nine on a number of occasions, the last time being November 2005. However, the public has never been asked this question.

Its notable that as a result of the structural reforms in local government over recent times the numbers of Councillors on the larger regional Councils has trended down. Clarence Valley Council with a population of 50,100 has nine Councillors. Tweed Shire Council with a population 81,000 of will elect seven Councillors in 2008.

When last considered, the following arguments were advanced for the reduction in numbers:

- More that 50 per cent of Councils in NSW have nine Councillors or less including Ballina, Clarence, Coffs Harbour, Kyogle, Kempsey, Port Macquarie, Tamworth and Bellingen. Some have only six, seven or eight Councillors.
- Electors have not been given the opportunity to vote for less than 11 Councillors.
- A reduction in Councillors will cut costs.
- Representation will not be adversely affected as instanced by the successful operation of Councils with fewer Councillors.

The counter arguments have revolved around:

- Increased workload for Councillors.
- Reduction in representation ie ratio of voters to Councils.
- Reduction in diversity of Councillors.

Comments

Financial Services

Included in the 2007/08 Budget is an amount of \$592,600 for Councillors. This is to support 12 Councillors. After considering what costs are fixed or variable depending on the number of Councillors, a reduction in the number of Councillors to 11, 10 or 9 will save approximately \$23,700, \$47,700 or \$71,400 respectively per annum.

A summary of the calculation is attached for information.

Public consultation

If Council supports the principle of a reduction in Councillor numbers an information campaign will be prepared for electors.

Conclusion

There are some clear savings that can be quantified by reducing the number of Councillors. However the majority of arguments both for and against any reduction proposal are difficult to quantify and this uncertainty has led to this reluctance to change. The last decision to reduce to 11 was a compromise.

Given the largely unquantifiable component of the proposition, the public is arguably in as strong a position as Councillors to decide how many Councillors they wish to elect. Accordingly it is recommended that they be given the opportunity.

Recommendation

That a constitutional referendum be conducted in conjunction with the 2008 Local Government Election asking:

Are you in favour of decreasing the number of Councillors from 11 to nine (including the Mayor)

Report

Subject	Organisational Structure
File No.	S258
Prepared by	General Manager
Reason	Inform Council of the reasons for the proposed change in the organisational structure.
Objective	Obtain Council endorsement of the proposed change in the organisational structure.
Strategic Plan Link	Infrastructure
Management Plan Activity	>

Overview of Report

This report proposes a change in the organisational structure at the Program Manager level within the Infrastructure Services Directorate. Market forces and skill shortages have frustrated some recruitment campaigns and a way forward will be found by reshaping the organisational structure. The proposed new structure consolidates the skills required and will offer an improvement of service delivery to the community.

Background

The present structure of Council was adopted in May 2005 (refer Attachment 1 enclosed). The structure was designed down to the level of Program Manager. It is at this level that further changes to the structure are proposed.

The skills shortage within Australia is well documented. This includes a shortage of engineers within the Local Government sector, particularly in the specialised area of water and sewer. The position of Manager-Lismore Water has been advertised on two occasions without attracting a suitable applicant. Direct recruitment has also failed to secure a suitable Manager. The critical importance of the Program Manager role to the ongoing improvement in Council's service delivery is well recognised and the desired high standard of personnel makes successful recruiting an ongoing challenge.

One solution may be to offer a very high salary to attract a suitable person but this will create ongoing relativity problems and possible flow-on effects throughout the staff. This is not a preferred course of action.

The 2005 Infrastructure Services model comprised the Executive Director and six (6) program areas -

- Roads and Parks
- Lismore Water
- Northern Rivers Waste
- Quarry
- Memorial Gardens
- Asset Management.

The proposed new structure builds on the original concepts and consolidates into three (3) program areas within Infrastructure Services –

- Assets and Support Services
- Operations
- Business Services.

Rationale and Justification for Change

The new structure provides a workable solution to our recruitment challenges. The opportunity to improve service delivery will also arise. The new structure is built around -

- Utilising the strengths within existing staff
- Improving the potential for recruiting suitable personnel from the job market
- Focussing additional resources on best practice strategic asset management.

Roles and Responsibilities of Program Areas

The proposed new structure (refer Attachment 2 enclosed), provides simple and clear definition of responsibility -

Assets and Support Services – What needs to be done

Assets and Support Services will take on the asset owner's role for strategic planning, forward works programmes and asset management for all infrastructure. Under one Manager this will be undertaken in a consistent and uniform manner. This program area will also provide engineering support services to the other sections of Infrastructure Services and the organisation as a whole.

The role of asset owners will extend to - Roads, Parks, Water, Sewer, Buildings, CCTV and Property. Responsibilities will include -

1. Asset management of all infrastructure assets
2. Capital works programme development
3. Strategic planning
4. Survey and design
5. Review of subdivision plans and DA conditions for water and sewer
6. Setting agreed levels of service for maintenance activities
7. Policy development.

They will also provide technical professional services in the areas of survey, design, preconstruction activities, traffic management, road safety, contract administration, property and building administration.

Operations – How works need to be done

Operations will undertake all the physical works. Improvements will be made by better co-ordination of works and better sharing and utilisation of resources. Operations will determine how to undertake the work in the most efficient and effective manner. Responsibilities will include:

1. All construction and maintenance activities associated with; urban and rural roads and bridges including associated infrastructure such as footpaths, stormwater drainage and signage, etc...
2. Construction and maintenance activities associated with; Parks including associated infrastructure such as signage, amenities, playgrounds, fencing etc...
3. Construction and maintenance activities associated with; water, sewer, wastewater treatment plant processes, monitoring water quality and initiate corrective action, infiltration programs, trade waste management etc...
4. Maintenance management systems.

Business Services – Generate new sources of income

Business Services describes all activities where there is potential to make additional income for Council. The main focus will be on generating profit for Council by undertaking activities efficiently and effectively and providing high standards of customer service to maximise market share. Responsibilities will include:

1. Quarries
2. Asphalt plant
3. Lismore Memorial Gardens
4. Farming
5. Waste collection and disposal activities
6. Fleet and Workshop services.

Implications for Staff

The most significant change under this proposal splits the functions of Lismore Water into strategic and operational activities. This will result generally in office staff joining the Assets and Support Services Program and the outdoor staff plus one engineer joining the Roads and Parks Section to form the new Operations Program area.

This will increase the responsibilities of all three (3) Program Managers but the balance is appropriate. Two existing managers will be laterally transferred and the third position is currently vacant and will be recruited, subject to endorsement of the new structure by Council.

Benefits of Proposed Change

The benefits of the proposed changes include -

- i. Simplified organisational structure.
 - Assets and Support Services – all office and forward planning activities;
 - Operations – all outdoor field based activities for Roads, Parks, Water and Sewer; and
 - Business Services – profit generating activities.
- ii. Better and consistent planning for all infrastructure projects.
- iii. Ability to allocate resources based on corporate rather than section priorities.
- iv. Ability to focus on asset management to further improve effectiveness and provide a better picture on the long-term sustainability of the infrastructure assets.
- v. Provide consistent and uniform asset management practices across all infrastructure assets.
- vi. Rationalise computer software systems.
- vii. Improved co-ordination of activities between roads, parks, water and sewer.
- viii. Improve utilisation of resources, particularly plant by sharing and co-operation.
- ix. Additional opportunities for career advancement for existing staff.

Feedback from Staff

Meetings have been held with Program Managers, Lismore Water Supervisors and outdoor staff. There is general acceptance of the proposal as there is a recognition by staff that recruiting a suitable Manager-Lismore Water was problematical and the interim arrangements are not sustainable.

Concerns expressed by staff include:

- Splitting up of a specialist business unit will lead to difficulties with communications between strategy and operations.
- The Managers leading these functions do not have specialist technical expertise in all areas and thus will not be effective.
- The proposed structure will not attract specialist water engineers into the engineering roles below Program Manager.
- That there are not sufficient resources in the new structure.

These concerns will be overcome by appointing high calibre personnel at the Program Manager level.

Comments

Financial Services

>

Other Staff Comments

Executive Director – Infrastructure Services

I have been instrumental in the planning and development of this proposal, therefore I fully endorse the recommendation.

Public Consultation

This is not a matter appropriate to a public consultation process.

Conclusion

The need for complete technical expertise at the Program Manager level is not an essential trait – these roles are focussed on management and co-ordination and this restructure takes best advantage of the known skills present among current staff and provides the opportunity for further professional growth.

The proposed new structure is forward looking, will be effective, is sustainable and mirrors industry best practice principles.

Recommendation

That Council adopt the revised organisation structure for Infrastructure Services Directorate as shown in Attachment 2.

Report

Subject	Miscellaneous Section 356 Community Donations Funding
File No	S164
Prepared by	Social Planner
Reason	To administer Council's Annual Miscellaneous Section 356 funding
Objective	To inform Council of the Section 356 funding for 2007/08
Strategic Plan Link	Quality of Life
Management Plan Activity	Community Services

Overview of Report

Council administers an annual funding process under Miscellaneous Section 356 Community Donations. This report lists the successful applicants for 2007 – 2008.

