

Ordinary Meeting

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at
the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on
July 8, 2008
and members of Council are requested to attend.

Garry Hemsworth
Acting General Manager
June 30, 2008



Agenda

Opening of Meeting and Prayer (Mayor)

Apologies and Leave of Absence

Confirmation of Minutes

June 10, 2008 – Ordinary Meeting

June 19, 2008 – Extra-ordinary Meeting

June 19, 2008 – Adjourned Meeting

Disclosure of Interest

Public Access Session

Public Question Time

Condolences

Mayoral Minutes

Notice of Rescission Motions

Notice of Motions

Nimbin Community Centre Incorporated

Altering Order of Business

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

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Notice of Motion

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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 ▶ Privatised 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

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

That Council

1. separates the proposed transfer of ownership of the Nimbin Community Centre and Peace Park into separate transactions.
2. finalises the transfer of title of the Nimbin Community Centre to NCCI
3. extends the term of the current agreement on Peace Park by 12 months to allow finalisation of arrangements for its future ownership
4. includes in the agreement, a commitment by NCCI that the organisation will either complete or dismantle the skate park within this 12 month timeframe
5. authorises the Mayor and General Manager to execute and affix Council's seal to any documentation necessary to implement this resolution

Councillor Comment

The NCCI has indicated its readiness to assume ownership of the Nimbin Community Centre. Previous leases with tenants of the facility have been terminated and new leases prepared in lengthy negotiation with all nineteen tenants.

The future ownership of Peace Park requires considerable attention especially in regard to daily and ongoing maintenance, insurance and liability issues. The extra 12 months for negotiation between NCCI and LCC will allow these issues to be worked through and for mutually agreeable terms to be determined. Having a time limit on these negotiations also alleviates Council's concern that the matter may never be resolved.

The extra 12 months would also provide time for the NCCI and the broader Nimbin community to determine if the community can finish the skatepark and meet the conditions for it to be opened and operational or if it needs to be demolished.

Staff Comment

Manager Assets and Support Services

Further discussions have been held with Nimbin Community Centre Incorporated and a separate report on the matter is contained in the agenda for this meeting.

Report

Subject	Draft Amendment No 20 to Lismore LEP (Cameron Road)
File No	S 884
Prepared by	Strategic Planner
Reason	Close of public exhibition period
Objective	Council's adoption of draft LEP Amendment No 20 and execution of the Planning Agreement under Council's seal
Strategic Plan Link	Quality of Life – encourage sustainable development
Management Plan Project	Implement adopted Council Land Use Strategies

Overview of Report

This report provides an assessment of issues identified in the public submissions to the revised rezoning proposal for Cameron Road, McLeans Ridges as well as responses from Government Agencies and public authorities. Two hundred and five (205) public submissions were received in response to the exhibition of which 98% were in the form of objection. While there is a significant level of public objection to the proposal, it is considered that the relevant planning issues and statutory requirements are either satisfactorily addressed by the proponents in the revised proposal, or can be addressed through proposed changes to the Planning Agreement or when more detail is provided at the development application stage. The report includes recommendations for the proposed community lot and also recommends that amendments be made to the Planning Agreement. It is recommended that Council adopt LEP Amendment No 20, execute the amended Planning Agreement under the seal of Council and forward the Amendment and the Planning Agreement to the Minister for Planning.

Background

Newton Denny Chapelle, on behalf of various landowners in the Cameron Road area, has sought an amendment to the Lismore Local Environmental Plan 2000 to enable the subdivision of eight (8) existing rural lots to create a total of sixty five (65) lots (including residue lots) plus a community lot. A proposal was originally submitted in March 2004 and, after a number of modifications, Council resolved to exhibit the proposal at its meeting of October 10, 2006. The original proposal was exhibited from April 16 to May 28, 2007. Submissions to that proposal were considered by Council at its meeting of October 9, 2007. The current proposal was submitted in response to Council's October resolution where the applicant was invited to submit a revised proposal in accordance with certain design criteria adopted by Council. At its meeting of February 12, 2008 Council considered a report on the current proposal and resolved to:

1. Exhibit the re-drafted LEP Amendment No 20 together with the revised rezoning submission, additional supporting documentation, updated social impact assessment and amended Planning Agreement for a period of twenty eight (28) days; and
2. Refer the revised proposal and additional supporting documentation to relevant government agencies and other public authorities for comment.

The public exhibition process is now completed and responses have been received from government

agencies and other public authorities.

Public consultation

A public meeting was held at the McLeans Ridges hall on December 6, 2007, at which the consultant for the proponents presented the revised proposal and residents were given the opportunity to ask questions of the consultant and Council staff. Issues raised at the public meeting were summarised in a report to Council on February 12, 2007. The revised draft LEP Amendment No 20, with supporting information and amended Planning Agreement, was placed on public exhibition from February 25, 2008 to March 28, 2008. A Councillor workshop to discuss issues raised in the public submissions was held on May 27, 2008.

Public submissions

Two hundred and five (205) public submissions were received in response to the exhibition of which 201 (98%) were in the form of objection and four (2%) were in support of the proposal. An independent town planning consultant was engaged to collate the public submissions and summarise the principal issues raised. Eleven (11) principal issues were identified by the consultant. The following tables provide a summary of the principal issues raised and indicate the number of submissions in which the various issues were identified:

1. Principal Issue- increased traffic and impact on local road network	No of submissions
Number of submissions that raised concerns about the local road network	163 of 201 (81%)
Specific issues	
No comprehensive traffic impact assessment	72 of 163 (44%)
Condition of existing local road network – inadequate	79 of 163 (48%)
Alphadale intersection (Cowlong Rd & Bruxner Highway)	87 of 163 (53%)
Intersection – Cowlong Rd & McLeans Ridges Rd	58 of 163 (36%)
Intersection – Cowlong Rd & Cameron Rd	4 of 163
Intersection – Cameron Rd & Boatharbour Rd	63 of 163 (38%)
Intersection – Boatharbour Rd & Richmond Hill Rd	1 of 163
Road – Cameron Rd	48 of 163 (29%)
Road – Cowlong Rd	79 of 163 (48%)
Road – Boatharbour Rd	75 of 163 (46%)
Road – Pearson Rd	20 of 163
Road – Bangalow Rd	19 of 163
Direct vehicular access onto Cameron Rd	100 of 163 (61%)
Lack of pedestrian facilities – linkages with hall & increased traffic at hall	22 of 163

Other road users – cyclists, pedestrians, horse riders	122 of 163 (75%)
Compliance with Council & RFS requirements	30 of 163
Increased traffic noise - not assessed	4 of 163
Funding and timing of road infrastructure up-grading & cost to Council and community	63 of 163 (39%)
Flood prone roads	5 of 163

2. Principal Issue- impact on rural amenity	No of submissions
Number of submissions that raised concerns about impact on rural amenity	153 of 201 (76%)
Specific issues	
Character created by existing pattern of settlement	41 of 153 (27%)
Number of proposed lots	72 of 153 (47%)
Shape of proposed lots	70 of 153 (46%)
Size of proposed lots	77 of 153 (50%)
Orientation of proposed lots	5 of 153
Suburban ribbon development not suitable for rural setting	82 of 153 (54%)
Incompatible with existing pattern of settlement / landuse	38 of 153 (25%)
Loss of lifestyle choice - rural vista – lifestyle aspects –seclusion and privacy – road with trees – children schooling at country school – silence and minimal traffic noise – wildlife & flora – no excessive lighting or light spill – ability to work in stressful employment and retreat to home	10 of 153
Loss of rural character	13 of 153
Adequacy of lots for dwellings - specific lots identified	27 of 153 (18%)
3. Principal Issue- impact on existing landscape	No of submissions
Number of submissions that raised concerns about impact on existing landscape	113 of 201 (56%)
Specific issues	
Adverse visual impact on prominent ridgelines	108 of 113 (96%)
Development of the land will not blend with existing views and is out of character with existing rural views	48 of 113 (42%)
Removal of trees along Cameron Rd	54 of 113 (48%)
4. Principal Issue – adequacy of social impact assessment	No of submissions
Number of submissions that raised concerns about the social impact assessment	137 of 201 (68%)

Specific issues

Use of wrong census collector district 64 of 137 (47%)

Incorrect use of urban benchmarks 59 of 137 (43%)

5. Principal Issue- impact on community services and facilities No of submissions

Number of submissions that raised concerns about impact on existing community services and facilities 113 of 201 (56%)

Specific issues

McLeans Ridges dispersed rural settlement not a village 11 of 113

McLeans Ridges has none of the facilities (e.g. public transport, school, PO, shop/s, reticulated water etc) of a village yet will have a population of a village 113 of 113 (100%)

Existing hall – old and in need of repair, land too small no room for expansion, no parking, located on dangerous intersection - inadequate for existing population 60 of 113 (53%)

Potential population increase maybe 400 people above existing 600 to 1,000 – lack of existing facilities (child's play, sports etc), no general store for that population – no central facilities proposed 34 of 113 (30%)

No provision for equitable access for people with disabilities, children, elderly - footpaths 12 of 113

No provision of suitable land for recreation fields / facilities 52 of 113 (46%)

No detail regarding proposed community lot 97 of 113 (85%)

No public transport at McLeans Ridges 74 of 113 (65%)

6. Principal Issue- Impacts of on-site wastewater disposal systems No of submissions

Number of submissions that raised concerns about impact of on-site wastewater disposal systems 112 of 201 (56%)

Specific issues

Number of on-site systems in catchment of Wilson 112 of 112 (100%)

River and source of water supply at Howard Grass**No assessment of cumulative impact** 4 of 112**No groundwater assessment** 6 of 112**Steepness and size of lots and suitability for on-site systems** 2 of 112

7. Principal Issue- impact on flora and fauna No of submissions

Number of submissions that raised concerns about impact on flora and fauna 88 of 201 (44%)

Specific issues

Adequacy of assessments 82 of 88 (93%)**Threatened species not adequately protected** 8 of 88**Restoration and rehabilitation inadequate – buffer maintenance** 51 of 88 (58%)

8. Principal Issue- inconsistency with the Lismore Rural Housing Strategy No of submissions

Number of submissions that raised concerns that the proposal is not consistent with the Strategy 89 of 201 (44%)

Specific issues

Incompatible with existing development in area 6 of 89**Lack of public transport** 4 of 89**Direct vehicular access to Cameron Rd** 53 of 89 (59%)**Loss of existing rural views & landscape** 16 of 89**Proposal not acceptable to the local community - previous objections** 11 of 89**Lands outside area of strategy** 1 of 89

9. Principal Issue – loss of agricultural land and potential land use conflict No of submissions

Number of submissions that raised concerns about the impact on agriculture 99 of 201 (49%)

Specific issues

Prime agricultural land - contrary to State govt efforts 17 of 99

to preserve

Land use conflict – existing agricultural uses and future residential development - movement of livestock – use of downstream watercourses **99 of 99 (100%)**

10. Principal Issue- request for public hearing No of submissions

Number of submissions that requested a public hearing into the LEP **89 of 201 (44%)**

11. Principal Issue- cumulative development No of submissions

Number of submissions that raised concerns about the cumulative impact of other subdivisions in the locality **32 of 201 (16%)**

The issues raised in the submissions to the current proposal are similar to those identified in the submissions to the former proposal that was exhibited from 16 April to 28 May, 2007. At that time draft LEP Amendment No 20 proposed seventy two (72) lots (including residue lots) plus a community lot in the Cameron Road area and included a further 30 lots in the Roseview Road area. That exhibition attracted 97 public objections.

The independent consultant has provided a synopsis of the principal issues raised in submissions to the current proposal and this is followed by staff comments:

1. Increased traffic and its impact on the local road network.

Concerns included the adequacy of the existing road network, existing road users including motor cars, farm vehicles, trucks and other road users such as and including pedestrians, cyclists and horse riders, the impact of increased traffic on the road network including intersections, the limited traffic impact assessment, the limited extent of the road up-grades proposed in the application, the provision for footpaths, and the funding and timing of road infrastructure as proposed in the Planning Agreement.

Comment:

- Traffic counts were undertaken by Council at selected locations in McLeans Ridges between October and December 2007. In March 2006 Council also commissioned roughness surveys of all roads within its jurisdiction for the purpose of estimating the pavement life. The results of the traffic counts and roughness surveys were included in a report to Council on February 12, 2008. They indicated that existing road widths in Cowlong Road and Boatharbour Road (east of the Cameron Rd intersection) do not meet DCP and Austroads standards and that existing pavement condition of these roads is also unsatisfactory.
- Road upgrading contributions levied on the developers through the proposed Planning Agreement are to be expended on the upgrading of Cowlong Road (\$10,820 per lot) and the section of Boatharbour Road east of the Cameron Road intersection (\$2,366 per lot). The proposed Cowlong Road upgrading works will include upgrading of intersections at Cowlong/McLeans Ridges Roads and Cowlong/Cameron Roads.
- While the pavement condition in Cameron Road was deemed to be satisfactory, sections of the road do not satisfy minimum width requirements under the DCP and Austroads standards. Consequently the developer is required to upgrade Cameron Road under the Planning

Agreement to a 7m bitumen seal on a 9m formation for the full frontage of the development.

- Land identified for potential rural residential development in the McLeans Ridges strategy extends either side of Cameron Road to Boatharbour Road. Future development in this area would provide an opportunity to reconfigure the geometry of the Cameron Road/Boatharbour Rd intersection as a requirement of those proposals. Alternatively funds collected for upgrading Boatharbour Road under the Planning Agreement could be used for this purpose.

- Council has previously resolved to include the Cowlong Road/Bruxner Highway intersection within the area of the traffic model being developed for the Bruxner Highway corridor by TTM Traffic Consultants. That study has commenced and is expected to be completed towards the end of the year.
- Upgrading of Boatharbour Road is currently ranked 12th out of 25 identified projects in Council's current rural capital works program. As only two to three projects are usually completed within a financial year, the upgrading of Boatharbour Road would still be some years off. It has been estimated that the upgrading would cost \$1.75 million for the entire section from Cameron Road to Eltham Road. Rural residential development in the McLeans Ridges strategy area will contribute approximately \$250,000 towards the upgrade. If this amount was collected before the overall upgrading is planned, the collected funds could be expended towards addressing "black spots" on the section of road between Cameron Road and the Eltham School. This could be undertaken as an initial step in the longer term upgrade of Boatharbour Road. Alternatively the Infrastructure Policy Advisory Group could reconsider the ranking of the Boatharbour Road upgrade if and when the additional funds are received from new development in the area.
- Footpaths are to be provided along the full frontage of the development in Cameron Road and for approximately half the length of the new Road 1.
- The Lismore Rural Housing Strategy (RHS) includes a statement that direct access to Boatharbour, Cameron and Cowlong Roads should be precluded and the number of new road connections minimised. Restriction on direct access to roads that have a through traffic function is a principle that is generally regarded as desirable in most subdivision designs. Initial concept plans lodged by the consultants demonstrated that this requirement could be complied with by providing combined accesses parallel to Cameron Road for those lots with direct road frontage. This produced an unsatisfactory design outcome both from an aesthetic and engineering perspective.

The RHS is not an environmental planning instrument and the general notes contained within it provide a guideline only for developers and Council. Council has discretion to vary such requirements particularly where it can be demonstrated that a better design outcome can be achieved through an alternative approach. Negotiations between the consultants and Council staff resulted in a design that incorporated an additional one metre seal and formation width in Cameron Road. While the revised design allows some direct accesses to Cameron Road, these are minimised through a requirement for shared driveways where practicable. Potential traffic conflicts have been addressed through the widening of Cameron Road and the proposed vertical and horizontal realignment of the road. It is envisaged that the function of Cameron Road will ultimately change from a rural through road to a rural residential road and this will provide an opportunity for a reduction of the speed limit on that road.

2. **Impact on rural amenity.**

Concerns included the proposed number, size, location and shape of allotments, the urban nature of the proposal and incompatibility with the existing pattern of settlement, loss of rural character and impacts on lifestyle choice and reason for living at McLeans Ridges, and

3. **Impact on the existing landscape and views.**

Concerns about ribbon development along a ridge system and that the development was urban in nature and of a character which will not blend into the existing rural character and landscape of the McLeans Ridges locality.

Comment:

The issues of rural amenity, size and design of lots, and impact on landscape and rural character are interrelated and are addressed here collectively. These issues were also identified by a significant number (85%) of objections received in response to the exhibition of the original proposal in April/May 2007.

The transformation from rural land to rural residential land will necessarily have impacts on the existing landscape and views. The degree of impact that a development will have will be influenced by:

- a) the nature of the development,
- b) the nature of the topography, and
- c) the distance from which the development is viewed by an observer.

a) Nature of the development

Measures to reduce the potential loss of rural amenity and impact on the landscape were discussed at the Councillor workshop on September 4, 2007. It was recognised that lot size is just one determinant of the level of visual impact that a development may have and that other design factors such as lot width could potentially have a greater influence. Specific measures aimed at mitigating impacts on rural amenity and the rural landscape were explored at the workshop and the following design criteria were subsequently adopted by Council at its meeting of October 9, 2007:

- Lots to have minimum frontages of 70m (other than for battleaxe lots or lots situated at the end of cul-de-sacs).
- A 5m wide landscaped “no build” area to be provided along the side boundaries of all lots.
- Following reconstruction, the Cameron Road reserve to be landscaped using local rainforest species in accordance with a revegetation plan.

In rejecting the original Cameron Road proposal, Council resolved to invite the proponent to submit new plans which accommodated the above criteria. This resulted in a reduction in rural residential lots from 73 to 63 and an increase in the average lot size. The following table shows the distribution of lot sizes for the current proposal:

Area (m ²)	No. of lots (excluding community lot)
3,000 – 4,000	3
4,000 – 5,000	7
5,000 – 6,000	2
6,000 – 7,000	12
7,000 – 8,000	15
8,000 – 9,000	8
9,000 – 10,000	2
> 10,000	14

Excluding the residue and ‘rehabilitation’ lots, the average lot size is 9,630m². Even excluding all 14 lots that are in excess of 10,000m², the average lot size of the remaining lots is 6,707m². By way of comparison the minimum lot size permissible within the 1(c) Rural Residential zone is 2,000m² with an average lot size is 5,000m².

The southern section of Cameron Road supports around 20 existing rural residential lots on either side of the road with direct road frontage. The current proposal would result in a further 23 rural residential lots with direct road frontage on either side of the northern section of Cameron Road. A number of the existing lots along the southern section of the road have lot frontages of 46m or less. Lots created by this proposal will have frontages of at least 70m. The new lots along Cameron Road could be expected to have no greater visual impact than the existing rural residential development in Cameron Road. Another ten (10) lots will have access off the two minor roads accessing Cameron Road. These lots are likely to have low visual impact from Cameron Road however proposed lots 101 to 103 adjoin the boundaries of four existing rural residential lots and consequently there will be an impact on these lots.

A more significant impact on the landscape could be expected where development is proposed on the currently undeveloped ridgeline that will be serviced by the proposed new Road 1. The ridgeline is cleared and currently used for grazing. Twenty five (25) rural residential lots are proposed in this area and thus development will result in a material change to the landscape. Proposed lot sizes in this area range from 4,930m² to 1.8ha with an average lot size of over 8,100m². The generous size of rural residential lots affords landowners greater opportunities to plant trees and shrubs and, over time, this will have a mitigating effect on the visual impact.

Further impacts will be experienced with the upgrading of Cameron Road which will result in a loss of much of the existing regrowth vegetation within the road reserve along the frontage of the development. A provision in the Planning Agreement is proposed requiring that the section of the Cameron Road reserve with frontage to the development be landscaped using local rainforest species following road reconstruction work.

b) Topography

The McLeans Ridges strategy area occupies a series of minor ridges and valleys that form the transition between the undulating plateau country to the south and the Wilson River floodplain to the north. In these areas the valleys are mostly too steep to support development and historically the pattern of roads and subdivision has followed the ridge lines. Cameron Road typifies this pattern with the road occupying the ridge top and houses located on either side of the road where the slopes are less steep. The current proposal will continue this pattern of development along the northern section of Cameron Road and the impacts could be expected to be similar to that which already exists along the southern section of the road.

A similar development pattern is proposed along the undeveloped ridgeline to the east of Cameron Road in that the new Road 1 follows the ridge top with building envelopes on either side of the road. Because of the undeveloped nature of this ridge, development here has the greatest potential for visual impact. The ridge could not be defined as a scenic ridgeline, ie. one with a high level of visual prominence in the landscape and where the ridgeline is viewed as a distinct edge against the skyline. The majority of existing houses in the area from which this ridge is visible are located at equivalent or greater elevation to the ridge and so do not view the landform as an edge against the skyline. However a significant change to the landscape in this area can be expected as a consequence of the proposal.

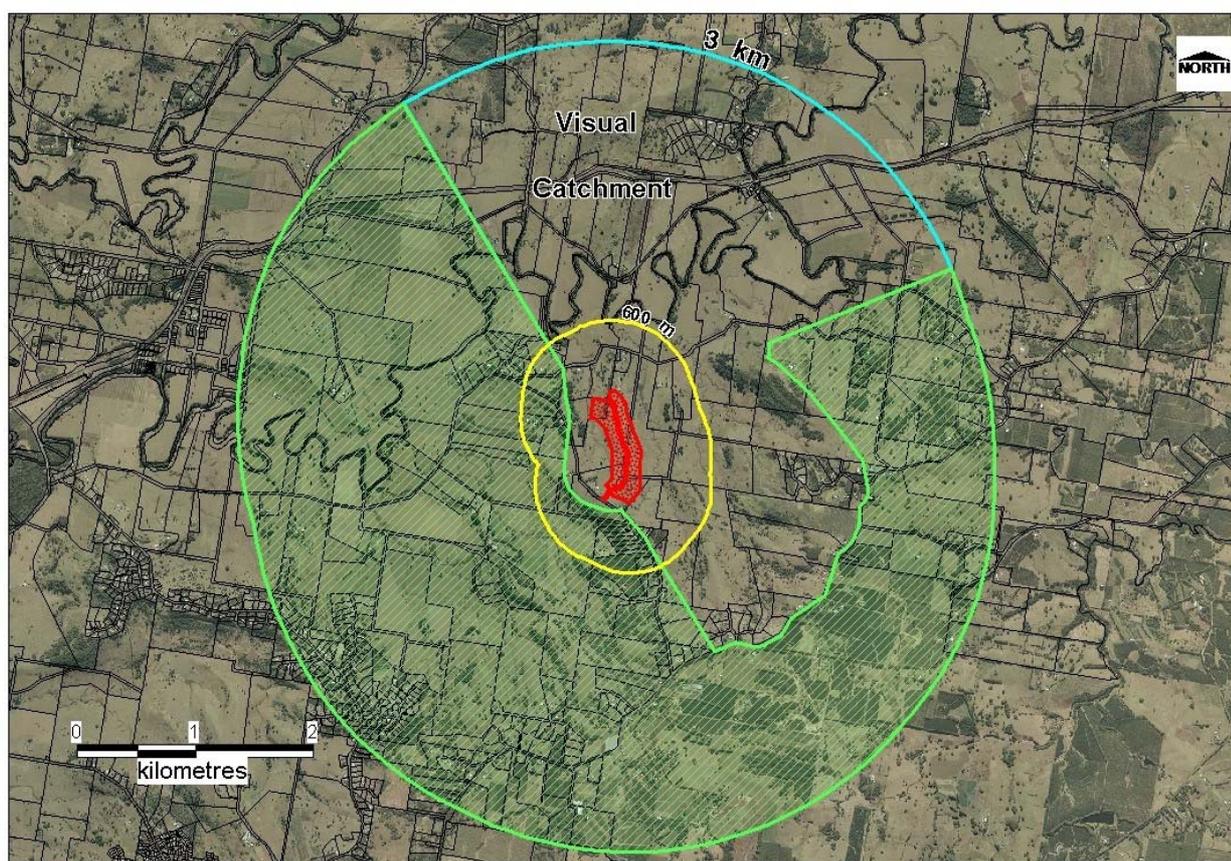
c) Distance from which the development is viewed

The distance from which a development will be viewed has a direct relationship to its level of visual impact. Within the viewing catchment the foreground zone (within 600m of the development) is the distance from which an observer experiences the maximum discernment of detail such as shape, colour and texture. This is the zone where the greatest level of visual prominence will be experienced.

Within the middleground zone (between 600m and 3km) the observer discerns overall shapes and patterns and the different relationships between landscape units, however the level of visual prominence is significantly less than it is within the foreground zone. Within the background zone (greater than 3km) the observer discerns broader relationships between landscape units and patterns. Within this zone the visual prominence of most development would be low.

The plan on the following page shows the extent of the visual catchment from which the undeveloped ridgeline is visible within the foreground and middleground distances. Within the foreground distance there are an estimated 10 houses from which at least part of the ridge is visible. Of these, six houses are on land that forms part of the current rezoning proposal (ie. are owned by the proponents). Within the middleground distance, houses where all or part of the ridge is visible are located in the Roseview Road estate (approx 1.3km away), Satinwood Drive (about five houses approx 1.3km away) and Federation Drive, Eltham (approx 2.1km away).

Having regard to sizes and dimensions of the lots, the limitations imposed by local topography and the relatively few number of existing houses within the foreground viewing distance, the change in landscape character, and the impact on views and amenity are what could be reasonably expected where the predominant land use changes from non-intensive agriculture to one of closer rural settlement. Given that the site has been identified by Council as having potential for rural residential style development, some change to the landscape character and rural amenity must be expected. It is considered that the magnitude of the changes is not unacceptable and does not warrant rejection of the proposal on this basis alone.



4. Social impact assessment.

Concerns that the assessment is flawed as it uses statistics for the Richmond Hill census collectors district for McLeans Ridges, uses urban benchmarks to assess and conclude that there is no need for community facilities at McLeans Ridges, and under-estimation of existing social facilities e.g. education.

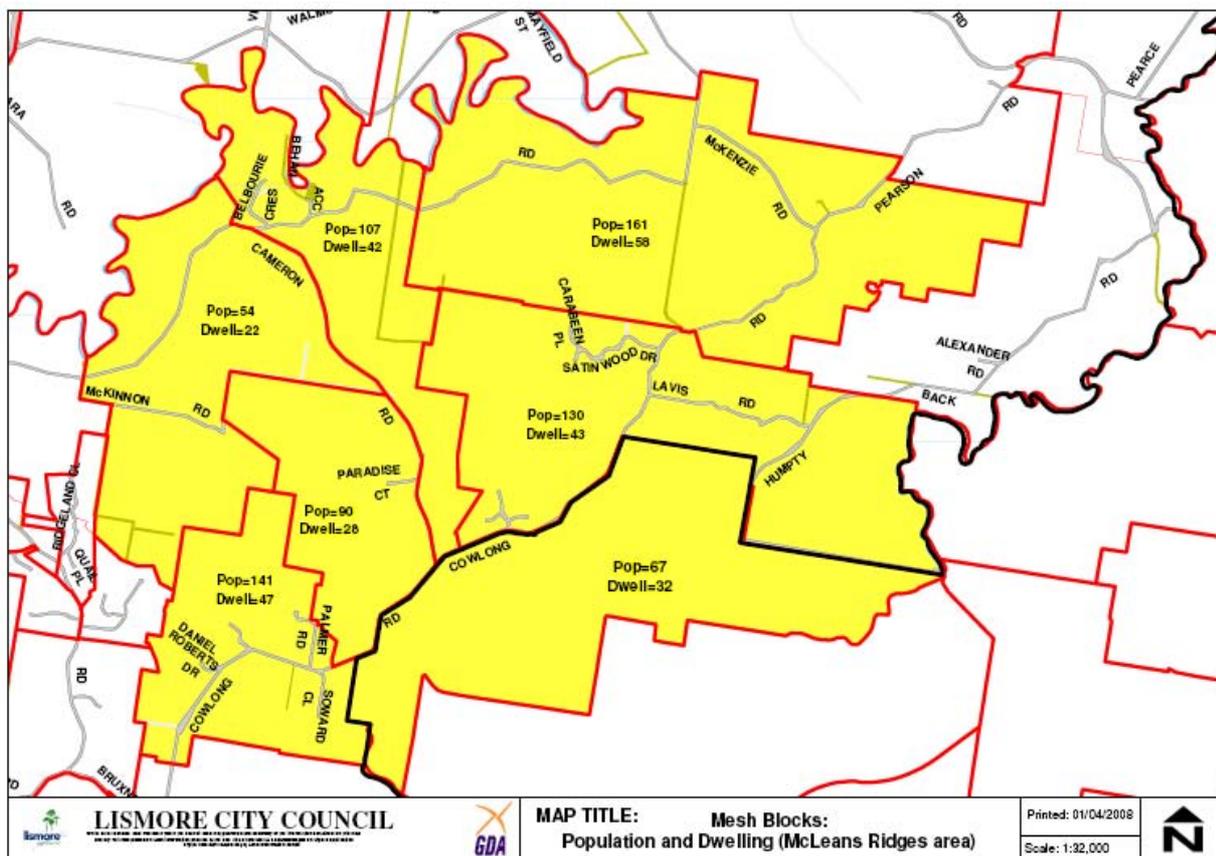
Comment:

Council's social planner has reviewed the SIA, together with the submissions that raised the adequacy of the SIA as an issue, and has provided the following comments:

“1. The methodology used in the Cameron Road SIA was not thorough in that no face to face community consultation was undertaken. The consultant relied on information contained in the 126 submissions to the McLeans Ridges rezoning in April/May 2007 together with a desk top analysis of local demographic data. These submissions give a clear picture of the issues at hand however it is wise and respectful to consult with those concerned and give people the opportunity to be heard and to come up with their own mitigation strategies. Aside from lack of community consultation, the methodology used was standard ie. scoping, profiling, research, prediction and assessment, and mitigation strategies.

2. McLeans Ridges borders three census collection districts (CDs) and 2 LGAs. The consultant used the CD of Richmond Hill which, while similar in demographic profile, does not fully reflect the farming and agricultural nature of McLeans Ridges. It would be very difficult to capture meaningful demographic data on the specific location of the proposed development in McLeans Ridges as it is not fully encapsulated in any of the CDs. Mesh block data (smaller area data based on the 2006 census) was not available at the time of the report. Even if the data had been available, it would only indicate numbers of people and residences. Mesh block data for the area potentially affected by and surrounding the proposed development on Cameron Road are as follows:

Mesh Block	Population	Dwellings
1 (Eltham)	107	42
2 (Eltham)	130	43
3 (Eltham)	161	58
4 (Richmond Hill)	141	47
5 (R Hill/Boatharbour)	54	22
6 (Richmond Hill)	90	28
7 (Wollongbar)	67	32
TOTAL	750	272



The Richmond Hill and Eltham CDs share similar demographic profiles in that they both show:

- A stable population, predominantly Anglo with few indigenous Australians
- Higher than Australian average of younger people 5 -14years
- High proportion of older people nearing retirement 55-64 years (though significantly higher in Richmond Hill)
- Majority of households are made up of families
- Home ownership is high
- There is low unemployment and relatively high incomes compared to national medians for individual, household and family.

The main difference between the CDs is the rural and agricultural flavour of the Eltham CD – though one could argue that the ridge area around the proposed development is more similar to Richmond Hill than to the rest of Eltham. With this in mind I don't think the conclusions drawn from the data used are greatly flawed.

3. Current available benchmarks for “calculating” levels of community facilities required are inherently flawed. A benchmark can be described as “the minimum level of service per person, community or catchment which is considered adequate to meet needs”. This is difficult to establish in broad terms as it depends on specific local needs and characteristics of the community, the time-frame and available resources. There is no satisfactory “one size fits all” calculation for provision of community facilities and services. A preferred approach in providing most social infrastructure is to use standards as guidelines and to base them on locally derived needs. The question is then how does one identify the local needs? This is usually done through direct consultation with the affected community. This was not done in this instance.

4. AMCORD is a guideline only – any guideline needs to be assessed relative to the specific circumstance. AMCORD does reflect urban development thresholds but again – these are guidelines only. What was needed in the McLeans Ridges SIA was a face to face consultation with the community and an analysis of their stated needs with consideration of the available demographic data, current community facilities/services/resources available, current utilization of these services and facilities and whether there are sufficient resources to support identified needs. Some of this was done but the analysis was lacking. The community also needs to understand that all development has social impacts.”

While it can be argued that aspects of the methodology used to produce the social impact assessment were not necessarily best practice, it is considered that the conclusions and recommendations of the SIA are valid. Those recommendations are incorporated into the various provisions of the draft Planning Agreement.

5. Adequacy and impact on community facilities and services.

Concerns that McLeans Ridges is not a village and does not contain services and facilities (shop/s, school, sports and recreation facilities, public transport, infrastructure such as reticulated water and reliable electricity supply) that are provided in a village and that there was no (nor could there be) provision in the proposals to provide the types of facilities expected for the population likely to be generated by the proposals.

Comment:

It is not proposed that McLeans Ridges will become a village with a level of services and infrastructure that might be expected to be found in a village. McLeans Ridges supports existing rural residential development and is identified in the Lismore Rural Housing Strategy as having potential for additional rural residential style development. Land at McLeans Ridges was included in the Rural Housing Strategy because of a perceived demand for rural residential blocks in this locality and because of its proximity to Goonellabah and Wollongbar, both of which provide a greater range of shopping, sporting and recreational facilities than would typically be found in a village. The proposal is located 10km (10minutes) from the Goonellabah Shopping Centre and 12 minutes from the CBD (via Boatharbour Road).

Public transport, other than a school bus service, is unlikely to be viable in McLeans Ridges and this will probably be true for any rural residential area where the density of development would be too low to make public transport an economic proposition.

The site is within the Clunes/Eltham/Bexhill Section 94 catchment area and so the development will contribute to both citywide and local recreational/community facilities within that catchment. The Planning Agreement provides for a contribution of \$632 per lot payable towards the McLeans Ridges hall instead of a contribution of \$223 that would have been payable towards the Bexhill hall. While the McLeans Ridges hall has limitations in terms of its capacity and the size of the land on which it is situated, representatives of the hall committee have indicated that the hall is currently underutilised and can accommodate an increased level of use. The proposed community lot is large enough to accommodate a facility such as a local community centre should there be a need for such a facility in the future.

6. Adequacy and impact of the proposed on-site wastewater management systems.

Concerns about a lack of assessment of the cumulative impact of wastewater management systems, the potential for impacts on downstream users including agricultural users and the alternative regional water supply currently been developed by Rous Water at Howards Grass on the Wilson River.

