

Ordinary Meeting

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on **June 10, 2008** commencing at **6.00pm** and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager

June 3, 2008



Agenda

Opening of Meeting and Prayer (Mayor)

Apologies and Leave of Absence

Confirmation of Minutes
May 13, 2008

Disclosure of Interest

Public Access Session
Simon Clough – Tree Preservation Order – Rescission Motion
Diana Roberts – Nimbin Community Centre Incorporated

Public Question Time

Condolences

Mayoral Minutes

Notice of Rescission Motions
Tree Preservation Order

1

Notice of Motions

Tree Preservation Order

2

Protection from Tobacco Hazard

3

Rural Housing Strategy

5

Clunes Sewage Treatment

7

Constitutional Recognition

9

Altering Order of Business

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

Reports

Approval of Café and Gelato Bar 10

Nimbin Community Centre Incorporated - Transfer of Assets 17

Lismore Speedway 22

Proposed 2008/2009 Roads Capital Works Programme 27

Amendment No. 3 to Lismore Development Control Plan 31

Lismore CBD Traffic Study 36

Lismore Development Control Plan - Proposed Amendment No. 4 – Off Street Carparking 44

Goonellabah Sports and Aquatic Centre 48

Rental of Council Properties to Community Groups 54

Tenders for Sewer Rising Main No. 3 Replacement – Stage 1 62



Workers Compensation Insurance - Regional Tender	65
2008/2009 Lismore Promotion Plan.....	72
North Lismore Quarry Access	83
Council Meeting Schedule – June to November	86
Replacement of Plant No. 207 (Wheel Loader) and No. 211 (Front-End Loader)	90
Lismore Public Transport Policy Advisory Group Strategic Plan	93
Policy for Cemeteries and Burials on Private Rural Lands	95
Fire Safety in Buildings Policy.....	102
Goods and Services Tax - Council Compliance Requirements	107
Debt Recovery – Credit Terms and Pensioners	111
Investments held by Council – May 2008	114
Committee Recommendations	
Traffic Advisory Committee – May 21, 2008	117
Financial Assistance - Section 356	122
Documents for Signing and Sealing	124
Questions Without Notice	
Confidential Matters – Committee of the Whole	



Strategic Plan Summary

Lismore regional city

STRATEGIC PRIORITY	AIMS	INITIATIVES
Economic development	<p>Build Lismore's reputation as a regional city for residents, businesses, education providers, health services and government.</p> <p>Increase regional economic development, tourism and job creating investments.</p>	<ul style="list-style-type: none"> ▶ Pursue ongoing CBD growth and development ▶ Develop and support cultural, sporting and tourism activities, services and facilities ▶ Foster the business climate to encourage business growth, investment and jobs ▶ Identify and support key industries that drive economic development in Lismore including existing industries ▶ Foster a co-operative and proactive approach on major regional development issues
Quality of Life	<p>Make Lismore a safe, healthy and caring community in which to live.</p>	<ul style="list-style-type: none"> ▶ Increase social cohesion ▶ Support villages ▶ Provide community services ▶ Encourage sustainable development ▶ Promote recreation and leisure
Leadership by Innovation	<p>Lead the region by demonstrating innovative practices in governance, customer service, communication, consultation, virtual amalgamation and financial management.</p>	<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	<p>Preserve and rehabilitate Lismore's natural environment.</p>	<ul style="list-style-type: none"> ▶ Provide sustainable land use planning ▶ Improve catchment management ▶ Conserve and repair the environment
Infrastructure	<p>Further enhance Lismore's transportation, parking and pedestrian networks.</p>	<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	<p>Educate our community and lead the state in water and waste-cycle management.</p>	<ul style="list-style-type: none"> ▶ Manage stormwater drainage systems ▶ Manage water and sewage ▶ Manage the waste stream and reduce waste



Rescission Motion – Tree Preservation Order

Councillors R Irwin, J Dowell and D Tomlinson have lodged a Notice of Rescission in the following terms:

That Council's decision (Minute no 68/08 at the Ordinary Meeting of May 13, 2008) in regard to removal of the Tree Preservation Order be rescinded.

(924)

Notice of Motion – Tree Preservation Order

Councillor R Irwin has given notice of her intention to move at the next meeting of Council:

That:

1. Council resolves to exhibit the proposed amendments to the Lismore Development Control Plan (Amendment No 4) as described in the report to Council of May 13 and exhibit it for a period of 28 days.
 2. Council endorses the use of internal assessment procedures based on risk management and OHS principles
 3. The application fee for pruning or removal of a tree be reduced to \$10.00.
-

Staff Comment – Executive Director – Infrastructure Services

The report to Council May 13, 2008 set out staff's recommendation to Council. The previous Tree Preservation Order was modified to place more emphasis on the safety of persons and property when undertaking tree assessments.

The reduction in the application fee to \$10 will result in an estimated reduction in income of approximately \$6,500.

(S924)

Notice of Motion – Protection from Tobacco Hazard

Councillor J Dowell has given notice of her intention to move at the next meeting of Council the following motion:

That Council, in recognition of its commitment to healthy lifestyles:

1. Supports the eight proposals outlined in the State Government discussion paper “Protecting Children from Tobacco” to:
 - a. Ban smoking in cars in which a child under the age of 18 is present
 - b. Put tobacco products out of sight in retail outlets
 - c. Introduce a licensing scheme for tobacco retailers
 - d. Introduce additional proof of age requirements for purchasing tobacco products
 - e. Restrict employees under 18 years of age from selling tobacco products
 - f. One point of sale for tobacco in retail outlets
 - g. Ban tobacco sales from vending machines
 - h. Ban tobacco products in shopper loyalty programs.
2. Congratulates the State Government on these proposed reforms which are outlined in its discussion paper “Protecting Children from Tobacco: A NSW Government Paper on the Next Steps to Reduce Tobacco Related Harm, 2008” and conveys Council’s support for these initiatives to Thomas George MLA for Lismore, the Premier and Verity Firth, the Minister Assisting the Minister for Health (Cancer).
3. Encourages the public to support these proposed reforms to protect children and young people against tobacco hazards.

Councillor Comment

Tobacco is the leading cause of preventable death and disease in the NSW community. Teenage years are the most common times for taking up smoking, with 80% of current smokers saying they began before age 20. Already by the age of 20, more than 80% of smokers wish they had never started.

The earlier a person takes up smoking the earlier the risk of smoking related diseases such as cancer and heart disease. The younger a person is when they start to smoke the less likely it is that they will ever quit.

The NSW Government is exploring policy options to protect children and young people against tobacco hazards and to reduce young people’s exposure and access to tobacco. These options particularly aim to reduce the prevalence and uptake of smoking in young people in NSW. They will also assist people to quit smoking.

The reason for each proposal is as follows:

a. Ban smoking in cars carrying children under the age of 18.

Children’s exposure to environmental tobacco smoke (ETS) increases their risk of ear, nose, throat and chest infections, asthma, pneumonia and Sudden Infant Death Syndrome.

b. Put tobacco products out of sight in retail outlets.

Research shows that tobacco displays can influence children's perceptions about smoking, while also making it harder for intending quitters to quit. Displays of tobacco products in shops is one the last forms of legal tobacco promotion/advertising in NSW.

c. Introduce a licensing scheme for tobacco retailers.

There is currently no licensing requirement for tobacco retailers. A licensing scheme would assist health authorities monitor compliance with existing tobacco laws.

d. Introduce additional proof of age requirements for purchasing tobacco products.

In 2002, 22% of NSW school-aged smokers were sold cigarettes illegally by tobacco retailers. This strategy may help to reduce sales to minors.

e. Restrict employees under 18 years of age from selling tobacco.

This will reduce peer pressure from other minors to be sold tobacco products.

f. One point of sale for tobacco in retail outlets.

This will make it easier to monitor compliance in retail outlets.

g. Ban tobacco sales from vending machines.

Vending machines make tobacco more available to the community and contribute to its social acceptability.

h. Ban tobacco products in shopper loyalty programs.

These programs effectively reduce the price of tobacco and provide benefits to smokers purchasing cigarettes from particular outlets.

The Government has invited comment on the proposals via an on-line mechanism. http://www.health.nsw.gov.au/pubs/2008/protecting_children.html Submissions close at 5 pm on June 22.

(S792)

Notice of Motion – Rural Housing Strategy

Councillor D Tomlinson has given notice of his intention to move at the next meeting of Council:

1. That Council review the Rural Housing Strategy as a matter of priority.
2. That McLean's Ridges be included in the review of the DCP Village strategy when it is undertaken later this year.
3. That no further rezoning in the McLean's Ridges area be considered until points 1 and 2 above are completed.

Councillor Comment

1. The RHS was adopted by Council in 2002 and a review has not been undertaken since then. Indeed most of the investigative work on the RHS was undertaken in the late 1990s – ten years ago. The strategy itself says a review should take place within 12 months of census data being released.
2. Although officially McLean's Ridges is not yet a village, projected rapid growth in the area effectively makes it one. Yet currently it has no facilities apart from a 100 year old hall and promises of some sort of community block. Residents need to be consulted on how they see their area being developed in the future, the type of development that conforms to the current amenity and the type of facilities which will be required. Experience has shown that where consultation takes place and appropriate guidelines for development are formulated, proposed developments proceed with little opposition.
3. A temporary restriction on new re-zonings in the area will allow proper consultation and give developers more certainty on what is expected before they start the process. A plan for the area is required now so that cumulative impacts coming from rezoning in the future can be properly assessed and addressed.

Staff Comment – Manager Planning Services

This proposal is not supported for the reasons set out below.

1. The Rural Housing Strategy is a ten year strategy; it came into effect in 2002 and consequently has some years to operate before review. Grounds for review prior to that time would be a substantial increase in population growth, leading to demonstrated demand for rural residential development evidenced by construction of dwellings on lots approved under the Strategy. Such grounds for review are not evident to date.

Review of the Strategy would be a substantial project, requiring formation of a Steering Committee, demand/supply analysis, comprehensive site investigations, and a community consultation program. Priority review of the Strategy cannot be accommodated in the strategic planning work program in the short to medium term, given commitment to other priorities which can demonstrate economic benefits to the wider local government area.

Should Council wish to review the Strategy as a priority then the appropriate method would be by allocating funding with which to engage external consultants to undertake the work. An amount in the order of \$50,000 would be required.

2. Development guidelines for McLeans Ridges, and for other rural areas subject to subdivision, are already contained within the Subdivision & Infrastructure Chapters of the Lismore Development Control Plan. These chapters are currently under review and will be reported to Council during the December quarter of 2008.

Specific requirements for McLeans Ridges are contained within the draft Planning Agreements for those area.

3. Applications for rezoning in the McLeans Ridges locality have been under consideration since 2004. Compliance with the Strategy objectives was not achieved until late 2006, at which time applications were reported to Council. It would be dishonourable of Council to now decide against allowing these LEP amendments to be duly considered when the landowners involved have been encouraged for four years to meet Council's requirements and would have expended considerable funds in doing so.

(S668:S884)

Notice of Motion – Clunes Sewage Treatment

Councillor B Henry has given notice of his intention to move at the next meeting of Council:

That Council review and workshop the option of connecting Clunes by pipeline to the existing Lismore sewage treatment system and to test this option against the previously developed alternatives.

Councillor Comment

This option has been raised by some Clunes residents in their correspondence with the Council recently and is understood to have been the second choice of the Clunes Wastewater Committee, based on projected costings of all the options considered.

The reason that I believe this option has merit is that it could provide the best long term solution because of the following:

1. The Far North Coast Strategy will be promoting and encouraging growth for Lismore with forecasts of population by 2020 of around 56,000 - included in LCC Management Plan. This growth can be expected to occur in all residential sectors; urban, villages and rural residential.
2. The Bangalow Road Corridor/ Wilson River Catchment Area will most likely experience this growth pattern across all these sectors with developments being planned or considered for Trinity Drive, Pineapple Road, below James Road, Bexhill and Clunes.
3. Potentially all these developments could connect to a sewage line that runs along the Bangalow Road Corridor and this could provide the most efficient and cost effective solution.....the purpose of the review would be to determine whether this is the case.
4. It also would overcome the concerns from the community regarding a 'septic' solution.....or realistically the introduction of many 'septic' solutions.
5. It would also allay fears concerning contamination of the Wilson River Water Source.
6. Finally, there are community concerns that the costs involved in the Committee's "preferred" option were underestimated and that a pipeline option may now be the most economical option.

Staff Comment – Executive Director – Infrastructure Services

A workshop was held May 22, 2006 to evaluate the preferred options for the Clunes Sewerage Strategy. The workshop was attended by the Clunes Wastewater Committee and the technical project team. The options evaluated are shown below;

Option A; Grinder pump system with sewage treatment plant and reuse

Option B: Onsite treatment with water reclamation and reuse (Onsite treatment & Irrigation)

Option C: Grinder pump system with transportation to South Lismore Treatment Plant (Pumping back to Lismore)

Option D: Do nothing

	Option A	Option B	Option C	Option D
Capital Cost	\$7,290,000	\$5,600,000	\$10,630,000	\$0
Running Cost (over 25 years)	\$1,670,000	\$3,900,000	\$2,210,000	\$0
Total	\$8,960,000	\$9,500,000	\$12,840,000	\$0
DWE Subsidy	\$1,680,000	\$1,680,000	\$1,680,000	
Council to Fund	\$5,610,000	\$3,920,000	\$8,950,000	\$0
Per annum running cost	\$139,000	\$233,865	\$184,893	\$0

The options were evaluated against economic, social and environmental criteria. The preferred option was Option B - Onsite treatment with water reclamation and reuse (Onsite treatment & Irrigation) followed by Option C - Grinder pump system with transportation to South Lismore Treatment Plant (Pumping back to Lismore).

The above costings were preliminary estimates based on conceptual designs. They were used for comparative purposes rather than absolute estimates of total cost. They would be subject to a 20% increase in Building Price Index since they were determined in 2005.

Option B - Onsite treatment & Irrigation, has been developed since May 2006. Additional information is now known about this option. Additional costs have been identified and include; the purchase of the farm land for irrigation (additional \$250,000), the storage pond (additional \$250,000) and the additional length of the rising main to the irrigation area (additional \$400,000). The need for treatment of wet weather release may also increase the cost of this option however the need for this is not determined at this stage.

A rough update of the above table shows the onsite site and irrigation option is still at least \$2M cheaper than the pumping back to Lismore option.

The above analysis, however, did not quantify the benefit of connecting existing residences and future growth at Eltham, Bexhill, Trinity Drive, Pineapple Road etc to the pipeline option.

The project team are also constantly being asked why the on-site option is preferred over the pumping back to Lismore option.

Due to this uncertainty amongst Councillors and the community a workshop which reviews these two options in detail is supported. Staff would need to prepare for this workshop and could be undertaken in August 2008.

The long duration of this project has contributed to the uncertainty surrounding the preferred option however it is hoped this workshop and the resultant documentation will provide Council and the community with renewed confidence we are developing the best option for the Clunes Wastewater system.

(S288)

Notice of Motion – Constitutional Recognition

Councillor R Irwin has given notice of her intention to move at the next meeting of Council:

That a plebiscite with the following wording be held in conjunction with the 2008 Lismore Local Government election:

“Do you support the inclusion of local government in the Australian Constitution?”

Staff Comment – Corporate Compliance Co-ordinator

The Local Government Act provides that Poll Questions may be asked as part of the election process.

Voting on Poll questions is not compulsory and Council is not bound by the result of the election.

There will be additional costs associated in the conduct of the Poll, but no estimate has been determined. Administrative costs such as printing ballot papers, counting etc will be relatively minor.

The majority of costs will be in the preparation of the Yes and No case that Council has to prepare, and the dissemination of these cases to the public. If this Notice of Motion is successful it is proposed to adopt a minimalistic approach of a newspaper advertisement. The support of the Local Government and Shires Association would be sought to provide the Yes/No case.

(S13)

Report

Subject	Approval of Café and Gelato Bar
File No	Development Application No. 2008/220
Prepared by	Development Assessment Planner
Reason	Called in for determination by Councillors Irwin and Dowell
Objective	Determination of the development application.
Strategic Plan Link	Economic Development
Management Plan Project	Determination of Development Applications

Overview of Report

Development Application No. 2008/220 at Lot 10 DP 1112140, 11/1 Simeoni Drive, Goonellabah for a Cafe and Gelato Bar was lodged with Council on May 1, 2008. The application was called in for determination by Councillor Irwin and Councillor Dowell.

As the proposed development is a suitable use for an approved shopping centre and the proposed development complies with Council's Policies, Development Control Plan and Local Environmental Plan (2000) it is recommended that the proposal for a café and gelato bar be approved.

Proposal

The applicant seeks development consent to create a Cafe and Gelato Bar. The adjoining development consists of shops. The proposed access to the Café and Gelato Bar is off Simeoni Drive, Goonellabah.

The Applicant: Mr J C Woodley & Mrs D J Woodley, 22 Sheridan Drive, GOONELLABAH NSW 2480

Owner: Perpetual Limited

Address: Lot 10 DP 1112140, 11/1 Simeoni Drive, Goonellabah.

Public Notification

In accordance with Development Control Plan Part A Chapter 10 - Notification and Advertising of Development Applications the adjoining land owners and adjoining shops (tenants) were sent written notification about the proposal on May 6, 2008 and given to May 20, 2008 to provide a submission.

Property History

Council approved Development Application No. 1999/360 on September 6, 1999 for a 2 Staged Shopping Centre at 11/1 Simeoni Drive, Goonellabah. Subsequent Development Applications have been lodged for earth works, changes of use of shops and the like.

Council approved Development Application No. 2006/33 on May 31, 2006 for Extension to the Shopping Centre and Carparking. Further amendments were approved on July 17, 2007, relating to the approved

plans by changing internal fixtures and fit outs of Target.

Development Application No. 2006/33 for the extension to the Shopping Centre required 261 carparking spaces be provided. The shopping centre provided a total of 262 carparking spaces.

The proposal has credit for 13.2 carparking spaces which was included in the 261 required in Development Application No. 2006/33. The required amount of carparking for the proposed 33 seat Café and Gelato Bars is 11 carparking spaces.

Environmental Planning and Assessment Act 1979 - Section 79C Assessment

Lismore Local Environmental Plan 2000

Table 1 identifies the Clauses and Schedules which apply to the application for a Cafe and Gelato Bar.

Table 1: Summaries LEP

Lismore Local Environmental Plan 2000	Assessment
Schedule 7: refreshment room means a restaurant, café, tea room, eating house or the like.	The proposed Cafe and Gelato Bar is defined as a refreshment room.
The proposed development is to be consistent with the objectives of the zone in which it is to be carried out.	The proposal for a Café and Gelato bar complies with the zone objectives for the 3(a) zone. Refer to Clause 58.1 below.
Objectives of zone (a) to encourage the development and expansion of retail, commercial and professional activities which strengthen the City's role as a regional centre, and (b) to ensure that adequate provision is made for car parking, and (c) to encourage facilities which minimise the adverse effects of flood.	(a) The proposed development is filling a vacant shop in an existing shopping centre which strengthens the role of Lismore as a Regional Centre. (b) The provision for carparking complies as a result of credits from Development Application 2006/33 (refer table 2 for calculations). (c) The proposed development is not located in a flood liable area.
Land Use Table	Development consent is required.

Table 2: Development Control Plan 2007

Table 2 summarises the chapters which apply to the application.

Part, Chapter Number and Name	Assessment
Part A Chapter 7 – Offstreet Carparking	Development Application No. 2006/33 for the additions to the shopping centre required 261 carparking spaces. The shopping provided 262 carparking spaces. <ul style="list-style-type: none"> ▪ The proposal has credit for 13.2 carparking spaces which was included in the 261 required in Development Application 2006/33. ▪ The required amount of carparking for the 33 seats is 11 carparking spaces. Therefore no additional parking is required.
Part A Chapter 10 – Notification and Advertising of DAs	The adjoining landowners and shops were notified about the proposal and given 14 days to respond.

Part A Chapter 13- Crime Prevention Through Environmental Design	All seats will be visible from the counter, carparking area and adjoining uses, creating a safe outdoor dining facility. The outdoor dining areas proposed will increase the passive surveillance of the carparking area.
--	--

Council's Policies

Council Policy 5.2.24 Carriageway & Kerbside Land Use does not apply to this application as the outdoor dining is not located on public land. However, to ensure consistency throughout the Local Government Area the aims and standards in the policy were used to assess the application. Table 3 outlines the proposal in comparison to the policy.

Table 3: Council Policies

Council's Policies	Assessment
5.2.24 Carriageway & Kerbside Land Use	<ul style="list-style-type: none"> ▪ The proposal complies with the aims of the document by enabling carriageways and footpath areas to be used for dining space. ▪ No Licence from Lismore City Council is required as the carriage way is owned by Perpetual Limited. ▪ Due to the amendments in red on the plans the outdoor dining will not obstruct or inconvenience other retail and commercial activities. ▪ The proposal will not unduly obstruct the pedestrian access and conditions of consent will be drafted to ensure compliancy. ▪ The minimum width of clear footpath is 1.75m. With the amendments to the plans (shown in red) the minimum width is 1.883m.

Table 4 summarises the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality and consistency with ESD objectives in accordance with section 79C of the *Environmental Planning and Assessment Act, 1979*.

Table 4: Section 79C Assessment

Impacts	Assessment
Context & setting (bulk, scale, height, mass; design, character of locality, streetscape, compatibility with adjacent properties, overshadowing, privacy, views, etc)	The proposed development for a Café is located within an approved shopping centre, therefore the context and setting of the development is suitable for the proposed use.
Access to development site and public transport; traffic generation and parking	The carparking, access and traffic generation was addressed in Development Application 2006/33 when the shopping centre was granted approval for extensions.
Impact on, adequacy of and availability of utilities services	The proposed development's potential impact on utilities services were addressed in the Development Application 2006/33.
Impact of the development on public recreational opportunities; pedestrian linkages	<ul style="list-style-type: none"> ▪ The impact of the development on recreational facilities is NIL. ▪ The impact of the proposed outdoor dining on the pedestrian linkages has been assessed. The minimum width is 1.883m and Council policy for kerbside dining is a minimum width of 1.75m. Therefore the application complies with Council's Policy.
Effect on Natural Resources	The proposed development has no impact on the natural environment.

Any Natural Hazards (site stability, Floodplain Risk Management Plan, bushfire, ASS, contamination)	Any potential natural hazards for the site were assessed in Development Application 2006/33
Safety, Security and Crime Prevention	All seats will be visible from the counter, carparking area and adjoining uses, creating a safe outdoor dining facility. The outdoor dining areas proposed will increase the passive surveillance of the carparking area.
Social Impact	As the proposal is located within an approved shopping centre and complies with Council Policy for kerbside dining the social impact of the proposal is considered to be positive.
Economic Impact	Positive impact on the economy as it will provide a service to the local community and also provide employment opportunities.
The suitability of the site	The site is suitable for a permissible use in an approved shopping centre.
Construction	Conditions of Consent will be drafted to ensure that the construction of the café is conducted within the regulations.
Cumulative impacts	Positive, as the proposed development is located within an approved shopping centre and it will create more choice for consumers in the local area.

Comments

Financial Services

Not required

Other staff comments

Council's Development Engineer had no objections or conditions to impose on the application.

Environmental Health, Building Services and Lismore Water and Sewer had no objections to the proposal subject to conditions of consent. Please refer to Schedule 1 for the conditions proposed.

Public consultation

The application was not placed on public exhibition. The adjoining property owners were notified in writing. One submission was received and a petition with 129 signatures. The issues raised in the submission and the petition are covered in the table below:

Summary of submission & Petition	Assessment
Narrowing of walkway	Complies with Council's Policy of a minimum width of 1.75m
The outdoor dining will be detrimental as it will put increasing demand on existing outdoor facilities	As the Café and Gelato bar is proposing outdoor dining it is unlikely that the pressure on existing outdoor facilities would significantly increase.
Pressure on the toilet facilities	Addressed in the expansion Development Application 2006/33 where it was determined that the toilet facilities met the requirements of the BCA.
The proposed bars will create a safety hazard for children	The proposed bars are not considered a significant hazard and are a common facility in kerbside dining.
OH&S hazards from spillage from the ice cream served	These events can occur now as there are other eateries and a supermarket in the shopping centre. It is unlikely that such incidents will be significantly increased by the proposal.

<ul style="list-style-type: none"> ▪ The proposed bar will prevent access to gas bottle ▪ Refilling of gas bottle if someone is smoking could be dangerous 	This has been addressed through a condition of consent to the effect that the bar area can not be utilised until the gas tanks have been relocated.
Tables and promotional barrier will inhibit disabled access	A condition of consent has been drafted to ensure that the proposal will allow continual access in accordance with the stamped plans.

Conclusion

As the proposed development is a suitable use for an approved shopping centre and the proposed development complies with Council's Policy, Development Control Plan and Local Environmental Plan (2000) it is considered that the proposal for a café and gelato bar is in the interest of the local community and all levels of government.

Recommendation (PLA16)

That Council resolve:

- A. Pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, development application No. 2008/220, for Cafe and Gelato Bar, be granted consent subject to the conditions in Schedule 1.

Schedule 1 Conditions of Consent.

1 In granting this development consent, Council requires:

- the development,
- areas subject to any amendment or modification called for in the following conditions

be substantially in accordance with the stamped approved plan(s) No. 2008/233 dated 23/5/08 (as amended in red) and Plan No. 01 Sheet 1 dated 01/02/08 and/or supporting documents submitted with the application. Copies of the approved plan are attached to this consent.

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

BUILDING

2 The building is not to be occupied until an Occupation Certificate has been issued by the Principal Certifying Authority.

Reason: To ensure compliance with statutory requirements.

3 Structural Engineering details for climate control blinds and their method of mounting to the existing structure are to be submitted to and approved by the principal certifying authority prior to commencement of the work.

Reason: To ensure the adequate structural design of the building components.

4 Provide portable fire extinguisher/s, suitable to address the relevant risk, in accordance with AS2444.

Reason: Required by Clause E1.6 Building Code of Australia.

- 5 Doors forming exits, paths of travel to exits and parts of exits must comply with the relevant provisions of Clause D2.19, D2.20 and D2.21, Building Code of Australia in respect of the type of door, direction of swing and method of latching.

Reason: Required by Section D of the Building Code of Australia.

ENVIRONMENTAL HEALTH

- 6 The premises fit out and operations shall comply with AS 4674 – 2004 Design, construction and fit-out of food premises, the Food Act 2003, the Australia and New Zealand Food Standards Code and associated legislation.

Reason: To comply with the relevant legislative requirements and to ensure public health and safety.

- 7 The wall and ceiling finish of the kitchen must meet the requirements of AS 4674 - 2004. The finish shall be smooth, impervious and free of gaps, cracks and crevices and be capable of being easily cleaned. Wall sheeting shall be of solid construction (**a minimum thickness of 13mm**).

Reason: To meet the requirements of AS 4674 – 2004 Design, construction and fit-out of food premises.

- 8 Wash hand basins and wash up sinks shall not be used for the disposal of waste water.

Reason: To comply with AS 4674-2004 Design, Construction and Fit-out of Food Premises, the Food Act 2003 and associated legislation.

- 9 Equipment benches/refrigerators etc shall be installed so that a complete seal is made between the sides of adjoining equipment, floor coving, and the wall to eliminate any open joint, space, crevice or cavity. Alternatively the equipment shall be installed with adequate clearance away from neighbouring equipment, floors and walls or shall be on wheels/castors to be easily moved to allow for cleaning.

Reason: To comply with AS 4674-2004 Design, Construction and Fit-out of Food Premises, the Food Act 2003 and associated legislation.

- 10 All equipment, benches, refrigerators and freezers must be on wheels or stands at least 150mm off the floor.

Reason: To comply with AS 4674-2004 Design, Construction and Fit-out of Food Premises, the Food Act 2003 and associated legislation.

- 11 Shelving and conduit/piping shall be installed with a 25mm clearance from the wall or alternatively be sealed to the wall.

Reason: To comply with AS 4674-2004 Design, Construction and Fit-out of Food Premises, the Food Act 2003 and associated legislation.

- 12 **Prior to operation** and at the completion of works an inspection by Environmental Health Services is required.

Reason: To assess compliance with AS 4674 – 2004 Design, construction and fit-out of food premises, the Food Act 2003, the Food Standards Code and associated legislation.

- 13 **Prior to operation**, the food business must be registered with Council as a commercial premise (a form is attached).

Reason: To comply with Councils statutory requirements.

WATER & SEWER

- 14 An application to discharge trade waste, including a plan that contains all details of the proposed

trade waste installation, shall be submitted to Lismore City Council, **prior to release of the Construction Certificate.**

The trade waste application must be approved prior to the release of the **Interim and/or Final Occupation Certificate**. Designs are to be in accordance with Australian Standard 3500, the NSW Code of Practice- Plumbing and Drainage and the Department of Water and Energy guidelines for the On-site Pre-treatment of Trade Waste Discharges to Sewer.

Reason: *To ensure adequate protection of utility services and to ensure compliance with the Trade Waste Approval. (EPA Act Sec 79C(b))*

- 15 All plumbing and drainage work associated with the Trade Waste installation are to be inspected and approved by Council's Water and Wastewater Section. A works-as-executed Drainage Diagram shall be submitted to Council on completion of works.

Reason: *To ensure adequate protection of utility services and to ensure compliance with the Trade Waste Approval. (EPA Act Sec 79C(b))*

- 16 All water supply, sanitary plumbing and drainage or stormwater drainage works must be carried out by a licensed plumber. For domestic works, the plumber is required to apply for a Plumbing Permit at least two (2) working days prior to commencing works. For large or complex installations, the plumber is required to apply for a Plumbing Permit at least twenty (20) days prior to commencing works. All work is to be carried out in accordance with the Conditions of the Plumbing Permit and to the satisfaction of Lismore Council. All costs associated with complying with this condition, including Permit Fees and Inspection Fees, shall be borne by the proponent.

Reason: *In accordance with the Local Government (General) Regulation 2005 Section 20 a person must not begin carrying out the activity approved unless the person is the holder of a permit issued in accordance with the Plumbing and Drainage Code of Practice.*

PLANNING

- 17 The bar area circled in RED on the plan: Development Application 2008/233 Dated 23/5/08 amended in red, can not be utilised unless the gas tanks have been relocated.

Reasons: *To ensure a minimum width 1.75m of clear footpath and to allow for direct access to the tanks.*

- 18 The pedestrian access must be maintained at all times in accordance with plan: Development Application 2008/220 dated 23/5/08 amended in red.

Reasons: *To ensure a minimum width 1.75m of clear footpath*

Report

Subject	Nimbin Community Centre Incorporated - Transfer of Assets
File Nos.	ST:VLC:P27399, P20198
Prepared by	Manager - Assets and Support Services
Reason	To advise Council of amendments requested by the Nimbin Community Centre Incorporated (formally Nimbin Community Development Association) to the deed of agreement for purchase of the Nimbin Community Centre and Peace Park at Nimbin.
Objective	To gain Council's endorsement of the proposed action to extend the term of the expired Deed of Agreement.
Strategic Plan Link	Infrastructure
Management Plan Project	Properties

Overview of Report

Council has a Deed of Agreement with the Nimbin Community Centre Incorporated for the transfer of the Nimbin Community Centre and Peace Park into their ownership. The Deed expired earlier this year and the Association is now entitled to exercise its right to purchase both properties, subject to certain conditions within the Deed, at any time. However, the Association has requested variations to the Deed. In summary, they wish to proceed with transfer of title to the Community Centre and the land on which it is located, but to defer the transfer of title to Peace Park. The proposed amendments are not supported with the reasons outlined in the report.

Background

Council entered into a Deed of Agreement with the Nimbin Community Centre Incorporated (NCCI) for them to purchase the former Nimbin Central School and the land on which it was located. Council lent some money to the NCCI to facilitate some development of the building and land and this amount, along with the agreed purchase price, has been progressively paid back to Council over time in accordance with the terms of the Deed. Council has also made Section 94 funds available as a contribution towards some of the development work that has been undertaken.

The Deed expired earlier this year and an outstanding amount of \$1.00 is still due to Council. Upon payment of this amount, title to the facility would transfer to NCCI, with Council taking a mortgage over the property to protect its investment of Section 94 funds in the facility.