Background

Council has allocated \$30,500 in its 2007/08 budget for Miscellaneous Section 356 Community Donations. In accordance with Council policy, applications were sought from community groups and a total of twenty three (23) eligible applications valuing \$45,407 were received.

The following projects received the most votes from Councillors:

1. Lismore Meals on Wheels Services Inc	\$1,068
2. Lismore Challenge	\$2,100
3. Relationships Australia	\$2,100
4. Clunes Preschool	\$2,100
5. Goonellabah Senior Citizens Social Club	\$1,850
6. YWCA NSW	\$2,100
7. Australian Red Cross	\$2,100
8. Lismore and District Women's Health Centre Inc	\$2,100
9. Lismore Toy Library Inc	\$2,000
10. Northern Rivers Wildlife Carers	\$2,130
11. Nimbin Pre School and Childcare Assoc	\$2,100
12. Christian Community Church Goonellabah	\$2,100
13. GROW FNC Community Centre	\$2,100
14. Koori Works Inc	\$2,100
15. Lismore Legacy	\$1,200
16. Lismore Neighbourhood Centre Inc	\$1,730
Sub total	\$30,978

In order to fund all of the above projects and remain close to the budget allocation, some of the applications did not receive their entire funding request (eg funding request of \$2,200 was reduced to \$2,100). This alleviated the problem of determining which project should not be funded, given the two projects with the least number of votes were tied, and this would have required additional consideration

and voting from Council.

Comments

Financial Services

For 2007/08, \$30,500 has been budgeted for Miscellaneous S356 Community Donations. If necessary, the \$500 shortfall will be funded from the 2007/08 Budget surplus of \$23,000.

Other staff comments

Not required.

Public consultation

Not required.

Conclusion

The budget allocation is for \$30,500, and projects receiving the most votes total \$30,978. In order to fund all of the above projects, there will be a funding deficit of \$478.

Recommendation

That Council:-

1. Endorse the voting process and confirm Miscellaneous Section 356 Community Donations to the 16 projects outlined above.
2. Allocate \$500.00 from the 2007/08 Budget surplus to fund all projects recommended.

Report

Subject	Tenders for the provision of Audit Services
File No	T27021
Prepared by	Contracts Administration Officer and Principal Accountant
Reason	To inform Council of tenders received for the provision of auditing services for a six year period
Objective	To obtain Council approval to award the Tender
Strategic Plan Link	Leadership by Innovation
Management Plan Activity	Financial Services

Overview of Report

Councils' existing audit contract finishes with the completion of the 2007 Financial Reports and a new six year contract period is to commence from July 1, 2007 to June 30, 2013. In accordance with Section 422 of the Local Government Act 1993 (Act) in which Council is required to appoint a suitably qualified person as its auditor, Council advertised for the provision of audit services and received tenders from three suitably qualified firms.

An evaluation panel of comprising the Principal Accountant and Contracts Administration Officer assessed the tenders based on the evaluation criteria of Price, Capacity, Quality, Value Adding, Technical Expertise and Referees.

The overall weighted assessment shows that the tender by Thomas Noble and Russell provides for the best qualitative outcome for Council given their extensive experience and knowledge from a NSW local government and Lismore City Council perspective.

Background

Council is required under Section 422 of the Local Government Act 1993 (Act) to appoint a suitably qualified person as its auditor. The auditor reports to the elected Council on the General Purpose and Special Purpose Financial Reports prepared annually in accordance with the Act and any other matters prescribed by the Local Government Code of Accounting Practice and Financial Reporting.

The existing audit contract finishes with the completion of the 2007 Financial Reports and the new six year contract period is from July 1, 2007 to June 30, 2013.

The tender was advertised in the Northern Star and Sydney Morning Herald as part of a Northern Rivers Regional Organisation of Council's initiative where six local councils including Lismore along with Richmond Tweed Regional Library were seeking the appointment of an auditor either separately or jointly.

At the close of tenders, three tenders had been received. They are from:-

1. UHY Haines Norton, Sydney
2. WHK Rutherfords, Lismore
3. Thomas Noble & Russell, Lismore

Evaluation

An evaluation panel of comprising the Principal Accountant and Contracts Administration Officer assessed the tenders based on the evaluation criteria of Price, Capacity, Quality, Value Adding, Technical Expertise and Referees.

The result of the evaluation are attached as Attachment A

As expected, all tenderers are suitably qualified registered company auditors and offered a comprehensive risk based audit methodology. The tendered GST inclusive prices ranged from \$34,100 to \$49,300 for the first year of the contract. From a NSW local government perspective, Thomas Noble and Russell clearly have the best credentials having the most NSW audit clients and being very proactive in the industry. WHK Rutherfords have one NSW local government audit client while UHY Haines Norton has the most Australian local government audit clients.

The overall weighted assessment shows that the tender by Thomas Noble and Russell provides for the best qualitative outcome for Council given their extensive experience and knowledge from a NSW local government and Lismore City Council perspective.

Comments

Financial Services

Thomas Noble and Russell are Council's current auditors and have been providing this service over a long period. They provide a high quality professional service and that is timely and flexible to meet Council's statutory and non statutory demands.

The recommendation to award the contract for audit services to Thomas Noble and Russell is supported.

Other staff comments

Not required

Public consultation

Not required

Conclusion

In accordance with Section 422 of the Local Government Act 1993, Council must appoint a suitably qualified person as its auditor. The overall weighted assessment shows that the tender by Thomas Noble and Russell provides for the best qualitative outcome for Council given their extensive experience and knowledge from a NSW local government and Lismore City Council perspective.

Recommendation

1. The contract for the provision of Audit services for the period July 1, 2007 – June 30, 2013 be awarded to Thomas Noble & Russell.
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	Purchase of Council Plant – Multi-Tyred Roller
File No.	CS:VLC:T27004
Prepared by	Administrator - Fleet Services
Reason	To inform Council of major plant purchases.
Objective	To seek Council's approval for the purchase of one (1) new multi-tyred roller.
Strategic Plan Link	Infrastructure – Support Fleet Operations
Management Plan Activity	1.12 – Plant Operations

Overview of Report

This report recommends the replacement of one 20-tonne approximate operating weight, multi-tyred roller.

Background

Lismore City Council's Roads Section operates seven (7) rollers of various sizes and types and all of these rollers have varying replacement dates due to their usage.

Fleet No. 302: (*Being replaced in this tender*) is a 1984 Rollpac 20-tonne multi-tyred roller used by both urban and rural roads crews. As the majority of the RTA's roads are a flexible pavement type, the multi-tyred roller is used from start to finish on these types of pavements. The roller is also used on the stabilised pavements on our local urban, rural and regional roads to help with the compaction and sealing of the pavement. This machine previously had low utilisation and had an extended working life but with the increased workload and utilisation, the need to replace with a newer and more reliable machine is now here.

The roller (No. 302) was purchased for bitumen resealing duties and general road construction finish work. It was one of two multi-tyred rollers owned by Lismore City Council and the smaller of the two (14-tonnes operating weight), was sold due to very low utilisation.

OH&S has a large role in any construction site today and this has implications on the selection of all items of plant recommended for purchase for Lismore City Council usage. The current roller is of the older design that does not allow for the required visibility at the rear or front of the machine, especially when rolling within close vicinity of workers on the job site. While all precautions have been taken on those sites, there have been 'near misses' between the roller and staff so roadworks management have decided to remove the potential of an incident and replace this machine with a roller which complies with the "1.0m high at 1.0m distance" visibility rule.

(Note: The "1.0m high at 1.0m distance" rule allows for an object of 1.0m height to be seen at 1.0m distance from any part of the roller. Refer diagram shown in Attachment 'A')

The operating weight of 20-tonnes has been successful with Lismore City Council with most of the road maintenance and construction applications that this machine works on, and this weight is required to gain maximum compaction which is required for road manufacture.

While there are many different brands of multi-tyred rollers on the market, a great deal of consideration was given to the OH&S issues while working on worksites. This is reflected with both operator safety and 'others on the worksite' safety, which may eliminate one or more of the rollers offered in this tender and the reasons are shown in the confidential Attachment A.

The rollers offered in this tender are shown below -

Roller Make	Supplier
Ammann AP240	Conplant Ammann Aust. of Yatala, Qld.
Bomag BW24R	BT Equipment P/L of Rocklea, Qld.
Multi-Pac CCH7.21	GCM Agencies P/L of Mt. Kuring-Gai, NSW
Sakai GW750	GCM Agencies P/L of Mt. Kuring-Gai, NSW
Ingersoll-Rand PT240R	Clark Equipment Sales of Silverwater, NSW
Caterpillar PF(S)300C	Westrac of Grafton, NSW
Multi-Pac VP200 (second-hand)	Tractor Supply of Rocklea, Qld.

Most of the machines offered in this tender met the minimum specifications as set out by Lismore City Council staff, whereas one was lower in operating weight and another was a second-hand machine, which did not meet the minimum safety requirements.