Comment:

The proposed on-site sewage management strategy for the revised proposal has been reassessed by Council's Environmental Health section which has provided the following comments:

"Council's *'Revised On-site Sewage and Wastewater Management Strategy 2007'* provides design requirements for rezoning and subdivision applications. The key design parameters nominated are:

- The need to provide 'low-tech gravity fed' systems (i.e. septic tank & ETA beds, composting toilet and grey water tank & ETA beds, septic tank reed bed & ETA beds), on lands with slopes of 15% or less.
- Provide buffers to watercourses and drainage lines strictly in accordance with the strategy requirements – perennial (100m), intermittent (100m) or drainage line (40m).
- Assessment of groundwater.

The initial Environmental Health assessment required the applicants to satisfy the abovementioned design parameters. Environmental Health staff, through field assessment, determined the status of water courses within the development site (in light of Council's strategy definitions) which provided the benchmark for lot and effluent disposal configuration/buffer separation distances for this rezoning application.

The report *'On-site Sewage Management Strategy Report – Supplementary Information – Cameron Road'* prepared by Newton Denny Chappelle dated 14 January 2008 has been prepared to address the matter of on-site sewage management in response to the reduction in the number of rural residential allotments to 63 and accommodate a 70m lot width at the building line. The report states that:

'A buffer to the permanent watercourse of 100m has been applied and all disposal areas comply. In the upper reaches of the catchment, the watercourse transitions into a dry gully to which a 40m buffer has been applied. This buffer transition is shown on figure 2.3...'

'From the detailed investigation undertaken of the site, it is concluded that the development as proposed is able to comply with Lismore City Council's On-site Sewage and Wastewater Management Strategy goal to produce a residential development that is clearly sustainable, incorporates low technology solutions and presents low levels of environmental risk.'

The recent site inspection undertaken supports the transitional determinations and statement of general compliance with waterway buffers. It is also considered that the level of reporting to date is sufficient to demonstrate that the key principles of low-tech gravity fed systems and site geology can generally be satisfied. It is evident from the broad reporting (Figure 2.3) that on a number of sites effluent disposal

areas are parallel to or extending up-slope beyond the proposed building envelope thereby limiting the area of the disposal field that could practically be fed by gravity from a future treatment device (septic tank). The report however states that *'Based upon these results, an area of 500m² (being approx twice the primary treatment area to allow for reserve beds in the case of failure) has been assigned for the effluent disposal areas'*.

Council's On-site Sewage Management Strategy recommends that wherever possible alternate land application areas should be provided for. As assessed from the current broad mapping it is considered that replacement areas will not be achieved for all sites that will service a gravity fed system in contrast to the generic *Figure 3.0 – Nominal Min Lot Size* presented within the wastewater management report. However it is recognised that during the application preparation process Council's On-site Sewage Management Strategy was under review and advice from Council to the applicant at that time (based on Council's strategy modelling for a 50 year disposal system life) was that the incorporation of replacement areas was not an essential design requirement. Replacement areas providing opportunity for gravity fed systems will be achieved for the majority of lots.

The wastewater report also includes additional information in relation to geological conditions by the undertaking of additional test pits. The report states that:

The test pits dug throughout the site had soil/clay horizons of 0.7m to 1.0m which was then overlying weathered highly fractured boulders of 0.1m to 0.3m diameter. Bore logs from drilling groundwater investigations record clay layers from depths of 2m to 5m before basalt/shale rock layers are reached. This is confirmed by our backhoe test pit investigation where homogenous bedrock was not encountered, however digging performance of the test pits were reduced considerably once a depth of nominally 1.0m was reached due to the packed nature of the weathered stone boulder material. Whilst rocky boulder outcrops of up to nominal 1m diameter are interspersed over the site, all test pits dug were found to have a clean soil/clay horizon of minimum of 0.7m despite locating some pits immediately adjacent to rock areas'.

Council's On-site Sewage Management Strategy recognises that where coarse fragments occupy >20% of the soil volume a soil limitation is encountered. This is further supported by the publication *'Environment & Health Protection Guidelines – On-site Sewage Management for Single Households'* which states that there exists a moderate limitation to on-site sewage management systems where the percentage of rock within a disposal area (% of land surface area containing rocks >200mm diameter) exceeds 10% and becomes a major limitation where it exceeds 20%. From the reporting to date it is generally accepted that there is sufficient soil depth throughout the site to support the on-site management of wastewater. Confirmed by the recent site inspection, the report identifies the development site has significant rock/stone material, which on restricted sites (limited options for alternate wastewater disposal envelopes) may impact upon the performance and/or practical installation of future on-site sewage management systems. Therefore it is considered reasonable and appropriate that through the subdivision application process the applicant(s) clearly demonstrate that proposed lots will incorporate an effluent disposal envelope that is uncompromised by the percentage of rock present. This will require the individual assessment of effluent disposal areas on restricted sites.

It should be recognised that through the application of Council's On-site Sewage and Wastewater Management Strategy and the requirements of Rous Water's *'Draft On-site Sewage Management Guidelines'* (soon to be endorsed by Council through an MOU) are appropriately addressed as is recognised by Rous Water in commentary to this application. Therefore the matter of risk posed by on-site sewage management systems to the water catchment has been addressed.

The wastewater report also includes additional information in relation to hydrological matters, particularly groundwater extraction points. The report recognises that from a search undertaken on the NSW Department of Natural Resources Atlas website five licences were identified on or within 100m of the development site, two of which are inactive. All active bores are located on lands owned by the proponents (as confirmed by the site inspection) thereby providing the ability to undertake any necessary management response to the retention or decommissioning of bores to satisfy State Government and/or Council buffer requirements."

7. Impact on flora and fauna.

Concerns about the adequacy of the flora and fauna assessment, assessment of the impact on wildlife and protection of threatened species.

Comment:

The revised proposal was referred to the Department of Environment and Climate Change for comment. DECC has not raised an issue about the adequacy of the flora and fauna assessment and has responded that due to the largely cleared nature of the site and degraded condition of the remnant vegetation, the proposal will not have a significant impact on biodiversity including threatened species and endangered ecological communities. A summary of the DECC response is included elsewhere in this report.

8. Inconsistency with the Lismore Rural Housing Strategy and other Council planning policies.

Concerns that proposals were not consistent with the Strategy's requirements for McLeans Ridges.

Comment:

The issues of direct driveway access to Cameron Road and impact on rural views and landscape is discussed under points 1 and 3 respectively.

9. Loss of agricultural land and potential for land use conflicts.

Concerns about loss of agricultural land, potential for conflict between agricultural land use practices and housing.

Comment:

The site contains no state or regionally significant farmland. It supports Class 4 agricultural land which is suitable primarily for grazing. The revised proposal was referred to the Department of Primary Industries (DPI) who have responded that some loss of agricultural land will occur due to population and development pressure, however this is acceptable provided development is orderly, carried out in accordance with an agreed strategy and that adverse impacts on agricultural activities are minimised. The DPI notes that Council has its own comprehensive DCP on buffers and that proposed dwelling envelopes comply with those requirements. A summary of the response from DPI is included elsewhere in this report.

10. Request for public hearing

Eighty nine (89) submissions requested that Council conduct a Public Hearing into the draft LEP.

Comment:

The *EP&A Act* provides that where persons have requested a public hearing in a submission to a draft LEP, and Council considers that the issues raised in the submissions are of such significance that they should be the subject of a hearing before Council decides whether alterations should be made to the LEP, Council shall arrange a public hearing. Council previously considered this matter at its meeting of May 13, 2008 and resolved not to arrange a public hearing. There have been several opportunities for residents to express their views on the Cameron Road proposals including two formal public exhibitions, a Councillor forum and three public meetings. Public meetings provide a less restricted forum for residents to express concerns and ask questions of consultants and Council staff than through a public hearing process. It is unlikely that additional issues that have not already been raised would be identified in a public hearing.

11. Cumulative development.

Concerns regarding potential for cumulative 'unmeasured' impacts of further rezoning and subdivision of larger residual allotments and of other lands in the McLeans Ridges area, cumulative adverse traffic and visual impacts.

Comment:

The Lismore Rural Housing Strategy (RHS) identifies the extent of land on which rural residential

development could potentially occur in the McLeans Ridges locality within the timeframe of the strategy (to 2012). This area is estimated in the strategy to be over 200ha. Potential lot yield is estimated in the RHS at between 80 and 100 lots. This is an indicative lot yield only. Based on the two revised rezoning applications that Council has resolved to exhibit, the overall lot yield for McLeans Ridges is estimated to be closer to 120 lots.

The two largest land units with rural residential potential within the strategy area are those covered by the current "Cameron Road" and "Roseview Road" proposals. The next largest lot with development potential is located west of the Roseview Road site. This lot has an area of 19ha. Although there is no current proposal for this site, any future application would have to integrate with the existing proposals – hence the requirement for the Roseview Road proponent to provide a footpath connection to the eastern boundary of this site. Development of the 19ha lot would have a requirement to extend the footpath link from the Roseview site to Cameron Road. Other lands within the strategy area tend to be in smaller parcels. These sites are likely to have a low lot yield potential and are not critical to the overall integration of rural residential development in the area. However all future lots would have similar road upgrading and other contribution requirements to the Cameron Road and Roseview Road proposals. No further rural residential development can occur in the McLeans Ridges locality under the current rural housing strategy.

Other issues raised in the public submissions

In addition to the 11 principal issues that were identified, the consultant identified other issues which were raised in some of the submissions as follows:

1. *Concerns about the operation of the Planning Agreement*

Comment:

A discussion on aspects of the Planning Agreement is provided later in this report.

2. *Concerns that the residue lots are being zoned and will therefore have further subdivision potential.*

Comment:

There has understandably been some confusion concerning the proposed means of "rezoning" the subject lands under draft LEP Amendment No.20. The rezoning method is by way of inclusion in Schedule 4 of the LEP rather than by rezoning from 1(a) General Rural Zone to 1(c) Rural Residential Zone.

The Schedule allows Council to set a maximum lot yield for each land parcel (or parcels) based on the assessment undertaken at the rezoning stage. This means that a subsequent DA cannot be lodged for the creation of more lots than the stipulated number in Schedule 4. Together with the requirements of a Planning Agreement, the approach enables Council to have confidence that the relevant matters that have been negotiated at the rezoning stage will be carried through to the DA.

3. *Inconsistency with objectives of the Lismore LEP.*

Comment:

Objectives in the LEP that relate to rural residential development apply to the 1(c) Rural Residential Zone and only apply to the granting of development consent for a development proposal within that zone. Notwithstanding this the objectives of the 1(c) Zone are:

- (a) *to provide opportunities for rural residential living in areas in close proximity to existing villages and urban areas where services are readily and economically accessible.*
- (b) *to minimise the cost of development to the general community by requiring persons benefiting from rural residential development to both pay for and provide their own on-site utility services, where appropriate.*
- (c) *to preserve and enhance the amenity of the rural residential area requiring the preparation of an environmental impact report or development control plan where the Council deems necessary prior to the development of the land.*
- (d) *to ensure a variety of lots sizes that are compatible with existing land use and reflect land capability.*

It is considered that the proposal is consistent with the 1(c) zone objectives as follows:

- (a) The site is close to Goonellabah and the Lismore CBD.
- (b) The issue of funding infrastructure is addressed in the draft Planning Agreement.
- (c) The Planning Agreement ensures that any future application for subdivision will be in accordance with the concept plan submitted with the rezoning submission.
- (d) The proposal provides for a variety of lot sizes as outlined elsewhere in this report. The lots have been designed to reflect land capability through identification of a suitable building envelope of not greater than 20% slope and an effluent disposal envelope that complies with Council's On-site Wastewater and Sewage Management Strategy. Compatibility with existing land use has been demonstrated elsewhere in this report.

4. *Inconsistency with the Far North Coast Regional Strategy (FNCRS)*

Comment:

The FNCRS is applicable to urban and village residential and employment (industrial) lands not to rural residential development.

5. *Lack of community consultation*

Comment:

The public exhibition process has provided opportunity for community input and has included two statutory exhibition periods (one extended), several public meetings and two Councillor workshops open to the public.

6. *Poor design of lots:*

- *Building envelopes on Lots 200, 201 & 202 are too close and Lot 201 does not satisfy asset protection zone (APZ) requirements.*

Comment:

Lot 201 is a 'battleaxe' block and the building envelope is screened from the road. The distances between the centres of the building envelopes range from 45m to 50m. Lot 201 is one of the areas referred to in the Environmental Health Officer's report where a significant level of rock is present in the topsoil and this could impact on site's capacity for effluent disposal. The Environmental Health Section has commented that at the subdivision stage the applicant will need to demonstrate that lots have sufficient area for effluent disposal that is not compromised by the percentage of rock present. If this cannot be achieved for Lot 201 it will have to be incorporated into adjoining lots. The wording of draft LEP Amendment No 20 (as attached to this report) provides for the maximum number of rural residential lots to be created in each land parcel. The number can be reduced if Council's requirements cannot be achieved when more detailed design information is lodged at the DA stage. Part of Lot 201 falls within the buffer to bush fire prone vegetation as identified on Council's Bush Fire Prone Land Map. The vegetation is classified as Category 2 and the required APZ for the building envelope as per Planning for

Bush Fire Protection 2006 can be achieved.

- *Lots 102, 103, 104, 105, 32 & 33 are too steep for dwellings.*

Comment:

While these lots are located in steeper sections of the site, the slope mapping indicates that each lot has sufficient area for a building envelope on land with slopes less than 20%. An inspection of the lots has confirmed that there are suitable building sites on each of the lots.

- *Driveway for Lot 37 is too steep and cannot meet APZ requirements.*

Comment:

The contour plan submitted by the applicant indicates that a driveway for Lot 37 can be achieved that complies with the maximum gradient requirements under the Lismore DCP (Chpt. 1 - Residential Development) and Council's Vehicular Access Policy. The nearest vegetation is Category 2 and located upslope of the building envelope. APZ requirements as per Planning for Bushfire Protection 2006 can be achieved.

7. *Objection to proposed closure of Crown Road reserve*

Comment:

The owners of adjoining land to the east of the proposal have objected to the proposed closure of the Crown Road reserve that could potentially provide access to their property (Lot 1 DP 441201). The applicant has been asked to address this issue and has amended the subdivision plan so that the section of Crown Road between proposed Road 1 and Lot 1 DP 441201 remains as road reserve. A copy of the amended plan showing the road reserve is attached to this report.

[Environmental Defenders Office](#)

A submission from the Environmental Defenders Office raised the following issues:

1. *The land is identified as potentially suitable in the Lismore Rural Housing Strategy which does not guarantee that a proposal should go ahead*

Comment:

Agreed, any proposal needs to demonstrate that it is consistent with statutory requirements and is supportable having regard to all relevant merit considerations.

2. *Flawed social impact assessment relying on incorrect data*

Comment:

Issues concerning the adequacy of the SIA have been discussed on pages 10 to 12 of this report.

1. *Small lot sizes incompatible and out of character with existing settlement and character of locality.*

Comment:

Issues regarding lot sizes and impact on rural character have been discussed on pages 7 to 9 of this report.

3. *Significant numbers of houses on the ridgeline which will have a detrimental visual impact*

Comment:

Issues regarding visual impact and ridgelines have been discussed on pages 7 to 9 of this report.

4. *Proposal does not provide adequate village infrastructure*

Comment:

Issues regarding provision of infrastructure have been discussed on page 12 of this report.

5. *No adequate assessment of cumulative impacts and potential of pollution of so many on-site wastewater management systems, especially in relation to Rous County Council's drawing of water from the Wilsons River*

Comment:

Issues regarding cumulative impacts and wastewater management have been discussed on pages 12 & 14 of this report.

6. *No assessment of impact on Fragrant Myrtle under Commonwealth legislation*

Comment:

Any action likely to have a significant impact on a matter of national environmental significance, including impacts on threatened species listed under the Commonwealth *Environmental Protection and Biodiversity Conservation (EPBC) Act 1999* (which includes Fragrant Myrtle), requires approval from the Commonwealth Environment Minister. Such action may be as a result of a development or subdivision proposal but does not include a decision by Council to grant consent to that proposal. The responsibility for referring any action to the Commonwealth Environment Minister lies wholly with the person(s) proposing the action. Council is not the responsible authority for referring the matter to the Commonwealth. The onus is on the proponents to exercise any responsibilities that they might have under the *EPBC Act*.

7. *No additional assessment of fauna - fauna survey and habitat inadequate - no assessment of human occupation and pets*

Comment:

The Department of Environment and Climate Change has stated that due to the largely cleared nature of the site and degraded condition of the remnant vegetation, the proposal will not have a significant impact on biodiversity including threatened species and endangered ecological communities.

8. *Direct driveway access for 19 lots and 3 new intersections contravenes the Lismore Rural Housing Strategy*

Comment:

Issues regarding consistency with the Rural Housing Strategy have been discussed on page 7 of this report.

9. *No traffic assessment of the upgrade the Cameron Rd & Boatharbour Rd intersection - existing road conditions inadequate for current use - no assessment of additional traffic on pedestrian, cyclists and horse riders.*

Comment:

Issues regarding road upgrading have been discussed on pages 6 & 7 of this report. Pedestrians and cyclists will be catered for with the provision of footpaths/cycleways as provided for in the proposal. The increased formation width in Cameron Road will improve the current situation for horseriders.

McLeans Ridges Community Group

A submission from the McLeans Ridges Community Group raised the following issues:

1. *Impact on amenity and character - does not retain and is incompatible with existing character - lot size small and smaller than other subdivisions in locality - many steep lots (limited suitable building and waste disposal areas) - adverse impact on scenic qualities and views and acoustic amenity - comparison with settlement in Richmond Hill inappropriate.*

Comment:

Issues regarding amenity, rural character and lot size have been discussed on pages 7 to 9 of this report. Issues regarding effluent disposal have been discussed on pages 13 & 14 of this report. Increased traffic will lead to increased traffic noise. Rural residential lots have a minimum 15m setback requirement from the road frontage which mitigates against road noise to some degree.

2. *Social Impact Assessment - flawed relying on incorrect data - portrays McLeans Ridges as an urban area rather than a rural farming area - urban benchmarks inappropriately used to conclude no community facilities are required as a consequence of the proposal.*

Comment:

Adequacy of the SIA has been discussed on pages 10 to 12 of this report.

3. *Provision of community facilities - McLeans Ridges does not contain services and facilities (shop/s, school, sports and recreation facilities, public transport, infrastructure such as reticulated water and reliable electricity supply) that are provided in a village - hall not sufficient for future population - proposed community lot inadequate - no clear plan of what is going to be provided on lot.*

Comment:

Issues relating to the provision of community facilities and services have been discussed on page 12 of this report. While the application does not propose a specific site for a neighbourhood shop, such a use is permissible under the current and proposed zones. A neighbourhood shop is unlikely to be viable unless there is sufficient catchment population to support it. In terms of school facilities, Council forwarded a copy of the original proposal to the Department of Education and Training in September 2007. No response has been received.

Although some rural residential areas have a reticulated water supply, most rural residential development relies on roofwater harvesting for domestic water supplies and new dwellings will be required to provide rainwater tanks with a minimum capacity of 45,000 litres for this purpose. Evidence that electricity and telephone services can be provided must be submitted at the subdivision approval stage. Options for the proposed community lot are discussed on pages 22 to 25 of this report.

4. *Roads / safety / traffic - local road network cannot cope with additional traffic - no assessment of traffic on Alphadale intersection - no provision to up-grade Cameron / Boatharbour Rd intersection - inadequate funding of Boatharbour Rd (road unsatisfactory, beyond capacity and carries school traffic) - no provision upgrading Cowlong Rd - Cameron Rd (driveway access for 19 lots and 3 new intersections - queries compliance with accepted construction standards) - no assessment of McLeans Ridges Rd - no assessment additional traffic on pedestrian, cyclists and horse riders.*

Comment:

- The issue of roads has been discussed on pages 6 & 7 of this report.
- Assessment of traffic at the Alphadale intersection is being undertaken by TTM Consultants.
- There is a discussion on the upgrading of Boatharbour Road on page 6 of this report.
- There will not be a separate driveway access to each lot with frontage to Cameron Road as driveways will be shared between two lots wherever this is practicable.
- McLeans Ridges Road is in Ballina Shire and the proposal was referred to Ballina Shire Council for comment. Ballina Shire Council has responded that the increase in traffic from the development is acceptable for the construction standard of the McLeans Ridges Road. A discussion on Ballina Shire Council's submission is provided on page 33 of this report.

- Pedestrians and cyclists will be catered for with footpaths be provided along the full frontage of the development in Cameron Road and for approximately half the length of the Road 1.
- Widening of Cameron Road for an additional metre in excess of DCP requirements will improve the situation for horseriders.

5. *Cumulative impact - Floreat Park subdivision - no public transport - no services in McLeans Ridges - all travel car dependent.*

Comment:

Issues surrounding cumulative impacts and services in McLeans Ridges are discussed on pages 15 & 16 and pages 12 to 14 of this report. People choosing a rural residential lifestyle usually accept that there will be limited public transport available and that they will be reliant on private vehicles for most travel. McLeans Ridges was included in the Rural Housing Strategy partly because of its proximity to Goonellabah and Wollongbar. Although a rural residential lifestyle tends to increase reliance on car ownership, the proximity of McLeans Ridges to Lismore and Goonellabah will mean that a significant proportion of trips generated will be relatively short.

6. *Environmental issues - on-site wastewater management systems and potential for impact on Wilsons River - inadequate soil and hydrological assessment - inadequate ecological (flora and fauna) assessment - revegetation plans for gullies & steep land inadequate - inadequate maintenance period - no revegetation plan for Cameron Rd.*

Comment:

Most of the environmental issues that have been raised are discussed elsewhere in this report. In terms of the maintenance period for the rehabilitation works, the draft Planning Agreement provides for a staged release of the bond monies two years after the release of any lot subdivided from the existing lot which contains the lands where the revegetation works are proposed. It is considered that two years is inadequate for trees to become properly established and high enough to resist competition from grasses and weeds. It is recommended that the maintenance period be extended to three years and that the Planning Agreement be amended accordingly. The revegetation plan for Cameron Road will be required at the development application stage.

7. *Impact on agricultural land - potential for land use conflicts with established farming enterprises - state and regionally significant farmland.*

Comment:

The issue of agricultural land and impacts on agriculture is discussed on page 15, pages 26 & 27 and page 31 of this report.

8. *Lismore Rural Housing Strategy - inconsistent and incompatible with existing development in area - proposal not acceptable to local community - proposal will reduce amenity of existing residents - protect and enhance natural features and ecological values - direct access to Cameron Rd.*

Comment:

Issues that were raised in regard to compatibility and amenity are discussed on pages 7 to 9 of this report. Issues regarding consistency with the Lismore Rural Housing Strategy have also been discussed on page 7 of this report.

9. *Requests public hearing.*

Comment:

Issues concerning the request for a public hearing have been discussed on page 15 of this report.

Cowlong Landcare Group

A submission from the Cowlong Landcare Group raised the following issues:

1. *Large numbers of small lots lined up the ridge - orientation of ridge & lots & lack of area for tree planting means vegetation will impact on adjoining land (views and shadowing)*

Comment:

Issues regarding lot size have been discussed on pages 7 to 9 of this report. The primary objective of providing landscaped buffers on either side of the lot boundaries is to reduce the visual impact of development. Planting in these areas need not include large trees which may have overshadowing and other undesirable effects but could comprise shrubs and small trees.

2. *Arrangements along ridgeline and shape and size of lots are totally out of character with existing development at McLeans Ridges.*

Comment:

Issues regarding ridgeline development have been discussed on pages 7 to 9 this report.

3. *No detail provided on planting in buffer zones - revegetation work confined to gullies with minimal work on ridgelines - 10m buffer along gullies inadequate.*

Comment:

Landscaping design of 5m wide buffer areas is a matter that would appropriately dealt with at the Development Application stage. In terms of the area of the proposed riparian rehabilitation zones, the total area of riparian land to be rehabilitated is 8.3ha. This is considered to be a reasonable requirement given the scale of the development proposal.

4. *On-site wastewater management systems and potential for impact on Wilsons River - on-going compliance - long term impacts unknown.*

Comment:

Issues regarding wastewater management have been discussed on pages 13 & 14 of this report.

5. *Fauna survey inadequate no nocturnal or bird surveys.*

Comment:

Much of the site is cleared grazing land with no significant habitat value. DECC has assessed the proposal and has stated that the proposal will not have a significant impact on biodiversity including threatened species and endangered ecological communities. The proposed revegetation of riparian zones will significantly enhance the habitat values of the site.

6. *Lot sizes and road layout diminish Landcare efforts to restore vegetation.*

Comment:

The riparian areas will be included in the two large residue lots and will be rehabilitated as a result of this proposal. If the development doesn't proceed there is little opportunity for environmental rehabilitation works on the site.

The proposed community lot

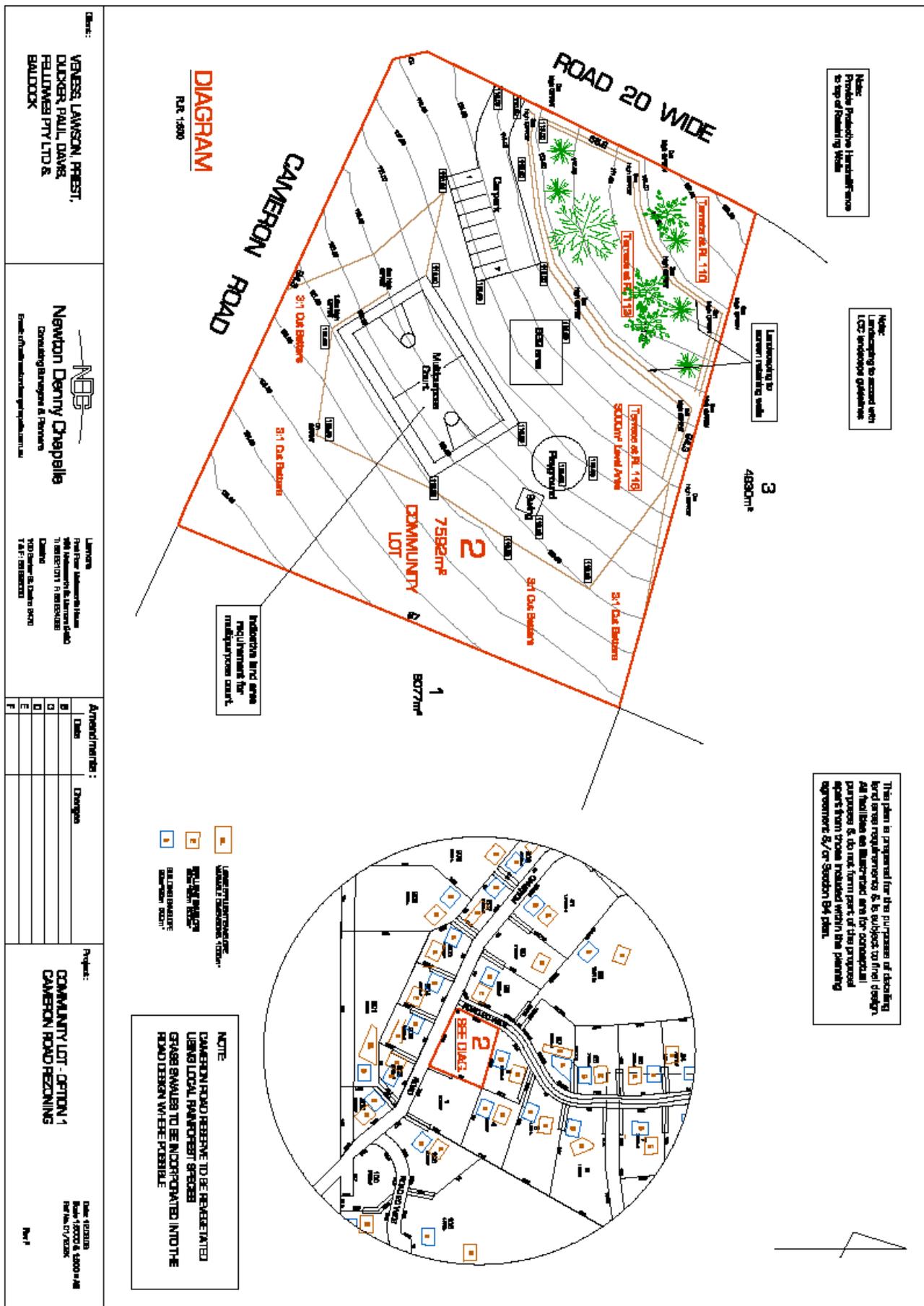
Council's resolution of December 11, 2007 required that an area of approximately 6,000m² be provided

as open space in a central location capable of servicing an expanded population within the McLeans Ridges strategy area. The revised proposal originally provided for a community lot of 6781m² (Lot 29) on northern side of the proposed intersection of Cameron Road and the new Road 1.

During the public exhibition period the recent purchasers of the land on which the community lot was proposed objected to having it located on their land. The applicant submitted amended plans relocating the community lot to the southern side of the Cameron Road/new road intersection (Lot 2). This site is steeper than the previous site with approximately two thirds having a slope of 15% or more. The applicant was asked to provide a concept plan demonstrating how a community park could be accommodated on the site. The applicant has submitted two options for a community lot with conceptual designs for both options. Concept plans for each option are shown on the following pages.

Option 1 provides for a community lot on Lot 2 with an area of 7,592m². The conceptual design shows how a level area of 3,000m² could be achieved through the construction of 3m high retaining walls in the north-west corner of the site and 3:1 cut batters along the eastern boundary. The concept demonstrates that the level area would be of sufficient size to accommodate a children's playground, BBQ area, site for a basketball/tennis court and car parking.

Under Option 2, two lots (Lots 2 & 3) are amalgamated to create a single community lot of 1.25ha. The conceptual design shows how a 5,600m² level area could be achieved through the construction of a 3m rock retaining wall along part of the western side of the lot with 3:1 cut batters on the eastern boundary.



Note: Provide Protective Handrails to top of Retaining Walls

Note: Landscaping to meet with LCC Landscape Guidelines

This plan is prepared for the purposes of obtaining a development consent and is subject to final Council approval. All facilities are shown for conceptual purposes & do not form part of the proposed agreement. Any services provided within the planning agreement is/are shown 84 plan.

DIAGRAM

PL. 1:500

Drawn:
VENESSA LAWSON, FREEST,
DUNCAN PAUL, LAWSON,
REIDINGER PTY LTD &
BALDOCK

NBS
Newton Denny Chapelle
Consulting Engineers & Planners
Email: info@newtondenny.com.au

Landscape
Plan for Development
7/11/2008
1:500
VENESSA LAWSON
DUNCAN PAUL
REIDINGER PTY LTD &
BALDOCK

Approved/Date:

Name	Signature

Project:
**COMMUNITY LOT - OPTION 1
CAMERON ROAD RESIDING**

Date: 1/12/2008
Scale: 1:500 & 1:5000 as
shown on drawings

NOTE
CAMERON ROAD RESERVE TO BE REGENERATED
USING LOCAL PAVEMENT SPECIES
GRASS BANKS TO BE INCORPORATED INTO THE
ROAD DESIGN WHERE FEASIBLE

The retaining wall will facilitate retention of existing vegetation on the site which includes two Moreton Bay figs, one of which is a significant tree of 20m or more in height. This area would be landscaped with native rainforest species to assist in screening the retaining wall.

Similar facilities to that proposed in Option 1 can be accommodated within this option with the additional advantage of an extra 2,600m² available for other recreational pursuits. Option 2 is considered to be the superior option and is therefore recommended.

It is also recommended that the earthworks, associated retaining walls, top dressing and grassing of the site be undertaken in accordance with an approved plan at the same time as the civil works for the subdivision. This requirement should be incorporated into the Planning Agreement.

Council's Parks Coordinator has reviewed the options for the community lot and has provided the following comments:

1. The larger site (option 2) is desirable given the rural nature of the development.
2. Earthworks, retainer walls, drainage and grassing of the area to be done at the DA stage.
3. Cut and fill areas to be top dressed with a minimum 30cm of reclaimed site topsoil.
4. Another small retainer wall at the top of the park would allow the slope of the batter to be minimised, and at a later stage it can be decided whether landscaping or grass will be the best option for the top batter.
5. Protection of the fig trees on site should incorporate protective barrier fencing around each tree, a minimum 10 times the diameter of the trunk or the tree drip-line, whichever is greater.
6. Car park would be better along the road verge rather than an internal car park. No driveway access would then be required and the car park would be on the road level. Stair access could be required.
7. Preferred park assets to include:
 - BBQ
 - 2 tables and benches
 - 1-2 shelters to house BBQ and tables.
 - 2 bench seats
 - Bollards at any entry area off the road - likely to be all of the boundary of Cameron Road and the new Road 1.
 - Playground should contain one modular unit and one double swing set contained in one softfall area.
8. 15 specimen trees (25 litre pot size) to be planted in grassed areas.

If Council supports the rezoning proposal, a local Section 94 Contributions Plan will be prepared so that the cost of land acquisition and embellishments are equitably distributed towards this proposal and future development in the strategy area. The Contributions Plan will include a costing of park assets as proposed by Council's Parks Coordinator. The two plans submitted are concepts only that demonstrate how much level land could be achieved with each option. A more detailed plan of earthworks would be required at the DA stage and a detailed design plan of the park would be prepared prior to the embellishment works being undertaken.

Questions arising after the May 27 workshop

Following the Councillor workshop on May 27, 2008, Councillors were invited to submit written questions to staff that they did not have the opportunity to ask at the workshop. The following questions were received from Councillor Dowell:

1. *When will the Planning Agreement be available for Councillors to see?*

Comment:

A copy of the draft Planning Agreement in PDF format has been sent to all Councillors.

2. *Has a feasibility analysis been requested of the proponents? If not, why not?*

Comment:

The proponents have conducted their own feasibility analysis for the purposes of estimating the profitability of the project. This is a matter for the proponents and it is not appropriate that Council request that this information be provided for the public record. Council has not required an economic feasibility analysis for other rezoning or development proposals. Notwithstanding this, Council has a responsibility not to impose conditions that could be considered so unreasonable as to render a development economically unviable. The road upgrading and other conditions imposed through the Planning Agreement are not considered to be unreasonable and the proponents have not objected to the conditions.