The NCCI has requested amendments to the Deed of Agreement by way of letter to Council. A copy is attached to this report. Essentially the request is for the transfer of the building and the land that it occupies to take place now, and to defer the transfer of title to Peace Park. The main reasons stated for not proceeding with the transfer of Peace Park at this time are liability issues associated with construction of the skate park on that land.

The agreement outlined in the Deed was always that the transfer of both properties would occur at the same time. Whilst the concerns of the NCCI are understood, the proposal that Council essentially continue to assume all of the risks associated with the skate park is not supported. Part of the responsibility of owning any property is that the owner assumes all of the risks associated with that property and puts in place measures to eliminate or minimise those risks.

The matter of the skate park is problematic. There are clearly some potential liability issues associated with the skate park, both in terms of the unresolved matters relating to its construction and the ongoing operation and maintenance of the facility. Council staff have been working with the NCCI in an attempt to resolve the construction and noise issues, but there is no obvious, affordable solution at this time.

It is considered important to keep the proposed transfer of the community centre and Peace Park as a single transaction. Splitting the transfers into two separate transactions could leave Council in the position of owning a facility that has considerable problems associated with it and therefore having to meet the full cost of rectifying or otherwise dealing with those problems.

Council has been very supportive of the NCCI throughout this process to assist them in securing a facility for the Nimbin community. To facilitate further investigation of potential solutions to the issues associated with the skate park, it would be possible to extend the term of the current Deed to June 30, 2009. All other terms of the Deed would remain the same.

It should be noted that the NCCI are in the process of changing their name and becoming incorporated. Their new name will be Nimbin Community Centre Incorporated and this should also be reflected in any new agreement.

Comments

Financial Services

The recommendations are supported on the basis it allows more time for issues associated with the skate park construction and ongoing responsibilities to be resolved.

Other Staff Comments

Parks Co-Ordinator

The current arrangement for Peace Park is that all maintenance of the grounds is completed by the NCCI. However, the existing playground is currently inspected and maintained by Parks staff, given that the current Australian Standards say that trained persons are required to inspect playgrounds. Training of staff to observe defects is relatively simple and takes approximately three (3) days to complete to a routine visual assessment level.

The NCCI proposed arrangement where Parks staff maintain the facility under the supervision and finance of the NCCI will provide for a difficult working relationship and has the potential for conflict and overall ineffectiveness. Council currently maintains Allsopp Park, footpath sweeping and rubbish bin removal under contracts in the Nimbin CBD. Similar contracts and contractors may be administered relatively simply by the NCCI.

It is therefore recommended that the NCCI owns the facilities and make provision for the maintenance and inspection of Peace Park and associated assets.

Public Consultation

Not applicable

Conclusion

Council has entered into an agreement in good faith to sell the former Nimbin Central School to the NCCI. Council has also facilitated further development of the site by contributing funding in the form of Section 94 monies to various projects.

The proposal to vary the existing Deed of Agreement is not supported as it effectively involves Council taking on all of the currently unresolved risks associated with the construction of the skate park in Peace Park. To allow further time to resolve the issues associated with the skate park, it is recommended that the existing Deed be extended to June 30, 2009. All other terms of the Deed would remain unchanged.

Recommendation (IS33)

That:

1. The Nimbin Community Centre Incorporated be advised that Council is not prepared to separate the proposed transfer of ownership of the Nimbin Community Centre and Peace Park into separate transactions.
2. Council would be prepared to extend the term of the current agreement to June 30, 2009 to allow time for further investigation into resolving the issues associated with the skate park constructed on Peace Park.
3. Should the Nimbin Community Centre Incorporated be agreeable to extending the term of the current Deed, all costs associated with the preparation of documentation, etc. to facilitate the extension would be at the cost of the Nimbin Community Centre Incorporated.
4. It be noted that the Nimbin Community Centre Incorporated is in the process of changing its name and becoming an incorporated body and that this would be reflected in any alterations to the Deed of Agreement.
5. The Mayor and General Manager be authorised to execute and affix Council's seal to any documentation necessary to implement this resolution.

Attachment



4 February 2008

Mr Paul O'Sullivan
 General Manager
 Lismore City Council
 PO Box 23A
 LISMORE 2480

NIMBIN COMMUNITY DEVELOPMENT ASSOC Inc
 81 Cullen Street
 NIMBIN NSW 2480
 Phone: (02) 6689 0000
 Fax: (02) 6689 0237
 Email: ncda@nimbincommunity.org.au
 URL: <http://nimbincommunity.org.au>

COPY

Dear Paul

Further to NCDA's meeting with Rino Santin and Scott Turner on Wednesday 30 January 2008 we are writing to outline our proposals regarding future ownership of Nimbin Community Centre and Nimbin Peace Park.

We are aware that the Deed of Agreement and Lease between Nimbin Community Development Association (NCDA) and Lismore City Council (LCC) expire shortly. At this stage it is an option for NCDA to take ownership of both Peace Park and Nimbin Community Centre given that NCDA has met its obligations to LCC as outlined in the Deed of Agreement.

Dependent on investigations yet to be completed by NCDA our preferred position is to take ownership of Nimbin Community Centre (Lot 11, DP1013827) on 1st July 2008. Our reason for choosing this date is that it is the commencement of a new financial year for NCDA and, as such, deferment of taking title results in some financial savings. The investigations underway relate to payment of stamp duty and any other charges that might be applicable for NCDA to take possession.

As regards application of clauses 10.2.2 and 10.2.3 of the Deed of Agreement concerning Section 94 contributions we advise that we would be amenable to LCC taking some form of surety, such as a mortgage over the Community Centre, in the event NCDA should either:

- decide to sell the site for other than community purposes and not apply funds from the sale to community use, or
- cease to use the Centre for community purposes as determined by the Council in general meeting.

The cost of providing this surety over the property to the value of Section 94 contributions received to date and into the future is to be met by LCC.

It is NCDA's preferred position not to take ownership of Nimbin Peace Park (Lot 1, DP305607). Our reasons for this concern liability, the capacity of NCDA to take on this responsibility into the future and the resourcing available to the organisation. While we wish ownership to remain with LCC, NCDA is happy to retain a partnership arrangement with LCC to progress further development and support ongoing maintenance requirements. We would suggest that this could best be achieved through a memorandum of understanding (MOU) drawn up at LCC's expense. NCDA also requests first right of refusal over the sale of any part of the park at no cost other than the value of LCC funded improvements (excluding those financed from sources outside of LCC e.g. Section 94, State or Commonwealth grant funding, private donation etc.) and that this be formally recognised in an agreement between LCC and NCDA.

Through a MOU NCDA would continue to make available funding for mowing, slashing and general maintenance of the Park. NCDA owns a ride-on mower that would be available for this purpose. As regards inspection of the playground and skate park and daily removal of rubbish we would suggest that this be built into the current street cleaning contract at LCC's expense. NCDA would also be available to prepare funding submissions for future development of the Park, with LCC concurrence. NCDA will also continue its role in bringing the development of the skate park to completion.

For your information NCDA is proposing a name change to Nimbin Community Centre Inc. This suggestion has yet to be endorsed by NCDA members and will not directly impact on future ownership. However we would like to have our new name registered prior to taking ownership of any property for simplicity.

Your response to the above would be appreciated.

Kind regards



Dick Hopkins
President

Report

Subject	Lismore Speedway
File No	P331
Prepared by	Environmental Health Officer
Reason	Application to increase number of race meetings
Objective	For Council to consider a change to the Preventative Action Notice
Strategic Plan Link	Natural Environment
Management Plan Project	Environmental monitoring

Overview of Report

This report advises Council of the receipt of an application from Mr David Lander, operator of Lismore Speedway, to increase the number of race meetings at Lismore Showground from 14 to 20 meetings per season. Staff have since been in contact with the operator who has now requested the Preventive Action Notice be varied to allow a maximum of 16 events per season. However, given the degree of community objection it is recommended that no further increase in race meetings be approved.

Background

In 2004 a Preventive Action Notice under section 96 of the Protection of the Environment Act 1997 was issued to the previous operator of the speedway (Mr Coombes). The Notice was issued to control the activity of motor vehicle racing at Lismore Showground and included specified number and time of meetings and an acceptable noise level for the events.

The Notice was issued as a result of a Council Resolution at the Council meeting held March 9, 2004 as follows:

Resolved that-

- 1 *In the matter of the issue of a license by Lismore City Council and the speedway operator, that Council adopt as a blue print the license agreement devised by Parramatta City Council.*
- 2 *To conform to our specific needs the blue print be amended as follows:*
 - a) *In para 1.1, the existing preamble followed by the Historic Annual Meetings (events) Schedule” with a maximum of 14 events in any one year. This could include a list of dates proposed during the coming year. (This clause should be negotiable in the number of events per year, however, the final number of events per year should not delay the issue by Council of the license).*

With the recent change of speedway operators to DML Holdings Pty Ltd trading as “Lismore Speedway”, a new Preventive Action Notice was issued on 15 February 2008. When the terms of the notice were explained to the operator, Mr David Lander, he expressed concern with the limit on the number of events that were able to be held in any season (October to June). He was advised that any variation to the terms of the Preventive Action Notice would be subject to Council approval.

On 28 April 2008 Council received an application from Mr Lander to modify the terms of the license to increase the number of race meetings from 14 to 20 meetings per season. Mr Lander states this is necessary due to the following:

1. Speedway in Australia has come to a stage where it needs to be competitive with other events for the public...in order to be competitive ...it is imperative thata number of two day shows are held throughout the season. This not only enables speedway to attract divisions and competitors to the local area, it provides families with a safe and entertaining environment to spend their time.
2. Speedway attracts many competitors and spectators from varied distances to the Lismore area. The opportunity to deliver a two day race meeting not only increases numbers of competitors and spectators attending the speedway, it also brings in valuable dollars to the community as those attending require accommodation, meals and entertainment during the day by way of shopping and attending local attractions.
3. Lismore Speedway is constantly attracting new competitors and divisions in racing. At the current level of 14 shows per season it is impossible to allow each division the required exposure to showcase their division to the public.
4. The upsurge of interest in Lismore Speedway has resulted in increased numbers of competitors who are providing increased business to local industry suppliers (e.g. paintwork, sign writing, engineering, automotive electronics, tyre service, metal fabrication).

Mr Lander advised staff that it was important for Council to resolve this issue as soon as possible as he was applying to host the "Australian Super Sedan Championships" in February 2009.

He also advised that it was his intention for the next season to host two-day events on the following dates:

- 24/25 January 2008
- 21/22 February 2008
- Easter 2008
- June 2008 Long weekend

As a result of the public consultation process 59 public submissions have been received by Council. A range of objections to the proposal have been viewed and are listed below:

- **Objections**
 - Noise is excessive
 - Two-night meetings are extreme
 - Races run too late
 - Increase in length of season
 - Increased air pollution
 - Impact on personal quality of life
 - Non-compliance with Regulations
 - Too many meetings on long weekends
 - Wellbeing of the community adversely affected
 - Health of the community, especially close residents affected
 - Climate Change - disregard for Council's CCP program
 - Disregard for the community
 - Increase in health problems, asthma, disturbed sleep patterns
 - Increase in traffic
 - Promotion of poor driving behaviour
 - Aboriginal meeting ground – Indigenous comment required
 - Compensation for residents
 - Sound barriers required
- **No objection**

- Two letters of support for increasing the number of race meetings were received.
- **Existing program to remain with no increase in events**
 - It should be noted that that eight objectors have stated specifically that they object to the increase in race meetings, however are prepared to tolerate the existing 14 meetings per season.

As a result of the adverse community objection in regard to increasing the event from 14-20 events per season, Council staff contacted Mr Lander regarding the objections. Mr Lander has requested the initial request to vary the Preventive Action Notice be reduced to allow a maximum of 16 events to be scheduled for the 2008/09 season.

Public Consultation

A public consultation process was implemented to provide maximum coverage within a short time frame in order to have this matter determined by Council.

An advertisement was placed in the Lismore City News of the Northern Rivers Echo dated 22 May 2008. A copy of the Preventative Action Notice and the letter of application from the Speedway operator has been on public display at the Corporate Centre at Goonellabah, Council's CBD Office and on Council's website since Tuesday 20 May 2008.

To offset the short consultation timeframe, letters were also posted to all residential property owners in the vicinity of the showground, that being north of Terania Street and west of the Wilsons River. A total of 165 letters were sent.

Comments

Financial Services

Not required.

Other staff comments

Economic Development Unit

Lismore Speedway has experienced a resurgence of interest in recent times with attendances increasing in line with its media profile. When determining the economic benefit of events to the Lismore area, considerations are:

- Number of bed nights generated
- Number of local contracts let - in this case tyres, mechanics, laundry, etc.
- Extension to their stay i.e. post event business

The Economic Development Unit prefers to encourage events that operate for more than one day, as they have the capacity to create and increase the economic benefit for Lismore residents and businesses.

In the case of the Lismore Speedway, a calculation of the economic benefit to Lismore LGA can be based on the following assumptions:

1. An average crowd at the Speedway is 2,500 spectators (Lismore Speedway promoter supplied).
2. 31% or 775 spectators come from a radius of greater than 50km from Lismore (Speedway Survey 2001).
3. Of these 775 spectators from outside the Lismore area, approximately 620 bed nights would be generated, assuming that 80% would require overnight accommodation.

4. Domestic overnight visitors spend on average \$112 per night (source Tourism NSW Dec 2007). This equates to 620 spectators x \$112/night = \$69,440 per Speedway event.
5. The remaining 1,880 spectators who attend the event and return home in the evening, spend on average \$73 per day (source Tourism NSW Dec 2007). This equates to \$137,240 per Speedway event.
6. Therefore, based on the above assumptions, the economic benefit for Lismore combining both overnight stays and day visitors is \$206,680 per Speedway event.

Environmental Health and Building Services

In March 2004, Council considered the implications of the Speedway on the community, taking into account the wider economic, social and environmental considerations. As a result, Council resolved to support continuation of the Lismore speedway based on a similar license agreement in place at Parramatta City Council which defines clear responsibilities for the operator. These include:

- The number of events permitted
- The requirement to conduct noise monitoring
- The need to maintain noise records
- The maximum noise emission levels

The Preventative Action Notice issued in 2004, and still current today, allows 14 race meetings per season only.

Since 2004 Council has received few complaints (approximately six), regarding noise and late finishes. This number of complaints is considered to be low. However, it should be acknowledged that there is a large degree of tolerance by the Lismore community, especially North Lismore, in regards to a range of adverse effects including noise emissions from Speedway activities. This level of tolerance should not be underestimated or disregarded.

Prior to considering any variation request to increase race meetings per season as stipulated in the current Preventative Action Notice, further comprehensive noise and associated social impact assessments are required.

Manager Planning Services

Should the applicant be dissatisfied with Council's determination, or if Council wishes to undertake a more comprehensive assessment of the proposal, it may be preferable to encourage the applicant to lodge a Development Application for speedway operations for the required number of events. This would enable an additional public notification and consultation period, as well as enabling control of the activity by consent conditions.

Conclusion

Mr Lander's initial request to amend the current Preventative Action Notice to increase the maximum number of race meetings from 14 to 20 meetings per season has resulted in a high level of adverse community objection. These objections have been focused on a range of issues, as stated within the report. As a result of this adverse community comment, Mr Lander has requested the increase in events be reduced from 20 to 16 events per season.

It can be argued that there will be a positive economic benefit to Lismore due to an increase in Speedway race meetings, however there is a need to balance the economic result against the environmental and social impact on the community.

The level of community objections, especially from North Lismore residents concerning the negative impacts of the Speedway in regard to environmental and social factors is very significant.

Given the imposition of adverse environmental and social effects on the Lismore community the application to increase the number of race meetings is not supported.

Recommendation (PLA15)

That the applicant be informed that any application for an increase to the number of speedway events will need to be submitted as a formal development application.

Report

Subject	Proposed 2008/2009 Roads Capital Works Programme
File No.	DJP:VLC:S374
Prepared by	Manager - Operations
Reason	To inform Council of the proposed roads capital works programme for 2008/2009 as recommended by the Infrastructure Assets Policy Advisory Group (PAG).
Objective	To obtain Council's approval for the 2008/2009 Roads Capital Works Programme.
Strategic Plan Link	Infrastructure
Management Plan Activity	Roads

Overview of Report

This report provides a recommended Roads Capital Works Programme for the 2008/2009 financial year. The recommended programme has been developed using Council's objective road reconstruction point scoring system.

Background

The Infrastructure Assets PAG met on May 15, 2008 to consider projects to be recommended for inclusion in the 2008/2009 Roads Capital Works Programme.

Also, at its meeting of February 21, 2008, the Infrastructure Assets PAG recommended "that Council amend its current policy of distributing road funding between the rural and urban areas on a 2/3rd, 1/3rd basis to a system whereby projects are assessed on a needs basis through the points system and a cap of 2/3rds be placed on the proportion of the total funding that can be used in either the rural or urban areas".

Road Funding Available

General Road Funding	2008 / 2009 (\$)
Revenue - General	1,644,000
Roads Federal Assistance Grants Program	935,000
Roads to Recovery Program	783,400

	\$3,362,400

Please note there are many other line items in the Roads Section of the draft budget. However, they apply to infrastructure other than roads, such as drainage, footpaths, cycleways, bridges, etc.

Urban / Rural Allocation

In accordance with the PAG recommendation, funds were distributed on a network needs basis through the objective points system. Based on this, a 50:50 funding split between Urban and Rural was adopted, which was the best fit based on the points system and project cost estimates to match the available funding.

The Infrastructure Assets PAG adopted this funding split for the 2008/2009 financial year, after the deduction of \$200,000 for the sealing of gravel roads and \$50,000 for safety related repair/improvement works.

Road Type	2008 / 2009 (\$)	Proportion
Urban Roads	1,556,200	50%
Rural Sealed Roads	1,556,200	50%
	\$3,112,400	
Sealing of Gravel Roads	200,000	
Safety Projects	50,000	
	\$3,362,400	

Urban Roads Capital Works Priorities

Detailed below are the ten highest ranked urban capital works projects that have been evaluated and estimated by Council's engineering staff -

Rating	Road Name	Location	Estimate	Score
A1	Belvedere Drive	Chainage 0.5km to 0.8km	220,000	N/A
1	Conway Street – Stage 2	Keen Street to Dawson Street	400,000	70
2	Conway Street - Stage 3	Keen Street to Molesworth Street	455,000	66
3	Wyrallah Road – Stage 3	Esmonde Street to Dalley Street	390,000	65
4	Wyrallah Road - Stage 4	Dalley Street to Oliver Street	460,000	65
5	Dalley Street	Dibbs Street Roundabout	110,000	61
6	Industry Drive	Military Road to Kerb & Gutter	150,000	60
7	Dibbs Street - Stage 1	Music Street to Pedestrian Crossing	290,000	60
8	New Ballina Road	Balmer Avenue to Rotary Drive	700,000	58
9	Dibbs Street - Stage 2	Ballina Road to Music Street	500,000	58
10	Avondale Avenue - Stage 1	First Avenue to Wyrallah Road	400,000	56

Belvedere Drive, East Lismore

The background behind the Belvedere Drive, East Lismore project, is in relation to the stability of an existing large fill batter along the northern side. Some local instability has previously occurred on the fill batter and there are concerns that the future instability could place property and members of the public at risk. A detailed geotechnical report has been prepared by Consultants, shaw:urquhart, of Brisbane, to provide a solution to the problem. There are currently two (2) options being investigated, which include installing several bored soldier piles or reducing the fill batter slope by importing fill at the toe of the existing batter. Preliminary estimates to undertake this essential work have been carried out and are of the order of \$220,000. Once a solution has been decided upon, the adjoining property owner will be advised.

Rural Roads Capital Works Priorities

Detailed below are the ten highest ranked rural capital works projects that have been evaluated and

estimated by Council's Engineering staff -

Priority rating	Road Name	Location	Estimate	Score
1	Wyrallah Road - Stage 1	Waste Facility to Monaltrie Lane	420,000	63
2	Rosebank Road	0.5 – 1.5km North Corndale Road	350,000	61
3	Bridge Street (Wyrallah)	Wyrallah Road – Agnes Street	486,200	60
4	Cawongla Road - Stage 2	8.1 - 8.8 km North Rock Valley Road	300,000	58
5	Wyrallah Road - Stage 2	Bridge Street to Wyrallah Ferry Road	400,000	58
6	Doroughby Road	Corndale Road - North 0.8 km	300,000	57
7	Cawongla Road - Stage 3	9.8 - 10.4 km North Rock Valley Road	250,000	57
8	Cawongla Road - Stage 4	10.8 - 11.5 km North Rock Valley Road	240,000	57
9	Cawongla Road - Stage 5	12.2 - 12.8 km North Rock Valley Road	250,000	57
10	Cawongla Road - Stage 6	13.4 - 13.8 km North Rock Valley Road	250,000	57

Proposed 2008/2009 Roads Capital Works Programme

2008/2009 Works Programme (Recommended by Infrastructure Assets PAG)	Pts	(\$)	(\$)
Urban Roads	-		
Belvedere Drive (ch 0.5km to ch 0.8km)	N/A	\$220,000	
Conway Street – Stage 2 (Keen Street to Dawson Street)	70	\$400,000	
Wyrallah Road – Stage 3 (Esmonde Street to Dalley Street)	65	\$390,000	
Dalley Street (Dibbs Street Roundabout)	61	\$106,200	
Industry Drive (Military Road to K&G)	60	\$150,000	
Dibbs Street – Stage 1 (Music Street to School)	60	\$290,000	
			1,556,200
Rural Roads	-		
Wyrallah Road – Stage 1 (Waste Facility to Monaltrie Lane)	63	\$420,000	
Rosebank Road (ch 0.5km to 1.5km North Corndale Road)	61	\$350,000	
Bridge Street, Wyrallah Village (Wyrallah Road to Agnes Street)	60	\$486,200	
Cawongla Road – Stage 2 (ch 8.1km to 8.8km)	58	\$300,000	
			1,556,200
Sealing of Gravel Roads	-		
Lillian Rock Road (Blue Knob)	52	\$100,000	
Tunable Creek Road (Final Stage)	50	\$100,000	
			200,000
Safety Related Repair/Improvement Works			
The Channon Road (Safety Fence Renewal)			50,000
Total :			\$3,362,400

Public Consultation

This proposed 2008/2009 Roads Capital Works Programme has been discussed and is recommended by the Infrastructure Assets PAG which met on May 15, 2008.

Conclusion

This report has recommended a programme of roads capital works to be undertaken during

the 2008/2009 financial year that has been evaluated in accordance with Council's road reconstruction point scoring system.

Recommendation (IS31)

That Council approve the 2008/2009 Roads Capital Works Programme as set out in the body of the report.

Report

Subject	Amendment No. 3 to Lismore Development Control Plan
File No	S924
Prepared by	Senior Planner
Reason	Close of Public Exhibition Period
Objective	Council's adoption of Amendment No. 3 to the Lismore Development Control Plan
Strategic Plan Link	Economic development
Management Plan Activity	Review and Update Planning Controls

Overview of Report

This report is to inform Council of the close of public exhibition for Lismore Development Control Plan - Amendment 3. Council received no submissions during the exhibition period. It is therefore recommended that Council adopt the proposed amendment to the Lismore DCP in the form in which it was notified.

Background

At its meeting of April 8, 2008 Council resolved to place draft Amendment No. 3 to the Lismore DCP on public exhibition. The proposed amendments to the Lismore DCP are attached to this report. The following provides an overview of the proposed amendments:

- Changes to the road access requirements for Rural Land Sharing Communities to require the access road to be upgraded for a length equivalent to the required sight distance in each direction from the driveway intersection using the standards applicable to rural residential development;
- Provisions that require energy efficient street lighting in village and rural residential subdivisions. This makes the street lighting requirements in village and rural residential areas consistent with those in new urban residential, commercial and industrial subdivisions;
- Modifications to the village and rural subdivision requirements to specify that on-site wastewater management systems are preferably of low technology design and that any system provided complies with Council's current on-site sewage management strategy. The amendment also allows decentralised treatment systems to be provided.

The draft Amendment was placed on public exhibition for a period of twenty-eight (28) days between April 17 2008 and 19 May 2008. No submissions were received during the exhibition period.

Conclusion

Amendment No. 3 to the Lismore DCP was on public exhibition from April 17 2008 to 19 May 2008. No submissions were received. It is therefore recommended that Council adopt Amendment No. 3 to the Lismore DCP in the form in which it was publicly exhibited and give public notice that the amendment is adopted.

Recommendation (PLA12)

- 1 That Council adopt Amendment 3 of the Lismore Development Control Plan in the form in which it was publicly exhibited.
- 2 That Council give public notification of the adoption of Amendment No. 3 to the Lismore DCP in accordance with the *Environmental Planning and Assessment Regulation 2000*.

LISMORE DEVELOPMENT CONTROL PLAN**DRAFT AMENDMENT NO. 3****Citation**

1. This plan may be cited as Lismore Development Control Plan Amendment No. 3.

Land to which this plan applies

2. This plan applies to all development within Lismore.

Objectives

3. This plan aims to amend the Lismore Development Control Plan by:
 - Requiring the installation of energy efficient street lighting in village and rural residential areas.
 - Requiring on-site wastewater management systems to comply with Council's current On-Site Sewage & Wastewater Management Strategy.
 - Allowing decentralised waste water treatment systems to be provided in village and rural subdivisions.
 - Modifying the road access requirements for Rural Land Sharing Communities.

Amendment of Lismore Development Control Plan No. 3

4. The Lismore Development Control Plan is amended as shown in Schedule 1.

Schedule 1

Part A: Chapter 6 – Subdivision and Infrastructure – Village and Rural Subdivision

1. Clause 6.1.5 Physical Infrastructure - Element: Utility Services

Insert additional performance criterion and suggested solutions as follows:

PERFORMANCE CRITERIA	SUGGESTED SOLUTIONS
<p>9. Public lighting shall be designed to maximise energy efficiency.</p>	<ul style="list-style-type: none"> • Public lighting is designed in accordance with: <ul style="list-style-type: none"> ○ Australian Standard AS/NZS 1158 “Lighting for Roads and Public Spaces”; ○ The NSW Public Lighting Code; and ○ Any relevant street lighting service agreements between council and the service provider. • The efficiency of public lighting lamps is no less than 60 lumens/watt. (Note that mercury vapour lamps do not meet this criterion) • Public lighting lamps are shielded so that no light is emitted above the horizontal thus minimising wasted light.

2. Clause 6.1.5 Physical Infrastructure - Element: Effluent Disposal

Insert an additional performance criterion and replace the existing suggested solution with the following:

PERFORMANCE CRITERIA	SUGGESTED SOLUTIONS
<p>7. On-site wastewater management systems are preferably of a low technology design.</p>	<p>The design and provision of wastewater systems conforms to Council’s current On-Site Sewage & Wastewater Management Strategy.</p> <p>OR</p> <p>A decentralised wastewater management system (packaged treatment plant), including appropriate management and maintenance systems, is provided.</p>

3. Clause 6.2.3 Physical Infrastructure - Element: Utility Services

Insert additional performance criterion and suggested solutions as follows:

PERFORMANCE CRITERIA	SUGGESTED SOLUTIONS
<p>9. Public lighting shall be designed to maximise energy efficiency.</p>	<ul style="list-style-type: none"> • Public lighting is designed in accordance with: <ul style="list-style-type: none"> ○ Australian Standard AS/NZS 1158 “Lighting for Roads and Public Spaces”; ○ The NSW Public Lighting Code; and ○ Any relevant street lighting service agreements between council and the service provider. • The efficiency of public lighting lamps is no less than 60 lumens/watt. (Note that mercury vapour lamps do not meet this criterion) • Public lighting lamps are shielded so that no light is emitted above the horizontal thus minimising wasted light.

4. Clause 6.2.3 Physical Infrastructure - Element: Effluent Disposal

Insert an additional performance criterion and replace the existing suggested solution with the following:

PERFORMANCE CRITERIA	SUGGESTED SOLUTIONS
<p>7. On-site wastewater management systems are preferably of a low technology design.</p>	<p>The design and provision of wastewater systems conform to Council’s current On-Site Sewage & Wastewater Management Strategy.</p> <p>OR</p> <p>A decentralised wastewater management system (packaged treatment plant), including appropriate management and maintenance systems, is provided.</p>

Part A: Chapter 16 – Rural Land Sharing Communities

5. Clause 16.6 Access

Delete the second paragraph under the heading **Primary road access** and replace with the following paragraph:

Where a development has direct frontage to a primary road, and the standard of the primary road does not satisfy the abovementioned standards, the applicant will be required to upgrade the primary road for a length equivalent to the required sight distance in each direction from the intersection of the driveway with the road. The length of road to be upgraded will be calculated as follows and the upgrade will be to the relevant minimum standard for arterial, sub-arterial or collector roads described above:

- Where there is less than 5 dwelling sites, the length of road to be upgraded is the “approach sight distance” (Austroads) either side of the driveway intersection;
- Where there are 5 or more dwelling sites, “safe intersection distance” (Austroads) either side of the driveway intersection.

Report

Subject	Lismore CBD Traffic Study
File No.	GJH:VLC:S274
Prepared by	Executive Director – Infrastructure Services
Reason	To advise Council of the outcomes of a comprehensive traffic study of the Lismore CBD.
Objective	To gain Council's endorsement of recommendations from the traffic study.
Strategic Plan Link	Infrastructure
Management Plan Project	Traffic

Overview of Report

This report provides a summary of a comprehensive traffic study of the Lismore CBD. The study is a vitally important strategic document for Lismore City Council. It identifies future traffic requirements in the CBD to encourage a vibrant growing CBD in the context of traffic management and parking. An integrated approach has been adopted, which takes into account ongoing management of parking, traffic flows, pedestrian mobility and public transport within the CBD.

A programme of required works and a timetable as to when these works will be required has been identified.

The programme of works is substantial and includes seven (7) sets of traffic signals, four (4) intersection upgrades, an additional bridge crossing and various traffic management facilities. The cost will be in the tens of millions of dollars and is beyond Council's capacity to fund alone. Therefore State and Federal assistance will be sought.

Background

In 2007 Council engaged TTM Consulting (specialist traffic and parking consultants) to undertake a comprehensive traffic and parking study of Lismore's Commercial Business District (CBD). The key objective of the study is to identify future traffic and parking requirements within the CBD in line with a revitalisation strategy outlined by Council.

The plan of attack involved working through five (5) key issues –

1. Establishing a vision for Woodlark Street
2. Identify and assess key pedestrian and cycleway links within the CBD
3. Develop a parking policy for the CBD
4. Assess future road network and bridge crossing requirements within the CBD – third river crossing
5. Identify intersection and traffic management improvements.

The above parking policy will not be discussed as it is the subject of a separate report to Council in this Business Paper.

Woodlark Street

The treatment of Woodlark Street was identified as being critical to the overall traffic management of the whole CBD.

The vision for Woodlark Street has been developed through consultation with various private and public sector stakeholders. This process has included a number of workshops and discussion forums with Council's Policy Advisory Group and other relevant representatives of Council.

It was agreed the vision for Woodlark Street was to create a pedestrian friendly zone to accommodate destination related traffic with a high turnover of on-street parking. A concept plan is shown in Appendix 1 attached to this report. It identifies the characteristics required within Woodlark Street to achieve this vision. They include –

- Traffic signal control at the Woodlark Street intersections with Molesworth, Keen and Dawson Streets
- Intersections of Molesworth and Keen Streets incorporate raised speed tables
- Raised pedestrian crossings provided mid-block between Molesworth-Keen Streets and Keen-Dawson Streets
- Provision for parallel kerbside parking and 90° centre parking
- Provision for appropriate streetscape, landscaping and pedestrian delineation through the use of contrasting pavements and street-side amenities.

Council staff are currently in the process of developing a detailed design of Woodlark Street in accordance with the above concept.

Pedestrian and Cycleway Links

Following are the key recommendations made by the consultant regarding pedestrian and cycleway links:

1. Consideration be given to the design of a major pedestrian/cycleway link between the CBD and Lismore Square.
2. The future planning of Woodlark Street incorporate adequate facilities for pedestrian and bicycle mobility to cross Keen and Dawson Streets.
3. Consideration is given to the potential connectivity of designated river crossings for pedestrian and bicycle movements.
4. Incorporate on and off-street cycleways as indicated within this proposed strategy as part of the ongoing network analysis and modelling.
5. Consider future cycleway and pedestrian demands associated with the potential riverside recreation areas as part of future modelling and road network improvements.

