

Ordinary Meeting

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on **October 10, 2006** and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager

October 03, 2006



Agenda

Opening of Meeting and Prayer (Mayor)

Apologies and Leave of Absence

Confirmation of Minutes

Ordinary meeting September 12, 2006

Extraordinary meeting September 26, 2006

Disclosure of Interest

Public Access Session

Dr John Ryan - Notice of Motion, Fluoridation of the water supply

Melissa Van Zwieten – Draft Amendment No. 20 to Lismore Local Environmental Plan

Public Question Time

Condolences

Mayoral Minutes

Notice of Rescission Motions

Notice of Motions

Altering Order of Business

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

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Questions Without Notice

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Strategic Plan Summary

Lismore regional city

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

Notice of Motion

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

That Council Staff prepare a policy to allow Development Applications, and/or additional information requested by Council to be delivered/submitted in electronic format in accordance with Clause 50 of the Regulation to the Environmental Planning and Assessment Act which states that Development Applications can be “...be delivered by hand, sent by post or transmitted electronically to the principal office of the consent authority...”.

Councillor G Meineke

Councillor Meineke's Comment

I have been advised that Council has accepted DA's lodged electronically on CD in the past but that reading the maps can be a problem (perfectly understandable until we get used to reading things electronically rather than in paper form). Council should also be in a position to accept electronically additional information requested by Council after the lodgement of a DA. If such a Policy is in place the 'stop the clock' time for DA's could be reduced enormously. I see this Policy identifying in what format DA's and other information will be received, as well as leading to a 'centralised' point within LCC where the electronic information can be received, printed out and sent to the relevant staff member. We are in the 21st century and are in fact more than half way through the first decade of the 21st century, so such a policy is timely.

Staff Comment

While it is recognised that it is legal to accept documentation in an electronic form it would be premature to prepare a policy in regard to the electronic lodgement of Development Applications for Lismore City Council at this time for the following reasons:

- Council has a paper based filing, record keeping tracking system that requires that at the finalisation of the matter two hard copies of all relevant material are filed. This system has been developed to conform with the State Archives requirements.
- Council is currently introducing a new corporate computer system. Following its introduction next year Council will move to introduce a digital record keeping system. When this system is operational all incoming documents, including Development Applications will be managed electronically.

Although it is not considered appropriate to develop a policy for the acceptance of Development Applications in electronic format at this time as Council does require two hard copies of the application to meet its legislative responsibilities, it could accept the remaining four copies on a disc, or the like.

In addition it should be noted that Council already accepts replies to “Stop the Clock” correspondence in electronic format as it does correspondence subsequent to the formal DA lodgement.

Arrangements will be made to inform all local consultants that partial electronic format lodgement as outlined above is acceptable to Council.

Notice of Motion

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

In light of scientific evidence received recently, Lismore Council advises Rous Water that it does not wish to proceed with fluoridation of the water supply until there is irrefutable evidence that it does not have any adverse medical or health impacts on any individuals.

Councillor R Irwin

Councillor Irwin's Comment

There is no longer any *independent* scientific support for water fluoridation as an intervention that significantly reduces the incidence of tooth decay. Since the 1970's water fluoridation has been replaced by topical fluorides (e.g. toothpaste) (NHRMC 1999:2.2) which are more effective and potentially safer in not involving intentional consumption of fluoride.

- The Cochrane Review of fluoride technologies reports that water fluoridation has no detectable effect when compared to topical fluoride options e.g. toothpaste (Marinho 2005;2006).
- That fluoride functions topically (not systemically) has been reported in the scientific literature since the 1970's and was eventually reported by the US Centres for Disease Control in 2001 (CDC 2001);
- The latest Australian Dental Survey reports NO significant difference in decay rates in 12 year-olds drinking fluoridated compared to unfluoridated water (Armfield & Spencer 2004:1).
- The latest US Dental Survey fails to monitor fluoridation as a factor in reducing decay but now monitors its adverse impact in the form of Dental Fluorosis - the incidence of which has risen in the US and Australia (CDC 2005);
- The most recent global survey of epidemiological literature is the 'Systematic review of water fluoridation' by the UK University of York (McDonagh 2000) which reports that fluoridation might reduce decay by 15% (or a fraction of one decayed tooth per child) but the evidence is of mediocre quality and little attention has been given to adverse health effects or to systematically reviewing these effects (McDonagh 2003);
- Statistics on global rates of decay do not support the claim that water fluoridation reduces decay – but just the reverse. Using World Health Organisation data it is impossible to predict fluoridated countries (water or salt) by an examination of their decay rates (WHO Online). In western countries the lowest decay rates do not occur in the fluoridated nations.

Water fluoridation is primarily promoted by the Dental Associations. However the Australian Dental Association reports doing no research on fluoride's health effects (ADA 2004) and moreover they advise in writing that they accept no liability for adverse health effects (ADA 2006).

The weight of evidence now demonstrates that water fluoridation is not substantially effective in reducing tooth decay.

On the other hand, important health problems include that:

- Daily intake of fluoride from tap water (2-10+mg/day) overlaps the dose at which fluoride is known to inhibit thyroid function (about 2+mg/day) (US NRC 2006). The effect is exacerbated in the iodine-deficient and thus biochemically there is no doubt that water fluoridation could be a factor in the rising incidence of hypothyroidism and obesity;
- Bottle fed infants consume 2.5 times the maximum recommended dose of fluoride per kg body weight (Singer & Ophaug 1979; Burt 1992; Institute of Medicine 1997:293) from the 1ppm fluoridated tap water alone. The NHMRC recommends that infants should not consume discretionary fluoride

even if they live in an unfluoridated area and moreover probably formula should be made-up using unfluoridated water (NHMRC 1999:Ch8). No action appears to have been taken to address this problem or warn parents of possible danger to infants from fluoridated tap water;

- Dental Fluorosis is an actual health effect (Attorney General New York State 2006) the incidence of which has risen alarmingly but the importance of which is discounted by fluoridation promoters as merely “cosmetic”;
- Fluoride consumption is known to weaken bones through Skeletal Fluorosis causing them to become more brittle. No NHMRC studies are being conducted to reveal the extent of this problem despite recommendations that this be done (NHMRC 1991; 1999) and despite the significant increase of hip fractures in the elderly;
- The published evidence now appears to confirm an association between water fluoridation and the rare bone cancer Osteosarcoma in young males (Bassin et al 2006).

Staff Comment

Executive Director – Infrastructure Services: Council resolved at its ordinary meeting of June 13, 2006, “.....that Council advise Rous Water and the NSW Department of Health of its in principle support for the proposition that fluoride be added to the water supply for Lismore City Local Government Area”.

The above notification was forwarded to Rous Water and the NSW Department of Health (DoH) on June 14, 2006.

Council further resolved that Council seek recurrent funding from the DoH for the cost of providing fluoride to the Rous Water supply.

We have received advice that the DoH will not fund ongoing recurrent expenditure.

There is a large amount of information available regarding the advantages and disadvantages of fluoride in the water supply. The DoH has provided information showing there is an unacceptable high level of dental disease in the Northern Rivers area compared to other fluoridated areas of the state.

(06-8558:S223)

Notice of Motion

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

That Lismore Council reviews the State Government's Code of Practice for rodeos to assess what provisions Council needs to make to ensure irresponsible operators cannot hold a rodeo in our area.

Councillor R Irwin

Staff Comment

Rodeos in Lismore have been held at the show ground as part of the North Coast National Show. The A&I Society Incorporated, host the event, however, are not the event organiser. The *Code of Practice for the Welfare of Animals Used in Rodeo Events* is intended for people involved with, and participating in, rodeo events. As such the event organiser and participants are responsible to ensure compliance with the *Code of Practice*.

In this regard Council will correspond with the North Coast National A& I Society Inc, regarding bringing the Code of Practice to the attention of the event organiser.

It should be noted that Council has no legal authority to enforce the Code of Practice. Investigation of non-compliance with the Code is the responsibility of the RSPCA.

However, should a rodeo be held at a Council reserve or park, the event would be subject to approval by Council under Section 68 of the Local Government Act. At such time Council can ensure appropriate conditions are placed on an approval which would require the organiser to comply with the Code of Practice.

Notice of Motion

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

That Lismore City Council construct the Goonellabah Leisure Centre on a four highball court basis and provide for a fourth court footprint.

Cr Frank Swientek

Councillor Comment

Background

Basketballers in Lismore currently have to travel to Coffs Harbour, Port Macquarie and Tamworth to have regional competitions because those centres have three or more courts at the one centre. This is prerequisite for regional competitions in basketball.

Lismore currently cannot accommodate such competitions and will not be able to provide such a venue for the foreseeable future.

As Lismore City Council is currently tendering for the construction of the Goonellabah Leisure Centre it would be opportune for Lismore to reconfigure the proposal and to provide for an additional court and seek additional federal and state funding to provide for an expanded recreational facility. I include a letter I received from Dean Carson in 2004 which I forwarded to Alex Wilford at the time seeking the Goonellabah Leisure Centre Committee to consider expanding the facility to accommodate three courts. This shows the growing popularity of Basketball and what Dean thought was needed to help Basketball grow in Lismore.

Alex's view at the time was and I quote from his correspondence "while I agree that it would be favourable to provide three courts within the Goonellabah Centre, budget and site constraints make this option unrealistic. The site will not accommodate another court as well as to allow for the expansion of the proposed Stage Two aquatic elements and any additional parking that would be required to cater to the additional court. An additional court would also substantially increase the capital costs."

Now that Lismore City Council has purchased extra land for the Recreation Centre; site accommodation for an expanded centre is no longer an impediment.

Budget constraints are still a serious consideration.

Opportunities

Council needs to examine very seriously the lost opportunity that not constructing the third court will have on the growth potential for Lismore basketball and other similar codes. If Lismore City Council doesn't build a three courts facility now it will mean that young basketballers for the next 20 or 30 years will still have to travel long distances for serious competitions and would not be able to reciprocate in their own hometown of Lismore.

The other centres will have the benefit of basketball team sporting tourist dollars and Lismore will always miss out. This would be very regrettable from a nurturing of sporting talent point of view and from an economic growth potential for Lismore.

The tremendous victory of the Australian women's basketball team shows the importance of this sport to both genders and the likely growth that this sport will benefit from, with such exciting national success. Lismore should support and develop and capitalise on this great sport.

Operating Costs

Lismore City Council must also consider the implications on the operating income and expenses of running this facility which has long term financial implications for Lismore City Council.

I include an extract from CERM the Centre for Environmental and Recreational Management of the University of South Australia which has surveyed the key indicators for dry centres across Australia in a 1996 survey. This survey showed that expense recovery of dry facilities above the 3000 m² recovers 103% compared to only 94% for centres between 2000 and 3000 m² and only 85% for centres between 1000 and 2000 m².

This is expert analysis that shows that the operating position could be significantly improved if Lismore enlarges its centre from its current two court proposal 1950 m² to a 3 court facility. Dry facilities that are larger attract those regional competitions and significantly improve the operational income of those facilities.

Staff Comment

- **Lismore Basketball Association (2003 consultation)**

Participation in basketball has continued to drop over the last 5-6 years and they are keen to consider options to address this, including the potential to run social competitions in Goonellabah if indoor courts were available.

- 3 courts not supported by the Project Team
- Initial consultation was around 2 courts – Basketball personnel did not advocate for 3 courts
- Lismore Basketball Association received \$21,900 in the 2006-2007 budget (Urban Sportsgrounds Capital Improvement Program) for maintenance works on their existing facility (exit doors \$2,200; toilet areas \$3,500; resurfacing courts \$500; heat extractors \$10,000; reguttering \$5,000; Council to donate resealing carpark work and materials), and applied for Capital Assistance Grant to the Department of Sport and Recreation in August for their existing facility.
- Recent consultation identifies almost 100% approval of the proposed 2 multi-purpose court facility

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Report

Subject	Draft Amendment No. 20 to Lismore Local Environmental Plan –Roseview Road, McLeans Ridges
File No	S939
Prepared by	Strategic Planner
Reason	Receipt of rezoning submission
Objective	To seek Council's endorsement for the preparation of a draft amending LEP
Strategic Plan Link	Quality of Life – Encourage sustainable development
Management Plan Activity	Implement adopted Council Land Use Strategies

Overview of Report

Council is in receipt of a rezoning submission that seeks rezoning of Lot 16 DP 1011612, Roseview Road, McLeans Ridges. The rezoning will enable the lodgement of a Development Application to create 30 rural residential lots. The submission is lodged in accordance with the provisions of the Lismore Rural Housing Strategy.

Background

Subject Land:	Lot 16 DP 1011612, Roseview Road, Mcleans Ridges
Applicant:	Pacridge Pty Ltd C/ - Aspect North (Land Partners)
Owner:	A Rose, J Rose, B Savins
Proposal:	To amend the Lismore Local Environmental Plan 2000 to enable rural residential subdivision to occur on the subject site

Location

The subject site is located at the end of Roseview Road, Mcleans Ridges, approximately 12 Km north east of Lismore.

Description of the Proposal

The subject site has an area of 51.42ha and is located within the McLeans Ridges area. The rezoning will be combined with a separate rezoning proposal for Cameron Road into a single Amendment (No. 20). The proposed LEP amendment aims to rezone land for rural residential purposes by way of addition to Schedule 4 of the Lismore Local Environmental Plan 2000. This will enable the future subdivision of 30 rural residential allotments ranging in size from 2495m² to 7.53ha and a residual allotment of approximately 19.66ha. A plan of the proposed subdivision is attached to this report. This plan illustrates the proposed development in relation to its location within the McLeans Ridges catchment and in relation to the other rezoning proposal in Cameron Road discussed in a separate report in this business paper.

Compliance with the Rural Housing Strategy

The site is identified in the Rural Housing Strategy (RHS) as having potential for closer rural settlement. The RHS requires 'Locality Development Guidelines' to be prepared in association with a rezoning submission to enable rural residential development. These guidelines ensure coordination between properties in relation to road layout, infrastructure provision, flora and fauna protection and environmental repair and in the past were adopted in the form of a Master Plan for the site. This ensured that future development proposals were consistent with the design concept submitted at the rezoning stage. Through changes to the Environmental Planning and Assessment Regulations 2000, 'Master Plans' are no longer applicable. Council has prepared a developer Planning Agreement which ensures future subdivision of the site is undertaken in accordance with the documentation submitted at the rezoning stage. The Planning Agreement is discussed in detail later in the report.

This proposal is for 30 allotments, the other rezoning discussed in this business paper is for a further 67 allotments out of a potential total of 140 lots within the McLeans Ridges catchment.

The rezoning submission adequately addresses the requirements outlined in the RHS to the same level as that which was previously required for 'Locality Development Guidelines'.

Traffic Generation and Road Capacity

A Traffic Impact Assessment was prepared for the conceptual layout of the site in accordance with the RTA "Guide to Traffic Generating Developments".

The development will comprise of an extension of Roseview Road of approximately 1 kilometre. No new intersections are required and all lots must have direct driveway access to the extension of Roseview Road.

The provision of safe intersection sight distance is available at the intersection of Cowlong Road and Roseview Road. To be consistent with other rezoning discussed in a separate report in this business paper, it is proposed to require the existing intersection to be upgraded to a Type AUR right turn treatment in accordance with Austroads standards.

It has been identified that Cowlong Road is below standard and will require to be upgraded to accommodate both existing and future traffic. It has been agreed that this work shall be undertaken by Council and that a per lot contribution shall be levied upon the development to fund these works. The contributions for these works shall form part of the Planning Agreement and are further discussed in detail later in this report.

As this development is the only land identified in the RHS to the north of the Cameron Road intersection, it is required that the section of Cowlong Road between Cameron Road and Roseview Road be upgraded by the development. These works shall form part of the Planning Agreement and are further discussed in detail later in this report.

Community Needs Assessment (CNA)

A CNA was required for the McLeans Ridges catchment (as identified in the RHS) in order to determine the future community's needs. Community Services reviewed the initial CNA report, which highlights the potential increase in demand on existing services and infrastructure and addresses how future development of this catchment would provide for this demand. All rural residential development within the McLeans Ridges catchment will be required to contribute to upgrading of the existing McLeans Ridges hall.

For this particular proposal it is also proposed that a community park with an area of 2000m² be provided, with landscaping to suit the location be dedicated to Council. The location of the park is central in terms of servicing the future subdivision, as well as future development on the adjoining parcel of land, also identified within the RHS as being suitable for rural residential development. Council's Park's Manager has reviewed the proposal and has raised no objections.

Statutory Provisions

Threatened Species Conservation Act 1995

The Threatened Species Conservation Act outlines requirements for the protection of threatened species, communities and critical habitat in New South Wales.

As previously discussed, two species listed as endangered and one vulnerable under the Threatened Species Conservation Act 1995 were found within the surveyed area. Of these species, a number of individuals were found dispersed throughout the development site, however most individuals were concentrated in the rainforest re-growth located in east and west gullies.

The proposed layout is conducive to the protection of isolated individual. The individuals located within rainforest re-growth areas are covered by the Management Plan prepared for the site. These areas are to be rehabilitated and a Zone 7(b) Environment Protection imposed to ensure future protection.

North Coast Regional Environmental Plan

The relevant provisions of the NCREP applying to this Draft LEP Amendment are discussed below;

Clause 14 – (Plan Preparation, Wetlands or Fisheries Habitat) applies to land containing rivers, streams, wetlands or fisheries habitats. The objectives of this plan in relation to fisheries and catchment management are to preserve and enhance fishery habitats and associated catchments, and to promote the sustainable use of natural resources.

The conceptual layout of the development nominates building and effluent disposal envelopes, demonstrating sufficient setbacks from all creeks within the site. Rehabilitation of the riparian zones is proposed in accordance with the Vegetation Rehabilitation Plan submitted in association with the rezoning submission. These areas will be zoned 7(b) – Environment Protection, in order to ensure future protection.

Clause 20 – (Plan Preparation, Rural Land Release) applies to draft plans for rural land permitting rural residential development. The subject site has been identified as being suitable for rural residential development in accordance with the Lismore Rural Housing Strategy. Consistency with this strategy has been adequately addressed in the rezoning submission supporting the draft plan.

Section 117 Directions

The following s117 are applicable to the draft plan:

Direction No. 19 – (Planning for Bushfire Protection) applies in this instance as the site is in proximity to land mapped as bushfire prone land. The site is generally cleared in the locality where future development is proposed. The site is identified as containing 'Category 2' vegetation on Council's Bushfire Prone Land Maps. A detailed Flora and Fauna Assessment prepared for the site revealed limited stands of vegetation which would impact on the proposed rural residential development. In accordance with s62 of the EP&A Act, the application will be referred to NSW Rural Fire Service for comment.

Direction No. 22 – (Rural Zones) applies when a Council prepares a draft LEP that creates, removes or alters a Rural zone boundary or a Rural Zone provision. As the site is identified in an adopted rural housing strategy approved by the Director-General, the draft LEP can be inconsistent with the provisions contained in this direction.

Direction No. 25 – (Site Specific Zoning) applies when a Council prepares a Draft LEP to allow a particular development to be carried out. In this instance the draft LEP will allow for a development application for a rural residential subdivision. The provisions of this direction restrict Councils from referring to drawings that show detail of the proposed development. In the past, a draft LEPs allowing rural residential subdivision listed specific plans to ensure future subdivision is consistent with design

concept submitted at the rezoning stage. Council will now use the Planning Agreement prepared for the site to ensure that a future subdivision application addresses the salient points raised in the rezoning submission.

State Environmental Planning Policies

State Environmental Planning Policy No. 55 – (Remediation of Land) provides a state-wide approach to the remediation of contaminated land.

Clause 6 of SEPP 55 requires the consideration of contamination and remediation in relation to rezoning proposal. A Preliminary Contaminated Land Assessment was prepared for the site in accordance with SEPP 55 requirements and submitted in association with the rezoning submission. Sampling involved 48 boreholes and analysis for pesticides and heavy metals. The results identified that the site is not contaminated and is suitable for residential use. Environmental Health and Building Services recommended that no further investigations were required at this stage of the development as no potentially contaminating activities were identified as occurring on the site.

Development Control Plans and Council Policies

DCP 27 Buffer Areas

Agricultural buffer plantings are proposed within a Landscape Concept Plan for proposed Lot 5, which aims to screen the development and protect the rural amenity of the locality.