3. *What population forecasts have been prepared for McLeans Ridges? Can I have a copy please?*

Comment:

While McLeans Ridges forms part of several census collection districts, mesh block data has been used to calculate a population of 750 (and 272 dwellings) for the Cameron Road locality. A map of the relevant area has been provided previously in this report. The absolute lot yield for the potential rural residential release area identified at McLeans Ridges will only be known when rezoning submissions are received and assessed for all lands within the strategy area. However it is estimated that the strategy area could yield a maximum of 120 rural residential lots. Assuming a household occupancy rate of 2.75 based on the 2006 mesh block data, 120 new lots would produce an increase in population of 330 people.

4. *Has Council considered the cumulative effect of the current and any future proposals? If so, how?*

Comment:

The Rural Housing Strategy places an obligation on proponents to demonstrate how their proposal fits within the broader context and how it will integrate with existing and future development within the strategy area. The Roseview Road and Cameron Road landowners were originally encouraged to prepare a joint submission so that various options for integrating the two proposals could be explored. These are the two largest land units with rural residential potential in the McLeans Ridges strategy area. The next largest area with development potential is a 19ha lot west of the Roseview Road site. Future development of this site will need to integrate with the existing proposals.

Contributions under the Planning Agreement for road upgrading and community facilities have been based on an ultimate lot yield for the strategy area. Council's On-site Sewage and Wastewater Management Strategy requirements have also been developed to take account of the cumulative effects of on-site systems in rural residential areas.

5. *What impact will the proposed re-development of Floreat Park have on the population?*

Comment:

Floreat Park has development approval for 23 lots. This would accommodate an estimated 63 people based on similar occupancy rates to the Cameron Road area (2006 mesh block data).

6. *How does Council respond to the traffic issues raised by Eltham PS?*

Comment:

The Eltham School P&C Association wrote to Council on March 17, 2008 about the state of Boatharbour Road (between Cameron Road and the school) requesting that Council upgrade this section of road. Council's Manager-Operations replied that Boatharbour Road is currently ranked 12th out of a total of 25 identified rural road projects in the current capital works program. As only two or three projects are usually completed within a financial year, the upgrading of Boatharbour Road would still be several years off. Future rural residential development in the McLeans Ridges strategy area would contribute approximately \$250,000 towards the upgrade.

The collected funds could be expended towards addressing "black spots" on the section of road between Cameron Road and the Eltham School, or alternatively the Infrastructure Policy Advisory Group could reconsider the ranking of the Boatharbour Road upgrade if the additional funds from new development are received.

7. *How is Council addressing the land use conflict issues raised by Jane Thomson?*

Comment:

This submission makes reference to a number of agricultural issues such as loss of prime agricultural land, conflicts between new residents and farmers and difficulties with moving cattle across the road with increased traffic. The objector's property is located on Boatharbour Road about a kilometre to the east of the proposal and about 2km by road east of the Cameron Road/Boatharbour Road intersection. Issues relating to buffers and loss of agricultural land are discussed on pages 15 & 31 of this report. The property is severed by Boatharbour Road and the operation of moving cattle across the road will be impacted by increased traffic. Although most traffic generated by the development is likely to travel via Cowlong Road (to Goonellabah), Boatharbour Road west of Cameron Road (to the CBD) and McLeans Ridges Road (to Alstonville and Ballina), an increase in traffic on this section of Boatharbour Road could be expected.

The submission acknowledges that transferring cattle across Boatharbour Road is already virtually impossible under current traffic conditions. That traffic will increase over time even if the current rezoning proposal doesn't proceed. While the Rural Lands Protection Board administers controls (such as the erection of signage) on stock crossing public roads, conflicts where cattle cross public roads are inevitable as the traffic on rural roads increases. Council considered a similar objection recently when a landowner objected to a rezoning proposal (LEP Amendment No 29) because the increased traffic would make the operation of moving his cattle across Stony Chute Road more difficult. In that instance Council considered the matters raised in the submission but resolved to proceed with the LEP amendment.

8. *Has Council or the proponents estimated the costs both financial and environmental of the proposed earthworks required for the community lot? Are there any risks foreseen?*

Comment:

The proponents have provided conceptual designs for two community lot options showing the extent of retaining walls, batters, etc. Earthworks for the community lot would be undertaken as part of the bulk earthworks for the subdivision. Significant earthworks will be required for road construction in the vicinity of the community lot and the cost will be a component of those works. It is recommended that a clause be inserted into the Planning Agreement requiring that the earthworks for the community lot be undertaken in accordance with an approved plan prior to the release of a subdivision certificate.

The developer will be required to lodge an erosion and sedimentation management plan for Council's approval prior to such works commencing. The management plan must be prepared in accordance with best practice guidelines such as Landcom's manual for the management of stormwater during construction. The approved erosion and sedimentation plan will be required to be implemented at construction stage. As a requirement of a subsequent DA the applicant will be required to undertake further soil analysis of the cattle yards located within the proposed community lot. This is a precautionary approach to ensure lands are suitable for public ownership and sensitive land use.

9. *Has Council suggested any alternative site for such a block? If so, where? If not, why not?*

Comment:

Council's resolution of October 9, 2007 required that a single community lot be provided in a central location within the McLeans Ridges strategy area so that it could service this and future development in the area. Other sites were investigated in Cameron Road that might potentially fulfill Council's criteria, however there were few suitable alternatives. Two options for the community lot have been submitted by the applicant and these have been discussed on pages 22 to 25 of this report.

10. *Is there any geophysical examination of the sites to assess risks from landslips and the presence of springs and bores?*

Comment:

No part of the site is identified as being subject to risk of mass movement on Council's multi-attribute

constraints mapping. Geotechnical reports to assess risk from landslip are generally required where a site is identified as being potentially subject to risk of mass movement or where there is physical evidence of landslip or slumping. Detailed inspections of the site have revealed no physical evidence of land instability or mass movement. Any disturbance associated with road construction and development of house sites will be confined to the ridge tops where gradients are less than 20% and such risks are considered to be negligible. A geotechnical report will be required prior to the release of the subdivision certificate to demonstrate that each proposed house site has a bearing capacity suitable for the construction of a dwelling. This is carried out after the civil works are completed to ensure that the sites are tested after all cut and fill operations are completed.

The applicant has provided information from the State Government's Natural Resources database which lists all licenced bores in the area including whether they are approved for domestic (potable) or stock purposes. All active bores that could be affected by the proposal are located on land owned by the various proponents. Existing bores on the proponent's land will either be decommissioned or retained for stock or revegetation use where Council's buffer requirements can be met. Council staff have inspected the bores and verified the information provided by the applicant. One bore (GW304816) identified on the Government's database is located on separately owned land adjacent to the proposal. Discussions with the Department of Water and Energy have confirmed that, as per the consultant's report, this bore was abandoned in November 2004 as it was no longer producing water. The licence for that bore has now expired.

In terms of the presence of springs, Council's Environmental Health section has conducted detailed investigations of the site and determined the locations in creeks and gullies where the water table intersects the ground surface level. This assessment was used for determining where the minimum buffer distances for effluent disposal applied in relation to gullies and watercourses.

- 11. Has Council considered the density of the development in relation to the closeness of the houses?
This relates not just to the size of the blocks but to their shape to allow houses to be staggered and encourage a range of set backs to enhance the rural look.*

Comment:

The revised design provides for minimum 70m lot frontages and, where battleaxe lots and lots at the end of cul-de-sacs are proposed, a separation distance of around 70m is generally achieved between the centre of building envelopes. There are a couple of instances where this separation is not achieved as previously noted. Given the constraints of topography, achieving a significant variation in building setbacks presents some difficulties. Building envelopes are restricted to slopes less than 20% and restrictions on wastewater disposal areas (less than 15% and gravity fed) limits the siting opportunities for future houses. The applicant has designed the new road reserve (Road 1) to be as non-linear as possible within the restrictions imposed by the width of the ridge. The alignment of the road reserve will be complemented by the alignment of the road itself which will meander within the road reserve. This will create an impression of variable building setbacks.

- 12. How can Council encourage the developers to lessen the density?*

Comment:

Council has previously established design parameters which have resulted in the current proposal having a lesser density than the original design. It is considered that there is no justification for requiring the developers to further lessen the density.

- 13. Can Council explain how all the issues raised by Rous Water will be addressed now or at the DA stage?*

Comment:

Rous Water's interests relate to potential impacts on the quality of stormwater runoff into the water catchment. Risks to water quality could potentially arise from three sources – on-site effluent disposal systems, erosion and sedimentation during subdivision construction, and contaminants entering stormwater in the post-construction phase. In terms of on-site effluent disposal, sufficient information has

been provided by the applicant to demonstrate compliance with Council's On-site Sewage and Wastewater Management Strategy can be achieved. Compliance with Council's strategy means that the system will also comply with Rous Water's On-site Wastewater Management Guide. Details of the design of each system will only be supplied with the development application for each dwelling. However, at the subdivision stage, the applicant will be required to undertake bore logs within proposed effluent disposal areas to ensure the performance objectives set through the rezoning process are satisfied (ie. low technology, gravity systems).

In terms of erosion and sedimentation control, these are matters that would be addressed through an erosion and sedimentation plan provided at the development application stage. Other factors impacting on stormwater quality will include the design of the roads, drainage systems and measures for the detention and treatment of stormwater runoff. At the subdivision stage the applicant will need to demonstrate compliance with the water quality objectives of Council's Stormwater Management Plan and any adopted Water Sensitive Urban Design policy. Recent discussions between Rous Water and Council's Environmental Health staff have clarified Rous Water's position with respect to the application of the Australian Drinking Water Guidelines. This is discussed later in this report.

In relation to the "Soil Contamination Assessment", Council's Environmental Health Section has accepted the preliminary assessment as reasonably satisfying the objectives of Council's Contaminated Land Policy. The preliminary assessment is supported by the initial assessment undertaken by staff of such records held by Council (historical aerial photographs and topographical mapping). Further detailed assessment will be required of the cattle yards (being part of the proposed community lot) at the subdivision DA stage.

14. What are the risks of leaving these issues until the DA stage? Wouldn't it be better for the developers and Council to address them now?

Comment:

These issues can only be dealt with in sufficient detail at the DA stage. Sufficient information has been provided at the rezoning stage for both Council and Rous Water to have confidence that the proposal will not adversely impact on water quality in the catchment providing these issues are properly addressed in the detailed subdivision plans. These design details will be submitted with a future DA or, in some cases, as a requirement of conditions of DA consent.

The Planning Agreement

The legislative basis for Planning Agreements is to be found in Division 6 (Development Contributions) of Part 4 of the *EP&A Act 1979*. A Planning Agreement is a voluntary agreement between a planning authority and a developer who is seeking a change to an environmental planning instrument (rezoning), or lodging a development application, under which the developer is required to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit (or any combination of them) to be used for a public purpose.

The draft Cameron Road Planning Agreement provides for a combination of monetary contributions and material public benefits which include:

- Contributions towards the upgrading Cowlong and Boatharbour Roads
- Contribution towards upgrading McLeans Ridges hall
- Requirement to undertake environmental rehabilitation works with payment of bond
- Requirements for a fire service trail
- Requirements for provision of footpaths
- Requirement for upgrading Cameron Road for full frontage of development

This report canvasses a number of issues that have been raised through submissions and other sources where amendments are proposed to the draft Planning Agreement. They include:

- Inclusion of a provision that all earthworks and retaining walls required to create a level area of at least 5,600m² within the community lot are undertaken prior to the release of any final lot;
- Inclusion of a provision that the section of the Cameron Road reserve to be upgraded be landscaped using local rainforest species in accordance with an approved landscaping plan following road reconstruction work; and
- Provision for the staged release of the bond for environmental rehabilitation works of \$28,000 (covering cost of fencing) upon satisfactory completion of the work with the remaining amount to be released following satisfactory establishment of the regenerated areas three (3) years after planting.

A question was raised at the May workshop about bus shelters and whether their provision is included in the Planning Agreement. Clause 3.1 of the current Planning Agreement provides that any future development application is to be in accordance with the rezoning submission. The rezoning submission makes provision for two bus shelters at an estimated cost of \$4,000 each. However this requirement can be made more explicit in the Planning Agreement and it is recommended that an additional clause be inserted in the agreement requiring the provision of two bus shelters in a location approved by Council.

Section 93F(3) of the EP&A Act provides that a Planning Agreement must contain a suitable means of enforcement of the agreement (such as the provision of a bond or guarantee) in the event of a breach of the agreement by the developer. The Cameron Road Planning Agreement has a provision for enforcement in the form of a bank guarantee.

The amount of the security is based on the obligation on the developer that the Planning Agreement imposes above, or in addition to, what would otherwise be imposed under s94 and s79C of the Act. The amount is apportioned equitably between landowners. The guarantee should be lodged prior to Council executing the Planning Agreement under its common seal and prior to Council forwarding the LEP Amendment to the Minister.

Consultations with government agencies & public authorities

Copies of the revised proposal were forwarded to the relevant government agencies and public authorities inviting them to comment. The following is a summary of the responses that were received:

Department of Environment and Climate Change (DECC)

The response recommends that Council should ensure that:

- *The LEP is not likely to cause impacts on areas of native vegetation with special reference to threatened or regionally significant flora and fauna species, populations and ecological communities.*
- *The LEP is consistent with the relevant threatened species provisions of the Environmental Planning and Assessment Act, SEPP 44 – Koala Habitat Protection and the Native Vegetation Act 2003.*
- *An appropriate level of Aboriginal cultural heritage assessment has been undertaken and that the*

LEP is not likely to impact on areas of cultural significance to the Aboriginal community.

- *Stormwater is managed in a sustainable manner to prevent impacts on rivers and their tributaries.*

While acknowledging a demand for rural residential lots, the DECC has concerns about the proliferation of on-site effluent disposal systems and increased travel distances for residents which contribute to greenhouse emissions. However DECC acknowledges that due to the largely cleared nature of the site and degraded condition of the remnant vegetation, the proposal will not have a significant impact on biodiversity including threatened species and endangered ecological communities. The DECC congratulates Council on the proposed riparian rehabilitation plan but would prefer to see replanted areas increased from 10m to 20m either side of the creek bank to provide enhanced habitat values and reduced opportunities for weed infestation.

Comment:

The proponent has submitted a letter from the Ngulingah Local Aboriginal Land Council which states that following a site inspection by one of its representatives, the Land Council has no objection to the proposal as the land does not hold any recognised Aboriginal cultural heritage significance. The letter recommends that a member of the Land Council be present on site when civil works are undertaken in the event that sites could be uncovered during excavation works. This would be a condition of development consent.

The issue of the width of the riparian rehabilitation area has been discussed previously in this report.

Department of Primary Industries (DPI)

The response notes that the subject lands are not classified as State or Regionally Significant Farmland in the Northern Rivers Farmland Protection Project. They are mapped as Class 4 agricultural lands (suitable primarily for grazing). The DPI accepts that some loss of agricultural land will occur due to population and development pressure and this is acceptable provided development is orderly, carried out in accordance with an agreed strategy and that adverse impacts on agricultural activities is minimised. In terms of land use conflict, the DPI has recently released a publication "Living and Working in Rural Areas: A handbook for managing land use conflict on the NSW North Coast". The DPI notes that Council has a comprehensive DCP on buffers and acknowledges that proposed dwelling envelopes will be located 30m to 75m from grazing land and over 600m from the nearest horticultural operation.

Comment:

Council's Environmental Health Section has also assessed the potential for land use conflicts. Its assessment accords with that of the DPI as follows:

"The development site is predominately surrounded by agricultural lands primarily used for grazing purposes. Council's DCP Part A - Chapter 11 provides guidance for buffers between grazing and residential development being a 30 metre setback with a minimum 5 metre planted buffer along the boundaries. In relation to watercourses the DCP nominates a minimum buffer separation distance of 30 m. In consideration of the rezoning submission and following the undertaking of a site inspection it is considered that there are no potential land use conflicts that are not adequately managed through recognised buffer separation distances. "

Rous Water

The proposal is within the catchment area of the Wilson River (Lismore) Source. Rous Water made two submissions, the second submission providing more specific advice with regard to the issues identified in its first submission. The issues identified by Rous include application of the Australian Drinking Water Guidelines, on-site sewage management, soil contamination assessment, cultural heritage issues, erosion and soil stability issues, ecological assessment and management and stormwater.

Australian Drinking Water Guidelines (2004)

A comprehensive assessment to determine the potential impacts on drinking water quality should be undertaken at the development application stage.

Comment:

Rous Water provided comment on the application of the Australian Drinking Water Guidelines with particular reference to the lack of recognition of the development site being within the catchment of the Wilson's River (Lismore) Source. Rous Water has an expectation that the applicant recognises the catchment and mitigation measures that will be employed to manage potential risk to the water catchment as a result of the development. It is further accepted that such reporting will be appropriately completed at the subdivision application stage as mitigation measures such as stormwater treatment and soil and water management will have been more fully considered.

On-site Sewage Management

The classification of watercourses on the site is consistent with Rous Water's Onsite Sewage Management Guidelines and the proposed buffer distances for on-site sewage management systems is considered adequate with respect to the risk they pose to the water supply.

Comment:

Staff comments on on-site sewage management are provided elsewhere in this report.

Soil Contamination Assessment

A comprehensive site contamination assessment has been conducted as part of the rezoning submission. While Rous Water accepts that the overall risk associated with this issue is low, and adequate assessment has been undertaken at the rezoning stage, it considers that further detailed assessment should be undertaken at the development application stage.

Comment:

Council's Environmental Health Section has assessed the preliminary contaminated land report and has provided the following comment:

"A preliminary contaminated land assessment has been undertaken by Environmental Analysis Laboratory dated June 2006. The preliminary assessment has been undertaken in response to Council's 'Regional Policy for the Management of Contaminated Land'. Council's policy identifies the objectives of a preliminary investigation as:

- Identify any past or present potentially contaminating activities,
- To provide a preliminary assessment of site contamination,
- Identify potential contamination types, and assess the need for further detailed investigations.

In addition where potentially contaminating activities have had the potential to impact upon the land, such as in this case agricultural activities, soil sampling and analysis will be required to confirm and support any conclusion reached from the site history appraisal. The executive summary of the report states:

...the site has been used in the past for minor grazing agriculture or was vacant land. Agriculture involving horticulture and minor orchards was conducted on a section of the site.

A site-sampling regime has been undertaken of the surface soils to determine if the site has been contaminated from heavy metals, organochlorine and organophosphate pesticides. The sampling regime involved the judgemental sampling pattern with collection of 80 individual soil samples, which were composited into 20 samples for analysis.

The results of the soil analysis were compared with Column 1 of the NSW EPA (1998) 'Contaminated Sites – Guidelines for the NSW Auditor Scheme'.

It is considered that the site can be classified as uncontaminated for the proposed future land usage of residential subdivision.

The reports identifies that the adopted judgemental sampling program, although less than the recommended standard nominated by the EPA sampling guidelines, is representative of the development site based on the results of an even distribution of metals across the site and no detection of pesticides. This position is generally supported with the exception of the area not identified as former

horticultural lands and cattle yard area. These two (2) areas have a high potential for residual soil contamination from past activities and should be targeted by any judgemental sampling program. *Map 1a – Sampling Location Showing Sampling Site Locations* of the preliminary assessment does not identify the former horticultural area and has not sampled within the cattle yards which forms part of the proposed community lot. It is considered important that these two potential hotspot areas are more thoroughly assessed. In recognition of the overall sample results presented through the preliminary investigations to date it is considered that such additional sampling can be undertaken and reporting provided as part of information gathering for any future subdivision application. “

Erosion and soil stability

Rous Water accepts that the restriction on building envelopes to areas of 20% or less slope, and the resultant setback from side slopes, is an effective method of reducing the risk of landslips affecting the proposed development and the risk of sediments entering local watercourses. Geotechnical issues would be addressed in any subsequent development application for individual dwellings should the rezoning be supported.

Comment:

Comments on erosion and soil stability have been provided previously in this report.

Ecological Assessment and Management

Rous Water acknowledges the commitment to regeneration of a 10m area either side of watercourses but considers that a wider riparian zone should be regenerated including both watercourses and gullies. Woody weeds should be removed without use of heavy machinery. Rous also recommends that the plantings should occur early in the development stage and that the two year maintenance period should commence upon release of the linen plan.

Comment:

The width of the riparian regeneration area is addressed elsewhere in this report and it has been recommended that the 10m requirement be retained. The suggestion that woody weeds (camphor laurel, privet, etc) be removed by non-mechanical means is supported as this will reduce the likelihood of disturbance in the areas that have the highest erosion potential. This requirement can be incorporated into the Planning Agreement. In terms of the maintenance period for plantings, two years is considered to be insufficient and it has been recommended elsewhere in this report that the period be extended to three years and that the Planning Agreement be amended accordingly.

Stormwater

Rous Water acknowledges that road and stormwater design is a matter that will be dealt with in more detail at the development application stage.

Comment:

The rezoning submission identifies a basic concept for future stormwater management from the development site consisting of rainwater storage tanks, infiltration trenches, grassed filter strips and grassed swales. This concept will require detailed modelling and design as part of any future subdivision application so as to demonstrate achievement of the quality performance objectives of Council's Stormwater Management Plan and water sensitive urban design principles. This matter will be fully considered at the DA stage by Council's Development Assessments Engineer.

Meetings have recently been held between Council and Rous Water to discuss an efficient mechanism for Rous's participation in the development assessment process for significant developments in the Lismore Source catchment. Rous Water is engaging a consultant to prepare guidelines for Council and applicants when addressing the relevant matters of interest to Rous at the development application stage. Rous anticipates that this will be completed in about three months.

Ballina Shire Council

Ballina Council acknowledges that the proposal will generate an increase in traffic movements on the surrounding road network including McLeans Ridges Road which is within Ballina Shire. The

proposed increase in traffic on McLeans Ridges Road is considered to be acceptable for the classification and construction standard of McLeans Ridges Road. The intersection of McLeans Ridges Road and Cowlong Road will be part of the reconstruction upgrade of Cowlong Road and any proposed improvements to the intersection should be forwarded to Ballina Shire Council for assessment at the time. The McLeans Ridges Hall is located at this intersection and its access requirements should also be considered in conjunction with any road works.

Comment:

It is proposed that part of the contribution for the McLeans Ridges hall will be used to fund the relocation of the existing driveway access towards the rear of the site (off McLeans Ridges Road) prior to the upgrading of the Cowlong/McLeans Ridges Road intersection. This will facilitate an improvement in intersection sight distance. Relocation of the driveway will require some modification to the existing median strip in McLeans Ridges Road. This has been discussed with Ballina Shire Council engineers who have advised that such works would be of a minor nature.

NSW Roads and Traffic Authority

The RTA responded that although there is a proposed decrease in lot numbers with the revised proposal, their previous comments are still considered appropriate. The previous response identified the following matters for Council's consideration:

- *Restriction on direct accesses to Cameron Road.*
- *Access points to Cameron Road to be designed to achieve Safe Intersection Sight Distance.*
- *Bus facilities should be designed within the subdivision.*
- *Capacity of existing road intersections adjoining the proposal needs to be assessed to ensure road infrastructure is designed to cater for increase in traffic.*
- *Pedestrian and bicycle pathways should be included in the design*
- *Internal road network should be designed to reduce travel speed.*
- *Internal road networks should cater for service vehicles such as garbage collection.*

Comment:

As stated previously a restriction on direct accesses to roads that have a through traffic function is a principle that is generally seen as desirable in any subdivision design. Although the proponents have demonstrated that it would be possible to achieve this objective while retaining the same number of allotments, it was considered that a better environmental and engineering outcome could be achieved by allowing some lots direct access to Cameron Road providing Cameron Road was widened an extra one metre (above DCP requirements) and accesses are consolidated to service two lots wherever practicable. This matter has been discussed with the RTA who have responded that while the decision is a matter for Council and not the RTA, the negotiated outcome appears to be acceptable from a traffic management perspective. The other matters raised by the RTA are considered to be satisfactorily addressed either in the subdivision design or in the road upgrading requirements that have been incorporated into the draft Planning Agreement.

NSW Rural Fire Service

Part of the site is identified as bush fire prone on the Lismore Bush Fire Prone Land Map and consequently the original proposal was forwarded to the RFS for comment. The RFS responded that it supports the rezoning and any future application for residential development will be subject to the requirements of Section 100B of the Rural Fires Act 1997 and Section 79BA of the EP&A Act 1979.

Comment:

The rezoning submission demonstrates that the requirements of Planning for Bushfire Protection 2006 can be complied with. Design details will be required at the DA stage and will require a Bush Fire Safety Authority approval pursuant to Section 100B of the *Rural Fires Act*. Although Council's current Bush Fire Prone Land Map identifies much of the site as bush fire prone, the vegetation is predominantly grassland interspersed with Camphor laurel dominated rainforest regrowth. A revised Bush Fire Prone Land Map has been prepared for Lismore based on recent and more accurate vegetation mapping undertaken by GHD Consultants. The new bush fire map demonstrates that much of the site is not bush fire prone. The revised Bush Fire Prone Land Map has been forwarded to the RFS for its approval and it is anticipated that the new map will be endorsed by the RFS prior to a DA being lodged.

Statutory Considerations

State Environmental Planning Policies

SEPP 44 (Koala Habitat Protection) requires an assessment of the site to determine whether the site supports core koala habitat. The Flora and Fauna assessment identified no core koala habitat on site.

SEPP 55 (Remediation of Land) requires the consideration of contamination and remediation in relation to rezoning proposal. A Preliminary Contaminated Land Assessment was undertaken for the proponents which concludes that the site can be classified as uncontaminated for the proposed future use of rural residential development.

North Coast Regional Environmental Plan (NCREP)

Clause 20 of the NCREP provides that Council may only prepare a draft local environmental plan permitting rural residential development where:

- (a) it has prepared a rural land release strategy for the whole of its area, and
- (b) the Director has approved of the strategy, and
- (c) the draft plan is generally consistent with that strategy.

The Lismore Rural Housing Strategy 2002 is the relevant adopted and approved rural land release strategy and the proposal is generally consistent with that strategy.

S117 Ministerial Directions

1.2 Rural Zones

This direction restricts rezoning of rural land for residential purposes. Inconsistency with this direction is justified by the fact that the proposal is consistent with the Lismore Rural Housing Strategy 2002.

4.4 Planning for Bushfire Protection

A bushfire report has been provided demonstrating that compliance with *Planning for Bushfire Protection 2006* can be achieved.

5.3 Farmland of State and Regional Significance on the NSW Far North Coast

The site does not support any State or regionally significant farmland.

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.

Specimens of three threatened species (Fragrant myrtle, Bog onion and Arrow-head vine) have been located within the subject area. A combination of fencing and regeneration works are proposed around the specimens to ensure their long term protection and survival.

Lismore Development Control Plan (DCP)

Chapter 11 - Buffers

The subdivision proposal complies with the buffer requirements of Part A, Chapter 11 of the DCP.

Chapter 6 – Rural Subdivision

The proposal has been designed to ensure consistency with the subdivision requirements for rural residential subdivision.

Comments

Financial Services

The recommendations require the preparation of a local Section 94 Plan for the costs associated with the acquisition of the proposed community lot and its embellishment. These costs would be recovered from this and future developments in the strategy area. A valuation of the land and embellishment costs estimates will be required to prepare the local Section 94 Plan.

It is important to note that the cost of the land is likely to be incurred in the early stages of this development. The cost will then be progressively offset by contributions from this and future developments. A staged approach for embellishment costs to match the timing of when contributions are received should also be considered. This means Council will need to forward fund part of the acquisition costs plus potentially embellishment costs until all development potential in the strategy area is released. An assessment of this situation will be provided with the report on the local Section 94 Plan.

Other staff comments

Council's Development Engineer, Social Planner, Parks Coordinator and Environmental Health section have assessed relevant aspects the revised proposal for Cameron Road and their comments are incorporated into this report.

Conclusion

Draft LEP Amendment No 20 has attracted a significant level of public objection through the public exhibition process. The various issues raised in the objections are discussed in detail in this report. While some issues such as the impacts on rural amenity and the rural landscape would be difficult to address to the satisfaction of many objectors, it is considered that overall the issues raised in the submissions have either been addressed by the proponents in the revised proposal or else they can be satisfactorily addressed when more detail is provided in a future development application.

In rejecting the previous proposal for this site, Council established a set of design criteria and invited the applicants to lodge a revised proposal that complied with those criteria. The revised proposal complies with the criteria. Despite the level of public opposition to the proposal, it is considered that the relevant matters of public interest - safeguards to public safety and public health, protection of the environment and ensuring that the community is not unduly burdened with the costs of upgrading or providing facilities to service new development – have been reasonably addressed.

A rezoning application is **not** a development application. While Council has required a substantial level of detail at the rezoning stage to ensure that the site is capable of supporting development of the nature and scale proposed, it is not appropriate for Council to expect a similar level of information to that which would be provided with a DA. An assessment of the proposal has demonstrated that all relevant matters for Council's consideration at the rezoning stage have been addressed and that Council can have

confidence that relevant Council and State Government requirements can be met in further detailed information to be provided at the DA stage.

Apart from compliance with the relevant matters for consideration at the rezoning stage, the proposal incorporates a number of public benefits including:

- significant contributions under the Planning Agreement towards the upgrading of Cowlong and Boatharbour Roads (a contribution of \$13,186 per lot compared to \$4,855 per lot that would be payable for roads under Section 94);
- reconstruction of approximately 1,130m of Cameron Road;
- revegetation of 8.3ha of degraded riparian land using local rainforest species; and
- the provision of a 1.25ha community lot that will also be available to the wider community in the Cameron Road area.

It is therefore recommended that Council adopt Lismore LEP Amendment No 20 subject to the following amendments being incorporated into the Planning Agreement:

1. The definition of the Development Subdivision Plan being amended to refer to the plan numbered 01/202X prepared by Newton Denny Chappelle and dated 23/06/08.
2. Inclusion of a provision that all earthworks and retaining walls required to create a level area of at least 5,600m² within the community lot are undertaken prior to the release of any lot;
3. Inclusion of a provision that the section of the Cameron Road reserve with frontage to the development be landscaped using local rainforest species in accordance with an approved landscaping plan following road reconstruction work;
4. Provision for the staged release of the bond for environmental rehabilitation works of \$28,000 (covering cost of fencing) upon satisfactory completion of the work with the remaining amount to be released following satisfactory establishment of the regenerated areas three (3) years after planting;
5. Provision that woody weeds be removed by non-mechanical means in the regeneration areas;
6. Inclusion of a provision that two bus shelters be provided in locations acceptable to Council; and
7. Provision that the security be lodged with Council prior to Council executing the Planning Agreement under its common seal.

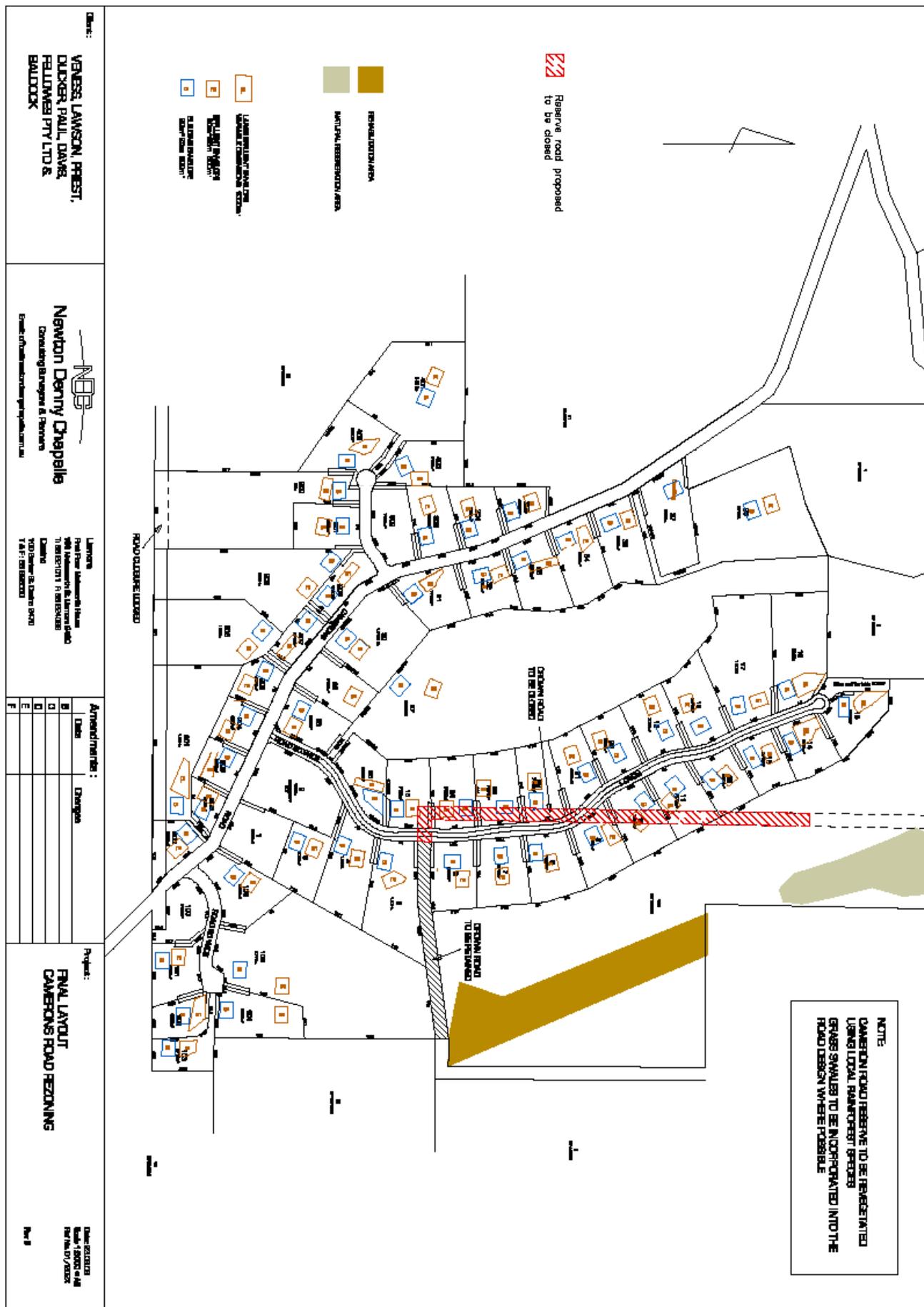
A copy of draft LEP Amendment No 20 is attached to this report. The maximum lot yield in Column 2 has been amended to reflect the reduced lot yield arising from the amalgamation of one of the rural residential lots into the larger community lot. A copy of the Planning Agreement is included in the separate attachments. The Agreement has also been amended to incorporate the modifications as proposed in this report.