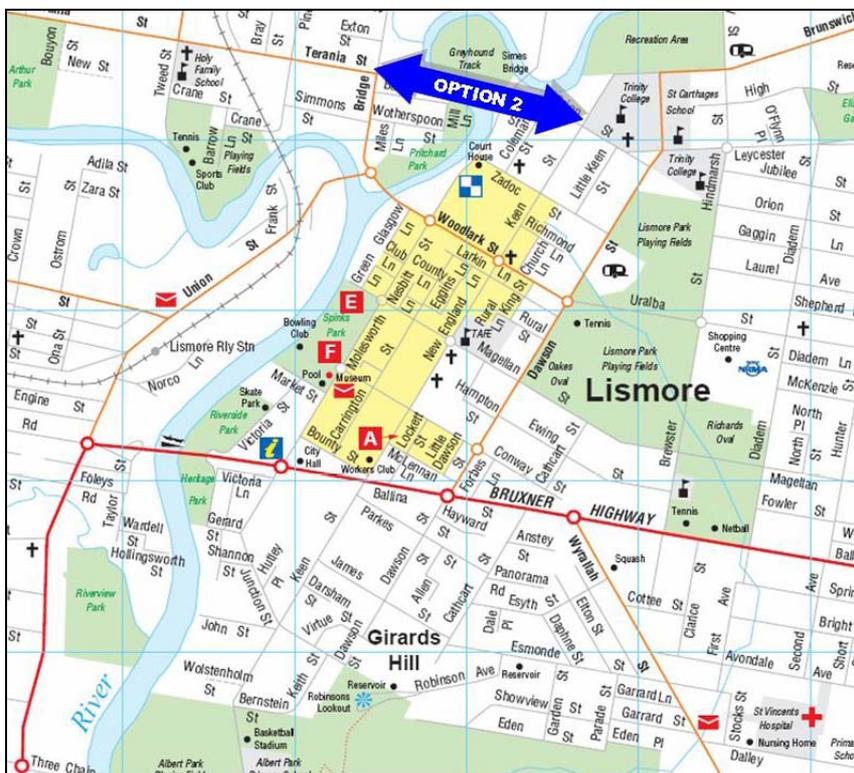
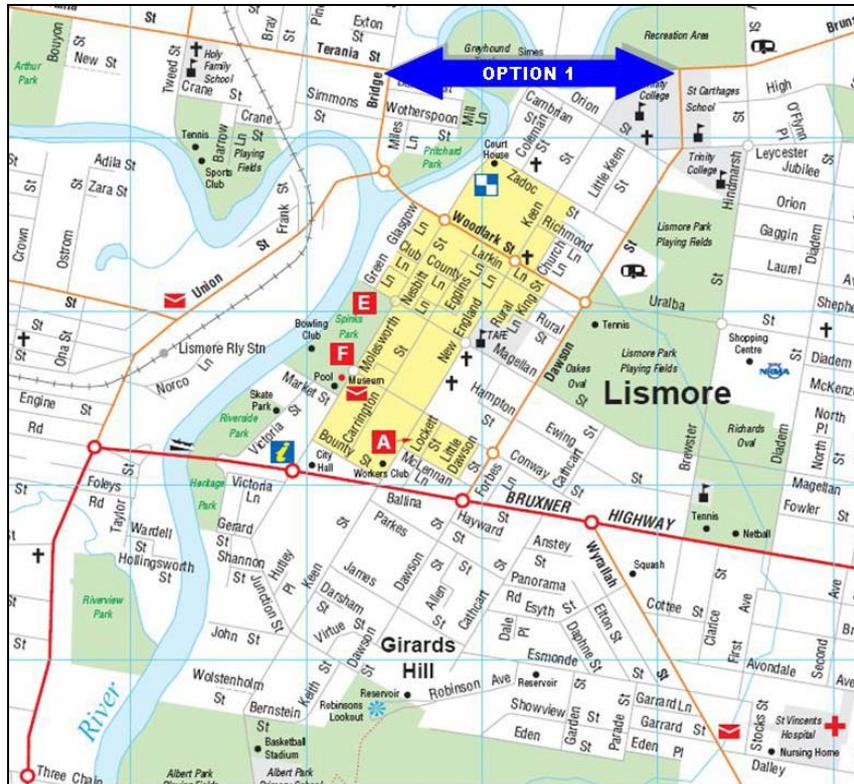
A copy of the proposed cycleway plan for the CBD is shown in Appendix 2 attached to this report. It should be noted that this proposal integrates with the recently adopted Cycleway Plan.

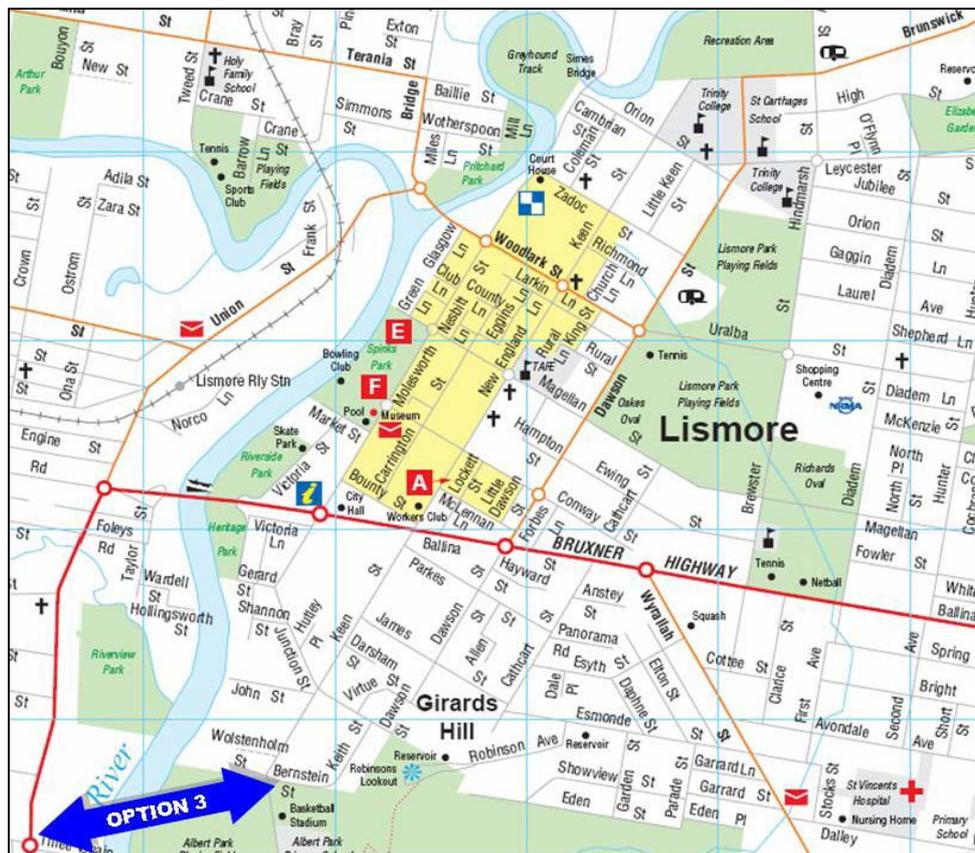
Third River Crossing

The key findings of the study regarding an additional river crossing are summarised as follows:

- Previous and current studies have triggered the need to investigate a potential future river crossing to provide an alternative through traffic route bypassing the CBD.
- The combined capacity of existing river crossings (Ballina Road and Woodlark Street Bridges) will exceed capacity by the year 2009 (i.e. within two years).
- Under the expected growth projections, traffic within the CBD will be subject to extensive congestion issues within 10 years should no network improvements be made (i.e. 'do-nothing' scenario).

- Three (3) potential river crossing options were identified to alleviate through traffic within the CBD -
 - Options 1 and 2 provide an east-west connection to the north of the CBD, and Option 3 to the south of the CBD.
 - Options 1 and 2 were found to provide the most benefit in regard to reducing through traffic movements within the CBD road network.





The study recommends that Option 1 and Option 2 be subjected to more detailed assessment and further investigation by Council. Both Options 1 and 2 are found to satisfy the objective of reducing through traffic volumes within the CBD by reducing the degree of saturation on the Woodlark Street (Fawcett) bridge and facilitating the ongoing growth strategy within the CBD.

This study is based on a strategic assessment of traffic movements within the CBD and has presented corridor options for a possible future third river crossing. The alignment of any future river crossing would require further detailed studies, particularly in regard to the following:

- Environmental impact (including indigenous and non-indigenous heritage)
- Social and economic impact (including impact to business and resumption of land)
- Engineering (including geotechnical and constructability)
- Cost feasibility and funding.

Intersection and Traffic Management Improvements

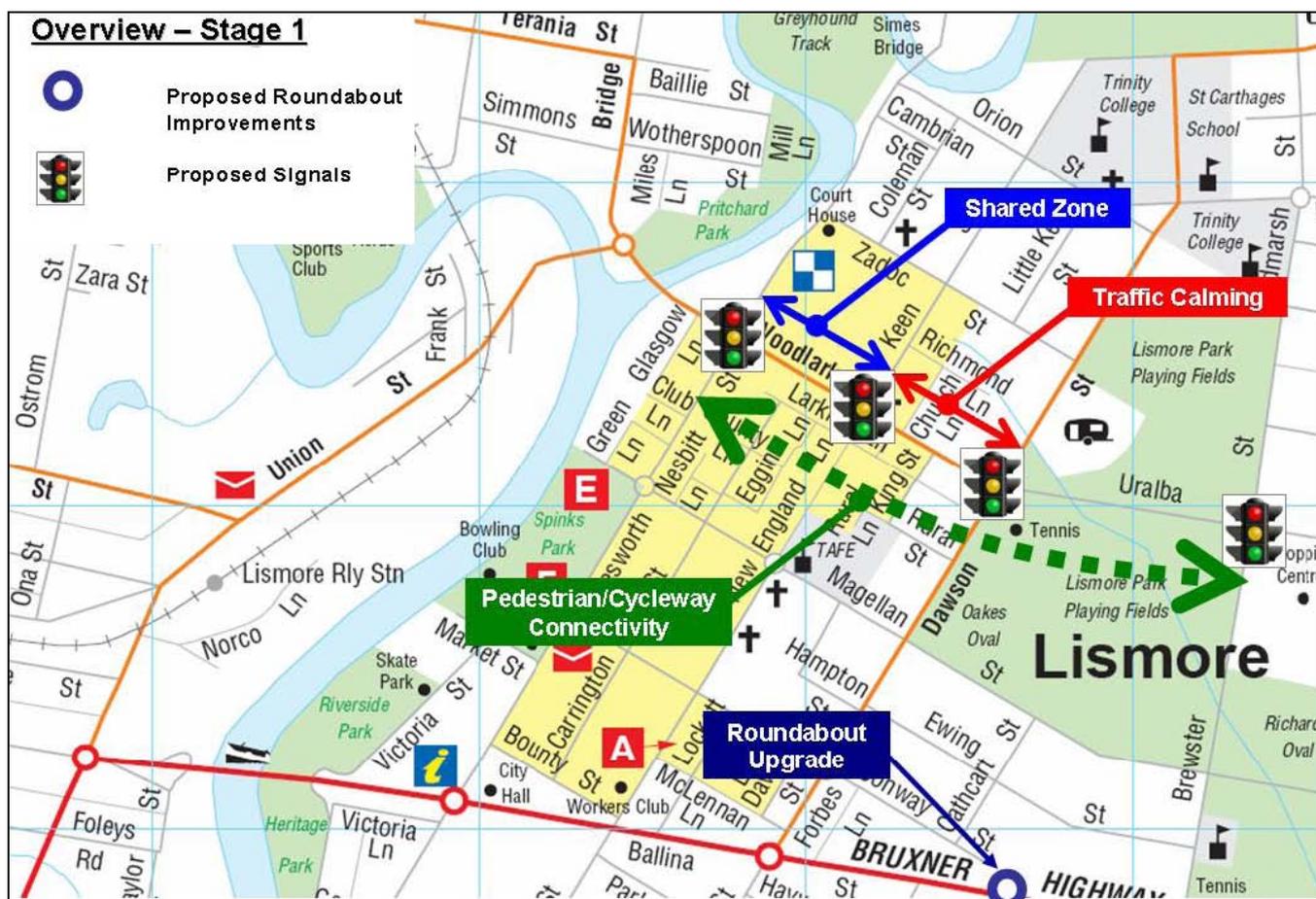
The study has identified future intersection upgrades and improvements which are additional to upgrading Woodlark Street and providing an additional river crossing. The study prioritises the intersection upgrades and provides a recommended timeline for the works to be carried out.

Stage 1 (0 - 5 years)

The highest priority intersection improvement works are the installation of traffic signals on Woodlark Street as identified above. These include traffic signals at the intersections with Molesworth Street, Keen Street and Dawson Street (MR65).

A left-turn slip lane at the Ballina Road/ Conway Street roundabout has also been identified within five years.

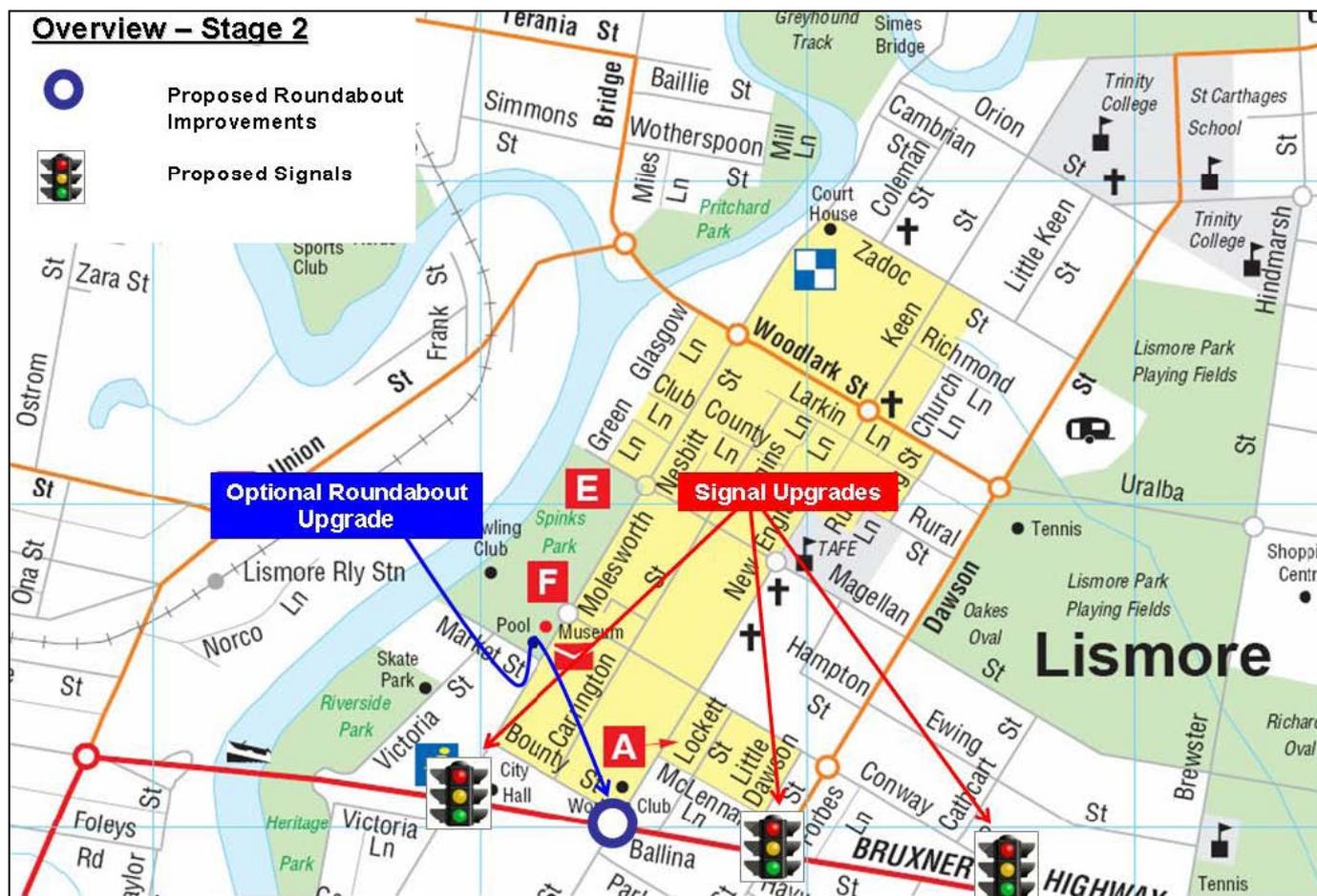
Traffic signals at the Brewster/ Uralba Streets intersection are also recommended to accommodate safe movement of pedestrians and cyclists.



Stage 2 (5 – 10 years)

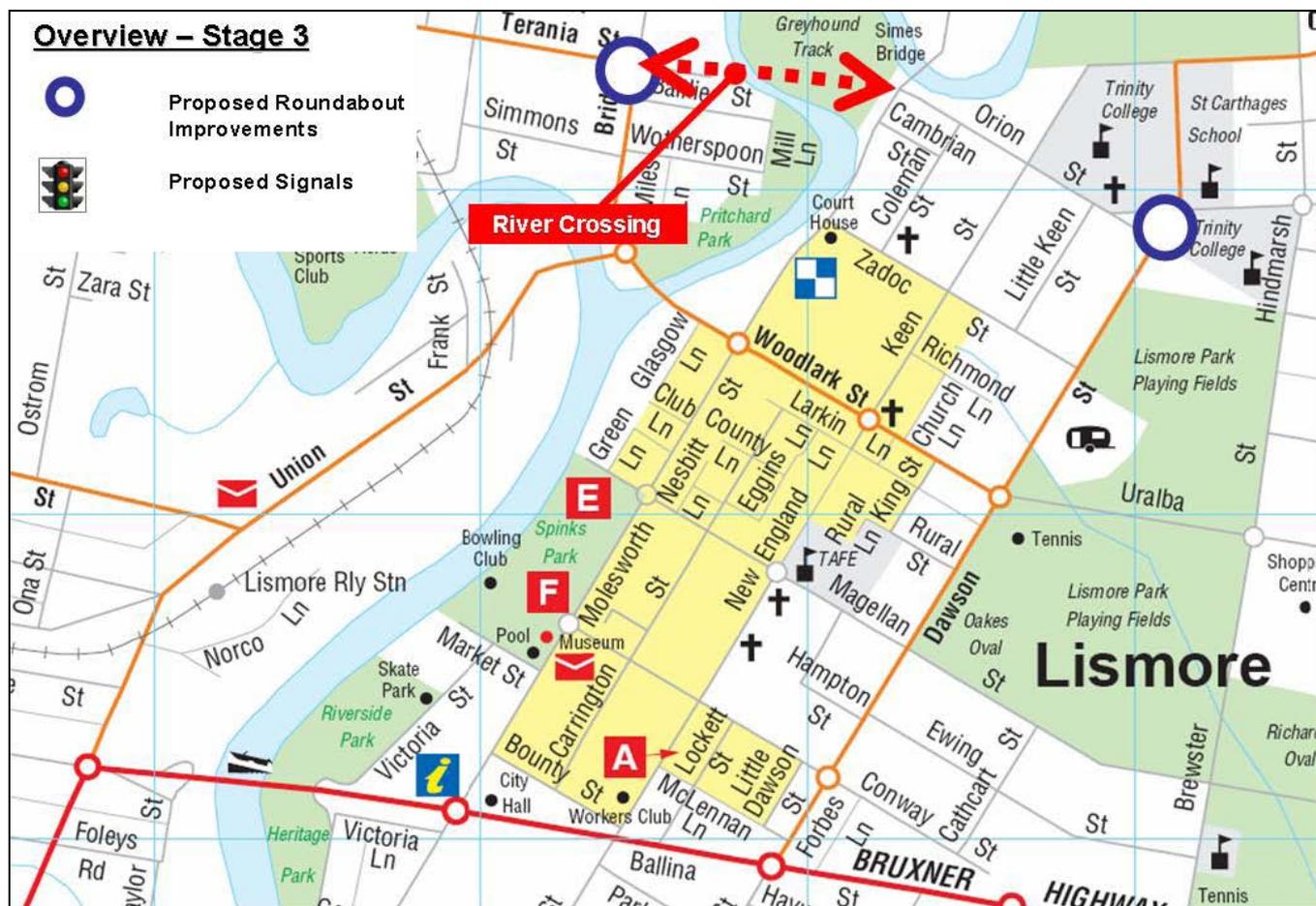
The installation of traffic signals at the following intersections have been identified as being required in 5-10 years:

- Ballina Road/ Dawson Street;
- Ballina Road/ Conway Street; and
- Ballina Road/ Molesworth Street.



Stage 3 (10 years and beyond)

The third river crossing is required after 10 years; intersection upgrades are required where it joins the existing network.



Comments

Financial Services

The implementation of the key findings from the TTM report estimated to cost in the tens of millions is beyond Council's financial capacity in the time-frame suggested. To undertake them even over a longer time-frame will still require substantial funding from other sources.

As the works are considered essential strategically, the inclusion of these works into Council's major capital works plan is supported. The major capital works plan will require review to ensure it is achievable. This will require Council to reassess priorities and consider changes to the recurrent budget. This process will be incorporated into the financial priorities and strategic directions issue deferred to the next council, as determined at the May 2008 Council meeting.

Other Staff Comments

Planning Services

Strategic Planning supports the recommendations in this report and has prepared a separate report on parking policy arising from the TTM Study.

Public Consultation

The vision for Woodlark Street has been developed through consultation with various private and public sector stakeholders. This process has included a number of workshops and discussion forums with Council's Policy Advisory Group.

Conclusion

A copy of the full TTM report is included separately for Council's information.

The above TTM report is a vitally important strategic document for Lismore City Council. It identifies future traffic requirements in the Lismore CBD to encourage a vibrant growing CBD in the context of traffic management and parking. An integrated approach has been adopted, which takes into account ongoing management of parking, traffic flows, pedestrian mobility and public transport within the CBD.

The programme of required works is substantial and includes seven (7) sets of traffic signals, four (4) intersection upgrades, an additional bridge crossing and various traffic management facilities. The cost will be in the tens of millions of dollars and is beyond Council's capacity to fund alone.

This report will allow Council time to plan optimal use of our own resources and lobby State and Federal Governments for funding.

The upgrade of Woodlark Street to improve traffic flow sits well with Council's ongoing CBD revitalisation works. As mentioned above, detailed design and preconstruction planning is currently underway. Four (4) sets of traffic lights are on the State Road network with an additional two (2) sets on Regional Roads. It is reasonable for Council to anticipate a sizeable contribution from the RTA for these works. The third river crossing will also provide benefit to the State Road network and Council will pursue a contribution from the RTA based on this premise.

Recommendation (IS34)

That –

1. Council adopt the concept of Woodlark Street acting as a shared traffic zone.
2. The Pedestrian and Cycleway Plan as set out in the TTM Working Paper 2 be adopted.
3. Options 1 and 2 for a third river crossing be subjected to more detailed assessment and further investigation by Council staff to confirm the feasibility of the project.
4. The programme of required works identified in the TTM Report be included in Council's 10-year Financial Plan.
5. Council forward a copy of the TTM Report to the NSW Roads & Traffic Authority requesting projects be considered for future funding.

Report

Subject	Lismore Development Control Plan - Proposed Amendment No. 4 – Off Street Carparking
File No	S924
Prepared by	Senior Planner
Reason	To advise Council of proposed amendments to the Lismore Development Control Plan
Objective	Council endorsement to exhibit Amendment No. 4 of the Lismore Development Control Plan
Strategic Plan Link	Economic development
Management Plan Activity	Review and Update of Planning Controls

Overview of Report

This report outlines proposed amendments to the Lismore Development Control Plan relating to off-street car parking. The amendment proposes reduced car parking rates in the CBD, adoption of a policy for shared parking and consolidated parking in the CBD, modification of the parking rate for Bulky goods showrooms and changes to the structure of the current Chapter 7 – Off Street Car Parking. The proposed amendments aim, in part, to provide incentives for redevelopment in the Lismore CBD. It is recommended that the proposed amendment is placed on public exhibition.

Background

In December 2007 traffic consultants, TTM finalised the Lismore CBD Transport Study. Preparation of the Lismore CBD Transport Study was an initiative of the Economic Development Policy Advisory Group (EDPAG). The EDPAG also developed a vision for the Lismore greater CBD, a copy of which is included in the attachments to this Report. It is recommended that the vision statement be included as an appendix to the DCP. On February 26, 2008 TTM and Council staff presented the findings and recommendations of the Study to a Council workshop. One of the important parts of the Study is a CBD Parking Policy Working Paper, which proposes future directions and policies for the provision of on-street and off-street parking in the Lismore CBD. Key aspects of the Paper were presented to Council by staff at a workshop in October 2007. Other recommendations of the CBD Transport Study are addressed in a separate report on the Lismore CBD Traffic Study in this Business Paper.

TTM found an over supply of parking spaces in relation to surveyed rates of demand in the CBD. Further, the mismatch between parking requirements for commercial development and demand highlights the extent to which CBD development has been discouraged by parking policies, and that the wide variation in car parking rates for different uses would be serving as a significant disincentive to convert premises to alternative uses as the CBD market changes over time. This is likely to be having most effect on the potential for converting between restaurant, office and retail uses.

To encourage redevelopment of the CBD, TTM recommended the adoption of a single rate of parking for non-residential uses and a policy for shared and consolidated parking to be included in the Lismore Development Control Plan (DCP). These incentives are sustainable while there is an over supply of parking and, if adopted, the policies will require periodic review to ensure that demand does not exceed supply. The proposed amendments are attached to this report. While the major changes to the relevant Chapter (Chapter 7) relate to these incentives, other amendments are proposed and these are discussed below.

Overview of Proposed Amendment No. 4

Amendment No. 4 proposes to replace existing Chapter 7 in Part A of the Lismore DCP. A copy of Draft Amendment No. 4 is attached to this report. The following is an overview of the proposals:

General

There are no proposed policy changes to the majority of the Chapter. However, the proposed amended chapter is reorganised to provide a more logical structure that aims to lead applicants through the process of preparing an application for a development that requires car parking to be provided, the matters to consider when designing car parks and finally the spaces required within and outside the Lismore CBD. Reference to a superseded State Environment Planning Policy is also removed.

Bulky Goods Showroom

It has recently become apparent that car parking rates for “Bulky Goods Showrooms” may not reflect the demand generated by such uses especially those that have a large warehouse component. This has led to the potential for inconsistency and confusion in the application of the rates to particular proposals.

“Bulky Goods Showroom” is defined by the Lismore Local Environmental Plan (LEP) as: *“a building or place used for the sale by retail or auction, the hire or the display of items (whether goods or materials) which are of such a size, shape or weight as to require:*

- (a) a large area for handling, storage or display, or*
- (b) direct vehicular access to the site of the building or place by members of the public, for the purpose of loading items into their vehicles after purchase, but does not include a building or place used for the sale of foodstuffs or clothing or a motor showroom.”*

The current car parking rate for ‘Bulky Goods Showroom’ in the DCP is 3 spaces per 100m² GFA, plus 1 per employee. A review of car parking rates in Tweed Shire, Coffs Harbour, Hastings and the Gold Coast shows that the rates required in Lismore are higher than elsewhere. Three of these Councils use a rate of 2 spaces per 100m² gross floor area. Hastings adopts rates that change as the gross floor area increases.

It is recommended that the rate for Bulky goods showroom in the Lismore DCP is amended to 3 spaces per 100m² for GFA under or equal to 400m² and 2 spaces per 100m² for GFA over 400m².

Lismore CBD

The major change to Chapter 7 relates to parking requirements for development in the CBD and the area to which the new requirements will apply. The proposed changes are:

- (i) A new map redefining the boundaries of the Lismore CBD for the purposes of Chapter 7. The map is based on the area adopted for the TTM study. The proposed area extends the existing northern boundary to include most of the block bounded by Molesworth, Orion and Dawson Streets and extending to Brunswick Street. The eastern boundary is extended to Dawson Street and the southern boundary to Ballina Road;
- (ii) A single rate of car parking in the CBD is proposed for non-residential uses of 3.3 spaces per 100m² gross floor area rather than the variable rates that currently apply. This rate was

determined on the basis of survey demands and current parking supply and is the rate that applies to commercial premises (offices, banks). Residential uses will continue to provide car parking at the rate specified in the Schedule to the Chapter. This is consistent with demand for car spaces by residential uses in the CBD.

- (iii) A reduction in the rate of car parking where the parking is “shared” or “consolidated”. Shared parking is parking that is provided in such a way that allows the public unrestricted use of the parking spaces on a development site regardless of whether they are attending the development on which the spaces are located. The incentive to provide shared parking is a 25% reduction in the rate of car parking, or a rate of 2.5 spaces per 100m² gross floor area. It is proposed that the reduction will only apply when a minimum number of spaces is provided and this number is determined by the location of the spaces on site. Other criteria to be met to receive the reduced rate relate to the availability of the spaces to the public. The proposed criteria will ensure that the shared parking is located in a way that is accessible, available and useable by the public.

The above reduction is also proposed for “consolidated parking”, which is the term used by TTM to describe car parking that is not provided on a development site but is consolidated elsewhere in the CBD by Council through cash contributions made in accordance with Council’s Section 94 plan.

- (iv) The above incentives will require periodic review to ensure that parking demand does not, over time, exceed parking supply as this would in turn discourage people from coming to the CBD.

Comments

Financial Services

The financial impact of reducing carparking requirements by 25% on Council's operations is anticipated to be minor based on collections for the last five years totalling of \$43,000. The current collection rates per car parking space is \$15,624. The levies in recent years have been used to partially fund the acquisition of land and development of it as car parking in Keen Street and acquisition of land in King Street.

Other staff comments

Council’s Infrastructure Services Directorate has been consulted in the preparation of the proposed amendments to the DCP and comments as follows:

The proposed amendments are supported by Infrastructure Services. Given the increased demand that these amendments may generate for the payment and subsequent construction of public carparking, it is recommended that the existing Section 94 contributions for carparking be reviewed to ensure that they reflect the current costs of providing public carparking.

Public consultation

The *Environmental Planning and Assessment Regulation 2000* requires DCP amendments to be exhibited for a period of twenty eight (28) days. It is proposed that Amendment No. 4 will be exhibited for twenty eight (28) days to comply with the Regulation, along with the proposed amendment to the section 94 Contributions Plan. It is also recommended that the Lismore Chamber of Commerce and the Economic Development Policy Advisory Group are invited to review the proposed amendments and provide any comment. The proposed amendment to the section 94 Contributions Plan also requires public exhibition for 28 days.

Conclusion

The proposed amendments to the Lismore DCP outlined in this report will introduce reduced parking rates in the Lismore CBD to provide an incentive to the development and redevelopment of the CBD. A new rate of parking for Bulky goods showroom is also proposed. It is recommended that the attached proposed DCP Amendment No. 4 be placed on public exhibition.

Recommendation (PLA5)

- 1 That Council resolve to exhibit Lismore Development Control Plan Amendment No. 4 (including the EDPAG Vision Statement as an appendix to Chapter 7 of the DCP) for a period of 28 days.
- 2 That Council refer the proposed DCP Amendment No. 4 to the Lismore Chamber of Commerce and the Economic Development Policy Advisory Group for review and comment.

Report

Subject	Goonellabah Sports and Aquatic Centre
File No.	T27005
Prepared by	Manager - Assets and Support Services and Manager - Community Services
Reason	To advise Council of changes to the project.
Objective	To gain Council's endorsement of changes to the project.
Strategic Plan Link	Infrastructure
Management Plan Project	Construction of Goonellabah Sports and Aquatic Centre

Overview of Report

This report provides Council with an update of progress on the project, and in particular provides a revised budget estimate for the project following finalisation of a range of matters. The information was previously provided to Councillors as part of the budget planning process for 2008/09.

Background

Council at its meeting on April 10, 2007 approved the construction of the Goonellabah Sports and Aquatic Centre (GSAC). Since that time the project has progressed significantly with the lodgement and approval of a development application and construction certificates for the project. Work onsite commenced in December 2007 and is currently on target to be completed in December 2008.