DCP 28 Subdivision

The subject site has been identified as being suitable for rural residential development in accordance with the Lismore Rural Housing Strategy. The proposal for the site has been designed adequately to ensure consistency with the provisions in DCP 28.

On-Site Effluent Management Strategy (2003)

An assessment was undertaken by LandPartner in order to determine the suitability of the site and design considerations necessary to enable the onsite management of wastewater.

The assessment involved an analysis of the soil including physical and chemical properties, assessment of the sites drainage pattern to determine the existence of watercourses, gullies, springs, slope, aspect and other topographical features.

The LandPartners report identified that the onsite disposal of wastewater is achievable on the subject land for each proposed lot and generally meets the requirements of Councils Onsite Sewage and Wastewater Management Strategy and other relevant documents. Environmental Health and Building Services have no objections to the proposal.

Stormwater Management Plan (2000)

A Stormwater Concept Plan was prepared for the site, addressing stormwater management for the future subdivision. Proposed buildings will discharge roof-water to rainwater tanks, with overflow to infiltration pits. Paved surfaces within allotments will be sloped so as to drain onto pervious landscaped areas.

For more concentrated flows, stormwater will be directed to grassed swales within the internal road reserve or through an inter-allotment drainage system.

Preliminary Flora and Fauna Assessment and Environmental Management Plan Guidelines (2006)

The Flora and Fauna Assessment undertaken for the site identified three threatened flora species, these being the Fragrant Myrtle (*Gossia fragrantissima*), Acalypha (*Acalypha eremorum*) and the Arrow-Head Vine (*Tinospora tinoporoides*).

A Management Plan addressing weed control, fencing and buffers has been prepared for the site, focusing on riparian zones and areas where remanent vegetation is located. The Management Plan addresses the requirements of the Rural Housing Strategy and the Threatened Species Conservation Act 1995. This report will be adopted in the Planning Agreement prepared by Council, and specific stages of the plan will be bonded to ensure that revegetation works are undertaken at the development stage.

Council's Parks Coordinator has advised that the Teak (*Flindersia australis*) tree located at the entrance to the development must be protected from all future development. All designs should include a minimum 5 meter excavation exclusion zone, with a preference of 10 meters.

Planning Agreement

The landowner has agreed to enter into a Planning Agreement with Council pursuant to section 93F of the EP&A Act. Matters to be addressed in the Planning Agreement include:

- Any future development application for subdivision to be generally in accordance with the plans that form part of the rezoning submission.
- The payment of a contribution to Council of \$12,535 per lot towards the cost of upgrading Cowlong Road to the Cameron Road intersection.
- The upgrading of Cowlong Road from the Cameron road intersection to the Roseview Road intersection including the upgrading of the Roseview Road intersection.
- Payment of a contribution to Council of \$600 per lot towards the cost of upgrading the McLeans Ridges Hall.
- The provision of two bus shelters in the agreed locations.
- Rehabilitation works to be carried out in accordance with the Rehabilitation Plan prepared by LandPartners.
- Payment of a security bond for the maintenance of rehabilitation works.
- The dedication to Council for the purposes of public open space of the lot shown as "proposed park" on the plan submitted with the rezoning submission including maintenance of the lot shown as "proposed park" for a period of 12 months.
- The provision of park furniture and landscaping within the lot shown as "proposed park"
- Construction of a 1.2 metre wide concrete footpath in the location shown on the submitted plan.

As local community facilities are being funded through the Planning Agreement, the Planning Agreement makes provision for the waiving of section 94 contributions for community facilities for the Clunes/Bexhill/Eltham catchment under Council's Contributions Plan. Contributions for recreation and active open space facilities in that catchment will still apply.

The Planning Agreement will be exhibited with the draft LEP amendment. The Planning Agreement will also be exhibited with a future development application for subdivision following the rezoning.

Comments

Financial Services

On the basis that all road upgrading works will be funded by the developer, the recommendations are supported.

Other staff comments

Comments from Council's Environmental Health and Building Section, Development Engineer and Parks Coordinator are included in this report.

Public consultation

Opportunity for public consultation is provided during the public exhibition period for the draft LEP Amendments. The statutory minimum exhibition period in twenty eight (28) days.

Consultation with Government Agencies

Following Council's resolution to prepare the Plan, the proposal will be referred to relevant Government agencies in accordance with the requirements of s62 of the EP&A Act.

Conclusion

The proposal complies with the requirements of the Lismore Rural Housing Strategy, NCREP, S117 Directions and relevant Council plans and policies and can therefore progress to the exhibition stage.

Recommendation (PLA6)

That Council resolve:

1. Pursuant to Section 54 of the EP&A Act 1979, to prepare a draft amendment to Lismore Local Environmental Plan 2000 to include the subject land in Schedule 4 to allow 30 rural residential allotments plus one residual allotment.
2. To Notify the Director General of Planning of Council's decision in accordance with Clause 9 of the EP & A act Regulation 2000.
3. To consult with relevant government and other agencies pursuant to section 62 of the EP&A Act.
4. To advertise the draft LEP amendment for a period of twenty eight days following receipt of a "Written Authorisation to Exercise Delegations" from the Department's LEP Review Panel.

Report

Subject	Draft Amendment No 20 to Lismore Local Environmental Plan – Cameron Road, McLeans Ridges.
File No	S884
Prepared by	Strategic Planner
Reason	Receipt of rezoning submission
Objective	To seek Council's endorsement for preparation of a draft amending LEP
Strategic Plan Link	Quality of Life – Encourage sustainable development
Management Plan Activity	Implement adopted Council Land Use Strategies

Overview of Report

Council is in receipt of a rezoning submission that seeks rezoning for the subject land identified below (refer also to attached map). The rezoning will enable the lodgement of a Development Application to create 67 additional rural residential lots and 1 residual allotment.

Background

Property Description

Subject Land	Applicant	Owner
Lot 123 DP 731488	Newton Denny Chapelle	J Davis
Lot 4 DP 572949	Newton Denny Chapelle	C & M Paull
Lot 5 DP 572949	Newton Denny Chapelle	J Ducker
Lot 6 DP 572949	Newton Denny Chapelle	P Baldock
Lot A DP 420518	Newton Denny Chapelle	IL & SL Lawson
Lot 12 DP 842905	Newton Denny Chapelle	DP & SG Veness
Lot 2 DP 588282	Newton Denny Chapelle	WL & DF Reddell
Lot 2 DP 551775	Newton Denny Chapelle	P Priest

Location

The subject land is located approximately 10kms north-east Lismore on either side of Cameron Road.

Description of the Proposal

The proposed LEP amendment aims to rezone land for rural residential purpose by way of addition to Schedule 4 of the Lismore Local Environmental Plan 2000. This will enable the future subdivision of 67 rural residential allotments from 3308m² to 11ha and a residual allotment of approximately 151.5ha. A plan of the proposed subdivision is attached to this report. This plan illustrates the proposed development in relation to the McLeans Ridges catchment and the other rezoning proposal in Roseview Road discussed in a separate report in this business paper.

Compliance with the Rural Housing Strategy

The subject land is identified in the Rural Housing Strategy (RHS) as having potential for closer rural settlement. The RHS requires 'Locality Development Guidelines' to be prepared in association with a rezoning submission to enable rural residential development. These guidelines ensure coordination between properties in relation to road layout, infrastructure provisions, flora and fauna protection and environmental repair and in the past were adopted in the form of a Master Plan for the site. This ensured that future development proposals were consistent with the design concept submitted at the rezoning stage. Through changes to the Environmental Planning and Assessment Regulation 2000, 'Master Plans' are no longer applicable. Council has prepared a developer Planning Agreement which ensures future subdivision is undertaken in accordance with the documentation submitted at the rezoning stage. The Planning Agreement is discussed in detail later in the report.

This proposal is for 67 allotments, the other rezoning proposal discussed in this business paper is for a further 30 allotments from a potential total of 140 lots within the McLeans Ridges catchment.

The rezoning submission adequately addresses the requirements outlined in the RHS to the same level as that which was previously required for 'Locality Development Guidelines'.

Traffic Generation and Road Capacity

A Traffic Impact Assessment was prepared in accordance with the RTA "Guide to Traffic Generating Developments".

The development comprises approximately 880m of dual frontage to Cameron Road and 230m of single frontage. Three new intersections are required and 24 lots are to have direct driveway access to Cameron Road. Due to the direct driveway access the applicant has proposed to upgrade Cameron Road to a 7m wide seal on a 9m wide gravel formation. The upgrading of Cameron Road will also require adjustment of vertical alignment and minor road dedication to achieve sight line compliance requirements for intersections and driveway accesses.

The provision of safe intersection sight distance will be provided at two of the proposed intersections with Cameron Road. These intersections will be constructed as Type AUR right turn treatments in accordance with Austroads standards. At the third intersection the applicant has indicated that requirements for safe intersection sight distance could not be met with a type AUR turn treatment, to compensate for this the intersection shall be constructed as a modified Type CHR inclusive of a minimum 'seagull' type storage lane to provide protection for right turning vehicles merging into the travel lane of Cameron Road when exiting the new road. All intersections will meet minimum stopping sight distance criteria.

It has been identified that Cowlong Road is below standard and will require to be upgraded to accommodate both existing and future traffic. It has been agreed that this work shall be undertaken by Council and that a per lot contribution shall be levied upon the development to fund these works. The contributions for these works shall form part of the Planning Agreement and are further discussed in detail latter in this report.

Community Needs Assessment (CNA)

A CNA was required for the McLeans Ridges catchment (as identified in the RHS) in order to determine the future community needs. The CNA highlights the potential increase in demand on existing services and infrastructure and addresses how future development of this catchment would provide for this demand. All rural residential development within the McLeans Ridges catchment will be required to contribute to upgrade of the existing McLeans Ridges hall.

For this particular proposal it is also proposed that a community park with an area of 4000m² be provided, with landscaping, playground equipment and park furniture and a suitable area for future development of a Childcare facility is to be dedicated to Council. The location of the park is central in terms of servicing the future subdivision. Council's Park's Manager has reviewed the proposal and has

no objections.

Footpaths

The proposal provides a pedestrian network (approximately 1.5km) to link the lots to the community facilities and to provide future residences with a path for recreational purposes. This will typically require the construction of kerb and gutter such that a level verge formation is available for the footpath.

The Development Engineer has no objections to the proposal. Construction of the footpaths is required in the Planning Agreement discussed in detail later in the report.

Statutory Provisions

Threatened Species Conservation Act, 1995

The Threatened Species Conservation Act outlines requirements for the protection of threatened species, communities and critical habitat in New South Wales.

Three species listed as 'endangered' under the *Threatened Species Conservation Act, 1995* were found within the subject area. The species are dispersed throughout the development site. The proposed layout is conducive to the protection of these species and a Management Plan has been prepared to protect and conserve these species on the subject land.

North Coast Regional Environmental Plan

The relevant provisions of the NCREP applying to this Draft LEP Amendment are discussed below;

Clause 14 – (Plan Preparation, Wetlands or Fisheries Habitat) applies to land containing rivers, streams, wetlands or fisheries habitats. The objectives of this plan in relation to fisheries and catchment management are to preserve and enhance fishery habitats and associated catchments, and to promote the sustainable use of natural resources.

The conceptual layout of the development nominates building and effluent disposal envelopes, demonstrating sufficient setbacks from all creeks within the site. Rehabilitation of the riparian zones is proposed in accordance with the Rehabilitation Plan submitted in association with the rezoning submission. These areas will be zoned 7(b) – Environmental Protection, in order to ensure future protection.

Clause 20 – (Plan Preparation, Rural Land Release) requires Council applies to draft plans for rural land permitting rural residential development. The subject site has been identified as being suitable for rural residential development in accordance with the Lismore Rural Housing Strategy. Consistency with this strategy has been adequately addressed in the rezoning submission supporting the draft plan.

Section 117 Directions

The following s117 are applicable to the draft plan;

Direction No. 19 – (Planning for Bushfire Protection) applies in this instance as the site is in proximity to land mapped as bushfire prone land. The site is generally cleared in the locality where future development is proposed. The site is identified as containing 'Category 2' vegetation on Council's Bushfire Prone Land Maps. A detailed Flora and Fauna Assessment prepared for the site revealed limited stands of vegetation which would impact on the proposed rural residential development. In accordance with s62 of the EP&A Act, the application will be referred to NSW Rural Fire Service for comment.

The construction of a right of way on Road 1 must be provided for emergency bushfire egress. It is to be constructed from the end of Road 1 to Boatharbour Road to benefit all lots that have frontage to Road 1.

Direction No. 22 – (Rural Zones) applies when a Council prepares a draft LEP that creates, removes or alters a Rural zone boundary or a Rural Zone provision. As the site is identified in an adopted rural housing strategy approved by the Director-General, the draft LEP can be inconsistent with the provisions contained in this direction.

Direction No. 25 – (Site Specific Zoning) applies when a Council prepares a Draft LEP to allow a particular development to be carried out. In this instance the draft LEP will allow for a development application for a rural residential subdivision. The provisions of this direction restrict Councils from referring to drawings that show detail of the proposed development. In the past, draft LEPs allowing rural residential subdivision listed specific plans to ensure future subdivision is consistent with design concept submitted at the rezoning stage. Council will now use the Planning Agreement prepared for the site to ensure that a future subdivision application addresses the salient points raised in the rezoning submission.

State Environmental Planning Policies

State Environmental Planning Policy No. 55 – (Remediation of Land) provides a state-wide approach to the remediation of contaminated land.

Clause 6 of SEPP 55 requires the consideration of contamination and remediation in relation to rezoning proposal. A Preliminary Contaminated Land Assessment was prepared for the site in accordance with SEPP 55 requirements and submitted in association with the rezoning submission. Environmental Health and Building Services recommended that no further investigations were required at this stage as no potentially contaminating activities were identified as occurring on the site.

Development Control Plans (DCP) and Council Policies

DCP 28 Subdivision

The subject site has been identified as being suitable for rural residential development in accordance with the Lismore Rural Housing Strategy. The proposal for the site has been designed adequately to ensure consistency with the provisions in DCP 28.

On-Site Effluent Management Strategy (2003)

The on-site wastewater systems must comply with Council's On-Site Effluent Management Strategy.

Environmental Health and Building Services requested a thorough investigation of the site be undertaken to ensure each proposed lot had the capacity for;

- low technology on-site wastewater systems;
- on slopes less than 15%;
- a distance of 100m from watercourses and
- a distance of 40m from gullies.

Environmental Health and Building Services are satisfied that the proposal meets the requirements and have no objections to the rezoning. The rezoning submission adequately addresses the requirements outlined in the RHS to the same level as that which was previously required for 'Locality Development Guidelines'.

Stormwater Management Plan (2000)

A Stormwater Concept Plan was prepared for the subject land, addressing stormwater management for the future subdivision. Proposed buildings will discharge roof-water to rainwater tanks, with overflow to infiltration pits. The remaining runoff is proposed to drain to open swales situated within the proposed internal roads or directed through an inter-allotment drainage system formed by grass swales to permit discharge to the local drainages gullies.

Environmental Health and Building Services are satisfied that the proposal meets Council's requirements.

Preliminary Flora and Fauna Assessment and Environmental Management Plan Guidelines (2006)

The Flora and Fauna Assessment undertaken for the site identified several threatened species and several small patches of remnant vegetation scattered over the subject land. Several of these remnants are to be retained and protected in accordance with the Management Plan. The areas identified for rehabilitation in the Rehabilitation Plan are to be zoned 7(b) Environmental Protection to ensure future protection.

The Management Plan addresses weed control, fencing and buffers, focusing on riparian zones and areas where remnant vegetation is located. The Management Plan addresses the requirements of the Rural Housing Strategy and the *Threatened Species Conservation Act, 1995*. These requirements are addressed in the Planning Agreement and specific stages of the plan will be bonded to ensure that revegetation works are undertaken at the development stage.

Planning Agreement

The landowners involved in the rezoning submission have agreed to enter into a Planning Agreement with Council pursuant to section 93F of the EP&A Act. Matters to be addressed in the Planning Agreement include:

- Any future development application for subdivision to be generally in accordance with the plans that form part of the rezoning submission.
- The payment of a contribution to Council of \$12,535 per lot towards the cost of upgrading Cowlong Road and part of Cameron Road, McLeans Ridges.
- Payment of a contribution to Council of \$600 per lot towards the cost of upgrading the McLeans Ridges Hall.
- Payment of a contribution to Council towards the cost of providing two bus shelters in nominated locations.
- Rehabilitation works to be carried out in accordance with the Management Plan submitted with the rezoning.
- Payment of a security bond for the maintenance of rehabilitation works.
- The dedication to Council for the purposes of public open space of Lot 29 on the plan submitted with the rezoning submission including maintenance of Lot 29 to for a period of 12 months.
- The provision of playground equipment and park furniture on Lot 29.
- The provision of a Right of Way and constructed access for emergency bushfire egress from the end of Road 1 to Boatharbour Road benefiting all lots that have frontage to Road 1.
- Upgrading of Cameron Road to a 7 metre wide seal on a 9 metre formation (or other standard as approved by Council) for the full length of the frontage of the development.
- Construction of a 1.2 metre wide concrete footpath in the location shown on the submitted plan.

The Planning Agreement also contains provisions that allow for an equitable sharing of the costs of providing certain facilities whereby each of the landowners agree to the payment of a contribution to the landowner that bears the initial cost of providing the public open space, park furniture and public footpaths.

As local community facilities are being funded through the Planning Agreement, the Planning Agreement makes provision for the waiving of section 94 contributions for community facilities for the Clunes/Bexhill/Eltham catchment under Council's Contributions Plan. Contributions for recreation and active open space facilities in that catchment will still apply.

The Planning Agreement will be exhibited with the draft LEP amendment. Individual Planning Agreements consistent with the original agreement will be submitted by each landowner when they lodge their development applications for subdivision following the rezoning.

Comments

Financial Services

On the basis that all road upgrading works will be funded by the developer, the recommendations are supported.

Other staff comments

Council's Environmental Health and Building Section, Development Engineer and Parks Co-Ordinator have provided comments throughout this report.

Public consultation

Opportunity for public consultation is provided during the public exhibition period for the draft LEP Amendments. The statutory minimum exhibition period is twenty eight (28) days.

Consultation with Government Agencies

Following Council's resolution to prepare the Plan, the proposal will be referred to relevant Government agencies in accordance with the requirements of s62 of the EP&A Act.

Conclusion

The proposal complies with the requirements of the Lismore Rural Housing Strategy, NCREP, S117 Directions and relevant Council plans and policies and can therefore progress to the exhibition stage.

Recommendation (PLA5)

That Council resolve:

1. Pursuant to Section 54 of the EP&A Act 1979, to prepare a draft amendment to Lismore Local Environmental Plan 2000 to include the subject land in Schedule 4 to allow 67 rural residential allotments plus one residual allotment.
2. To notify the Director General of Planning of Council's decision in accordance with Clause 9 of the EP & A act Regulation 2000.
3. To consult with relevant government and other agencies pursuant to section 62 of the EP&A Act.
4. To advertise the draft LEP amendment for a period of twenty eight days following receipt of a "written Authorisation to Exercise Delegations" from the Department's LEP Review Panel.

Report

Subject	Draft Plan of Management - Lismore Park
File No	S833
Prepared by	Manager Community Services
Reason	Preparation of a draft Plan of Management for Lismore Park
Objective	Council's endorsement to exhibit the draft Plan of Management
Strategic Plan Link	Quality of Life
Management Plan Activity	Community Services

Overview of Report

This report provides a summary of the Draft Plan of Management for Lismore Park, and includes amendments following a Councillor Workshop held on 26 September 2006. The report recommends the draft Plan be publicly exhibited in accordance with the requirements of the Local Government Act.

Background

The Local Government Act 1993 requires councils to prepare Plans of Management for all public lands classified as community land under that Act. Accordingly, a draft Plan of Management has been prepared for the community land within Lismore Park.

An initial Plan of Management was developed in 1997 based on extensive community consultation. That Plan is now outdated, does not comply with current legislative requirements, and certain works and activities have been undertaken and completed. The 2006 Draft Plan of Management contains recommendations to continue works not completed in the 1997 Plan of Management as well as additional works.