It is further recommended that Council prepare a local Section 94 Contributions Plan so that the cost of land acquisition and embellishments can be equitably distributed towards this and future development in the strategy area.

Recommendation (PLA1)

1. That Council adopt Amendment No 20 to the Lismore Local Environmental Plan 2000 (as attached to this report),
2. That upon receipt of bank guarantees for the amounts specified in Schedule 3 of the Planning Agreement:-
 - a. Council execute the Planning Agreement (as attached to this report) under the common seal of Council ,
 - b. Council use its delegations under s69 of the *Environmental Planning and Assessment Act 1979* to forward Amendment No 20 to the Minister for Planning with a request that he make the plan, and

- c. Council forward a copy of the Planning Agreement to the Minister for Planning within 14 days of the Agreement being entered into by Council, and
- d. Council prepare a draft Section 94 Contributions Plan for the proposed community lot that distributes the cost of land and embellishments equitably across anticipated future rural residential development in the McLeans Ridges strategy area, and
- e. A report be presented to Council on the draft Contributions Plan prior to it being placed on public exhibition.



Draft Lismore Local Environmental Plan 2000 (Amendment No. 20)

under the

Environmental Planning and Assessment Act 1979

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

FRANK SARTOR, M.P.,
Minister for Planning

**Draft Lismore Local Environmental Plan 2000
(Amendment No. 20)****1. Name of plan**

This plan is *Lismore Local Environmental Plan 2000 (Amendment No. 20)*.

2. Aims of plan

This plan aims to amend schedule 4 to clause 28 of the *Lismore Local Environmental Plan 2000* to enable rural residential development in accordance with the Lismore City Council Rural Housing Strategy 2002.

3. Land to which plan applies

This plan applies to land described as Lot 123 DP 731488, Boatharbour Road, Eltham, Lot 4 DP 572949, Cameron Road, McLeans Ridges, Lot 5 DP 572949, Cameron Road, McLeans Ridges, Lot 6 DP 572949, Cameron Road, McLeans Ridges, Lot A DP 420518, Cameron Road, McLeans Ridges, Lot 12 DP 842905, Boatharbour Road, Boatharbour, Lot 2 DP 588282, Cameron Road, McLeans Ridges and Lot 2 DP 551775 and Cameron Road, McLeans Ridges

4. Amendment of Lismore Local Environmental Plan 2000

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

Schedule 1 Amendments

[1] Schedule 4 Additional development on certain land

Insert in the appropriate order in each of the three columns these additional words:

Column 1 Land	Column 2 Purpose	Column 3 Development standards or conditions
Lot 123 DP 731488 Boatharbour Road, Eltham & Lot 2 DP 588282, Lot 4 DP 572949, Lot 5 DP 572949 Cameron Road, McLeans Ridges.	Development for the purpose of creating not more than 36 rural residential lots plus 1 lot to be dedicated as public reserve plus 1 residue	Consent must not be granted to the purpose specified in Column 2 unless the application is made within 3 years after the commencement of Lismore Local Environmental Plan 2000 (Amendment No 20).
Lot 6 DP 572949 Cameron Road, McLeans Ridges.	Development for the purpose of creating not more than 7 rural residential lots	Consent must not be granted to the purpose specified in Column 2 unless the application is made within 3 years after the commencement of Lismore Local Environmental Plan 2000 (Amendment No 20).
Lot A DP 420518 Cameron Road, McLeans Ridges.	Development for the purpose of creating not more than 6 rural residential lots	Consent must not be granted to the purpose specified in Column 2 unless the application is made within 3 years after the commencement of Lismore Local Environmental Plan 2000 (Amendment No 20).
Lot 2 DP 551775 Cameron Road, McLeans Ridges.	Development for the purpose of creating not more than 10 rural residential lots	Consent must not be granted to the purpose specified in Column 2 unless the application is made within 3 years after the commencement of Lismore Local Environmental Plan 2000 (Amendment No 20).
Lot 12 DP 842905 Boatharbour Road, Boatharbour.	Development for the purpose of creating not more than 3 rural residential lots plus 1 residue	Consent must not be granted to the purpose specified in Column 2 unless the application is made within 3 years after the commencement of Lismore Local Environmental Plan 2000 (Amendment No 20).

Report

Subject	Amendment No 27 to Lismore Local Environmental Plan – 96 Breckenridge Street, Wyrallah
File No	S919
Prepared by	Senior Planner
Reason	Close of Public Exhibition Period
Objective	Council's adoption of LEP Amendment No. 27 to the LEP
Strategic Plan Link	Economic development
Management Plan	Implement adopted Council Land Use Strategies
Activity	

Overview of Report

At its meeting on 12 February 2008 Council resolved to re-exhibit draft Local Environment Plan (LEP) Amendment No 27 for a period of twenty eight (28) days together with amended documentation and draft Planning Agreement. The draft LEP Amendment and draft Planning Agreement were exhibited for a period of 28 days. Four (4) submissions were received. The issues raised in the submissions have been, or are able to be, addressed. It is recommended that Council adopt Amendment No. 27, forward it to the Minister for Planning and execute the Planning Agreement.

Background

At its meeting of June 14, 2005 Council resolved to prepare draft amendment No. 27 to the Lismore LEP 2000 to permit rural residential development in accordance with the Rural Housing Strategy at 96 Breckenridge Street, Wyrallah. State government agencies were subsequently invited to comment on the draft amendment and the proposal was publicly exhibited in accordance with sections 62, 65 and 66 of the *Environmental Planning and Assessment Act 1979*. Following the exhibition period in April 2006, the applicant requested that the rezoning application be deferred as the property was in the process of being sold. In May 2007 an amended rezoning proposal was submitted. Modifications were made to this amended proposal to address outstanding issues raised by staff, state agencies and submitters and the final rezoning submission was received in January 2008. As resolved by Council at its meeting of February 12 2008, the amended proposal and the draft Planning Agreement were exhibited for 28 days. Adjoining land owners were also separately notified. Four (4) submissions were received during this time. The issues raised by submitters are addressed in a later section of this report.

Overview of LEP Amendment

The LEP Amendment will enable the lodgement of a Development Application to create 12 rural residential lots at 96 Breckenridge Street, Wyrallah. The subdivision layout plan attached to this report shows building envelopes, on-site waste water disposal areas and a buffer area to the macadamia plantation to the east. It also identifies significant vegetation to be retained and environmental rehabilitation works in the northern part of the site. Access is from Breckenridge Street (two (2) lots), Skyline Road South (three (3) lots), an internal cul-de-sac (six (6) lots) and Miriam Street (one (1) lot). Upgrading of Skyline Road South will be required to provide acceptable and safe access to the development. Details of the proponent's obligations in this regard are incorporated into a Planning Agreement, along with commitments to undertake environmental rehabilitation works.

Existing overhead power lines are to be relocated as shown on the subdivision plan – refer to the Lismore City Council Meeting held July 8 2008 – Amendment No. 27 to LEP

easement Marked “A” along part of the northern boundary of the site.

With regard to water supply, rain water tanks could be utilised. Alternatively, Rous Water has a 50mm pipeline opposite the subject property that services the school and four (4) other connections, including the existing house on the property. Rous Water has advised it may be possible to connect all lots except lots 3 and 4 due to the elevation of part of Skyline Road being above 65m. Costs associated with the upgrade of the existing main and construction of new pipelines would be met by the developer.

Statutory Requirements

State Environmental Planning Policies

SEPP 44 (Koala Habitat) aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas. The site does not contain core Koala habitat. However, it does contain potential Koala habitat as the northern part of the site contains a small number of Forest red gums and scats were found near these trees. It is proposed to improve the potential Koala habitat through appropriate plantings as part of the environmental rehabilitation works to be undertaken by the land owners.

SEPP 55 - Remediation of Land

A Preliminary Contaminated Land Assessment prepared for the site in accordance with SEPP 55 revealed elevated levels of manganese. Soil testing revealed that the source of manganese is not from applied fertiliser or other sources of soluble manganese but is naturally occurring in this and other parts of the region due to the basalt geology. Council’s Environmental Health section advises that the manganese is strongly bound to the clay within the soil profile and therefore is not considered a mobile contaminant and is a minimal health risk. It is not considered that a remediation and/or management response is required. However, the contaminated land reporting that has been undertaken will be noted on Council’s property system to assist with any future assessment process.

A former cattle dip known as Edwards Dip located on land to the south west of the site has been decommissioned and tests on areas closest to the dip site reveal no contaminants associated with the dip.

North Coast Regional Environmental Plan (NCREP)

The LEP Amendment satisfies the requirements of **Clause 20** of the NCREP, as it is consistent with the adopted and State government approved rural land release strategy, the Lismore Rural Housing Strategy 2002.

S117 Directions

1.2 Rural Zones

This direction restricts rezoning of rural land for residential purposes. Inconsistency with this direction is justified by the inclusion of the site in the Lismore Rural Housing Strategy.

5.3 Farmland of State and Regional Significance on the NSW Far North Coast

There is no State or regionally significant farmland within or adjoining the site.

Threatened Species Conservation Act, 1995

One (1) species listed as ‘vulnerable’ (Thorny pea) under the *Threatened Species Conservation Act 1995* was found within the subject area. The rezoning submission and subdivision layout plan identify the species and measures to ensure this species is protected and conserved.

Lismore Development Control Plan (DCP) and Council Policies

DCP Chapter 6 - Rural and Village Subdivision

The subdivision has been designed to ensure consistency with the provisions in the DCP relating to rural

subdivision.

DCP Chapter 11 – Buffer Areas

The subject site is adjacent to a macadamia farm (on the eastern side of Skyline Road South). Therefore, the subdivision has been designed and a landscaped buffer will be provided along the eastern boundary of the site to ensure consistency with the provisions in Part A, Chapter 11 of the Lismore DCP.

On-Site Sewerage and Wastewater Management Strategy (2003)

Council's Environmental Health and Building Services section is satisfied that specific designs can be developed at subdivision stage to address the site constraints and the requirements of Council's current Onsite Sewage and Wastewater Management Strategy.

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

The Flora and Fauna Assessment undertaken for the site identified the need to retain native vegetation in the south of the site, protect the vulnerable Thorny pea and undertake site rehabilitation including the removal of camphor laurel and lantana and replanting with dry rainforest and Sclerophyll species. These measures address the requirements of the Rural Housing Strategy and the *Threatened Species Conservation Act 1995*.

Planning Agreement

The Planning Agreement contains the developers' commitment to fund the upgrade Skyline Road South and its intersection with Tregeagle Road to the required standard. The Planning Agreement will also ensure that a future subdivision application is generally in accordance with the plans and documentation submitted with the rezoning submission and that environmental rehabilitation works are carried out in accordance with the submitted plans.

The terms of the Planning Agreement are:

- Any future development application for subdivision to be generally in accordance with the plans that form part of the rezoning submission.
- A requirement that the following landscaping and vegetation rehabilitation works are to be carried out, including a bond of 130% of the total cost for the works, which is to be released upon the satisfactory establishment and completion of the works listed below:
 - Removal of camphor laurel and lantana from the gullies on the northern part of the site;
 - Replanting and rehabilitation of the northern gullies with dry rainforest and sclerophyll species (with preference for Koala feed trees);
 - Revegetation of the steep western slopes to stabilise the slopes;
 - Landscaping within the nominated buffer between the subdivision and the macadamia farm on the eastern side of Skyline Road South.
- A requirement that works to Skyline Road South will be carried out in accordance with the relevant standards. The works comprise pavement strengthening, widening to provide a 6m seal on 8m formation and the lowering of the crest, located within South Skyline Road approximately 100 metres from its intersection with Tregeagle Road.
- Bond for road works - Works for Skyline Road South shall be bonded to an amount of 130%. The bond shall be released when the road works are completed.

Comments

Financial Services

As all required road upgrading works are to be funded by the developer through the proposed Planning Agreement there are no financial implications for Council.

Other staff comments

Council's Environmental Health and Building Services, Development Engineer and Lismore Water and Sewer have had input into the assessment of the proposal.

Public consultation

Four (4) submissions were received during the public exhibition period. Copies of the submissions are included as an attachment to the Council Business Paper. The issues raised and the staff response to these issues are summarised in the table below.

Issues	Response
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Safety of and Impacts on Skyline Road South

No objection to the subdivision but concerned about impacts on Skyline Road South. In particular:

- Impacts during construction. An area recently fixed will disintegrate if responsibility is not taken for its upkeep during and after construction, when contractors will take the shortcut;
- Two blind spots/corners exist one kilometre up Skyline Road South from the new proposed subdivision and these should be addressed before work commences on the subdivision;
- During the recent construction of a new house, it was evident that the road is not suitable for traffic associated with the construction;
- Satellite navigation will send deliveries from Goonellabah to the new subdivision from the northern end of Skyline Road South;
- With eleven new properties soon to be under construction and new residents using the road as a short cut to Goonellabah, the extra traffic will cause even more problems;
- The hill on Skyline Road South prior to the bitumen must be flattened and widened as it is extremely dangerous, especially for pedestrians;
- How will road safety on Skyline Road South be addressed as part of the proposed subdivision?
- The section of Skyline Road South to which the development fronts will be upgraded to a rural residential standard. This will require the reconstruction of the pavement, the lowering of the crest vertical curve and the sealing of the road. It is anticipated that the development will contribute traffic to this part of Skyline Road South as it is expected that traffic from the development will primarily utilise Tregagle Road and Wyrallah Road to disseminate throughout the road network. Three (3) of the new lots will gain access from Skyline Road South. The remainder will use an internal cul-de-sac, Breckenridge Street (two (2) lots) and Miriam Street (one (1) lot).
- The concerns about the standard and condition of Skyline Road South appear to relate to the section of road between the rezoning and Skyline Road at Monaltrie. It is evident from inspection that Skyline Road South, as it heads north back to Skyline Road at Monaltrie, does not meet Council's adopted standards. However it is questionable as to how much traffic the development will contribute to this road. The road has not been considered as a primary access for the development and consequently there has been no requirement for contribution to the upgrading of this road beyond that of the frontage of the rezoning.
- Contributions towards upgrade of rural roads will be levied on the development at subdivision stage.

Koala Habitat

- The koala habitat will be at risk due to increased traffic, noise and dogs;
- The submission re koala numbers is not correct and koalas have been seen on nearby properties.

Traffic Impact

- The roads do not cope with existing traffic and 99 additional cars will have an impact;
- The road surface from the Wyrallah Road turnoff into Bridge Street & continuing to Tregeagle Road is in an extremely poor condition and is poorly maintained by Council;
- Existing signage on the road is too close to the edges;
- School children use the road as there are no shoulders beside the sealed road;
- The road into the proposed development off Breckenridge Street is too close to the corner and the Primary School is located on the same corner.

Stormwater Drainage

- Consideration should be given to subdivision drainage to ensure heavy rainfall does not impact further on this section of road;
- Stormwater drainage from the subdivision would need to be addressed as water currently drains from the northern side of Breckenridge Street;
- The proposed effluent disposal areas on Lots 5 and 6 would also impact on runoff due to poor soil drainage.
- Drainage was raised as a major concern in a submission to the original rezoning proposal.

The ecological assessment found Koala scats around sclerophyll species in the northern part of the site with no signs of activity detected in the southern part of the site. The proposed subdivision will not result in a loss of Koala habitat and environmental rehabilitation works to be completed as part of the Planning Agreement include planting these 'koala friendly' species.

- With regard to the general standard of roads within the area the rezoning will contribute to the upgrading of these via section 94 contributions. There have been no specific road infrastructure requirements, other than the previously mentioned Skyline Road South upgrade, requested as part of the rezoning.
- The available site distance at the proposed intersection complies with the relevant design standard being Austroads Guide to traffic Generating Developments Part 5 Intersections at Grade.
- Given the fall of the land and the proposed lot layout it is considered that conditions on the development will provide suitable drainage infrastructure to satisfactorily dispose of stormwater from the site;
- It is not anticipated that the proposed effluent disposal areas on Lots 5 and 6 will impact on runoff. This issue will be considered in detail at the development stage and applicants will be required to install and design disposal areas that do not impact on runoff.

Other

- There is no provision for any public areas.
- Fire hydrants should be provided at several locations in the subdivision.
- Proposed effluent disposal locations on lots 5 and 6 would contaminate underground water – there was a working windmill until recent times.
- The Bunya Pine in the front of Lot 9 is not mentioned for retention. The tree is very old and may be of historical value to Aboriginal Cultural Heritage.
- Contributions to the upgrade of the Wyrallah Hall and to City wide recreation and community facilities will be levied on the subdivision application in accordance with Council's section 94 plan;
- Rous Water have advised that hydrants can be provided in subdivision but continual supply for fire fighting purposes cannot be guaranteed because the connection will be from 375mm bulk supply main in Miriam Street;
- The On-Site Sewage Management & Effluent Disposal Property Assessment Report submitted with the rezoning application identifies the need to seal the well to ensure ground waters do not become contaminated. This will be required as a condition of consent at development application stage;
- The Bunya Pine is located on the southern boundary of proposed Lot 9. It was not individually labelled on the layout plan placed on public exhibition but was shown in outline on the southern boundary. An amended plan has been provided marking the Bunya Pine for retention. It is also noted that, as vehicular access to Lot 9 will be from the cul-de-sac and an indicative building envelope and effluent disposal area are shown approximately 40m to the north of the tree, it is not anticipated that the development of the lot will impact on the tree.

Conclusion

The amended proposal complies with the requirements of the Lismore Rural Housing Strategy, NCREP, S117 Directions and relevant Council plans and policies. Under the Planning Agreement the land owners agree to a future subdivision application and associated environmental rehabilitation works being generally in accordance with the submitted rezoning plans. The land owners also agree to fully funding the upgrading of Skyline Road South and its intersection with Tregeagle Road and the environmental rehabilitation works. The submissions received raise some valid issues and these have been addressed as appropriate. It is therefore recommended that Council adopt LEP Amendment No 27 and the Planning Agreement as attached to this report.

Recommendation (PLA5)

That Council resolve to:

- 1 Adopt Amendment No 27 to the Lismore Local Environmental Plan 2000 as attached to this report,

- 2 Use its delegations under s69 of the *Environmental Planning and Assessment Act 1979* to forward Amendment No 27 to the Minister for Planning with a request that he make the Plan, and
- 3 Execute the Planning Agreement under the common seal of Council.

Report

Subject	Nimbin Community Centre Incorporated - Transfer of Assets
File Nos.	ST:VLC:P27399, P20198
Prepared by	Manager - Assets and Support Services
Reason	To advise Council of the outcome of further discussions with the Nimbin Community Centre Inc regarding the Deed of Agreement for purchase of the Nimbin Community Centre and Peace Park at Nimbin.
Objective	To have Council agree to amended terms of an agreement with Nimbin Community Centre Inc regarding the proposed transfer of ownership of the Nimbin Community Centre and Peace Park.
Strategic Plan Link	Infrastructure
Management Plan Project	Properties

Overview of Report

Council considered this matter at its meeting of June 10, 2008 and deferred the matter for further discussions with the Nimbin Community Development Association. These discussions have taken place and there are now a number of options for consideration by Council.

None of the options presented by Nimbin Community Development Association are considered to be suitable from Council's perspective. A further alternative is recommended as a way forward with this matter.

Background

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

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

It should be noted that the NCDA are in the process of changing their name and becoming incorporated. Their new name will be Nimbin Community Centre Inc (NCCI) and this name will be used throughout this report and should also be reflected in any new agreement.

Following consideration of this matter by Council at its meeting of June 10, 2008 it resolved inter alia to defer the matter for further discussion with the NCCI.

These discussions have now been held and two options were put forward by NCCI to progress the matter. A key consideration for NCCI is to have transfer of the ownership of the community centre occur as soon as possible. The stated reasons for this are that new lease arrangements have been set up to commence with their tenants on July 1, 2008. The conditions of the leases have apparently been renegotiated to reflect a more market oriented arrangement. The previous sub-leases between NCCI and their tenants were bound by various conditions imposed on NCCI, through their own lease agreement, by Council as the owner of the premises.

It is also clear from discussions with representatives of NCCI that they have in the past under-estimated the responsibilities that are intrinsic in owning and operating an area of open space that would be heavily utilised by the public. This is not to question their motivation and enthusiasm for the desired goal of creating some public open space in Nimbin, but is a contributing factor to the current status of negotiations.

The options put forward by NCCI for further consideration by Council are outlined below.

Option One

Option One involves transfer of ownership of the community centre to occur immediately. NCCI would also take ownership of Peace Park in due course on the condition that Council agree to contribute towards the cost of maintaining the park and agree to meet the cost of any future unforeseen rise in public liability insurance costs. NCCI has advised that it will likely seek to establish a separate entity as the owner of Peace Park and this may take some time, hence the reason for not taking ownership immediately.

The request for a contribution to maintenance of Peace Park is for the area to be included in the current street cleaning contract for Nimbin, and that approximately half an hour per day be utilised to inspect the area and pick up and dispose of rubbish, needles, syringes etc. An inspection of the playground has also been requested. A quick general inspection of the playground could be included in the daily regime, however, there is a need for a more detailed inspection and check every three (3) months to assess wear and tear and compliance with relevant Australian Standards etc. Council already undertakes this task as well as meeting the costs of maintenance and repairs to the playground, on the basis that it is questionable as to whether NCCI has access to staff or contractors with the necessary skills to undertake these tasks. A cost estimate for the requested additional maintenance is as follows:

- Daily litter pick and inspection for needles: 0.5 hours, 7days per week @ \$40/h = \$7,280 per annum.

Council already contributes the cost of quarterly playground inspections being:

- four (4) inspections @ \$200 per inspection = \$800 per annum.

The average cost to Council of maintaining playgrounds is approximately \$3,500 per annum.

NCCI would continue to mow the grass and undertake general maintenance of the area. Future development of the park would be at NCCI's discretion and expense. However, it has been indicated by NCCI that any further development that brings with it an increased maintenance responsibility is likely to lead to a request for Council to increase its financial contribution to maintenance.

The request for Council to contribute to any future unforeseen rise in insurance cost relates to increases associated with the industry in general as occurred around 2003 following the outcomes of certain legal cases. Council would not be required to meet one-off increases related directly to actions or omissions of NCCI in their operation of the park, e.g. a large premium increase due to a claim arising from an incident.

Option One is the NCCI's preferred option to progress this matter.

Option Two

Option Two involves transfer of ownership of the community centre to NCCI now, with Council to retain ownership of Peace Park on the condition that it is re-classified to community land. NCCI would give Council a written undertaking that it would either complete the skate park within 12 months, or demolish it and would continue to contribute to the future development and maintenance of the park.

The reason for the request to re-classify the site to community land is to reduce the ability of Council to sell the site to another party. However, NCCI has indicated that it would withdraw the request for first right of refusal to buy the property if it was re-classified.

Council would essentially become responsible for all maintenance of the park, although NCCI has indicated it would continue to contribute to grass cutting. Exactly what arrangement could be put in place to facilitate this has not yet been discussed in detail or agreed. A cost estimate for annual maintenance of the park is as follows:

• Daily litter pick and inspection for needles (0.5 hours, 7days per week @ \$40/h)	\$7,280
• Mowing and edging (0.8ha @ \$310 p/ha) = \$248 x 22 cuts	5,500
• Graffiti and vandalism (estimate)	2,000
• Playground maintenance (average of Council's other playgrounds and includes shade structure)	3,500
• Park trees maintenance (one tree pruning per year)	600
• Playground quarterly inspection (4 inspections @ \$200 per inspection)	800
• Skate Park quarterly inspection	
(4 inspections conducted concurrently with playground inspection @ \$100)	400
• Skate park maintenance	Unknown

Therefore the potential total annual maintenance cost would be \$20,080 per annum, plus the annual cost of any maintenance and repairs to the skate park, less any contribution made by NCCI to grass cutting, etc. It should also be noted that Council is already funding the quarterly playground inspections and any necessary playground maintenance to an approximate cost of \$4,300 per annum, making the maximum additional finding required \$15,780.

Assuming that NCCI can meet the full cost of the grass cutting, and the skate park is removed, the least possible cost to Council would be \$14,180 per annum, of which \$4,300 is already provided and therefore requiring an additional \$9,880 per annum. Assuming NCCI cannot meet any of the cost of mowing the grass, and allowing say an average of \$3,000 per annum towards maintenance of the skate park over its life, the maximum cost to Council would be \$23,080 per annum, of which \$4,300 is already provided and therefore requiring an additional \$18,780 per annum.

The matter of the annual maintenance cost of the skate park is unknown at this stage. As a metal structure it would be very robust, however, there are issues such as corrosion to consider and if there is ever any work required, it could require specialised equipment and trained staff to undertake it.

Assuming that Council were to agree to this option and the proposed re-classification to community land, a plan of management would have to be prepared for the site. This would be a further cost to Council, whether undertaken in-house or by using consultants and is difficult to estimate.

Option Three

There is a third option and that is the course of action recommended to Council at its meeting of June 10, 2008, i.e. that the agreement not be split into separate transactions and a further 12 months be provided for NCCI to resolve issues associated with the skate park. This will not, however, achieve a resolution of the maintenance cost issues.

Discussion

Council has been very supportive of the NCCI throughout this process to assist them in securing a facility for the Nimbin community. However, NCCI has advised that it is not in a position to meet the financial obligations of owning and operating all of these assets.

Splitting the current agreement into two separate transactions carries with it a risk that NCCI will decide not to proceed with the transfer of ownership of Peace Park. Council would potentially be left with ownership of the site and responsibility for all maintenance. Council could also potentially be left to resolve the outstanding issues with the skate park.

It is considered that the outstanding issues with the skate park need to be resolved regardless of where ownership of Peace Park finally resides. The suggestion of a 12-month period in which NCCI will either resolve the problems or demolish the structure as outlined in Option Two is supported and should be incorporated into any agreement on this matter moving forward.

The remainder of Option Two as presented by NCCI is not supported. It carries with it a larger financial commitment and Council has already determined a very tight budget for the year. Further, part of the original intention of selling the land to NCCI was for Council not to have ongoing maintenance responsibilities in the park.

Option One as presented by NCCI is also not supported. It is considered inappropriate for Council to underwrite any future increases in public liability insurance premiums in the circumstances requested by NCCI. The circumstances in which this might occur would undoubtedly affect many other organisations that carry public liability insurance. Council would inevitably receive many requests for assistance in such circumstances and the requested guarantee would set a precedent. Should such circumstances arise, it would be open to NCCI, and any other affected organisation, to make representations to Council at that time for assistance.

The request for Council to contribute towards maintenance costs is a difficult issue. Council already contributes an amount of approximately \$4,300 per annum towards playground inspections, maintenance and repairs at Peace Park. There are no further funds available in the budget unless Council chooses to reduce or eliminate an existing allocation by a similar amount (\$7,280). However, this option is the lowest cost option of those presented by NCCI.

If Council chooses to adopt the recommendation below, this would allow NCCI to apply to Council through the budget process for 2009/10 for funding towards maintenance of the park and allow them to have a formal position from Council on the matter before making their decision on whether to proceed with transfer of ownership of Peace Park. In the interim, NCCI would be responsible for all maintenance of the park under the terms of a new lease which is consistent with the terms of their previous lease. Council would continue to undertake playground inspections and maintenance.

The suggestion of including maintenance requirements into existing contracts is also not supported. The comments from the Parks Co-Ordinator below are relevant to this situation. If Council determines that it should provide support to NCCI for maintenance of the park, it is considered preferable to agree on a cash amount and provide this to NCCI to engage contractors directly to undertake the work.

The options presented by NCCI both involve Council providing a financial contribution to the cost of maintaining Peace Park on an ongoing basis. In the event that this matter cannot be resolved to the

satisfaction of both parties, it is open to the NCCI to elect not to proceed with the purchase of either the community centre, or Peace Park, and Council would be left with the responsibility to maintain both properties.

Comments

Financial Services

The analysis of the likely costs involved and issues created by the Nimbin Community Centre Inc options are considered realistic and as such the recommendations are supported on the basis they allow more time for issues associated with the skate park construction and the ongoing responsibilities for Peace Park to be resolved.

Other Staff Comments

Parks Co-ordinator

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

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

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

Public Consultation

Not applicable

Conclusion

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

NCCI has advised they are no longer in a position to take ownership of both the community centre and Peace Park and meet the financial obligations that would come with those assets. NCCI has suggested two options to progress the matter, both of which involve Council making some financial contribution towards the ongoing maintenance of Peace Park. NCCI would continue to contribute towards grass cutting activities in the park, and towards the further development of the park where possible and appropriate.

Neither of the options as suggested by NCCI are able to be supported without qualification. An alternative has been identified which would allow the transfer of the community centre now, and some time to further sort out other issues associated with Peace Park. Some conditions of allowing this extension are suggested to provide incentive to NCCI to progress the matter.

Recommendation (IS41)

That:

1. The Nimbin Community Centre Inc be advised that Council is prepared to agree to an arrangement under the following terms:
 - (a) Transfer of title to the community centre to occur as soon as possible subject to Council receiving a suitable security for the investment that it has made in the property as outlined in the original agreement.
 - (b) Transfer of ownership of Peace Park be deferred for 12 months to allow NCCI to investigate and establish the best structure for ownership of the park.
 - (c) In the interim the Nimbin Community Centre Inc be granted a lease over the park in terms similar to the former lease, including that Nimbin Community Centre Inc be responsible for maintenance of Peace Park.
 - (d) The Nimbin Community Centre Inc to undertake to either complete construction of the skate park in accordance with the requirements of the development consent and have it open to the public within 12 months, or to demolish the skate park, with this to be a condition of the lease outlined in Point 1(c).
 - (e) In the event that Nimbin Community Centre Inc does not take ownership of Peace Park after 12 months in accordance with the agreement, Council will not grant any further extensions of time, and any and all monies that Nimbin Community Centre Inc has paid to Council for the purchase of Peace Park will be forfeited.
2. The Nimbin Community Centre Inc be advised that Council has already determined its budget for 2008/09 and is not in a position to contribute further to maintenance of Peace Park this year, but that playground inspections and maintenance will continue to be funded by Council as in the past.
3. Council would consider a submission from Nimbin Community Centre Inc to its 2009/10 budget process for a contribution towards the cost of maintaining Peace Park into the future.
4. The cost of preparing the amended documentation be met by Nimbin Community Centre Inc.
5. It be noted that the Nimbin Community Development Association is in the process of changing its name to Nimbin Community Centre Incorporated and that this will be reflected in any documentation related to this matter.
6. The Mayor and General Manager be authorised to execute and affix Council's seal to any documentation necessary to implement this resolution.

Report

Subject	Development Application No. 2008/172 for a subdivision to create one additional lot at Satinwood Drive, McLeans Ridges
File No	DA 2008-172-1
Prepared by	Development Assessment Coordinator
Reason	The application was called to Council by Cr Ekins and Cr Dowel
Objective	Determination of the development application
Strategic Plan Link	Natural Environment and Quality of Life
Management Plan Project	Determination of Development Application

Overview of Report

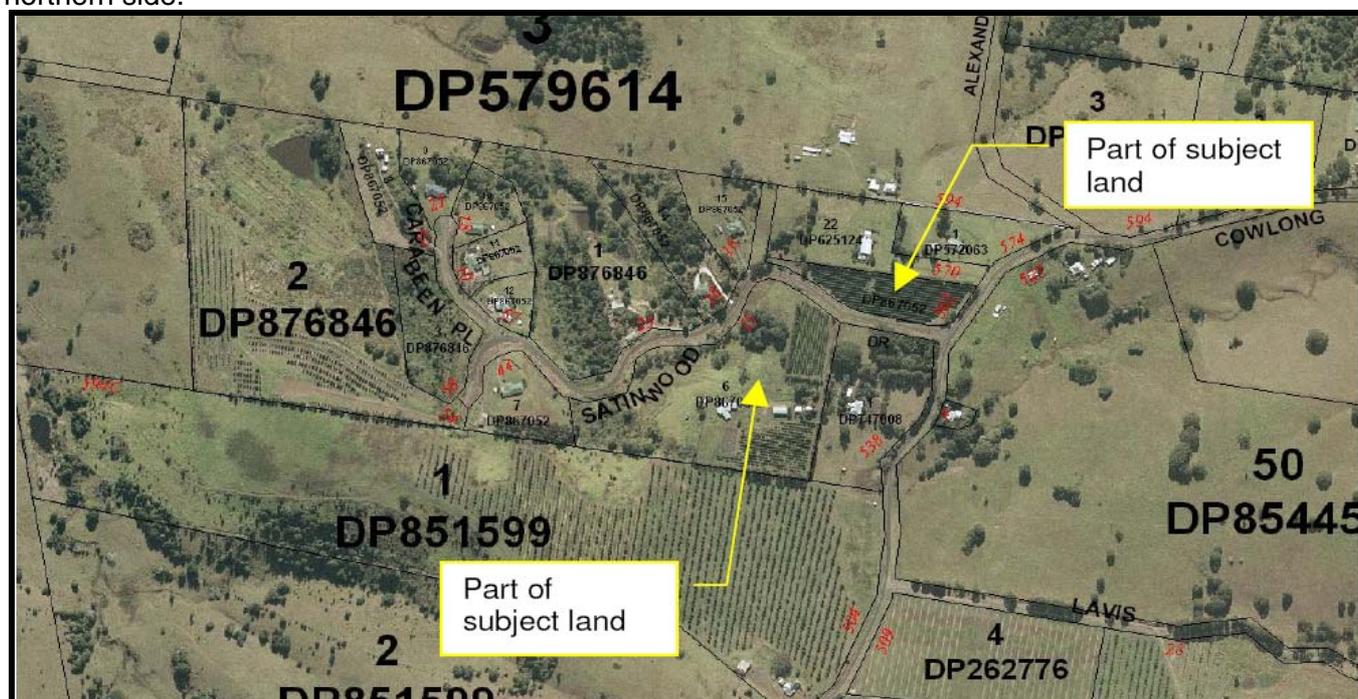
This report addresses the issues arising from a development application to excise a separated parcel from an allotment in a rural residential estate. The only issue of significance is the objections by adjoining landowners. The Department of Planning has given their concurrence to the subdivision. The application is recommended for approval.