There has been a range of matters that have required investigation and negotiation with the builder, Spantech, as the design for the project was developed. Spantech has provided final costs for these variations and building improvements to the project that are under consideration. In addition, other matters that have arisen during the course of the project have resulted in cost increases. There have also been specific conditions of development consent which have had to be addressed and required additional works at extra cost.

The fit-out budget has also been amended after finalising the internal design elements of the building and obtaining detailed quotations for many specified items.

Staff have met with the Project Steering Committee to discuss the variations (including significant improvements), to determine whether to proceed with some or any variations that were under consideration for the project.

These improvements, whilst increasing the construction costs, will provide a better-quality centre that can operate more effectively with features that attract greater patronage. Furthermore, addressing and including these items at the design stage will lead to a better functioning layout and a reduction of long-term costs in comparison to retro-fitting at a later stage. Some of the significant improvements made to the building layout include the following:

Additional Storage Area

Review of the various activities that may take place within the youth activity rooms highlighted the potential for these areas to be used for functions such as trade shows, conferences, etc. Subsequently, some function seating and tables will need to be provided. Current storage space for this furniture is limited, therefore it is proposed to construct an additional storage area adjacent to Male Amenities 2, accessed via the north-west corner of the indoor sports hall. The structural design of the storage area is currently underway and will meet all relevant building code requirements. Consultation and review of similar facilities confirmed the need to provide sufficient storage space for furniture and sporting equipment.

Under Cover Drop-Off Area

An update report submitted to Council on August 14, 2007 highlighted the potential to include a full roofed area to the drop-off and pick-up zone. This was also identified by Council's Public Transport Advisory Group as a strongly desirable inclusion, particularly to facilitate the drop-off and pick-up of disabled persons during wet weather. The structure was requested as part of the community and user group consultation process and has been designed by the Architect to provide shelter for patrons utilising the pick-up and drop zone.

Additional Joinery

A provisional cost (PC) amount of \$52,500 was included within the contract lump sum. An in depth review of the revised building layout and subsequently the joinery included within the PC sum, confirmed that additional joinery was required to adequately furnish the centre. Further to this, it is proposed to include a revised front desk that will be a feature of the entrance foyer. Costs for the additional joinery are summarised as \$67,890 (revised joinery) - \$52,500 (PC sum) = \$15,390 (variation).

Barbecue Area

The provision of two (2) x 2-burner undercover barbecues within the fenced landscaped area adjacent to the waterslide has been proposed to provide a landscaped area for groups and families to congregate. Similar barbecue and outdoor areas have been successfully operated within sports and aquatic centres visited by the project team. The landscaped and barbecue area will improve the visual amenity of the northern side (Simeoni Drive entrance) of the site.

Underground Rainwater Tank

The inclusion of a 200kL underground rainwater storage tank has been proposed to minimise the usage of the Lismore community's reticulated water supply. It is anticipated that the harvested water would be utilised for backwashing of pool filters, make-up water within the pools, flushing of toilets, potentially for irrigation and other purposes. The underground storage tank is to be located under the landscaped barbecue area and will not detract from the visual amenity of the building.

Water Features in Toddlers Pool

Continual review of aquatic centres, experience from the Memorial Baths and the independent architectural review confirmed the need to provide equipment (within the aquatic area) for children aged 0-5 years to utilise. Consultation with aquatic designers and similar facilities confirmed the popularity of small scale waterslides and water jets/bubblers. The toddler pool and associated water features are being designed by an experienced pool designer and has proposed to include one slide with water cascade and a series of water jets.

Fitness Centre Equipment

Staff are considering various options for the purchase and/or lease of equipment for the fitness centre (gymnasium). The equipment will comprise a range of pin and free weights and cardio machines, e.g. treadmills, exercise bikes, rowing machines. The equipment is being investigated via a number of suppliers overseas and within Australia with options to purchase or lease the equipment.

Allowance has been made in the operational budget for the lease of equipment, however the best option may be to purchase the equipment. The allowance in the operational budget for lease of the gym equipment could be utilised to meet loan repayments should purchase be determined as the best option, however, Council would need to borrow the money to purchase it. Depending on the progress of the project, this may be able to be funded from the contingency allowance, however, Council needs to make provision now in its loan borrowing programme should it be required.

Prices for the various options should be available at the end of May for discussion at the May Project Steering Committee meeting with commentary and recommendation/s part of the 2008/09-2011 Management Plan report to the June 19, 2008 extra-ordinary Council meeting.

Project Budget

Detailed below is a table summarising the project's overall construction budget. The following general comments are important to the interpretation of these figures:

- The figures provided are GST exclusive and are only for the construction component of the project. They do not include any land acquisitions costs, interest on loan repayments, etc, which have not altered and are not addressed in this report.
- Council has been formally advised that it will not receive the funding anticipated under the former Regional Partnerships Program. However, the federal government in the week of 26 May 2008 announced that a significant number of projects for which funding had previously been withdrawn, were now being reconsidered. As such there is now some chance that Council may receive the \$580,000 (+GST) that was previously offered. It would be prudent for Council to make allowance should these funds not be forthcoming and the budget has been amended to reflect this possibility. (Note, the Federal Government has announced new funding initiatives to replace the Regional Partnerships and Sustainable Regions Programs. Staff will apply to the most appropriate programs immediately the guidelines are announced should the funding of \$580,000 not actually be received.)
- The figures provided do not include an amount of \$145,740 which is a Section 64 contribution payment. This amount will not be due for payment until after the centre has been operational for a period of twelve (12) months. The funding will therefore need to be provided in the 2009/10 budget.
- Ongoing management costs in operating the facility have not been included. Staff have provided a separate submission to Council's budget detailing these costs.
- A contingency amount of \$500,000 has been provided for the remainder of the project.
- Costs for construction of the Youth Plaza/Skate Park are not included. This part of the project is still in the design phase and will be considered separately once a design has been finalised and costs can be more accurately determined. Funds have been provided for the Consultant's fees to prepare the design. Council will be pursuing funding under the new Federal Government's program/s that replace the former Regional Partnerships Program.

Councillors have previously been provided with a detailed list and explanation of the variations and additions to the project as part of their 2008/09 budget papers. These were considered at the budget workshop held on May 6, 2008 and therefore have been summarised to a total figure in this report. The earlier information to Councillors also outlined details of a number of internal funding sources that could be utilised to address the shortfall.

These have also been summarised in the table below -

Tendered Price	\$13,076,450
Contingency (<i>original project contingency</i>)	283,316
Total price (<i>as approved by Council for negotiation</i>)	\$13,359,766 (ex GST)
Tucki Tucki Creek Revegetation	\$ 650,000

Item	Price		Comments
Original Construction Costs	\$13,076,450		Revised tender received Feb 2007.
	Additions (\$)	Subtractions (\$)	
Total Construction Variations	1,237,714		
Revised Contingency	500,000		5% of the \$10M worth of remaining work.
Revised Construction Cost	\$14,814,164		Centre construction and associated civil works only.
Additional Pre-Construction Costs	8,000		Miscellaneous expenses.
Additional Fit-Out	52,129		
Total Project Costs	\$14,874,293		Includes pre-construction costs and revised fit-out.
Council Approved Funding	\$13,359,766		
Additional Funding Required	1,514,527		In addition to the Council approved total price of \$13,359,766.
Funding available from other internal sources		(\$1,037,121)	
Grant Funding (In doubt)	\$580,000		
Total Potential Funding Shortfall	\$1,057,406		

An additional amount of \$1,057,406 has been provided in the budget process.

Tucki Tucki Creek

The plans for the Tucki Tucki Creek rehabilitation have been completed by GeoLink. These plans have been submitted as part of the Development Application for the rehabilitation and landscaping works which will be undertaken separately to the building construction works. Assuming that there are no major delays in assessing this application, it is anticipated that the work will be advertised for tender in June/July 2008, with construction works commencing soon after the appointment of the most suitable contractor.

Youth Plaza

The major consultation process has been completed. As part of the consultation and design process, feedback and comments were sought from potential facility users, including schools, community groups, and members of the public. The feedback was essentially very positive and numerous ideas were suggested, notably that the youth plaza should contain elements for both genders and cater for varying age groups. Many of the suggestions will be incorporated into the preliminary design which is currently being developed by the appointed consultant. The preliminary design is anticipated to be completed in late May/early June 2008.

The costs for a Consultant to develop the design of the youth plaza and undertake community consultation have been included within the budget calculations, however the construction has not. The construction of the youth plaza was removed from the overall project due to budgetary and project timing constraints when Council agreed to proceed with the construction of the Sports and Aquatic Centre. Final costs for the construction of the youth plaza will depend on the final design and a further report will be presented to Council once this process has been completed. Unspent funds within the construction

budget could be used to fund the youth plaza construction, however additional funding is likely to be required and staff will pursue grants for this project.

Project Timetable

The construction programme has exhausted approximately forty (40) of the forty-six (46) days allocated as contingency days (float) within the project timeline. Primarily this has been attributed to wet weather experienced throughout January, February and April 2008. However, it should be noted that the slower than expected progress of rock excavations has also impacted upon the project timeline. The anticipated completion date for the project remains December 12, 2008, however further delays beyond the remaining contingency allowance of six (6) days will impact upon the completion date.

Contract for Construction

Council has engaged Spantech to construct the GSAC. The basis of the engagement at this time is their tendered price of \$13,076,450 as reported to Council in April 2007. The terms of the contract allow for variations in accordance with the General Conditions of Contract. Staff are awaiting formal Council agreement to the funding required for the variations before confirming its acceptance of some of these matters with Spantech.

Comments

Financial Services

The shortfall in funding is estimated at \$1.057 million with \$580,000 attributable to grant funding which may not be received. It was already anticipated that \$946,000 in borrowings would be required for this project in 2008/09, as such the amount borrowed needs to be increased to \$2,004,000.

Borrowings of \$2,004,000 have been factored into the draft 2008/09-2011 Management Plan.

Total borrows may vary depending on the option recommended for the purchase and/or lease of equipment for the fitness centre (gymnasium). Repayment/leasing costs have been factored into the operating budget, but their adequacy will be determined once all estimates have been received. The recommended outcomes will be included in the 2008/09-2011 Management Plan report to the June 19, 2008 extra-ordinary Council meeting.

As there are additional borrowings required, Council will be required to submit a revised Capital Expenditure Review application to the Department of Local Government seeking approval. This will be submitted as soon as the 2008/09-2011 Management Plan is adopted.

Public consultation

Not applicable.

Conclusion

The revised project cost of \$14,874,293 exceeds the previously advised price of \$13,359,766. This equates to a shortfall in funding of \$1,514,527. Following a meeting with senior management it has been identified that part of this amount (\$1,037,121) could be funded from alternative sources as previously advised to Councillors. Funding previously secured under the Regional Partnerships Program is under review and it would be prudent to allow for an additional \$580,000 should the funding not be forthcoming. Whilst additional borrowing of \$1.057 million is required, this includes a contingency of \$500,000 for the construction costs for the remainder of the project and \$580,000 to cover the potential loss of grant funding.

The increase in construction cost equates to approximately 13% of the original construction cost, which is comparable to industry standards for a project of this nature and size. Furthermore part of the cost increase is associated with significant improvements to the project which were not contemplated when Council originally let the contract. These include the undercover drop-off structure, barbecue and

storage areas, underground rainwater tank and the toddler pool water features. Without the nominated \$500,000 contingency, the increase is approximately 10%.

As part of the design finalisation process Council has utilised an independent third party architect to conduct a peer review of various elements of the project. Anecdotal feedback from the architect has been that the construction costs for GSAC when compared to equivalent facilities he has been involved with in other areas are considerably less than what those other projects cost.

The matters of the construction of the youth plaza and Tucki Tucki Creek rehabilitation are being progressed separately and a report will be presented to Council once the design and cost estimates have been finalised.

Council's draft 2008/09 budget has been prepared to include funding for these cost increases and is currently on exhibition.

Recommendation (IS27)

That Council:

1. Approve the revised construction and fit-out budget for the Goonellabah Sports & Aquatic Centre totalling \$14,874,293.
2. Make allowance to borrow a total of \$2,004,000 in 2008/09 from loan funds for the Goonellabah Sports & Aquatic Centre, recognising that this figure includes \$580,000 as a contingency should the grant funding offered under the former regional partnerships program not be received.
3. Note that in the event the grant of \$580,000 is received, total borrowings for the project would reduce to \$1,424,000.
4. Allocate \$144,000 in unexpended stormwater management services charges to partially fund the Tucki Tucki Creek project.
5. Transfer \$444,000 allocated to rehabilitation of Tucki Tucki Creek to the construction of the Sports & Aquatic Centre.
6. Allocate \$315,100 from the sewerage fund for sewer main relocation works associated with this project.
7. Allocate \$10,000 from the demand management budget in water fund for rain tanks for this project.
8. Allocate \$6,000 from the risk management reserve to set up the Goonellabah Sports & Aquatic Centre as the disaster recovery facility for the Council Chambers and Goonellabah Corporate Centre.

Report

Subject	Rental of Council Properties to Community Groups
File Nos.	CL:VLC:P583, P1270
Prepared by	Assets Engineer
Reason	In response to a request from Council for a report and draft policy to be prepared addressing the question of rental for users of the Rochdale Theatre and similar venues.
Objective	To gain Council's endorsement of policy guidelines to be implemented for leases of Council properties to community groups.
Strategic Plan Link	Quality of Life, Economic Development
Management Plan Project	Asset Management, Properties

Overview of Report

This report examines issues and makes a number of recommendations in relation to the leasing of Council buildings to community groups and follows a request from the Lismore Theatre Company for Council to waive its rental on the Rochdale Theatre. The level of financial support provided by Council to two community groups is reviewed. Guidelines are suggested to assist in formulating a policy around this issue to allow Council to be consistent and transparent in its consideration of such requests in the future.

The matter of funding and responsibility for maintenance activities for properties leased to community groups is also discussed as it has become an increasing problem in recent times. The report recommends that Council formulate a policy on rental subsidies to community groups to ensure consistency and transparency in the process.

Background

In the 2007/08 budget Council considered a request from the Lismore Theatre Company (LTC) to waive rental on the Rochdale Theatre. At the time, LTC relied on comparisons with Northern Rivers Performing Arts (NORPA) in support of its claim. Council agreed to waive the rental for the current financial year and requested a report on rental of community facilities generally before considering any extension to the request from the LTC.

Council has a relatively large property portfolio of both land and built property assets. Many of these assets are not utilised by Council directly or leased to third parties at commercial rates. Instead they are made available to community groups or organisations under lease, licence or management agreements, often under terms that are very attractive to the tenant. Additionally, assets may be available for hire by groups or individuals.

The ownership of property assets can be complex but in general all property assets fit into one of four groups outlined in Table 1 below -

Land	Buildings	
	Council Owned	Owned by Others
Council Owned	GROUP 1 Rochdale Theatre (LTC) Old Library Building (LNCl) Lismore Conservatorium of Music Sporting Amenities and Clubhouses	GROUP 2 Lismore Scout Group Friends of the Koala Sporting Amenities and Clubhouses
Council as Trustee	GROUP 3 Lismore City Hall Old Council Municipality Building Lismore Croquet Clubhouse Other Public Halls Sporting Amenities and Clubhouses	GROUP 4 Sporting Amenities and Clubhouses

Table 1: Dissection of Council owned Property Assets.

This report is mainly concerned with the lease of Group 1 type property assets to community groups and in particular the Lismore Theatre Club Incorporated (LTC) and the Lismore Neighbourhood Centre Incorporated (LNCl). The report attempts to quantify whether the level of financial support provided to these community groups is appropriate in return for their contribution towards achieving the relative aims and objectives of Council. Council's Strategic Plan outlines the basis for which Council is to support community groups. This report does not consider the issue of sporting grounds maintenance.

Existing Council Policies

The LTC and other community groups have in the past successfully applied to Council for rental relief. For example, the 2007/2008 budget waived \$5,000 from the annual rental paid by the LTC. Council also has in place several policies which provide subsidies and donations to various community groups to assist in the running of their operations. These are:

- Policy 1.4.14 – Section 356 Donations to Community Organisations – Predetermined and Fixed,
- Policy 1.4.13 – Section 356 Miscellaneous Community Donations, and
- Policy 8.4.2 – Section 356 Donations, City Hall Rentals.

Council does not have a specific policy which governs general requests for financial assistance from community groups and these are dealt with on a case by case basis.

Another Council policy which is relevant to this discussion is Policy 11.3.2 – Commercial Property Opportunities. This policy states:

“Council’s property to be dealt with on a commercial “Profit Motive” basis unless Council specifically resolves otherwise.”

Existing Lease Agreements

In preparing this report a thorough review of existing leases was undertaken. Both the LTC and LNCl are responsible for all maintenance, both statutory and routine to their respectively leased properties. This condition is consistent with the majority of sporting organisations who maintain their own buildings using their own club committee's funds. On this basis, a reduced rental amount is charged as Council is not expected to fund preventative and routine maintenance of these facilities.

Contrary to the conditions of their lease, both the LTC and LNCI have requested Council address and fund maintenance and improvements to their respective leased properties. Whilst it is not suggested that these organisations have completely neglected maintenance of their respective buildings, it is fair to say that the maintenance has not been up to what could be regarded as a reasonable level for the facilities concerned. This can lead to deterioration of the buildings to the point that more expensive repairs have been required. Statutory requirements are also not being met in some cases and for the safety of all users and to protect Council as owner of the building, Council has funded these works.

For example, an upgrade was required to the fire protection systems in the LNCI building. Under the terms of the lease LNCI are responsible for all statutory maintenance requirements and upgrades. Council had to pay for this work as we are the owner of the building and LNCI were unable to meet the cost. Similarly the LTC has requested Council to undertake repairs to the fire protection systems at the Rochdale Theatre.

As a comparison, the Lismore Music Conservatorium currently has an agreement with Council to occupy the former C Block on the old Lismore High School site. They have a similar agreement in place as the LNCI and LTC and have raised and spent a significant amount of money dealing with fire safety and other issues in order to occupy that building. Whilst some of these matters are yet to be fully resolved, the commitment of the group to honour their agreement is commendable. To date they have made no formal approach to Council for any financial assistance, although staff have assisted in resolving some technical issues.

Building Maintenance

Council in general has a maintenance backlog in its buildings and provides only \$50,000 per annum for general repairs and improvements to all properties that it owns. Separate specific allocations are provided for maintenance to some individual buildings, e.g. former Council Chambers, City Hall, Goonellabah Corporate Centre, etc. but these are only small amounts and cover routine or statutory matters only.

Council is currently undertaking a fair value assessment of its buildings as required by the Department of Local Government. Whilst the results are not yet to hand at the time of writing this report, there is a strong suggestion that they will show that Council is underfunding this group of assets and they are progressively deteriorating.

Rental income derived from Council's property portfolio is utilised to fund property maintenance. Without this income there is an increased likelihood of underfunding, meaning that normal building maintenance activities would be delayed. If maintenance activities are left to accumulate a financially unsustainable situation will develop and ultimately building(s) may become uninhabitable and need to be closed and/or demolished due to safety concerns. The former Continental Club, Pavilion No. 2 at Blair Oval and the old Saleyards kiosk building in Tweed Street are examples of the consequences of inadequate maintenance. Council has recently determined to demolish two of these buildings as they have deteriorated to the point of being beyond repair.

Lismore Theatre Company and NORPA

The LTC is the sole occupant of the Rochdale Theatre building under the terms of a subsidised rent lease agreement (expired). The building is on Council-owned land and was formerly the Goonellabah Village Hall. The forecast 2007/08 income from this property was \$6,900 but this was subsequently waived. A rental valuation for this property has not been undertaken so it has not been possible to determine to what degree the rent is normally subsidised.

As the owner of the building Council pays for both the land and water rates and building insurance. At the request of the LTC Council has also carried out maintenance to this property over the current financial year (2007/08). It is estimated that Council will fund over \$2,700 towards the maintenance of this building in the current year. This funding will come from the operational maintenance budget and was intended to be shared between three other Public Halls owned by Council (Roy Waddell Centre Hall, Tregeagle Hall and Glenview Hall).

The LTC is an independent amateur theatre group whose members participate in a leisure activity - theatrical performance. It is acknowledged that the LTC contributes to the community by producing amateur theatre performances at an affordable price. "Promote cultural life" and "Promote recreation and leisure" are initiatives for "Economic Development" and "Quality of Life" respectively in Council's Strategic Plan 2004-2012: Priorities.

In contrast to the LTC, Northern Rivers Performing Arts group (NORPA) have a Management Agreement with Council to manage the City Hall on behalf of Council. This year (2007/08) NORPA received a management fee of \$150,000 for the services that they provide for Council.

Lismore City Hall is on Crown Land for which Council is the trustee. If Council chose to manage the City Hall it would require the employment of a number of full-time positions at considerable expense to Council. It is questionable whether a Council operated facility would generate the level of income that NORPA does. NORPA is a recognised and established professional theatre company and clearly has contacts within that industry. These contacts allow them to be proactive and entrepreneurial in attracting performances to the City Hall. NORPA is also very proactive in advertising and attracting other activities to the venue such as conferences, functions, wedding receptions, etc. It is unlikely that Council would be as successful as NORPA in these aspects of running the City Hall as a venue.

Table 2 below summarises the functional differences between NORPA and LTC -

	NORPA	Lismore Theatre Company (LTC)
Performing Arts	A wide range of productions by local semi/part time professional artists which then often tour. Performances (Theatre, Music, Dance, Comedy) by national and international professional companies.	Theatre performances by local amateur members in a single location.
Conferences	Manage City Hall with a capacity in excess of 750 delegates.	Nil.
Meetings	Coordinate venues for hire/ utilised for regular meetings.	Potential for meetings of small groups.
Private Functions	Coordinate venues for hire/ utilised by the general public for weddings, birthdays, etc.	Nil.
Bookings	Booking office and administration accommodated in City Hall.	Taken by members of LTC.
Maintenance	Negotiates maintenance and improvement works within a Council controlled and approved budget.	Have requested Council undertake maintenance and minor improvement work

Table 2: Functional Differences between NORPA and the Lismore Theatre Company

Lismore Neighbourhood Centre

Council has retained ownership of the former Lismore Regional Library (building and land) on the corner of Bounty and Carrington Streets. Council is not profiting financially as the owner of this building currently occupied by the Lismore Neighbourhood Centre. Budgeted income for this building is currently \$5,300 (2007/08). A rental valuation for this property has not been undertaken so it is not possible to determine to what degree this rent is subsidised.

As the owner of the building Council pays for both the land and water rates and building insurance. Council pays for the majority of electricity consumed at this property (estimated subsidy of \$12,000 in 2007/08). At the request of the LNCI Council has carried out an estimated \$13,000 maintenance and improvements work to this property during the current financial year (2007/08).

The LNCI is an organisation that largely relies on the skills of volunteer workers to provide a diverse range of community services. It is acknowledged that the LNCI adds to the community and that "Provide community services" is an initiative in Council's Strategic Plan 2004-2012: Priorities.

Policy Guidelines for Leases to Community Groups

Given the range of tenants that Council has in its properties, and the issues already discussed in this report, it is considered that Council needs to review its current policies and/or develop a new policy governing the lease of Council properties to community based organisations. Clear and consistent guidelines need to be applied to ensure transparency in the process and equity between the various tenants that Council has.

The following guidelines are recommended in the development of a policy on this matter.

Lease or License

A lease is appropriate for organisations needing extensive use of a facility and planning to make improvements and/ or develop infrastructure. A lease is a right to use land and facilities for an agreed purpose and term.

A license is appropriate for organisations wanting to use facilities for only a few days per week and not wanting to make improvements or develop infrastructure at the facility. A license is a form of permission to use land and facilities for an agreed purpose and term.

Definition of a Community Group

A community group or organisation is defined as:

- a not for profit community based organisation.
- having open membership (Constitution or Articles must state that membership is open to the general public).
- an incorporated association.

Council will also require that any community based group renting a Council owned property:

- demonstrates an ability to meet the financial obligations of a lease arrangement (provide a copy of the most recent audited financial statements and a business plan where appropriate)
- maintain appropriate insurances, including public liability and comprehensive contents insurance.

Responsibilities

As the Lessee (tenant), the organisation is responsible for:

- paying rent to Council
- paying fees and charges in accordance with the lease (electricity and water consumption)
- notifying Council of maintenance issues that may if not corrected be detrimental to the building or occupants
- cleaning and minor maintenance within the capacity of the organisation
- security.

As the Lessor (landlord), Council is responsible for:

- paying land rates and fixed water rates
- maintaining the building in accordance with statutory obligations
- assessing and responding to maintenance requests received from the Lessee.

Determination of Rent

Prior to the leasing of any Council property to a community group the property must first have an up-to-date market rental assessment prepared. This will enable Council to measure the level of financial support being proposed to different groups. The market rental will form the basis of a rental assessment that will also include the following -

1. Potential reductions in the rental amount based on financial or other contributions that the tenant makes towards maintenance of the building which reduces expenditure that Council would otherwise have to incur, e.g. cleaning costs, ground maintenance surrounding the building.
2. Any financial or other contribution that the tenant makes towards maintenance of the building is to be clearly identified in the lease document.
3. Council will not permit community based tenants to undertake statutory or regular ongoing preventative maintenance activities, e.g. fire protection systems, pest inspections, etc. unless there are demonstrated exceptional circumstances.
4. Council will only allow the tenant to undertake maintenance activities, and therefore reduce the rental amount, where it can be demonstrated that the tenant has the necessary expertise, systems and financial capability to meet the commitments they give.
5. Rent reductions may be negotiated based on the value of capital improvements to the building that are undertaken by the tenant.
6. Allowance for an annual CPI adjustment.
7. Allowance for rental reviews in certain circumstances.

Requests for Rental Relief

Requests for rental relief must be made to Council in writing and supported with financial statements, an outline of what measures have been taken by the tenant to increase revenue and any other relevant information. All requests for rental relief will be determined by Council.

Comments

Financial Services

A policy explaining how the rental amount paid by a community organisation is determined is supported. It is agreed that the process of:

- a) establishing the base market rental, and then
- b) assess the costs that the tenant will incur that would otherwise be incurred by Council and use this amount to reduce the base market rental,

is a reasonable approach. A request for further reduction beyond that is a subjective value judgment and information is to be collected by staff so the Council can make an informed decision.

The benefit of this approach is that Council is in a position to make consistent decisions.

In regard to Council's decision on this report, there are two submissions to the draft 2008/09-2011 Management Plan which have been linked to it. The submissions from Lismore Neighbourhood Centre and Lismore Theatre Company requesting a reduction in their rental charges have not been included subject to the outcome of this report.

Other staff comments

Manager - Community Services

A review of Council's existing policy is supported in order to provide some standardised guidelines and consistency for community groups.

Public consultation

Not applicable at this time. A draft policy, when developed, would be placed on exhibition.

Conclusion

An accurate determination of annual financial support for the LTC and LNCI is not possible as current rental valuations for their respective leased buildings are unavailable. In this financial year (2007/08) it is estimated that in addition to already subsidised rental, Council has funded LTC by an additional \$7,700 (\$5,000 rent relief, \$2,700 building maintenance and improvements). Similarly in addition to subsidised rental and power, Council has funded the LNCI by an additional \$13,000 (building maintenance and improvements).

The current lease agreements with the LTC and LNCI require that both organisations undertake and fund all maintenance activities on their respective buildings. Neither the LTC nor LNCI have been complying with this condition as they have both requested and received maintenance to their respective buildings at Council's expense.

The LTC is clearly not a miniature version of NORPA. Changing the status of the LTC in order that effectively no rent is paid cannot be justified. Council achieves the relative initiatives of Council's Strategic Plan 2004-2012 through the financial support it provides to NORPA.

It is clear that Council needs to develop a policy on this issue and some guidelines have been provided in the report. In the interim both the LTC and LNCI can continue to occupy their respective buildings by way of an extension of their lease agreements on the same terms until Council prepares the new policy.

Recommendation (IS35)

That:

1. Council review its existing policies and develop a draft policy governing the rental of Council owned properties by community groups.
2. The guidelines provided in this report form the basis of the policy review and development of the new draft policy.
3. The draft policy be reported back to Council for further consideration when complete.

Report

Subject	Tenders for Sewer Rising Main No. 3 Replacement – Stage 1
File No.	T2008-16
Prepared by	Contract Project Engineer
Reason	To inform Council of the result of the tender review for Contract T2008-16 'Sewer Rising Main No. 3 Replacement – Stage 1'.
Objective	To obtain Council approval to re-advertise the tender.
Strategic Plan Link	Infrastructure Services
Management Plan Activity	Sewer Services

Overview of Report

This report outlines the recommendation to re-advertise the tender for Contract T2008-16 'Sewer Rising Main No. 3 Replacement – Stage 1'.

Background

Council recently called tenders for the replacement of Sewer Rising Main No. 3 from Sewage Pump Station No. 3 (Dawson Street) to a connection in Victoria Street, which is Stage 1 of the planned replacement of the full 4.4km of the main.

The nominated section of rising main is in poor structural and service condition and is in need of urgent replacement. The performance of the main has been characterised by numerous breaks requiring expensive emergency repairs involving the use of portable tanker trucks, while the failed sections of the rising main are repaired. Further, the existing steel concrete lined pipe is severely scoured along its invert and there is real concern that a major structural failure could occur at some time in the near future. For these reasons it is important that the rising main is replaced at the earliest possible time.

The total length of rising main for this contract is 1,818m of nominal 450mm \varnothing pipe. The section of rising main which is the subject of this tender extends from Sewage Pump Station No. 3 to a connection in Victoria Street (adjacent to Heritage Park), and passes through the Lismore CBD.

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

A pre-tender meeting was held on March 17, 2008, with six of the seven prospective contractors attending. Due to the complexity of the tender and the falling of the Easter holiday break in the middle of the tender period, the closing date for the tender was extended by one week from April 1, 2008. Seven (7) tenders were received by the closing time of 2.00pm on Tuesday, April 8, 2008. Three of the tenders received were non-conforming in that they proposed an alternative construction technique than intended within the tender documents.

Tender Examination

An evaluation committee comprising of Steve McElroy (*Contract Project Engineer*), Darren Patch (*Manager - Operations*), Rod Haydon (*Trade Waste & Development Inspector*), Paul Ellem (*Operations Engineer - Water & Wastewater*) and Ross Davies (*Contracts Officer*) undertook the assessment of tenders.

The high value and wide variation of prices tendered and the broad range of different construction methods proposed made a balanced tender comparison very difficult and no single Tenderer had an offer that could be accepted to fulfill Council's requirements in the provision of the works. Due to recent advances in trenchless technology as opposed to open trenching methods, and the wide range of construction methods proposed by Tenderers, it is recommended that a review be conducted in the method of construction.

Following the completion of the review, it is intended to amend the specifications for the tender to narrow down the options for the delivery of the contract and to reflect any modifications made in the design of the pipeline. This will require the re-advertising of the tender as the new tender will be substantially different from the previously tendered contract.

Referee Check

Not applicable as no tenders are recommended for acceptance.

Comments

Financial Services

The review of the design and the proposed route of the new main, and the adoption of state of the art trenchless construction technology to prosecute the contract, has the potential to save Council a considerable amount of sewer funds in direct cash expended. Trenchless construction has the potential to also reduce non-cash expenses such as reduced construction time, reduced chance of conflict with services and dramatically reduced inconvenience to Lismore businesses and the general public.

Other Staff Comments

Manager - Operations

There is the potential for considerable cost savings to be made by Council by investigating the option of constructing the rising main using trenchless technology. Trenchless technology has made huge advancements in recent times and is seen as a real alternative to the traditional open trench methods of construction used in the past. The benefits to the community are considerable, with minimal disruptions to traffic and adjoining properties and businesses owners.

Conclusion

Due to the high value and wide variation of prices tendered and the broad range of different construction methods proposed, a balanced tender comparison was not possible and no single tender offer could be accepted to fulfill Council's requirements in the provision of the works.

It is concluded that a review should be made of the design for the proposed new rising main and that an alternative to open trench construction be investigated to provide savings in the cost for the delivery of the project. As the scope of works and method of delivery will change substantially, it is recommended that none of the tender offers received be accepted and that amendments be made to the contract documents and the tender be re-advertised.