An evaluation panel comprising of the Administrator-Fleet Services, Urban and Rural Works Engineers and Urban and Rural Works Supervisors assessed the tenders in part or in full, as per the criteria set out in the tender documents. Please note that this machine does not have an allocated operator at this time.

The evaluation determines the suitability of all of the rollers offered in this tender for *capability, quality, safety, operational functionality and conformity to the minimum specifications given*. The results of these evaluations are shown in 'The Confidential Attachment A'. Full evaluations and specifications of the rollers are shown in 'The Confidential Attachment B'.

Key Points being Considered

- Operating weight – Minimum of 20-tonnes and effective variable compaction using tyre inflation on the run.
- Purchase best possible machine to carry out the tasks as required, when required.
- Proven back-up support from supplier and manufacturer.
- Operator comfort with 'Ergonomic Design' and operating considerations (OH&S).
- Able to maintain the visibility of an object 1.0m high at 1.0m from the machine.
- Ability to keep machine working with minimal maintenance and repair time.
- Complete warranty on machine.

Comments

Acting Manager – Roads & Parks

The proposed purchase of the Bomag BW24R multi-tyred roller is strongly supported by the Roads Section. This machine represents the best value with regards to functionality, quality of finish, safety features, operator comfort and capability. Stability of the machine is also very critical due to the hilly terrain that exists within Lismore's Local Government area. Bomag have a proven reliability and back-up service that has been provided with Council's existing Padfoot roller. The multi-tyred roller is an essential plant item that is used for deep pavement compaction and final sealing of the gravel surface prior to bitumen sealing. Any time delays that occur with this activity are very critical, so it is essential that this machine performs to a high standard. This helps to ensure that time delays are kept to a minimum for the travelling public.

Manager - Financial Services

The Rollpac 20 rubber tyred roller being replaced was purchased in 1984. During its 23 years operating life it has generated a \$138,000 operating surplus. Based on the reported information, this item of plant is essential to Council's road construction and maintenance activities and the preference is to own rather than hire due to potentially unfavourable arrangements. There are sufficient funds being held in plant reserves to fund this purchase.

Public Consultation

Not Required

Conclusion

Rollers are an important machine in the road repair and manufacture structure. While there seems to be plenty of them on a job at any one time, they are there because they are needed to be there, and poor product support from a supplier and/or manufacturer has a detrimental effect on the time-frame to complete any roadworks. As the Council is aware, most of the roadworks carried out by Lismore City Council staff are on existing trafficable roads and the time delays taken by machinery breakdowns heighten the anxiety of the public travelling through these sites and also generates unnecessary costs.

All of the rollers offered in this tender have similar compaction standards, but the Sakai GW750 is being offered as both normal multi-tyred and vibration systems. It has been decided that where this roller is to be used, especially in the urban areas, vibration will be of a hindrance rather than helping and its operating weight is only 9,000kg, not the minimum 20,000kg as required.

Operator comfort plays its part in the roller evaluation as this operator does almost 50% of the roller's work in reverse, so rearward visibility is important both for the operator's posture and other staff or public near this roller.

Purchase pricing of the rollers is important but so is the fact that the roller must work every day possible after that purchase. This is why higher emphasis is placed on the roller's ability to do the job and product support of that roller throughout its entire lifespan with Lismore City Council.

Both the urban and rural sections of Council's Works Section have agreed that the Bomag roller does suit their need better than all of the other rollers offered in this tender. There is an added benefit that it can have increased ballast using water if required. This roller will remain as the only multi-tyred roller in the Lismore City Council fleet.

Recommendation (IS37)

1. That Council purchase one (1) only new **Bomag BW24R** multi-tyred roller as tendered (T27004) from **BT Equipment**, Rocklea, Queensland, for the cost of \$161,150.00 (including GST)
2. That the existing and replaced roller be sold at auction when the new machine is in service with Lismore City Council.

Report

Subject	Goonellabah Recreation Centre
File No.	ST:VLC:T27005
Prepared by	Manager - Assets and Support Services
Reason	Negotiations with the preferred tenderer have been concluded and a final price agreed for the project.
Objective	To advise Council of the outcome of negotiations with the preferred tenderer for the project.
Strategic Plan Link	Infrastructure, Quality of Life
Management Plan Activity	Parks and Recreation, Community Services

Overview of Report

Following Council's meeting of April 10, 2007 the General Manager was authorised to enter negotiations with the preferred tenderer for the project, SPANTECH, to finalise a contract for the project up to a maximum value of \$13,359,766.00 (ex GST).

Following a consultation process with stakeholders and potential user groups, some changes have been made to parts of the building and negotiations concluded allowing a contract to be entered.

Background

Council at its meeting on April 10, 2007 considered a report on the outcome of negotiations with two (2) tenderers for the Goonellabah Recreation Centre Project and resolved, inter alia, to negotiate further with SPANTECH Pty Limited. The purpose of proceeding with further negotiations was to finalise design of the facility following a community consultation process and to address a series of risks identified with the submission from SPANTECH. A maximum contract value of \$13,359,766.00 (ex GST) was nominated by Council as a ceiling for the negotiations.

Main Building

Council undertook a series of community consultation meetings on May 16 and 17, 2007. The Architect and Project Manager from SPANTECH were also present at these meetings. Council invited youth service providers, schools, community groups, sporting groups and the general public to attend and participate in the process. A number of improvements and changes to the internal layout of the building were progressed as a result of these meetings.

These changes were then incorporated into the design and presented to the Project Steering Committee at its meeting on June 14, 2007 where they were agreed. Since that time SPANTECH has been progressing with further site investigations, finalisation of plans ready to lodge a development application, and costings for the project. A copy of the final plans is attached to Councillors' business papers (refer Attachments A, B, C).

The final cost for the project which will form the basis of the contract that Council will enter is \$13,076,450.00 (ex GST).

It should be noted that this figure does not include the cost of the skate park and this is discussed later in the report. Further, no allowance has been made for the provision of tanks to collect and recycle stormwater, although the necessary plumbing is included and this is also discussed later in the report.

The final design also does not include a full roofed area to the drop-off and pick-up zone. This was not included in the original tender from SPANTECH but has been requested as part of the consultation process. A design for such a structure is being prepared by the Architect and footings, etc... will be constructed at this time. The structure itself could be added at a later time.

Skate Park

At the meeting on April 10, 2007, Council determined that the skate park should form a separable portion of the proposed contract. The reason for this was that the design of the skate park had not been finalised and Council had yet to commence consultation processes with relevant stakeholders. It was considered appropriate to separate this aspect of the project such that it would not unduly delay progress on the remainder of the project. Since that time staff have commenced formation of a reference group to participate in the design of the skate park and established contact with two (2) specialist skate park design firms.

It is intended to conduct a series of workshops over the coming months to progress and finalise a design for the skate park. It is expected that this process would be complete by the end of the year. Council would then negotiate with SPANTECH and other companies to price its construction with a view to signing a contract early in 2008. This would allow ample time for construction to be complete in conjunction with the remainder of the project in August/September 2008.

As such staff are now reviewing options as to whether construction of the skate park should be included as a separable portion of the contract for the construction of the remainder of the facility, or whether Council should enter into a separate contract, with SPANTECH, or some other company, once a design has been finalised and costed through an appropriate process.

The original tender from SPANTECH included an amount of \$179,225 (ex GST) for design and construction of the skate park. Further, an additional \$100,000 towards construction of the skate park was allowed in the overall project budget of \$17.0 million. Final costings for the skate park will of course depend on the final design and a further report will be presented to Council once this process has been completed. Additional funding is likely to be required and staff will pursue grants for this part of the project.

Stormwater Recycling

The original tender from SPANTECH included a number of above ground storage tanks to collect rainwater for recycling in the centre for flushing of toilets, top up of the pool and potentially for use in backwashing of pool filters. However, this approach was somewhat complicated because of the number of tanks that would be required, their locations around the building (with some affecting fire egress), and the associated plumbing to connect them all together. Further, only the stormwater runoff from half of the roof would have been collected under this proposal. It therefore became problematic.

A more practical approach would be to collect the water from the entire roof to a single underground or series of underground tanks. Underground tanks, whilst more expensive, are much larger than their above ground counterparts and can effectively be placed anywhere without interfering with the available space at ground level.

The cost of the underground tank option would add between \$65,000 and \$120,000 to the cost of the project, depending on the style and size of tanks chosen.

This type of proposal is attracting considerable attention from both State and Federal Governments with funding being made available for such installations. As such, it was determined at the Project Steering Committee Meeting of July 19, 2007 to proceed with installation of the plumbing for such a scheme, but to leave the storage tanks out at this time. The tanks can then be retrofitted at a later time and staff will pursue grant funding for their installation.

Project Budget

The project cost has been kept within the nominated maximum figure by Council, subject to the exclusions as outlined in the report. It should be noted that the skate park will proceed as part of the project and has not been deleted from the project.