This Draft Plan of Management is an updated, amended version of the Plan presented at the 12 September 2006 Council meeting. As a result of the Councillor Workshop held on 26 September 2006, the Draft Management Plan has been amended. Points of difference to note include:

- All references to public art are subject to the Public Art Policy
- Investigate the installation of a covered walkway through or adjoining Management Precinct No 1
- Landscaping and tree management
- Investigate relocation of the caravan park to higher ground
- Formalised pathways linking sports fields
- Waterway function improvement and water quality treatment
- Investigate repair and renovation options for Pavilion No 2 for community use
- Historical background of Lismore Park included
- Proposal to lock Crozier Field when not in use due to vandalism

The proposed works and activities for each of the management precincts within Lismore Park are

summarised below:

Management Precinct No 1

Oakes Oval (Rec #1) – progressive up-grading of outdoor tiered seating and relocation of maintenance facilities and use building for equipment and storage. Improvements to security mesh fencing in some areas.

Crozier Field (Rec #2) – provision of field floodlighting and improvements to fencing panels adjacent to field.

Blair Oval (Rec #3) – regular maintenance, upgrade existing lighting and cricket practice nets.

Heaps Oval (Rec #5) – no change, regular maintenance.

Humbly Oval (Rec #4) – regular maintenance of ground and hockey clubhouse and canteen.

Blair, Heaps and Humbly Ovals – upgrade internal access and parking areas from gravel to hotmix bitumen.

Jolley Field (Rec #6) – no change, regular maintenance, remove cricket nets.

City Lights Tennis Court – no change, regular maintenance.

Park adjoining City Lights Tennis Court – provision of additional public art (subject to Public Art Policy) and seating.

Removal of Cocos Palms and replacement with suitable endemic species.

Site and buildings of the former Lismore Continental Sport, Music and Recreation Club (aka Bocce Club) – community and youth facility.

Scout hall – no change, regular maintenance.

Pavilion No 2 – Investigate the option to upgrade and renovate to enable future community use of the building.

Apex Park – upgrade children's play equipment and provision of picnic facilities including accessible facilities.

Recycling facilities – removal and re-develop the area for parking and picnic facilities including accessible facilities and provide pedestrian footbridge to Apex Park.

Progressive upgrading of car parking areas.

Pathways – provision for formalised pathways linking all fields.

Investigate the provision for a covered walkway through or adjoining the Precinct.

Management Precinct No 2

Mortimer and Davidson Ovals (Rec #8 & #10) – replace or upgrade existing clubhouse and toilets.

Roder Oval (Rec #9) – upgrade cricket practice nets and night training lights.

Mortimer Oval – upgrade access to sewerage pump station and gravel car park.

Park area south of Lismore Park Caravan Park and drain – provision of seating, and progressive removal of Camphor Laurel trees and all other weed species, replanting of area with endemic native vegetation.

Investigate relocation of the caravan park.

Progressive upgrading of car parking areas.

Pathways – provision for formalised pathways linking all fields.

Provision for youth facility.

Management Precinct No 3

Richards Oval (Rec #12) and soccer clubhouse – upgrade parking areas near clubhouse, provision for more storage/viewing facilities for clubs / spectators and night training lights.

Ballina Street Tennis Courts and clubhouse – no change, regular maintenance.

Lismore Netball Courts (Rec #7 & #11) and clubhouse – provision of additional netball courts in area adjoining Pre-school, and formalise parking areas.

Pre-school – no change, regular maintenance.

Lismore City Pipe Band clubhouse – no change, regular maintenance.

The area used as car parking space by users of the netball courts – formalise parking areas and provision of additional trees and picnic facilities.

Pathways – provision for formalised pathways linking all fields.

A copy of the final Draft of the Plan of Management is attached separately.

Comments

Financial Services

Not required.

Other staff comments

Council's Planning, Community Services and Parks and Recreation staff have had input into the preparation of the Draft Plan of Management.

Public consultation

The Local Government Act provides for a minimum public exhibition period of 28 days. Submissions to the Draft Plan may be lodged up until 42 days after the commencement date of exhibition.

The Local Government Act also states that Council must hold a public hearing in respect of a proposed Plan of Management where the Plan has the effect of altering categories of land under Section 36 of the Act. The Plan of Management categorises Lismore Park as "sportsground", "park" and "general community use" and therefore a public hearing is warranted.

The Draft Management Plan will be forwarded to Council's Policy Advisory Groups for comment.

Conclusion

Lismore Park is Lismore's largest and most significant park. The updated Plan of Management should reflect the community's existing needs and make provision for future use and development of the Park.

Recommendation

That Council

1. Place the Draft Plan of Management on public exhibition for a period of 42 days.
2. Forward copies of the draft Plan of Management to the relevant groups and organisations with an interest in Lismore Park.
3. Arrange for a public hearing into the Draft Plan of Management in accordance with the provisions of the Local Government Act.

Report

Subject	Lismore Local Environmental Plan 2007
File No	S946
Prepared by	Senior Strategic Planner
Reason	Compliance with the NSW Government's Standard Instrument (Local Environmental Plans) Order 2006
Objective	Council resolution to prepare new comprehensive LEP
Strategic Plan Link	Economic Development, Quality of Life, Natural Environment
Management Plan Activity	Review and update planning controls

Overview of Report

This report advises Council of its obligations to prepare a new LEP under the Standard Instrument (Local Environmental Plans) Order 2006. Council will also have a responsibility to comply with requirements in the Far North Coast Regional Strategy in the preparation of its LEP. The report seeks Council's formal resolution under section 54 of the EP&A Act to prepare a new comprehensive LEP.

Background

On March 31, 2006 the State Government gazetted the Standard Instrument (Local Environmental Plans) Order 2006. The intention of the Order is to introduce consistency in the format and content for all principal LEPs throughout the State. The Order prescribes a standard template that is mandatory for all Councils. This Council has three years from the gazettal date of the Order to prepare a new comprehensive LEP based upon the Standard Instrument.

The new LEP will also have to satisfy the requirements of the State Government's Far North Coast Regional Strategy (FNCRS) as well as updated section 117 Directions and State Environmental Planning Policies (SEPPs). Although the FNCRS is still in draft stage, it is anticipated that it will be finalised before the end of the year.

Preparation of the comprehensive LEP will also provide an opportunity for landowners with land in Council's current land release strategies to participate in the process. This report outlines the principal matters that the new LEP will address.

The Standard Instrument

The standard instrument provides a template for Council to use as the basis for preparing its new LEP. In addition to providing a standard format, the standard instrument contains mandatory clauses and schedules, standard definitions and standard land use zones. The following is a summary of the main features of the standard instrument:

Mandatory provisions

Mandatory provisions include mandatory clauses and schedules which may be compulsory, compulsory (if applicable) or optional.

1. Compulsory provisions

Compulsory provisions are those which must be included in all principal LEPs. They include 27 compulsory clauses and 5 compulsory schedules. The compulsory provisions relate to administrative matters that are common to all LEPs as well as other planning matters that are applicable to all Councils throughout the State. There are at least 15 compulsory clauses that have similar or equivalent clauses in the current LEP 2000. Some compulsory clauses will replace existing State Environmental Planning Policies (SEPPs). Table 1 attached to this report lists the compulsory clauses and schedules together with the equivalent LEP 2000 clauses that they will replace.

2. Compulsory (if applicable) provisions

Compulsory [if applicable] provisions are compulsory only in certain circumstances. In Lismore's case where minimum rural subdivision lot sizes apply, clause 20 (Rural Subdivision) of the standard instrument will be an applicable compulsory clause. This clause permits subdivision of rural land to create a lot with an area less than the minimum standard providing it is for the purpose of primary production and a dwelling cannot be erected on the lot. Table 2 attached to this report lists the compulsory (if applicable) clauses in the standard instrument with comments on their relevance to Lismore.

3. Optional provisions

Optional provisions are a type of mandatory provision which Council can choose whether or not to use, but which cannot be altered. Council cannot include a local provision in its LEP (or similar provisions in its DCP) that could be addressed using an optional provision from the standard instrument.

There are 4 optional clauses that relate to matters already addressed by clauses in the existing LEP. These clauses will be adopted in the new LEP. Table 3 attached to this report list the optional clauses and together with the equivalent existing LEP clauses that they will replace.

Local provisions

Local provisions refer to any LEP content that is not part of the standard instrument. Matters that are relevant to the local area and which are not covered by mandatory provisions in the standard instrument may be addressed through local provisions. Local provisions cannot be inconsistent with the mandatory provisions in the standard instrument and should comply with relevant SEPPs, section 117 directions, the North Coast REP and the FNCRS.

Examples of matters that will be addressed through local provisions include:

- planning controls on flood prone lands
- buffer zone requirements to avoid potential land use conflicts
- development controls on land identified on Council's Acid Sulfate Soil Planning Maps
- rural dual occupancy provisions
- rural landsharing community development (to maintain Council's exemption from SEPP 15)
- development controls on ridgetops in rural areas
- restrictions within the catchment and inundation area for the proposed Dunoon dam

Format

The template provides a standard format for all new principal LEPs. The format is designed so that mandatory provisions can be updated by the State Government simultaneously and consistently in all LEPs throughout the State. When the Order is amended to make changes to the mandatory provisions of the standard instrument, all LEPs that adopt those provisions will be automatically amended to reflect the changes. Clause numbering in the template will ensure that any amendment by the Minister will not affect the overall numbering scheme in Council's LEP.

Maps

The Department has advised of its intention is to standardize LEP maps similar to the way the written instrument is being standardized. Apart from the new zoning maps there are several provisions in the standard instrument that will require additional LEP maps to be prepared. Examples include maps indicating areas where minimum lot sizes will apply and overlay control maps that will apply to flood prone lands, areas affected by acid sulfate soils etc. Technical requirements for LEP maps are still being finalized by the Department.

Definitions

The standard instrument contains a dictionary of standard terms relating to land uses and other matters relevant to the interpretation of the LEP. The definitions in the standard instrument are mandatory provisions and Councils cannot add new definitions to the dictionary or alter existing ones. The standard dictionary contains 241 terms, however only those that are actually used in the new LEP will be adopted. Lismore LEP 2000 currently contains some 110 definitions and, although these will change substantially, it is anticipated that the new LEP will have a similar number.

Council may only define additional terms where they are to be used in a local provision. In this instance the definition would be set out within the relevant local clause and would only apply for the purposes of interpreting that clause.

Land Use Zones

The standard instrument contains 34 standard land use zones each with mandated permitted and prohibited uses. Council must select zones from the standard zones in the template. Council cannot create new zones, however it is not obliged to adopt all of the standard zones and it is likely that the new LEP will contain no more than 16 land use zones.

While each of the standard zones include a number of mandated permitted and prohibited uses, Council may include additional permitted or prohibited land uses for each zone. Each standard zone also has one or more core objectives which are mandatory. Council may supplement the core objectives with local objectives providing they are consistent with the standard objectives and mandated land uses.

The Lismore LEP 2000 contains 20 land use zones. A number of the standard zones in the standard instrument are more or less analogous with the existing zones under the current LEP. The following table lists the existing LEP zones and their nearest equivalent standard zone:

Current Zones (LEP 2000)	Standard Zones (Standard Instrument)
1(a) General Rural	RU2 Rural Landscape
1(b) Agricultural	RU1 Primary Production
1(c) Rural Residential	RU4 Small Holdings
1(d) Investigation	No equivalent zone
1(f) Forestry	RU3 Forestry
1(r) Riverlands	No equivalent zone
2(a) Residential	R1 General Residential
2(f) Residential (Flood Liable)	No equivalent zone
2(v) Village	RU5 Village
3(a) Business	B3 Commercial Core
3(b) Neighbourhood Business	B2 Local Centre
3(f) Services Business (Flood Liable)	No equivalent zone
4(a) Industrial	IN1 General Industrial
5 Special Uses	SP2 Infrastructure

5(b) Special Uses (Technology Park)	SP1 Special Activities (see comments)
6(a) Recreation	RE1 Public Recreation
6(b) Private Recreation	RE2 Private Recreation
7(a) Env Protection (Veg & Wetlands)	E2 Environmental Conservation
7(b) Env Protection (Habitat)	E2 Environmental Conservation
8 National Parks and Nature Reserves	E1 National Parks and Nature Reserves

As the preceding Table shows, there are no equivalent standard zones for the 1(d) Investigation Zone, 1(r) Riverlands Zone, 2(f) Residential (Flood Liable) Zone or the 3(f) Business Services (Flood Liable) Zone. Following is a discussion on how land currently zoned 1(d), 1(r), 2(f) and 3(f) might be dealt with under the new LEP. Comments are also provided in relation to the existing 5(b) Special Uses Technology Park Zone.

1(d) Investigation Zone

The concept of investigation zones has generally been made redundant through the introduction of regional and local land release strategies. Strategies are the principal mechanism for defining the location and extent of potential land release areas. Once land has been so identified in a strategy, the onus is on the owner of the land to prepare and lodge a rezoning submission to have the land zoned to its identified potential use. This involves a detailed assessment of social, environmental and economic factors that apply to the proposal. It will not be the role of the new LEP to rezone potential new land release areas to a higher order residential or industrial zone. This will continue to be done through the landowner initiated rezoning process. Thus all areas currently zoned 1(d) Investigation under LEP 2000 will be zoned an appropriate non-urban zone under the new LEP whether or not they are identified as potential release areas in the relevant local or regional land release strategy.

1(r) Riverlands Zone

The 1(r) zone is a rural zone that applies to rural land that is flood affected. The standard instrument has no standard flood zone, instead constraints such as flooding may be dealt with in the standard instrument as an "overlay" control. Overlay controls consist of a map and heads of consideration that apply in addition to the zoning controls. All lands that are known to be flood affected (in both the rural and urban area) will be identified by a flood overlay control.

2(f) Residential (Flood Liable) Zone

The 2(f) zone is essentially a residential zone that additionally permits a range of light industrial uses such as light industries, motor showrooms, bulky goods showrooms, warehouses, etc. Conversely new dwellings are not permissible in some areas zoned 2(f) where the flooding hazard is categorized as either 'floodway' or 'high flood risk' in the Lismore Floodplain Management Plan. Not surprisingly there is no equivalent zone in the standard instrument. Under the new LEP the flood overlay control will apply in a similar manner as for the rural areas, however some areas of the 2(f) zone may be zoned R2 Low Density Residential while other areas may be more appropriately zoned IN2 Light Industrial. The most appropriate zoning will be determined through an evaluation of existing land uses, surrounding land uses and the level of flood hazard that applies.

3(f) Services Business (Flood Liable) Zone

The 3(f) zone is a commercial zone although it does not permit shops. The intention of the zone is to provide for service type businesses at the fringe of the main commercial area and to encourage a range of commercial uses which are not adversely affected by flooding. Flood modeling for Lismore Floodplain Management Plan suggests that the location of the 3(f) zones does not necessarily correlate with the areas experiencing the greatest flooding hazard. A specific restriction on shops in these areas is therefore considered unnecessary and this issue will be addressed in the new LEP. It is anticipated that those areas currently zoned 3(f) that are more or less contiguous with the CBD will be zoned B3

Commercial Core. 3(f) zones in areas such as Wyrallah Road and North Lismore will be more appropriately zoned B2 Local Centre.

5(b) Special Uses (Technology Park) Zone

The 5(b) zone applies only to the land in Military Road, East Lismore known as the "Crawford land". The standard instrument has a "SP1 Special Activities Zone" that would be equivalent to the current 5(b) zone, however Southern Cross University (SCU) has been seeking a change in the zoning for some time. The 5(b) zone reflects the fact that the site was originally to be developed as a research oriented technology park. SCU is no longer interested in developing the site for these purposes and several of the proposed research related uses are now established within the main university campus.

SCU has previously approached Council about the possibility of rezoning part of the site for residential purposes. A land capability assessment was commissioned by SCU which concluded that approximately 14ha of the site is potentially suitable for residential development and a further 14ha would be more suited to industrial development.

The Department of Planning believes SCU should be looking at more innovative solutions in keeping with the site's strategic location and attributes. The Department has advised that the issue should be addressed during the preparation of Council's comprehensive LEP. The standard instrument offers some opportunities in this regard such as a "Mixed Use Zone" that permits integrated business, office, residential and retail development. If the site is to be rezoned through the comprehensive LEP, more detailed information in support of a new zone will be required from SCU.

The Far North Coast Regional Strategy

Although the Far North Coast Regional Strategy (FNCRS) is still in draft form, the draft version contains certain provisions that will affect the content of new LEPs and which are unlikely to change in the final version of the document. The following outlines the principal matters that Council will most likely have to address under the new strategy:

Areas of Agricultural Significance

The FNCRS requires LEPs to protect and zone land with high State or regional agricultural values. Agricultural land of State and regional significance on the Far North Coast has been identified by the State Government as part of its Northern Rivers Farmland Protection Project. Discussions will be held with DPI and the Department of Planning as to the appropriate basis for identifying land to be included in the RU1 Primary Production Zone under the standard instrument.

Areas of Environmental Significance

The FNCRS requires LEPs to protect and zone land with high State or regional environmental, vegetation, habitat, waterway or wetlands values. Some of these attributes have been mapped at a regional scale however more detailed mapping will be required to identify these features at an appropriate scale for use in the LEP. This work will require significant Council resources as it will involve detailed aerial photographic interpretation to identify the various vegetation associations throughout the LGA followed by field surveys of a representative sample of each mapping unit. Council is eligible for grant funding through the current round of the Department of Planning's strategic planning fund. A Council resolution to prepare a new LEP under section 54 of the EP&A Act will assist Council in its application for funding under this scheme.

Natural Hazards

The FNCRS requires Councils to prepare (or update) Floodplain Management Plans in order to reduce risks from flooding hazards. Until such plans have been made by the Minister for Natural Resources, Councils cannot zone land or approve new development in potential hazard areas, unless assessed

within a risk assessment framework adopted by the Council. Council has an adopted Floodplain Management Plan that was prepared in 2002. The 2002 Plan is being updated in accordance with the State Government's Floodplain Development Manual 2005 and this will provide input into the new LEP.

Nominated Town and Village Growth Boundaries

The FNCRS defines spatial limits to town and village growth boundaries throughout the region and identifies nominated "new release areas". Some of the nominated new release areas are also included in Council's current urban and village development strategies. In these cases Council can accept rezoning submissions for those sites at any time during the life of the current strategies.

Where land is identified as a new release area but not included in a current local strategy, rezoning may only proceed once Council has prepared a new strategy in accordance with the FNCRS. Council will be required to prepare a Local Growth Management Strategy to demonstrate how future development within the new release areas will be staged, serviced and designed. Local Growth Management Strategies must be agreed to by the Department of Planning.

Council's land release strategies

Council has three current land release strategies – the Lismore Urban Strategy, the Village Development Strategy and the Rural Housing Strategy. Several rezonings have occurred in accordance with the Rural Housing Strategy since its adoption in 2002. Fewer rezonings have occurred under the Village Development Strategy and no residential rezoning submissions have been received under the Urban Strategy since its original adoption in 2003.

While landowners with land identified in these strategies are at liberty to lodge a rezoning submission at any time during the life of those strategies, the preparation of a comprehensive LEP may provide an impetus for landowners (particularly in the urban area) to seek rezoning of their land. Landowners will still need to provide a similar level of detail as would be required in a rezoning submission, however there would be a number of advantages for landowners in being included in the comprehensive LEP. Council's rezoning fees would be reduced as staff time spent on preparing individual LEP amendments would be reduced. Landowners with land identified in the Urban Strategy should be invited to participate in the comprehensive LEP process.

Local Environmental Study requirements

The Government's LEP Review Panel has determined that all new comprehensive LEPs will require the preparation of a Local Environmental Study (LES). The level of information required in the LES will depend upon the scope and nature of the LEP. Where the comprehensive LEP proposes the rezoning of greenfield sites to urban or village zones, detailed information for each proposal as provided by the proponent will be included in the LES.

The LES will include a compilation of relevant information and studies in support of the plan. This may include existing land use studies, flood studies, etc as well as new material prepared specifically for the LEP. The Director-General of Planning may issue specifications relating to the form, content and preparation of a Local Environmental Study.