Recommendation (IS30)

That:

1. In accordance with clause 178(1)(b) of the Local Government (General) Regulations, Council decline to accept any tenders for Contract T2008-16 for 'Sewer Main No. 3 Replacement – Stage 1'.
2. It be noted the reasons for not accepting any tenders are that:
 - (a) it is apparent there are alternative construction methods available which could be utilised to conduct these works;
 - (b) these alternative construction methods could significantly reduce the costs to Council of undertaking these works;
 - (c) these alternative construction methods were not actively sought during the current tender process.
3. Council invite fresh tenders for the work in accordance with Clause 167 of the Local Government (General) Regulations.
4. The fresh tenders be called on the basis of allowing alternative construction techniques as determined by staff following the review to be conducted as outlined in the report.

Report

Subject	Workers Compensation Insurance - Regional Tender
File No	S184 (AC2008-040)
Prepared by	Human Resources Officer – Injury Management
Reason	Tenders have been called for the provision of Workers Compensation Insurance services.
Objective	To gain Council approval to engage a Workers Compensation Insurance Provider.
Strategic Plan Link	Leadership by Innovation – Best Practice Injury Management and Occupational Health & Safety
Management Plan Activity	Human Resources and Organisational Development (HR&OD)

Overview of Report

The report provides background information on the regional resource sharing initiative joint tender process involving Lismore City Council, Ballina Shire Council, Byron Shire Council and Tweed Shire Council. Detail is provided on the process followed for the project. Information relates specifically to outcomes for Lismore City Council, given the agreement at the outset of the tender process that each Council could determine the most appropriate provider that best meets its individual needs. The report supports a recommendation to continue to engage StateCover Mutual Ltd as the provider of Workers Compensation Insurance services to Lismore City Council.

Background

Council has been insured with StateCover Mutual Ltd (StateCover) for Workers Compensation purposes since January 2002. StateCover, based in Sydney, is a specialised Workers Compensation insurer of NSW Local Government organisations and operates outside the NSW WorkCover Scheme although it is still subject to NSW Workers Compensation legislation, WorkCover and Australian Prudential Regulation Authority (APRA) regulations.

StateCover is managed by Jardine Lloyd Thompson (JLT) with all staff employed by JLT. Financial documents show that JLT is remunerated by StateCover on the amount of premium collected. Council has been unable to obtain a copy of the service level agreement between JLT and StateCover so it has been difficult to quantify how their performance is measured.

Council joined StateCover in 2002 with the promise of savings in excess of 30% on premium collected. At the time, a capital levy of 7.5% was required to be paid for at least three years to ensure continued solvency. A discount of 15% of premium collected was offered and it was expected that this would continue. Today, there is a capital levy of .20% of wages (capped at \$35,000) and a scheme discount of 5% of premium collected. At this stage it would appear that this arrangement will continue.

Strategies to Manage Work Related Injuries

Since 2002, there has been a downward trend in the number of lost time injuries and an overall reduction in Council's Workers Compensation Insurance premium – please refer to **Appendix 1 – Lismore City Council Summary 2002-2007** (enclosed separately). Substantial cost savings have been achieved by the creation of a dedicated Injury Management Coordinator's position as part of the restructure of the Human Resources Department. This officer is responsible for the case management of workplace injuries with a focus on early intervention, functional capacity assessment and early return to work.

Additionally, Council has introduced a number of proactive measures to reinforce the organisation wide commitment to safety with the introduction of Occupational Health & Safety (OH&S) performance management competencies for all staff, and the implementation of a more rigid accident investigation procedure in the event of a workplace incident. Council has demonstrated its commitment to OH&S continuous improvement with regular comprehensive training for all supervisors and managers.

Request for Tender (RFT) – Submissions

Whether Council's overall improvement in its Workers Compensation performance is as a result of its more effective and intensive management of Council's Workers Compensation portfolio by Council staff or being a part of the Mutual with a local government focus is hard to measure. There are some areas where Council staff believe that JLT can improve its level of performance and these include:

- A more consultative approach is required when estimating future claims costs at premium renewal to dispel the view that JLT are focused on maintaining higher premiums because of the way that they are remunerated by StateCover.
- Softening of the approach that all recurrent claims must become a new claim so that Councils do not have to carry the burden of costs associated with carrying a claim for another three years.
- Provision of free OH&S training in Lismore to assist Council to reduce the number of manual handling incidents and prevent future claims by thorough accident investigation.

Additionally since 2002 there have been a number of changes to the way that Workers Compensation insurance is regulated and administered and this coupled with a desire to ensure that Council receives the highest quality service, a decision was taken to go out to the market and call for tenders for the provision of Workers Compensation insurance. A joint venture with Ballina Shire Council, Byron Shire Council and Tweed Shire Council was launched in February 2008 under the guidance of Expense Reduction Analysts (ERA). This project has been endorsed by Council's General Manager, and regular feedback has been provided to the General Managers of the Richmond Tweed Clarence Cooperation group.

In light of the complexity of this area of operations, the existing relationship with StateCover, and in order to ensure that adequate probity measures were put in place, ERA was engaged to provide an independent coordination and management role for this project. Advice was also sought from Council's Contracts Administration Officer on the tender process.

Tenders were advertised and received by Tweed Shire Council in accordance with the Local Government Act 1993 and Tweed Shire Council's Business Ethics Policy. Please see **Appendix 2 – Request for Tender** (enclosed separately).

As a result of the advertising of the tender and the RFT on March 15, 2008, responses were received from the following entities:

- GIO Workers Compensation (NSW)
- QBE Workers Compensation (NSW) Ltd
- Cambridge Integrated Services Pty Ltd
- StateCover Mutual Ltd
- Workplace Risk Insurance Services
- Willis
- CGU Workers Compensation (NSW) Ltd

With a total of seven respondents, it is considered that this represented a very good response from the market. The tender documentation was sent to all respondents, with the exception of Workplace Risk Insurance Services and Willis, both being ruled non-conforming tenders. GIO submitted an incomplete response and was also ruled non-conforming.

StateCover Mutual Ltd and three WorkCover scheme agents - Cambridge Integrated Services Pty Ltd, CGU Workers Compensation (NSW) Ltd and QBE Workers Compensation (NSW) Ltd were all short-listed and were invited to present their business case to the panel.

Presentations from these short-listed tenderers were held on May 1, 2008 at Tweed Shire Council Chambers. A tender panel comprising representatives from the four participating Councils was convened to review and rate presentations from the short-listed tenderers. The Human Resources Manager and Injury Management Coordinator represented Lismore City Council on the panel.

There were a number of factors that were considered in rating the short-listed tenderers. The group had previously identified optimum service levels required of providers and this list was then translated into measurable ranking criteria for the purposes of the tender process.

A Tender Criteria Analysis Weighting Spreadsheet was utilised to evaluate 'Service' and the criteria used was:

- Administration (15% weighting)
- Communication (20% weighting)
- Operations (30% weighting)
- Reporting (15% weighting)
- Additional Information (5% weighting)
- Value for Money (15% weighting)

Please refer to the scoring spreadsheet showing the raw and weighted scores for each of the short-listed tenderers at **Confidential Appendix 3 – Tender Criteria Weighting Sheet** (enclosed separately).

Cambridge Integrated Services Pty Ltd's presentation did not convince any of the four Councils that their strategies and business management model would improve and enhance Councils' Workers Compensation performance and they were eliminated from the process at that stage, leaving StateCover Mutual Ltd, CGU Workers Compensation (NSW) Ltd and QBE Workers compensation (NSW) Ltd as the remaining short-listed tenderers.

Each of the four participating Councils then undertook their own referee checks. Consequently, CGU Workers Compensation (NSW) Ltd was eliminated by all four Councils.

Based on this weighted analysis, StateCover Mutual Ltd (hereafter referred to as StateCover) and QBE Workers compensation (NSW) Ltd (hereafter referred to as QBE) were the only two remaining tenderers following presentations and referee checks.

As highlighted in the RFT documentation, the key factors for consideration in the evaluation process focussed on service delivery and were summarised as:

- Capability – skills and knowledge.
- Capacity – resources or planned resources.
- Performance – demonstrated relevant experience.

Request for Tender (RFT) – Premium Calculation

The indicative premium calculation provided by all tenderers, including QBE, the only remaining short-listed WorkCover scheme agent, is based on the regulatory WorkCover formula gazetted in the WorkCover Premium Order. Therefore all WorkCover scheme agents provided similar premium calculations, varied only by the currency of the wages information.

Furthermore under their Deed of Agreement with WorkCover, scheme agents are limited on the amount of discount that they can offer. QBE has offered a 1.5% discount on the gross premium collected. Additionally, all WorkCover scheme agents can offer a 3% discount if the premium is paid in advance rather than by instalments.

It should be noted that StateCover, although a specialised insurer, continues to use the WorkCover formula to calculate its premium although not required to do so under the WorkCover Premium Order. Furthermore, StateCover is able to offer a 5% discount on the gross premium. However, this continues to be off-set by a capital levy capped at \$35,000. They do not offer a discount for premium monies paid in advance.

Request for Tender (RFT) – OH&S Incentives

Additional funding or resources to assist Councils with risk management programs has been an important consideration in the tender process. QBE has offered each Council a significant training program, which can be quantified to equate to an amount in excess of \$35,000 per Council. This training can be conducted in Lismore by local QBE staff. QBE will also undertake an annual audit, which can be quantified to equate to an amount of \$10,000.

Sydney based StateCover provides an OH&S incentive allowance of up to \$40,000 each year. To qualify, Council must complete an annual internal audit at its own expense and must meet certain identified performance benchmarks. StateCover may offer a scheme rebate subject to the scheme's performance over the previous twelve months. The Councils have not recognised any added value in accessing StateCover's training to date.

Each of the four Councils received estimates from StateCover that are less than any of the WorkCover providers and therefore on a purely financial basis StateCover appears to offer value for money, however, Councils have been dissatisfied with the service levels previously provided by StateCover. This was an important factor that prompted this review. A judgement now needs to be made taking into account the value of enhanced levels of service provided via a local insurer, balanced against the premium cost savings put forward by StateCover.

The following table provides a comparison of all the short-listed tenderers, without taking into account the estimated savings to be gained through QBE's training calendar and annual audit.

Premiums and Discounts	StateCover	Cambridge	CGU	QBE
Lismore				
Gross Premium	712,158	712,097	712,097	716,507
Scheme Discount	-35,124			
New Total Premium Payable	677,034	712,097	712,097	716,507
Less StateCover Rebate (TBC)	-55,000			
Less OH&S Incentive/Risk Mgt Allowance	-40,000		-11,942	-10,748
Plus Capital Levy	35,000			
Net Premium Payable	617,034	712,097	700,154	705,760

Independent Evaluation Report – ERA

The final report provided by ERA summarises the project process and outcomes and makes an assessment of provider offerings.

This report confirms that the challenge presented to the group is to make a judgment between the lower cost of premium offered by StateCover and the higher cost of premium offered by QBE, which is offset by a local presence and a training calendar (estimated value \$35,000) delivered in Lismore.

Confidential Appendix 4 – Tender Evaluation Report (enclosed separately).

Comments

Financial Services

While on face value the tender received from StateCover is financially better, the overall tender criteria analysis weighting has resulted in both QBE and StateCover being equal. This indicates that after taking all qualitative and quantitative factors into considerations, both tenders provide equal value.

In support of the QBE tender, they propose to provide training with an estimated value of \$35,000 per year that Council would otherwise incur as part of its training budgets and undertake an OH&S audit instead of the current arrangement whereby staff undertake this activity. Both items are not included in the financial summary included above.

In regards to the StateCover tender, I understand that the amount shown as the StateCover Rebate is an amount which is based on the performance of the fund. In recent years, Council has received a rebate, but as it is based on performance, the amount may or may not be received or the amount received may vary to that shown above.

Other Staff Comments

Manager Human Resources and Organisational Development

The evaluation of QBE and StateCover has highlighted that both organisations are ranked very closely when all factors are taken into account. It has also been highlighted that in recent years, savings have been made to premium costs and lost time injury rates have decreased. These improvements are directly attributable to the introduction of a specialised staff member into the section who is dedicated to Injury Management, as well as the previously mentioned organisation-wide efforts to address cultural and management issues that impede our performance in this area.

Whilst the improvements in injury rates are not directly attributed to having StateCover as Council's insurer, there is a level of confidence that the Service Level Agreement (SLA) documentation that has been drafted will put a control measure in place to ensure that the insurer will act in the best interests of Council and be accountable for service delivery. The SLA between Council and StateCover would include agreed expectations and requirements such as:

- Involvement of Council and the injured worker in outcome discussions
- Increased control of expenditure, which ultimately affects premium
- Greater flexibility in claims cost estimation
- Ongoing quality control and monitoring
- Minimisation of additional liability or penalty payments

Whilst there are advantages in the QBE business model, these are somewhat difficult to quantify and if the desired service levels and client responsiveness sought can be achieved through the SLA with StateCover, then Council will realise benefits in this area of its operations.

The resultant outcome should be an overall positive impact on Council's ability to manage its ageing workforce and improve the overall safety culture of the organisation.

Public Consultation

Not required.

Conclusion

The tender process has resulted in a recommendation to continue to engage StateCover Mutual Ltd for the provision of Workers Compensation insurance to Lismore City Council for a two year period commencing from July 1, 2008. The provider's level of performance will be clearly articulated and monitored through a Service Level Agreement.

In conclusion, the recommendation to maintain the current insurer has emerged from an extensive and thorough tender process. This review has highlighted potential advantages that may flow from engaging a local provider, however, the risks of changing insurer have also been taken into account whereby additional costs may be incurred in the treatment of current open claims, disruption may be costly and the re-entry option with the current insurer is not guaranteed.

Although Council became part of the StateCover Mutual in 2002 with the expectation of better performance outcomes and obvious savings using this specialised insurer, this move to StateCover was not accompanied by a SLA to clearly articulate responsibilities of both parties.

In light of the uncertainties associated with change to Council's insurer, and the compelling financial argument highlighted in the above table, the decision to remain with StateCover seems, on balance, to be the most prudent approach.

Recommendation

That:

- 1 Council accept the tender from StateCover Mutual Ltd. for the provision of Workers Compensation Insurance for a two year period, for a cost of \$617,034 being the indicative premium payment covering the twelve month period from July 1, 2008.
- 2 The Council engage StateCover Mutual Ltd. on the proviso that they agree to negotiate and enter into a Service Level Agreement containing clearly articulated service standards, with the agreement to be for a of 2-year period with a review after the first twelve months.
- 3 The Mayor and General Manager be authorised to execute the contract on Council's behalf and attach the common seal.

Report

Subject	2008/2009 Lismore Promotion Plan
File No	S740
Prepared by	Manager – Economic Development
Reason	Council resolution to recommend a suitable Promotion Program for 2008/09
Objective	Council to take a proactive role in the management and administration of the Special Business Rate Variation Levy (SBRVL) <i>Lismore Promotion Program</i>
Strategic Plan Link	Economic Development, through support for business
Management Plan Project	Economic Development

Overview of Report

This Report outlines the strategic intent and process undertaken by the Lismore Promotion Program Advisory Group underpinning the *2008/09 Lismore Promotion Plan* and presents the draft Plan to Council for consideration.

Background

The Advisory Group first met on 27 February, 2008 and formulated their approach to the *2008/09 Lismore Promotion Plan*, as well as confirming the Promotion Program Guidelines. Following this meeting, Expressions of Interest (Eols) were invited from the wider public for suitable projects and campaigns to include in the *2008/09 Lismore Promotion Plan*.

It was anticipated that suitable existing projects for inclusion in the *Lismore Promotion Plan* would be identified through the Eol process, then through alignment with the critical elements outlined below plus reference to the SWOT analysis conducted previously by the Advisory Group, gaps in the draft Promotion Plan would become apparent. Proactive projects to fill these “promotional gaps” would then be developed and introduced into the Plan.

This approach was subsequently endorsed at the 8 April 2008 Council Meeting. Two meetings of the Advisory Group have since been held on 7 and 21 May 2008, resulting in the compilation of the DRAFT *2008/09 Lismore Promotion Plan*.

Formulation of the *2008/09 Lismore Promotion Plan*

In developing this comprehensive, strategically focussed Promotion Plan, the Advisory Group determined that the following critical elements underpin the Plan’s formulation:

- a) A co-ordinated approach across the various disciplines:
 - Alignment of the Promotion Plan with:
 - i) Lismore’s annual events calendar
 - ii) the cycle of Lismore’s retail campaigns
 - iii) tourism campaigns
 - consistency in branding Lismore across all marketing and promotional campaigns, regardless of whether the campaign is funded by the SBRVL *Lismore Promotion Program*

- b) An agreed framework and “mix” of activities to be funded:
- marketing and promotional campaigns
 - i) tourism
 - ii) shopping
 - iii) events
 - Education / training for the business community
 - Research
- c) Development of an annual “budget” with provision for “contingency” funds for new and worthwhile projects that arise subsequent to the *Lismore Promotion Plan* being “set”

It can be seen from the primary criteria in the *Lismore Promotion Program* Guidelines, that is:

Projects or campaigns targeted at attracting people to the City of Lismore from outside the 2480 postcode area to shop, do business, visit and play will be highly regarded

that the Advisory Group’s overall strategy is to attract people to the City from outside the Lismore LGA, thereby increasing the potential for all businesses in the Lismore Urban Area to benefit economically – “grow the pie” rather than “pinching customers from each other”.

The EoI’s submitted loosely fell into three broad categories:

Table 1:

	Campaign Category	Profile of targeted customer	Distance from Lismore	Targeted length of stay
1.	TOURISM: promotional campaigns or motivational material	Family group in mid 30’s with children – self drive market	More than 2 hours drive from Lismore; SE Queensland up to Brisbane	a) Minimum overnight b) Average 3.14 nights
2.	SHOPPING: marketing campaigns linked to a novel and significant \$ promotion	Singles, couples and families seeking a “Shopping Experience”	Less than 1.5 hours radius from Lismore; especially inland and to the south	Up to 4 hours
3.	EVENTS: marketing campaigns for events that are relatively novel or unique	Families and couples seeking to maximise their visit via other experiences, eg. dining or shopping	Up to 2 hours radius from Lismore, including SE Queensland up to the Gold Coast	a) Few hours before &/or after the event b) Overnight minimum

It was acknowledged that the three campaign categories would appeal to different customer profiles, hence attracting different types of people to the City with different buying needs.

Given the above strategy, in terms of evaluation, the Group also agreed that 2008/09 could provide clearer understanding of the place of origin for visitors to Lismore as a result of these different campaigns. This type of information has never been consistently collected over the years, hence the recognition to amass this critical base-line data.

Projects across all three campaign categories have a common requirement to collect and analyse a representative sample of customers / participants’ postcodes of origin, as a minimum. This data will help to determine the direction and composition of future marketing and promotional campaigns.

Expression of Interest results for 2008/09 FY

EoI's for the 2008/09 Lismore Promotion Plan were invited from the wider public. 17 relatively developed projects were identified with a total project value of \$1.3 million, with a request for SBRVL funding of \$319,940 (GST exclusive):

Table 2:

	Project description	SBRVL funding request	Total project value
08-09R	Walkabout Lismore: Development of marketing material and branding for Lismore's CBD attractions and walking trails, including <i>Café and Culture Trail</i> , the <i>Wilson's River Experience Walk</i> and <i>Historic Interest Walk</i>	\$4,000	\$8,000
09-01	"Lismore is MORE" marketing campaign (supporting Lismore's locally-owned businesses by asking customers to 'think local first') combined with a business accreditation scheme	\$60,000	\$65,000
09-02	Promotional campaign for and sponsorship of the 2008 Lismore Business Awards	\$10,000	\$96,307
09-03	Preparation and distribution of regular SBRVL <i>Lismore Promotion Program</i> newsletters for 2008/09	\$11,440	\$17,440
09-04	Tourism package and promotional campaign for the 2008 Centenary Lismore Cup designed to encourage stays between 1 and 6 nights	\$15,000	\$45,000
09-05	National media exposure via the Today Show broadcast for Lismore and the <i>North Coast National</i> , featuring the "Sustainable Living Expo"	\$15,000	\$166,460
09-06	Lismore Destination TV Promotions	\$30,000	\$60,000
09-07	Promote sale of weekly tickets and day passes to coastal areas fostering attendance at the 63 rd Australian Jazz Convention (Lismore Dec 26 to 31, 2008)	\$8,000	\$68,850
09-08	Lismore SPRING 2008 Mortgage - Rent Buster Promotion and Shopping Campaign (September 2008)	\$20,000	\$61,000
09-09	Lismore CHRISTMAS 2008 Shopping Campaign including Car Giveaway Promotion	\$20,000	\$61,000
09-10	Lismore EASTER 2009 Mortgage - Rent Buster Promotion and Shopping Campaign (March / April 2009)	\$20,000	\$61,000
09-11	Lismore Stocktake Sale 2009 Shopping Campaign including Car Giveaway Promotion	\$20,000	\$61,000
09-12	Lismore Late Nighter	\$5,000	\$60,113
09-13	Marketing and Promotion Campaign for the 2009 Lismore Lantern Parade	\$18,000	\$237,000
09-14	Marketing and promotion campaign for the 2009 4WD Caravan, Camping and Marine Show	\$15,000	\$91,590
09-15	Production of the biennial Lismore, Nimbin & Villages Visitor Guide for the period 2008/09 - 2010/11	\$33,500	\$98,500
09-16	Lismore Alive: a pilot program aimed at stimulating the heart of the Lismore town centre and bringing about enhanced economic vibrancy	\$15,000	\$50,000
TOTAL funding request		\$319,940	\$1,308,260

In addition to these 17 Eols, a further two (2) projects were nominated to be funded from the SBRVL 2008-09 budget through Council's internal budget process

Table 3:

	Project description	SBRVL funding request
LCC a)	The engagement of a contract Town Centre Manager for the CBD of Lismore - two days per week (reviewed after 2 years)	\$40,000
LCC b)	2008 4WD Caravan, Camping & Marine Show - this is a different event from 09-14 above, although the SBRVL has already funded this event in 2007/08 budget for \$10,000	\$10,000
TOTAL funding request from internal budget process		\$50,000

This brought the total value of projects for consideration to **\$369,940**. It was noted that, if all projects were 100% funded, the value would exceed the available SBRVL funds by \$37,101.

Projects recommended for the 2008/09 Lismore Promotion Plan

The following 12 projects were supported by the Advisory Group. Relevant notes or provisions have been included, where appropriate:

Table 4:

	Project description	SBRVL funding request SUPPORTED by the Advisory Group	TOTAL project value	NOTES or special provisions
08-09R	Walkabout Lismore: Development of marketing material and branding for Lismore's CBD attractions and walking trails, including <i>Café and Culture Trail</i> , the <i>Wilson's River Experience Walk</i> and <i>Historic Interest Walk</i>	\$4,000	\$8,000	<ul style="list-style-type: none"> the use of recycled paper for the marketing collateral is highly encouraged
09-03	Preparation and distribution of regular SBRVL <i>Lismore Promotion Program</i> newsletters for 2008/09	\$11,440	\$17,440	<ul style="list-style-type: none"> investigate establishment of a business database with emphasis on email distribution post 31/12/08 to reduce costs
09-04	Tourism package & promotional campaign for the 2008 Centenary Lismore Cup, designed to encourage stays between 1 and 6 nights	\$15,000	\$45,000	<ul style="list-style-type: none"> integrate the project more into the business community downtown, engendering more ownership
09-05	National media exposure via the Today Show broadcast for Lismore and the <i>North Coast National</i> , featuring the "Sustainable Living Expo"	\$15,000	\$166,460	<ul style="list-style-type: none"> EDU Events Team to be event manager for the Expo
09-06	Lismore Destination TV Promotions	\$30,000	\$60,000	<ul style="list-style-type: none"> consolidate and co-ordinate with other shopping campaigns
09-07	Promote sale of weekly tickets & day passes to coastal areas fostering attendance at the 63 rd Australian Jazz Convention (Lismore Dec 26 to 31, 2008)	\$8,000	\$68,850	<ul style="list-style-type: none"> consider running a courtesy bus between venues, so that venues can be further afield than CBD
09-08	Lismore SPRING 2008 Mortgage - Rent Buster Promotion and Shopping Campaign (September 2008)	\$20,000	\$61,000	<ul style="list-style-type: none"> after the SPRING campaign compare results and decide/confirm the nature of future promotion item
09-09	Lismore CHRISTMAS 2008 Shopping Campaign including Car Giveaway Promotion	\$20,000	\$61,000	<ul style="list-style-type: none"> combine Christmas campaign with carnival atmosphere activities downtown - funded from the \$20k allocation
09-10	Lismore EASTER 2009 Mortgage - Rent Buster Promotion and Shopping Campaign (March / April 2009)	\$20,000	\$61,000	a) all four (4) shopping campaigns, i.e. 09-08 to 09-11, will require matched funding from participating businesses to access
09-11	Lismore Stocktake Sale 2009 Shopping Campaign including	\$20,000	\$61,000	

	Project description	SBRVL funding request SUPPORTED by the Advisory Group	TOTAL project value	NOTES or special provisions
	Car Giveaway Promotion			SBRVL funds b) in the 2008/09 FY, one shopping campaign per quarter is supported; at the end of that period, a determination will be made if the frequency is sustainable; c) should campaigns not proceed due to lack of support from the business community, the funds will be returned to the SBRVL "contingency fund" for reallocation
09-15	Production of the biennial Lismore, Nimbin & Villages Visitor Guide for the period 2008/09 - 2010/11	\$33,500	\$98,500	<ul style="list-style-type: none"> ▪ under normal circumstances, this project would be funded from General Rates, as has been the case in previous years ▪ the Advisory Group agreed to support the project on this ONE occasion given the unique tight financial circumstances in 2008/09
09-16	Lismore Alive: a pilot program aimed at stimulating the heart of the Lismore town centre and bringing about enhanced economic vibrancy	\$15,000	\$50,000	
TOTAL funding request SUPPORTED by Advisory Group		\$211,940	\$758,250	

The total available funds for 2008/09 i.e. \$195,800, plus unexpended funds from previous years i.e. \$137,039 amounts to a grand total of **\$332,839**. Support for the above 12 projects would leave **\$120,889** in the Lismore Promotion Fund for contingencies.

Projects NOT recommended for the 2008/09 Lismore Promotion Plan

The following five (5) projects were not supported by the Advisory Group. Relevant notes have been included, where appropriate:

Table 5:

	Project description	SBRVL funding request NOT SUPPORTED by the Advisory Group	TOTAL project value	NOTES accompanying recommendation
09-01	“Lismore is MORE” marketing campaign (supporting Lismore’s locally-owned businesses by asking customers to ‘think local first’) combined with a business accreditation scheme	\$60,000	\$65,000	<ul style="list-style-type: none"> it was suggested that there may be some merit in engaging a marketing specialist to review all four shopping campaigns supported by the Advisory Group
09-02	Promotional campaign for and sponsorship of the 2008 Lismore Business Awards	\$10,000	\$96,307	<ul style="list-style-type: none"> it was considered that the event could attract sufficient sponsorship from the private sector to support itself
09-12	Lismore Late Nighter	\$5,000	\$60,113	<ul style="list-style-type: none"> whilst the project was highly commended, it was deemed that it does not fit the <i>Lismore Promotion Program</i> Criteria - see clauses 3 a), b), & c) + 4 f)
LCC a)	The engagement of a contract Town Centre Manager for the CBD of Lismore - two days per week (reviewed after 2 years)	\$40,000	\$40,000	<ul style="list-style-type: none"> whilst the project was thought essential to a proper-functioning CBD, it was deemed that it does not fit the <i>Lismore Promotion Program</i> Criteria - see clause 4 d) it was recommended that a review of the SBRVL Safety and Security funding be considered with a view to potentially funding this project from that source; this funding source is thought to be a better funding match the Advisory Group was keen to learn more about town centre management and was very interested in receiving the final report on research into this area when it becomes available later in 2008
LCC b)	2008 4WD Caravan, Camping & Marine Show - this is a different event from 09-14 (being the 2009 event)	\$10,000	\$10,000	<ul style="list-style-type: none"> the Group noted that in the previous year, the 2007 Show received matched funding from General Rates to SBRVL 50:50 the Group deemed that they had already supported this project at their 27/2/08 meeting to \$10,000 – ratified by Council on 8/4/08 the Group expressed their concern that a precedent would be established for the SBRVL to fund projects that Council did not want to fund from General Rates
TOTAL not supported projects		\$125,000	\$271,420	

Deferred consideration on projects that may yet form part of the 2008/09 Lismore Promotion Plan

The following two (2) projects were not considered by the Advisory Group at the May 2008 meetings, as it was thought prudent to wait until after the 2008 events had been run (in June and July 2008 respectively) and the evaluation results become available. It was agreed that the projects would be considered at the next Advisory Group meeting on 17 September 2008.

Table 6:

	Project description	SBRVL funding request DEFERRED by the Advisory Group	TOTAL project value
09_13	Marketing and Promotion Campaign for the 2009 Lismore Lantern Parade	\$18,000	\$237,000
09_14	Marketing and promotion campaign for the 2009 4WD Caravan, Camping and Marine Show	\$15,000	\$91,590
TOTAL deferred projects		\$33,000	\$328,590

Identification of gaps in the Promotion Plan - results for 2008/09 FY

Following further discussion and reference to tools, such as the SWOT analysis conducted previously by the Advisory Group and the calendar of major events for Lismore (see Attachment 1) gaps in the Promotion Plan were identified.

Development then commenced on proactive projects to fill these “promotional gaps”. A further six (6) potential projects were subsequently identified, one of which was sufficiently developed to put forward immediately and incorporate into the Draft *2008/09 Lismore Promotion Plan*:

Table 7:

	Project description	SBRVL funding request SUPPORTED by the Advisory Group
LPPAG a)	Engage a specialist consultant to provide practical input on the overall relevance and effectiveness of the <i>2008-09 Lismore Promotion Plan</i> , and specifically advise on how best to: a) link and optimise the supported projects b) evolve and further progress the program with recommendations for future improvements	\$10,000
TOTAL funding request SUPPORTED by Advisory Group		\$10,000

It was unanimously agreed that the following five (5) projects would be developed in the course of the next 12 months then presented to Council for consideration when appropriate:

- i) Campaign to develop community pride in Lismore, led and co-ordinated by a Town Centre Manager
- ii) Promotion of Lismore as a whole to increase the number of people overall to shop here, supported by an infrastructure program establishing facilities, eg. CBD toilets and baby change rooms, making the CBD more attractive for people to visit and linger longer in Lismore
- iii) Research in how best to promote Lismore’s commercial and industrial sector
- iv) Branding Lismore, eg. national advertising program to raise awareness of Lismore, together with branding on taxis, buses, letterhead, etc.
- v) Research to examine the best days for extended shopping hours, eg. selected Sundays

Draft 2008/09 Lismore Promotion Plan

Combining the Advisory Group’s recommendations from Tables 4 and 7, the total funding request for the 13 projects supported by the Group amounts to **\$221,940**.

As stated earlier, the total available funds to 30 June 2009 amounts to **\$332,839**.

This leaves **\$110,899** in “contingencies” to potentially fund the two (2) projects outlined in Table 6, together with the five “gap” projects being continuously developed by the Advisory Group.