Based on the costs outlined in the report, an amount of \$283,316 is available as a contingency for the work. This represents approximately 2.2% of the contract cost. This is a relatively small amount by industry standards as most construction contracts allow a contingency of between 5% and 10% of contract value depending on the nature of the work. However, it is considered that Council through its design development process, and due to the level of investigations undertaken by the contractor, has substantially minimised the risk of large variations on this project.

In particular, extensive geotechnical investigations have been carried out by SPANTECH and additional footings included in the project, which would have otherwise been required as a variation very early in the project. SPANTECH has also suggested arrangements to protect Council against increases in the price of materials.

Therefore it is considered that the major area of risk to Council for cost variations on this project is from the weather.

In regard to the water tanks and structure to cover the drop-off and pick-up area, these can be constructed or added to the project at any time in the future as provision is being made for them within the construction. As the project progresses, the funds available for contingencies will be closely monitored. There may be an opportunity to add them back into the project before its completion should the value of variations be small and funds be available from the contingency allowance.

Project Timetable

A development application for the earthworks was lodged with Council on July 30, 2007 and is currently being assessed. A separate development application for the remainder of the building is due to be lodged with Council in the week of August 6, 2007. Assuming that there are no major delays in assessing these applications, it is anticipated that work will commence onsite in late September/early October.

A formal contract is now being prepared and it is anticipated that it will be signed by the end of August 2007. Allowing for good progress with construction, and minimal weather delays, it is anticipated that the centre would be open for use by the public in late August/early September 2008.

Comments

Financial Services

After considering the financial impact of these negotiations, the total project cost remains at \$17.0 million. If additional funds are required for the construction of the skate park, installation of the underground water tanks, the construction of a covered drop-off area or general project variations, these will need to be separately considered by Council.

At this time, the only variation to the project funding relates to the amount offered from Regional Partnerships being \$580,000 instead of an anticipated \$1,000,000. The shortfall of \$420,000 will need to be sourced from either additional loan borrowings; or profit on land sales as part of the 2008/09 Budget.

Public Consultation

As part of the design process, feedback and comments were sought from potential facility users, including sports organisations, youth service providers, operational staff, schools, community groups, and members of the public. The feedback was essentially very positive and several improvements/alterations were suggested. Many of these suggestions have been incorporated into the final design, which maximises the function and multi-purpose nature of the facility.

Conclusion

The project has been progressed through a design development stage including community consultation and finalisation of costings in accordance with Council's resolution of April 10, 2007. The final project cost of \$13,076,450.00 (ex GST) is within the maximum figure set by Council and a contract is being prepared for execution by both parties.

The matters of the design of the skate park and the provision of water tanks to collect and recycle stormwater are being progressed separately. A further report on the skate park will be presented to Council once a design and cost estimates have been finalised. The provision of the water tanks and the structure to cover the drop-off and pick-up zone can be revisited before the end of the project and potentially included without exceeding the total project cost, depending on the value of variations required during the course of the work.

Recommendation (IS40)

That the report be received and noted.

Report

Subject	Ballina Quarries
File No.	PK:VLC:Q132
Prepared by	Manager – Waste, Quarries & Crematorium
Reason	To inform Council of business opportunities that provide quarry synergies and additional income for Council.
Objective	To seek Council's approval to enter into the lease arrangement.
Strategic Plan Link	Infrastructure
Management Plan Activity	Quarry

Overview of Report

This report recommends that Lismore City Council enters into a lease arrangement based on royalty payments with Ballina Shire Council, to operate Tuckombil and Stokers Siding Quarries. The arrangement will allow Council to expand its quarry operations considerably and provide a base for ongoing income streams.

Background

In May 2007 Ballina Shire Council called for tenders to operate their quarries on a commercial footing, based on a royalty payment for tonnes sold over the weighbridge. As a result of Northern Rivers Quarry submitting a tender, Lismore City Council was chosen as the preferred tenderer to operate the quarries, subject to a suitable lease being developed.

Blakebrook Quarry is producing good returns for Lismore but it is a finite resource and is restricted in growth by its current consent conditions. In order to ensure growth of the quarry operations (and hence returns), it is imperative that Lismore City Council takes a commercial focus and expands its operations. To achieve this outcome the following actions are necessary –

- Extend the capacity of Blakebrook Quarry – both in terms of yearly and total volumes through variation of the existing licence conditions.
- Achieve efficiencies through the maximisation of the capacity of the recently purchased quarry crushing and screening equipment.
- Achieve efficiencies in terms of transport and supply options for Lismore's internal roads projects.
- Develop additional operations to complement the Blakebrook operation, both within and outside of the Lismore City area.
- Develop and extend the quarry customer base.
- Identify and secure a long-term resource to replace Blakebrook.

Current trends in terms of growth and infrastructure spending in the region indicate that there will be a period of sustained growth, and as such quarry products will continue to attract a premium price. It is obvious from estimates provided by developers and infrastructure service providers (e.g. RTA roads), that no single provider of quarry products will be able to meet the demand in the area. Demand and prices will be high generating good returns for those in the quarrying business.

The Tender

The key points to the tender were -

- Ten years access to Tuckombil and Stokers Siding Quarries.
- Existing Licence conditions to be continued.
- No rehabilitation requirements at the termination of the lease.
- Perimeter fencing to be upgraded over five years.
- Royalty to be paid on a per tonne basis.
- Minimum royalty based on an output of 48,000 tonne per annum.

Risks and Opportunities

During the preparation of the tender submission the following risks and opportunities were identified -

Risks

	<i>Risk</i>	<i>Effect</i>	<i>Action</i>
1.	Encroachment / complaints licence changes	<ul style="list-style-type: none"> • Unable to operate at optimum productivity. • Unable to increase volumes 	<ul style="list-style-type: none"> • Ensure "out" clause at lease stage.
2.	Loss of existing sales; current customers include Boral Asphalt, Nucrush, and Ballina Shire Council	<ul style="list-style-type: none"> • Unable to meet sale targets. 	<ul style="list-style-type: none"> • Negotiate with customers before final lease sign off. • Establish ongoing sales and marketing presence by establishing a marketing position. • Ensure remain competitive in the market place regarding price structures.
3.	Crushing capacity not adequate or not cost-efficient	<ul style="list-style-type: none"> • Unable to meet customer demand. 	<ul style="list-style-type: none"> • Utilise LCC mobile crushing equipment to maximum. • Train efficient operators. • Hire additional equipment to meet demand. • Re-evaluate plant requirements over time.
4.	Staffing / control issues	<ul style="list-style-type: none"> • Increase risk of Points (2) and (3) above. 	<ul style="list-style-type: none"> • Incorporate a Quarries Manager into the Quarries structure.

The majority of risk has been tempered by the inclusion of clauses in the lease to provide for renegotiation should the major variables change. A change to staffing structure will allow for more involvement in the market place to support the achievement of minimum royalty volumes although it is noted that these have been exceeded by Ballina Shire Council for several years under current arrangements. Additionally, favourable discussions have already taken place with the major existing customers and several potential customers.

Opportunities

	<i>Opportunity</i>	<i>Effect</i>	<i>Action</i>
1.	Increase income generation	<ul style="list-style-type: none"> • Increase contribution to Infrastructure Services fund. 	<ul style="list-style-type: none"> • Ensure Northern Rivers Quarry operates at the Ballina Quarries at optimum efficiencies.
2.	Spread cost structure of existing plant and equipment	<ul style="list-style-type: none"> • Ability to maximise efficiencies of mobile crushing equipment. • Spread fixed overheads such as administration and management costs. 	<ul style="list-style-type: none"> • Ensure effective scheduling and utilisation of all plant and equipment. • Work toward achieving more efficient utilisation of both employees and equipment.
3.	Increase market size	<ul style="list-style-type: none"> • Capacity to take advantage of major infrastructure projects (e.g. RTA works). • Increase presence and reputation as suppliers of quarry product across a wider geographic area. • Compete more effectively with major competitors. • Ability to add to existing customer base by providing transport efficiencies for customers across a wider part of the region. 	<ul style="list-style-type: none"> • Increase market presence by staffing changes, allowing for a marketing position, benefiting both existing and new structure. • Develop a market presence as significant players in the quarrying industry in this area.
4.	Delay acquisitions of new quarries	<ul style="list-style-type: none"> • Less immediate risk and capital cost. 	<ul style="list-style-type: none"> • Continue investigations into possible quarry acquisitions.
5.	Provide time to develop regional strategy	<ul style="list-style-type: none"> • Use as a base to develop further expansion options, including sand and other quarry options. 	<ul style="list-style-type: none"> • Continue investigations into possible options.

Over the next 10 years there is a considerable volume of RTA highway upgrades to be completed in the region but this is just part of the workload which existing quarries will struggle to supply.

Comments

Financial Services

After paying all costs associated with winning, crushing, stockpiling, sales, administration and a \$3.50 royalty per tonne on sales with a minimum quantity of 48,000 tonnes per annum, a profit from operating these quarries is anticipated.

For 2007/08, a profit of \$50,000 is budgeted to be returned to the General Fund.