Miscellaneous matters

The comprehensive LEP will provide an opportunity for reviewing existing zone boundaries and rectifying any anomalies in the current zone maps. Other matters to be addressed may include:

- adjustment of existing urban residential zone boundaries to be co-incident with the boundaries of sewer catchments
- rationalisation of existing business zone boundaries

- a review of precincts surrounding the Lismore Base Hospital and St Vincents Hospital in terms of permitting additional medical related facilities close to those hospitals

Regional LEP Focus Group

A regional LEP focus group has been established comprising planning staff from the six Far North Coast Councils and representatives from the Department of Planning. The first meeting of the focus group was held on September 20, 2006. The group's primary objective is to ensure that there is a consistent approach in the methodology that will be applied to the preparation of comprehensive LEPs in the region and to encourage co-ordinated responses from various State government agencies that will be involved in the consultation process. The focus group will provide a forum for discussion with relevant government agencies such as DPI, DEC, DNR, CMA and the RTA that will have input into the new LEPs.

Section 117 Ministerial Directions

New directions under section 117 of the EP&A Act were issued by the Minister for Planning on September 30, 2005. The directions apply to the preparation of LEPs and pertain to matters of relevance to Lismore such as acid sulphate soils, business zones, farmland of State and regional significance, flood prone lands and planning for bushfire protection. Relevant section 117 matters will be addressed in the new LEP.

North Coast Regional Environmental Plan

It is understood that the North Coast REP will continue to remain in force following adoption of the Far North Coast Regional Strategy. The REP contains plan making provisions which will need to be addressed in the preparation of the new LEP.

Comments

Financial Services

The preparation of a new LEP in accordance with State Government requirements is a major project. While it is acknowledged that this will require significant staff time to complete, there are other tasks such as mapping which will be undertaken externally that would be outside the recurrent Council budget. Exact funding requirements for these tasks are yet to be quantified, but a grant application is to be made for State Government strategic planning funding to assist Council in meeting its requirements.

If necessary, budget submissions will be prepared for the 2007/08 & 2008/09 Budget.

Other staff comments

Council's Development Engineer and Environmental Health section have been consulted in the preparation of this report.

Public consultation

The minimum statutory period for the exhibition of LEPs is 28 days. For a new principal LEP the period of exhibition would appropriately be substantially longer than the statutory minimum. A report outlining a proposed consultation strategy for the new LEP will be presented to Council once the draft LEP has been prepared and prior to Council's decision to exhibit the plan.

Conclusion

Council must prepare a new comprehensive LEP consistent with the standard template by March 2009. Compliance with the standard instrument will mean that Council cannot:

- add new zones or create sub-zones

- prohibit uses that are mandated as permissible in a zone
- permit uses that are mandated as prohibited in a zone
- add local provisions that are inconsistent with the mandatory provisions
- change the standard dictionary by altering or adding to the standard definitions
- change the standard clause numbering
- change the format
- change the wording of the provisions

However the template permits some degree of flexibility in that Council can:

- prepare additional local provisions that address local planning issues and which reflect the outcomes of local and regional strategies
- add local objectives to the core zone objectives
- add additional permitted or prohibited land uses for each zone in the land use table
- decide whether or not to include optional provisions in its LEP
- specify what will be permitted as exempt and complying development
- insert local criteria or standards into certain mandatory clauses
- prepare maps that specify the lot sizes, building heights and floor space ratios appropriate for their local area
- define terms within a local provision in certain circumstances
- suggest new definitions to the Department of Planning that could be suitable for inclusion in the standard dictionary for all Councils to use.

The new LEP will also have to comply with the requirements of the Far North Coast Regional Strategy and relevant s117 directions and SEPPs. It also provides an opportunity for landowners whose land is identified in a current Council land release strategy to participate in the process.

Prior to the public exhibition of the draft LEP, it is proposed that a Council workshop will be held to discuss the major issues to be addressed in the new LEP. The workshop will be followed by a further report to Council before the draft Plan is placed on public exhibition.

A resolution is now sought from Council to prepare a new comprehensive LEP. The resolution will also assist Council in its application for Department of Planning grant funds to undertake detailed mapping as a requirement of the FNCRS.

Recommendation (PLA3)

That Council:

- 1 Pursuant to section 54 of the EP & A Act, resolve to prepare a new comprehensive Local Environmental Plan consistent with the standard instrument.
- 2 Advise the Department of Planning of its decision to prepare a new LEP and request any specifications for the preparation of a Local Environmental Study.
- 3 Consult with relevant government and other agencies pursuant to section 62 of the EP&A Act.

Table 1 – Compulsory provisions

Compulsory Clauses	Existing LEP 2000 Clause	Comments
Cl. 1 – Name of Plan Cl. 2 – Aims of Plan	Cl. 1 – Name of plan Cl. 2 – Aims, objectives etc of plan	<i>Can insert specific aims for Lismore</i>
Cl. 3 – Land to which Plan applies	Cl. 3 – Land to which this plan applies	
Cl. 4 – Definitions Cl. 5 – Notes	Cl. 6 – Definitions	<i>Enables notes to be inserted in the LEP for guidance purposes</i>
Cl. 6 – Consent Authority Cl. 7 – Maps	Cl. 7 – Consent Authority	<i>Will need to list maps adopted by plan</i>
Cl. 8 – Repeal of other local planning instruments applying to land	Cl. 4(1) – Relationship to other planning instruments	
Cl. 9 – Application of SEPPs and REPs	Cl. 4(2) – Relationship to other planning instruments	<i>May need to add other relevant instruments</i>
Cl. 10 – Land Use Zones	Cl. 8 – Zone Identification	
Cl. 11 – Zoning of land to which Plan applies Cl. 12 – Zones objectives and land use table Cl. 13 – Unzoned land	Covered in Cl.19 – Development of land near adjoining zones	
Cl. 14 – Additional permitted uses for particular land Cl. 15 – Subdivision consent requirements Cl. 16 – Exempt Development	Cl. 28 – Additional development on certain land Cl. 11 – Subdivision of land generally Cl. 9 – Exempt and complying development	<i>Will replace DCP No. 39 for Exempt Development Will replace DCP No. 40 for Complying Development</i>
Cl. 17 – Complying Development Cl. 18 – Environmentally sensitive areas excluded Cl. 23 – Exceptions to development standards Cl. 24 – Land acquisition within certain zones	Cl. 9 – Exempt and complying development	
Cl. 25 – Classification and reclassification of public land	Cl. 70 – Acquisition of land Cl. 71 – Acquisition of land within Zone No 6(a) – effect of rezoning Cl. 72 – Use of land pending acquisition Cl. 74 – Classification and reclassification of public land as operational land Cl. 74A – Classification and reclassification of public land as community land	<i>Replaces SEPP 1 (Development Standards)</i>
Cl. 27 – Community use of		

educational establishments
 Cl. 29 – Development in proximity to a rail corridor
 Cl. 33 – Heritage conservation

Cl. 12 – Heritage Conservation Objectives

Cl. 13 – Protection of heritage items and heritage conservation areas

Cl. 14 – Advertising Development

Cl. 15 – Notice of demolition to the Heritage Council

Cl. 16 – Development affecting places or sites of known or potential Aboriginal heritage significance

Cl. 17 – Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance

Cl. 17A – Development in the vicinity of a heritage item

Cl. 17B – Conservation incentives

Cl. 17C – Development in conservation areas

Cl. 34 – Bushfire hazard reduction

Cl. 35 – Development for group homes

Cl. 36 – Crown development and public utilities

Cl. 5 – Adoption of model provisions

Replaces SEPP 9 (Group Homes)

Provides exemptions for public utility undertakings

Table 2 – compulsory (if applicable) provisions

Compulsory (if applicable) clauses	Existing LEP 2000 clause	Comments
Cl. 20 – Rural Subdivision	Cl. 36 – Subdivision and development in rural zones	<i>This clause is compulsory where minimum rural subdivision lot size applies</i>
Cl. 30 – Development within the coastal zone		<i>Only applicable to the coastal zone</i>
Cl. 31 – Development below mean high water mark		<i>Only applicable to tidal areas</i>

Table 3 – Optional provisions

Optional clauses

Cl. 19 – Minimum subdivision lot size

Cl. 21 – Height of buildings

Cl. 22 – Floor space ratio

Cl. 26 - Development near zone boundaries

Cl. 28 – Classified Roads

Cl. 32 – Preservation of vegetation

Existing LEP 2000 clauses

Cl. 36 – Subdivision and development in rural zones

Cl. 51 – Subdivision of land in Zones Nos 2(a) and 2(v)

Cl. 52 – Subdivision of land in Zone 2(f)

Cl.19 – Development of land near adjoining zones

Cl. 25 – Development along main roads

Cl. 46 – Bed and Breakfast Establishments in rural zones

Cl. 57 – Bed and breakfast establishments in urban zones

Cl.18 – Preservation of trees

Comments

Minimum lot sizes to also be shown on an adopted "Lot Size Map".

Not applicable for Lismore

Not applicable for Lismore

Additional zones can be added

Additional provisions preventing particular uses in specific zones can be added – (will need to incorporate development listed in schedule 3)

Report

Subject	Draft Development Control Plan No.53 – Industrial land at Wyrallah Road, East Lismore
File No	S944
Prepared by	Senior Strategic Planner
Reason	Close of public exhibition period
Objective	Council's adoption of draft DCP No. 53
Strategic Plan Link	Economic Development
Management Plan Activity	Review and update planning controls

Overview of Report

This report informs Council of the outcome of the public exhibition of draft DCP No. 53 (Industrial Lands at Wyrallah Rd, East Lismore) and recommends that Council proceed with the adoption of the DCP.

Background

At its meeting of June 13, 2006, Council adopted draft LEP Amendment No. 31 to rezone part of Lot 2 in DP 587430, Wyrallah Road, East Lismore to 4(a) Industrial Zone. Rezoning of the land from rural to industrial will enable future subdivision and industrial development to proceed. Gazettal of LEP Amendment No. 31 is likely to occur before the end of the year.

The applicant submitted a conceptual subdivision plan with the rezoning submission indicating the potential for 29 industrial allotments. The number of lots and final subdivision design will be subject to future development consent. Several issues were identified in the assessment of the rezoning submission that need to be addressed in detail in a future subdivision application. The issues pertained to intersection design, internal road layout and connections, impacts on major sewer rising mains within the site, stormwater management, East Lismore STW buffers and contaminated land assessment.

To ensure that the applicant is aware of the aforementioned issues, and that they are fully addressed in a future DA, Council resolved to prepare and exhibit a site specific DCP (No. 53) for the land. A copy of the draft DCP No. 53 is attached to this report.

Comments

Financial Services

Not required

Other staff comments

Council's Environmental Health section and Development Engineer have had input into the preparation of the DCP.

Public consultation

Draft DCP No 53 was publicly exhibited for a 28 day period from July 24, 2006 to August 28, 2006. No submissions were received in response to the exhibition of the plan.

Conclusion

The purpose of DCP No 53 is to ensure that certain requirements that were not addressed with the rezoning are adequately addressed at the development application stage. As there were no public submissions to the draft DCP it is recommended that Council adopt the DCP in its exhibited form.

The EP&A Regulation 2000 requires that Council give public notice of its decision to adopt a DCP within 28 days of its decision. A DCP comes into effect on the date of the public notice of its adoption, or on a later date as may be specified in the notice. The DCP will only become relevant when the land is rezoned to 4(a) Industrial. As LEP Amendment No.31 is yet to be gazetted, the public notice should nominate a later date as the effective date. It is anticipated that LEP No 31 will be gazetted by the end of the year. Therefore it is recommended that the public notice specifies January 1, 2007 as the effective date.

Recommendation (PLA2)

That Council:

1. Adopt DCP No. 53 (Industrial land at Wyrallah Road, East Lismore) as exhibited.
2. Give public notice of Council's adoption of DCP No. 53 in accordance with the requirements of the EP&A Regulation 2000.
3. That the public notice specifies that DCP No. 53 comes into effect on January 1, 2007.



**Draft
Development Control Plan
No.53**

**Industrial Land at
Wyrallah Road
East Lismore**

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1.0 Preliminary

1.1 Name of the Plan

This Plan is called Development Control Plan No 53.

1.2 Land to which this Plan applies

This Plan applies to development on land in Wyrallah Road, East Lismore as shown on the plan.

1.3 Adoption of the Plan

This Plan has been prepared in accordance with Section 72 of the EP&A Act, 1979 and Clauses 16 and 17 of the EP&A Regulation, 2000. The Plan was adopted by Lismore City Council at its Meeting of > and came into effect upon the gazettal of Lismore LEP Amendment No.31.

1.4 Variations to the Plan

Where Council is of the opinion that strict compliance with the Plan is unreasonable or unnecessary, it may permit a variation providing it is consistent with the Plan's objectives

1.5 Relationship to other Plans

This plan should be read in conjunction with the Lismore Local Environmental Plan 2000 and Development Control Plan Nos.26 and 28.

1.6 Objectives of This Plan

The objectives of this Plan are:

- To ensure that future development of the land is carried out in a co-ordinated manner.
- To ensure that subdivision design takes into account the particular constraints and characteristics that apply to the land.

2.0 Roads

Access from Wyrallah Road is to be limited to a single access point only where safe intersection sight distance can be achieved. A type CHR intersection treatment will be required in accordance with AUSTRROADS standards.

Internal road access should be designed in a loop configuration and should avoid dead end cul-de-sacs. Suitable provision for future access to land to the south should be made in the event that that land is zoned for industrial uses. Location of the access points is to be provided within the context of the overall internal road design.

3.0 Sewer

A gravity sewer main (750 mm) and two rising mains (375 mm and 450 mm) traverse the site. These mains cannot be relocated without proper investigative works being undertaken to ensure that this relocation will not have any detrimental effects on the flow of sewage from the reticulation system and pump stations and the flow of sewage into the East Lismore Wastewater Treatment Works. Prior to any relocation being considered, the following works will need to be undertaken as a minimum:

- Modelling of the gravity main network to ensure that adequate flows and velocities will be maintained right throughout this catchment and that any relocation will not cause any overflows or odour issues in the upstream of the catchment (including allowances for growth).

- Modelling of the rising main flows to ensure that the flows are not effected and to ensure the adequacy of the pump station and storage capacity within the pump station (including allowances for growth).
- Modelling of flows into the East Lismore Wastewater Treatment works to ensure that there is no effects on the treatment process at this plant.

Any works identified by these studies will need to be investigated, designed and constructed at full cost to the developer including any augmentation works required.

4.0 Stormwater Management

An integrated approach to stormwater management on the site is to be provided through a Stormwater Management Plan. The increase in the area dedicated to the industrial development will result in a net increase in pollutant loads exported from the overall site.

It will therefore be necessary for any future industrial development to provide for adequate on-site treatment of stormwater runoff to remove nutrients, gross pollutants and suspended solids before it is discharged into the flood plain. A Stormwater Management Plan is to be submitted which will address in detail the treatment, management and proposed ownership of all drainage lines on the site that will be affected by future industrial development. Buffers are to be provided to all watercourses within the development area and these areas are to be rehabilitated in accordance with an approved revegetation plan.

5.0 Buffers

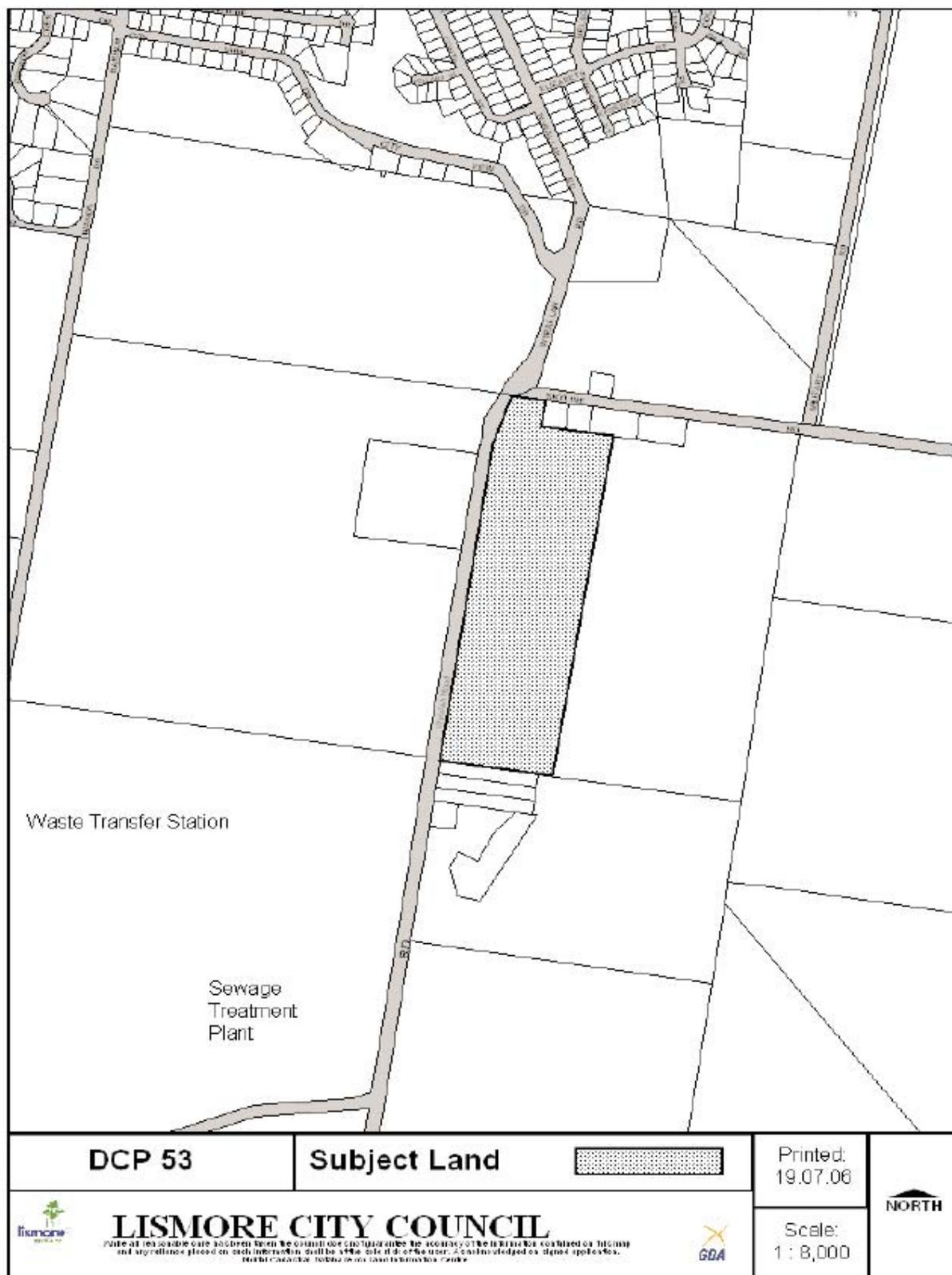
The site is located to the north-east of the East Lismore Sewerage Treatment Works. Although the site is located outside the nominated 100m buffer for industrial development under DCP No.27, odours from the East Lismore STW may impact on the site under certain climatic conditions.

A full assessment of the impacts of the East Lismore STW and Lismore Tip on the development will be required to be undertaken under a range of climatic conditions. Restrictions may be necessary on development in those parts of the site where impacts are experienced. Such restrictions could include a requirement for air conditioning of individual premises.

Landscaped buffers around the perimeter of the site will be required to ameliorate visual impacts.

6.0 Contaminated Land

Any Development Application for subdivision or industrial development must include a report on the findings of a preliminary investigation of the site carried out in accordance with the contaminated land planning guidelines. A more detailed investigation may be required where the findings of the preliminary investigation warrant it.



Report

Subject	Implementation of Currie Park Restoration Plan
File No	P6588 – Rotary Park
Prepared by	Council's Bushland Management Officer
Reason	Council Request – 167/06 Council Minutes Sept 12, 2006.
Objective	To gauge the current status of Currie Park, its suitability as a Flying-fox roost site, and restoration funding opportunities.
Strategic Plan Link	Natural Environment
Management Plan Activity	Not Applicable

Overview of Report

Council at the meeting of September 12, 2006 resolved *“That Council staff provide a report to Council on implementation of the report on the restoration of Currie Park including grant funding that can be used for it.”*

Systematic works have been undertaken at Currie Park over the past decade by qualified bush regenerators in accordance with the site's restoration plan. While restoration of the core rainforest is progressing satisfactorily, additional funding would likely achieve overall restoration objectives sooner. To this end a community-partnered grant application is planned to be prepared and submitted to the Commonwealth Threatened Species Network (TSN) Community Grants Program in April 2007.