Applicant:

The applicant is Newton Denny Chapelle on behalf of LD Gilliard.

Location:

The site is located at Lot 6 DP 867052, 15 Satinwood Drive McLeans Ridges. The parcel is split by Satinwood Drive with 5.836ha located on the southern side of Satinwood Drive and 1.181ha on the northern side.



Map 1 Locality plan and air photo.

Zoning:

The land is zoned part Zone No 1 (a) (General Rural Zone) and part Zone No 1 (b) (Agricultural Zone). A map of the zone boundary is provided below. The objectives of the respective zones are set out as follows:

1 (a) (General Rural Zone)

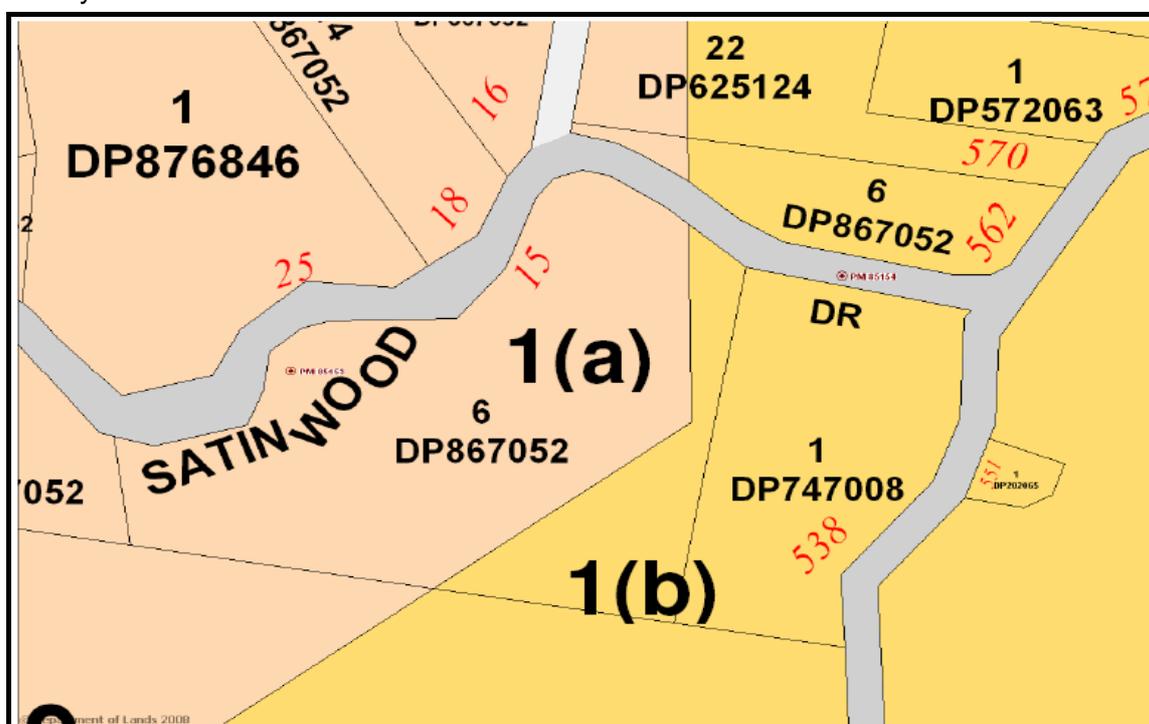
The objectives are:

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

1 (b) (Agricultural Zone)

The objectives are:

- f) to preserve areas of higher quality agricultural land for agricultural production, and
- g) to permit a range of activities that support the agricultural industries being conducted on the land and limit development that may, in the opinion of the Council, reduce the agricultural production potential of the land, and
- h) to discourage the fragmentation of rural land, and
- i) to control development that may restrict the function of, or create a traffic hazard along, classified roads, and
- j) to enable tourist facilities to be provided that promote an appreciation of the rural environment and associated agricultural and horticultural activities, while ensuring the continued economic viability of the land.



Map 2 Zone Boundary

Key Issues:

The only issue of significance is the objection by adjoining landowners.

1. SITE/SITE HISTORY

In July 1995 Council considered a Development Application for a rural residential subdivision under the provisions of Clause 15 of the Lismore City Local Environmental Plan 1992 as it then was. Staff recommended refusal of the application due to the constraints on the site. However it was resolved that:

"Council defer consideration of DA 95/120 pending the submission of an amended application which reduces the number of lots and is designed to suit the topography of the site."

The amended subdivision application reduced the number of lots, incorporated land that was unsuitable for development into a community lot and it created a larger lot that was split by the road to be used for agricultural purposes (growing coffee). It is the agricultural lot which is the subject of this development application. The method of title was later changed from community title to Torrens Title and Council approved the amended application in August 1995. The second stage of the subdivision was abandoned by the developer and this second stage forms the residue.

There were a number of controversial applications that generated a significant amount of community objection associated with number 58 Satinwood Drive which is located within this subdivision. Number 58 was intended to be the community lot used for the purposes of growing cabinet timber. This lot was never put into community ownership and was eventually given a dwelling entitlement. Neither the past or present owners of 58 Satinwood are associated with this development application.

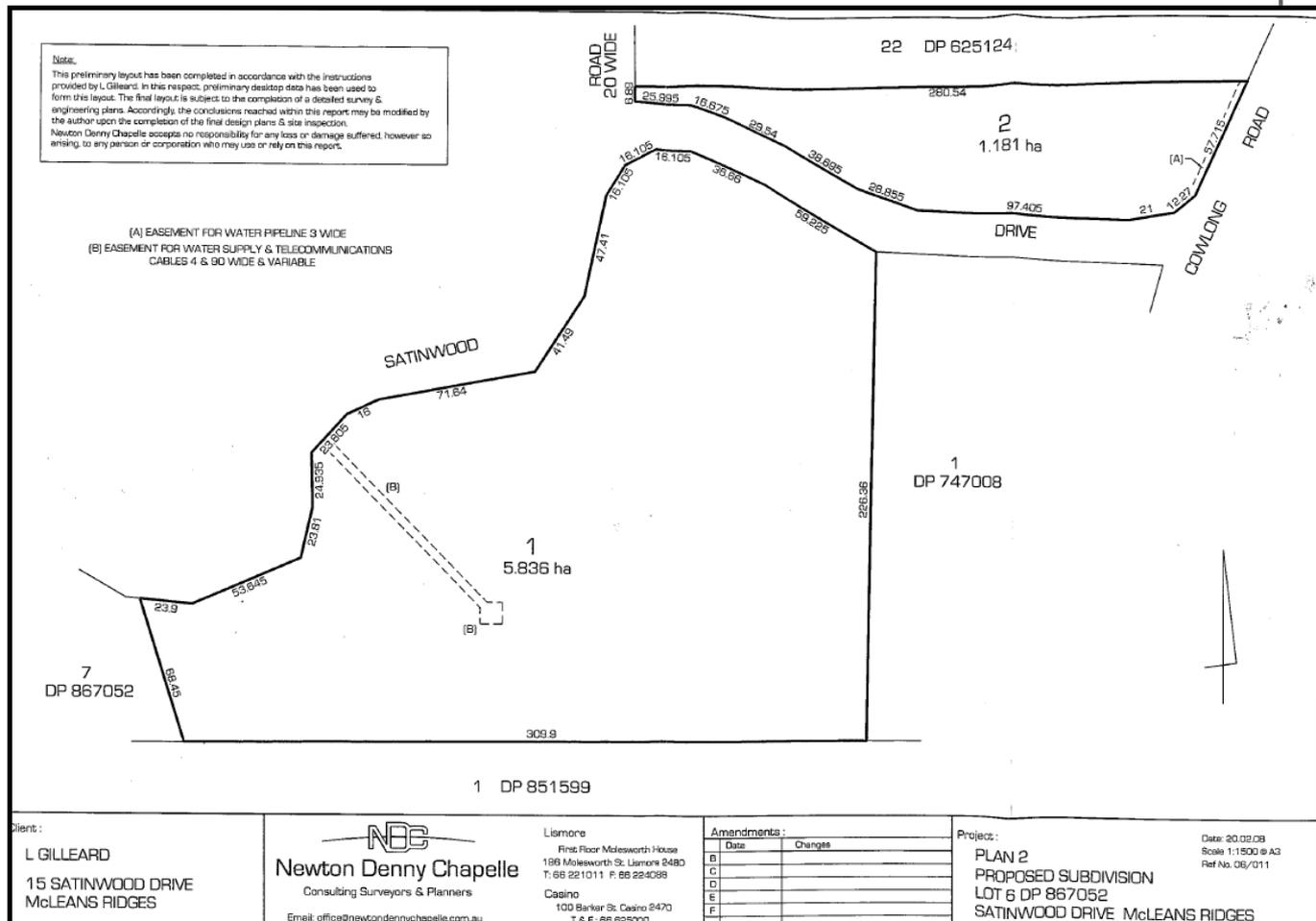
The current development application seeks to subdivide the portion of the agricultural lot that does not have a dwelling on it.

2. SURROUNDING PROPERTIES & ENVIRONS

The development site is located within a rural residential estate. The lot to be subdivided off is generally flat with a small crest running through the middle and the land gently slopes away to the north east and southwest away from this crest. The site had previously been used for growing coffee.

3. PROPOSAL

The DA is for a one lot rural subdivision. Lot 6 DA 867052 is a split parcel whose two parts are separated by Satinwood Drive. The development proposal will subdivide the separated northern portion of 1.181 ha away from the residue (5.836 ha) on the southern side of Satinwood Drive. The proposed layout is shown as Map 3.



Map 3 Proposed lot layout.

4. PUBLIC NOTIFICATION

The adjoining landowners were notified by letter but the application was not advertised in the newspaper. This procedure was in accordance with the process adopted by Chapter 10 of the DCP. There were two submissions made and these are addressed below.

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

5.1 Any Environmental Planning Instruments

5.1.1 State Environmental Planning Policies (SEPPs)

SEPP 44 Koala Habitat applies to the land however there is less than 15% of schedule 2 tree species located on the land so no further assessment is required.

SEPP 55 Contaminated Land applies to the site. A contaminated land assessment, inclusive of sampling was done in accordance with Council's adopted policy. Only the proposed dwelling site was sampled. The land is suitable to develop for the purpose of a dwelling subject to conditions requiring further sampling if a dwelling is proposed outside of the area that has already been tested.

SEPP 1 applies to the application. SEPP 1 allows a developer to lodge an objection to a development standard. The application involves the subdivision of land within Zones 1(a) and 1(b) where the minimum lot size is 40ha and 20ha respectively. Both lots to be created will be significantly below the development standard set out in clause 36(1) of the LEP. SEPP 1 allows

the Council to vary the development standard if Council considers that compliance with that development standard is unreasonable or unnecessary in the circumstances of the case. The applicant has made an application to vary the standard and Council has forwarded that application on to the Department of Planning for their concurrence. The Department granted their concurrence to the variation by letter dated 2 May 2008.

It is considered that strict compliance with the standard in the circumstances of this particular case is unreasonable. The allotment is not large enough on which to practice sustainable agriculture. The Department of Primary Industries has advised that the land is constrained and that the subdivision of the land will not adversely impact on the agricultural use of land in the locality. The land is also eminently suitable for the erection of a dwelling. On this basis the SEPP 1 objection is supported and should be approved.

5.1.2 Regional Environmental Plan (REP)

Clause 12 of the REP requires Council to consider the impact of development on agricultural activities. Specifically:

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

The development will have no impact on the use of adjoining or adjacent agricultural uses. The development will result in a very minor loss of prime crop or pasture land but this loss is not considered to be significant.

5.1.3 Lismore Local Environmental Plan (LEP)

The subdivision is permissible with consent. The development is not contrary to the objectives of the zones given the minimal impacts that the proposal will have on the agricultural use of the land.

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

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

5.3 Any Development Control Plan

With the exception of the requirements for minimum lot size (20 ha and 40 ha) this proposal complies with the requirements of the DCP with regards to subdivision standards. There is existing road access to the lot to be created.

5.4 Any Matters Prescribed By The Regulations

Clauses 58 to 64 of the regulations as they pertain to the requesting concurrence have been complied with.

Clauses 65 to 70 of the regulations as they pertain to integrated development have been complied with.

There are no other matters with the regulations that are relevant to the assessment of this application.

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

The placement of a dwelling on the new lot could cause an increase in stormwater flows into a gully that flows into an adjoining residential property at number 16 Satinwood Drive. This can be rectified by way of a condition of consent that requires the stormwater to be disposed of either to Cowlong Road or to that part of the table drain in Satinwood Drive that drains to Cowlong Road i.e away from the gully that drains to number 16.

One additional dwelling will have minimal impact on the environment. Adequate provision has been made for on site effluent disposal and there are no other issues of significance.

5.6 The Suitability of the Site for the Development

The site is suitable for the erection of a dwelling house. There are no significant environmental constraints that would warrant refusal of the application.

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

There were two submissions objecting to this development. Both of these objections are attached to the report. The main points of objection are:

- No evidence has been presented to show that another crop could not be grown on this land;
- Loss of prime agricultural land;
- The sign for the estate is located on this lot;
- The proposal does not meet the zone objectives;
- There are drainage issues associated with this lot;
- The existing landowners in this estate with the exception of the owners of number 58 purchased their land with the expectation that the estate would be consistent with the requirements of the Lismore City Local Environmental Plan 2000.
- Setting a precedent for future subdivision.

Planner's comments on the points of objection: There is no requirement to show that the land could be used for another crop or agricultural purpose. The Department of Primary Industries has agreed that the land is not suitable for viable agricultural production. The loss of prime agricultural land is not considered significant nor is the loss a suitable reason to refuse the application.

It is contended that the proposal does meet the zone objectives. This is a view held by the assessing planner and the Department of Planning.

The location of the sign not proposed to be changed. This is not a significant planning issue.

The drainage issue is relates to the construction of a driveway across the existing natural drainage line on number 16 Satinwood. Overland flow from the proposed lot and road drainage pass through this gully and over the driveway. To prevent any intensification of flows into this drainage line a condition of consent can be imposed to direct stormwater away from this gully.

The expectation of adjoining land owners is not a relevant consideration in determination of a development application. The subdivision of this lot meets the requirements of the Lismore City Local Environmental Plan 2000 as modified by the provisions of SEPP 1.

Each development application is considered on its individual merits and the circumstances of each particular case. Approval of this subdivision would not set a precedent for the wholesale subdivision of land at McLeans Ridges.

5.8 The Public Interest

The proposal is not considered to be contrary to the public interest.

6. REFERRAL COMMENTS

6.1 Internal

Manager Finance & Administration Comments

There are no financial implications for Council arising from this development application.

Environmental Health

The OSMS assessment concludes that wastewater can be managed on the land by a low tech gravity system. This matter can be taken up conditionally. A groundwater bore is indicated about the northern boundary of the land, but following discussions with Peter Hackett of the Department of Water and Energy, Grafton on 28 April, 2008 it appears that the bore is located on 594 Cowlong Rd, and is properly addressed in the consultants report.

The contaminated land assessment appears to be for a ~2000m² envelope but the dimensions and location of the envelope are poorly described. The results for all analytes are well below the HBIL for residential use. The proper delineation of the envelope can be taken up conditionally.

There are no Environmental Health objections to this development subject to the imposing the conditions.

Building Services

No objection subject to imposition of standard conditions.

Lismore Water

Not required.

Development Engineer

The proposed subdivision shall utilise one existing access and require the construction of an additional access upon Satinwood Drive. It is considered that there is a suitable location for such an access to be constructed.

There has been a submission received with regard to stormwater drainage from proposed lot 2. The author has suggested that stormwater from a dwelling upon lot 2 may impact upon his property. Whilst it is arguable whether this would be within an existing natural drainage line or not it is considered that concerns regarding this issue could be overcome by requiring any future hard stand areas to be constructed upon this lot to be drained away from this area or alternatively drained to on site absorption trenches. This requirement has been reflected within a proposed condition of consent.

No objection subject to the imposition of conditions of consent.

6.2 External

The SEPP 1 objection was referred to the Department of Planning who referred the DA on to the Department of Primary Industries. Both of these departments gave their concurrence to the application.

The application was also forwarded to the NSW Rural Fire Service under the integrated development provisions of the Act. They have approved the application subject to the imposition of a condition requiring the water supply to meet the requirements of Planning for Bushfire Protection 2006.

7. CONCLUSIONS

This site is suitable for the erection of a dwelling house. There are no detrimental environmental impacts caused by the subdivision of this allotment as this part of the existing lot is already physically separated from the main part of the lot and it is located within an existing rural residential estate.

Recommendation

- A That Council grant delegated authority to the General Manager - subject to the concurrence of the Development Assessment Panel, to approve variations of a minor nature and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.
- B That Council, as the consent authority, approve Development Application No. 2008/172.

Standard

1 In granting this development consent, Council requires:

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

be substantially in accordance with the stamped approved plan(s) No. 06/011 dated 20/02/08 and/or supporting documents submitted with the application. A copy/copies of the approved plan is/are attached to this consent.

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

Environmental Health

2 Prior to the release of the subdivision certificate, the envelope for the ~2000m² contaminated land assessment must be accurately documented onto a plan to an appropriate scale and be fully dimensioned and include relevant setbacks from boundaries.

Please note, that if any future dwelling site or residential embellishments are to be outside the envelope, then a new contaminated land assessment will be required.

Reason: *to ensure the envelope is accurately described.*

3 The hours of work for any noise generating construction activity of the proposed development are to be limited to the following time restrictions:

Monday to Friday - 7.00am to 6.00pm
Saturday - 8.00am to 1.00pm

No noise generating activities are to take place on Sundays or public holidays.

Reason: *To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))*

Drainage

4 The Subdivision Certificate shall create a restriction on use on proposed lot 2 requiring stormwater drainage from any hard surface areas to be either disposed of within the section of the existing table drain upon Satinwood Drive that drains to Cowlong Road or alternatively provide on site stormwater infiltration trenches capable of accommodating expected stormwater flows.

Reason: *To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from any buildings and paved areas that may be constructed on the land. (EPA Act Sec 79C(b))*

Vehicle Access

- 5 The Subdivision Certificate shall create a restriction on use preventing vehicular access to Cowlong Road.

Reason: To minimise the impacts on the road network. (EPA Act Sec 79C(b))

- 6 Prior to the release of the subdivision certificate a vehicular access from the road pavement to each lot, including any existing access, shall be provided by the construction/upgrading of a crossing, in accordance with the Council's Design and Construction Specification for Vehicular Access.

Reason: To ensure adequate access to and from the development. (EPA Act Sec 79C(c))

Subdivision

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

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

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

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

- 9 Prior to approval of the Subdivision Certificate, a Certificate of Compliance from Country Energy shall be required confirming that it has provided electrical power to each lot and that charges for the extension of electricity supply have been paid.

Reason: To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))

- 10 Prior to approval of the Subdivision Certificate, the proponent shall ensure the provision of telephone services is available to all lots. A Certificate of Availability from the relevant utility provider shall be required confirming that the respective utility's requirements have been met.

Reason: To ensure adequate provision of utility services. (EPA Act Sec 79C(b))

Contributions

- 11 Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and Lismore Contributions Plan 1999 (as amended) are required. Such levies shall contribute towards the provision of public services and/or amenities identified in the attached schedule. Such levies shall be calculated at the rate(s) in effect on the date the Subdivision Certificate is released. The rates and amounts applying at the date of this notice, totalling **\$(total contributions will be calculated and forwarded under separate cover)**, are set out in the schedule for your information. Where the total contribution payable exceeds \$20,000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc. shall be paid prior to the release of the Subdivision Certificate.

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

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

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

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

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

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

Levy Area	Account No.	No. of ET's/m ²	Cost Per ET/m ²	Amount Payable
Recreation and Community Facilities				
Citywide All Areas 25% discount	542	1	863	647
Clunes/Bexhill/Eltham Local	543	1	418	418
Transport Plan				
Strategic Urban Roads				
Residential	576	1	4855	
Rural Roads				
Roads contribution will be forwarded under separate cover	>	1	554	>
Rural Fire Service Plan				
All areas	583	1	86	>
Total				>

INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL

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

- Water, electricity and gas are to comply with Section 4.1.3 of Planning for Bush Fire Protection 2006 for the existing dwelling on proposed Lot 1.

Reason: To provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

INFORMATION TO APPLICANTS

ADVISORY NOTES

NOTE 1: Any further development application for class 1, 2 and 3 buildings as identified by the Building Code of Australia must be subject to separate application under Section 79BA of the EP & A Act and address the requirements of Planning for Bush Fire Protection 2006.

NOTE 2: The applicant is required to contact Jaclyn Cowen at NSW Rural Fire Service, telephone 02 8741 5555 in relation to compliance with the above General Terms of Approval.

NOTE 3: The Subdivision Certificate shall not be released by Council until all conditions of Development Consent Notice 2008/172 as imposed by Lismore City Council have been complied with to the satisfaction of Council.

NOTE 4: If the provision of services or the construction of any infrastructure or any other thing required by this consent occurs, and a GST is payable by Council, the applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of this consent.

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

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

NOTE 5: This development approval does not guarantee compliance with the Disability Discrimination Act and the developer should therefore investigate their liability under the Act. Council can assist developers by directing them to Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility (Part 1 is mandatory in the BCA).

Report

Subject	Lismore Showgrounds
File No.	GJH:VLC:P331
Prepared by	Executive Director – Infrastructure Services
Reason	Required by Council Resolution No. 491/07.
Objective	To develop a new management model which will ensure the Lismore Showgrounds remain available for optimum community use in the future.
Strategic Plan Link	Infrastructure
Management Plan Project	Finance, Parks & Recreation

Overview of Report

This report follows on from a previous report to Council in November 2007. Council has received a letter of support from the A&I Society that Council be appointed Trust Managers of the Lismore Showgrounds in place of the A&I Society. Staff have also held a workshop with Council to further explain the proposal. Issues of financial liability and the roles and responsibilities of the Trust Manager have been discussed in the report. It is recommended Council move onto the next stage of the process and apply jointly with the A&I Society to the Minister for Lands for Council to be appointed as Trust Manager.

Background

Council has been working with the North Coast National Agricultural and Industrial Society Inc (NCNA&IS) since January 2006 in an effort to help with their operational and managerial responsibilities of the Lismore Showgrounds. This help has taken various forms including in-kind assistance during 2006, letters of support to the Showground Trust bankers and staff providing professional advice.

Council last considered this matter in November 2007 where it resolved;

- “1. That Council support the principle of seeking the role of Trustee for the Crown Lands at the Lismore Showground.
2. That the General Manager seek confirmation from the North Coast A&I Society that it support Council’s intention to apply to the Minister for Lands to be appointed as Trustees in substitution for the A&I Society and that this agreement include provisions which incorporate assignment of management control of free hold land owned by the A&I Society being Lot 1 DP 936240; Lot 2 DP936240; Lot 1 DP318745 and Lot 2 DP548587.
3. That a joint submission be prepared under which Council formally applies to the Minister for Lands to be appointed Trustee of the Lismore Showgrounds.
4. That Council hold a workshop and report to Council at an appropriate time prior to a joint submission to the Minister for Lands.”

A Workshop was held with Council on February 19, 2008. Staff presented the issues which had been agreed with the A&I Society and issues which had yet to be resolved. Councillors expressed concern regarding the ongoing financial liability of taking on the Showgrounds and the responsibilities associated with becoming the Trustee.

The current Showground Trust is finding it increasingly difficult to keep the Showgrounds financially viable. The Showground Trust also relies on volunteers which is also difficult to sustain indefinitely.

The Council is an obvious choice to take over the role of Trustee. We are already manager of several Crown properties; we have the expertise to manage the Showgrounds and we maintain several other community facilities. Council is also well placed to obtain reduced insurance premiums and attract grant funding.

Agreement between the A&I Society and Council

The A&I Society like Council, has been anxious to understand the full ramifications of any decision made at this early stage of the agreement. The reason for the delay between February and the present is that the A&I Society wished the agreement to be detailed and legally binding. Council staff explained it was necessary to agree on broad principles at this stage and develop the detailed agreement once the requirements of the Lands Department are known.

Recently the A&I Society has agreed to proceed on this basis and has forwarded a letter of support which is enclosed separately as Appendix A for information.

It should be noted that no binding agreements have been made at this stage. However, the broad principles which have been agreed to date are as follows:

Freehold Land

The basis for the discussions currently occurring is that Council becomes responsible for maintenance and management of all of the land, including the freehold land currently owned by NCNA&IS.

In addition to the matter of trusteeship of the Crown land, a formal written agreement will be required between both parties regarding the maintenance and management of the freehold land currently owned by NCNA&IS. This agreement will be framed on the basis of there being no charge to Council.

Lease

In the event that Council becomes responsible for the overall maintenance and management of all the land, Council will grant to the NCNA&IS a lease. The proposed lease will be subject to approval from the Department of Lands and will include terms as follows:

- The term of the lease will be 10 years with two further ten-year options, i.e. 10+10+10.
- The initial rental will be \$25,000 per annum.
- The rental will be increased by the Consumer Price Index (CPI) for each year of the initial 10-year term.
- The rental will be reviewed upon exercise of the 10-year options, should they be so exercised.
- The lease and the rental paid shall entitle NCNA&IS to:
 - Use of the existing Secretary's Office to conduct their day to day administration etc.
 - Use of the cool room facility.
 - Use of the members' dining room for meetings.
 - Use of an area yet to be agreed for storage purposes.
 - Use of the site to conduct the North Coast National Show each year, plus one other event.
 - The use of a defined amount of space yet to be agreed for the purposes of displaying sponsors' advertising.

- Continued use and/or management of the two existing residential dwellings present on the site, including the ability to rent or let those residences as determined by NCNA&IS in accordance with laws applicable at the time.

Additional Events

Any further or additional events that NCNA&IS wish to conduct at the site, i.e. which are not specifically included as part of the lease agreement outlined above, will be subject to the payment of additional fees to Council in accordance with Council's pricing policy at the time.

In regard to the regular Farmers Market held at the site, the fee shall be \$100 per week, subject to annual CPI increases, for each week that the Farmers Market is held.

Existing Tenants

There are a number of existing tenants on the land who have agreements of various types with the NCNA&IS. Should Council and the NCNA&IS reach agreement, the existing tenants will no longer deal with NCNA&IS regarding their tenancies. They will deal with Council. This will necessitate the preparation of fresh documentation regarding these tenancies.

Both parties acknowledge that the change must occur and that all future dealings regarding tenancies on the land will be dealt with by Lismore City Council.

It is further agreed that any income derived from these tenancies will no longer be payable to NCNA&IS and will become payable to Council as Trust Manager.

Owner's Consent to Development

Council as Trust Manager of the land, will not unreasonably withhold owner's consent for the lodgement of any development application that the NCNA&IS wishes to undertake on land that it owns. It is agreed that the granting of owner's consent by Council as Trustee of the land does not in any way indicate the likely outcome of the assessment of such an application.

Plan of Management

Council, as Trustee of the land, will prepare a plan of management for the land. The NCNA&IS will be provided with an opportunity to have input to the process of preparing the plan of management.

Advisory Committee

No agreement has been reached on the role or make up of an advisory committee to Council. This will be determined by Council when the details of the agreement are known.

Condition of Assets and Budget Considerations

A review of buildings on-site was undertaken by Council's Building Services Section. A copy of the report is enclosed separately as Appendix B for information. There are recurring issues associated with roof repairs, guttering, emergency lighting and reference to an electrical audit. There are certainly repair works required, however there are no major repairs of an urgent nature.

Since the time of this review a check of electrical installations has occurred and some electrical repair works have been undertaken. Following the hail storms of last year a number of roofs have also been replaced.

Rental incomes for a typical year are approximately \$133,000. Typical recurrent expenditure (excluding grounds and building maintenance), is \$53,000 per annum. Therefore, \$80,000 is available for grounds and building maintenance which should be sufficient to supply a reasonable level of service. It is anticipated the current arrangements with the groundsman will continue.

Future grants will improve the ongoing financial sustainability of the Showgrounds.

The development of an asset management plan will be required as part of the Plan of Management to ensure the long-term sustainability of assets within the Showgrounds.

Roles and Responsibilities of Trust Managers

Local councils play an important role in the care and use of Crown reserves. The Reserve Trust system provides a framework for councils to participate in the stewardship of reserves.

Reserve Trusts are set up under the Crowns Land Act, 1989. A Trust holds the legal ownership of the land and is responsible for it in almost every respect. However, it can only use or deal with the land in ways that are permitted by the Act and which are consistent with the purpose for which the reserve was dedicated.

As Trust Manager, Council has all the functions of a council under the Local Government Act. However, the council has no power to classify the Crown reserve under the Local Government Act.

Therefore responsibilities for legal liability, Occupational Health and Safety, environmental management, and procedural fairness are similar to managing community land.

Next Steps

Following Council's endorsement of this report a joint submission will be submitted to the Minister for Lands requesting Council be appointed Trust Manager of the Lismore Showgrounds.

It is anticipated the Minister will place conditions and set guidelines for Council as Trust Manager. The proposal will also be placed on public exhibition to gain feedback from the community.

The conditions set by the Minister may need to be incorporated into the final agreement between the A&I Society and Council.

The exact process from here forward cannot be mapped out until feedback is received from the Department of Lands. However, Council will be kept informed as the process is determined.

Comments

Financial Services

Based on financial information gained when Council was assisting the A&I Society in the day to day management of the Lismore Showgrounds, annual revenues of approximately \$113,000 and expenses (excluding ground and building maintenance) of \$53,000 are anticipated. The balance (\$60,000) plus Council's annual contribution of \$20,000, gives \$80,000 in total, that would be available for ground and building maintenance costs.

As to improving facilities, while the burden has been reduced somewhat due to insurance related repairs from the October 2007 hail storm, it is likely that Council as Trust Manager would need to source external funds to deliver. Given the long-term tenure of the arrangement, this aspect could be addressed over an equally long-term.

Public consultation

To date there has been some media reporting but minimal public consultation on this issue; however the future process will include a period for public submissions.

Conclusion

After many months of discussion and negotiations with the A&I Society it would appear the Society has accepted the proposal that Council take on the role of Trust Manager leaving the A&I Society free to concentrate on its core business of running the annual North Coast National Show.

Their letter of support shows a willingness to work cooperatively with Council to achieve this end.

There are still many procedural issues to work through with both the Lands Department and the A&I Society. However, there is a general understanding between Council and the A&I Society, which will allow us to move onto the next stage of the agreement.

The exact cost of operating the Showgrounds is not known at this stage, however there are no large urgent works required and there is sufficient income to continue to provide a reasonable level of service in the short-term.

Council has a choice; to 'do nothing' or take on the role as Trust Manager. The 'do nothing' option will result in the continued running down of assets and facilities at the Showgrounds and possible future financial collapse of the Showgrounds. For Council to step in at that stage will require more resources than if the Council chooses to take on the Showgrounds Trust Management now, ensuring the Showgrounds will continue to provide services and facilities to the Lismore community into the future.

Recommendation (IS40)

That consistent with Minute 491/07 a joint submission be prepared where Council formally applies to the Minister for Lands to be appointed Trust Manager of the Lismore Showgrounds in substitution for the North Coast National Agricultural and Industrial Society.

Report

Subject	2008/2009 Lismore Promotion Plan
File No	S740
Prepared by	Manager – Economic Development
Reason	Public exhibition period has concluded
Objective	That Council endorse the 2008-2009 Lismore Promotion Plan
Strategic Plan Link	Economic Development, through support for business
Management Plan Project	Economic Development

Overview of Report

To report back to Council detailing submissions received, following public exhibition of the Draft *2008/09 Lismore Promotion Plan*.

Background

Council resolved at the 10 June 2008 Council meeting (Minute 97/08) to receive the Draft *2008/09 Lismore Promotion Plan* and place it on advertised public exhibition for 10 days, with a view to ratifying the Plan at the July 2008 Council meeting.

Current situation

No submissions were received nor any enquiries made during the exhibition period.

Comments

Financial Services

Not required

Other staff comments

Not required

Public consultation

The *Draft 2008/09 Lismore Promotion Plan* was placed on public exhibition on Council's website, as well as an advertisement placed in the "Lismore City News" for the 12 June 2008 edition of the Northern Rivers Echo. Submissions were invited to be received up to close of business Monday 23 June 2008, thereby satisfying the required 10 day exhibition period.

Conclusion

Given that no submissions have been received, the attached *2008/09 Lismore Promotion Plan* (see Attachment 1) can progress to consideration for adoption unchanged.

Recommendation

1. That Council adopts the attached *2008/09 Lismore Promotion Plan*.

2008/2009 Lismore Promotion Plan**Attachment 1****Background on the SBRVL Lismore Promotion Program**

The Special Business Rate Variation Levy (SBRVL) Lismore Promotion Program is levied annually on all business properties in the Lismore Urban Area.

In 2007/08 there were 1,089 rated property owners and an estimated 2,987 registered businesses in the Lismore Urban Area, directly and indirectly contributing to the \$189,800 comprising the Promotion Fund of the SBRVL.

The Promotion Fund is managed by Lismore City Council's Economic Development Unit (EDU), with a 14 member Advisory Group making recommendations to Council on expenditure of funds. Council makes the final decision, based on the Advisory Group's recommendations.

The Advisory Group is comprised of nine business representatives (endorsed by Council), two Councillors, two members of the Lismore Chamber of Commerce and the Manager – Economic Development.

Purpose of the program

At its inception, the stated purpose of the Lismore Promotion Program was to:

“Promote Lismore in a positive manner which reinforces its position as the regional centre of the Far North Coast of NSW”

In a contemporary sense, the aim of the Lismore Promotion Program is to re-invigorate the City's status as a great place to shop, do business, visit and play.

Formulation of the 2008/09 Lismore Promotion Plan

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

- a) A co-ordinated approach across the various disciplines:
 - Alignment of the Promotion Plan with:
 - i) Lismore's annual events calendar
 - ii) the cycle of Lismore's retail campaigns
 - iii) tourism campaigns
 - consistency in branding of Lismore across all marketing and promotional campaigns, regardless of whether the campaign is funded by the SBRVL Lismore Promotion Program
- b) An agreed framework and “mix” of activities to be funded:
 - marketing and promotional campaigns
 - i) tourism
 - ii) shopping
 - iii) events
 - Education / training for the business community
 - Research
- c) Development of an annual “budget” with provision for “contingency” funds for new and worthwhile projects that become known subsequent to the Lismore Promotion Plan being “set”

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

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

that the Advisory Group's overall strategy is to attract people to the City from outside the Lismore LGA, thereby increasing the potential for all businesses in the Lismore Urban Area to benefit economically –

“grow the pie” rather than “pinching customers from each other”.