Other staff comments

Executive Director – Infrastructure Services

The Ballina Quarry tender was the subject of a workshop held with Council on June 5, 2007. Any commercial venture such as this is not without some risk. However, we have skilled and experienced staff who are very familiar with quarry operations in a commercial environment. We have identified potential risks and are comfortable with the control measures in place.

The proposal has been well considered and will bring additional funds into Council. Therefore, I endorse the recommendation.

Public Consultation

Not required

Conclusion

The Ballina Quarries lease enables the expansion of Council's quarry operations with little capital outlay. The ongoing development in the region is driving unprecedented demand for quarry products and this will continue for some time. These two circumstances combine at this time to provide Council with the opportunity to cement its already strong position in the quarry industry in the area and increase the revenue stream from these operations.

Recommendation (IS39)

1. That Council endorse the entering into of a lease with Ballina Shire Council for the operation of Tuckombil and Stokers Siding Quarries.
2. That the General Manager and Mayor be authorised to sign and affix the Council Seal to lease documents or any other documents deemed necessary to complete this resolution.

Report

Subject	Sport and Recreation PAG Recommendations
File No	S36
Prepared by	Sport and Recreation Project Officer
Reason	A further recommendations for funding from the Rural Sportsground Development Fund
Objective	To seek approval for a resolutions passed at the 12 July 2007 meeting of the Sport and Recreation Policy Advisory Group
Strategic Plan Link	Quality of Life
Management Plan Activity	Community Services

Overview of Report

Approval is sought for the allocation of funding from the Rural Sportsground Development Fund for a project which involves fencing the southern, eastern and western boundaries of Coronation Park at The Channon.

Background

In 2006/07 a sum of \$22,100 was allocated to the Rural Sportsground Development Fund to assist sportsground users and recreation facility providers with the development of sports facilities, surfaces etc.

Advice from Financial Services details the funding reserve allocations with respect to the Rural Fund as at 30 June 2007:

	Rural
O/Balance	21,300
2006/07 allocation	<u>22,100</u>
	43,400
Less 06/07 allocations to date	
Balzer Oval (05/06)	5,000
Dunoon Sports Club	5,000
Clunes Tennis Club	<u>15,000</u>
	25,000
Balance	<u>\$18,400</u>

The Coronation Park Users Group and The Channon Craft Market Inc, advised the SRPAG of their intention to make a late application to the Rural Fund at the time other applications for the 06/07 funding round were being considered. The submission was subsequently reviewed at the 24 May 2007 meeting and the group were asked to attend the July meeting to provide further information.

The proposed project involves fencing the southern, eastern and western boundaries of Coronation Park

at The Channon. The groups have requested funding of \$4,600 to complete the project. The total cost of the project is estimated at \$6,900.

Public consultation

In November 2006, the Coronation Park Users Group conducted community consultation involving over 20 representatives of park users, and several projects for the Park were identified and prioritised.

One of the issues identified by local schools, The Channon Craft Market and The Channon/Dunoon Pony Club were safety concerns relating to the park being unfenced. This created problems with users not being able to define a boundary fence for visitors to the park and safe grounds to run Pony Club events.

A further community meeting was held in March 2007 where representatives from organisations met and discussed the fencing project and other projects. Consultation was also undertaken with landowners adjacent to Coronation Park and letters of support from those landowners were included in the submission to Council.

The Coronation Park Users Group has secured funding from Section 96 funds to fence the north fence line alongside the road adjacent to the Park.

Comments

Financial Services

There are funds available within the Rural Sportsground Development Fund for this project. In addition, Coronation Park is included in Council's Section 94 Contribution Plan for improvements to the toilet and septic system, sporting ground earthworks and pedestrian walkways. Approximately \$41,600 is available for these works.

Other staff comments

Community Services Manager

This project is a worthy recipient of Rural Sportsground Development Funds due to the wide ranging benefit resulting from the new fence. Market goes, park users, landowners and various clubs and activities will appreciate the delineation and safety barrier provided by the fence.

Parks and Recreation

The staff of Parks and Recreation support the project.

Conclusion

The SRPAG meeting was addressed by Robyn Kelly, the Manager of The Channon Craft Market Inc who put forward a strong case for the project. The current fencing at the park is falling down and is a safety hazard; the posts and rounds have been eaten by termites or are just rotting with age. The barbed wire has rusted and continually needs to be restrung by hirers and Council maintenance crews.

The existing fencing does not create any defined boundaries for the Park, and the property located to the east has continued problems with people accessing private land. The creek is located south of the playground, without a defined fence line, giving children easy access to the creek.

The Pony Club requires a fence line that will contain their horses if an emergency occurs. The current fence line is a hazard and is not defined for horses.

This project will continue the work of the Coronation Park Users Group and support the community's prioritised projects for Coronation Park. Acknowledging and acting on this community's consultation

process will strengthen ties within the community and support the social fabric of this rural village.

Recommendation

That Council allocate the sum of \$4,600 from the Rural Sportsgrounds Development Fund to The Channon Craft Market Inc and The Coronation Park Users Group to assist with the Coronation Park fencing project.

Report

Subject	2007 Annual Local Government Association Conference
File No	S569
Prepared by	Corporate Compliance Co-ordinator
Reason	Need for Council authorisation
Objective	To determine delegates/observers
Strategic Plan Link	Leadership by Innovation
Management Plan Activity	Councillors

Overview of Report

Determination of voting delegates and observers to annual Local Government Association (LGA) Conference at Coffs Harbour from October 20-24, 2007.

Background

The 2007 Annual LGA conference will be held at Coffs Harbour from October 20-24, 2007. This is the prime policy making forum of the Association and it is in Council's interest to be represented. Early nomination by Council is desired to confirm tentative accommodation bookings. In this regard, four bookings have been made and addition accommodation with Coffs Harbour will be difficult to source.

Delegates/Observers

Council is entitled to send three voting delegates plus observers. The Mayor, in accordance with Council policy, has been one of the delegates.

The Mayor is unable to attend this year's conference. In the past the Deputy Mayor has attended as the Mayor's delegate.

Comments

Financial Services

None requested

Other staff comments

Not requested

Recommendation

That the Deputy Mayor and Councillors _____ and _____
attend the conference as voting delegates, with Councillor(s) _____
attending as observers.

Report

Subject	Nominations for Membership Arts and Culture Policy Advisory Group
File No	S36
Prepared by	Director, Lismore Regional Gallery
Reason	To advise the Council of the nominations for representation on the Arts and Culture Policy Advisory Group
Objective	To gain the endorsement of the Council in regard to the nominees
Strategic Plan Link	Quality of Life
Management Plan Activity	Community Services

Overview of Report

Four vacancies exist for the Arts and Culture Policy Advisory Group (ACPAG). Nominations have been advertised for 3 vacancies for: 1 representative Indigenous art, 1 representative Performing arts, and 1 representative Nimbin arts. One nomination for the Richmond River Historical Society (RRHS) position has been received as a delegate from RRHS. Four nominations have been received in all, one for each of the vacant positions.

Background

At the Council Meeting of 8 May 2007 Council resolved to add three new positions to the ACPAG; one Performing arts, one Richmond River Historical Society and one Nimbin arts. The Indigenous arts position is presently vacant. These new positions will assist the PAG in its development and delivery of arts and cultural policies.

In order to recruit members, advertisements inviting nominations were placed in Councils City News. As a result nominations have been forthcoming as follows:

1 Representative Indigenous art	Thelma James
1 Representative Performing arts	Julian Louie
1 Representative Richmond River Historical Society	Robbie Braithwaite
1 Representative Nimbin arts	David Hallett

Copies of all nominations are enclosed separately for Council's perusal.

The inclusion of the above nominations would bring the ACPAG membership to 12, comprising the following representatives:

2 Councillors

- 1 representative from arts education
- 1 representative from the Lismore Regional Gallery
- 2 representatives from community and professional arts practitioners
- 1 representative from festivals and events

- 1 representative from creative industries / small business
- 1 representative from Indigenous arts
- 1 representative from performing arts
- 1 representative from the Richmond River Historical Society
- 1 representative from Nimbin arts

Conclusion

All candidates have merit and applicable credentials that fulfil the criteria as follows:

1. Be associated with, and able to represent, local arts and cultural groups
2. Demonstrated knowledge of various localised arts/ cultural issues relevant to Lismore
3. Demonstrated understanding of arts/ culture

Thelma James is a well respected local Indigenous person and coordinates the GunnaWannaBe Café; Julian Louis is the Artistic Director of NORPA with extensive experience in the performing arts; Robbie Braithwaite has considerable knowledge of museums having worked at the Australian War Memorial; and David Hallett was the former Economic Development Officer for Nimbin and the Lismore Australia Day Award recipient for arts and culture.

Recommendation

1. That Thelma James, Julian Louie, Robbie Braithwaite, and David Hallett be appointed as representatives on the Arts and Culture Policy Advisory Group.