It is unclear why Currie Park was disused by Flying-foxes as a roosting site in 2005 in view of their previous long-term usage of the park. The site's restoration can be viewed as a medium to long-term strategy to attract Flying-foxes back to Currie Park.

Restoration Works

Currie Park is Lowland Subtropical Rainforest on Floodplain and thus is classified as an Endangered Ecological Community under the NSW Threatened Species Conservation Act. The reserve houses numerous threatened flora and fauna species. A restoration plan was prepared for the reserve in 1999 by R. Joseph Consulting Pty Ltd. The plan recommends ongoing and systematic restoration works that are funded on a continuous basis, ie Council's Bushland Budget. Systematic works have been undertaken at Currie Park over the past decade by qualified bush regenerators in accordance with the restoration plan. Previous attempts to restore the park were reliant on grant monies & were thus spasmodic.

Accurate records of restoration costs are not available prior to the 2004/05 period. However, in 1998 State Government grant funding allowed an increase in restoration works to at least 8 x 3-person work days per year. Restoration works have been continuous from 1998 to the present. In the 2004/05 period 17 x 3-person work days were undertaken to the value of \$13,600. In the 2005/06 period 12.5 x 3-person work days were undertaken to the value of \$10,000.

It is anticipated that restoration effort will be maintained or increased in the current year to approximately

15 x 3-person work days. Five of the 15 team days will be paid from Council's Bushland Budget. The other ten team days will be paid from NSW Environmental Trust grant funding (Restoration and Rehabilitation of Lowland Rainforest on Floodplain). This grant allows 10 x 3-person restoration work days at Currie Park for each of the next three years.

In addition, EnviTE will provide 48 days of Work for the Dole crews over the next 3 years to commence restoration works on the mainly cleared land around the core rainforest. This work will focus on weed control around outlying native trees in combination with planting with the aim of providing a link to the regenerating core rainforest. This will increase the overall available habitat for the Flying Foxes.

Although restoration of the site is progressing, additional funding could achieve restoration objectives sooner. Restoration funds from Council's Bushland Budget for Currie Park are limited due to the increasing number of public reserves requiring restoration works and other priorities for restoration of bushland in high profile public reserves, eg Tucki Tucki Creek.

Works continue to focus on improving the health and integrity of the reserve as a whole. This maintains and improves habitat for all native species including Flying-foxes. In accordance with ecological principles, integrated weed control is practiced at the site with particular attention to problematic weeds such as Balloon Vine, Wandering Jew, Cats Claw Creeper, Asparagus Fern and Coastal Morning Glory.

Also in accordance with ecological principles weed control has focused on restoring the core / centre of the rainforest working to the outer weed-infested edges. The core rainforest is now at maintenance stage with excellent canopy recovery and regeneration of canopy species in the mid and under storeys which will eventually form a healthy native canopy.

Because weeds such as Large-leaved Privet are abundant along the outer eastern edge, it should not be assumed that the whole reserve is weed infested. Outer edge weeds remain on a temporary basis and serve the purpose of reducing edge effects. They are gradually being controlled particularly where native plants occur or are regenerating. Work to encourage the regeneration of native species around this eastern edge commenced in 2006/07.

Apart from some plantings in 1990, no revegetation has occurred to date of cleared areas on the northern and eastern boundaries as recommended in the Currie Park Restoration Plan. This work may be undertaken by EnviTE-supervised Work for the Dole crews.

External funding

The Commonwealth Threatened Species Network (TSN) Community Grants Program appears to be the most appropriate funding program to source additional funds for restoration of Flying-fox habitat at Currie Park. It supports community groups conducting on-ground habitat restoration works, specifically targeting the needs of nationally threatened species and ecological communities.

Council's Bushland Management Officer has approached representatives of WIRES and Northern Rivers Wildlife Carers regarding the possibility of Council partnering their groups in a TSN Community Grant application to restore Flying-fox habitat at Currie Park.

Both community groups, particularly Northern Rivers Wildlife Carers, have registered their interest in the proposal. Furthermore, the TSN Program Coordinator has encouraged Council to work with one or more community groups to apply for a grant.

Round 10 of the TSN Community Grants Program is expected to open in April 2007. A grant application is planned to be prepared and submitted in partnership with WIRES and/or Northern Rivers Wildlife Carers.

Comments

Other staff comments

This report was prepared in consultation with Council's Parks Coordinator, Martin Souter, and Rosemary Joseph, team leader of bush regenerators working at Currie Park and author of the Currie Park Restoration Plan.

Public consultation

Not Applicable.

Conclusion

A systematic program to restore the rainforest at Currie Park has been underway for several years and is continuing. This has been very successful. Works are funded through Council's Bushland Budget and an Environmental Trust Grant. Further external funding for restoration works would accelerate the restoration objectives. Such grant funds may be forthcoming with a proposed community-partnered application proposed to be submitted in April 2007.

Restoration works at Currie Park can be viewed as a medium to long term strategy to restore the rainforest and thus attract Flying-foxes back to Currie Park. They are unlikely to address any short term problems associated with persistence of the animals at Rotary Park.

Recommendations (PLA4)

1. That Council continue to fund ongoing restoration works at Currie Park through its Bushland Budget.
2. That Council staff work with community groups to prepare and submit a grant funding application to the Commonwealth Threatened Species Network (TSN) Community Grants Program in April 2007.

Report

Subject	Draft Regional Policy for the Management of Contaminated Land
File No	S/904
Prepared by	Matt Kelly – Environmental Health Officer
Reason	Present a revised Draft Contaminated Land Policy following formal review of Councils Contaminated Lands Policy Adopted 12 th November 2002.
Objective	For Council to place the Draft Regional Policy for the Management of Contaminated Land on Public Exhibition.
Strategic Plan Link	Natural Environment
Management Plan Activity	Environmental Health

Overview of Report

In 1997 the NSW Government introduced a package of reforms to provide a comprehensive, consistent and whole-of-government approach to land contamination and remediation. The contaminated Land Management Act 1997 and State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land and Managing Land Contamination – Planning Guidelines, represented complementary parts of that package. In response to the contaminated land management responsibilities introduced through the reform package Council adopted 'Contaminated Lands Policy – Version 3.1' on 12th November 2002. In the 2005/06 Management Plan a review of the policy was identified in order to clarify, strengthen and broaden some aspects of the policy. The opportunity was taken to undertake the review on a regional scale to assist in the development of a policy that would provide a consistent approach to planning decisions involving matters of contaminated land within the Northern Rivers. The Draft Policy (see report attachment) has been developed through a working party of the North Coast Public and Environmental Health Task Force with Lismore Council taking a lead role. The draft regional policy is presented to Council for adoption for exhibition purposes.

Background

A planning function involving the assessment of contaminated land issues, like many environmental management issues, should be undertaken by planning authorities on the platform of a precautionary approach. A precautionary approach should enable land contamination issues to be identified and dealt with by decision makers at an early stage in the planning process as failure to consider the possibility of land contamination may result in:

- Inappropriate land use decisions
- Increased risk to human health
- Detrimental effects on the environment
- Impacts on the safety of new and existing structures
- Delays in processing development applications
- Impacts upon land value and the passing on of unanticipated development costs to other parties

It is through the planning process that decisions must be made as to whether land is, or will be suitable for a proposed land use, or should be remediated, or use of the land restricted for an intended use when considering it for development.

To guide the planning process the NSW Government, in 1997 introduced a package of reforms to

provide a comprehensive, consistent and whole-of-government approach to contamination and remediation. The contaminated Land Management Act 1997 and State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land and Managing Land Contamination – Planning Guidelines represented complementary parts of that package.

To support this framework Council adopted a Contaminated Land Policy in 2002 having the purpose to:

‘outline criteria for the assessment of potentially contaminated land and to set the procedures for providing information and for the assessing of development applications’.

In the 2005/06 Management Plan – Environmental Health Activity, it was programmed to undertake a formal review of Council's existing contaminated lands policy. The principle reason for initiating the review was to clarify, strengthen and broaden some aspects of the policy being:

- the inadequacy of the policy to guide ‘information management’ of actual and potential land contamination. It is essential that information is captured and recorded at critical stages of the assessment process to assist in current and future land use planning and development matters and in providing information to the public, specifically through the provision of certificates under Section 149 of the EPA Act.
- the utilisation of the policy's six (6) information questions as the only response by applicants to the matter of land contamination. The response by applicants and consultants is not satisfying the information and preliminary assessment requirements of SEPP No.55 resulting in requests for additional information, delaying the processing of applications.
- the lack of guidance for the assessment of contaminated land matters involving independent auditing, the development of dwellings in rural areas, the demolition of structures previously treated with organo-chlorines, acid sulphate soils, flooding and environmental or public amenity provisions.
- The lack of consolidation of provisions of State Environmental Planning Policy No.55 and Managing Land Contamination – Planning Guidelines.

The opportunity was taken to undertake the review on a regional scale to assist in the development of a policy framework that would provide a consistent approach to planning decisions involving matters of contaminated land throughout the Northern Rivers. The Draft Policy has been developed through a working party of the North Coast Public and Environmental Health Task Force with representatives from Ballina, Byron, Kyogle, Lismore City, Richmond Valley & Tweed Shire Councils. Lismore City undertook the key role in the research and development of the policy.

A final draft of the policy was distributed for a limited peer review involving NSW Department of Planning, Industry (contaminated land consultants) and local government. The final draft of the policy was agreed upon by the working party on 4th August 2006 with the exception of Section 5 – Council Records and Community Information. Section 5 identifies that Council has developed an information system for contaminated and potentially contaminated lands, which will be used in conjunction with this policy to assist in addressing the issue of land contamination in land use planning and development matters and in providing information to the public, specifically through the provision of certificates under Section 149 of the EPA Act. Other Councils within the region have not progressed their information systems to the level of Lismore City and will further review this section in accordance with current Management Plan expectations.

The policy is made under the ‘Managing Land Contamination – Planning Guidelines’ and State Environmental Planning Policy No.55 – Remediation of Land, in order to implement a contaminated land management framework within the planning and development process of Council.

The aims of this policy are to:

- ensure that the likelihood of land contamination is considered as early as possible in the planning and development process by Council, consultants, developers etc.
- ensure that changes in land use will not increase the risk to health or the environment
- avoid inappropriate restrictions on land use arising from contamination
- provide information to support decision making and to inform the community

- ensure that site investigations and remediation works are carried out in a satisfactory manner, and where appropriate, are independently verified
- ensure that the Council exercises its functions relating to the development of contaminated land with a reasonable standard of care and diligence.
- to assist development of technical notes to guide contaminated land assessment activities.

Comments

Financial Services

Other staff comments

Planning Services have been regularly consulted through the development of the draft policy document and they support the policy.

Public consultation

N/A

Conclusion

The Draft Regional Policy for the Management of Contaminated Land has been developed in response to Council's 2005/06 Management Plan – Environmental Health Activity to undertake a formal review of Council's existing policy 'Contaminated Lands Policy – Version 3.1'.

It is recommended that the draft policy be adopted for public exhibition and be exhibited for a thirty (30) day period.

Recommendation

That the Draft Regional Policy for the Management of Contaminated Land be adopted for public exhibition and be exhibited for a thirty (30) day period.

Report

Subject	Tryton Waste Service Contract
File No.	PK:VLC:S864
Prepared by	Manager Waste, Quarries and Crematorium
Reason	Council Resolution of June 14, 2005 instructed staff to review existing arrangements with Tryton.
Objective	To obtain Council approval for the proposed new contract between Lismore City Council and Tryton Waste Service.
Strategic Plan Link	Water and Waste Cycle
Management Plan Activity	Northern Rivers Waste

Overview of Report

The original Contract for the reprocessing of organic waste into value added products was entered into by Council and Tryton Waste Services (Lismore) Pty Limited in August 2000. Since that time there have been ongoing discussions and negotiations regarding its implementation, culminating in the major shift in ownership which occurred in June 2004. Tryton has since written to Council requesting a review of the contract as some key milestones are drawing near. This review has led to the development of a new draft contract which significantly changes responsibilities and addresses many of the previous issues.

This report sets out the development of arrangements with Tryton, the details of recent discussions and a proposed new contract which significantly improves Council's position.

Background

Council has a contract with Tryton Waste Service (Lismore) Pty Limited to reprocess organic matter into value added goods. Council entered into this contract in August 2000 with two variations, one in May 2001 and a second in July 2002. Tryton Waste Service (Lismore) Pty Limited is a wholly owned subsidiary of Tryton Group Pty Limited and there is another wholly owned subsidiary, Tryton Waste Services Pty Limited. For the purposes of this report, these are referred to as Tryton.

In May 2004 the ownership of Tryton's Lismore operations was acquired by interests associated with AgnVet. Council staff met with their Mr Mark Giffin and the detail of these discussions was communicated to Councillors.

Council identified a number of issues which required attention. These included Environmental Matters, Quality and OH&S Plans, Financial Reporting, Insurances and Product Purchases by Council. These issues were largely resolved between Mr Giffin and Council staff. An outstanding item remains the commitment of Tryton to pay part of the cost of the realignment and sealing of the mulching pad to EPA guidelines. This work was completed by Council staff in March 2005 at a cost of \$55,000.

Tryton also raised a number of issues which they wished to resolve. These included Contamination Issues, the Service Fee, Royalty on Income, definitions under the contract, and Council use of Tryton product.

In June 2005 Council resolved:-

- “1 *The existing Contract (including amendments) between Lismore City Council and Tryton Waste Service (Lismore) Pty Limited be reviewed with a view to amending:*
- a) *The service fee period;*
 - b) *The service fee rate per tonne;*
 - c) *The royalty arrangements;*
 - d) *The definition of Facility, and*
 - e) *Any other section of the Contract that can be clarified.*
- 2 *Provided that any decrease in the Council’s existing contractual position is matched by either short or long term concessions that are to the Council’s benefit and*
- 3 *A report of the outcomes of these negotiations and possible drafting of any amendments is brought back to Council by December 2005 prior to any agreement being finalised.”*

In subsequent meetings Council staff outlined Council’s position on the continuation of composting activities at the Wyrallah Road Waste Facility and put forward two alternatives for Tryton to consider. They were:

- Continuing under the conditions of the existing contract. Accordingly, Council would cease payment of \$46 per tonne of kerbside organics to Tryton from November 2006. This would be Council’s preferred way forward; however, Mr Giffin had indicated that this was not a viable solution for Tryton. The existing contract also provides for a payment by Tryton to Council of 5% of revenue generated by sale of products.
- Enter into a new agreement whereby Council takes on the mulching of green waste and kerbside organics and supplies feed material to Tryton’s worm farm operations. This option was seen as Council’s best alternative for both Council and Tryton. It maintains support to Tryton for a further two years while maintaining or reducing the cost to Council of the mulching operation where industry benchmarks for mulching costs are around \$40 per tonne. It also gives Council the ability to increase the mulching operation above the capability of the Tryton operations requirements for compost, as any surplus can be used by Council or sold to the market. Operationally it provides an improvement in control over public safety and access in the self-haul green waste area and increased control over contamination of the stockpiles.

Tryton has confirmed its ‘in principle’ agreement to the later proposal for Council to take on mulching activities at the waste facility. Walters Solicitors were engaged to develop a new contract.

The key points of the new contract are as follows:

1. A totally new contract will replace the existing contract and amendments, which will clarify among other things the definition of the Vermiculture Facility.
2. A new lease will be designed to align with the contract period and reflect the changes in operational responsibility.
3. The proposed commencement date is November 26, 2006.
4. The term will be for five years.
5. Council will cease all payments to Tryton.
6. Council will take over the control of the mulching of green waste and kerbside organics.
7. Council will purchase Shredder, Trommel and associated minor equipment from Tryton.
8. Tryton to continue operation of the Worm Farm and develop associated value-added composts and other products.
9. Council to supply Tryton organic feed material for its operations at zero cost for an initial period of two years, after which pricing will apply at a rate to be agreed, but expected to be close to market rates achieved by Council for other sales.
10. Shredded and mulched material surplus to Tryton’s requirements will be used by Council or sold to the general market.

11. Council will waive the payment of \$55,000 by Tryton for the re-alignment of the composting pad.

The Deed of Release and Agreement are attached separately as Appendix 1.

Comments

Financial Services

Under the current agreement, Council pays Tryton \$46.00 per tonne for organics and \$40.25 per tonne for green waste to accept, shred and process. The proposed agreement is for Council to undertake the shredding and mulching process. Based on industry benchmarks, a cost of \$40.00 per tonne is expected. This saving in direct costs coupled with opportunities to increase production beyond Tryton's requirements and either sell to the market or make available for Council use, results in a potentially better outcome for Council.

In regard to the fact that Tryton will not be required to make payment to Council for 5% of revenue generated by sale products, and a debt of \$55,000.00 being Tryton's contribution to the realignment and sealing of the mulching pad to EPA guidelines is proposed to be written off, it is understood that this has been negotiated to ensure that no parties make any claim or demand or commence any proceedings at law or in equity against the other parties.

Finally, the proposed agreement clearly sets out the assets to be acquired and owned by Council. The agreed purchase price is \$346,450. While \$250,000 is provided in the 2006/07 Budget for this purpose, the balancing amount of \$96,450 will be sourced from within the overall Northern Rivers Waste budget.

Other staff comments Not required

Public consultation Not required

Conclusion

In effect Council was in a situation where it could:

1. Extend and increase the support for the Tryton operations by paying higher service fees.
2. Enforce the current contract of no payments by Council to Tryton post November 2006.
3. Find an alternative which allowed Tryton to continue to operate but improved Council's financial position.

Option 1 is not acceptable to Council. Option 2 could have resulted in the demise of the Tryton operation and left Council with no option but to manage the kerbside organic waste stream itself. Option 3 provides a solution which allows Tryton to continue in operation, provides no increase in net operating cost to Council, and allows Council to control the mulching operations at the facility. The contract proposed in this report puts into effect Option 3.

Recommendation (IS44)

1. That Council endorse the Deed of Release and Organic Waste Resource and Vermiculture Facility Agreement between Lismore City Council and Tryton Waste Service (Lismore) Pty Limited.
2. That subject to completion of the appropriate documentation as outlined in the report Council approve the purchase of nominated plant from Tryton at a cost of \$346,450 and the necessary

- funds be noted.
3. That upon completion of the Deed of Release, Council write off the charge of \$55,000 representing the Tryton contribution to environmental management works at Council's waste facility

Report

Subject	2005/06 Financial Reports
File No	S910
Prepared by	Principal Accountant
Reason	Legislative requirement - Section 413, 415 and 416, Local Government Act 1993
Objective	Adopt the 2005/06 Financial Reports
Strategic Plan Link	Leadership by Innovation
Management Plan Activity	Financial Services

Overview of Report

Council is required to 'form an opinion' on the financial reports and the auditor relies on this as part of the independent audit process. For the 2005/06 Financial Reports, due to the inability to complete the financial reports on a timely basis and therefore allow sufficient time for the Auditor to complete the audit process for Council and meet other commitments, the practice of Council forming an opinion and the Auditor presenting the audit reports at the same meeting is not possible.

To meet the statutory reporting requirements, a departure from normal practice is required which Council's Auditor is in agreement with and is current practice in other councils.

From the 2005/06 Financial Reports, the following is a summary of the key financial results:

- The "Surplus/ (Deficit) from all Activities" for 2005/06 is a \$13.247 million increase or surplus.
- Expenses from ordinary activities before capital amounts excluding depreciation and disposal of assets has increased by \$8.0 million with Revenues from Ordinary Activities excluding disposal of assets by \$8.2 million.
- Council has total cash and investments of \$39.59 million.
- Net Assets resulting from Operations has increased from \$436,227 million in 2004/05 to \$449,474 million in 2005/06.
- The Unrestricted Current Ratio has remained steady at 3.2%; Debt Service Ratio has declined from 5.1 % in 2004/05 to 4.7% in 2005/06.

Council remains in a sound financial position with cash and investments remaining relatively stable and liabilities such as loans at a manageable level. It remains essential for Council to continue to examine ways, in which revenue can be increased, expenses decreased or a combination of both to ensure long-term financial viability. This examination will also need to focus on the realistic assessment of requirements from an infrastructure perspective.