The projects that came forward loosely fell into three broad categories:

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

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

Given the above strategy, in terms of evaluation, the Group also agreed that 2008/09 was the year for clearly understanding the place of origin for people that came to Lismore as a result of these different campaigns. This type of information has never been consistently collected over the years, hence the recognition of the need for amassing this critical base-line data.

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

Projects that form the 2008/09 Lismore Promotion Plan

	Project description	SBRVL funding request	TOTAL project value
08-09R	Walkabout Lismore: Development of marketing material and branding for Lismore's CBD attractions and walking trails, including <i>Café and Culture Trail</i> , the <i>Wilson's River Experience Walk</i> and <i>Historic Interest Walk</i>	\$4,000	\$8,000

	Project description	SBRVL funding request	TOTAL project value
09-03	Preparation and distribution of regular SBRVL <i>Lismore Promotion Program</i> newsletters for 2008/09	\$11,440	\$17,440
09-04	Tourism package & promotional campaign for the 2008 Centenary Lismore Cup, designed to encourage stays between 1 and 6 nights	\$15,000	\$45,000
09-05	National media exposure via the Today Show broadcast for Lismore and the <i>North Coast National</i> , featuring the “Sustainable Living Expo”	\$15,000	\$166,460
09-06	Lismore Destination TV Promotions	\$30,000	\$60,000
09-07	Promote sale of weekly tickets & day passes to coastal areas fostering attendance at the 63 rd Australian Jazz Convention (Lismore Dec 26 to 31, 2008)	\$8,000	\$68,850
09-08	Lismore SPRING 2008 Mortgage - Rent Buster Promotion and Shopping Campaign (September 2008)	\$20,000	\$61,000
09-09	Lismore CHRISTMAS 2008 Shopping Campaign including Car Giveaway Promotion	\$20,000	\$61,000
09-10	Lismore EASTER 2009 Mortgage - Rent Buster Promotion and Shopping Campaign (March / April 2009)	\$20,000	\$61,000
09-11	Lismore Stocktake Sale 2009 Shopping Campaign including Car Giveaway Promotion	\$20,000	\$61,000
09-15	Production of the biennial Lismore, Nimbin & Villages Visitor Guide for the period 2008/09 - 2010/11	\$33,500	\$98,500
09-16	Lismore Alive: a pilot program aimed at	\$15,000	\$50,000

Project description		SBRVL funding request	TOTAL project value
stimulating the heart of the Lismore town centre and bringing about enhanced economic vibrancy			
LPPAG	Engage a specialist consultant to provide practical input on the overall relevance and effectiveness of the <i>2008-09 Lismore Promotion Plan</i> , and specifically advise on how best to:	\$10,000	\$10,000
a)	a) link and optimise the supported projects		
	b) evolve and further progress the program with recommendations for future improvements		
TOTAL funding request		\$221,940	\$768,250

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

Chart 1:

SBRVL 2008/09 projects by category

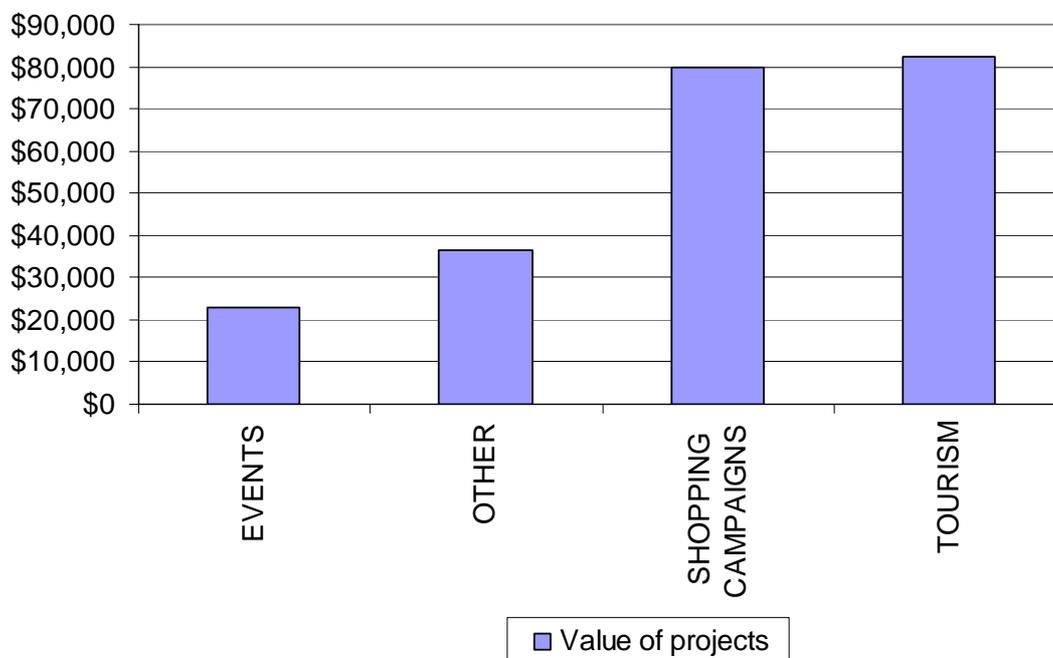
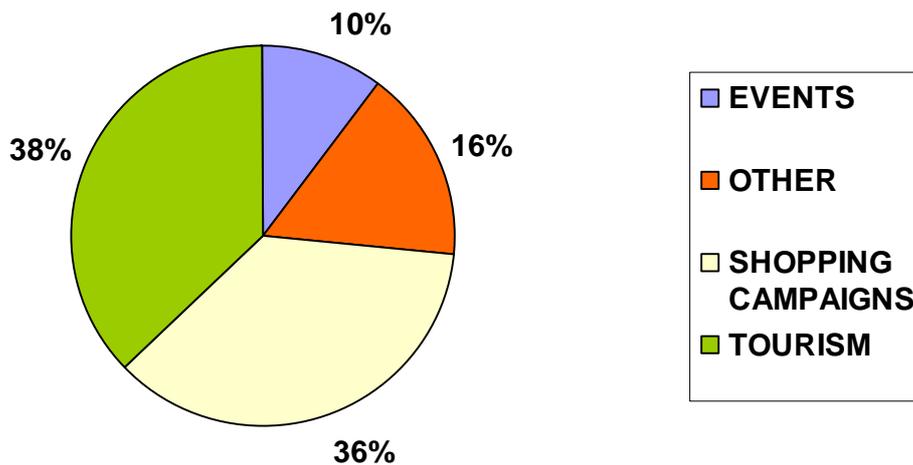


Chart 2:



Report

Subject	Growth Vision for Lismore's CBD - 2007 to 2032
File No	S653
Prepared by	Manager – Economic Development
Reason	To advise Council of the outcomes of the visioning study undertaken by the Economic Development Policy Advisory Group
Objective	To gain Council's endorsement to exhibit the document <i>Growth Vision for the CBD – 2007 to 2032</i>
Strategic Plan Link	Economic Development – pursue ongoing CBD growth and development
Management Plan Project	Economic Development – business development / investment attraction

Overview of Report

This Report gives an overview, background and summary of the *Growth Vision for the CBD – 2007 to 2032* and makes a recommendation to place the document on public exhibition, as well as conduct consultation with the business and wider community.

Background

The Economic Development Policy Advisory Group (EDPAG) has developed a growth vision for the CBD spanning a 25 year period. Initially, this *Growth Vision for the CBD – 2007 to 2032* (see Attachment 1) was developed as an economic underpinning to the work undertaken in the “Lismore CBD Traffic Study” as well as the “Lismore Development Control Plan Proposed Amendment No. 5 – Off Street Parking”, which were considered at the 10 June 2008 Council meeting. The growth vision was undertaken to provide a foundation for TTM consulting to develop traffic and parking solutions to best cope with the expected CBD growth in the future, i.e. up to 15% over the next 10 years.

Since commencing this study, research has shown that many traditional large town centres are undergoing or have undergone a similar reassessment of how best to ensure the future of their CBD, with a strong vision identified as a key element to ensuring ongoing prosperity of the whole local economy. Traffic and parking are seen as being just one issue for assessment, with the growth vision being about the ‘bigger picture’.

The Chairman for the EDPAG presented an overview of the *Growth Vision for the CBD – 2007 to 2032* at the 5 February 2008 Councillor Workshop.

Summary of Growth Vision

The prime purpose of the visioning growth exercise is to formulate a direction that encourages reinvestment and redevelopment of the CBD to enhance this city's ‘heart’.

Importantly, traditional town centres are key contributors to the local economy and can account for over one third of all employment. Of equal importance is the recognition that there is no ‘one size fits all’ solution and that many components are required for the ongoing success of a town centre/CBD, including:

- a) the management and funding of initiatives arising from an agreed vision
- b) the need for an integrated approach from the local business, the community, and local and state

- government
- c) the need for the right mix of business development and marketing; and
 - d) the recognition that a town centre has a key role to play in fulfilling community, cultural, leisure and entertainment needs as well as traditional business and retail roles.

Given the above environment, a set of guiding statements has been developed. The document includes a set of precise and specific statements, rather than a range of generalisations for further evaluation and consideration. A prioritised list of key strategic objectives and action steps has been developed from these statements.

Comments

Financial Services

Not applicable.

Other staff comments

Senior Strategic Planner

Implementation of the EDPAG's strategic objectives and actions would have a number of implications in terms of developing future strategic land use plans for Lismore. The recommendation to place the Growth Vision on public exhibition is supported.

Public consultation

It is proposed that the public be consulted once Council has received the Report.

Conclusion

The EDPAG has made considerable effort to develop a *Growth Vision for the CBD – 2007 to 2032* which adopts strategic thinking combined with visioning principles. The Growth Vision is commended to Council for consideration.

Recommendation

1. That Council receive the Report and place the *Growth Vision for the CBD – 2007 to 2032* on advertised public exhibition for 40 days.
2. That Council staff and the EDPAG undertake consultation with the Lismore Chamber of Commerce and the wider business community for review and comment.
3. That the findings of this consultation be reported back to Council with a view to ratifying the *Growth Vision for the CBD – 2007 to 2032*.

LISMORE ECONOMIC DEVELOPMENT POLICY ADVISORY GROUP

Growth Vision for the CBD – 2007 to 2032

The Overview

The prime purpose of this visioning look at the Lismore CBD is to formulate a direction that encourages reinvestment and redevelopment of the CBD to give this city a 'heart'. Initially this visioning was undertaken to provide a foundation for TTM to develop traffic and parking solutions to best cope with the expected CBD growth in the future up to 15% over the next 10 years. Since commencing this study it has been revealed that many traditional large town centres are undergoing or have undergone a similar reassessment of how best to ensure the future of their CBD with a strongly focused and agreed upon vision being seen as a key element to ensuring ongoing prosperity of the whole local economy. Traffic and parking are just one issue for assessment.

Traditional town centres are key contributors to the local economy and can account for over a third of all employment.

Equally important, is the recognition that there is no 'one size fits all' solution and that many components are required for the ongoing success of a town centre/CBD. These include the management and funding of initiatives arising from an agreed vision:

- The need for an integrated approach from the local business, the community and local and state government;
- The need for the right mix of business development and marketing; and the recognition that a town centre has a key role to play in fulfilling community, cultural, leisure and entertainment needs as well as the traditional business and retail roles.

Given the above environment a number of guiding statements have been developed. These are intended to bring forward a set of precise and specific statements rather than a range of generalisations for further evaluation and consideration. From these statements a prioritised list of key strategic objectives with action steps has been developed.

Guiding Statements

- a. Lismore, like many Regional CBD's, will need to reinvent itself to remain vibrant and healthy in the future. This is primarily due to competition from shopping centres, bulky goods retailing, changing consumer buying habits and the growth of self sufficiency in neighbouring towns. From a positive viewpoint, the economic environment of Lismore and the CBD will be one of moderate to high growth. This creates a challenge in itself.
- b. The Lismore CBD will need rebranding, repositioning and a 'unique selling proposition'. This can only be achieved by understanding the motives of the key target markets and developing strategies to satisfy these segments. Some examples are workers and local shoppers Monday to Friday, community, local shoppers, visitors and tourists on the weekend, the commercial sector and local regional needs.

- c. Given changing consumer buying habits the positioning of the Lismore CBD needs to be focused on specialist non franchise retailing, lots of amenity, a place to meet, congregate and relax. Providing a more laid back, lifestyle enjoyment experience is required. The CBD needs a stronger sense of community ownership by introducing local community, cultural, heritage, leisure, entertainment and social issues.
- d. Whilst retailing will remain the dominant segment, strategies to grow the commercial sector will be important as their employees provide a strong foundation of consumers. Likewise, the three tiers of government will continue to play an important role.
- e. Given the size of the market an important strategy will be to facilitate and encourage clustering to provide a critical mass; such as, an eat street and a town square.
- f. For Lismore CBD to become vibrant, some streets will need to operate 7 days a week (eg Eat Street) a calendar of events is needed to entice people to the CBD on weekends.
- g. Part of the Lismore CBD experience should include the benefits of passive recreation and link the CBD to the riverbank and Lismore Park. Lismore Park needs to become a major passive recreation area whilst not losing its sporting focus.
- h. The Council will need to play a more dominant role in ensuring infrastructure and CBD management issues are coordinated and focused. This includes beautification, parking, security and operating hours. This should be undertaken on a collaborative basis with the business community, CBD users, the public sector and the general community.
- i. The Council will need to ensure that regulations and policies are aligned with the CBD vision and strategies. In some cases Council will need to provide incentives to existing and new investors. An example would be to encourage the establishment of an Eat St, Inner City Living and Streetscapes.
- j. Whilst the Council role and support will be crucial, it alone will not create a vibrant CBD. Existing businesses will need to be proactive and supportive and investment strategies will need to be promoted and encouraged.

Strategic Objectives and Action Steps

This vision is identifying specific strategic objectives and action steps. In so doing, it should be noted that some of the action steps could in fact form part of one of the stated strategic objectives; however, the EDPAG agreed it was important that an action step was rated and prioritised as a separate item.

It is recognised that whilst the priorities are ranked by importance, there are many other factors, including finance that will influence the order and timetable for implementation.

Top 10 Strategic Objectives

1. Create a dynamic Town Square

Lismore has a unique opportunity to create a special place with the significant parcel of land at the old High School site and the aim should be to provide a modern precinct packed with community related facilities including a performing arts centre. It is recognised that the economics may dictate that there be some commercial development. Any such development should complement the 'Town Square' concept.

2. Develop a reinvestment strategy for the total CBD to encourage private redevelopment

It is recognised that a revitalised CBD will require ongoing development by the private sector and that one of the Council's key roles is to provide an environment to foster such investment. There are also key issues that need to be addressed such as the lack of reinvestment by developers within the traditional CBD 'block', the demand for quality office space and the likely spread of development to the outer CBD.

3. Develop new policies, regulations & procedures that encourage investment in the CBD

Many of Council's policies are based on old principles that are either no longer relevant in today's business investment environment or act as a disincentive for investment. Council policies should encourage investment.

4. Facilitate inner CBD residential development

Whilst it is recognised that it will be market forces that determine investment in this sector we need to have policies and a strategy that encourages the move towards residential living in the CBD.

5. Introduce a 'car parking levy' in the business rates and then abandon car parking contributions.

Car Parking Contributions have long been a contentious issue and are based on an outdated formula which actively discouraged small business; especially, Cafés and Restaurants. A more realistic policy needs to be developed and introducing a levy as part of the rates is just one option that should be considered.

6. Encourage and promote Magellan Street from Keen St to the Rowing Club as an 'Eat Street'.

There has been a significant move towards the clustering of 'like' business activities over the past twenty years as a generator of synergistic economic growth. The CBD could capitalise on the clustering of 'eateries' and Magellan Street with its existing wide pathways, shade trees and traffic calming would be an ideal location. The Council should further investigate this opportunity and look at ways to offer incentives for café/restaurants/bars to locate or relocate to this area.

7. Complete the historic/artistic/recreational theming of Riverside Park and promote this product to visitors and tourists.

A key driver of town centre revitalisation is amenity and Lismore is fortunate in having a river running through its centre. Council needs to continue with the redevelopment of the riverbank as it will play an important role in providing amenity to the local community as well as attracting visitors and tourists.

8. Explore Options to Upgrade the City Hall.

There will always be a need to reinvest or upgrade key assets. In this case it is NORPA that is the key asset and it is timely to upgrade the City Hall to ensure it is a facility which improves their service delivery and generates additional income. Whilst it is common for City Halls to be a financial burden on the community we are fortunate that NORPA is an extremely efficient and effective operator of this facility.

9. Introduce events aimed at bringing shoppers and the community into the CBD including a monthly 'the block' market day utilizing the centre parking bays.

There is a need for the CBD to 'be alive' on a seven day basis and one way to enhance and attract the community is to conduct a monthly market day (Saturday or Sunday) whereby stalls are erected in the centre parking bays and retail shops remain open.

10. Introduce a CBD Management Committee based on other successful Regional Town models

There are many examples, both nationally and internationally, where a large regional town has addressed the need to revitalise in order to continue to grow or to reverse a decline. In a vast majority of cases an important part of the way forward has been the introduction of a CBD Management Committee. This committee, which includes the key stakeholders such as business, government and the community, promotes, fosters and encourages agreed change.

Other Strategic Objectives and Action Steps – not prioritised

11. Seek out government grants to assist in funding these CBD Strategic Initiatives.

Lismore Council already has a sound track record in securing grants for various projects and programs and should actively seek government assistance to implement the CBD growth initiatives.

12. To promote a revitalised CBD develop a simulated computer model of the CBD in 2032.

To simulate a vision of how the CBD could look in the future it would be advantageous to utilize modern computer graphics to develop a 'reality' model of the town with the ability to take a journey through the CBD as well as to run differing development options.

13. Link the CBD to Lismore Square by upgrading Uralba Street and the adjoining pathway

It is already accepted in this vision that the upgrade of the inner CBD streets will continue with the remaining Woodlark Street to be redeveloped in the next one to two years. At the same time it would be beneficial to continue the upgrade to include the linkage along Uralba Street to Lismore Square.

14. Provide for a multi storey carpark at Browns Creek

The CBD must provide infrastructure facilities that attract people downtown. One such infrastructure is a convenient, safe and secure parking which can only be accommodated by a multi storey carpark. The attractiveness of Browns Creek, apart from the location, is that the land has no practical alternate use.

15. Develop a strategy to further grow the health industry in and around Brewster/Uralba Sts

One of the key industries in Lismore is Health and with the planned expansion of Lismore Base Hospital plus the addition of another private hospital in that area it can be expected that other medically related practices will establish in the area. Strategies and policies required to facilitate this growth; particularly at the lower end of the precinct around Brewster and Uralba Street.

16. Encourage and promote new unit/villa residential development alongside Lismore Park.

Inner city or near city residential living is attracted to locations which provide amenity and pleasant surroundings. Rivers and parklands provide such a location and whilst there are limited opportunities along the Wilsons River there are opportunities for parkland residential living in and around Magellan and Brewster Street.

17. Hold investment seminars to showcase the Lismore CBD Revitalisation Plan.

A key component to the continued revitalisation of the CBD is the need to attract investors, both private and public. Once the CBD strategies and plans are finalised Council should adopt a proactive approach to encourage ongoing investment and one method of achieving this aim would be to hold investment seminars from time to time.

18. Develop Lismore Park into a modern sporting and recreational area.

Council has already commenced the development of concept plans to create a modern sporting and recreational area in one section of Lismore Park. These plans should be expanded to include the whole of the park area.

19. Develop a 'soft' community events program; such as a 'Speakers Corner'

Whilst Lismore already has a strong track record in attracting events it is timely to build on this success and look at ways of developing a 'soft' community events program centred around the CBD.

20. Hold an outdoor CBD retailing day four times a year.

This plan is similar to the 'market day' concept but is geared to local retailers being able to trade both inside and outside their premises thus creating another 'market day' experience as a means of attracting the community/shoppers into the CBD; especially on weekends.

21. Investigate the development of 'verandah' retailing and offices around the inner block.

First floor retail and commercial businesses around the 'block' are suffering for a number of reasons; including access and poor, outdated facilities. One way to stimulate a revival would be to investigate the possibility of 'verandahing' the inner section of the CBD block, provide a number of common external access locations and encourage building owners to redevelop their premises based on access to and from the verandah.

22. Link the CBD to South Lismore via a pedestrian/cycleway at the end of Eat St (Magellan St)

This action will foster and promote the revitalisation of South Lismore to include residential development particularly alongside the Wilsons River.

Report

Subject	Lismore City Council Road Safety Strategic Plan 2009-2013
File No.	S596
Prepared by	Road Safety Officer
Reason	To present the draft Lismore City Council Road Safety Strategic Plan.
Objective	To exhibit the draft Road Safety Strategic Plan for a period of 28 days.
Strategic Plan Link	Infrastructure, Quality of life, Economic Development
Management Plan Project	Road Safety

Overview of Report

This report presents the draft Lismore City Council Road Safety Strategic Plan 2009-2013.

Background

The Lismore City Council Road Safety Strategic Plan 2009-2013 currently in draft, is a document designed to guide Lismore City Council and the community to improve road safety in the Lismore LGA. It is acknowledged in the draft Road Safety Strategic Plan that road safety is a community responsibility and a partnership approach must be used to produce positive outcomes.

The draft Lismore City Council Road Safety Strategic Plan 2009-2013 aims to improve road safety through strategies developed under the following areas of:

- Safer People
- Safer Roads
- Safer Vehicles and Equipment
- Community Involvement
- Transport Land Use and Planning
- Co-ordination and Communication.

The draft Road Safety Strategic Plan has been developed through consultation with key stakeholders and through the analysis of RTA crash data. The information gathered from the above sources provided information that formed priority areas on which the Road Safety Strategic Plan will focus over the next five years. These are:

Road User Groups

- Local drivers and neighbouring town drivers
- Young drivers (17-25 years)
- Older drivers (30- 49years)
- Pedestrians
- Bicycle riders
- Local and visiting motorcyclists

Road User Behaviour

- Speed
- Alcohol
- Seatbelts
- Fatigue
- Pedestrian behaviour
- Negligent driving
- Helmet wearing

Road Infrastructure

- Road maintenance
- Roundabout design
- Road design
- Strategic road and associated infrastructure planning (Cycleways)

The Road Safety Strategic Plan crosses many sections of Council and has links to three (3) areas of the Lismore City Council Strategic Plan 2004-2010, these being:

- Infrastructure
- Economic Development
- Quality of life.

The Lismore City Council Road Safety Strategic Plan 2009-2013 has links with other Council documents such as:

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

The draft plan is now ready for exhibition.

Comments

Financial Services

The implementation of the Road Safety Strategic Plan will require funding. Where this is not available from within existing budgets or external funding sources, a submission will be made to the management plan for determination by Council.

Other Staff Comments

Manager - Community Services

Not required.

Public Consultation

NSW Ambulance, NSW Police Force, Transport Operators, NSW Department of Education, North Coast Area Health Service, various community groups, NSW Roads and Traffic Authority and Lismore City Council staff were consulted in the development of the draft Lismore City Council Road Safety Strategic Plan 2009-2013. During the proposed public exhibition period the community will be invited to participate in a 'phone in, to provide further comment and feedback into the Road Safety Strategic Plan.

Conclusion

The Road Safety Strategic Plan 2009-2013 is a document aimed at improving road safety in the Lismore Local Government Area. It has been developed following extensive consultation with stakeholders and should now be exhibited prior to adoption by Council.

Recommendation (IS37)

That:

1. The draft Lismore City Council Road Safety Strategic Plan be placed on public exhibition for 28 days.
2. Following the exhibition period, the matter be reported back to Council for consideration of any submissions made and adoption of the plan.

Report

Subject	Procurement Policy and Statement of Business Ethics
File Nos.	ST:VLC:S951, S9
Prepared by	Manager - Assets and Support Services
Reason	To advise Council of amendments to the draft Procurement Policy presented at the workshop on May 20, 2008.
Objective	For Council to adopt the amended policy.
Strategic Plan Link	Leadership by Innovation
Management Plan Project	Finance

Overview of Report

A draft procurement policy was presented to a Council Workshop on May 20, 2008. A number of changes were identified as necessary to the policy, particularly in the area of local content and its importance to Council's procurement processes. These changes have now been made and the policy is presented to Council for adoption. A statement of business ethics has also been finalised.

Background

Council has been considering changes to its procurement policy for some time with workshops held in November 2007 and May 2008 to discuss the issues and consider a draft policy. In the recent promoting better practice review of Council's operations by the Department of Local Government (DLG), observations were also made by the officers from the DLG that the existing policy could be improved. In particular it was noted that Council does not currently have a statement of business ethics to guide its business practices.

A draft policy was presented to the workshop on May 20, 2008 and much of the discussion centred on the manner in which local content should be dealt with in the policy. The direction that Council provided at the workshop was that local content should be a separate criterion to be considered in Council's procurement activities.

The draft policy presented at that workshop has now been reviewed to reflect this feedback. The Statement of Business Ethics referred to in the draft policy, and which had not been finalised in time for the workshop on May 20 has also been completed. Both documents are attached to this report and marked Appendix A and Appendix B respectively.

The increased importance placed on local content means that Council now has five (5) standard criteria against which bids will be assessed. These are:

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

It is recommended that local content be allocated a minimum of 10% of the weighting applied to the selection criteria in the assessment process. The local content weighting can be higher than 10% if considered appropriate for the circumstances.

Statement of Business Ethics

A statement of business ethics is designed to articulate the principles that Council will abide by in its business dealings with customers. It is also intended to outline what Council expects of its customers when they do business with Council. In particular it can serve to raise the awareness of the private sector of mandatory and other requirements that apply to business practices in the public sector.

Such a statement is regarded as very important in procurement processes by the Department of Local Government and is reflected in the attention that the matter received during the promoting better practice review.

Procurement Procedures

The draft policy refers to a number of procedures to be developed, which will set out internal processes to be adopted by staff. These procedures will ensure that the spirit and intent of the policy is implemented throughout the organisation. These procedures will be progressively developed after Council has adopted the policy.

Comments

Financial Services

The adoption of the Procurement Policy and Statement of Business Ethics is supported as it comprehensively documents the framework Council will follow when procuring goods and/or services as well as what someone dealing with Council should expect and visa versa.

Other staff comments

The draft policy was circulated to all Program Managers within Council and feedback where provided was incorporated into the policy.

Public consultation

Not applicable.

Conclusion

Council has developed a new procurement policy to clearly outline its position on the procurement of goods and services. The policy includes an explanation of Council's commitment to supporting the local economy and explains how this will be considered in procurement processes.

A Statement of Business Ethics has also been developed to support the policy and Council's procurement processes in general.

Upon adoption of the policy by Council, there are a number of internal procedures that need to be developed to support the policy and ensure its successful implementation.

Recommendation (IS38)

That:

1. Council adopt the Statement of Business Ethics as attached to this report.
2. The Draft Procurement Policy as attached to this report be adopted and Council's policy register be updated accordingly.

Report

Subject	Purchase of an Integrated Library Management Software System for Richmond Tweed Regional Library
File No	T2008-23 & S120
Prepared by	Manager – Finance
Reason	To inform Council of the purchase of an integrated library management software system for Richmond Tweed Regional Library
Objective	To seek Council's formal acceptance of a tender for the purchase of an integrated library management software system
Strategic Plan Link	Quality of Life, Leadership by Innovation
Management Plan Project	Lismore City Library

Overview of Report

On behalf of Richmond Tweed Regional Library, Lismore City Council issued a tender for the supply of a new Integrated Library Management Software System. An evaluation report on the tenders received was considered by the Richmond Tweed Regional Library Committee at its June 13, 2008 meeting and it was resolved that the tender from Civica Pty Ltd be accepted. As Lismore City Council is the Executive Council, formal acceptance of any tender is required to be determined by Council.

Background

Lismore, Byron, Tweed and Ballina Councils by agreement formed the Richmond Tweed Regional Library (RTRL). The agreement provides for RTRL to operate a regional library service on behalf of the member Councils. Not all aspects of operating a regional library service can be managed by the RTRL such as for the acceptance or otherwise of tenders. This role is filled by the Lismore City Council, the Executive Council.

Tender

On behalf of the RTRL, Lismore City Council issued a tender (Tender No T2008-23) for the supply of a new Integrated Library Management Software System to replace the current Dynix System which is no longer adequate. Funding for a new system has been provided by a State Library Grant matched with RTRL reserve funds held for this specific purpose. It is anticipated that this purchase will not impose any additional costs on constituent Councils.

The RTRL Committee considered a report on the tenders received for the purchase of an integrated library management software system at its June 13, 2008 meeting and resolved:-

“That the recommendation of the Regional Library's Selection Committee on a new Integrated Library Management System be approved, and that the Regional Library Committee recommend to Lismore City Council that, in line with this recommendation, the contract for a new Integrated Library Management System for the Richmond-Tweed Regional Library be awarded to Civica Pty Ltd for the provision of a 'Spydus' integrated library management software system, as outlined in their response to Lismore City Council Tender No T2008-23”.

A copy of the report submitted to the RTRL Committee detailing the tender process, evaluation and recommendation is attached.

Comments

Financial Services

Funding for the purchase of an integrated library management software system at a cost of \$161,198 is proposed to be sourced from a combination of grant \$105,934 and internal RTRL reserves.

Maintenance and upgrade costs are to be met from the RTRL's operating budget.

Other staff comments

Not required

Public consultation

Not required

Conclusion

Lismore City Council is the Executive Council for the Richmond Tweed Regional Library. A tender process for the purchase of an Integrated Library Management Software System has been undertaken and evaluation completed. The Richmond Tweed Regional Library Committee considered a report on this at its June 13, 2008 meeting and resolved to recommend to Lismore City Council that the contract be awarded to Civica Pty Ltd for the 'Spydus' integrated library management software system including, implementation and training.

From Council's perspective, the tender process was based on Lismore City Council's tender process and the evaluation completed by RTRL staff. The process undertaken satisfies Council's requirements.

Recommendation

That the contract for a new Integrated Library Management Software System for the Richmond Tweed Regional Library be awarded to Civica Pty Ltd for the provision of a 'Spydus' integrated library management software system, including implementation and training, as outlined in their response to Lismore City Council Tender No T2008-23 for a total cost of \$161,198.

Richmond-Tweed Regional Library Integrated Library Management System Selection

Report by the Integrated Library Management System Selection Committee on the evaluation of the tenders for an Integrated Library Management System (ILMS) for RTRL.

Recommendation:

It is recommended that RTRL proceeds with awarding the contract to Civica Pty Ltd for the provision of a Spydus integrated library management system as outlined in their response to tender No. T2008-23

Background:

At the RTRL Management Meeting held on 26th October 2005, it was resolved that RTRL commence investigations into a new Integrated Library Management System.

A grant application was submitted to the NSW State Library in February 2007, for the replacement of our existing (Dynix) library management system. The full amount applied for was awarded to RTRL totalling \$105,934.

An Integrated Library Management System (ILMS) Committee was formed with members representative of the functional areas of RTRL and included:

Name	Position	Committee Responsibilities
Jo Carmody	Tweed Area Librarian	Circulation
Diane Rooney	Technical Services Manager	Cataloguing
Chris Versace	Computer Systems Manager	Systems
Jacky Wells	Acquisitions	Acquisitions

The tender document was compiled by the committee which included detailed functionality requirements and selection criteria. It was advertised through the Lismore City Council tendering process on 23/2/2008, with a closing date of 21/3/2008.

Tender responses were received from:

Company	ILMS Product
Civica	Spydus
Insight Informatics	Libero

Due to the fact that there were only two tender submissions and both vendors had responded correctly to the tender, both were immediately shortlisted for detailed evaluation.

Tender Analysis Process

During the detailed evaluation process, vendors setup live systems at the library headquarters to allow RTRL staff to gain hands-on experience. At the time of installation, vendors gave a presentation to RTRL staff. The live systems were left in situ throughout the tender evaluation process and eight RTRL staff from various areas were invited to trial the systems and provide feedback. Valuable information was gathered from end-users through this process.

In consultation with the vendors, the following libraries were chosen for committee site visits:

- Waverley (Libero)
- Woollahra (Libero)
- Sunshine Coast (Spydus)
- Coffs Harbour (Spydus)

Care was taken with the selection of these libraries with the following features taken into consideration:

- They were running the latest versions of the ILMS (as possible), similar to the version that RTRL would use
- They were using as many of the features and modules as RTRL would
- Size, capacity of the library service
- Efficiency of travel arrangements for the RTRL ILMS Committee

Evaluation of the ILMS was measured by scoring against the functionality requirements detailed in the tender document. Assessment of the criteria was made through:

- Hands-on testing of the trial systems
- Information gathered from the site visits
- Information supplied by the vender in the tender response documents.

Pricing

Pricing over the 1st 5 year period:

Item	Libero	Spydus
1st year cost inc. training etc	\$131,150	\$161,198
Maintenance over 5 years inc CPI	\$118,888	\$119,677
Upgrade costs over 5 years	NA*	\$33,440
Five Year Total (Ex GST)	\$250,038	\$314,315

* Libero allows local (RTRL) IT staff to perform ILMS system upgrades. Local IT staff time for these upgrades has not been factored into this costing.

Libero

All staff involved with the evaluation process agreed that Libero's interface was very disjointed and disorganised. It seemed that additional screens needed to be opened on a regular basis unnecessarily and there didn't seem to be a logical flow between different functions. Staff at one library required to use cheat-sheets to operate the system despite having a number of years experience. It is anticipated that the overly complicated and less intuitive interface would also increase the time it would take for staff to become proficient and would have long-term training and cost implications.

During onsite visits it seemed that some library staff where not confident or comfortable operating the system despite having years of experience with it. Despite this, library staff reported to be happy with the system. One library reported having outstanding "glitches" that were yet to be resolved after a number of years but the overall impression was that Libero's support was good.

The Libero User Group appears to be active and very useful with the vendor responding well to suggestions.