Report

Subject	June 2007 Quarterly Budget Review Statement
File No	S929
Prepared by	Principal Accountant
Reason	Clause 7, Local Government (Financial Management) Regulations 1993
Objective	To gain Council's approval to amend the 2006/07 Budget to reflect actual or anticipated results
Strategic Plan Link	Leadership by Innovation
Management Plan Activity	Various

Overview of Report

The purpose of this report is to give Council an indication of the final result for 2006/07 as the actual result will change during the completion of the 2007 Financial Reports due to items such as conversion to the new information system, accruals of revenues and expenses, and the treatment of assets and liabilities. The review has been completed on a program level with only quantified variances reported.

Council's 2006/07 Budget has moved from a balanced budget in March 2007 to an accumulated surplus of \$37,300 in June 2007. The major items affecting this result are an increase in interest revenue from investments \$47,000; insurance rebates and savings \$39,300 an additional cost in relation to the Lismore CBD revitalisation study (\$41,000) and sundry adjustments of \$8,000. A preliminary review of operational budgets indicates that there are overruns within Parks, Swimming Pools and the Art Gallery, these balances cannot be accurately quantified at this time due to the conversion to the new information system and therefore have not been reported as part of this review.

The intention is to include commentary in the 2007 Financial Reports on the final result.

The revenue and expenses adjustments generated a budget surplus for the June 2007 quarter of \$37,300.

Background

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

General Fund

The 2006/07 Management Plan provided for a balanced budget. The September review reported an accumulated surplus of \$28,800, the December and March reviews reported a balanced result. This review details a net surplus of \$37,300 for the June quarter with the accumulated surplus at June 30, 2007 being \$37,300.

A summary of this movement follows:

Budget Movements for Quarter	Amount \$
Opening Surplus Balance at March 31, 2007	Nil
Plus – Additional interest on investments. Refer comment in body of report.	47,000
Plus – Insurance rebates and savings.	39,300
Less – Lismore CBD Growth & Revitalisation Study.	(41,000)
Less – Sundry expense adjustment.	(8,000)
Closing Surplus Balance at June 30, 2007	37,300

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

Interest on Investments

Interest revenue has been reviewed with an anticipated additional \$190,000 to be recognised for 2006/07. The interest associated with internally (reserves) and externally (water, sewerage, s94 and s64) restricted funds has been excluded, approximately \$47,000 is available for the operational result.

Administrative Services

Claim reductions and risk management initiatives have resulted in rebates from insurance providers \$75,300. There has been a partial transfer of funds \$36,000 to the risk management reserve to undertake an assessment of Council's building in 2007/08, with the balance reported within the operating result.

Financial Services

Occupational Health and Safety insurance rebates were received from Council's insurance provider, these funds have been used to offset over expenditure within the OHS area on such items as safety clothing and equipment. There is no impact on the operating result _

General Manager Services

The 2007/08 Budget has an amount of \$310,300 carried forward from 2006/07; comprising an amount of \$239,000 reported in the March 2007 quarterly review; and additional items identified through the 2007/08 Budget process: being savings in legal fees \$20,000; security insurance Lismore Airport \$21,300; savings within wages costs \$22,000 and savings within other operating costs \$8,000. This June review therefore includes a transfer to reserves of \$89,300 to reflect the items identified during the 2007/08 Budget process.

There was a transfer of \$40,000 to property reserves from Quarry profits for works on the Administration Building. There is no impact on the operating result.

Human Resources

Additional funds of \$14,700 were received for the up-skilling of Council staff, these funds have been reserved for use in accordance with funding requirements. There is no impact on the operating result.

Wastewater

There was a transfer of funds from the reserves for the renewal of mains, this having no impact on the operating result.

Emergency Services

There was an additional contribution to Richmond River County Council in relation to the Lismore Flood

Levee of \$136,000, this was transferred from the Flood Mitigation reserve and therefore did not impact on the operating result.

Parks and Recreation

Additional expenses were included in relation the maintenance of Perradenya Estate \$15,000 - funded from a contribution from Rous Water; and the development of a Tree Master plan \$14,900 – funded from reserves.

Roads

An additional \$164,000 has been allocated to rural roads construction and has been funded from section 94 contributions.

Lismore Regional Airport

Savings in relation to security insurance at the Lismore Airport \$21,300 were transferred to reserves to be utilised as part of the 2006/07 operating surplus carried forward to the 2007/08 budget. There is no impact on the operating result.

Economic Development

There has been a reduction in income from Events \$9,100, this has been offset by corresponding reduction in expenditure therefore there is no impact on the operating result.

Environmental Health and Building Services

Additional revenue was received in relation to grant funding for Community Water Grant \$45,500; NRG - trust Energy Committee \$42,900. There was a corresponding increase in expenditure for these two projects and therefore no impact on the operating result.

Change in Net Assets

The 2006/07 Management Plan showed a surplus in the “Change in Net Assets” of \$5,044,700, with the March review reporting “Change in Net Assets” of \$4,831,000. The June review shows a “Change in Net Assets” of \$4,747,500.

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

Other staff comments

Not required

Public consultation

Not required

Conclusion

Council's budget has moved from a balanced budget in March 2007 to a operating surplus of \$37,300 at June 2007.

The major items that have impacted the operating result during the June 2007 quarter are:

An increase in interest revenue from investments \$47,000; insurance rebates and savings \$39,300, an additional cost in relation to Lismore CBD revitalisation study (\$41,000) and sundry adjustments of (\$8,000). A preliminary review of operational budgets indicates that there are overruns within Parks, Swimming Pools and the Art Gallery, these balances cannot be accurately quantified at this time due to the conversion to the new information system and therefore have not been reported as part of this review.

Adjustments have made to other operating revenues, expenses and capital programs. These have been funded from within existing programs, reserves, section 94, and revenues with a nil impact on the operating result. A program summary is attached that summarises those changes.

This review gives Council an indication of the anticipated financial result for 2006/07. The completion and audit of the 2007 Financial Reports is scheduled for the early October 2007 and as such, it is likely that the reported result will change as there will be changes for items such as for reserves, accruals of revenues and expenses, and the treatment of assets and liabilities. A more informative report will be provided as part of the 2007 Financial Reports and this will be supplemented by a detailed Reserves report

Recommendation

That Council:-

1. Council adopt the June 2007 Budget Review Statement for General, Water and Sewerage Funds.
2. This information be submitted to Council's Auditor.

Report

Subject	Investments held by Council – July 2007
File No	S178
Prepared by	Management Accountant
Reason	Required by Local Government Act 193, 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 31 July 2007 are estimated to be \$32,658,732 subject to the final value of funds held under separate management being advised shortly.

The interest rate reported over the period of July 2007 is estimated to be 7.23% in comparison to 6.60% for July 2006. Council's return of 7.23% is above the Bank Bill Swap Rate for the same period of 6.93%. The final interest return may vary due to actual returns achieved in the funds held under separate management. The portfolio managers of these funds have provided an estimate of returns expected for the period and this may vary due to the capital movements within investments held.

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 advice from the portfolio managers. The actual balance will be confirmed in the next investments report to Council.

Report on Investments

- *Confirmation of Investments – 30 June 2007* \$35,164,648
- *Estimated Investments – 31 July 2007* \$32,658,732

The current rate of return on investments for July 2007 is estimated to be 7.23% compared to 6.60% for the same period last year. Council's return of 7.23% is above the Bank Bill Swap Rate for the same period of 6.93%. The rate of return reported has been calculated using actual returns where available and estimates provided by portfolio managers and therefore may vary when actual results are known.

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

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 31 July 2007, estimated investments total \$32,658,732 and the annualised rate of return was 7.23%.

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

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:

Lease agreement – Scout Hall – 188 Magellan Street, Lismore (P17007)

A new twenty one (21) year Lease between the Scout Association of Australia New South Wales Branch and Lismore City Council has been completed by Council and signed by the Scout Association. The Lease covers the Magellan Street site and commenced January 1, 2005 for a period of 21 years. Council Signing and Sealing is requested.

Funding agreement between Gingerbread House and the Department of Families, Community Services and Indigenous Affairs.

The Agreement relates to a subsidy of \$31,575.60 (1.7.07 - 30.6.08) for the operation of an occasional childcare centre. The level of subsidy relates to the number of Child Care Benefit places at Gingerbread House (28) and the hours of operation.

Service Agreement 2007 - 2008 between Department of Community Services and Lismore City Council.

DOCS, through the Area Assistance Scheme has funded Council the sum of \$12,000 for the development of a monthly youth page in The Echo newspaper. The youth page will provide information and education on vocational and recreational programs, services and activities available to young people within the local government area.

Financial Assistance - Section 356

a) Banners – Policy 1.4.14 (GL390.50.15)

Budget: \$700 To date: \$0

Westpac Life Saver Helicopter – Helicopter Awareness Week August 18-25. One week street banner. No drop banner donation (as per Policy 1.4.14 Clause 5).

From allocation 53.4430

In accordance with policy.