Background

(Due to the consolidated nature of information provided in the 2005/06 Financial Reports, Councillors may have questions which will require some research. If questions could be directed to the Manager – Finance prior to the meeting, they may be able to be answered at the meeting, if not before)

The 2005/06 Financial Reports have now been completed and in accordance with the Local Government Act 1993 (Act), Council is required to 'form an opinion' on them. In previous years, Council 'formed an opinion' on the financial reports in conjunction with a presentation on the audit report by the Auditor at the same meeting. This approach is efficient and effective and the preferred way to meet these statutory requirements. For the 2005/06 Financial Reports, due to the inability to complete the financial reports on a timely basis and therefore allow sufficient time for the Auditor to complete the audit process for Council and meet other commitments, this approach is not possible.

The Act relating to the preparation of Council's annual financial reports requires that:

- a) Section 413, 415 and 416 requires a council to prepare financial reports, including Financial Reports and 'Statement by Councillors and Management' for both the General Purpose Financial Reports and Special Purpose Financial Reports; for each year, and must refer them for audit and be audited by the 31 October 2006.
- b) Section 413 states that the Financial Reports must be accompanied by a Statement of Council's opinion made pursuant to a resolution of Council and signed by the Mayor, at least one other Councillor, General Manager and the Responsible Accounting Officer. The content supporting Council's opinion is prescribed and both forms are attached to this report.
- c) Fix a meeting date to present the financial reports to the public; and
- c) Advertise, for a minimum period of seven days prior to the meeting, that the financial reports and the auditor's report are available for public inspection.

In order to comply with these guidelines, Council will need to 'form an opinion' at this meeting, the Auditor will be requested to complete the audit and provide audit reports by October 31, 2006, a copy of the 2005/06 Financial Reports and audit reports will then need to be forwarded to the Department of Local Government by November 7, 2006 and also their availability to the public advertised from November 2, 2006 for seven (7) days, and finally for the Auditor to present the Audit Report and formal adoption by Council at the November 14, 2006 meeting.

A copy of the 2005/06 Financial Reports is provided as an attachment to the business paper. In respect to the actual content of the financial reports, it is normal practice for staff to provide a detailed analysis of the year's results, as part of the financial reports document. This analysis is also an attachment to the business paper titled "2005/06 - Financial Reports Review", but the following provides some of the key financial data information:-

Key Financial Data – Summary (General Purpose Financial Reports)

- **Operating Result from all Activities**

The "Surplus/ (Deficit) from all Activities" for 2005/06 is a \$13.247 million increase or surplus. The following table displays the summarised information from 2003/04 to 2005/06:-

Item	2005/06 (\$'000)	% Change	2004/05 (\$'000)	% Change	2003/04 (\$'000)
Expenses from ordinary activities	57,475	19.56	48,074	4.64	45,938
Revenues from ordinary activities	60,762	18.32	51,352	6.16	48,372
Surplus/(Deficit) from ordinary activities before Capital Amounts	3,287	0.27	3,278	34.67	2,434
Capital Grants & Contributions	9,960	59.05	6,262	(27.57)	8,646
Surplus/(Deficit) from Ordinary Activities after	13,247	38.86	9,540	13.89	11,080

Capital Amounts					
Extraordinary Items	0	0	0	0	0
Surplus/(Deficit) from all Activities	13,247	38.86	9,540	13.89	11,080

- **Operating Result from Ordinary activities before Capital Amounts**

In addition to an acceptable 'bottom line' result, the primary objectives for any Council should be to maximise the surplus generated from 'ordinary activities before capital amounts', adjusted for depreciation and net gains/(losses) on disposal of assets. This surplus can then be applied to capital works and to pay off debt. The following table displays this information for the last three years. The adjusted result gives an indication as to the level of and trend for funds being used for capital purposes.

Item	2005/06 (\$'000)	% Change	2004/05 (\$'000)	% Change	2003/04 (\$'000)
Expenses from ordinary activities	57,475	19.55	48,074	4.64	45,938
Revenues from ordinary activities	60,762	18.32	51,352	6.16	48,372
Surplus/(Deficit) from ordinary activities before Capital Amounts	3,287	0.27	3,278	34.67	2,434
Plus: Depreciation	10,440	14.61	9,109	2.35	8,900
Less: Net Gain/(Loss) on Asset Disposals	1,222		(73)		2,057
Surplus/(Deficit) from Ordinary Activities	12,505	0.36	12,460	34.31	9,277

- **Statement of Performance Measurement**

Item	2005/06 %	2004/05 %	2003/04 %
Current Ratio - (Current Assets/Current Liabilities)	3.2	4.3	4.4
Unrestricted Current Ratio - (Current Assets less all external restrictions / Current Liabilities less specific purpose liabilities)	3.2	3.3	3.5
Debt Service Ratio - (Debt Service Cost/ Revenue from Ordinary Activities)	4.7	5.1	3.6
Rate Coverage Ratio - (Rates & Annual Charges/Total Revenues)	40.0	46.3	43.4
Rates & Annual Charges Outstanding % -			

(Rates & Annual Charges Outstanding/Rates & Annual Charges Collectible)	9.7	8.5	8.5
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As a result of the adoption of the Australian equivalents to International Financial Reporting Standards (AIFRS) from 1 July 2005 the current ratios from 2004/05 to 2005/06 have shown a marked movement. Under the new reporting standards liabilities previously classified as non-current (employee leave entitlements) are now classified as current and result in a reduced current ratio as more liability is recognised as current. If the same methodology was applied to calculating the historical information, the change from 2004/05 to 2005/06 would not be as significant.

- **Cash Assets and Investment Securities**

Council has total cash and investments of \$39.59 million, compared to \$35.14 million in 2004/05. Included in the increase is \$5.5 million in loan funds borrowed in 2005/06 for the development of the Goonellabah Recreation and Leisure Centre. Once funds that are restricted by external legislation (e.g. developer levies collected under Section 94 and Section 64, Water, Wastewater and Domestic Waste Collection funds) and internal policy (unexpended loans and reserves) are eliminated, the available cash is reduced to zero.

- **Balance Sheet – Consolidated**

Item	05/06	04/05	03/04
Current Assets	39,267	32,830	34,632
Non-Current Assets	450,475	432,962	416,158
Total Assets	489,742	465,792	450,790
Current Liabilities	12,346	7,916	7,895
Non-Current Liabilities	40,268	22,649	15,864
Net Assets	449,474	436,227	427,031

- **Australian equivalents to International Financial Reporting Standards (AIFRS)**

As a result of the adoption of the Australian equivalents to International Financial Reporting Standards (AIFRS) from 1 July 2005, the amounts shown in the comparative 2005 figures in the 2005/06 Financial Reports differ from the amounts shown in the 2005 Financial Statements prepared under the then generally accepted accounting principles (GAAP). A new Note 21 has been introduced for the year ended 30 June 2006, showing the 2005 comparatives reconciled to Council's 2005 GAAP financial statements.

- **Loan Indebtedness**

Council's loans have increased from \$17.93million in 2004/05 to \$22.30million in 2005/06. This includes borrowings in 2005/06 of \$5.8 million for the future developments.

- **Reserve Funds**

Council's reserves have increased from \$19.7 million in 2004/05 to \$20.2 million in 2005/06. A summary

of the total reserve balances and movements is provided.

- **Summary**

Council remains in a sound financial position with cash and investments remaining relatively stable and liabilities such as loans at a manageable level. It remains essential for Council to continue to examine ways, in which revenue can be increased, expenses decreased or a combination of both to ensure long-term financial viability. This examination will also need to focus on the realistic assessment of requirements from an infrastructure perspective.

Other staff comments

Not required

Public consultation

The 2005/06 Financial Reports will be advertised calling for public submission for seven (7) days from November 2, 2006 and will be further considered by Council at the November 14, 2006 meeting.

Conclusion

The 2005/06 Financial Reports are completed and in order to comply with the statutory requirements, Council must 'form an opinion' at this meeting, the Auditor will be requested to complete the audit and provide audit reports by October 31, 2006, a copy of the 2005/06 Financial Reports and audit reports will then need to be forwarded to the Department of Local Government by November 7, 2006 and also their availability to the public advertised from November 2, 2006 for seven (7) days, and finally for the Auditor to present the Audit Report and formal adoption by Council at the November 14, 2006 meeting.

Generally, Council remains in a sound financial position with cash and investments remaining relatively stable and liabilities such as loans at a manageable level. It remains essential for Council to continue to examine ways, in which revenue can be increased, expenses decreased or a combination of both to ensure long-term financial viability. This examination will also need to focus on the realistic assessment of requirements from an infrastructure perspective.

Recommendation

That Council,

- a) In accordance with Section 413 (2) (c) of the Local Government Act 1993 and clause 215 of the Local Government (General) Regulation 2005 adopt the 2005/06 Financial Reports and 'Statement by Councillors and Management' for both the General Purpose Financial Reports and Special Purpose Financial Reports, with the Mayor and Deputy Mayor delegated to sign on behalf of Council.
- b) Refer the 2005/06 Financial Reports to the Council's Auditors.
- c) That on receipt of the Audit Reports, forward a copy of the 2005/06 Audited Financial Reports to the Department of Local Government and the Australian Bureau of Statistics.
- d) Advertise the presentation of the 2005/06 Financial Reports to the public from November 2, 2006 and invite both inspection and submission.
- e) Present the 2005/06 Financial Reports to the public at the November 14, 2006 Council meeting.
- f) Invite the Auditor to attend the November 14, 2006 meeting to present the Audit Report's to Council.

NSW Council

**General purpose financial report
for the year ended 30 June 2006**

**Statement by Councillors and Management
made pursuant to Section 413(2)(c) of the Local Government Act
1993 (as amended)**

The attached General Purpose Financial Report has been prepared in accordance with:

- The Local Government Act 1993 (as amended) and the Regulations made thereunder.
- The Australian Accounting Standards and professional pronouncements.
- The Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, this Report:

- presents fairly the Council's operating result and financial position for the year, and
- accords with Council's accounting and other records.

We are not aware of any matter that would render this Report false or misleading in any way.

Signed in accordance with a resolution of Council made on

Councillor's Name
Mayor

Councillor's Name
Councillor

General Manager's Name
General Manager

Name
Responsible Accounting Officer

NSW Council

**Special purpose financial reports
for the year ended 30 June 2006**

**Statement by Councillors and Management
made pursuant to the Local Government Code of Accounting
Practice and Financial Reporting**

The attached Special Purpose Financial Reports have been prepared in accordance with:

- NSW Government Policy Statement *"Application of National Competition Policy to Local Government"*.
- Department of Local Government Guidelines *"Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality"*.
- The Local Government Code of Accounting Practice and Financial Reporting.
- The Department of Energy, Utilities and Sustainability Best Practice Management of Water Supply and Sewerage Guidelines.

To the best of our knowledge and belief, these Reports:

- present fairly the operating result and financial position for each of Council's declared Business Activities for the year, and
- accord with Council's accounting and other records.

We are not aware of any matter that would render the reports false or misleading in any way.

Signed in accordance with a resolution of Council made on

Councillor's Name
Mayor

Councillor's Name
Councillor

General Manager's Name
General Manager

Name
Responsible Accounting Officer

Report

Subject	2005/06 Reserves (Internally Restricted Assets)
File No	S910
Prepared by	Manager – Finance
Reason	In accordance with Policy 1.5.10
Objective	To inform Council of reserve movements and balances for the financial year 2005/06
Strategic Plan Link	Leadership by Innovation
Management Plan Activity	Various

Overview of Report

As at June 30, 2006, cash reserves totalled \$20,204,139. This is an overall increase during 2005/06 of \$476,315. The amounts held in the general, water and sewerage funds are \$13.94 million, \$851,000 and \$5.41 million respectively.

All reserves held at June 30, 2006 are deemed to be at an appropriate level given that they are either within a suitable range of the nominated funding level, are for a specific purpose or the variance is manageable.

As well as provide Council with the reserves information, the opportunity was taken to review and update the policy. The recommended changes are minor and have been highlighted.

Background

Policy 1.5.10 - Reserves (Internally Restricted Assets) requires a separate annual report to be submitted to Council each year detailing all movements, appropriate levels and clarification as to needs, for reserves. This report has been prepared to meet that requirement for 2005/06.

As at June 30, 2006, cash reserves totalled \$20,204,139. This is an overall increase during 2005/06 of \$476,315. The amounts held in the general, water and sewerage funds are \$13.94 million, \$851,000 and \$5.41 million respectively.

For 2005/06, in accordance with the policy, interest was applied to the 'average' reserve balance held for the year unless the amount held is specific, or only created during 2005/06, or have specific holding requirements. The interest rate is based on the CPI and the movement for 2005/06 was 3.83%. This equates to \$545,300 for general fund.

Detailed below is a commentary on individual reserves with balances and this should be read in conjunction with the reserves summary, which shows the opening balance at July 1, 2005, movement for the year and closing balance at June 30, 2006, and the reserves policy, which states the objective, methodology and funding level for each reserve as well as some minor changes, both of which are attached.

All reserves held at June 30, 2006 are deemed to be at an appropriate level given that they are either within a suitable range of the nominated funding level or are for a specific purpose.

General Manager's Directorate

Administrative Purposes – Balance \$141,800

This reserve includes amounts of \$51,500 (\$25,000 reserved each year) for Election Expenses and \$90,300 for Risk Management funded from insurance premium refunds.

The risk management component is used to support initiatives which potentially reduce future insurance claims or costs and fund uninsured costs associated with a claim if required. The suggested maximum amount held for risk management at any one time is \$100,000.

Special Projects – Balance \$424,400

This reserve includes funding for specific projects such as the Nimbin Caravan Park caretaker housing \$55,000, Lismore City Hall upgrade and evaluation \$24,500, Lismore Book \$25,000, external review of the Economic Development Unit \$20,000, Mayoral Scholarship \$27,500, Occupational Health & Safety Incentives \$28,000 and Southern Cross University market research \$23,600. An amount of \$100,000 has also been reserved from the 2005/06 operating result and is to be applied to the 2006/07 Budget in accordance with the March 2006 Quarterly Budget Review report.

For 2005/06, \$80,000 has been transferred to reserve for legal expenses. This represents approximately the unexpended legal budgets for 2005/06. The legal expenses component is used to offset actual legal costs in years that they exceed the provided budget. The suggested maximum amount held for legal expenses at any one time is equivalent to 100% of the recurrent budget which for 2006/07 is \$115,000.

Employee Leave Entitlements – Balance \$648,200

The current value of employee leave entitlements at June 30, 2006 is \$3.556 million. Based on the reserve balance of \$648,200, they are approximately 18% cash funded. This level of cash funding is below the policy level of 30% (\$1,066,800). This position is primarily attributed to the payment of redundancies (\$282,700) and internal loan for the Administration Telephony System (\$198,100) from this reserve. The shortfall is manageable given the internal loan component will be repaid in five years and the demands on this reserve are long term. Reviewing oncost rates and employee oncost related expenses will be targeted to increase this percentage to the 30% target over time.

Infrastructure Directorate

Flood Mitigation – Balance \$213,900

This reserve is used to part fund Council's contribution towards the Lismore Flood Levee Scheme. The elements of this project which these funds are to be used for include the SES Headquarters and Browns Creek Pump Station.

These funds matched with unexpended loans and expected grants are sufficient to meet Council's contribution towards the Lismore Flood Levee Scheme.

Lawn Cemetery / Crematorium – Balance \$168,500

This reserve represents the accumulated surplus from operations and after capital works at the Lismore Memorial Gardens. It is to be used to ensure the future development and sustainability of this facility.

Other Waste Management – Balance \$321,200

This reserve comprises funds held for the Wyrallah Road Waste Facility \$282,700 and the non domestic or 'commercial' waste collection service of \$38,500.

The Wyrallah Road Waste Facility funds will be used to construct a transfer station during 2006/07.

Waste Minimisation – Balance \$46,900

This reserve represents the surplus funds held after all expenses associated with waste minimisation initiatives are deducted from the waste minimisation charge. A surplus of \$38,900 for 2005/06 was anticipated.

Parks and Recreation – Balance \$436,700

The following is a list of the major components included in this reserve: -

Name and Description	Amount
CBD Toilet Block – This project is carried forward into the 2006/07 Budget.	67,400
Spinks Park Rotunda – This project commenced in 2005/06 and will be completed in 2006/07.	37,600
Urban Sports Field Development – These funds have been carried forward from 2004/05 and an unexpended balance from 2005/06.	136,300
Rural Sports Field Development – Carried forward from 2004/05.	21,300
Shearman Park - Carried forward from 2004/05	28,800
Section 94 Plan Contributions - Open Space – The funds are to be used to match contributions received as part of the 2004 Recreation and Community Services Section 94 Plan with \$41,600 specifically held for Coronation Park.	69,100

Plant Operations – Balance \$2,568,909

This reserve reflects the accumulated surplus from operations and after purchases and sales of bridge, motor vehicle, crematorium, park, quarry, road, waste and workshop plant. These funds are used to meet plant replacement program funding requirements. The table below summarises plant reserves as at June 30, 2006:-

Program	Amount
Bridge*	0
Motor Vehicle	0
Crematorium and Lawn Cemetery	84,500
Parks and Recreation*	0
Quarry	480,200
Road*	1,203,809
Waste*	510,700
Workshop	289,700

In regards to the Program's marked with an asterisk *, the amounts reported are reduced by short term internal funding used to fund Council's Airport Industrial Estate development and extension of Krauss Avenue. More information on total development costs and funding on this will be provided later in this report under the heading 'Property Management', but it is suffice to say that if the internal funding was not required, the plant operating reserve would be \$4,598,700 with the revised table being:-

Program	Amount
Bridge	423,900
Motor Vehicle	0
Crematorium and Lawn Cemetery	84,500
Parks and Recreation	374,900
Quarry	480,200
Road	1,948,900
Waste	996,600
Workshop	289,700

Quarry Management – Balance \$2,428,800

This reserve includes the accumulated surplus from operations and after capital works for Northern Rivers Quarry and Asphalt \$2,396,200 and Cassons Quarry Rehabilitation \$32,600. These funds will be applied to the development, enhancement and rehabilitation of approved gravel quarries.

In regards to the Northern Rivers Quarry & Asphalt component, for 2006/07 a contribution of \$600,000 to general fund for the replacement of the Corporate Information System will be made.

Sporting Grounds – Balance \$32,900

The Nesbitt Park component of \$29,000 accounts for the majority of this reserve. These funds are for future development at this ground.

Transportation Infrastructure – Balance \$2,792,800

The following is a list of the major components of this reserve:-

Name and Description	Amount
DA Contributions to Works – This relates to contributions received from developers for Council to complete specific works associated with development consent.	173,500
Contractors Reserve – Council bids for some RTA work on a contract basis with the view to generating a profit. The profit generated is transferred to this reserve for road related works. Due to the nature of contracting, at times a loss is generated and this reserve is used to mitigate Council's exposure to these situations.	551,100
Bridge Construction – These funds to be added to the 2006/07 funding for substantial works to be undertaken.	202,000
Road Reconstruction – As has been the case in previous years, funds predominantly for capital works were not spent by June 30, primarily due to the availability of RTA funds such as for flood repairs. The decision to complete RTA works first has resulted in Council projects being carried forward to 2006/07.	1,699,600
Special Business Rate - Security – Accumulated funds raised by the CBD special business rate and dedicated to the CitySafe program, not expended at June 30.	77,800
Car Parking – Kerb Side Dining – Fees collected from kerbside dining licenses that are to be expended on the provision of car parking spaces in the CBD.	38,500
Underground Powering CBD – Funds held for works associated with major developments in the CBD.	21,700

Property Management – Balance \$12,100

The reserve comprises a number of components including industrial and residential land development, shops and offices, and Nimbin Pool. The balance as at June 30 is for the Nimbin Pool.

Financial reporting requirements result in all reserves (internally restricted assets) being held in the form of cash. Simply put, no cash, no reserve. As such, when significant works are planned to be internally funded from reserves it means that the level of reserves will more than likely be reduced by the amount invested.

Council resolved to develop the Airport Industrial Estate and construct Krauss Avenue in 2005 and to internally fund this investment from reserves. To date, \$4.4 million has been invested. After cash receipts from sales of \$838,000, this leaves a cash shortfall of \$3.57 million as at June 30, 2006. While these funds will be replenished on the sale of industrial land from the subdivision, as the level of cash available at reporting date has reduced, the total of internal reserves must also be reduced to match the available cash.