Both systems feature an offline module which allows staff to continue library operation (checking items out) during times when network connectivity has been lost with the main computing centre at HQ. This can occur when there is a broadband fault. Libero's offline system is very basic in that it only collects the customer's barcode and the barcode of items they have borrowed. If there is a block against that customer (eg: has lost borrowing privileges), Libero won't be able to alert staff.

Libero utilises InterSystems Caché database platform which in reality would probably perform reliably without fuss but is not as future-proof as a better known, popular database platform. This would contribute considerably to the cost differential between the two systems.

Libero appeared to be a feature rich system but the interface very much let it down.

Libero Positives

- Good support and user groups

- More price competitive
- More open to product changes suggested by customers
- Good serials module
- Good feature set

Libero Negative

- Interface was very disjointed and disorganised. Development of Libero seemed haphazard with inconsistencies within and between modules.
- Offline feature very basic – records barcodes only – does not display blocks (ie alerts on borrowing privileges etc).
- Interface and workflow very clunky and disorganised.
- Basic requests module (via email only) meaning customer requests cannot be tracked within Libero
- Libero has only a very basic computer bookings system with no integrated computer management
- Does not run on a big-name database platform (such as Microsoft SQL)

Spydus

Spydus appeared to have more features than Libero but with a much simpler and more powerful user interface that is easier to navigate. It is anticipated that the migration process from Dynix to Spydus would be far simpler.

Noosa Library had some integration issues still outstanding after a couple of months but reports were that overall support for Spydus was good. Library staff appeared very comfortable and competent using Spydus and had few complaints.

Reporting on Spydus appeared to be slightly less flexible than Libero although this seemed to be changing with the Spydus user group website sharing custom reports from their website.

Spydus utilises Microsoft's MS SQL database platform which is arguably industry standard and is very popular worldwide.

Spydus is slightly more expensive than Libero but appeared to be a far superior product.

Spydus Positives

- Great intuitive user interface allowing novice users to quickly come up to speed with little training
- Offline support is comprehensive including provision of displaying blocks etc rather than just recording the customers and item barcodes. If a patron has lost borrowing privileges, Spydus can alert staff, even when offline (ie during network outage) to the Spydus server at HQ.
- Spydus has public computer management system integrated into the ILMS.
- Fully integrated customer requests system that allows customers to track the progress of their request through the OPAC
- Hyperlinks everywhere in interface allowing staff and customers to easily navigate into required information
- Uses MS SQL database platform which is arguably the industry standard

Spydus Negatives

- More expensive
- May charge more for additional work outside the scope of the regular support agreement
- Reporting possibly not as flexible as Libero

Scoring

Scores were made against each of the functionality requirements detailed in the tender document, with each item given a specific weighting. A summary of the weighted scores are detailed in the following table:

Functional Area	Weighting	Libero		Spydus		Total
		Score	%	Score	%	
Acquisitions and Collections	1	553	43.68	713	56.32	1266
Bookings	1	481	39.69	731	60.31	1212
Cataloguing	1	650	44.58	808	55.42	1458
Circulation	1	883	49.25	910	50.75	1793
Documentation and Training	1	833	51.01	800	48.99	1633
Financial Management	1	782	47.51	864	52.49	1646
Customer Information and Membership Data	1	777	45.81	919	54.19	1696
Online Catalogue / Opac	1	845	49.71	855	50.29	1700
Performance, Archiving and Data Migration	1	920	51.69	860	48.31	1780
Reporting	1	967	49.62	982	50.38	1949
Searching and Enquiry	1	665	43.32	870	56.68	1535
Security and Security Reports		972	49.59	988	50.41	1960
Serials	1	750	46.38	867	53.62	1617
Support	1	975	52.00	900	48.00	1875
Technical Architecture and Integration	1	906	49.56	922	50.44	1828
Usability	1	874	47.92	950	52.08	1824

Functionality Total	761.31	838.69
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Price	0.1	55.69	44.31
		5.57	4.43

Grand Total	766.88	843.12
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A number of the criteria were "yes/no" type questions and were scored as appropriately (ie yes=10, no=0). Therefore the difference between the scores in each different area is of more importance than the total score. Therefore, totals have been calculated from the percentage difference between the scores of the vendors.

The committee gave a 0.1 weighting to the price as it considered functionality and useability the primary objective.

Committee members were also asked to score the two systems by their overall impression over the evaluation period.

Committee	Libero	Spydus
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Member	Useability	Functionality	Useability	Functionality
Jo Carmody	5.5	6	8	8
Diane Rooney	5	7	9	10
Chris Versace	6	7	8	8
Jacky Wells	4	5	8	8
Sub Total	20.5	25	33	34
Total	45.4		67	

Funding

A grant was received from the State Library council of NSW totalling \$105,934 towards a new Integrated Library Management System. It is anticipated that an additional \$127,000 will be required to be drawn from library reserves to cover additional expenses for server software, implementation and staff training costs.

Conclusion

- Two vendors responded to the ILMS tender being Civica Pty Ltd (Spydus and Insight Informatics Pty Ltd (Libero).
- Both vendors responded correctly to the tender
- A weighting system was applied to each criterion in each functional area.
- Evaluations were carried out by the ILMS Selection Committee and by staff representative of different areas within RTRL.
- Evaluations were made by hands-on experience with live systems installed at RTRL, tender response documents and visits to existing vendor customers.
- Spydus is the clear choice of the ILMS Selection Committee and all RTRL staff involved in the evaluation process. Though not being the cheapest solution, the committee believes the relatively small additional cost would be well and truly covered in streamlined workflows resulting in staff efficiencies, reduced training time due to simpler operation and would result in a far superior service to RTRL's customers.
- It is recommended that RTRL proceeds with awarding the contract to Civica Pty Ltd for the provision of a Spydus integrated library management system as outlined in their response to tender No. T2008-23

Report

Subject	Nesbitt Park Master Plan
File No	P1729 and P19781
Prepared by	Sport and Recreation Project Officer
Reason	Public exhibition period has concluded.
Objective	To seek final endorsement of the Nesbitt Park Master Plan.
Strategic Plan Link	Quality of Life
Management Plan Project	Community Services

Overview of Report

A concept plan for the development of Nesbitt Park was presented to a Council workshop earlier this year. A draft Master Plan was then presented to the May Council meeting where it was resolved to place the plan on public display for 14 days. The period of public exhibition has concluded and the draft plan is submitted for Council endorsement.

Background

The Master Plan has been developed through wide and ongoing community consultation. An audit of community facilities in South Lismore was conducted a number of years ago and the absence of developed parkland was identified as being of high community concern. The community strongly communicated the view that, in comparison to other urban areas within the Lismore LGA, South Lismore lacked sufficient areas of developed parkland.

In December 2007 Council's Community Services staff again consulted the South Lismore community, specifically focussing on proposed developments within Nesbitt Park. During the May/June period of public exhibition, submissions were received from the South Lismore Soccer Club requesting a second senior soccer field, and the South Lismore Bowls Club regarding the BMX track. The draft plan was subsequently amended and proposed components now include: a family space which will feature a children's playground, sports court facility, parking and a barbeque area with seating and shade. A jogging track, second soccer field, park amenities, improved landscaping and a formal entrance to the park will also be included. At this time, designs for a BMX facility have been removed from the plan as significant community safety concerns were raised by the South Lismore Bowls Club, Council's Crime Prevention Officer and the NSW Police Community Safety Officer.

Council's Sport and Recreation Policy Group endorsed the plan at a meeting on 2 April 2008 and submitted a request for the redevelopment to be included in the Council's Management Plan.

The Urban Sports ground Development Fund has provided \$30,000 towards the project from its 2007/08 allocation and approximately \$30,000 is currently available through the Nesbitt Family Trust. It is proposed to commence the roll out the plan as soon as is practicable and to continue with the implementation process as funding becomes available. Submissions for additional funds will be made to relevant government departments throughout this phase. It is estimated that an amount of approximately \$500,000 will need to be sourced to ensure the total project is delivered. The first stage of the project will

commence with the initial secured funding (\$50,000). This amount comprises \$30,000 from the Nesbitt Family Trust, plus \$30,000 from the Urban Sports Ground Development Fund, less \$10,000 for planning and development costs.

Community consultations suggest that the development of a family friendly area in the space directly behind the former tennis club house is the highest community priority.

As further funds become available the following work will be undertaken in stages:

- Completion of the family area
- Provision of a 1.2 kilometre jogging track around the park
- Preparation of the foundations for the second soccer field
- Improvement of landscaping and park amenities in general

Comments

Crime Prevention

Consultations have taken place with both the NSW Police Community Safety Officer and Council's Crime Prevention Officer who have each inspected the proposed BMX site. These Officers agreed that the topography of the proposed BMX site will necessitate significant further consideration and design work to enable this particular aspect of the plan to satisfy Crime Prevention through Environmental Design guidelines. Because of these concerns and the lack of available funding, at this time, the BMX track is not included in the current Master Plan.

Public consultation

The public consultation process, prior to the May Council meeting, was clearly outlined in a previous report. Since that time input into the Plan has been received from the South Lismore Soccer Club and the South Lismore Bowls Club.

The South Lismore Soccer Club has requested that a second senior field be created in the area currently occupied by their junior field. The club claim that creating the field in this area will alleviate the need to introduce a second senior field on the Lyn Larsen Oval and therefore alleviate the need for more training lights to be installed. Replacing the junior field with a senior sized field will help the management of small sized games for juniors while also supporting a potential increase of the senior team base. The area has been inspected by Council's Parks officers who confirmed that there is room in this area for a senior competitive field with minimum dimensions (the size of a senior field can vary). The establishment of the second field also has been endorsed by Council's Sport and Recreation Policy Advisory Group.

Council staff met with South Lismore Bowls Club representatives who were particularly concerned about the construction of the BMX track and the planting of unsuitable trees in the park. The delivery of any further design elements will be informed by ongoing consultation with the Nesbitt Park Community Advisory Group which meets on a bi-monthly basis.

Conclusion

The need to improve community facilities for residents in South Lismore is well recognised and has been documented and endorsed in Council's 2005-2009 Social and Community Plan. The redevelopment of Nesbitt Park will create a range of facilities to meet those needs. As the expectations of South Lismore community have been significantly raised through the community consultation process, it is proposed that work commence on a development application for stage one as soon as possible. The revised Master Plan, incorporating the additional senior soccer field and excluding the BMX track, is attached to this document.

Recommendation

That Council endorse the Nesbitt Park Master Plan in principle subject to available funding.

Report

Subject	Reconciliation Action Plan
File No	S136
Prepared by	Aboriginal Community Development Officer
Reason	To work with Reconciliation Australia to develop a Reconciliation Action Plan for Lismore City Council
Objective	To obtain Council's endorsement to develop a Reconciliation Action Plan
Strategic Plan Link	Quality of Life
Management Plan Project	<ul style="list-style-type: none"> • Social Plan Implementation • Crime Prevention Plan • Corporate Sustainability Program

Overview of Report

To provide Council with:

- an introduction to the work of Reconciliation Australia
- an overview of that organisation's Reconciliation Action Plan project
- a rationale for the adoption of such a plan by Council

Background

Reconciliation Australia is an independent, not-for-profit organisation which coordinates efforts by Australian governments, businesses, and non-government and community organisations to increase the life chances of Indigenous Australians.

Reconciliation Australia is primarily dedicated to closing the unacceptable 17 year life expectancy gap between Indigenous and non-Indigenous citizens. One of Reconciliation Australia's key strategies in attempting to address the gap in life expectancy is to support and encourage organisations to develop their own tailored Reconciliation Action Plans (RAPs).

This report follows the recent Councillor workshop which presented an overview of the RAP strategy. It proposes that Council now formally support the development of an RAP. Such a plan will provide Council with a framework for the future, detailing steps and priorities to achieve both Indigenous equality and social sustainability within the wider community. It will provide Council with a format for exploring how reconciliation can make a contribution toward improving the life chances of Indigenous citizens while also advancing Council's objectives. It would include lessons learnt in the past as well as clear actions and realistic measurable targets for the future.

The RAP may include such steps as:

- Measures to further strengthen Council's relationship with Lismore's Indigenous community.
- Improved cultural recognition and awareness among Council staff and Councillors.
- Strengthening Council's commitment to its Indigenous Employment Strategy.
- Measures to build programs and partnerships which will increase capacity within the Indigenous community.
- Delivery of events and strategies which will actively target the social inclusion of Indigenous people.

While Council will shape its own RAP, generally, each plan includes a creative blend of relationships, respect and opportunities. The process would involve a structured 13 step collaboration between a Council RAP Working Group and Reconciliation Australia's RAP Team.

Developing a meaningful RAP takes time however, the final product is a simple, easy to read plan of between three to five pages.

Having met Reconciliation Australia's guidelines and achieved registration, the RAP would then be adopted as a strategy within Council's Corporate Sustainability Program. It will provide particularly strong concrete support to this program's strategic quality of life objective to "*make Lismore a safe, healthy and caring community*".

Public consultation

During the past six months wide spread consultations have investigated the community's support for the notion of a RAP within Council. These consultations have been conducted through the youth sector, Council's inter-agency network, the Indigenous community service sector, the Bundjalung Elders Council and the wider Indigenous community. Without exception, community and service providers have endorsed the proposal.

It should be noted that during this consultation phase it became clear that the adoption of an RAP by Lismore City Council is seen as both symbolic and a demonstrable commitment towards reconciliation. It was repeatedly described as being a strategy which will have significant meaning for the local Indigenous communities.

Conclusion

Reconciliation Australia points out that New Zealand, the United States and Canada have turned their Indigenous life expectancy statistics around. Reconciliation Australia asserts that both international experience and their own growing evidence of what works proves that one central ingredient is vital: respectful partnerships between Indigenous and non-Indigenous people. The adoption of a Reconciliation Action Plan will provide Council with the framework to proactively work towards such partnerships developing throughout the Lismore LGA.

A Reconciliation Action Plan will have links to other Council documents such as:

- Crime Prevention Plan 2005 – 2009
- Social and Community Plan 2005 – 2009
- Lismore City Council Strategic Plan 2004 to 2012
- Lismore City Council Staff Induction Policy
- Lismore City Council Draft Corporate Sustainability Plan

Recommendation

That Council support the development of a Reconciliation Action Plan.

Report

Subject	Donations of Council computers
File No	S813
Prepared by	Community Development Officer
Reason	Distribution of Council's excess computers to community groups
Objective	To support the valuable work of community groups within the Lismore LGA
Strategic Plan Link	Quality of Life
Management Plan Activity	Community Services

Overview of Report

Approval is sought for the donation of 50 surplus Council computers to recommended community groups. (Recommended organisations will be faxed to Councillors prior to Council Meeting). The recommended list represents a donation to the value of \$14,000 under Section 356. This budget allocation has been approved by Council.

Background

Council has a rolling three year cycle for upgrading its desktop computers. Council has established a program to donate surplus computers, under Section 356, to Lismore's community based organisations in recognition of their valuable work. As per usual process, the program has been advertised in local media and community groups have submitted applications. A working party of Council staff members selected from a cross-section of Council jurisdictions will meet to assess applications against established criteria, and make recommendations to Council. Councillors will be faxed these recommendations prior to the Council meeting. There are 50 computers available for distribution, comprising 44 desktop and six laptop computers.

Comments

Financial Services

Other staff comments

The recommended list of applicants was not available to be enclosed with this report due to short time-frames in the application process.

Public consultation

Not required.

Conclusion

Council provides a valuable resource program to community groups through the distribution of older model computers. The recommended organisations support Council in its efforts to further quality of life for Lismore residents.

Recommendation

That under Section 356 provision, Council approve the donation of 50 surplus computers in accordance with the recommended list of community organisations.

Report

Subject	New charge for Lismore vegetation maps
File No	S960
Prepared by	Strategic Planner
Reason	Requests from private consulting firms for Council's vegetation maps in digital form
Objective	Exhibition of the proposed charge for a period of 28 days
Strategic Plan Link	Economic Development
Management Plan Project	Planning Services - Customer service in land use planning

Overview of Report

This report proposes a new charge for the supply of digital data for the Lismore vegetation maps and recommends that the proposed charge be placed on public exhibition for a period of 28 days.

Background

GHD Consultants was recently engaged by Council to prepare a vegetation distribution map for all lands within Lismore excluding National Parks or State Forest Reserves. While this information has been provided in digital form to interested government agencies at no charge, there have been enquiries from private consulting firms requesting access to the digital information for parts of the local government area (LGA).

As the information will be used by consultants to prepare reports for private clients, it is considered that Council should apply an appropriate charge for providing this information. Charges that other Councils in the area apply for the provision of similar information have been investigated and on this basis it is considered that a fee of \$300 per "tile" would be a reasonable charge. A tile covers an area approximately 5,000 metres X 5,000 metres

The vegetation maps for the entire LGA are made up of 17 tiles, however it is anticipated that most consultants would be seeking information for part of the LGA only, ie. an area that might typically be covered by one or two tiles. Where consultants are seeking the information for the whole of the LGA, a discount of 50% is proposed to apply due to the total per tile cost considered too expensive.

Comments

Financial Services

For the introduction of a new charge or a variation to an approved charge, a similar process to that of the annual Management Plan must be followed with the proposed charge being advertised for 28 days seeking public submissions. Council must then consider any submissions received before adopting the new charge.

In regards to the amount of the charge, basing it on what other councils charge it is considered a reasonable approach.

Other staff comments

Not required.

Public consultation

The proposed new fee will need to be publicly advertised for a period of 28 days.

Recommendation

That

1. The proposed charge of \$300 per tile and a 50% discount when all 17 tiles are purchased for digital vegetation mapping data for the Lismore vegetation maps be advertised for a period of 28 days.
2. A report on submissions received is submitted to Council before the new charge is implemented.

Report

Subject	Miscellaneous Section 356 Community Donations Funding
File No	S164
Prepared by	Christine Minkov
Reason	To administer Council's annual miscellaneous S356 funding
Objective	To inform Council of the S356 funding for 2008/09
Strategic Plan Link	Quality of Life
Management Plan Activity	Community Services

Overview of Report

Council has an annual funding process under Section 356 miscellaneous community donations. This report is to provide the results of this process.

Background

Council has allocated \$30,500 in its 2008/09 budget for Miscellaneous Section 356 Community Donations. In accordance with Council policy, applications were sought from community groups and a total of 27 organisations lodged eligible applications. In an offline poll the following 27 projects were ranked by Councillors.

Votes in Support

1	Goonellabah Community Pre-School Inc	\$2,200	11
2	Lismore Symphony Orchestra Inc	\$2,200	10
3	Bundjalung Elders Council Aboriginal Corp	\$1,570	9
4	Camp Quality Ltd	\$1,000	9
5	African Refugee Women's Group	\$2,200	9
6	ACON Northern Rivers	\$2,200	8
7	Lismore Uniting Care	\$2,000	8
8	Cedar Guitar Country Music Festival	\$2,000	8
9	ACE - Alesco Learning Centre North Coast	\$2,200	8
10	Lismore Thistles Soccer Club Inc	\$2,200	8
11	Filipino Community Org. Nth Rivers	\$2,200	8
12	Mental Health Family and Carers Support Group	\$ 600	8
13	Aust Breastfeeding Assoc. Lismore Group	\$2,200	8
14	Richmond River Historical Society Inc.	\$2,000	7
15	Fives Loaves	\$2,200	6
16	Lismore Musical Festival Society	\$2,200	5
17	Natural Birth Education and Research Centre	\$2,200	5
18	Nimbin Aged Care	\$1,576	4
19	Lismore PCYC	\$2,200	4
20	YWCA NSW	\$2,000	4
21	Nimbin Aquarius Foundations Inc.	\$2,200	4
22	Lismore Croquet Club Inc.	\$2,200	4
23	Wires NR	\$2,000	4
24	Nimbin Music Awards Community Group	\$2,000	2

25	Men & Family Centre	\$2,200	2
26	Tuntable Falls Early Childhood Centre	\$2,200	2
27	Community Connections Nth Coast Inc.	\$2,200	1
	Sub total	\$54,346	

Lismore Musical Festival Society and the Natural Birth Education and Research Centre both requested \$2,200 however there was \$1,530 remaining and both projects received equal votes. It was appropriate therefore to divide the remaining funding between the two.

Comments

Financial Services

Council has allocated \$30,500 in the 2008/09 budget for this purpose.

Other staff comments

N/A

Public consultation

The funding round was advertised in The Northern Rivers Echo for two weeks and was also identified as a funding source in two community funding workshops held in May 2008. 27 applications were received.

Conclusion

The 2008-2009 S356 funding allocation will be fully expended by applying it to the 17 community groups who received the strongest support from Councillors.

Recommendation

1. That Council endorse the 2008/09 miscellaneous Section 356 donations to the following projects, as per Councillor ranking:-

1	Goonellabah Community Pre-School Inc	\$2,200
2	Lismore Symphony Orchestra Inc	\$2,200
3	Bundjalung Elders Council Aboriginal Corp	\$1,570
4	Camp Quality Ltd	\$1,000
5	African Refugee Women's Group	\$2,200
6	ACON Northern Rivers	\$2,200
7	Lismore Uniting Care	\$2,000
8	Cedar Guitar Country Music Festival	\$2,000
9	ACE - Alesco Learning Centre North Coast	\$2,200
10	Lismore Thistles Soccer Club Inc	\$2,200
11	Filipino Community Org. Nth Rivers	\$2,200
12	Mental Health Family and Carers Support Group	\$ 600
13	Aust Breastfeeding Assoc. Lismore Group	\$2,200
14	Richmond River Historical Society Inc.	\$2,000
15	Fives Loaves	\$2,200
16	Lismore Musical Festival Society	\$ 765
17	Natural Birth Education and Research Centre	\$ 765
	Sub total	\$30,500

Report

Subject	Investments held by Council – June 2008
File No	S178
Prepared by	Management Accountant
Reason	Required by Local Government Act 1993, Local Government (General) Regulations 2005 and Council's Investment policy.
Objective	To report on Council Investments
Strategic Plan Link	Leadership by Innovation
Management Plan Activity	Financial Services

Overview of Report

Council investments as at 30 June 2008 are estimated to be \$32,739,512 subject to final value of funds held under separate management being advised shortly.

The interest rate reported over the period of June 2008 is estimated to be 6.58% in comparison to 7.23% for June 2008. Council's return of 6.58% is below the Bank Bill Swap Rate for the same period of 7.81%. The final interest return may vary due to actual returns achieved in the funds held under separate management.

As reported last month, all rated investments have maintained acceptable credit ratings except one. The acceptable credit rating is set by the Minister for Local Government and would typically indicate that capital on maturity and interest on investment receipts will be received. In relation to the investment that no longer meets the acceptable credit rating (Herald Limited (Quartz) A-), advice from has been received from Council's investment advisor, Grove Research and Advisory. They recommend that after considering the considerations listed in the Department of Local Government's Circular 08-10, it is not in Council's interests to sell this investment.

As previously reported, interest receipts from two investments have ceased until such time the investments reach a trigger which provides for these to recommence. This trigger has still not been achieved.

Background

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

Report on Investments

- *Confirmation of Investments – at Market Value – 31 May 2008* \$32,524,568
- *Estimated Investments – at Market Value – 30 June 2008* \$32,739,512

The current rate of return on investments for June 2008 is estimated to be 6.58% compared to 7.23% for June 2007. Council's return of 6.58% is below the Bank Bill Swap Rate for the same period of 7.81%. The rate of return reported has been calculated using actual returns where available and estimates based on the previous period balance and interest rates. The methodology used to calculate estimates appears reasonable in light of discussion with the portfolio advisor.

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

Investment outside Minister's Order

As previously advised, one investment has recently been downgraded to A- (Herald Ltd (Quartz)). This rating falls outside the Minister's Order. DLG Circular 08-10 laid down guidelines as to processes for assessing whether it is in fact practicable to sell securities once they fall outside the Minister's Order. Grove Research & Advisory have advised in relation to Herald Ltd (Quartz) that it is not in investors' interests to sell. In reaching this conclusion, they have investigated the criteria set out in Circular 08-10.

The main reasons for this decision are:-

- Maturity Date – the CDO only has a little over 2 ½ years left. Even though some underlying assets of the CDO are believed to be close to default, the short maturity date improves the prospects that the CDO will expire before these situations are ultimately resolved.
- Preservation of Capital – there remains strong prospects for a return of capital at maturity.
- Interest Receivable – the CDO is designed to pay interest right up to the point of default. Therefore, it is considered that interest will be payable until maturity as default prior to that time is seen as unlikely. It would not be possible to reinvest for a similar level of income in the current market.
- Capital Loss realised if Investment Sold – currently Grove Research & Advisory do not believe that the investment is saleable on the secondary market. The result of a sale, if a buyer could be found, would be an extreme capital loss.

Due to the investment not having heavy exposure to construction or the US lending sector, and taking into consideration the requirements of Circular 08-10 it is considered prudent to continue to hold the investment in the portfolio at present. The base value of the investment is \$30,000 and therefore considered immaterial as it is less than 1% of the total portfolio value.

Attachments

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

- Summary of Capital Value Movements on Investments including name of institution, lodgement date and maturity date.
- Schedule of Estimated Interest showing interest rate and estimated interest earned for the period.
- Total Investment Portfolio held by month with last year comparison - graphical
- Investment by Type - graphical
- Weighted average interest with last year comparison – graphical
- Investment by Institution as percentage of total portfolio – graphical

A copy of the DLG's Circular 08/10 and advice from Grove Advisory and Research is also attached.

Comments

Responsible Accounting Officer

The investments held by Council with various financial institutions, have been made in accordance with the Local Government Act 1993, Local Government (General) Regulation 2005 and Council's investment policy.

Other staff comments

N/A

Public consultation

N/A

Conclusion

A report on investments is required to be submitted to Council monthly. This report meets that requirement. For June 30, 2008, investments total \$32,739,512 and the annualised rate of return was 6.58%.

The investments held by Council with various financial institutions, have been made in accordance with the Local Government Act 1993, Local Government (General) Regulation 2005 and Council's investment policy.

Recommendation

That

1. The report be received and noted.
2. After considering the Department of Local Government's Circular 08/10 and advice from Council's investment advisor, the investment in Herald Ltd (Quartz) is to be maintained.

**MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING
HELD ON JUNE 18, 2008, AT 9.45 AM.**

	Present	Councillor Merv King (<i>Chairperson</i>), Karen Wilson on behalf of Thomas George, MP, Peter Lane (<i>RTA</i>), Snr Const Rob Clarke (<i>Lismore Police</i>).
	In Attendance	Councillor John Hampton, Garry Hemsworth (<i>Executive Director-Infrastructure Services</i>), Scott Turner (<i>Manager-Assets & Support Services</i>), Salina Runge (<i>Road Safety Officer</i>), and Bill MacDonald (<i>Traffic & Emergency Services Coordinator</i>). Mr H Sivewright for Item B-08-06:4 (<i>South Lismore Public School</i>).
TAC27/08	Apologies	An apology for non-attendance on behalf of Thomas George MP was received and accepted.
TAC28/08	Minutes	The Committee was advised that the minutes of the Traffic Advisory Committee meeting held on May 21, 2008, will be considered at the adjourned meeting of Council on June 19, 2008.

Disclosure of Interest
Nil

Part 'A' – Committee Recommendations

Ms J Webster – Johnston Road, Eltham

Requesting consideration of introducing a 40kph speed limit from the existing 60kph zone on Johnston Road, Eltham, to a point uphill from the intersections of Federation and Rainforest Drives, Eltham.

Members were advised that an onsite meeting had been held with Ms Webster when she was advised that whilst reducing the speed limit on Johnston Road to 40kph was not warranted, there may be an argument for extending the existing 60kph speed limit (soon to be 50kph), further up Johnston Road to include the intersections of Federation and Rainforest Drives, which are already signposted to show 50kph. The winding nature of Johnston Road and the number of driveways along its length would also justify consideration of introducing an 80kph speed limit for the balance of the road up to Bangalow Road.

TAC29/08 Recommendation: That this proposal be referred to the Roads & Traffic Authority for assessment and determination. (08-5022:R8669,R8637,R4001)

Sgt Matt Johnson, Nimbin Police – Cullen Street, Nimbin

Requesting clarification of the existing No Stopping zone on the eastern side of Cullen Street, Nimbin, opposite the Police Station.

At present there is only one No Stopping sign on the eastern side of Cullen Street, north of the Hospital entrance. It is currently unclear as to where this zone terminates. Sgt Johnson has suggested that in order to clarify parking conditions for motorists and open up more parking opportunities, the existing No Stopping zone sign be removed. This would then allow unrestricted parking.

TAC30/08 Recommendation: That the existing No Stopping zone on the eastern side of Cullen Street, adjacent to Nimbin Hospital, be removed and the area between the existing No Stopping sign and Cecil Street be reverted to unrestricted parking. (R1701)

The Channon Craft Markets – Coronation Park, The Channon

Requesting the installation of a No Stopping zone on the Coronation Park side of The Channon Road adjacent to the main entrance.

The area in question presents a dangerous situation, particularly on Market Days when motorists ignore temporary restrictions imposed on Market Days and park either across or close to the Coronation Park driveway or adjacent in front of House No. 337. The owner of No. 337 has already been blocked from exiting his driveway by parked vehicles, leading to several confrontations.

- TAC31/08 Recommendation:** That a No Stopping zone be created on the Coronation Park side of The Channon Road from south of the driveway to No. 337 to north of the Coronation Park driveway. (P13126)

Part 'B' – Determined by Committee

NSW Roads & Traffic Authority on behalf of W Goode – Mackie Road, Clunes

Requesting consideration of installing a Give Way sign on Mackie Road, Clunes, at its intersection with James Gibson Road or white road markings.

This is a wide intersection with a T-junction warning sign on each of the three approaches. There is the potential for motorists to cut the corner and a double white centre line on each leg would assist in maintaining order. A Give Way sign is not considered warranted.

- B-08-06:1 **It was agreed:** That a double white centre line be painted on each of the three legs at the intersection of James Gibson and Mackie Roads. (08-5149:R3904,R3902)

S Cullen – Beaumont Drive, East Lismore

Raising concerns for safety of residents at Nos. 20-24 Beaumont Drive, East Lismore, when reversing onto Beaumont Drive and suggesting that a speed hump or safety mirror be installed.

The units in question have two vehicular access points onto Beaumont Drive and are located either side of a tight bend. The existence of the bends would not allow for the installation of speed humps due to limited sight distance and it is unlikely that a mirror could be positioned to offer any real benefit. There is a considerable internal driveway area within the property that could be modified to allow for vehicles to manoeuvre and drive out in a forward direction onto Beaumont Drive. The units have been in existence for many years and there is no known history of problems in this area.

- B-08-06:2 **It was agreed:** That the writer be advised that due to the factors outlined above, the most practical means of addressing current concerns would be to modify the internal driveway area to allow for manoeuvring within the property and driving onto Beaumont Drive in a forward direction. (08-5220:R7411)

Ms S Lloyd – Pedestrian Safety in Clunes Village

Raising concerns regarding the speed at which motorists travel through Clunes and the lack of adequate signage to warn of pedestrians crossing the main road.

The road immediately in front of the Clunes General Store is wide and heavily used by pedestrians who use the parking area opposite, and by school children catching the bus. The provision of a pedestrian refuge would assist not only in slowing traffic but in affording pedestrians a staged crossing.

- B-08-06:3 **It was agreed:** That this matter be referred to Council's Design Services Section for investigation as to whether there is adequate width to position a pedestrian refuge and further that the facility be installed should this be found to be the case. (R1301)

Mr H Siverwright – Pedestrian Crossing on Wilson Street, South Lismore

Requesting consideration of including the South Lismore Public School (Wilson Street) in the proposed School Zone Flashing Light Scheme.

Mr Siverwright was present for this item and was invited to address the Committee on his concerns. He advised that the busy times for children crossing Wilson Street were 11.45am (approx. 200 students) and another group at 1.45pm (approx. 100 students). It was pointed out that these times were outside the times when the School Zone flashing lights would be activated. Mr Siverwright also raised concerns about the number of parents who were parking illegally in No Stopping zones adjacent to the school, particularly in Kyogle Street. It was noted that the RTA was the body responsible for approving pedestrian activated traffic lights and it was unlikely that the warrant for same would be met in Wilson Street. The current proposal by the RTA is to install School Zone flashing lights on Ballina Road in front of the Goonellabah Public School and on Wyrallah Road in front of the Wyrallah Road Public School. Both of these locations have significant traffic volumes and are known problem areas for police in terms of speeding. There is currently a marked pedestrian crossing on Wilson Street, which also has a "Children's Crossing" where orange flags are displayed when the crossing is used during school day periods. Snr Const. Clarke advised that Police had been rostered to carry out more regular patrols around South Lismore Public School and would also target periods when children were most likely to be crossing Wilson Street.

B-08-06:4 **It was agreed:** That Mr Siverwright's request for the South Lismore Public School to be included in the current roll-out of School Zone Flashing Lights be submitted to the RTA for consideration. (R6408,R5201)

National Aboriginal & Islander Day of Celebration (NAIDOC) – July 17, 2008

Requesting Riverside Park as the intended location to enable government and non-government service providers to set up information stalls for the benefit of the Indigenous Communities of the Lismore Local Government Area.

This event was held in 2007 in Heritage Park with approximately 10-15 stallholders. The success of the event was so encouraging that a larger number of agencies have volunteered to participate in this year's event to be held on July 17, 2008. It is anticipated that there will be up to 40 information stallholders and an additional 10 entertainment venues for the younger participants. Consequently, the anticipated numbers of participants from the community is envisioned to be approximately 800-1,200 people from the Indigenous and Non-Indigenous Communities.

B-08-06:5 **It was agreed:** That the Traffic Management Plan showing the closure of Victoria Street be approved. (S136)

Mr S Wielebinski (RTA) – Change of Date for July Traffic Committee Meeting

Requesting consideration of a change in dates for the July 2008 meeting due to the school holidays and the unlikely availability of a RTA representative on the normal date.

B-08-06:6 **It was agreed:** That the next meeting be held on July 23, 2008. (S352)

Mr G Wergs – McLeans Ridges

Submission on traffic related issues relevant to the proposed rezoning of land at McLeans Ridges.

A copy of Mr Werg's submission was tabled at the meeting. It was noted that Council's

Manager – Planning Services had replied to the submission advising that the issues raised would be addressed in a report that would be submitted to Council. A copy of the rezoning proposal had already been forwarded to the RTA. The Committee would receive the opportunity to provide comment on any development at the DA stage.