The two (2) following charts give a breakdown of the recommended projects by dollar value, as well as activity category:

Chart 1:

SBRVL 2008/09 projects by category

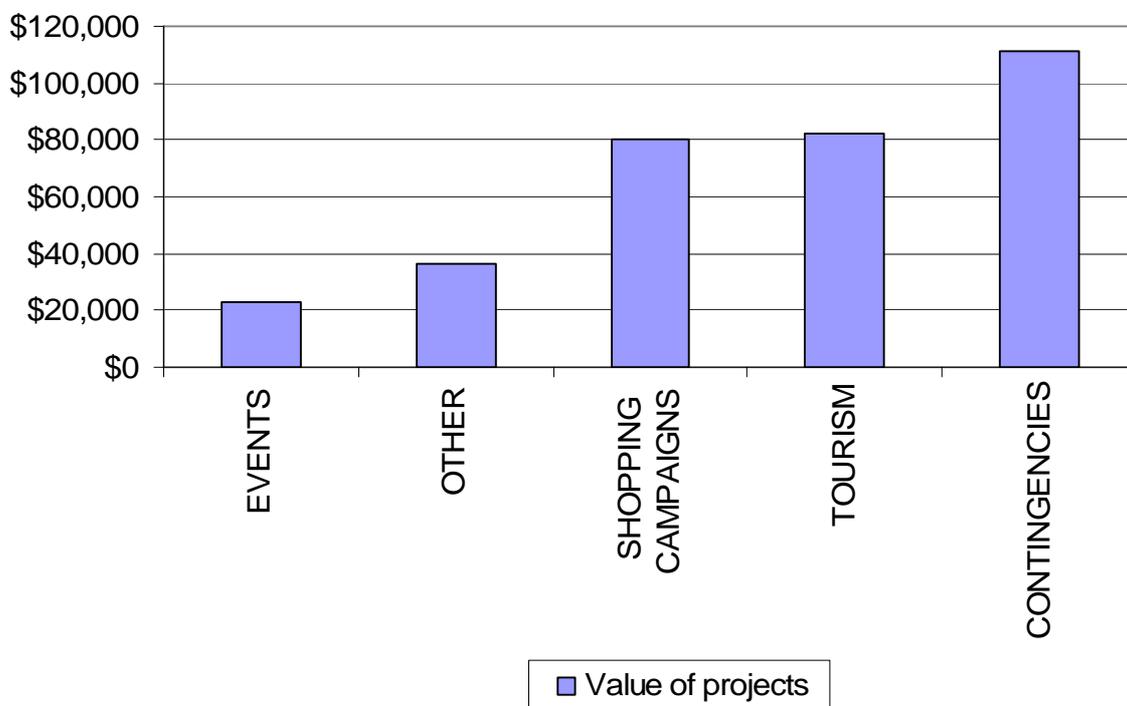
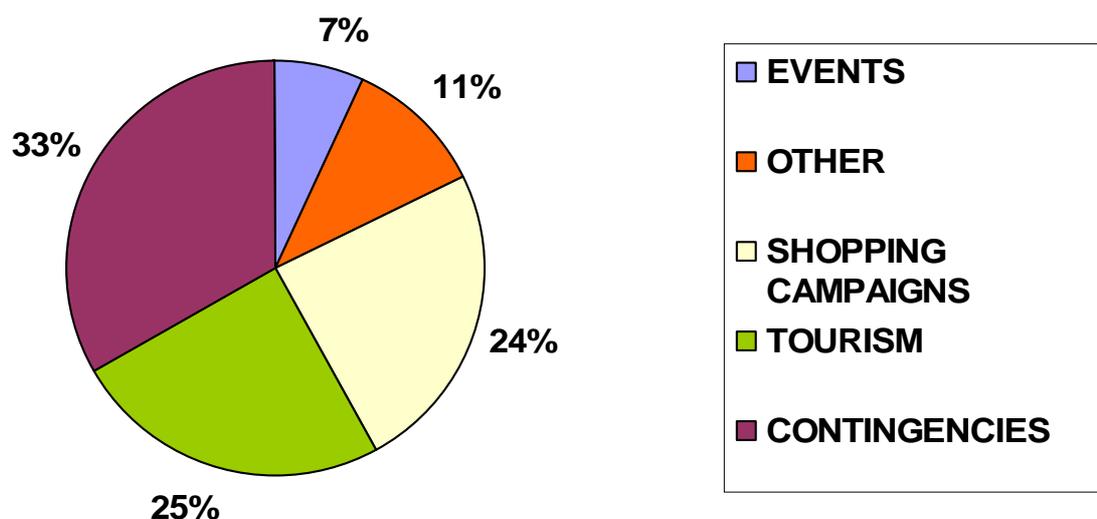


Chart 2:



Comments

Financial Services

There is approximately \$332,800 available for the implementation of the draft 2008/09 Lismore Promotion Plan with \$137,000 carried forward from 2007/08 and \$195,800 in 2008/09.

From a financial perspective, the projects recommended have a total spend of \$3.57 for every \$1 dollar of SBRVL funds invested. This indicates that other sources of funding are also being accessed by the project proponents for these projects.

As indicated in the report, the draft 2008/09-2011 Management Plan currently on public exhibition includes two projects proposed to be funded from SBRVL promotion funds. The proposals, CBD Centre Manager (\$40,000) and additional contribution to the 2008 4WD, Caravan, Camping and Marine Show (\$10,000), are not supported by the Advisory Group. If the Advisory Group's recommendations are supported, these projects will need to be deleted from the draft 2008/09-2011 Management Plan when considered at the June 19, 2008 Council meeting. The submission writers will also need to be informed of the change in status of their submission so can they can assess their options.

Other staff comments

Not applicable

Public consultation

Not applicable

Conclusion

The Advisory Group has made considerable effort to develop and adopt strategic thinking, combined with fair and equitable processes in the formulation of the DRAFT 2008/09 Lismore Promotion Plan. The Plan is commended to Council for consideration.

Recommendations

1. That Council endorse the Advisory Group's recommendations to SUPPORT all 13 projects described in Tables 4 and 7 totalling \$221,940.
2. That Council endorse the Advisory Group's recommendations to NOT support the five (5) projects described in Table 5.
3. That Council endorse the Advisory Group's recommendations to DEFER consideration on the two (2) projects described in Table 6 until the next Advisory Group meeting.
4. That Council place the DRAFT *2008/09 Lismore Promotion Plan* on public exhibition for 10 days and consider it again at the July 2008 Council meeting, with a view to ratifying the Plan for 2008/09.

Report

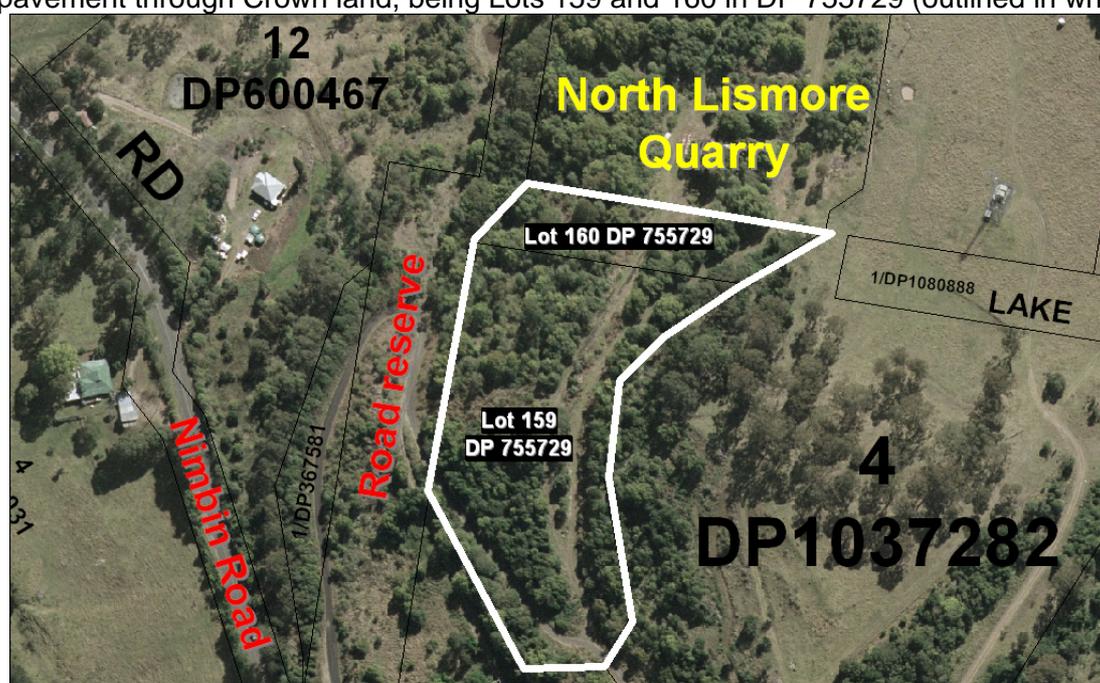
Subject	North Lismore Quarry Access
File Nos.	RD:VLC:P9388,R2854
Prepared by	Property Officer
Reason	To provide secure permanent access to Council's North Lismore Quarry site.
Objective	To obtain Council's endorsement of a proposal to correct a procedural error in this matter.
Strategic Plan Link	Infrastructure
Management Plan Project	Maintain and maximise the economic and effective life of the road and bridge network and ancillary infrastructure.

Overview of Report

On April 9, 2002 Council resolved to acquire Lots 159 and 160 in DP 755729 under the *Land Acquisition (Just Terms Compensation) Act 1991* for the purpose of the *Roads Act 1993* to secure access to the North Lismore Quarry site and resolve other matters. The land has not yet been transferred due to some aspects of the application process not being in accordance with the relevant legislation. A fresh resolution by Council is required to correct the matter and apply to the Minister for Local Government and the Governor for approval to compulsorily acquire the land.

Background

Currently access to Council's North Lismore Quarry is an informal arrangement over a constructed roadway pavement through Crown land, being Lots 159 and 160 in DP 755729 (outlined in white) below.



The asphalt road pavement traversing these lots was constructed more than 30 years ago for the purpose of access to the North Lismore Quarry, and the roadway has been utilised for decades to access the site and will continue to be the only viable access to the site. The proposed compulsory acquisition process is to formalise the existing access arrangements and secure access over the land.

Council placed an advertisement in *'The Echo'* on February 14, 2002 in accordance with Section 34 of the Local Government Act 1993 advising of its intention to pass a resolution that upon acquisition, the land become operational land. No submissions were received in objection to the purchase. On April 9, 2002 Council resolved to acquire Lot 159 and Lot 160 in DP 755729 from the Crown as operational land under the Land Acquisition (Just Terms Compensation) Act 1991 for the purpose of the Roads Act 1993. A valuation was obtained from the State Valuation Office.

The report to Council on April 9, 2002 should more correctly have placed emphasis on maintaining the vital access to Council's North Lismore Quarry, with secondary reasons supporting the application being a right-of-carriageway for access to the Telstra tower, DLWC Survey Point, Aviation Navigation Beacon and other private landholdings. The fact that the acquisition would also provide access to proposed lots for a subdivision lodged by an adjoining landowner was over-emphasised in the report and has led to queries from the Department of Local Government as to the validity of the proposed acquisitions.

In accordance with the valuation, a compensation payment of \$15,189.70 was made to the Department of Lands on May 13, 2002. On November 22, 2002 Council placed an acquisition notice in the *'Government Gazette'*, however, it would appear that the necessary approvals from the Governor and Minister had not been received and therefore the notice had no effect.

In accordance with the Guidelines for Compulsory Acquisition of Land, Council seeks permission to make a fresh application under the *Land Acquisition (Just Terms Compensation) Act 1991* to acquire these lots. Advice from the Department of Lands has been that their processes have been finalised and title may be issued to Council upon gazettal.

Comments

Financial Services

All costs associated with the acquisition of this property have been paid from previous financial years' budgets. Any additional administration costs now incurred will be met from within existing approved budgets.

Other Staff Comments

Manager - Business Services

A capital project to commence partial rehabilitation of this quarry is planned for the coming financial year. North Lismore Quarry has not been operational since 1997. During that time the old infrastructure has become seriously degraded and now has the potential to present a risk to trespassers or the land users. The pattern of extraction did not follow best practice and as a consequence some of the faces are higher than what would be allowed in 2008. The site requires some thoughtful rehabilitation to satisfy Lismore City Council's duty of care requirements, and this will have to be done in the near future. We have proposed a capital project to commence partial rehabilitation in the next financial year and unfettered operational usage of the access road will be an essential element of this work.

Public Consultation

Under Section 34 of the Local Government Act 1993, Part 2 of Chapter 6 for the acquisition of land as operational land, a Council must resolve to acquire the land as operational, call for submissions through a Public Notice, then resolve that the land be classified operational, whilst considering any submissions.

Public Notice of the proposed resolution to classify Lots 159 and 160 in DP 755729 as operational land was advertised on February 14, 2002 allowing 28 days for submissions to be lodged. The closing date for submissions was March 15, 2002. No submissions were received.

Conclusion

Council has previously resolved to compulsorily acquire Lots 159 and 160 in DP 755729. The purpose of the acquisitions is to formalise the existing access arrangements and secure access to the North Lismore Quarry, access to the Telstra tower, DLWC Survey Point and Aviation Navigation Beacon. There would be an opportunity for access to be provided to private landholdings, but this is a consequence of the proposed acquisitions rather than a primary reason for it to proceed.

The processes that Council adopted to progress this matter appear to have lapsed and are not in accordance with the relevant legislation and it is necessary for Council to adopt a fresh resolution to finalise acquisition of the land subject of the previous resolution.

Full payment for the land has already been made to the Department of Lands and they are ready to issue title to Council subject to gazettal of the acquisitions.

Recommendation (IS29)

That:

1. Council compulsorily acquire Lot 159 in DP 755729 and Lot 160 in DP 755729 under Section 29 of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of securing access to the North Lismore Quarry and other important community infrastructure as outlined in the report.
2. Council make an application to compulsorily acquire these lots in accordance with the Guidelines for Compulsory Acquisition of Land.
3. Council make application for the approval of the Minister for Local Government pursuant to Section 187 of the Local Government Act 1993 to the giving of a proposed acquisition notice under the Land Acquisition (Just Terms Compensation) Act 1991 in respect of such land.
4. Council make application for the approval of the Governor for Council to declare by notice published in the *'Government Gazette'* that such land is acquired by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991.
5. Upon acquisition, the land be classified as operational in accordance with Section 31 of the Local Government Act 1993.
6. The Mayor and General Manager be authorised to sign and affix the Council seal to any documentation required to complete this resolution.

Report

Subject	Council Meeting Schedule – June to November
File No	S43
Prepared by	Corporate Compliance Coordinator/Executive Service Coordinator
Reason	Impact of the local government elections
Objective	To devise a meeting schedule
Strategic Plan Link	Leadership by Innovation
Management Plan Project	Councillors

Overview of Report

The September Council elections will result in significant changes to the composition of the Council. The Report canvasses options and the timetable for the induction process for the new Council.

Background

From reports, it is anticipated that the Council that is elected in September will have a new Mayor and perhaps a majority of Councillors elected for their first term.

Councillors can appreciate the complex situation that will face the new Councillors and the need for them to be brought up to speed as soon as possible.

This will be done in a number of ways, workshops, externally presented information sessions and a Weekend Information Session.

In respect to this last item, it is proposed that a weekend will be organised at an offsite location from October 10 – 12, 2008. The weekend will consist of a series of presentations by Executive Staff and Program Managers.

Strategic Plan Review

The current Strategic Plan provides direction for Council until 2012. It is aligned to Council terms and will expire at the end of the coming Council. It is critical that the new Council has ownership of its strategic direction and therefore a review of the Strategic Plan is required to ensure that it continues to reflect the aspirations of the new Council.

In addition, Council resolved to accept the integrated planning methodology outlined as option 3 in the DLG's November 2006 "*Planning a Sustainable Future*" report. This option requires the development of a 4 year delivery plan, articulating a budgeted agenda for all the major activities of Council over that period. This plan must be closely aligned to the Strategic Plan and therefore necessitates a review of the strategic direction to ensure that the delivery plan also reflects the consensus of the new Council.

It is recommended that two evening sessions on the 3rd and 4th of November be used for the purposes of this review. These sessions will be externally facilitated and similar to those used to develop the current Strategic Plan.

PAG Review

The November 2007 Council meeting accepted the recommendations within the PAG Review Implementation Plan report. The implementation of some recommendations within this report has been delayed in order to allow the new Council to set the scope and objectives of the PAGs.

It is proposed that the workshop to determine the PAG scope and objectives now make up part of the Weekend Information Session from October 10 – 12, 2008.

Once the scope and objectives for the PAGs have been set they will need to go to the PAG members to gain their input and feedback. It is proposed that this occur at extraordinary PAG meetings to be held in November of 2008.

In order that the current PAG community members participate in the process, their membership will be required, to be extended past the end of the Council term. It is therefore recommended that the tenure of the PAGs community members be extended until the end of November 2008.

Once the scope and objectives have been finalised, training for the PAG members can begin. It is proposed that this, along with the first PAG meetings occur in December. To facilitate this timeline, the recruitment for new PAG community members will begin in September 2008.

Council Meeting Schedule

a. Pre Local Government Elections

At this stage, Ordinary Meetings of Council are scheduled for the second Tuesday of July, August and September, with an Extra-ordinary meeting set down for June 19, 2008 (2008-09 Management Plan).

Concern has been raised about the proximity of the September meeting date and the date of the election (four days later).

The obvious solution is to not hold a meeting in September. The chief concern here is the delay that could be caused in dealing with issues from August to October, and the large workload that may be imposed on the new Council at its first meeting.

Staff then explored the alternatives of bringing the September meeting back one week or having two meetings in August, being the second and last Tuesday of the month.

This last option seemed the best balance between workload and separation distance from the election.

However, the State Government is seeking to introduce caretaker provisions into the Local Government Act. These caretaker provisions will apply for a six week period leading up to the election.

In the words of the Minister:

*“...The types of decisions that a Council in the exercise of responsible government should refrain from making during an election period would include: entering into major contracts or undertakings where tenders have not been called; the employment of a permanent general manager; and the **determination of publicly controversial or significant developments**. The amendment will guide Councils when proposing to make major or publicly controversial decisions during an election period that would bind an incoming Council, and also to consider the best interests of their communities. The proposed amendment will reinforce transparency and accountability in decision making during election periods and improve community confidence in Councils...”*

Should the Bill be passed, the Department of Local Government will issue guidelines on how Council should act responsibly.

The latest advice from the Department is that the Bill is the subject of discussion between the various political parties and that if a solution acceptable to the government cannot be negotiated, the the Bill will be abandoned along with the caretaker provisions.

At this stage it is proposed that a tentative date be set aside for an Extra-Ordinary Meeting on August 26, 2008.

b. Post Election

It will ultimately be up to the new Council to determine its new meeting cycle but it is logical for this Council to set up the process.

The first meeting to be held will be an Extra-ordinary Meeting for the purpose of electing the Deputy Mayor, Delegates to County Councils and PAG members. It may be possible that some urgent business may be dealt with but it is not preferred.

It is proposed that this be held September 30, 2008. This should allow enough time for the Electoral Commission to complete their activities.

The first Ordinary Meeting of the new Council would be scheduled for the second Tuesday of October, being the 14th.

There will also be a requirement for an Extra-ordinary meeting on October 21 to consider the 2008 Financial Reports. This date is not flexible for the reason that time restraints associated with Statutory dates.

Comments

Financial Services

Not required

Other staff comments

Staff have been consulted in preparing this report.

Public consultation

Council meetings and workshops will be advertised in the normal manner.

Recommendation

That the report be received and noted and that:

1. The Council meeting schedule for June – November be as follows:
 - June 19 – Extra-Ordinary Meeting
 - July 8 – Ordinary Meeting
 - August 12 – Ordinary Meeting
 - August 26 – Possible Extra-Ordinary Meeting
 - September 30 – Extra-Ordinary Meeting
 - October 14 – Ordinary Meeting
 - October 21 – Extra-Ordinary Meeting
 - November 11 – Ordinary Meeting
2. The following workshops for the new Council be noted:
 - September 23 – Initial Introduction for Councillors
 - October 7 – Strategic Plan Overview and Site inspection and review of GSAC
 - October 10 – 12 – Weekend Workshop and briefings
 - October 21 – Council Finances and Budgeting
 - November 3 – 4 – Strategic Plan Review
3. The tenure of the Policy Advisory Groups' Community Members be extended until the end of November 2008.

Report

Subject	Replacement of Plant No. 207 (Wheel Loader) and No. 211 (Front-End Loader)
File No.	JMcA:VLC:S360
Prepared by	Fleet Services Co-Ordinator
Reason	To seek Council approval for the purchase of new plant and the disposal of old plant.
Objective	To convey to Council information relevant to the selection of replacement plant so an informed decision can be made.
Strategic Plan Link	Infrastructure Services
Management Plan Project	Fleet Operations

Overview of Report

Quotations were invited from registered suppliers under the Local Government Procurement contract for the supply of two machines. Quotations were received and assessed by the appropriate Program Manager and supervisory staff. The machines best suited to our needs were assessed by operators. Recommendations are made within this report for the purchase of the preferred machines.

Background

Procurement Process

A company has been formed by the Local Government and Shires Associations of New South Wales (LGSA) on behalf of its members, to create a procurement operation dedicated to meeting the needs of Councils. The company is "Local Government Procurement". Local Government Procurement Pty Limited (LGP) is a wholly owned subsidiary of the LGSA and is recognised as an alternative vehicle whereby Councils can procure goods otherwise required to be let to tender.

The company was established to save councils significant money through "whole of local government" bulk supply arrangements. This saving is made through reductions in administration and elimination of the need for individual advertising for each purchase. The tendering requirements of the Local Government Act have been met and issues of due diligence are covered through this process.

Local Government Procurement has, through advertised tenders, established contracts for a variety of goods and services which include:

- Microsoft Licensing and Products
- Office Supplies
- Library Materials
- Telecommunications
- Safety Apparel
- Workwear / Corporate Wardrobe
- Computers
- Garbage Bins
- Advertising
- **Heavy Plant and Equipment**

The range of machinery included on “Contract LGP707 - Heavy Plant and Equipment” includes major brands recognised in the industry and already used by Lismore City Council.

It was decided to trial the service offered by Local Government Procurement under their contract “LGP707 - Heavy Plant and Equipment”. Quotations were invited from the suppliers registered on this contract.

Plant Replacement

As part of the review of Lismore City Council plant, several items have been identified as significantly overdue for replacement. Two of these are:

1. Plant No. 207 - Kawasaki KSS85ZIV Wheel Loader *(at the Waste Facility)*
2. Plant No. 211 - TCM 830-2 Front-End Loader *(at the Quarry)*

Item 1 – Plant No. 207 (Kawasaki Wheel Loader)

Plant No. 207 - Kawasaki KSS85ZIV Wheel Loader was purchased in April 1995 so is 13 years old and shows 17,000 hours on the clock. It spent four (4) hard years on the quarry floor, then four (4) slightly easier years as the quarry sales loader, and has done five (5) years at the waste facility. The replacement we are seeking is a similarly sized wheeled loader of around 18.0 tonne operating weight with protective guarding and high-lift arms suitable for waste handling.

The Local Government Procurement (LGP) contract includes three (3) machines suitable to replace Plant No. 207, and quotations were invited for the supply of these machines specified to meet Lismore City Council’s needs, with the following results:

Manufacturer / Supplier	Machine Model	Price Quoted (ex GST)	Price Quoted (incl GST)	Price (incl GST and auto-greasing)
Komatsu Australia Pty Ltd	Komatsu W380-6	\$276,065.16	\$302,571.68	\$319,071.68
WesTrac Pty Ltd	Caterpillar 950HSW	\$276,110.00	\$303,721.00	\$320,221.00
Conplant Amman Australia	Case 821E XR (Z-Bar)	\$300,000.00	\$330,000.00	\$330,000.00

Not included in the original quotation request is an auto-greasing option for the machine, an option deemed essential for the machine in the environment in which it will be working. The cost to fit auto-greasing is \$16,500.00 (incl GST) for the Caterpillar and Komatsu machines. The Case machine includes auto-greasing. This changes the price comparison as indicated in the table, but does not alter the pricing order (put there is order)!

Evaluation of the three machines (*refer Attachment A ‘Evaluation – Tip Loader’ enclosed separately*), suggests the Komatsu W380-6 to be the machine most suitable for Council, for the job required.

Item 2 – Plant No. 211 (Front-End Loader)

Plant No. 211 - TCM 830-2 Wheel Loader was new in 1991 and was purchased from Pioneer Road Services with an asphalt plant in December 1997 as a used machine. It is now 17 years old, has ongoing mechanical problems and is no longer economical to keep. The machine shows 7,650 hours on the current hour meter but this is not an accurate indication of the hours it has worked. The replacement we are seeking is a wheeled loader of around 10.0 tonne operating weight.

The LGP contract includes three (3) machines suitable to replace Plant No. 211 and quotations were invited for supply of these machines specified to meet Lismore City Council's needs, with the following results:

Manufacturer / Supplier	Machine Model	Price Quoted (ex GST)	Price Quoted (incl GST)
Komatsu Australia Pty Ltd	Komatsu WA200-5	\$161,000.00	\$177,100.00
WesTrac Pty Ltd	Caterpillar 924GZ	\$172,513.11	\$189,764.43
Conplant Amman Australia	Case 521E (Z-Bar)	\$170,000.00	\$187,000.00

Evaluation of the three machines (*refer Attachment B 'Evaluation – Quarry Loader' enclosed separately*), suggests the Komatsu WA200-5 to be the machine most suitable for Council.

Comments

Financial Services

Sufficient plant hire income has been generated from both items of plant to fund their life to date operating and capital costs as well as a return to the Plant Reserves. There are sufficient funds available in Plant Reserves for these purchases.

It is planned to send both replaced plant items to auction. However, Vehicle No. 207 may be used in quarry operations for a short time replacing externally hired plant.

Other Staff Comments

Manager – Business Services

Both of these machines have been earmarked for replacement for some time. They both have escalating operating and reliability problems. I concur with the recommendations for replacement as per this report.

Public consultation

Not required

Recommendation (IS32)

That –

1. Council resolve to purchase from Komatsu Australia Pty Ltd a Komatsu WA380-6 wheeled loader with protective guarding and high-lift arms suitable for waste handling, and fitted with auto-greasing, the price of which will be \$319,071.68 including Goods and Services Tax.
2. Council resolve to purchase from Komatsu Australia Pty Ltd a Komatsu WA200-5 wheeled loader, the price of which will be \$177,100.00 including Goods and Services Tax.

Report

Subject	Lismore Public Transport Policy Advisory Group Strategic Plan
File No.	S135
Prepared by	Road Safety Officer
Reason	To present the Lismore City Public Transport Policy Advisory Group (PTPAG) Strategic Plan.
Objective	To adopt the strategies and actions outlined in the PTPAG strategic plan.
Strategic Plan Link	Infrastructure, Natural Environment, Economic Development and Quality of life
Management Plan Project	

Overview of Report

This report presents the Public Transport Policy Advisory Group (PTPAG) Strategic Plan for formal adoption by Council.

Background

Lismore City Council PTPAG in 2007, embarked on the process of developing a strategic plan that would guide the Policy Group on implementing positive outcomes for Public Transport in the Lismore LGA. The PTPAG are committed to the co-ordination of transport services within the Lismore LGA to ensure a more integrated comprehensive service network.

The vision outlined in the PTPAG strategic plan is for Lismore City Council to improve the 'quality of life' of residents through the facilitation of Public Transport partnerships that make Lismore a more transport sustainable city.

Transport is a connecting factor for many facets of people's lives, without access to adequate, safe, affordable and reliable transport people will continue to be disadvantaged in our community.

Public Transport needs to be a key feature in developments in the city to limit traffic congestion and minimise the resultant impact on the environment. Lismore City Council has the opportunity to be a leader in the region through promoting a stronger reliance in the community on Public Transport.

The PTPAG Strategic Plan crosses many sections of Council and has links to four (4) areas of the Lismore City Council Strategic Plan 2004-2010, these being:

- Infrastructure
- Natural Environment
- Economic Development
- Quality of life.

The strategic plan is divided into short term actions, four-year objectives and eight-year objectives; this is to align with local government strategic planning requirements.

The PTPAG Strategic Plan has links with other Council documents such as:

- Lismore City Council Strategic Plan 2004-2012
- Social and Community Plan 2005-2009
- Lismore City Council Cycleway Strategy Plan 2007
- Local Environment Plan
- Lismore City Council Staff Induction Policy
- Cities for Climate Protection.

A workshop was held with Councillors on March 4, 2008 when the draft plan was presented for discussion.

Comments

Financial Services

The implementation of the Strategic Plan will require the allocation of funds. Where funding cannot be accommodated from within existing recurrent budgets, a budget submission to the management plan process will be required for determination by Council.

Manager – Community Services

Community Services fully supports the PTPAG Strategic Plan which identifies strategies to improve the quality of life for Lismore residents. The Plan integrates well with the Social and Community Plan and takes into account a range of social issues and disadvantages experienced within the community.

Other Staff Comments

Relevant Program Managers have been advised of the actions in the strategic plan and have provided positive feedback on the ability to implement strategies outlined in the Public Transport Strategic Plan.

Public Consultation

The PTPAG Strategic Plan was developed in consultation with all members of the PTPAG that consists of representation of key industry people and community members. Lismore City Council Program Managers and key staff have also been involved in the development and support for PTPAG strategic plan.

Conclusion

Within any community there is a need for accessible, equitable, safe and efficient transport systems. The PTPAG Strategic Plan is a document aimed at guiding Lismore to become a more transport sustainable Local Government Area.

Recommendation (IS28)

That:

1. The Lismore City Council Public Transport Policy Advisory Group Strategic Plan be adopted.
2. The Public Transport Policy Advisory Group Strategic Plan be reviewed annually to remain abreast of current issues impacting transport.

Report

Subject	Policy for Cemeteries and Burials on Private Rural Lands
File No	S9 and S467
Prepared by	Environmental Health Officer
Reason	To review Council's Policy
Objective	To obtain Council Resolution
Strategic Plan Link	Quality of Life
Management Plan Activity	Environmental Enforcement

Overview of Report

To review policy 3.1.5 to ensure it remains consistent with the relevant legislation and guidelines and to meet the reasonable expectations of the community

Background

Policy 3.1.5 "CEMETERIES ON PRIVATE RURAL LAND AND INTERMENTS OF DECEASED PERSONS IN SAME" was initially authorised by Council in 1991 and was subsequently reviewed in 1995. No further review has been undertaken until now.

The policy allows for an application for a cemetery on the land with a maximum of 10 burial allotments. Proposals for more than 10 allotments must lodge a formal development application. The policy was formulated to provide an administrative framework to assist the community and Council to deal with applications for small cemeteries on private rural land and burials in those cemeteries. The policy is read in conjunction with the relevant provisions of the Public Health Act and Regulations and NSW Health Policy and Guidelines which relate more specifically to the public health implications of the management of the disposal of bodies. The policy is generally considered to have worked well.

Recently a problem has arisen in relation to the location of a grave site relative to neighbouring dwelling sites. It is considered prudent to define these matters in more detail in the revised policy. In the revised policy it is proposed to provide for a setback of 50m from a grave site to any neighbouring dwelling on lands that are multiple occupancy, community title or strata title developments. On all other lands the existing setback of 100m is proposed to remain.

The lands affected by the 50m setback all have management organisational structures in place to reasonably manage the needs of their communities, and many of these lands have a rural residential density even though they are zoned as rural. The various internal management structures that apply on these lands will act in the interest of their communities and should within reason be able to decide what infrastructure is necessary. In relation to strata and community title developments a formal tribunal process is available to manage any grievances.

Aside from the above, other changes are minor wording clarifying text and are provided to contemporise the policy and to make it a more user friendly document.

The existing policy is annexure 1 to this report and the draft revised policy is Annexure 2.

The substantive changes are bolded in italics in the draft revised Policy.

Comments

Financial Services

Not required

Manager, Planning Services

Council maintains a mapping layer identifying the location of such cemeteries for the information of assessment staff and the community. As long as this information remains available no land use planning issues should arise. The information is provided to potential land owners in S149(5) Planning Certificates.

Public consultation

The policy should be placed on public exhibition for a period of 21 days and any submissions should be considered by Council prior to determination of the review.

Conclusion

This report proposes changes to the existing policy. The proposed changes to the policy are significant enough that the community should be consulted and any submissions made be taken into account prior to Council determining the matter.

Recommendation (PLA10)

- 1 That the draft policy "CEMETERIES AND BURIALS ON PRIVATE RURAL LAND" be placed on public exhibition for a period of 21days.
- 2 Following the completion of the exhibition period, the draft policy and details of any submissions received be referred to Council for determination.

ANNEXURE 1**POLICY MANUAL**

POLICY NO: 3.1.5	CEMETERIES ON PRIVATE RURAL LAND AND INTERMENTS OF DECEASED PERSONS IN SAME
OBJECTIVE:	To regulate the establishment of cemeteries and interments on private rural land.
STRATEGIC PLAN LINK:	Natural Environment, Quality of Life
SECTION RESPONSIBLE:	Environmental Health
AUTHORISED: 11/6/91	REVIEWED: 5/9/95

That Council approve applications for the establishment of cemeteries on private land in accordance with the following requirements.