\$155.00

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

Budget: \$6,000 To date: \$768.05

Animal Right & Rescue \$23.64

Challenge Foundation \$198.00

Five Loaves \$198.00

Friends of the Koala \$27.27

Lismore Soup Kitchen Inc \$5.45

LifeLine \$198.00

Lismore & Dist Police Boys Club \$45.45

Salvation Army \$48.60

Westpac Life Saver Rescue Helicopter \$23.64

In accordance with policy.

\$768.05

c) Miscellaneous Donations**The Home Garden Education Club Incorporated** are requesting a \$1000 donation to this year's Annual Lismore Garden Competition in September. The donation will be allocated to the prize money for the event, with all names and contact details of those receiving prize money/awards forwarded to Council following the competition.

Comment: Council has supported this donation for many years, being the only garden competition in the area. \$1000 has been supported for the previous two years.

Recommendation: Is supported by the Parks & Recreation section from Parks Allocation:
53.4430 \$1,000.00

Recommendation

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

Confidential Matters–Committee of the Whole

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

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

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

Clause 34 of Council Code of Meeting Practice

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

Recommendation

That the Council exclude members of the press and public from the meeting and move into Committee-of-the-Whole to consider the following matters:

Item	<i>Clunes Wastewater</i>
Grounds for Closure	Section 10A(2) (c): .
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it may confer a commercial advantage on a 3 rd party Council is proposing to do business with.
Item	<i>Mayoral Minute</i>
Grounds for Closure	Section 10A(2) (a): personal matters concerning particular individuals .
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because the contents of the report are of a personnel matter concerning a particular individual

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, JULY 10, 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, Manager Assets and Support Services, Manager-Finance, Communications Co-ordinator, Executive Assistant – Development and Governance, General Manager's Personal Assistant.

394/07 **Apologies/
Leave of
Absence** A leave of absence was sought by Councillor Henry from July 29, 2007 to August 26, 2007 and Councillor Tomlinson from August 15 to August 22, 2007 accepted and, leave of absence granted.
(Councillors Dowell/Irwin)

395/07 **Minutes** The minutes of the Ordinary Meeting held on June 12, 2007, were confirmed.
(Councillors Swientek/Dowell)

The minutes of the Extra-ordinary Meeting held on June 21, 2007 were confirmed.
(Councillors Graham/Irwin)

Disclosure of Interest

S451

Councillor Irwin declared an interest in the Notice of Motion re Review of Carriageway and Kerbside Land Use Policy – perceived interest. Husband has café with kerbside dining.

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:

Steve Graman - Review of Carriageway and Kerbside Land Use Policy

S451

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

Mr Graman spoke on behalf of smokers advising that with the current laws you cannot smoke inside buildings etc. If adopted where can the smokers go? The amount of pollution that already enters outdoor dining areas from cars, buses and trucks is far worse than people smoking in these areas.

Diana Fisher - Review of Carriageway and Kerbside Land Use Policy

Ms Fisher spoke on the effects passive smoking has on the community. She also supported the ban on smoking in alfresco areas, 82% of people in the community don't smoke. Allowing smoking in outdoor areas may influence future generations to take up smoking as children look to adults as role models

At this juncture Councillor Irwin rejoined the meeting.

Sylvia Clarke – Rochdale Theatre

Ms Clarke thanked Council for the support that has been given, but the costs incurred in maintenance, plumbing and painting of the old building far exceeded the funding already given by Council. This places pressure on the volunteer organisation and they do not wish to increase ticket prices if at all possible

Notice of Rescission Motions

Report to come to Council at the August meeting.

- 396/07 Formal notice having been given by Councillors Irwin, Tomlinson and Dowell it was **RESOLVED** that the report required to come to Council at the August meeting via Resolution 391/07 on how the remaining priority items can be funded this financial year be rescinded. (Councillors Irwin/Crimmins) (S952)

Notice of Motions

Report required to come to Council at the August meeting

- 397/07 Formal notice having been given by Councillor Irwin it was **RESOLVED** that the report on how to fund prioritised items agreed at the Extraordinary meeting of 21 June be brought Council at the September meeting. (Councillors Irwin/Crimmins) (S952)

Review of Carriageway and Kerbside Land Use Policy

S451

Councillor Irwin declared an interest in this matter and left the Chamber during discussion and voting thereon.

Formal notice having been given by Councillor Dowell it was **MOVED** that Council review its Carriageway and Kerbside Land Use Policy (5.2.24) to consider the inclusion of a clause prohibiting smoking in outdoor dining areas on Council owned land. (Councillors Dowell/Tomlinson) (S9)

AN AMENDMENT WAS MOVED that Council maintain its current policy on kerbside dining until the State Government regulates smoking on footpaths. (Councillor Meineke/Chant) (S9)

On submission to the meeting the **AMENDMENT** was **ADOPTED** and became the **MOTION**.
Voting against: Councillors Dowell and Tomlinson

- 398/07 **RESOLVED** that Council maintain its current policy on kerbside dining until the State Government regulates smoking on footpaths. (Councillor Meineke/Chant) (S9)
Voting against: Councillors Dowell and Tomlinson

At this juncture Councillor Irwin rejoined the meeting.

Demolition of Pavilion 2

- 399/07 **RESOLVED** that no action be taken to demolish Pavilion No 2 before the Council has considered an options report on the future of the building. (Councillors Irwin/Swientek)(P15879)

Rochdale Theatre

Formal notice having been given by Councillor Dowell it was MOVED that Council not charge rent to Lismore Theatre Company for their management of Rochdale Theatre.
(Councillors Dowell/Irwin) (P583)

AN AMENDMENT WAS MOVED that Council request the preparation of a report and draft policy which addresses the question of rental for users of the Rochdale Theatre and similar venues.
(Councillors Meineke/Tomlinson)(P583)

On submission to the meeting the AMENDMENT was ADOPTED and became the MOTION.
Voting against: Councillors Ekins, Irwin and Dowell.

- 400/07 **RESOLVED** that Council request the preparation of a report and draft policy which addresses the question of rental for users of the Rochdale Theatre and similar venues.
(Councillors Meineke/Tomlinson)(P583)

Reports

Review of Dunoon DCP

- 401/07 **RESOLVED** that the report be received and -
1. That Council resolve to review the section of the Lismore DCP that relates to Dunoon village using a planning consultant; and
 2. That a report on the review be presented to Council prior to the public exhibition of the amended DCP.
 3. That before works starts the consultant liaise with the Dunoon Community Group as to the most effective way of gathering community input into the document.
(Councillors Tomlinson/Graham) (S924)

Draft Amendment No 37 to Lismore Local Environmental Plan – Industrial estate at Terania, Tweed & Lake Sts, North Lismore

A MOTION WAS MOVED that the report be received and that -

1. Pursuant to S54 of the Environmental Planning & Assessment Act, resolve to prepare draft Amendment No. 37 to Lismore Local Environmental Plan and to notify the Department of Planning accordingly;
2. Agree that no site specific local environmental study is required in view of the disturbed nature of the site, its location on the urban fringe, the environmental analysis contained in the applicant's report and the proposal's compliance with local and State Government adopted land use strategies.
3. Agree that as the unformed Bouyon St is part of the proposal and is Council owned, the preparation and public exhibition of the draft LEP amendment be in accordance with the Departmental guideline 'LEPs and Council Land'; and
4. Resolve to prepare and exhibit a site specific development control plan addressing the

issues raised above and which will form part of Lismore Development Control Plan No 1 Part B.

(Councillors Meineke/Graham) (S954)

AN AMENDMENT WAS MOVED that Council defer the decision to put the draft LEP Amendment Number 37 on exhibition until a public information session for Councillors and members of the public can be held in or close to North Lismore.

(Councillor Tomlinson/Dowell)

The voting being tied the Mayor declared the amendment DEFEATED on his casting vote.

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

402/07 **RESOLVED** that the report be received and that -

1. Pursuant to S54 of the Environmental Planning & Assessment Act, resolve to prepare draft Amendment No. 37 to Lismore Local Environmental Plan and to notify the Department of Planning accordingly;
2. Agree that no site specific local environmental study is required in view of the disturbed nature of the site, its location on the urban fringe, the environmental analysis contained in the applicant's report and the proposal's compliance with local and State Government adopted land use strategies.
3. Agree that as the unformed Bouyon St is part of the proposal and is Council owned, the preparation and public exhibition of the draft LEP amendment be in accordance with the Departmental guideline 'LEPs and Council Land'; and
4. Resolve to prepare and exhibit a site specific development control plan addressing the issues raised above and which will form part of Lismore Development Control Plan No 1 Part B.

(Councillors Meineke/Graham)

The voting being tied the Mayor declared the Resolution carried on his casting vote.

Voting against: Councillors Dowell, Ekins, Swientek, Irwin and Tomlinson

Nominations for Membership – Sustainable Environment Policy Advisory Group

403/07 **RESOLVED** that the report be received and that Keelin Turner be appointed as the Climate Change representative on the Sustainable Environment PAG.