So as to match available cash and the required level of reserves, the following internal funding as at June 30 has been applied:-

Property Management Reserve - Shops & Offices	\$ 73,700
Property Management Reserve - Industrial Land	\$ 262,700

Plant Operations Reserve	\$2,029,800
Surplus Operating Cash	\$1,203,800

On the sale of the developed industrial land, the level of cash will be increased and the reserves will be reimbursed. Should at any time these reserves require unplanned access to their funds, other reserves will be used for this internal funding purpose.

In regards to the Surplus Operating Cash, this represents the overall cash or investment position in general fund and not the operating result reported to Council on a quarterly basis. The overall cash or investment position is affected by both cash inflows and outflows and therefore fluctuates depending on when it is calculated. At June 30, 2006, the surplus is substantial as the amount of creditors increased by \$1.07 million and debtors decreased by \$225,000 compared to June 30, 2005, both resulting in more cash or investments being held as balance date. This situation will change for example when creditors are paid, typically in July, and the amount of available cash or investment will decrease. As for the 2005/06 operating result, the only additional significant item to report is that interest on investments have generated a further \$95,200 making the accumulated surplus for 2005/06 \$100,200.

Wastewater Services – Balance \$5,413,513

The balance reflects the net cash position of the fund to June 30 and will be used with all other revenues to operate, manage and maintain a high quality wastewater service.

Given the need and demand for significant capital works, such as Clunes Sewerage, it is likely that the majority of these funds will be utilised in the short to medium term

Water Supplies – Balance \$850,867

The balance reflects the net cash position of the Fund to June 30 and will be used with all other revenues to operate, manage and maintain a high quality water supply service.

The level of cash reserves held is a concern as planned capital works in 2006/07 will utilise all available cash funds. While this is planned, it does limit capacity to react to unplanned events and the financial plan will need to be reviewed to assess how this can be accommodated.

Development & Governance Directorate

Planning Studies – Balance \$311,900

The main item included in this category is \$156,800 for Section 94 Plan Administration Charges. These are accumulated funds and represent the 2.5% administration charge on all developer levies collected. They are to be used to fund the administration and review of the Section 94 Plan.

Other amounts of significance include \$43,700 for Local and Regional Phosphorous Reduction campaigns, and \$97,800 for Environmental Health projects such as \$20,000 managing the bats in Rotary Park B, \$19,600 water sensitive urban design strategy and \$12,100 water and environmental monitoring.

Remediation Programs – Balance \$100,200

This reserve is for the remediation of the former gasworks site, which is anticipated to be completed during 2006/07.

Record Management Systems – Balance \$32,100

These funds are collected as the archive fee charged on most development applications and used to archive files or store records.

Information Services – Balance \$1,228,700

These funds are to be used for the future development and replacement of the corporate information

system, software and hardware.

The majority of these funds will be used to replace the Corporate Information System in 2006/07.

Community Services – Balance \$95,600

The following is a list of the major reserve included in this category: -

Name and Description	Amount
Social Plan – Held for future review of the Plan.	10,800
Youth Activities – Funds carried forward from 2004/05 and unexpended funds from 2005/06 to be used in the development of a youth facility.	25,700
Active Communities – A three year project in Nimbin to be completed in 2007/08.	12,000
Pedestrian Access Mobility Plan – Unexpended 2005/06 contribution to works to be carried forward.	13,000
Commuter Bus Study – Study into the provision of public transport.	10,000

Child Care – Balance \$45,200

The category includes \$7,600 for Gingerbread House, \$27,300 for the Koala Day Care Centre and \$10,300 for the After School Hours Service. These funds are the accumulated surplus results to be used to offset deficit results, replacement of equipment, building improvements, etc.

Art Gallery – Balance \$72,450

This reserve comprises specific components for the art gallery foundation \$9,000, building improvement/replacement \$18,100 and building donations \$45,350.

The building donations component represent donations for a new art gallery made to the Lismore Regional Art Gallery in its capacity as an ATO registered tax deductible recipient.

Economic Development – Balance \$513,000

The following is a list of the major components included in this reserve: -

Name and Description	Amount
Economic Incentives Fund – Policy 11.1.1 “Lismore Incentives for Investment” sets a maximum level for this fund at \$300,000.	245,400
Wilson River Bank Development – Represents works not completed in 2005/06 and carried forward to 2006/07.	135,000
Lismore Promotion – Unexpended funds collected from the Special Business Rate Variation Levy for promotion unexpended as at June 30.	36,500
Events – Surplus from NSW Flood Plain Management Conference to be used during 2006/07 for seed funding events such as a NRL trial match.	24,300
Tourism – Council's and other contributions for the printing of the Lismore brochure.	70,000

Community Facilities – Balance \$1,135,500

A total of \$995,300 is held specifically for the Goonellabah Recreation and Leisure Centre. These funds will be utilised during construction planned for 2006/07.

The balance is to be applied to projects included in the 2004 Section 94 Plan \$103,500 and for concept and planning works required as part of the Cultural Precinct development \$36,700.

Airport – Balance \$168,000

This reserve is predominately for uncompleted capital or future works at the Lismore Regional Airport.

Other staff comments

Not required

Public consultation

Not required

Conclusion

The report and attachments detail Council's reserve movements and balances for 2005/06. As at June 30, 2006, cash reserves totalled \$20,204,139. The amounts held in the general, water and sewerage funds are \$13.94 million, \$851,000 and \$5.41 million respectively.

All reserves held at June 30, 2006 are deemed to be at an appropriate level given that they are either within a suitable range of the nominated funding level, are for a specific purpose or the variance is manageable.

Council's cash reserves are in a healthy position and are a result of a number of prudent financial strategies that Council and management have adopted over a number of years. These strategies are usually reviewed or enhanced annually through the budget process.

Councils' Policy on Internally Restricted Assets – Policy 1.5.10, has been reviewed and some minor amendments recommended.

Recommendation

That Council adopt the cash reserve balances for June 30, 2005 of \$20,204,139 as detailed on the attached summary, and amend Policy 1.5.10 - Reserves (Internally Restricted Assets) to reflect that as attached.

LISMORE CITY COUNCIL						
RESERVES (INTERNALLY RESTRICTED ASSETS) AS AT JUNE 30, 2006						
Reserve	Balance 1/7/05	Transfer To Council	Interest	Sub-Total	Transfers From Council	Balance 30/6/06
MANAGEMENT SUMMARY						
GENERAL MANAGER'S DIRECTORATE						
Administrative Purposes	73,200	221,900	4,100	299,200	157,400	141,800
Special Project	324,100	330,500	9,500	664,100	239,700	424,400
Employee Leave Entitlements	1,158,800	84,000	34,560	1,277,360	629,160	648,200
Sub Total	1,556,100	636,400	48,160	2,240,660	1,026,260	1,214,400
INFRASTRUCTURE DIRECTORATE						
Flood Mitigation	93,300	126,000	3,400	222,700	8,800	213,900
Lawn Cemetery/Crematorium	203,690	0	7,100	210,790	42,290	168,500
Other Waste Management	0	321,200	0	321,200	0	321,200
Waste Minimisation	0	46,900	0	46,900	0	46,900
Parks & Recreation	489,530	67,000	17,400	573,930	137,230	436,700
Plant Operations	3,782,200	998,250	157,450	4,937,900	2,368,991	2,568,909
Sporting Grounds	28,600	3,200	1,100	32,900	0	32,900
Quarry Management	2,023,725	528,600	85,100	2,637,425	208,625	2,428,800
Transport & Infrastructure	2,300,800	2,848,700	94,800	5,044,300	2,251,500	2,792,800
Property Management	12,200	1,895,500	500	1,908,200	1,896,100	12,100
Wastewater Services	4,038,179	1,730,234	0	5,768,413	0	5,413,513
Water Supplies	1,845,500	0	0	2,634,000	1,126,733	850,867
Sub Total	14,817,724	8,365,584	366,850	24,338,658	8,040,269	16,287,089
DEVELOPMENT & GOVERNANCE DIRECTORATE						
Planning Studies	198,600	196,700	8,900	404,200	92,300	311,900
Gasworks Remediation	96,400	0	3,800	100,200	0	100,200
Records Management	12,000	19,400	700	32,100	0	32,100
Information Services	1,035,000	213,100	43,300	1,291,400	62,700	1,228,700
Community Services	78,000	50,500	3,300	131,800	36,200	95,600
Child Care	22,200	31,200	1,300	54,700	9,500	45,200
Art Gallery	106,600	62,050	1,700	170,350	97,900	72,450
Economic Development	496,900	177,100	17,300	691,300	178,300	513,000
Community Facilities	1,078,800	28,200	42,400	1,149,400	13,900	1,135,500
Aerodrome	229,500	10,000	7,600	247,100	79,100	168,000
Sub Total	3,354,000	788,250	130,300	4,272,550	569,900	3,702,650
Total Reserves	19,727,824	9,790,234	545,310	30,851,868	9,636,429	20,204,139

Report

Subject	Strategic Plan Steering Committee Recommendations
File No	S4
Prepared by	Corporate Compliance Co-ordinator
Reason	The Strategic Plan Steering Committee has no delegated power.
Objective	To adopt various recommendations of the Strategic Plan Steering committee
Strategic Plan Link	Leadership by Innovation
Management Plan Activity	>

Overview of Report

A number of recommendations from the June and August Strategic Plan Steering Committee meetings requires adoption by Council.

Background

The Strategic Plan Steering Committee met in June and August and adopted a number of recommendations, principally concerning policies.

The Strategic Plan Steering Committee has no delegated power to determine matters which are restricted under Section 377 of the Local Government Act, or to issue directives to the General Manager which are beyond delegations granted to him by the Council.

Accordingly, from time to time various decisions of the Strategic Plan Steering Committee need to be ratified by Council.

Detailed below are the decisions from the June and August meetings. No supporting detail has been provided as this was included within the Strategic Plan Steering committee Business Papers for these meetings.

Strategic Plan Steering Committee – 20th June 2006

Public Transport Policy Advisory Group Membership

- That the report be received and Council's Traffic and Emergency Services Officer at Lismore City Council, be appointed to the Public Transport Policy Advisory Group.

Policy Review

- That Policies, 1.2.3, 1.2.11, 1.2.19, 1.4.2, 1.5.2, 1.5.3, 1.5.9, 1.8.17, 5.2.28, 5.3.1, 5.6.1 and 9.1.1 be amended as set out in the report to the meeting.
- That Policies 1.4.4, 1.4.7, 1.4.10, 1.4.11, 1.4.13, 1.4.14 and 1.8.22 be amended as recommended by the Committee.

Strategic Plan Steering Committee – 15th August 2006

Policy Review

- That Policies 8.4.2 and 1.2.3 be amended as set out in the report to the meeting.
- That Policies 2.2.1, 3.1.1, 3.1.15, 5.2.26, 6.1.6 and 9.1.2 be deleted.

Staff Comments

Staff comments were included within the reports to the Strategic Plan Steering Committee meetings.

Public consultation

Not required.

Recommendation

That the recommendations from the June and August meetings of the Strategic Plan Steering Committee as detailed within the report be adopted.

Report

Subject	Disclosure of Pecuniary Interest Returns 2005/06
File No	S18
Prepared by	Corporate Compliance Coordinator
Reason	Request by Department of Local Government
Objective	To meet the guideline requirements
Strategic Plan Link	Leadership by Innovation
Management Plan Activity	Administrative Services

Overview of Report

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

Background

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

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

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

Comments

Financial Services

Not required.

Other staff comments

Not required.

Public consultation

Not required

Recommendation

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

Report

Subject	September 2006 – Investments held by Council
File No	S178
Prepared by	Principal Accountant
Reason	Required under Clause 212 Local Government (General) Regulations 2005, Local Government Act 1993, 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 30th September 2006 is estimated to be \$39,178,619 subject to the final value of funds held under Managed Funds being advised shortly.

The interest rate reported over the period of September 2006 is estimated to be 6.63% in comparison to 6.26% for September 2005.

A short term investment horizon of 30-90 days has been adopted for new investments until an investment review is undertaken by Council's investment advisors.

Background

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

Due to timing issues the final value of some investments is not available within the required reporting time-frame, therefore an estimate is provided based on the investments held at the time of this report. The actual balance will be confirmed in the report to the next Council meeting.

Report on Investments

- *Confirmation of Investments – 31 August 2006* \$35,628,021
- *Estimate of Investments – 30 September 2006* \$39,178,619

Some variation is expected on the final balance of Managed Funds. The final valuation of these funds is not made until after the end of the month. The current rate of return on investments for September 2006 is estimated to be 6.63% compared to 6.26% for the same period last year.

A summary of Council's investments in graphical form has been included as attachments.

Comments

Financial Services

N/A

Other staff comments

N/A

Public consultation

N/A

Conclusion

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 policies.

Recommendation

The report be received and noted

**MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING
HELD ON SEPTEMBER 20, 2006, AT 10.00 AM.**

	Present	Councillor Merv King (<i>Chairperson</i>), Ms Bronwyn Mitchell (<i>on behalf of Thomas George, MP</i>), Snr Const Dave Connelly (<i>Lismore Police</i>) and Michael Baldwin (<i>RTA</i>).
	In Attendance	Councillor John Hampton, Scott Turner (<i>Manager-Assets & Support Services</i>), and Bill MacDonald (<i>Traffic & Emergency Services Coordinator</i>), Michelle Sirach, Ralph Taylor and Jim Roder from Wyrallah Road Public School for Item No. B-06:09-6.
TAC64/06	Apologies	Apologies for non-attendance on behalf of Thomas George, MP, John Daley and Councillor Jenny Dowell were received and accepted.
TAC65/06	Minutes	The Committee was advised that the minutes of the Traffic Advisory Committee Meeting held on August 16, 2006, were confirmed by Council on September 12, 2006.

Disclosure of Interest

Nil

Part 'A' – Committee Recommendations

Lismore High School; requesting the implementation of measures to reduce the potential conflict between pedestrian and vehicular traffic on Dalley Street in front of the school.

Mr MacDonald advised that an onsite meeting had been held with school representatives and a number of options discussed. A suggestion was put forward that in the longer term the school investigate the possibility of constructing an internal link road that would come off the existing driveway access off Dalley Street and link onto Military Road. This would include a parent drop-off/pick-up zone.

In lieu of the proposal to widen the existing median that separates the bus bay area from through traffic lanes on Dalley Street and the erection of a fence along the full length of the median, which was estimated to cost approximately \$40,000, it was agreed to trial a proposal of relocating the Bus Zone that currently existed on College Road down into the existing bays on Dalley Street. This had been split some years ago due to significant congestion. However, as student numbers had decreased it was likely that all buses would now be able to use the Dalley Street bays. This would then free up the area on College Road to be used for a parent drop-off/pick-up zone.

Ms Mitchell advised that the bus operators had agreed to trial the proposal provided their route variation was approved by the Department of Transport.

TAC66/06 **RECOMMENDED** that all buses service the Lismore High School from Dalley Street with Council supporting the bus operators in obtaining agreement from the Department of Transport to vary their routes to cater for the changes. Further, that the Bus Zones be removed from College Road and this area be reverted to No Parking. (S352,R7426,P15879)

Glasgow Lane – Vehicle Parking

Mr MacDonald advised that problems were being experienced in Glasgow Lane with motorists now parking on the through section of Glasgow Lane in front of the former Lismore Club building since the removable bollard had recently been installed. Whilst through vehicular movements had been prohibited, it was important to maintain both pedestrian access and vehicular access through the laneway in times of emergencies.

TAC67/06 **RECOMMENDED** that No Stopping signs be installed on each side of Glasgow Lane at the north-eastern corner of the former Lismore Club building in order to prohibit parking in this area. (R7311)

Part 'B' – Determined by Committee

M and T Poles; requesting a No Parking zone be installed between Nos. 16-18 Graeme Avenue, Goonellabah, to improve sight distance for motorists when exiting driveways.

- B-06:09-1 No Stopping signs were not considered necessary. However, it was suggested that “No Parking” be painted on the roadway between the two driveways to Nos. 16-18 Graeme Avenue. (06-7423:R6538)

Dr Geoffrey Boyce; suggesting that consideration be given for a 50 kph zone to be applied to Skyline Road between Rous Road and approximately 50m past the end of the crematorium boundary.

- B-06:09-2 As the area in question was only heavily parked during large services at the Lismore Memorial Gardens, a permanent reduction in the speed limit was not considered warranted. Mr MacDonald advised that he had discussed this issue with the Memorial Gardens Coordinator who was unaware of any problems. He agreed that generally through traffic was travelling at a slower speed when vehicles were parked on both sides of Skyline Road. It had been suggested that hazard warning signs could be supplied to the Memorial Gardens for erection on particular days if staff considered there was a need. Snr Const Connelly advised that Police Officers would carry out patrols on Skyline Road to determine the extent of any speeding issue. (06-7813:R5102)

S Grant; drawing attention to (a) the roundabout at the intersection of Rous Road and Oliver Avenue, Goonellabah, and requesting that the road rules be more clearly defined for motorists exiting “Caroona” onto the roundabout; (b) suggesting the speed limit on the Bruxner Highway, South Lismore, be reviewed due to the number of businesses outside the 60 kph zone.

- B-06:09-3 (a) An inspection of the roundabout at the intersection of Rous Road and Oliver Avenue revealed that there was an existing Stop sign controlling the driveway leg that was the entry/exit from Caroona. Snr Const Connelly confirmed that under the Australian Road Rules motorists must give way to all traffic when entering the roundabout from a Stop sign control. It was suggested that a “Give Way to all Traffic” sign be erected under the existing Stop sign to reinforce this rule.
- B-06:09-4 (b) The Committee noted that the advanced warning “60 kph Ahead” signs on the Bruxner Highway at South Lismore were generally having the desired effect of slowing traffic prior to the 60 kph zone. As development was still staggered and on one side of the road only, an extension of the existing zone was not considered necessary at this stage. However, the zoning will be reviewed should any further development proceed in the future. (06-7873:R6610:R6493:R4807)

No Stopping Zone – Pendarra Crescent, Lismore Heights

- B-06:09-5 Ms L Sard had requested consideration be given to installing a No Stopping zone opposite No. 2/22 Pendarra Crescent due to a number of recent accidents. An inspection revealed that the slope and turning width available did make negotiating the driveway more difficult. It was suggested that “No Parking” be painted on the roadway opposite the driveway to No. 22 Pendarra Crescent. (R7129)

Wyrallah Road Public School; requesting consideration be given to prohibiting parking on the eastern side of Nielson Street between the school and Elizabeth Street, as well as provision of a speed bump to slow traffic in this area.

- B-06:09-6 The School Principal, Ralph Taylor, P&C Secretary, Michelle Sirach, and local resident, Jim Roder, were present for this item and tabled a letter requesting that the above measures be implemented. Mr Taylor advised that the new carpark within the school grounds was generally working extremely well, however, there were still some parents who chose to park on Nielson Street instead of using the onsite facilities. This was creating a hazard for through traffic, particularly when vehicles were parked on both sides of the road. Mr Roder said that he had surveyed the majority of residents in the vicinity and they were in favour of the proposed changes. It was generally agreed that the afternoon period was the worst and there was some doubt as to the need for parking restrictions to be imposed in the morning as well.
- It was pointed out that there can be inherent problems with speed bumps in terms of emergency services access and increased noise levels, particularly for residents who lived closest to the facility. The Committee proposed to refer this matter to Council's Design Services team to prepare a plan showing the proposed parking restrictions that would comprise No Stopping on the eastern side of Nielson Street, between Elizabeth Street and the school gate, between 2.30pm and 3.30pm school days, together with a speed bump; with a supporting letter being distributed to residents requesting feedback before a final decision is made. (06-8585:R7459)

Closure

This concluded the business and the meeting terminated at 11.15 am.

Chairperson

Traffic & Emergency Services Co-Ordinator

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, SEPTEMBER 12, 2006 AT 6.00PM.

Present Mayor, Councillor King; Councillors Chant, Crimmins, Dowell, Ekins, Graham, Hampton, Henry, Irwin, Meineke, Swientek and Tomlinson, together with the General Manager, Acting Executive Director-Development & Governance (W Adriaans), Executive Director-Infrastructure Services, Manager-Finance, Senior Strategic Planner, Fleet Manager, Communications Co-ordinator and Admin. Support Officer.