- 1 Application in writing must be from the owner/s of the land and must include the following information:-
 - (a) Proof of ownership of the land.
 - (b) Written approval of the Body Corporate Neighbourhood Association or other similar owner governing body where the property is held in such ownership. Such approval must refer to the resolution of the governing body granting its approval to the application and must include approval of the proposed cemetery location, number of proposed allotments and the like.
 - (c) Accurate details to an approved scale showing the precise location of the cemetery as related to permanent existing observable landmarks. Council reserves the right to require that the location of the cemetery be set out and be verified by a registered surveyor.
 - (d) Accurate details to an approved scale showing the layout of the cemetery including each grave site and proposed dimensions of same. The layout of the cemetery must also take into account the need for future maintenance.

- 2 A maximum of ten (10) burial allotments shall be provided in the cemetery. Any proposal for a cemetery exceeding ten (10) allotments will require the submission of a Development Application. The information required by this policy must accompany the Development Application.

- 3 The land on which the cemetery is to be located must have a minimum area of five (5) hectares and such land must not be contained within a drinking or domestic water supply catchment area.
- 4 The proposed cemetery must be sited a minimum of 100 metres from the boundary of the land and any habitable buildings (other than the applicant's dwelling) on the land.
- 5 The boundaries of the cemetery must be permanently marked with posts, fencing or other approved method.
- 6 The operation of the cemetery and the interment of deceased persons in same are carried out in accordance with the provisions of the Public Health "Funeral Industries" Regulation and this policy.
- 7 No interment shall take place unless a "Permit for Burial" is issued by Council. A copy of the death certificate issued by a medical practitioner or the coroner is to accompany the application for a Burial Permit together with the application fee.
- 8 No interments in the cemetery can take place until the excavated grave has been inspected by Council's authorised person.
- 9 The application fee for establishment of a private cemetery on rural land will be as set by Council in its annual fees and charges. This fee is not refundable.
- 10 The application fee for a "Permit for Burial" including the grave inspection shall be set by Council in its annual fees and charges.
- 11 Further information may be required by Council in the individual case.
- 12 That the General Manager be authorised to vary this policy where in the General Manager's opinion it is appropriate in light of the circumstances of the case to do so.

ANNEXURE 2**DRAFT PROPOSED POLICY - June, 2008**POLICY MANUAL

POLICY NO: 3.1.5	CEMETERIES AND BURIALS ON PRIVATE RURAL LAND
OBJECTIVE:	To regulate the establishment and operation of cemeteries and burials on private rural land containing a maximum of 10 burial allotments.
STRATEGIC PLAN LINK:	Natural Environment, Quality of Life
SECTION RESPONSIBLE:	Environmental Health
AUTHORISED: 11/6/91, Reviewed 5/09/95	Draft Policy for Public Exhibition

That Council consider applications for the establishment of cemeteries on private rural lands and burials within the cemeteries in accordance with the following requirements.

PART A - CEMETERIES

- 1 Application in writing must be from the owner/s of the land and must include the following information:-
 - (a) Proof of ownership of the land.
 - (b) Written approval of the Owners Corporation, Community Association or other similar owner governing body where the land is within a strata title, community title or multiple occupancy development. The approval must refer to the resolution/determination of the relevant governing body granting its approval to the application, and must include approval of the proposed cemetery location, number of proposed allotments and the like.
The relevant governing body must properly consult with their community, and in particular with the owners/occupiers of dwellings and dwelling sites immediately adjoining, and other sites within the neighbourhood of, the proposed cemetery.
 - (c) Accurate details, to an approved scale, showing the precise location of the cemetery as related to permanent existing observable landmarks. Council reserves the right to require that the location of the cemetery be set out and be verified by a registered surveyor, *and that the cemetery be formally incorporated into the title of the land.*
 - (d) Accurate details, to an approved scale, showing the layout and the proposed dimensions of the cemetery and allotments and including the designation of each allotment. The layout of the cemetery must also take into account the need for future maintenance of the cemetery and any memorials and any other appurtenances.

- 2 A maximum of ten (10) burial allotments shall be provided in the cemetery. Any proposal for a cemetery exceeding ten (10) allotments will require the submission of a Development Application.
- 3 *The land (and the total land area of all lands within a multiple occupancy, community title or strata title development) on which the cemetery is to be located must*
- *have a minimum area of five (5) hectares; and*
 - *not make likely the contamination of a drinking water supply or a domestic water supply; and*
 - *have reasonable and safe pedestrian and vehicular access to the cemetery; and*
 - *be provided with appropriate visual buffering from neighbouring dwelling sites, and*
 - *otherwise be suitable for the purposes of a cemetery.*

Council may require the submission of a report/s from a suitably qualified person/s which provides relevant information showing compliance with these requirements.

- 4 *All burial allotments within the proposed cemetery must be sited:*
- *a minimum of 50 metres from any neighbouring dwelling or approved dwelling site with an active development consent to construct a dwelling, in regard to lands contained in multiple occupancy, community title or strata title developments, and a minimum of 100 metres from the boundary of any adjoining land that is not part of the the multiple occupancy, community title or strata title development.*
 - *In all other circumstances a minimum of 100 metres from the boundary of any adjoining land.*
- 5 The boundaries of the cemetery must be permanently marked with posts, fencing or other approved method, and this must be properly documented in the application.
- 6 The application for a cemetery on private rural land, any burials in the cemetery, and the operation of the cemetery, must satisfy the relevant provisions of the Public Health Act and Regulations, any relevant NSW Health Policy, and this Policy.
- 7 The application fee for establishment of a private cemetery on rural land, shall be as set by Council in its annual fees and charges.

PART B - BURIALS

- 1 No burial shall take place unless cemetery is approved by Council and an "Application for Burial on Private Rural Land " has been approved by Council. A certified copy of the death certificate, issued by a medical practitioner or the coroner, is to accompany the application together with the application fee. *The application must also include siting and dimension details for the grave.*
- 2 No burial can take place in the cemetery until the excavated grave has been inspected and been approved by Council's authorised person.

- 3 *Grave sites must be permanently marked.*
- 4 The application fee for an "Application for Burial on Private Rural Land " and including the grave inspection fee, shall be set by Council in its annual fees and charges. Application fees are not refundable.

PART C - DEPARTURE FROM THE POLICY

- 1 That the General Manager be authorised to vary this policy where deemed appropriate in light of the circumstances of the case to do so. *Where a departure is sought the applicant must provide a comprehensive and compelling submission to accompany the application.*

Report

Subject	Fire Safety in Buildings Policy
File No	S963
Prepared by	Fire Safety Officer
Reason	To seek Council Adoption of the Fire Safety in Buildings Policy
Objective	To improve the level of fire safety in buildings in the Council area
Strategic Plan Link	Quality of Life
Management Plan Activity	Building Services Fire Safety Program

Overview of Report

This report seeks Council adoption of the Fire Safety in Buildings Policy.

Background

Council at its meeting of March 11, 2008 resolved to exhibit the draft Fire Safety Policy for a period of twenty-eight (28) days.

The purpose of this Policy is to provide clear guidelines about how Council will conduct its legislative requirements with respect to fire safety in existing buildings as well as Council's moral and ethical responsibilities to the occupants of those buildings to ensure that a reasonable level of fire safety has been provided.

The policy applies to buildings with a classification of 1b to 9c (bed and breakfast, multi unit residential, commercial, industrial, assembly buildings, nursing homes and the like) as defined in the Building Code of Australia.

The policy will also assist in the development of improved standards for fire safety in existing buildings in the Council area.

A copy of the Policy is attached for Councillors' information.

Comments:

Financial Services

Not required.

Public Exhibition:

The Draft Policy document was placed on public exhibition for a four (4) week period via notification in Council's newsletter and website with copies of the draft policy available at Council's CBD office and Corporate Centre, Goonellabah. No submissions were received.

Conclusion:

Lismore City Council currently does not have a recognised strategy for the fire safety upgrading of existing buildings and the management of the fire safety measures installed in buildings in the Council area.

Having an agreed strategy contained in a formal Policy document provides Council with a far greater level of direction and foundation from which to proceed. As a result the fire safety upgrading of existing buildings will ensure safer buildings are provided for residents and visitors to the Council area.

The Policy will also assist in raising the awareness of Lismore's residents and building occupants improved levels of fire safety in buildings.

The Name of the Policy has been changed to "Fire Safety in Buildings" to more accurately reflect the nature and intent of the Policy.

Recommendation (PLA11)

That Council formally adopt the "Fire Safety in Buildings" policy as presented.



POLICY MANUAL

POLICY NO:	
FUNCTION:	Development & Governance
ACTIVITY:	Fire Safety of Buildings
STRATEGIC PLAN LINK	Quality of Life
OBJECTIVE:	To improve the level of fire safety afforded to occupiers of buildings within the City.
SECTION RESPONSIBLE:	Environmental Health & Building Services
AUTHORISED:	REVIEWED:

1. Introduction

1.1. This Policy sets out Lismore City Council's position relating to the development of improved standards for fire safety in existing buildings which have a classification of 1b to 9c as defined in the Building Code of Australia.

1.2. This Policy was adopted by resolution of the Council on

1.3. The Objectives of this Policy are:

- 1.3.1. To ensure fire safety compliance in all buildings (classes 1b to 9c) within the Lismore City Council area for the purpose:-
 - a. to protect life safety;
 - b. to prevent injury & death;
 - c. to minimise the loss of property damage caused by fire;
 - d. to prevent fire;
 - e. to suppress fire;
 - f. to prevent the spread of fire;
 - g. to promote the safety of persons in the event of fire;
 - h. to ensure the maintenance of essential fire safety measures is carried out;
 - i. the use of a premises does not constitute a fire hazard.
- 1.3.2. To give the community confidence that Lismore City Council undertakes its obligations under the law seriously in terms of annual fire safety statements.
- 1.3.3. To establish guidelines for the fire safety audit process of existing buildings in the Lismore City Council area.
- 1.3.4. To undertake inspections to ensure buildings & building owners comply with relevant legislation.
- 1.3.5. To detail provisions for enforcement of current legislation.

2. Policy statement

Lismore City Council

- 2.1. will be proactive in terms of fire safety & follow up complaints about non-compliance in a timely fashion.
- 2.2. will co-operate with the NSW Fire Brigades & NSW Rural Fire Service in carrying out fire safety inspections where required; &
- 2.3. will implement a fire safety program with systems to track & ensure compliance in terms of annual fire safety statements, general fire safety matters & ensure existing buildings are upgraded to provide a reasonable level of fire safety.

3. Principles

The Fire Safety Policy has been developed based upon the following guiding principles:

3.1. Investigation of Fire Safety Matters

- a. Investigation of fire safety matters in buildings will be actioned as a result of :
 - b. Council's Fire Safety Audit Programme.
 - c. Complaints from the public, NSW Fire Brigades or NSW Rural Fire Service.
 - d. Inadequate certification / maintenance of existing Fire Safety Measures.
 - e. Assessment of Development Applications; Construction Certificates &
 - f. Complying Development Certificates.
 - g. Fire safety breaches identified by Council officers during the course of building inspections.
 - h. Application for Approval for a Place of Public Entertainment;
 - i. Maintenance of Fire Safety Measures Register.

3.2. Complaint Procedure

Lismore City Council's Building Services will respond to all complaints & action requests regarding fire safety as a matter of urgency.
Urgent matters are investigated the day they are received or immediately the following day.

3.3. Co-operation with NSW Fire Brigade & NSW Rural Fire Service

Under the *Environmental Planning & Assessment Act 1979, Section 118M*, Council is required to carry out a fire safety inspection if notified of a breach by the NSW Fire Brigade.

Council will, on receipt of notification, act as a matter of urgency, to carry out those requested inspections. Where necessary Council authorized staff will carry out joint inspections with the NSW Fire Brigades.

Council supports the NSW Fire Brigades & the NSW Rural Fire Services in their role by carrying out our legal & moral obligations in relation to fire safety inspections.

3.4. Fire Safety Program.

To address the complexities of ensuring that an acceptable level of fire safety is provided to the occupants of buildings in the Lismore City Council local government area, Council has developed a fire safety program consisting of the following six (6) sections :--

- a. Maintenance of Essential Fire Safety Measures;
- b. Fire Safety Audit of Buildings;
- c) Fire Safety Orders;

- d) Enforcement;
- e) Places of Public Entertainment (POPE);
- f) Community Awareness & Education.

4. Legislation & References

Environmental Planning & Assessment Act 1979;
Environmental Planning & Assessment Regulations 2000;
Building Code of Australia 2007;
Relevant Australian Standards (in particular AS 1851-2005).
Local Government Act 1993;
Local Government (General) Regulation 2005;

Report

Subject	Goods and Services Tax - Council Compliance Requirements
File No	S210
Prepared by	Manager – Finance
Reason	Department of Local Government requirement for councils to supply a 'certificate of confirmation' regarding their Goods and Services Tax systems
Objective	For Council to resolve to sign the attached certificate of compliance.
Strategic Plan Link	Leadership by Innovation
Management Plan Project	Financial Services

Overview of Report

The Department of Local Government requires all councils to provide a statement of compliance or independent review to the effect that their GST management systems are adequate with regards to being compliant with the GST legislation.

Background

With the introduction of the Goods & Services Tax (GST) in July 2000, the Australian Taxation Office (ATO) requested NSW Treasury to provide some assurance that NSW Councils were meeting their GST obligations.

In June each year, the Commonwealth seeks from members of the GST Administration Subcommittee (GSTAS) advice on voluntary GST payments by local government bodies. The timing of this request is to allow the Commonwealth Commissioner of Taxation to make a determination concerning the amount of GST collected in the financial year in question. Information sought by the Commonwealth is simply instances of where voluntary payments should have been, but were not, paid by local government bodies.

Accordingly, local governing bodies are requested to provide the Department of Local Government (DLG) with this advice in June each year. The DLG then provides advice to NSW Treasury for confirmation with the Commonwealth Commissioner of Taxation.

Initially, this was achieved by the DLG requiring councils to annually issue their auditor with a statement to the effect that GST management systems were in place to ensure compliance with GST legislation as well as copies of any correspondence regarding outstanding taxation debts that are attributable to the business activity statement.

Based on this, the auditor would undertake an independent review, not a tax audit, on Council's GST management systems. This was completed for 2001, 2002, 2003 and 2004 by Council's Auditor, Thomas Noble and Russell and an appropriate GST Audit Review Report issued.

In 2005, the DLG amended this requirement so that a council could either provide a certificate of confirmation, therefore reduce costs, or at its own discretion (and expense), initiate an external review to support the process. For 2005, 2006 and 2007, Council resolved to provide the certificate of confirmation.

For the current reporting period (1 May 2007 to April 30, 2008) the approach from recent years is again recommended based on the following reasons:-

a) Council's GST management systems were reviewed and updated as part of the implementation of the new corporate software system, Authority. This review included all new business practices necessary for processing transactions. The Authority system provides for the electronic preparation of the BAS with a range of reporting options that all full transactional investigation of each GST transaction category.

b) Council's GST management systems are centralised within the Finance section, predominately computerised and the monthly business activity statement (BAS) is prepared and reviewed by the Manager – Finance.

c) Staff have received extensive training on using Authority and are proficient with data processing requirements to accurately record and therefore correctly report GST on the BAS.

d) The vast majority of Council's transactions (rates, water, payment of creditor invoices, issuing of debtor invoices, cash payments, grants, contributions, fees and charges) are consistent from year to year and therefore the correct GST treatment does not change.

e) A review of current practices is regularly instigated to assess compliance to GST legislation.

General Information

Lismore City Council is registered for GST purposes. Based on this registration, Council is required to submit a monthly Business Activity Statement (BAS). For the period July 1, 2000 to April 30, 2008, a total of 94 BAS's have been completed and submitted on time to the ATO. A summary of the relevant information included on these follows:-

- | | |
|-------------------------------------|---------------|
| • Total GST payable to the ATO | \$ 10,286,905 |
| • Total GST receivable from the ATO | \$ 26,480,787 |

During this time, the ATO has undertaken a compliance review in August 2003 and a BAS refund assurance audit in September 2006. While the compliance review was limited, we were advised that Council '...had achieved a high level of GST preparedness towards ensuring voluntary compliance.' There was one transaction identified as being non compliant that had to be adjusted. As to the assurance audit, all documentation required was provided and the ATO advised that no further action was required.

Comments

Other staff comments

Not required.

Public consultation

Not required.

Conclusion

The Department of Local Government requires Council to provide a statement of compliance or independent review to the effect that Council's GST management systems are adequate with regards to being compliant with the GST legislation.

Given the reasons included in the report, the recommended approach is for Council to provide a statement of compliance to satisfy this requirement rather than undertaking an independent review.

Recommendation

That Council submit a Goods and Services Tax Certificate to the Department of Local Government certifying the payment of voluntary GST for May 1, 2007 to April 30, 2008 signed by the Mayor and Deputy Mayor.

**COUNCIL OF THE CITY OF LISMORE****GOODS AND SERVICES TAX CERTIFICATE****Payment of Voluntary GST 1 May 2007 to 30 April 2008**

To assist compliance with Section 114 of the Commonwealth Constitution, we certify that:

- Voluntary GST has been paid by Lismore City Council for the period 1 May 2007 to 30 April 2008.
- Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed.
- No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office.

Signed in accordance with Council's resolution made on June 10, 2008.

Merv King
Mayor

John Chant
Deputy Mayor

Paul O'Sullivan
General Manager

Rino Santin
Manager – Finance
(Responsible Accounting
Officer)

Report

Subject	Debt Recovery – Credit Terms and Pensioners
File No	S204
Prepared by	Debt Recovery Officer
Reason	Council's debt recovery procedures are being reviewed and direction is sought on credit terms applied to water and sundry debtor accounts, and recovery practices to be applied to pensioners.
Objective	Council to determine the appropriate credit terms for water and sundry debtor accounts, and recovery practices applied to pensioners.
Strategic Plan Link	Leadership by Innovation
Management Plan Project	N/A

Overview of Report

To improve Council's debt recovery processes, the current Debt Recovery Procedures are being reviewed. Two issues, a) credit terms for water and sundry debtor accounts and b) the exclusion of pensioners from legal proceedings and sale of land for unpaid rates, have been identified as requiring Council determination.

Background

The Debt Recovery Procedures for rates, water and sundry debtors are being reviewed to ensure all customers are treated in a consistent and fair method. They will be contemporary procedures that clearly set out the process to be followed by staff and best use the limited debt recovery resources available.

The typical steps in the process to be followed are, after the initial account is issued, the process includes a reminder letter, a letter from the collection agent, and if payment is not made or a satisfactory payment arrangement agreed and maintained, legal action is to commence.

The following are two issues identified in the review that which require Council to determine:-

Credit Terms

The revised procedures stipulate credit terms. Credit terms relate to the time allowed for a customer to pay an account stated as the number of days. While credit terms for rates are set by legislation (instalment due dates being August 31, November 30, February 28 and May 31), credit terms for water and sundry debtor accounts are discretionary.

Currently, water account credit terms are one month. This has been practice since user pays billing commenced in the early 1990's. It is not proposed to change the current arrangement.

Sundry debtor account credit terms vary depending on the client and credit history. The majority of customers pay on a monthly basis, hence it is proposed that credit terms are to be 30 days. However, it needs to be recognised terms can vary depending on the size of the customer e.g. Government, Boral, Hanson, and the customers credit history. When considering these factors, the credit terms need some flexibility to cater for special circumstances.

In all cases (rates, water or sundry debtor accounts), where the credit terms are exceeded, the debt recovery process will commence

Pensioners

There is also a reluctance to pursue pensioners legally or to sell land for unpaid rates hence the revised procedures propose to exclude them from this part of the debt recovery process. If this approach is taken, the best possible outcome with a pensioner who has arrears is a long term arrangement.

An eligible pensioner is one who is entitled to a pensioner concession card issued by or on behalf of, the Commonwealth Government or the Commonwealth Department of Veterans' Affairs. (Chapter 2 of the Social Security Act 1991 and Veterans Entitlements Act 1986)

If the person applying for a pension is the only owner of a property then they would be eligible for the full 100% rebate. If the same person shared the dwelling with someone not eligible for a pension, they could receive a 50% rebate. The percentage of rebate is worked out on their share of ownership. The pensioner must also live on the rated property to be eligible.

Council has approximately 4,500 assessments with a registered pensioner, of which approximately 10% have arrears owing on their rates, amounting to approximately \$440,000. This is a significant amount of the total rates debt outstanding of \$1.1 million as at May 2008.

Currently, these customers are sent a reminder notice requesting they make contact with Council to make a payment arrangement. It is proposed to continue this approach but also investigate other payments options. Most people on a pension cannot pay a large bill when they receive it. They prefer to pay them off over time as they don't have the income to support a large payment and need to budget for it. Many of these customers who ring Council are also incapacitated and have trouble getting out paying their bills.

For example, 'Centrepay' through Centrelink is to be considered. The advantage is that the voluntary payment is deducted from the pension before it is paid to the pensioners.

Comments

Financial Services

In reviewing the debt recovery procedures, both the exclusion of pensioners from the process where legal action is required or the sale of land for unpaid rates considered, and the setting of credit terms for water and sundry debtor accounts were considered policy matters to be determined by Council.

In regards to pensioners, it is still proposed to continue to pursue outstanding debts, but not using legal or court processes. As to the financial impact, both the rates and water accounts are 'charges against the property' meaning on the transfer of the land, typically all outstanding rates and water charges will be recovered as part of the property settlement. It should be noted that outstanding rates and water charges attract an interest penalty with the current rate of interest being 10%.

As to credit terms, what is proposed is consistent with normal business practice and is supported.

With the review of the debt recovery procedures and the proposal to exclude pensioners from legal proceedings for outstanding rates and water charges, and adoption of generally accepted credit terms, the task undertaken by Finance to recover debt will become more efficient and effective as there is greater surety with the key steps in the process to be undertaken.

Other staff comments

Not required.

Public consultation

Not required

Conclusion

Direction is sought from Council on credit terms and the exclusion of pensioners from the debt recovery process for outstaying rates and water. This will assist in the implementation of the Debt Recovery Procedures currently being reviewed.

In regard to credit terms, it is proposed to move to normal business practice for sundry debtors being 30 days, but acknowledging that this may vary depending on the client and client history. No change is proposed in current practice of one month for water accounts. For rates, credit terms are set by legislation.

It is proposed to continue to pursue pensioners for outstanding rates and water debts, but not to the full extent of the normal Debt Collection Procedures. All steps within the procedures will be followed except those that require legal action or sale of land for unpaid rates. The 'Centrepay' option will be explored to assess the benefits to both the customer and Council.

Recommendation

That Council endorse the following principles pertaining to debt recovery procedures:-

- 1 That credit terms for sundry debtor accounts be generally 30 days, but subject to variation depending on the quantum of the client account and client history.
2. That credit terms for water accounts be one month.
3. That pensioners be excluded from legal proceedings and the sale of land for unpaid rates for rates and water debt recovery processes.

Report

Subject	Investments held by Council – May 2008
File No	S178
Prepared by	Management Accountant
Reason	Required by Local Government Act 1993, 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 May 2008 are estimated to be \$32,914,754 subject to final value of funds held under separate management being advised shortly.

The interest rate reported over the period of May 2008 is estimated to be 7.00% in comparison to 7.25% for May 2007. Council's return of 7.00% is below the Bank Bill Swap Rate for the same period of 7.75%. The final interest return may vary due to actual returns achieved in the funds held under separate management.

All but one rated investment continue to maintain acceptable credit ratings. The acceptable credit rating is set by the Minister for Local Government and would typically indicate that capital on maturity and interest on investment receipts will be received. The Herald Limited (Quartz) CDO investment has been downgraded to the A- credit rating by Standard and Poor's and therefore no longer meets the Minister's requirements. Advice is being sought on alternatives from Council's investment advisor and will be reported to Council.

As reported previously, the volatility has resulted in the future payment of interest from two investments to cease until such time the investments reach a trigger which allows interest payments to recommence. This trigger has not yet been achieved.

Background

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

Report on Investments

- | | |
|--|--------------|
| • <i>Confirmation of Investments – at Market Value – 30 April 2008</i> | \$32,421,318 |
| • <i>Estimated Investments – at Market Value – 31 May 2008</i> | \$32,914,754 |

The current rate of return on investments for May 2008 is estimated to be 7.00% compared to 7.25% for May 2007. Council's return of 7.00% is below the Bank Bill Swap Rate for the same period of 7.75%. The rate of return reported has been calculated using actual returns where available and estimates based on the previous period balance and interest rates. The methodology used to calculate estimates appears reasonable in light of discussions with the portfolio manager.

Volatility in the investment markets has continued to impact on Council's current market valuation of investments and interest on investment returns. Council's investment advisors have confirmed the view that the current valuation of the market is not a true reflection of Council's overall position as typically most investments are held to maturity. Most rated investments held have a credit rating (AAA to A for long term investments, A1 to AA for short term investments) indicating the underlying assets supporting the investments are sound. With most credit ratings acceptable, receipt of interest on investments are anticipated in all cases except on the two investments previously advised (Longreach Series 25 and ANZ ASPRIT III).

One investment held in the Individually Managed Portfolio has recently been downgraded to A-. This rating falls outside the Minister's Order. Council therefore needs to consider the options of either holding or selling this investment. The DLG Circular 8-10 provides guidance on the factors to be considered by a council when this situation occurs. The investment in question has a Base Capital Value of \$30,000. This is considered immaterial as it is less than 1% of the total portfolio. The investment is due to mature in December, 2010. To sell at this stage would realise a capital loss. It is considered prudent to continue to hold the investment at this stage until further investigation of the options available can be undertaken and reported to Council.

Attachments

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

- Summary of Capital Value Movements on Investments including name of institution, lodgement date and maturity date.
- Schedule of Estimated Interest showing interest rate and estimated interest earned for the period.
- Total Investment Portfolio held by month with last year comparison - graphical
- Investment by Type - graphical
- Weighted average interest 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 May 31, 2008, investments total \$32,914,754 and the annualised rate of return was 7.00%.

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

1. That the report be received and noted.

**MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING
HELD ON MAY 21, 2008, AT 10.00 AM.**

	Present	Councillor Merv King (<i>Chairperson</i>), Ms Karen Wilson on behalf of Thomas George, MP, Stefan Wielebinski (<i>RTA</i>), Snr Const Rob Clarke (<i>Lismore Police</i>).
	In Attendance	Councillors Jenny Dowell and John Hampton, Scott Turner (<i>Manager-Assets & Support Services</i>) and Bill MacDonald (<i>Traffic & Emergency Services Coordinator</i>).
	Deputations	Jyllie Jackson (<i>Lismore Lantern Parade</i>) for Item TAC19/08 and John Bancroft (<i>Events Co-Ordinator</i>) for Item TAC26/08.
TAC17/08	Apologies	An apology for non-attendance on behalf of Thomas George, MP, was received and accepted.
TAC18/08	Minutes	The Committee was advised that the minutes of the Traffic Advisory Committee meeting held on April 16, 2008, were confirmed by Council on May 13, 2008.

Disclosure of Interest

Nil

Part 'A' – Committee Recommendations

Lismore Lantern Parade

Submitting details of the proposed road closures associated with the Lismore Lantern Parade to be held on Saturday, June 21, 2008.

Jyllie Jackson was present at the meeting to speak on the proposed event. A traffic control plan, template and details of specific parking restrictions or road closures had been submitted. It was explained that the proposal followed practically the same schedule as last year and incorporated the parade, market delight and street party.

TAC19/08 Recommendation: That the Lismore Lantern Parade traffic management plan and associated template be approved as submitted.

Voting unanimous

(S823)

David Martin (Instyle Water Beds & Sleep Centre) – Closure of Laneway

Raising concerns regarding undesirable night activities occurring in the laneway adjacent to their building located in Woodlark Street and suggesting the lane be closed at night and reopened each morning.

This location has been of concern to Lismore Police and local businesses for some time and the proposal to close the lane at night was supported at a recent CitySafe Committee meeting. The lane is approximately 3m wide and runs north-south from Woodlark Street through to Larkin Lane. Whilst it is a through lane it is predominately used by adjacent businesses and a resident who lives above the shops. All those adjacent to the lane support the proposed night-time closure. The owner of Coles Cars Sales has undertaken to open the gates each morning and close them again at night.

TAC20/08 Recommendation: That the proposed night-time closure of the unnamed lane between Nos. 105-107 Woodlark Street be put to emergency services organisations and advertised, and providing no objections are received, arrangements be made to have the closure implemented.

Voting unanimous

(08-3934:R7315,R7329)

BSC (Bearing and Power Transmission Solutions) – Union Street
Requesting consideration of introducing a 15-minute Parking Zone on the western side of Union Street in front of their business.

Discussions had been held with all four businesses adjacent to the area in question and all agreed that there would be benefits in introducing time-limited parking as the area was often fully utilised by long-term parkers. The businesses affected were Hutleys Butcher, BSC, Lismore Trophies and the Teachers Federation Office upstairs which was moving shortly.

TAC21/08 Recommendation: That 15-minute parking be introduced on the western side of Union Street from the southern boundary of Hutleys Butchers at No. 127 Union Street to a point 3m south of the northern side boundary of No. 123 Union Street.

Voting unanimous

(08-4203:R6938)

Lismore Turf Club – 2008 Lismore Truck Parade

This is the 7th annual Lismore Truck Parade which is proposed to leave the racecourse at 10.00a.m. on Saturday, August 2, 2008 and proceed through to Molesworth Street to Heritage Park where the trucks turn around then return to the race course. The traffic management plan is the same as in previous years however, due to a safety issue raised by the Rural Fire Service which provided traffic control for last year's event, it is suggested that advanced warning signs be included at the intersections of Woodlark and Keen Streets and Magellan and Keen Streets advising motorists of 'traffic delays ahead.'

TAC22/08 Recommendation: That approval be granted for the proposed truck parade as outlined with the inclusion of the advanced warning signage as indicated above.

Voting unanimous

(08-4276:S336,P10386)

NSW Roads & Traffic Authority – Shepherd Lane, Lismore
Forwarding request from Ms Thompson of the North Coast Brain Injury Rehabilitation Service at No. 145 Laurel Avenue that parking be prohibited on the northern side of Shepherd Lane, each side of their driveway access.

Parking along the southern side of Shepherd Lane is already prohibited and there are very few spaces along the northern side where parking is permitted. Whilst the lane is two-way traffic, any onstreet parking reduces its width to one lane. The North Coast Brain Injury Rehabilitation Service operates from No. 145 Laurel Avenue and has constructed a carpark within its land with access off Shepherd Lane. Whilst the service has erected a convex safety mirror on Shepherd Lane opposite its driveway to afford a view of vehicles travelling along the lane from the west, a view to the east is severely restricted by vehicles that regularly park on the lane close to their driveway. Discussions with a representative from Interrelate Family Centre next door, which also has an adequate off-street parking area, experience similar problems. For safety reasons it is considered appropriate that the existing parking restrictions be extended to include the length of the properties at Nos. 145 and 143 Laurel Avenue.

TAC23/08 Recommendation: That the existing No Stopping restrictions on the northern side of Shepherd Lane be extended to include the full length of the rear of the properties at Nos. 143 and 145 Laurel Avenue.

Voting unanimous

(08-4281:R6066)

Stephen Clark – Caniaba and Spring Grove Roads

Requesting consideration of reducing the speed limit on Caniaba and Spring Grove Roads from 100 kph to 80 kph.

An 80 kph speed limit exists on Caniaba Road from the Road Runner Caravan Park to Fredericks Road. Beyond Fredericks Road, Caniaba Road reverts to the general rural State speed limit of 100 kph. The section of Caniaba Road in question starts at the Fredericks Road intersection and continues on down through a narrow and winding 'cutting' and on to the Lismore local government boundary at Pelican Creek on Spring Grove Road, being a total distance of approximately 6km. Due to the number of residences and the low standard alignment of Caniaba Road there is merit in considering an extension of the existing 80 kph zone down to a point 200m west of the Caniaba and Spring Grove Roads intersection. The balance of the road which is named Spring Grove Road is of a higher standard and a reduction is not considered warranted.

TAC24/08 Recommendation: That the proposal to extend the 80 kph speed limit on Caniaba Road from Fredericks Road to a point 200m west of the intersection of Caniaba and Spring Grove Roads being a distance of 3.6km, be supported in principle and referred to the RTA for assessment and approval if deemed appropriate.

Voting unanimous

(08-4293:R4701,R4751)

Part 'B' – Determined by Committee

Paul Boxsell - Habib Drive / Krauss Avenue Intersection

Suggesting that a Give Way sign be installed on Habib Drive at its intersection with Krauss Avenue, South Lismore.