(Councillors Ekins/Graham) (S908)

Councillors' Expense and Provision of Facilities Policy

A MOTION WAS MOVED that the report be received and -

1. That Council, having reviewed its policy "Payment of Expenses and Provision of Facilities", make no changes.
 2. That Councillors requesting a laptop computer be provided with one.
- (Councillors Ekins/Irwin) (S38)

AN AMENDMENT WAS MOVED that the report be received and -

1. That Council, having reviewed its policy "Payment of Expenses and Provision of Facilities", make no changes.
2. That those Councillors without a computer that is effective be provided with suitable facilities.
(Councillor Henry/Crimmins)

On submission to the meeting the AMENDMENT was ADOPTED and became the MOTION.
Voting against: Councillors Ekins, Swientek, Dowell and Tomlinson.

- 404/07 **RESOLVED** that the report be received and
1. That Council, having reviewed its policy "Payment of Expenses and Provision of Facilities", make no changes.
 2. That those Councillors without a computer that is effective be provided with suitable facilities.
(Councillors Henry/Crimmins)(S38)
- Voting against:** Councillor Ekins, Swientek and Irwin

Investments held by Council – June 2007

- 405/07 **RESOLVED** that the report be received and that the report be received and noted.
(Councillors Graham/Hampton) (S178)

Committee Recommendations

Traffic Advisory Committee June 20, 2007

- 406/07 **RESOLVED** that the minutes excluding Clauses B-07-06:2, B-07-06:10, B-07-06:4, B-07-06:5, B-07-06:6 and B-07-06:7. be received and noted.
(Councillors Irwin/Dowell)(S352)
- Clause B-07-06:4 – Cr R Irwin – Intersection of Krauss Avenue and Airport Access Road**
- 407/07 **RESOLVED** That this matter be referred back to the Traffic Committee for re-consideration at the next meeting
(Councillors Irwin/Graham)
Voting against: Councillor Hampton.
- 408/07 **RESOLVED** that the previously excluded Clauses B-07-06:2, B-07-06:10, B-07-06:5, B07-06:6 and B-07-06:7 be received and noted.
(Councillors Irwin/Graham)(S352)

Financial Assistance - Section 356

409/07 **RESOLVED** that in accordance with Section 356(1) of the Local Government Act 1993, the assistance to persons as listed is hereby approved.

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

Michael Gahan – Gained selection in the Australian Baseball representative Team playing in the Cal Ripken Youth World Series Tournament August in the USA – August 2007

In accordance with policy.

\$335.00

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

Northern Rivers Prostate Fund Raising Committee requesting Council discount the fees (\$113) for the use of the Fountain Room at the City Hall for a seminar on September 8, 2007. An entrance fee is not to be charged (S164 & P6816:07-5413).

In accordance with Clause 1 of the policy, a donation of 25% of the hire fee applies.

\$28.25

Lismore Filipino Community requesting Council waive all fees (\$199) for the use of the Fountain Room at the City Hall for the 109th National Day Celebration for the Declaration of Philippine Independence on June 23, 2007. An entrance fee is not to be charged (S164 & P6816:07-5456).

In accordance with Clause 1 of the policy, a donation of 25% of the hire fee applies.

\$49.75

ConnectEd, Arts NSW requesting Council waive all fees (\$280) for the use of the Auditorium at the City Hall for the showing of “The Forwards” to disadvantaged students to theatre free of charge on June 19, 2007. No entrance fee was charged (S164 & P6816:07-5792).

In accordance with Clause 1 of the policy, a donation of 25% of the hire fee applies.

\$70.00

c) Council Contributions to Charitable Organisations

Budget:\$9,000 To date:\$10,354.81

From 1/6/07 – 24/6/07

Animal Right & Rescue	\$32.73
Challenge Foundation	\$161.00
Five Loaves	\$95.09
Friends of the Koala	\$16.36
LifeLine	\$170.00
Saint Vincent De Paul	\$29.36

In accordance with policy.

\$504.54

From 25/6/07 – 30/6/07

Challenge Foundation	\$9.00
Five Loaves	\$13.91
Friends of the Koala	\$5.45

Saint Vincent De Paul \$20.09
In accordance with policy \$48.45

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

St Vincent's Hospital fundraising for St Josephs aged care facility \$100.00

One registration to attend "Level 1 Dragon Boat Coaching Course" on behalf of **Rainbow Dragons Abreast**. \$100.00

Harold Fredricks Memorial Appeal contribution towards a memorial stone to be erected at the Lismore Helicopter Pad to perpetuate the memory of the contribution he made towards the Rescue Helicopter. \$100.00

e) Miscellaneous Donations

Lismore Neighbourhood Club – donation for the use of crockery and resources for 3 functions for World Refugee Week at Lismore City Hall on Tuesday 19th, 2 x Wednesday 20th.

A donation from an existing budget \$100.00

South Lismore Junior Rugby League Football Club requesting Council reduce the fees payable for their use of Crozier Field and canteen on booked junior rugby league games to \$100 per day for ground hire and \$40 per day canteen hire. (S164 & P25112:07-5127)

That the request be approved and that the ground hire charges be reduced by \$470 for the booked dates. \$470.00

f) Distribution of Council Computers to Community Organisations

This year Council received 60 applications to be considered for computer donations. Following the application of the eligibility and selection criteria, the following list of computer recipients is recommended to Council for approval under Section 356 donations.

Dunoon and District Soccer Club	Nimbin Pre-School and Childcare Association
YOWI (Youth on Wheels Inc)	Men and Family Centre – Mobile Men's Shed
ACE North Coast Inc	St Vincent De Paul Society (Lismore)
Lismore Richmond Rovers Soccer Club Inc	Nimbin Community Development Association
Far North Coast Softball Association	The Channon Market Inc
Lismore Legacy Division	Australian Red Cross – (Lismore)
Nimbin Neighbourhood and Information Centre	Goonellabah Senior Citizens Social Club Ltd
Lismore Uniting Church	Lismore volunteer Referral Centre (LNC)
Lismore Home Garden Education Club Inc	St Vincent De Paul Society (Nimbin)
The Channon Rural Fire Brigade	Combined Pensioners and Superannuants Assoc
Lismore Pre-School and Kindergarten	Far North Coast Junior Cricket Council
Jiggi Valley Rural Fire Brigade	Quota International of Lismore Inc

Stoney-Chute Land Care	Far North Coast NSW Table Tennis Assoc Inc
Goonellabah Anglican Op Shop	Alphadale Rural Fire Brigade
WICEN (NSW) Northern Rivers Region	Dunoon P & C Association
Tullera Land Care Group	Lismore Swans Australian Football Club
Lismore Musical Festival Society	Rock Valley Hall Inc
Dorrroughby Glenview Community Centre	Bexhill Public Hall Inc
Lismore Vision Impaired Support Group	East Lismore Community Pre-School
The Channon Children's Centre	Sanctuary Northern Rivers
Lismore Christian Family Fellowship	

Recommended: That Council approve the donation of 41 computers at a cost of
\$14,555.

(Councillors Graham/Dowell)

Documents for Signing and Sealing

410/07 **RESOLVED** that the following documents be executed under the Common Seal of Council.
(Councillors Irwin/Tomlinson)

Discharge of Mortgage over Lot 1 DP 580057 and Lot 160 DP 755686, Old Shire of Terania, Locality Bexhill, Parish Bexhill County of Rous

The owners of these two properties had a mortgage with Terania Shire Council which was discharged in March 1995. The Mortgage was never removed from the title and this is now required. The signing and sealing of the "Discharge of Mortgage" document by Council is requested.

Creation of Easement to Drain Sewage

Subdivision approval was given (May 20, 1991) for a block of land located at 662 Ballina Road, Goonellabah. The land was subdivided according to the consent but the sewer connection for the subdivided lot ran through the adjoining property (664 Ballina Road). To enable 662 Ballina Road to be legally connected to the sewer an "Easement to Drain Sewage Over Existing Line of Pipes" has to be created. As Council will be the beneficiary of the Easement, signing and sealing of the Linen Plan and the Section 88B instrument is required.

At this juncture Councillor Hampton left the meeting.

Confidential Matters – Committee Of The Whole

411/07 **RESOLVED** that Council now exclude the press and public and meet in Committee of the Whole to consider the following matters;

Write off a Debt

Grounds for closure: Section 10A(2) B:

Public interest: Discussion of this matter in an open meeting would on balance be contrary to the public interest because of the personal details of the applicant and debt. (Councillors Chant/Graham)(R7319)

Resumption of Open Council

When the Council had resumed its former sitting, the General Manager reported that Council, meeting in Committee of the Whole, had RECOMMENDED that Invoice 71249, in the amount of \$6,731.74 be written off as irrecoverable.

412/07 **RESOLVED** that the General Manager's report of Council meeting in Committee of the Whole be received and the Committee recommendation be adopted. (Councillors Irwin/Crimmins) (R7319)

Closure

This concluded the business and the meeting terminated at 9.00 pm.

CONFIRMED this 14th Day of August 2007 at which meeting the signature herein was subscribed.

MAYOR