**Apologies/
Leave of
Absence** NIL

165/06 **Minutes** The minutes of the Ordinary Meeting held on August 8, 2006 were confirmed.
(Councillors Dowell/Crimmins)

Public Access Session

Prior to the commencement of the meeting, a Public Access Session was held at which Council was addressed by the following:

Ray Mezieres re Notice of Motion – Rodeos

Mr Mezieres drew attention to a video presented to Councillors showing practices carried out at rodeos and requested Council support the motion on the business paper.
(06-7754: S312)

Cheryl Cochrane re Notice of Motion – Flying Foxes in Rotary Park

(See Minute Nos. 167-168/06)
Ms Cochrane, on behalf of Wildlife Carers, explained the process of dispersing the flying foxes and the trauma to them and the neighbouring residents. She stated that there was no guarantee they would not return.
(06-7760: P6588)

Robert Newton re Notice of Motion – Flying Foxes in Rotary Park

(See Minute Nos. 167-168/06)
Mr Newton advised the main problem was noise but other factors were the mess which has to be cleaned up daily, no signage warning children not to touch flying foxes and maintenance of the park. He had heard that relocation in Maclean was 80-85% successful. Council's letter sent to the Departments claimed there were 15,000 but the number is now 35,000. Mr Newton said he had phoned Council at least 13 times.
(06-7760: P6588)

Darcy Goodwin re Request for Financial Assistance – Five Loaves Caring and Sharing Program

(See Minute No. 171/06)
Mr Goodwin outlined the voluntary work he carried out helping feed the homeless in the area, travelling regularly to Nimbin. He claimed that as a result of his efforts people repay generosity with courtesy and consideration.
(06-6561: S360)

Condolence

Late Phillip John Cormick

Phillip Cormick, better known as John or "Corm" was born in Lismore 1926. He grew up in North Lismore and lived there his entire life (79 years). He was educated at St. Carthage's school and as his father was a horse trainer, developed a lifelong interest in horses.

John began work at Gundurimba Shire Council as a labourer in 1952 and spent many years on the bitumen patching gang and later at Lismore City Council. He clocked up 42 years continuous service.

- 166/06 The Mayor moved that Council's expressions of sympathy be conveyed to the family of John Cormick and the motion was carried with members standing and observing the customary moment's silence.
(S75)

Disclosure of Interest

S451

Councillors Dowell and Tomlinson declared an interest in the report NORPA Funding Acquittal (subscribers to NORPA) as they had accepted free tickets to performances. Councillor Chant declared an interest in the report Provision for the Laying of Asphalt (part owner of one of the tenderers).

Notice of Motions

Rodeos

Formal notice having been given by Councillor Irwin it was **MOVED** that Council require organisers of all rodeos held within the Lismore City Council LGA to -

- 1 Restrict calf roping to animals over 200kg.
- 2 Prohibit the use of electric prods.
- 3 Ensure an adequate water supply for all animals present.
- 4 Ensure that a veterinarian is in attendance for the duration of the event.
- 5 Ensure that the RSPCA is notified at least 4 weeks before the event.

(Councillors Irwin/Dowell)

On submission to the meeting the **MOTION** was **DEFEATED**.

Voting Against: Councillors Chant, King, Hampton, Henry, Meineke, Crimmins and Graham. (06-7754: S312)

Flying Foxes at Rotary Park

Formal notice having been given by Councillor Dowell it was **MOVED** that Council not proceed with any actions to relocate the flying fox colony at Rotary Park.

(Councillors Dowell/Tomlinson)

On submission to the meeting the **MOTION** was **DEFEATED**.

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

A **FORESHADOWED MOTION** was moved that Council undertake a formal assessment on the relocation of flying foxes from Rotary Park based on DEH Preliminary Information requirements and that this assessment be brought to Council for deliberation.

(Councillors Henry/Chant)

167/06 **RESOLVED** that Council undertake a formal assessment on the relocation of flying foxes from Rotary Park based on DEH Preliminary Information requirements and that this assessment be brought to Council for deliberation.

(Councillors Henry/Chant)

Voting Against: Councillors Irwin, Ekins,

168/06 **RESOLVED** that Council staff provide a report to Council on the implementation of the report on the restoration of Currie Park including grant funding that can be used for it.

(Councillors Irwin/Ekins) (06-7760: P6588)

Reallocation of Funds to Currie Park

Formal notice having been given by Councillor Ekins it was MOVED in the event that Council does not get approval to relocate the flying foxes from Rotary Park, funds be allocated to the restoration of Currie Park.

(Councillors Ekins/Irwin)

On submission to the meeting the MOTION was DEFEATED.

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

(06-7757: P6588,P10292)

Election of Deputy Mayor

169/06 **RESOLVED** that the period of appointment for the Deputy Mayor be until September 2007.
(Councillors Graham/Hampton)

Nominations

A nomination was received for the position of Deputy Mayor for Councillor Chant.

Election

The Returning Officer (General Manger) declared Councillor Chant elected as Deputy Mayor until September 2007.

Altering Order of Business

170/06 **RESOLVED** that the order of business be altered to debate the following matters raised during Public Access.

- **Request for Financial Assistance – Five Loaves Caring and Sharing**
(Councillors Hampton/Chant)

Reports

Request for Financial Assistance – Five Loaves Caring and Sharing Program

171/06 **RESOLVED** that the report be received and Council provide the level of assistance to Five Loaves Sharing and Caring Program, in accordance with the special request for donation of a secondhand Council van valued at \$13,700.

(Councillors Irwin/Swientek)

Voting Against: Councillor Dowell.

(06-6561: S360)

Draft Plan of Management – Lismore Park

A MOTION WAS MOVED that the report be received and Council hold a workshop prior to putting the draft Plan of Management on display.
(Councillors Irwin/Dowell)

AN AMENDMENT WAS MOVED that the report be received and –

- 1 Place the draft Plan of Management on public exhibition for a period of 28 days.
- 2 Forward copies of the draft Plan of Management to the relevant groups and organisations with an interest in Lismore Park.
- 3 Arrange for a public hearing into the draft Plan of Management in accordance with the provisions of the Local Government Act.
- 4 That Council hold a workshop at the expiry of the exhibition period.

(Councillors Hampton/Chant)

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

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

172/06 **RESOLVED** that the report be received and Council –

- 1 Place the draft Plan of Management on public exhibition for a period of 28 days.
- 2 Forward copies of the draft Plan of Management to the relevant groups and organisations with an interest in Lismore Park.
- 3 Arrange for a public hearing into the draft Plan of Management in accordance with the provisions of the Local Government Act.
- 4 That Council hold a workshop at the expiry of the exhibition period.

(Councillors Hampton/Chant)

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

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

(S833)

Draft LEP Amendment No. 35 – Reclassification of Land at 202 & 214A Oliver Avenue, Goonellabah

173/06 **RESOLVED** that the report be received and Council –

- 1 Prepare draft amendment No 35 to Lismore Local Environmental Plan 2000 to reclassify Lots 134 and 135 DP 859549, Oliver Avenue, Goonellabah from community land to operational land pursuant to section 54 of the EP&A Act.
- 2 Advise the Department of Planning of Council's decision to prepare draft LEP amendment No 35 and that Council considers that the preparation of a Local Environmental Study is not necessary.
- 3 Consult with relevant public authorities pursuant to section 62 of the EP&A Act.
- 4 Exhibit draft LEP amendment No 35 for a period of 28 days in accordance with the Department of Planning's guideline Best Practice Guideline for LEPs and Council Owned Land following receipt of a written authorisation to exercise s65 delegations from the Department of Planning's LEP Review Panel.
- 5 Arrange a Public Hearing into the reclassification following the public exhibition period.

(Councillors Meineke/Hampton)

Voting Against: Councillors Ekins and Swientek,

(S945,P25630)

Sewer Charges – Clunes and North Woodburn

- 174/06 **RESOLVED** that the report be received and –
- 1 That Council adopt, in principle, the introduction of a Section 501 charge from July 1, 2007 for those properties that will benefit from the introduction of a sewer system in Clunes and North Woodburn to cover the costs of preliminary investigative work to date and future investigative work.
 - 2 That a further report be submitted to Council detailing the financial details of expenditure to date on these two projects and proposed expenditure with an suggested charge for each project.
 - 3 That the ratepayers who would be the subject of this charge be advised and their views sought for inclusion with the report.
- (Councillors Hampton/Graham)
Voting Against: Councillors Irwin, Ekins and Swientek.
(S384)

Purchase of Council Fleet – Trucks and Dog Trailers (4)

- 175/06 **RESOLVED** that the report be received and Council purchase four (4) only MAN TGA trucks fitted with Peak Engineering tipping bodies and dog trailers as tendered from Southside Agencies Lismore for the overall cost of \$1,154,272 (incl. GST) for those four units (\$288,568 per truck and dog trailer).
(Councillors Meineke/Hampton) (T26008)

NORPA Funding Acquittal

S451

Councillors Dowell and Tomlinson declared an interest in this matter and left the Chamber during debate and determination thereon.

- 176/06 **RESOLVED** –
- 1 That Council receive and note the acquittal report.
 - 2 That Council fund NORPA the sum of \$40,000 in the 2006/2007 and 2007/2008 financial years, with the requirement they collect relevant information (quantitative and qualitative) on assistance provided so that it can be used for determining any future financial assistance for this purpose.
- (Councillors Irwin/Meineke) (S910)

Provision for the Laying of Asphalt

S451

Councillor Chant declared an interest in this matter and left the Chamber during debate and determination thereon.

- 177/06 **RESOLVED** that the report be received and the contract for the laying of asphalt for the period to June 30, 2007, be awarded to Murphy Asphalt Pty Ltd at the rates tendered.
(Councillors Hampton/Graham) (T26015)

Distribution of Council Computers to Community Organisations – Section 356 Donations

- 178/06 **RESOLVED** that the report be received and Council approve the donation of 24 surplus computers, under Section 356, to the recommended community organisations listed below.

24 x Successful organisations:

1. 1st Goonellabah Cub Scouts
2. CASPA

3. Christian Community Church Goonellabah
 4. City of Lismore Orchid Society Inc
 5. Creative Peoples Collective
 6. Dads in Distress Lismore
 7. Earlybird Advocacy
 8. Environmental Defenders Office
 9. Fellowship of Australian Writers Inc, Far North Coast Regional Inc
 10. Fox Road Landcare
 11. Jiggi-Georgica Red Cross Branch
 12. Lismore Arts Council
 13. Lismore Lung Support Group
 14. Lismore Rural Fire Service
 15. Lismore Senior Citizens Social Club Inc.
 16. Lismore Women & Children's Refuge Inc
 17. Nimbin Headers Sports Club Inc
 18. North Coast National A & I Society Inc
 19. PCYC
 20. Richmond River Historical Society
 21. Richmond Valley Day Club
 22. Summerland Early Intervention Programme
 23. The Corndale Hall Inc
 24. Tullera Rural Fire Brigade
(Councillors Graham/Hampton)
- Voting Against:** Councillors Irwin and Ekins.
(S813)

Community Flood Education Reference Group

- 179/06 **RESOLVED** that the report be received and Council support the establishment of the proposed Community Flood Education Reference Group and that it endorse the community membership nominations received from John Barnes, Barry Davidson, Vicki Findlay, John Habib, Jean Rose-Rapmund, Neil Short and Frank Spinaze.
(Councillors Swientek/Hampton) (S106)

Review of Council's Code of Meeting Practice

- 180/06 **RESOLVED** that the report be received and –
- 1 Council place on public exhibition the proposed new Code of Meeting Practice.
 - 2 At the end of the exhibition period, a report be submitted to Council.
- (Councillors Swientek/Hampton) (S43)

Councillors' Expenses and Provision of Facilities Policy

- 181/06 **RESOLVED** that the report be received and -
- 1 That the current Payment of Expenses and provision of Facilities to Mayors and Councillors be amended by the addition of the following items.
 - a) **New introduction Page**
 - b) **Appendix 1 – Monetary Limits**
 - c) **Payment of Expenses for Spouses, partners and accompanying persons**
 - i) Where the Mayor is required to attend a function on behalf of Council, and the nature of the function is such that the Mayor's spouse, partner or accompanying person could reasonably be expected to attend, Council will meet their reasonable expenses, eg ticket, meal and or direct cost of attending the function.

- ii) Where the Mayor has requested a councillor to attend a function (on behalf of Council), in their stead, and the nature of the function is such that the councillor's spouse, partner or accompanying person could reasonably be expected to attend, Council will meet their reasonable expenses, eg ticket, meal and or direct cost of attending the function.
 - d) **Stationery Allowance**
Stationery up to an annual value of \$200 from either Council or by way of reimbursement upon production of receipts
 - e) **Insurance Details**
 - f) **Return of equipment**
At the completion of their term of office, during extended leave of absence or upon cessation of their civic role all equipment and other facilities shall be returned to Council
- (2) That the revised policy be placed on public exhibition.
(Councillors Swientek/Irwin) (S45)

Community Services Policy Advisory Group - Membership

- 182/06 **RESOLVED** that the report be received and Council endorse Amber Hall (business community representative) and Richard Harris (SCU's CCYP representative) as members of Community Services PAG.
(Councillors Dowell/Irwin) (S389)

Nominations for Membership – Sustainable Environment Policy Advisory Group

- 183/06 **RESOLVED** that the report be received and Brad Carmady be appointed as the Development Industry representative on the Sustainable Environment PAG.
(Councillors Ekins/Graham) (S908)

August 2006 – Investments held by Council

- 184/06 **RESOLVED** that the report be received and noted.
(Councillors Swientek/Chant) (S178)

Committee Recommendations

Traffic Advisory Committee 16/8/06

- 185/06 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.
(Councillors Irwin/Swientek) (S352)

Documents for Signing and Sealing

- 186/06 **RESOLVED** that the following documents be executed under the Common Seal of Council:
Plan of Consolidation – Parmenter's Road Quarry, Coffee Camp
A report was submitted at Council's meeting of March 13, 2001 in relation to rural quarry rehabilitation. This report indicated that quarry materials had been removed from the adjoining owner's land without permission and as compensation for the removal of the material the owners would accept a portion of unused road reserve as settlement. This road reserve has been closed and a Plan of Consolidation has been prepared and requires Council signing and sealing as the owner of the closed road reserve.
(Councillors Swientek/Graham) (06-7839: P15180,R2902)

Section 356 Donations

187/06 **RESOLVED** that in accordance with Section 356(1) of the Local Government Act 1993, the donations to persons as listed are hereby approved for distribution.

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

Budget: \$1,100 To date: \$670.00

Matt Tickle, representing Australia as part of the Australian Karate team to contest the 12th Oceania Karate titles in Noumea from September 8-10. (06-6883: S164)

In accordance with policy.

\$335.00

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

Budget: \$11,700 To date: \$689.45

Mental Health Support Group, requesting waiver of fees for Auditorium on October 14 for a charity concert. (06-7184: P6816)

Recommendation: In accordance with Clause 5 of the policy it is recommended that the full amount of rental be donated.

\$271.00

Lismore Musical Festival Society has requested Council to donate 50% of the fees for the School's Day Eisteddfod at the City Hall on August 14, 15 and 16. The total fees for the event are \$813. (06-7475: P6816,S164)

Recommendation: In accordance with Clause 5 of the policy, that as Council will donate the full amount of fees for the 2006 Lismore Eisteddfod, a subsidy of 20% be applied to this event.

In accordance with policy.

\$162.60

c) Banners – Policy 1.4.14 (GL2033.8)

Budget: \$700 To date: \$300

Mental Health Support Group – banner in Carrington Street week commencing October 2 advertising charity concert on October 14.

(06-7184: S164)

In accordance with policy.

\$95.00

Musica Viva Lismore – banner in Carrington Street week commencing October 9 advertising charity concert on October 14. (06-7184: S164)

In accordance with policy.

\$95.00

d) Council Contributions to Charitable Organisations

Waste Facility – Policy 5.6.1 (GL2033.15)

Budget: \$6,000 To date: \$1098.36

Animal Right & Rescue \$28.64

Five Loaves \$29.36

Friends of the Koala \$29.09

LifeLine \$170.00

Saint Vincent De Paul \$25.55

Salvation Army \$170.00

Westpac Life Saver Rescue Helicopter \$0.00

Shared Vision Aboriginal Corporation \$21.82

In accordance with policy.

\$474.46

e) Reduction in Water Charges – Lismore Water – Policy 6.1.6 (GL8201.13)

Budget: \$12,200 To date: Nil

J Roy, 5 Clifford Place, Goonellabah	\$142.08
North Coast National A & I Society, 30 Dunoon Road	\$3,577.53
PR & LJ Stenner, 59 Fischer Street, Goonellabah	\$408.48
JL Lipscombe & NR Nancarrow, 184 Gungas Road, Nimbin	<u>\$229.77</u>

In accordance with policy.

\$4,357.86

These applications were processed prior to termination of Policy 6.1.6

f) S356 – Development & Other Application Fees – Policy 1.4.7 (GL2033.7)

Budget: \$300 To date: \$599.91

Goolmangar School of Arts Inc. – balance of rebate on fees for recent development application for proposed upgrade of kitchen at Goolmangar Hall. (06-6974: S164,D06-485)

In accordance with policy.

\$28.50

North Coast Area Health Service has requested waiver of S68 fee of \$120 for Mini-field of Women event on October 28 – Silent walk around CBD to Spinks Park. (06-8148: S749)

Recommendation: In accordance with Policy 1.4.7 (B) a subsidy of only 30% of the fees apply to this application, however it is recommended that Council donate the full amount.

(Councillors Swientek/Graham)

\$120.00

Matter of Urgency

188/06 **RESOLVED** that the following matter be admitted to the business paper as a matter of urgency.

Report - Additional Funding Requirements for SES Headquarters and Browns Creek Pump Station (Tabled)

(Councillors Chant/Graham)

Voting Against: Councillor Swientek.

189/06 **RESOLVED** that the report be received and –

- 1 Council vote \$126,000 in additional funding for works associated with the new SES Headquarters and Browns Creek Pump Station from the 2005/06 net operating result on the basis that funding is received from the Department of Natural Resources on 2:1 total cost basis.
- 2 That Richmond River County Council be informed that Council is not willing to accept any further cost increases associated with the building of the new SES Headquarters.
- 3 That Council endorse the examination of options to subdivide the SES site as a buffer against the total project cost and a report come back to Council.

(Councillors Chant/Graham) (P6144,S801))

Closure

This concluded the business and the meeting terminated at 10.20 pm.

CONFIRMED this 10TH of OCTOBER, 2006 at which meeting the signature herein was subscribed.

MAYOR

**MINUTES OF THE EXTRAORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE
HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, SEPTEMBER 26, 2006 AT
6.04PM.**

Present Mayor, Councillor King; Councillors Chant, Crimmins, Dowell, Ekins, Hampton, Irwin, Meineke, Swientek and Tomlinson, together with the General Manager, Executive Director-Development & Governance, Executive Director-Infrastructure Services, Corporate Compliance Coordinator, Manager Community Services and Communications Coordinator.

190/06 **Apologies/
Leave of
Absence** Apologies for non-attendance on behalf of Councillors Graham and Henry were received and accepted and leave of absence granted. Leave of absence was granted to Councillor Chant for the period October 2 – 6, 2006.
(Councillors Irwin/Hampton)

Public Access Session

Nil

Disclosure of Interest

Nil

Notice of Rescission Motions

Lismore Park Plan of Management

191/06 Formal notice having been given by Councillors Irwin, Dowell and Tomlinson it was **RESOLVED** that Council's decision to put the Lismore Park Plan of Management on public display be rescinded.
(Councillors Irwin/Dowell)
Voting Against: Meineke
(S833)

At this juncture (6.10pm) Councillor Ekins joined the meeting.

Reports

Lismore Base Hospital Redevelopment: New Psychiatric Unit

192/06 **RESOLVED** that the report be received and Council

- 1 Make a further submission to the Department of Planning reconfirming the request to have section 94 levies for strategic urban roads in the amount of \$76,055 applied to the development.
- 2 Confirms the position that the contribution is reasonable and appropriate considering that the hospital is a regional facility.

(Councillors Tomlinson/Hampton)
Voting Against: Meineke.
(P9827)

Closure

This concluded the business and the meeting terminated at 6.25pm.

CONFIRMED this 10th of October 2006 at which meeting the signature herein was subscribed.

MAYOR