B-08-05:1 Movements at this intersection have changed since completion of the new access road fronting the Airport Industrial Estate. There is now a considerable amount of traffic that travels along Krauss Avenue and continues past Habib Drive in either direction. Habib Drive is the terminating street. Sight distance is good at the intersection and whilst there may have been some settling period where motorists exiting from Habib Drive were not expecting through traffic on Krauss Avenue, there was no known accident history at the upgraded intersection and it is considered that motorists would now be familiar with prevailing conditions. As the intersection was a standard T-formation, a Give Way sign was not considered warranted.

It was agreed: That the status quo remain.

(R6921,R6924)

NSW Roads & Traffic Authority - School Zone Flashing Lights

Advising that the NSW Government has committed to the installation of an additional 400 flashing lights in School Zones across New South Wales.

B-08-05:2 The project is part of a 4-year \$46.5 million commitment to improve safety around School Zones. The RTA has advised that two sites within the Lismore local government area have been included in the initial roll-out; these being at Goonellabah Public School on the Bruxner Highway and Wyrallah Road Public School on Wyrallah Road. It is anticipated that installation of the new flashing lights will occur between May 29, 2008 and June 30, 2008. Ongoing maintenance and operation will be managed by the RTA. Lismore City Council has been supportive of this project for a number of years and it is encouraging to see this latest progress.

It was agreed: That the Committee note the RTA's advice and that it work with the RTA to ensure other schools within the Lismore local government area are included in future programs. (08-4170:R6408,R5201)

Chris and Sharron Mills – Hurford Place, East Lismore
Requesting consideration of installing a Give Way sign on Hurford Place at its intersection with Murray Street, East Lismore.

B-08-05:3 The intersection of Murray Street and Hurford Place physically forms a T-intersection, even though one of the through legs is Hurford Place. Murray Street comes off Wyrallah Road and continues at a right angle bend at the intersection of Hurford Place onto Floral Avenue. Both of these roads service predominately local traffic and excellent sight distance of oncoming vehicles exists in any direction at the intersection in question. There is no recorded accident history. A Give Way sign is not considered warranted.

It was agreed: That the writers be advised that a Give Way sign at the intersection of Murray Street and Hurford Place, East Lismore, is not considered warranted given the above conditions. (08-4210:R7451,R7457)

Councillor Ros Irwin – Kellas Street, Lismore Heights
Raising concerns relating to the excessive speed of motorists using Kellas Street to access Southern Cross University and requesting consideration of installing speed humps on Kellas Street.

B-08-05:4 The Committee was advised that classifiers had been installed on the section of Kellas Street between the last house and the entrance to the University to determine the 85th percentile speed. The results indicated that this was 60 kph. The signposted speed limit was 50 kph. There was some concern expressed regarding the suitability of installing calming devices along this section of road bearing in mind the grades, restricted sight distance and the lack of street lighting.

It was agreed: That this matter be referred to Council's Design Services Section for further investigation and assessment of the warrant for the installation of traffic calming devices bearing in mind the above concerns and further that any proposal be referred back to the Committee for further consideration. (R7121)

Darrel Chapman Fun Run
Southern Cross University submitting a traffic management plan and template for the proposed Fun Run to be held on Sunday, May 25, 2008, commencing at 9.00a.m.

B-08-05:5 This is the 13th annual Darrel Chapman Fun Run, commencing at the University and proceeding around the streets of East Lismore which are controlled by signage, marshals and traffic controllers. Letterbox drops have been carried out to all residents in the affected area advising them of the proposed Fun Run. The traffic management plan is unchanged from 2007. Approval from Lismore Police has already been obtained by the organisers.

It was agreed: That approval for the proposed Fun Run be granted in accordance with the plan and template submitted.
Voting unanimous (S336)

Australian Hercules Series of Strongman Truck Pull – Keen Street
Requesting consideration of closing the north-bound lane of Keen Street, south of Larkin Lane, for a period of approximately 15 minutes to allow the staging of a truck pulling event on Thursday, May 22, 2008 at 1.00p.m.

- B-08-05:6 The Italo Australian Club is the local co-ordinator of this event and has sought the closure of Keen Street due to its location and standard of road surface. The event has international significance and a large media contingent is anticipated to be present. The event involves Australia's current strongest man pulling a prime mover for a distance of 30m in an effort to achieve a new Australian record. Council's Events Co-ordinator, John Bancroft was at the meeting to provide additional information. A traffic management plan was tabled showing the proposed road closure and controls. It was noted that north-bound traffic flows on Keen Street would be maintained except for a very short period when the actual event was taking place.

It was agreed: That approval be granted for the event as proposed and in accordance with the traffic management plan.

Voting unanimous

(P9542)

Closure

This concluded the business and the meeting terminated at 11.30a.m.

Chairperson

**Traffic and Emergency
Services Co-Ordinator**

Financial Assistance - Section 356

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

Budget: \$11,700 To date: \$13,350

Josh Paish requesting Council consider waiving the hire charges (\$725) for the City Hall on October 11, 2008 for a fundraising event to raise funds for the Children's Ward at the Lismore Base Hospital. An entrance fee is to be charged (S164:08-4633).

Recommendation: In accordance with Clause 5 of the policy, a donation of 20% of the hire fee applies \$181.25

Fiona Owens on behalf of INTRA requesting Council consider waiving the hire charges (\$229) for the City Hall on August 7, 2008 to hold a one day seminar for people who are on methadone treatment in the Lismore area An entrance fee is to be charged (S164:08-4638).

Recommendation: In accordance with Clause 5 of the policy, a donation of 20% of the hire fee applies \$45.80

Breast Cancer Network Australia requesting Council consider discounting the hire charges (\$117) for the City Hall on May 21, 2008 for a forum on breast cancer information, treatment, care and support. An entrance fee is not to be charged (S164:08-4640).

Recommendation: In accordance with Clause 5 of the policy, a donation of 25% of the hire fee applies \$29.25

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

Budget: \$12,000 To date: \$10,318.19

Animal Right & Rescue	\$11.82
Challenge Foundation	\$198.00
Five Loaves	\$127.80
Friends of the Koala	\$32.73
Lismore Soup Kitchen Inc	\$35.45
LifeLine	\$198.00
Saint Vincent De Paul	\$5.45
Westpac Life Saver Rescue Helicopter	\$35.45

In accordance with policy. \$644.70

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

Budget: \$2,700 To date:\$1,626.82.

Rainbow Dragons Abreast – seeking donation to bring in an experienced accredited coach for a weekend of coaching for the ladies. \$200.00

d) Miscellaneous Donations

The Salvation Army are requesting to waive the fees for two weeks banner hire for Carrington Street for their annual Red Shield Appeal of 24/25th May 2008.

Comment: The sum of the banner site for two weeks being \$196. Council's Policy 1.4.14 allows for one weeks banner hire to eligible non profit community organisations.

Recommendation: As per condition 5 of Council Policy 1.4.14, it is supported that one weeks hire fee of \$98 be waived for the Carrington Street banner using Section 356 Donation funds. The remaining \$98 fee for the second week is to be payable to Council by The Salvation Army. \$98.00

Recommendation

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

Documents for Signing & Sealing

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

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

Recommendation

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

Variation of Lease - Airservices Australia - 22/1122783 Part being Lot 19 DP 829125

Airservices Australia have an existing 20 year lease with Council that commenced on 1 July 1988. The lease is for a parcel of land at the Lismore Regional Airport where an aviation navigation beacon is situated. This variation of lease allows Airservices Australia to exercise their first of two options to renew the lease for a further period of 10 years.

Lease to Friends of the Koala Inc (P5144)

It is proposed that a lease be granted to Friends of the Koala Inc for the following adjoining Council owned properties Lot 16 DP552816 (23 Rifle Range Road) and Lot 3 DP883372 (16 Industry Drive). Both of these Lots are classified as community land and zoned 6a (recreation zone). In accordance with the Local Government Act, public notice of the proposed lease has occurred without any submissions being received.

At the request of Friends of the Koala Inc the lease period is to be for 21 years. The long term of the lease is considered necessary in order that they can show security of tenure over the land for the purposes of attracting grant funding. Friends of the Koala have indicated that they intend to improve and add to their existing infrastructure currently on site.

The proposed rent for the properties (land only) is to be \$1 (one dollar) per year for the full term of the lease. In setting the rent consideration has been given to the classification of the land and the not for profit nature of the proposed lessee.

Licence Agreement - Kerbside Dining - Dragonfly Café (P24014)

Licence over part of the roadway directly outside the principal restaurant business located in Carrington Street, Lismore comprising an area of 68 m² for the permitted use as kerbside dining. The licence is in accordance with Lismore City Council Policy 5.2.24 Carriageway and Kerbside Land Use. The term is for 5 years with a 2 year option.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, May 13, 2008 AT 6.00PM.

Present Mayor, Councillor King; Councillors Chant, Crimmins, Dowell, Ekins, Graham (6.48p.m.), Hampton, Henry, Irwin, Meineke, Swientek and Tomlinson, together with the General Manager, Executive Director-Development & Governance, Executive Director-Infrastructure Services, Principal Accountant, Strategic Engineer, Manager Community Services, Communications Co-ordinator, Corporate Compliance Co-ordinator and General Manager's Personal Assistant.

59/08 **Apologies/
Leave of
Absence** Leave of absence was granted for Cr Crimmins May 26, 2008 – June 18, 2008 and Cr Henry June 2, 2008 – June 8, 2008.
(Councillors Chant/Swientek)

60/08 **Minutes** The minutes of the Ordinary Meeting held on April 8, 2008, were confirmed.
(Councillors Dowell/Chant)

Disclosure of Interest

S451

Councillor Graham Meineke declared a perceived conflict of interest in Notice of Motion – McLeans Ridges Public Hearing as he prepared a part of the Development Application for the Rezoning.

Public Access Session

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

Lois Randall (Arts Northern Rivers) – Lismore Cultural Precinct – The Margaret Olley Arts Centre

Ms Randall spoke in support of the allocation of \$3m towards The Margaret Olley Arts Centre. She outlined the benefit of a new gallery to the community, predicted a new gallery would result in an increase in patronage of the gallery as the current gallery did not meet community expectations.

She claimed broad support from the Arts Community for the new gallery.

John Mulholland – McLeans Ridges Public Hearing

S451

Councillor Meineke declared a perceived conflict of interest and left the meeting during the public access session and relevant questions.

Mr Mulholland supported the concept of a Public Hearing into the proposed rezoning of land in McLeans Ridges. He raised a number of issues with respect to the current rezoning which he considered could more properly be covered at a Public Hearing than the current rezoning process.

At this juncture (6.48p.m.) Councillor Graham joined the meeting and Councillor Meineke rejoined the meeting.

Mayoral Minutes

Planning Reform Draft Legislation

- 61/08 **RESOLVED** that the minute be received and that Lismore City Council support the LGSA call for a freeze on the State Government's 'Planning Reforms' Draft Exposure Bill and that the said Bill be the subject of a Parliamentary Inquiry.
(Councillors King/Dowell)

Notice of Motions

Review of Financial Priorities and Strategic Direction

Formal notice having been given by Councillor Tomlinson it was MOVED that:

1. That Council form a taskforce of Councillors and senior management to review Council's financial priorities and strategic direction, with the overall aim of finding an extra \$2.5 million per year to spend on core infrastructure such as roads
2. That membership of the task force be self nominated Councillors and senior management.
(Councillors Tomlinson/Chant) (S960)

AN AMENDMENT WAS MOVED that the Notice of Motion be received and that this issue should be deferred to early (six months) into the term of the next Council.

On SUBMISSION to the Meeting the AMENDMENT was approved and became the MOTION.

Voting Against: Councillors Tomlinson, Swientek, King, Chant and Meineke.

- 62/08 **RESOLVED** that the Notice of Motion be received and that this issue should be deferred to early (six months) into the term of the next Council.
(Councillor Irwin/Graham)(S960)

Voting Against: Councillors Tomlinson and Chant.

Homeless Shelter

- 63/08 Formal notice having been given by Councillor Meineke it was **RESOLVED** that Council investigate any land it owns that could be considered suitable for a Homeless Shelter, as part of the Development Application process for the Shelter.
(Councillors Meineke/Hampton) (P5841)

Voting against: Councillor Ekins

McLeans Ridges Public Hearing

S541

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

Formal notice having been given by Councillor Irwin it was **MOVED** that Lismore Council initiates a Public Hearing into issues raised in submissions to the Council in regard to proposed rezoning of land in McLeans Ridges prior to considering further applications for rezoning.

(Councillors Irwin/Dowell) (S884)

On SUBMISSION to the Meeting the MOTION was defeated.

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

Constitutional Recognition for Local Government

64/08

Formal notice having been given by Councillor Dowell it was **RESOLVED** that Council:

1. Arrange a workshop to consider recognition of Local Government in the Australian Constitution and provide feedback to NSW LGSA on ideas, aspirations and desired outcomes.
2. Refers this matter to NOROC for their consideration.

(Councillors Dowell/King) (S47)

Voting against: Councillors Chant, Hampton and Meineke.

Lismore Sports and Aquatic Centre at Goonellabah

65/08

Formal notice having been given by Councillor Swientek it was **RESOLVED** that Council retain the name – The Goonellabah Sports and Aquatic Centre as the official name for the new emerging recreation facility in Goonellabah.

(Councillors Swientek/Irwin) (P30259)

Voting against: Councillor King

Reports

Lismore Cultural Precinct – The Margaret Olley Arts Centre

A MOTION was moved that the report be received and that Council:

1. Continue to develop architectural schematic drawings to a level of detail and presentation that will attract philanthropic and Government funding.
2. Develop reuse proposals for 'C' Block that will accommodate Gallery usage, Conservatorium usage and other essential community occupancies.
3. Publicly exhibit architectural schematics of modified the Margaret Olley Arts Centre prior to bringing a further report back to Council.

4. Enter into a specific Memorandum of Understanding with Southern Cross University outlining the University's funding support, joint administrative arrangements and the University's space and utilities requirements within the proposed Margaret Olley Arts Centre.
5. Make a commitment of \$3 million in its future capital works financial plan toward the development of the Margaret Olley Arts Centre on the understanding that additional funding will be available from Southern Cross University, private benefactors and State or Federal Government.

(Councillors Irwin/Dowell)(S857)

An AMENDMENT was MOVED that the matter be deferred until the new Council.
(Councillors Tomlinson/Chant)

On SUBMISSION to the meeting the AMENDMENT was defeated.

Voting Against: Councillors Irwin, Ekins, Dowell, King, Graham, Henry, and Meineke.

66/08 **RESOLVED** that the report be received and that Council:

1. Continue to develop architectural schematic drawings to a level of detail and presentation that will attract philanthropic and Government funding.
2. Develop reuse proposals for 'C' Block that will accommodate Gallery usage, Conservatorium usage and other essential community occupancies.
3. Publicly exhibit architectural schematics of modified the Margaret Olley Arts Centre prior to bringing a further report back to Council.
4. Enter into a specific Memorandum of Understanding with Southern Cross University outlining the University's funding support, joint administrative arrangements and the University's space and utilities requirements within the proposed Margaret Olley Arts Centre.
5. Make a commitment of \$3 million in its future capital works financial plan toward the development of the Margaret Olley Arts Centre on the understanding that additional funding will be available from Southern Cross University, private benefactors and State or Federal Government.

(Councillors Irwin/Dowell)(S857)

Voting against: Councillors Chant, Swientek and Tomlinson

Operating Hours for Lismore Memorial Baths

A MOTION was MOVED that Council endorse the pool operating hours for the period June, July and August 2008, with opening hours of:

25 metre pool and the 50 metre pool

Weekdays	6.00am - 8.00am
	12.00pm - 2.00pm
	4.00pm - 6.00pm
Weekends	Closed

(Councillors Ekins/Irwin)(P6768)

An AMENDMENT was MOVED:

1. That Council endorse the pool operating hours for the period June, July and August 2008, with opening hours of:

25 metre pool

Weekdays	6.00am - 8.30am 12.00pm - 2.00pm 4.00pm - 6.00pm
Weekends	Closed

2. Better marketing be undertaken for the Memorial Baths.
(Councillors Irwin/Graham)

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

67/08

RESOLVED that the report be received and:

1. That Council endorse the pool operating hours for the period June, July and August 2008, with opening hours of:

25 metre pool

Weekdays	6.00am - 8.30am 12.00pm - 2.00pm 4.00pm - 6.00pm
Weekends	Closed

2. Better marketing be undertaken for the Memorial Baths.
(Councillors Irwin/Graham) (P6768)

Tree Preservation Order

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

1. Council resolve to exhibit the proposed amendments to the Lismore Development Control Plan (Amendment No. 4), as described above, and exhibit it for a period of 28 days.
2. Council endorses the use of internal assessment procedures based on risk management and OHS principles.
(Councillors Irwin/Hampton)(S453)

An AMENDMENT was MOVED that:

1. Council resolve to exhibit the proposed amendments to the Lismore Development Control Plan (Amendment No. 4), as described above, and exhibit it for a period of 28 days.
2. Council endorses the use of internal assessment procedures based on risk management and OHS principles.

3. That the fee be reduced to \$10.00.

(Councillor Swientek/)

The AMENDMENT lapsed for want of a seconder

On SUBMISSION to the Meeting the MOTION was lost.

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

A FORESHADOW MOTION was moved that Council repeal the Tree Preservation Order Section of DCP 1 as it applied to Lismore City Zones for a trial period of 12 months forthwith.
(Councillor Hampton/King)

- 68/08 **RESOLVED** that the report be received and noted and that Council repeal the Tree Preservation Order Section of DCP 1 as it applied to Lismore City Zones for a trial period of 12 months forthwith.
(Councillor Hampton/King) (S453)

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

Draft Nesbitt Park Master Plan

- 69/08 **RESOLVED** that the report be received and noted and that:
1. Council place the draft Nesbitt Park Master Plan on public exhibition for a period of fourteen days.
 2. Following the exhibition the draft Nesbitt Park Master Plan together with comments received be brought back to Council for adoption.
(Councillors Irwin/Chant)(P19781)

Reclassification of Certain Council properties from Community to Operational

- 70/08 **RESOLVED** that the report be received and noted and that Council:
1. Pursuant to Sections 27 and 31 of the Local Government Act 1993 and Section 54(1) of the Environmental Planning and Assessment Act, Council resolves to prepare a draft Local Environmental Plan to amend the Lismore Local Environmental Plan 2000 to reclassify from community to operational land the land known as:
 - Lot 200 DP 1013944 - 550B Nimbin Rd Blakebrook
 - Lot 201 DP 1013944 - 550C Nimbin Rd Blakebrook
 - Lot 1 DP 1036569 - 144 Caniaba St South Lismore
 - Lot 32 DP 622328 - 126 Woodlark St Lismore
 - Lot 6 DP 1011282 - 20 Simeoni Dr Goonellabah
 - Lot 631 DP 810600 - 21 Gordon Blair Dr Goonellabah
 - Lot 4 DP 1011282 - 2 Simeoni Dr Goonellabah
 - Lot 3 DP 1011282 - 44 Oliver Ave Goonellabah
 - Lot 5 DP 1011282 - 44B Oliver Ave Goonellabah
 - Lot 2 DP 701097 - 130 Gundurimba Rd Lismore
 - Lot 9 DP 565871 - 18 King St Lismore
 - Lot 2 DP 532545 - 43 Keen St Lismore
 - Lot 11 DP 859167 - 126 Magellan St Lismore and
 - Lot 1 Sec 33 DP 758615 - 36 Orion St Lismore.
 2. Request a "Written Authorisation to Exercise Delegation" from the Department of Planning with respect to the use of delegations under Section 65 and Section 69 of the Environmental Planning and Assessment Act.
 3. Advise the Dept. of Planning that Council considers that the preparation of a Local Environmental Study is not necessary.
 4. Consult with relevant government and other agencies pursuant to Section 62 of the Environmental Planning and Assessment Act.

5. Upon receipt of a "Written Authorisation to Exercise Delegation", exhibit the draft amendment for a period of twenty eight days in accordance with the Best Practice Guideline 'LEP's and Council Land'.
5. Arrange a Public Hearing in the reclassification following the public exhibition period of the draft LEP.
(CouncillorsGraham/Chant)(P27463:P27464:P28026:P10379:P27381:P22522:P27380:P30259:P27383:P27382:P13978:P5841:P5595:P25791:P6185

Enhancement of Main Approaches to Lismore

71/08

RESOLVED that the report be received and noted and that:

1. Council note the suggested opportunities outlined in the report and endorse the formation of an internal project team, comprising appropriate staff from relevant sections and two Councillors to bring forward design solutions for the improvement of Lismore's major vehicular gateways.
2. Any proposals come back to Council prior to community consultation or exhibitions.
(Councillors Dowell/Irwin)(S73)

Tregeagle Road – Proposed Reconstruction at Tregeagle

72/08

RESOLVED that the report be received and noted and that:

1. The General Manager be authorised to finalise negotiations with the relevant property owners for Council to purchase parts of Lot 1, DP 965924, Lot 1, DP 614467 and Lot 4, DP 614467 as shown in the attachments accompanying the report for the purpose of re-alignment of Tregeagle Road, Tregeagle.
2. Council provide replacement boundary fencing along the roadway and complete all necessary works to enable the road re-alignment.
3. Council pay all fees and reasonable legal costs of the respective property owners in relation to the property acquisitions necessary for the road realignment.
4. The Mayor and General Manager be authorised to sign and affix the Council Seal to all documentation necessary to complete the acquisitions.
(Councillors Swientek/Irwin)(R5301:P15018:P15020:P14360)

Application for Closure of Unformed Public Road – off Stony Chute Road Nimbin

73/08

RESOLVED that the report be received and noted and that:

1. Council consent to the application to close the unformed, unnamed road reserve adjoining Lot 11 in DP 598676 and Lot 24 in DP 777743, shown as red and yellow respectively on the aerial photograph included in the report.
2. All costs associated with the closure and sale process are to be met by the applicant.
3. Upon closure of the road, the applicants be required to purchase the land from the Department of Lands, and consolidate the respective portions with the respective lots.
4. The Department of Lands be advised accordingly and requested to progress the application.

5. The common seal of Council to be affixed to any documentation as necessary.
(Councillors Graham/Crimmins)(P13866:P13873:R2105)

Revision of Strategic Business Plan and Development Servicing Plans for Water Supply and Wastewater Services

At this juncture 9.58pm Councillor Irwin left the meeting.

- 74/08 **RESOLVED** that the report be noted and:
1. That the following documents be placed on public exhibition -
 - A Draft Lismore City Council Strategic Business Plan for Water Supply and Wastewater Services
 - B Draft Lismore City Council Development Servicing Plan for Water Supply
 - C Draft Lismore City Council Development Servicing Plan for Wastewater.
 - 2 That Council host an information meeting for the general public.
(Councillors Irwin/Dowell)(S969)

2008 Local Government Conference

- 75/08 **RESOLVED** that the report be received and noted and that Council be represented at the 2008 Local Government Association Conference by the Mayor and two Councillors.
(Councillors Meineke/Crimmins)(S569)

NSW Planning Reforms – Request for Contribution

- 76/08 **RESOLVED** that the report be received and noted and that Council contribute the amount of \$1,377.93 to the Association, to be funded from Town Planning Legal Expenses.
(Councillors Dowell/Crimmins)(S378)

2006/07 Special Business Rate Variation Levy (SBRVL) – Acquittal of Promotion Fund

- 77/08 **RESOLVED** that the report be received and noted and that Council;
1. Confirm the financial reports provided by and for Lismore City Wide Chamber of Commerce Incorporated including the expenditure of the promotion fund component of the 2006/07 Special Business Rate Variation Levy meets expectations of the funds being expended and audited in accordance with the adopted 2005-2008 Three Year Strategic Plan.
 2. Agree to waive the requirement for Lismore City Wide Chamber of Commerce Incorporated to provide an evaluation of the promotion funds component of the 2006/07 Special Business Rate Variation Levy.
 3. Provide a \$1,527 contribution towards the audit costs incurred by Lismore City Wide Chamber of Commerce Incorporated for their 2006/07 Financial Reports which included the promotion funds component of the 2006/07 Special Business Rate Variation Levy.
(Councillors Swientek/Meineke)(S740)

March 2008 Quarter Management Plan Review

- 78/08 **RESOLVED** that the report be received and noted and that the report be received and noted.
(Councillors Dowell/King)(S952)

Investments held by Council – April 2008

- 79/08 **RESOLVED** that the Report be received and noted and that Policy 1.5.4 - Investments is amended to reflect the guidelines to be issued by the Department of Local Government and reported back to Council for adoption.
(Councillors Dowell/Hampton)(S178)

March 2008 Quarterly Budget Review Statement

- 80/08 **RESOLVED** that the report be received and noted and that:
1. Council adopt the March 2008 Budget Review Statement for General, Water and Sewerage Funds.
2. This information is submitted to Council's Auditor.
(Councillors Dowell/King)(S952)

Committee Recommendations

Traffic Advisory Committee April 16, 2008

- 81/08 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.
(Councillors Swientek/Dowell) (S352)

Financial Assistance - Section 356

- 82/08 **RESOLVED** that in accordance with Section 356(1) of the Local Government Act 1993, the assistance to persons as listed is hereby approved.
(Councillors Dowell/King)(S164)

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

Budget: \$11,700 To date: \$13,350

Northern Rivers Writers' Centre requesting Council consider discounting the hire charges (\$290) of the City Hall on July 28, 2008 for the primary schools event which is part of the 2008 Byron Bay Writers Festival Schools Program. An entrance fee is not to be charged (S164 & P6816:08-3495).

Recommendation: In accordance with Clause 1 of the policy, a donation of 25% of the hire fee applies for each event \$72.50

b) Banners – Policy 1.4.14 (GL390.50.15)

Budget: \$700 To date: \$0

The Lismore Sub-branch requests that the fee for the erection of a banner for this year's ANZAC Day be waived. The banner includes one week's rental of Uralba Street Banner at a cost of \$155.00.

Recommendation: As per Council Policy 1.4.14 clause 5 approve the fee waiving of one weeks hire from Council's 356 Donation fund to a parks income ledger.

In accordance with policy.

\$155.00

The Channon Market Incorporated did not conduct its markets in January and February 2008 due to the rain period of those months. This placed significant pressure on their reserves. The Market committee have therefore requested a donation in the order of \$150 (existing fee is actually \$155) for banner hire and \$270 for garbage collection.

Comment: The Markets have already paid for the banner and are requesting the fee be waived for next month. In consultation with the Waste section, the garbage collection charge is part of an annual service and it is not recommended to discount this charge. Council's Policy 1.4.14 allows for one weeks banner hire to eligible non profit community organisations.

Recommendation: Due to the importance of The Channon Markets to the community and condition 5 of Council Policy 1.4.14, it is supported that the fee of \$155 be waived for next month using 356 Donation Funds.

In accordance with policy.

\$155.00

The Northern Region SLSA Helicopter Rescue Service has requested the waiving of one weeks Helicopter Awareness Week advertising at both Carrington Street and Uralba Street.

Comment: The sum of both banner sites for the week being \$253 (\$155 - Uralba St. and \$98 - Carrington St). Council's Policy 1.4.14 allows for one weeks banner hire to eligible non profit community organisations.

Recommendation: As per condition 5 of Council Policy 1.4.14, it is supported that the higher fee of \$155 be waived for the Uralba Street banner using Section 356 Donation funds. The remaining \$98 fee for the Carrington Street banner is to be payable to Council from the Northern Region SLSA Helicopter Rescue Survive

In accordance with policy.

c) Council Contributions to Charitable Organisations

Waste Facility – Policy 5.6.1 (GL390.965.15)

Budget:	\$10,000	To date:\$9,715.66
Animal Right & Rescue		\$23.64
Challenge Foundation		\$100.09
Five Loaves		\$181.80
Friends of the Koala		\$27.27
Lismore Soup Kitchen Inc		11.82
LifeLine		\$198.00
Lismore & Dist Police Boys Club		\$12.73
Saint Vincent De Paul		\$11.73
Westpac Life Saver Rescue Helicopter		\$35.45

In accordance with policy.

\$602.53

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

Budget: \$2,700 To date:\$1181.82

Paddle for Life – Updating of signs used to promote the event.
\$45.00

Country Women's Association of NSW – Educational Assistance Program
\$350.00

Fiona Toohey – selected to participate in the YMCAs NSW Youth Parliament for 2008
\$50.00

The Northern Star - National Volunteers Week – sponsor Community Transport
\$255.20

e) Miscellaneous Donations

Australian Air Force Cadet's requesting Council waive the landing fees for a flying school to be held at the Lismore Regional Airport on a weekend May/June 2008. There will be approximately 50 cadets having 30 minutes of flight time under instruction at no cost. Over the weekend, there will be approximately 60 take offs and landings.

(S164:08-3438).

Comment: The landing fees for this event are estimated at \$157.80 and as it is a one off request and has minimal impact on airport operations, the request is supported.

Recommendation: Council waive the landing fees for the Australian Air Force Cadet's flying school in May/June 2008.
\$157.80

The South Lismore Junior Rugby League Football Club are requesting a reduction in fee for the use of Crozier Field for five (5) existing bookings. The club wishes the fee to be reduced from \$242 per day (including canteen) to \$130 per day.

Comment: Council has supported this club for the previous three seasons, last year the approved donation was for a total of \$470 which included a fee of \$40 for the canteen and \$100 for the field. The existing fee for a Junior field is \$126.00 per day.

Recommendation: It is recommended that the fee for the Junior Rugby league club for use of Crozier Field reflect the normal daily hire for Junior Fields (\$126 per day) and that the fee for the canteen remain the same at \$41 per day. For five days of hire, this will add up to a donation of \$375. The waiving of the fees is to be financed from Crozier Field fees 390.525.15.
\$375.00

The Lismore Home Garden Education Club is requesting a donation of \$1000 towards their annual Garden Competition to contribute to prize money.

Comment: This request has been supported by Council for many years on the condition that the club forward the names and addresses of those persons receiving prize money or awards following the event. Parks & Recreation funds have been used to allocate this donation in previous years.

Recommendation: Council's Parks & Recreation section recommend that the donation be supported using the Parks Allocation 53.4430

\$1,000

Group One Junior Rugby League is requesting to waive the fees for the use of Oakes Oval (\$301) and the use of the canteen (\$16.50).

Comment: This request has been supported by Council for the past three years.

Recommendation: Council's Parks & Recreation section recommend that the donation (\$317.50) be supported on the understanding that no additional Council support such as rubbish removal and litter picking is required. No internal transactions are required.
\$\$317.50

(Councillors Dowell/King)(S164)

Documents for Signing and Sealing

83/08 **RESOLVED** that the following documents be executed under the Common Seal of Council:

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

Recommendation:

This document to be executed under the Common Seal of the Council:

Sale of land - part Lot 70 DP 245302 - 42 Greenhills Drive, Goonellabah (P4385, P4386)
Council has negotiated an offer of \$10,797.60 inclusive of GST for the sale of 60m² being part Lot 70 DP 245302 - 42 Greenhills Drive, Goonellabah. The price is consistent with the valuation obtained February 13, 2008. All valuation, survey and legal fees are to be borne by the applicant.

This land was included in Lismore Local Environmental Plan 2000 (Amendment No. 33) - reclassification of public land as operational to enable a boundary adjustment where a garage had been partly constructed on Council/community land.

The Mayor and General Manager be authorised to sign and affix the Council seal to land transfer documents and plans of survey or any other documents deemed necessary to complete this resolution.

Transfer granting Easement in Gross - Lot 26 DP 249118 burdened

The owner of Lot 26 DP 249118 (12 Cassia Crescent, Goonellabah) has agreed to grant an easement benefiting Council for a sewer gravity main to service the future development of Lot 2 DP 397221 (13 Fischer Street, Goonellabah).

Koala Child Care Centre (\$35,649)(P17458): long day care subsidy to assist in the provision of a safe and nurturing environment for children and assist their parents to met their work and family commitments.

Community Services Grants Program (\$12,715)(P17458): a contribution to the development of capacity and social capital within identified local communities. This subsidy assists with general community development work.

(Councillors Graham/Dowell)

Closure

This concluded the business and the meeting terminated at 10.28 pm.

CONFIRMED this day 10th of June 2008 at which meeting the signature herein was subscribed.

MAYOR