B-08-06:7 **It was agreed:** That the Manager – Planning Services' advice be noted. (R8491)

Development Application No. 2008/233 – Champion Quarry

A copy of the Traffic Impact Study relevant to the Quarry DA was tabled for the information of the Committee. Whilst there was insufficient time to provide comment, it was noted that a copy of the DA had been forwarded to both the RTA and Police providing an opportunity for feedback. It was suggested that the proposal could be referred back to the Committee should further comment be required.

B-08-06:8 **It was agreed:** That the above be noted. (D080233,S324)

Cecil Street, Nimbin – Excessive Speeds

Mr Hemsworth advised that a submission had been received in which concerns were raised about the excessive speed motorists were travelling along Cecil Street, Nimbin. Prior to any further action it was suggested that classifiers be installed on Cecil Street to determine the extent of any speeding problem with the results being referred back to the Committee for further consideration.

B-08-06:9 **It was agreed:** That classifiers be installed on Cecil Street, Nimbin, to determine vehicle speeds with the results being referred back to the Committee for further consideration. (R1704)

Councillor Hampton – Bangalow Road, Boatharbour

Raising concerns regarding what appears to be an anomaly in the signposting of the temporary 60kph zone on Bangalow Road near the Lions Park.

Councillor Hampton advised that there appears to be a signposting adjustment required at the temporary 60kph speed zone for south bound traffic as it was unclear as to where the zone currently finished.

B-08-06:10 **It was agreed:** That an inspection of the site be carried out and arrangements be made to have any adjustments made to signposting required to clarify conditions to north bound motorists. (R4101)

Ms S Runge – Leycester Street, Lismore

Raising concerns regarding confusion caused to motorists when turning to the east into Leycester Street from Dawson Street due to the existence of a 50kph sign within the 40kph school zone.

It was agreed that it was not a necessity for the 50kph sign to be situated in this location and that it should be removed to avoid any confusion.

B-08-06:11 **It was agreed:** That the 50kph speed limit sign on Leycester Street, just east of Dawson Street be removed. (R6042,R6017)

Closure

This concluded the business and the meeting terminated at 10.25 am.

Chairperson

**Traffic and Emergency
Services Coordinator**

Financial Assistance - Section 356

k) Representative Selection – Policy 1.4.10 (GL390.735.15)

Budget: \$1,100 To date: \$0

I write to advise that my daughter **Dannielle Creighton** has been selected to represent Australia with the Vikings 14/15 Girl's FUTSAL team to tour the United Kingdom for 20 days in October/November 2008

In accordance with policy. \$356.00

I write to advise that my daughter **Josie Bancroft** has been selected to represent Australia with the Vikings 14/15 Girl's FUTSAL team to tour the United Kingdom for 20 days in October/November 2008.

In accordance with policy. \$356.00

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

Budget: \$11,700 To date: \$0

Lismore Symphony Orchestra Inc. requesting Council consider discounting the hire charges (\$215 per session) for the City Hall on June 14 and 15, 2008 (4 sessions) and November 22 and 23, 2008 (4 sessions) for performances. An entrance fee is to be charged.

Council previously considered this request at its June 10, 2008 meeting, but not all sessions and dates were included (S164&P6816:08-5176).

Recommendation: In accordance with Clause 5 of the policy, a donation of 20% of the hire fee applies \$344.00

Recommendation

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

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, JUNE 10, 2008 AT 6.00PM.

- Present** Mayor, Councillor King; Councillors Chant, Dowell, Ekins, Graham, Hampton, Henry, Irwin, Meineke, Swientek and Tomlinson, together with the General Manager, Acting Executive Director-Development & Governance, Executive Director-Infrastructure Services, Manager-Finance, Manager Economic Development, Manager Planning Services, Manager Environmental Health and Building, Communications Co-ordinator, and General Manager's Personal Assistant.
- 84/08 **Apologies/Leave of Absence** An apology has received on behalf of Cr Crimmins. Approved at the meeting of May 13, 2008.
A leave of absence was granted for Cr Irwin next Tuesday, June 17, 2008 and Cr Henry June 13 – June 19, 2008.
(Councillors Irwin/Swientek)
- 85/08 **Minutes** The minutes of the Ordinary Meeting held on May 13, 2008, were confirmed.
(Councillors Dowell/Chant)

Disclosure of Interest

S451

Councillor Dowell declared a perceived conflict of interest as she is a Participant in the concert, S356 Donations – Funding for Lismore Symphony Orchestra – Hire of City Hall.

Public Access Session

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

Simon Clough – Tree Preservation Order – Rescission Motion

Spoke on behalf of the SEPAG Committee in favour of the Rescission Motion and Notice of Motion. Concern was expressed about removal of Tree Preservation Order from a climate change perspective and the potential impact it would have on the koala population.
(S924)

Diana Roberts – Nimbin Community Centre Incorporated

Spoke on behalf of the Nimbin Community Centre Incorporated and provided Councillors with the background information to their request. It was acknowledged that ownership issues exist with Peace Park but not with the Community Centre. On the understanding that title of the Community Centre would be transferred to them from July 1, they amending their articles of association/constitution and made arrangements to change existing leases. If transfer does not proceed, this may create other issues. They are requesting title to the Community Centre be transferred by July 1, 2008 and Peace Park be deferred for twelve months.
(P27399:P20198)

Loraine Vass – Document for Signing and Sealing – Lease to Friends of the Koala Inc

Spoke on behalf of the Friends of the Koala and firstly thanked the Mayor and staff for the support and assistance already provided. Concern was expressed about the payment of general rates as part of their lease arrangement and the uncertainty as to the amount. It was

requested that Council agree to a year lease, but defer the application of the general rates until the policy on Rental of Council Properties to Community Groups has been developed.
(P5144)

Val Axtens – Lismore Speedway

Requested Council vote against the application and for the staff recommendation. She expressed concern about health, environmental, noise, dust and other issues generally and personal wellbeing. While she was willing to accept the current level of usage, an increase is considered unreasonable.
(P331)

Kris Beavis – 2008/09 Lismore Promotion Plan

Spoke on behalf of the Westpac Rescue Helicopter who is the promoter of the 2008 4WD, Caravan, Camping and Marine Show. It was acknowledged that \$10,000 was to be received from the 2007/08 SBRVL, but asking Council to support the event for another \$10,000 from the General Fund. These funds would be used to promote the event outside the 2480 postcode.
(S740)

Noel Parker — Notice of Motion - Rural Housing Strategy

Requested Council support the Notice of Motion. Based on his experience from the McLeans Ridges rezoning and other research, he refuted some of the comments made by staff. He pointed out that he believed the current documentation was not up to date.
(S668:S884)

Alfredo Bonanno & Jenny Alexander – Policy for Cemeteries and Burials on Private Lands

Spoke on behalf of the Billen Cliffs community supporting the recommendation but suggested a number of changes that could improve the policy to cater for special circumstances.
(S9:S467)

Kim Curtis – Protection from Tobacco Hazard

Spoke on behalf of the NSW Cancer Council supporting the Notice of Motion. It was pointed out that this proposal had received support from other sectors of the community and that these measures had proved effective in Canada.
(S792)

Condolence

Late Habib Paul Habib

The death occurred on June 15 of Habib Paul Habib. Haby as he was known to his many friends and associates was born in Lismore on July 9, 1913.

He was an Alderman on Lismore Council for almost 38 years. He had a long association with Rous Water and was County Council Chairman for 28 years.

His desire for Lismore to have an airport and air services befitting Lismore's status as the Regional Centre was very well known and he worked long and hard in his endeavours to see that ideal was achieved. His work at the airport was greatly appreciated by Council and the Lismore Aero Club.

Mr Habib will be sadly missed and we extend sincere sympathy to his family.

- 86/08 The Mayor moved that Council's expressions of sympathy be conveyed to the family of Habib Habib and the motion was carried with members standing and observing the customary moment's silence.
(S75)

Notice of Rescission Motions

Tree Preservation Order

- 87/08 Formal notice having been given by Councillors Irwin, Dowell and Tomlinson it was **RESOLVED** that Council's decision (Minute no 68/08 at the Ordinary Meeting of May 13, 2008) in regard to removal of the Tree Preservation Order be rescinded.
(Councillors Irwin/Dowell) (S924)
Voting Against: Councillors King, Chant, Graham, Hampton and Meineke.

Notice of Motions

Tree Preservation Order

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

1. Council resolves to exhibit the proposed amendments to the Lismore Development Control Plan (Amendment No 4) as described in the report to Council of May 13 and exhibit it for a period of 28 days.
2. Council endorses the use of internal assessment procedures based on risk management and OHS principles
3. The application fee for pruning or removal of a tree be reduced to \$10.00.
(Councillors Irwin/Swientek) (S924)

AN AMENDMENT WAS **MOVED** that the report be received and that:

1. Council resolves to exhibit the proposed amendments to the Lismore Development Control Plan (Amendment No 4) as described in the report to Council of May 13 and exhibit it for a period of 28 days.
2. Council endorses the use of internal assessment procedures based on risk management and OHS principles
3. The application fee for pruning or removal of a tree be set at \$53.00.
(Councillor Graham/Hampton)

On SUBMISSION to the meeting the AMENDMENT was DEFEATED.

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

- 88/08 **RESOLVED** that:
1. Council resolves to exhibit the proposed amendments to the Lismore Development Control Plan (Amendment No 4) as described in the report to Council of May 13 and exhibit it for a period of 28 days.
 2. Council endorses the use of internal assessment procedures based on risk management and OHS principles
 3. The application fee for pruning or removal of a tree be reduced to \$10.00.
(Councillors Irwin/Swientek) (S924)
Voting Against: Cr Hampton

Protection from Tobacco Hazard

89/08

RESOLVED that Council, in recognition of its commitment to healthy lifestyles:

1. Supports the eight proposals outlined in the State Government discussion paper "Protecting Children from Tobacco" to:
 - a. Ban smoking in cars in which a child under the age of 18 is present
 - b. Put tobacco products out of sight in retail outlets
 - c. Introduce a licensing scheme for tobacco retailers
 - d. Introduce additional proof of age requirements for purchasing tobacco products
 - e. Restrict employees under 18 years of age from selling tobacco products
 - f. One point of sale for tobacco in retail outlets
 - g. Ban tobacco sales from vending machines
 - h. Ban tobacco products in shopper loyalty programs.
2. Congratulates the State Government on these proposed reforms which are outlined in its discussion paper "Protecting Children from Tobacco: A NSW Government Paper on the Next Steps to Reduce Tobacco Related Harm, 2008" and conveys Council's support for these initiatives to Thomas George MLA for Lismore, the Premier and Verity Firth, the Minister Assisting the Minister for Health (Cancer).
3. Encourages the public to support these proposed reforms to protect children and young people against tobacco hazards.
(Councillors Dowell/Swientek) (S792)

Voting Against: Councillors Irwin, Chant, Graham, Hampton, and Meineke.

Rural Housing Strategy

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

1. That Council review the Rural Housing Strategy as a matter of priority.
2. That McLean's Ridges be included in the review of the DCP Village strategy when it is undertaken later this year.
3. That further Rezoning in the McLeans Ridges area, that are lodged with Council after tonight's meeting, not be considered until points 1 and 2 are completed.
(Councillors Tomlinson/Irwin) (S668:S884)

AN AMENDMENT WAS MOVED that the report be received and –

1. That Council review the Rural Housing Strategy as a matter of priority.
2. That further Rezoning in the McLeans Ridges area, that are lodged with Council after tonight's meeting, not be considered until point 1 is completed.
(Councillors Henry/Graham)

On SUBMISSION to the meeting the AMENDMENT was DEFEATED.

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

90/08

RESOLVED:

1. That Council review the Rural Housing Strategy as a matter of priority.
 2. That McLean's Ridges be included in the review of the DCP Village strategy when it is undertaken later this year.
 3. That further Rezoning in the McLeans Ridges area, that are lodged with Council after tonight's meeting, not be considered until points 1 and 2 are completed.
- (Councillors Tomlinson/Irwin) (S668:S884)

Voting against: Councillors Chant, Hampton, Graham, Meineke and Henry.

Clunes Sewage Treatment

91/08

RESOLVED that Council review and workshop the option of connecting Clunes by pipeline to the existing Lismore sewage treatment system and to test this option against the previously developed alternatives.
(Councillors Henry/Meineke) (S288)

Voting against: Councillors Dowell, Tomlinson, Swientek, Ekins and Hampton.

Constitutional Recognition

92/08

Formal notice having been given by Councillor Irwin it was **MOVED** that a plebiscite with the following wording be held in conjunction with the 2008 Lismore Local Government election:

"Do you support the inclusion of local government in the Australian Constitution?"
(Councillors Irwin/Dowell) (S13)

An **AMENDMENT** was **MOVED** that a plebiscite with the following wording be held in conjunction with the 2008 Lismore Local Government election:

"Do you support the recognition of local government in the Australian Constitution by abolishing the States?"
(Councillor Meineke/Hampton) (S13)

On **SUBMISSION** to the meeting the **AMENDMENT** was **DEFEATED**.

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

93/08

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

"Do you support the inclusion of local government in the Australian Constitution?"
(Councillors Irwin/Dowell) (S13)

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

Altering Order of Business

94/08 **RESOLVED** that the order of business be altered to debate the following matters raised during Public Access.

- Nimbin Community Centre Inc
- Lismore Speedway
- 2008/09 Lismore Promotion Plan
- Policy for Cemeteries and Burials on Private Rural Lands
- Documents for Signing and Sealing

(Councillors Irwin/Graham)

Reports

Nimbin Community Centre Incorporated – Transfer of Assets

A MOTION WAS MOVED that the report be received and

1. The Nimbin Community Centre Incorporated be advised that Council is prepared to separate the proposed transfer of ownership of the Nimbin Community Centre and Peace Park into separate transactions.
2. Council will negotiate to extend the term of the current agreement to June 30, 2009 to allow time for further investigation into resolving the issues associated with the skate park constructed on Peace Park.
3. Should the Nimbin Community Centre Incorporated be agreeable to extending the term of the current Deed, all costs associated with the preparation of documentation, etc. to facilitate the extension would be at the cost of the Nimbin Community Centre Incorporated.
4. The Mayor and General Manager be authorised to execute and affix Council's seal to any documentation necessary to implement this resolution.

(Councillors Irwin/Tomlinson)

An AMENDMENT was MOVED that the report be received and that:

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

5. The Mayor and General Manager be authorised to execute and affix Council's seal to any documentation necessary to implement this resolution.
(Councillors Swientek/Hampton) (P27399:P20198)

At the request of the mover the AMENDMENT was WITHDRAWN.
At the request of the mover the MOTION was WITHDRAWN.

95/08 **RESOLVED** that this matter be deferred so the General Manager can hold urgent discussion with Nimbin Community Centre Incorporated and bring this matter to an early conclusion.
(Councillors Swientek/Hampton)

Lismore Speedway

A MOTION was MOVED that the Preventative Action Notice for Lismore Speedway be varied to allow 16 meetings per season
(Councillor Chant/Hampton)

An AMENDMENT was MOVED that the report be received and that the applicant be informed that any application for an increase to the number of speedway events will need to be submitted as a formal development application.
(Councillors Dowell/Tomlinson)(P331)

On SUBMISSION to the meeting the AMENDMENT was DEFEATED.

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

96/08 **RESOLVED** that the Preventative Action Notice for Lismore Speedway be varied to allow 16 meetings per season.
(Councillor Chant/Hampton)

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

2008/2009 Lismore Promotion Plan

At this juncture Cr Hampton left the meeting.

A MOTION WAS MOVED that the report be received and:

1. That Council endorses the Advisory Group's recommendations to support the following projects:
 - 08/09 Walkabout Lismore
 - 09-04 Centenary Lismore Cup
 - 09-05 Sustainable Living Expo
 - 09-06 Lismore Destination TV promotions
 - 09-07 Australian Jazz Convention
 - 09-15 Lismore, Nimbin and Villages Guides
 - 09-16 Lismore Alive
2. That 09-03 be approved provided that it is a continuation/reinstatement of the Lismore Economic Development newsletter which may contain a brief report on how the Lismore Promotional Plan funds have been spent.

3. (a) That a brief be prepared and offered to several suitably-qualified local marketing and promotional consultants to develop and implement a marketing campaign for the remainder of the 2008/2009 SBRVL funds.
(b) That the objectives of this brief be to promote
 - (i) Lismore outside the Northern Rivers Region
 - (ii) Lismore's commercial, retail and industrial sectors and
 - (iii) community pride in Lismore.
4. That Council endorses in principle the allocation of funds for the employment of a CBD Centre Manager, but recommends that this position should be full-time and funded from a review of the Street Beat security service component of the City Safe funds (which can be allocated for salary).
5. That Council endorses the recommendation to defer funding for items 09-13 and 09-14 until the 2008 events have been evaluated.
6. That the Council reviews the guidelines and procedures of the Lismore Promotional Plan as soon as possible to ensure that they add value to expenditure of the funds and result in transparency and accountability for that expenditure.
(Councillors Irwin/Tomlinson)

An AMENDMENT was MOVED that the report be received and:

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

(Councillors Meineke/Graham)(S740)

On SUBMISSION to the meeting the AMENDMENT was APPROVED and became the MOTION.

Voting against: Councillors Ekins, Swientek, Irwin Tomlinson

97/08

RESOLVED that the report be received and:

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

(Councillors Meineke/Graham)(S740)

Voting against: Councillors Ekins, Swientek, Irwin Tomlinson

Continuation

98/08 **RESOLVED** that the time being 10.30pm the meeting continue to address the following reports:

- Policy for Cemeteries and Burials on Private Land
- Documents for Signing and Sealing
- Goods and Services Tax – Council Compliance Requirements
- Approval of Café and Gelato Bar
(Council Irwin/Graham)

Policy for Cemeteries and Burials on Private Land

99/08 **RESOLVED** that the report be received and:

1. That the draft policy “CEMETERIES AND BURIALS ON PRIVATE RURAL LAND” be placed on public exhibition for a period of 21 days.
2. Following the completion of the exhibition period, the draft policy and details of any submissions received be referred to Council for determination.
(Councillors Dowell/Chant)(S9:S467)

Documents for Signing and Sealing

100/08 **RESOLVED** that the following documents be executed under the Common Seal of Council:
(Councillors Irwin/Dowell)

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

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

Licence Agreement - Kerbside Dining - Dragonfly Café (P24014)

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

101/08 **RESOLVED** that lease to Friends of the Koala Inc be deferred until the policy referred to in the Rental of Council Properties to Community Groups Report has been determined.
(Councillors Irwin/Dowell)

Resumption Standing Orders

102/08 **RESOLVED** that Standing Orders be resumed.
(Councillors Irwin/Graham)

Goods and Services Tax – Council Compliance Requirements

103/08 **RESOLVED** that the report be received and that Council submit a Goods and Services Tax Certificate to the Department of Local Government certifying the payment of voluntary GST for May 1, 2007 to April 30, 2008 signed by the Mayor and Deputy Mayor.
(Councillors Swientek/Dowell)(S210)

Approval of Café and Gelato Bar

104/08

RESOLVED that the report be received and:

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

Schedule 1 Conditions of Consent.

1 In granting this development consent, Council requires:

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

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

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

BUILDING

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

Reason: *To ensure compliance with statutory requirements.*

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

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

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

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

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

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

ENVIRONMENTAL HEALTH

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

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

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

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

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

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

- 9 Equipment benches/refrigerators etc shall be installed so that either a complete seal is made between the sides of adjoining equipment, floor coving, and the wall to eliminate any open joint, space, crevice or cavity. Alternatively the equipment shall be installed with adequate clearance away from neighbouring equipment, floors and walls or shall be on wheels/castors to be easily moved to allow for cleaning.
- Reason: To comply with AS 4674-2004 Design, Construction and Fit-out of Food Premises, the Food Act 2003 and associated legislation.*
- 10 All equipment, benches, refrigerators and freezers must be on wheels or stands at least 150mm off the floor.
- Reason: To comply with AS 4674-2004 Design, Construction and Fit-out of Food Premises, the Food Act 2003 and associated legislation.*
- 11 Shelving and conduit/piping shall be installed with a 25mm clearance from the wall or alternatively be sealed to the wall.
- Reason: To comply with AS 4674-2004 Design, Construction and Fit-out of Food Premises, the Food Act 2003 and associated legislation.*
- 12 **Prior to operation** and at the completion of works an inspection by Environmental Health Services is required.
- Reason: To assess compliance with AS 4674 – 2004 Design, construction and fit-out of food premises, the Food Act 2003, the Food Standards Code and associated legislation.*
- 13 **Prior to operation**, the food business must be registered with Council as a commercial premise (a form is attached).
- Reason: To comply with Councils statutory requirements.*

WATER & SEWER

- 14 An application to discharge trade waste, including a plan that contains all details of the proposed trade waste installation, shall be submitted to Lismore City Council, **prior to release of the Construction Certificate**.
- The trade waste application must be approved prior to the release of the **Interim and/or Final Occupation Certificate**. Designs are to be in accordance with Australian Standard 3500, the NSW Code of Practice- Plumbing and Drainage and the Department of Water and Energy guidelines for the On-site Pre-treatment of Trade Waste Discharges to Sewer.
- Reason: To ensure adequate protection of utility services and to ensure compliance with the Trade Waste Approval. (EPA Act Sec 79C(b))*
- 15 All plumbing and drainage work associated with the Trade Waste installation are to be inspected and approved by Council's Water and Wastewater Section. A works-as-executed Drainage Diagram shall be submitted to Council on completion of works.
- Reason: To ensure adequate protection of utility services and to ensure compliance with the Trade Waste Approval. (EPA Act Sec 79C(b))*
- 16 All water supply, sanitary plumbing and drainage or stormwater drainage works must be carried out by a licensed plumber. For domestic works, the plumber is required to apply for a Plumbing Permit at least two (2) working days prior to commencing works. For large or complex installations, the plumber is required to apply for a Plumbing Permit at least twenty (20) days prior to commencing works. All work is to be carried

out in accordance with the Conditions of the Plumbing Permit and to the satisfaction of Lismore Council. All costs associated with complying with this condition, including Permit Fees and Inspection Fees, shall be borne by the proponent.

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

PLANNING

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

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

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

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

- 19 Prior to issuing the Construction Certificate the applicant or developer shall provide to Council a detailed plan clearly outlining how the area for outdoor dining will be defined. By either a permanent line on the ground at a minimum distance of 1.75 metres from the external wall of the building or establishing permanent seating at a minimum distance of 1.75 metres from the external wall of the building in accordance with the Plan Development Application 08/220 Dated 23/05/08.

Reason: *To ensure activities relating to the development do not interfere with the movement of pedestrians along the footpath. (EPA Act Sec 79C(b))*

(Councillors Swientek/Chant)(DA 2008/220)

Adjournment

At 10.40pm the Mayor adjourned the meeting to a date to be recommended by the General Manager

**MINUTES OF THE EXTRA-ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE
HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON THURSDAY, JUNE 19, 2008 AT 6.00PM.**

Present Mayor, Councillor King; Councillors Chant (6.31pm), Crimmins, Dowell, Ekins, Graham (6.31pm), Hampton, Henry, Irwin, Meineke, Swientek and Tomlinson, together with the General Manager, Acting Executive Director-Development & Governance, Executive Director-Infrastructure Services, Manager-Finance, Principal Accountant, Management Accountant, Communications Co-ordinator, Corporate Compliance Co-ordinator and Executive Assistant-Infrastructure Services.

105/08 **Apologies/
Leave of
Absence** Nil
A leave of absence was granted for Cr Swientek for July 8, 2008.
(Councillors Irwin/Dowell)

Public Access Session

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

Martin Field – 2008/09-2011 Management Plan, Budget and Fees and Charges

Mr Field spoke in support of an additional \$15,300 being included in the budget to fund the opening of the library on a Sunday.

David Yarnall – 2008/09-2011 Management Plan, Budget and Fees and Charges

Mr Yarnall sought an increase in funding for the maintenance of gravel roads, citing a decline in funding in real terms and community support for increased expenditure on the road network.

At this juncture, Councillors Chant and Graham joined the meeting.

Reports

2008/09-2011 Management Plan, Budget and Fees and Charges

A MOTION WAS MOVED that Council:

1. Acknowledge receipt and consideration of all public submissions.
2. Adopt the 2008/09 – 2011 Management Plan, Budget and Fees & Charges, based on that advertised and changes included in the report, with an opening deficit of \$41,200.
3. Seek approval from the Department of Local Government for new borrowings of \$4,514,000 for works detailed in the 2008/09 – 2011 Management Plan.
4. Undertake a consultation process with the CBD business community on the effectiveness of the Beat Patrol, after considering a report on the inclusion in the consultation to a reference to the Town Centre Manager and other projects/options as an alternative to the Beat Patrol service.
5. Defer determination of the submissions from the Lismore Workers Swim Team and Lismore Indoor Swim Team for 'home swimming club' status to the July 2008 meeting where a report on these requests is to be submitted.
6. Continue to financially support NORPA's performing arts activities to a fixed amount of \$40,000 per annum for a further three years.
7. Includes a further allocation of \$15,300 for the library.
8. That the fee for re-assessment of Tree Preservation Orders be amended to \$10.

(Councillors Dowell/Meineke)

2008/09-2011 Management Plan, Budget and Fees and Charges (Cont'd)

AN AMENDMENT WAS MOVED that Council:

1. Acknowledge receipt and consideration of all public submissions.
2. Adopt the 2008/09 – 2011 Management Plan, Budget and Fees & Charges, based on that advertised and changes included in the report, with an opening deficit of \$41,200.
3. Seek approval from the Department of Local Government for new borrowings of \$4,514,000 for works detailed in the 2008/09 – 2011 Management Plan.
4. Undertake a consultation process with the CBD business community on the effectiveness of the Beat Patrol, after considering a report on the inclusion in the consultation to a reference to the Town Centre Manager and other projects/options as an alternative to the Beat Patrol service.
5. Defer determination of the submissions from the Lismore Workers Swim Team and Lismore Indoor Swim Team for 'home swimming club' status to the July 2008 meeting where a report on these requests is to be submitted.
6. Continue to financially support NORPA's performing arts activities to a fixed amount of \$40,000 per annum for a further three years.
7. Includes a further allocation of \$15,300 for the library.
8. That the Gateway Project not proceed as planned in 2008/09 and the available funds be reserved for a lift for the Historical Society building.
9. That the fee for re-assessment of Tree Preservation Orders be amended to \$10.

(Councillors Swientek/Dowell)

On submission to the meeting the AMENDMENT was APPROVED and became the MOTION.

Voting Against: Councillors Irwin, Tomlinson, Ekins, Swientek and Hampton.

RESOLVED that Council:

1. Acknowledge receipt and consideration of all public submissions.
2. Adopt the 2008/09 – 2011 Management Plan, Budget and Fees & Charges, based on that advertised and changes included in the report, with an opening deficit of \$41,200.
3. Seek approval from the Department of Local Government for new borrowings of \$4,514,000 for works detailed in the 2008/09 – 2011 Management Plan.
4. Undertake a consultation process with the CBD business community on the effectiveness of the Beat Patrol, after considering a report on the inclusion in the consultation to a reference to the Town Centre Manager and other projects/options as an alternative to the Beat Patrol service.
5. Defer determination of the submissions from the Lismore Workers Swim Team and Lismore Indoor Swim Team for 'home swimming club' status to the July 2008 meeting where a report on these requests is to be submitted.
6. Continue to financially support NORPA's performing arts activities to a fixed amount of \$40,000 per annum for a further three years.
7. Includes a further allocation of \$15,300 for the library.
8. That the Gateway Project not proceed as planned in 2008/09 and the available funds be reserved for a lift for the Historical Society building.
9. That the fee for re-assessment of Tree Preservation Orders be amended to \$10.

(Councillors Swientek/Dowell)

Voting Against: Councillors Ekins, Chant and Hampton.

2008/09 Rates and Annual Charges

Following advertisement of the draft 2008/09-2011 Management Plan in accordance with Section 405 of the Local Government Act, 1993, and the consideration of submissions received in accordance with Section 406 of the Local Government Act, 1993:

RATES

1. It is hereby resolved that a **Business Rate** to be known as the '**Business Inner CBD**' rate of **three point six two eight four (3.6284) cents in the dollar** per assessment, on the land value as at base date July 1, 2006 with a **base amount of two hundred and ninety nine dollars (\$299.00)** per assessment be now made for the rating year July 1, 2008 to June 30, 2009, on all rateable land within the centre of activity known as the Inner CBD shown as within the red boundary of the map, Schedule 'C,' and that meets the definition of Business as defined in Section 518 of the Local Government Act, 1993. The total income from base amounts equates to **four point seven (4.7%) percent of the Business Inner CBD income.**
2. It is hereby resolved that a **Business Rate** to be known as the '**Business Urban**' rate of **one point four four two four (1.4424) cents in the dollar** per assessment, on the land value as at base date July 1, 2006 with a **base amount of two hundred and ninety nine dollars (\$299)** per assessment be now made for the rating year July 1, 2008 to June 30, 2009, on all rateable land within the centre of activity outside the Inner CBD shown as within the red boundary of the map, Schedule 'C', but within the urban area of Lismore as shown by the red boundary on the map, Schedule 'D' and that meets the definition of Business as defined in Section 518 of the Local Government Act, 1993. The total income from base amounts equates to **nine point five (9.5%) percent of the Business Urban income.**
3. It is hereby resolved that a **Business Rate** to be known as the '**Business Other**' rate of **point nine six five zero (0.9650) cents in the dollar** per assessment on the land value as at base date July 1, 2006 with a **base amount of two hundred and ninety nine dollars (\$299)** per assessment be now made for the rating year July 1, 2008 to June 30, 2009, on all rateable land in the City of Lismore but not within the areas defined within the maps, Schedules 'C' and 'D' attached and the Village of Nimbin, as defined by the map of Nimbin Village in Schedule 'A', and that meets the definition of Business as defined in Section 518 of the Local Government Act, 1993. The total income from base amounts equates to **twenty two point three (22.3%) percent of the Business Other income.**
4. It is hereby resolved that a **Business Rate** to be known as the '**Nimbin Business**' rate of **one point two three two seven (1.2327) cents in the dollar** per assessment on the land value as at base date July 1, 2006 with a **base amount of two hundred and ninety nine dollars (\$299)** per assessment that represents be now made for the rating year July 1, 2008 to June 30, 2009, on all rateable land within the Village of Nimbin, as defined by the map of Nimbin Village in Schedule 'A', that meets the definition of Business as defined in Section 518 of the Local Government Act, 1993. The total income from base amounts equates to **sixteen point zero (16.0%) percent of the Nimbin Business income.**
5. It is hereby resolved that a **Farmland Rate** to be known as the '**Farmland**' rate of **point four five zero two (0.4502) of a cent in the dollar** per assessment, on the land value as at base date July 1, 2006 with a **base amount of two hundred and ninety nine dollars (\$299)** per assessment be now made for the rating year July 1, 2008 to June 30, 2009, on all rateable land in the City of Lismore area that meets the definition of Farmland as defined in Section 515 of the Local Government Act, 1993. The total income from base amounts equates to **sixteen point nine (16.9%) percent of the Farmland income.**

2008/09 Rates and Annual Charges (Cont'd)

6. It is hereby resolved that a **Residential Rate** to be known as the '**Residential**' rate of **point six three five nine (0.6359) of a cent in the dollar** per assessment, on the land value as at base date July 1, 2006, with a base amount of **two hundred and ninety nine dollars (\$299)** per assessment, be now made for the rating year July 1, 2008 to June 30, 2009, on all rateable land within the centres of population defined and within the red lines shown on the maps in Schedule 'A' attached and meeting the definition of Residential as defined in Section 516 of the Local Government Act, 1993. The total income from base amounts equates to **thirty three point six (33.6%) percent of the Residential income.**
7. It is hereby resolved that a **Residential Rate** to be known as the '**Residential Rural**' rate of **point five one two eight (0.5128) of a cent in the dollar** per assessment on the land value as at base date July 1, 2006, with a base amount of **two hundred and ninety nine dollars (\$299)** per assessment, be now made for the rating year July 1, 2008 to June 30, 2009, that meets the definition of Residential on all rateable land except for land within the centres of population defined by the maps in Schedule 'A' attached and meeting the definition of Residential as defined by Section 516 of the Local Government Act, 1993. The total income from base amounts equates to **twenty six point eight (26.8%) percent of the Residential Rural income.**
8. It is hereby resolved that a **Special Rate** to be known as the '**Flood Levee**' rate of **point zero six one one (0.0611) of a cent in the dollar** per assessment on the land value as at base date July 1, 2006 subject to a minimum amount of **two dollars (\$2)** per assessment be now made for the rating year July 1, 2008 to June 30, 2009 on all land within the area shown within the red boundary as defined in Schedule 'E' attached to this report that in Council's opinion will receive a special benefit from the construction of the Lismore Flood Levee for protection from a one in ten year flood event.

SEWER AND TRADE WASTE CHARGES

9. It is hereby resolved that in accordance with Sections 501 and 539 of the Local Government Act, 1993, an annual charge be now made for the provision of sewerage services to single units of residential occupation, residential, as defined in Section 516 (1) (a) of the Local Government Act, 1993, including residential strata units of **four hundred and seventy six dollars (\$476.00)** per assessment. This charge applies to properties connected to the Lismore Sewer Scheme and is to be known as the '**Sewer**' charge for the period July 1, 2008 to June 30, 2009.
10. It is hereby resolved that in accordance with Sections 501 and 539 of the Local Government Act, 1993, an annual charge be now made for the availability of sewerage of **two hundred and six dollars fifty cents (\$206.50)** per assessment for all rateable land within the proposed Clunes Sewer Scheme area as defined by Schedule 'J', to be known as the '**Clunes Sewer**' charge for the period July 1, 2008 to June 30, 2009.
11. It is hereby resolved that in accordance with Sections 501 and 539 of the Local Government Act, 1993, an annual charge, as per the attached Schedule 'F', where the charge is indicated by the number of units of residential occupancy located on a property, be now made for the provision of sewerage services to a parcel of land connected to the Lismore Sewer Scheme to be known as the '**Sewer Multiple**' charge for the period July 1, 2008 to June 30, 2009, excluding residential Strata Units.

2008/09 Rates and Annual Charges (Cont'd)

12. It is hereby resolved that in accordance with Sections 501 and 539 of the Local Government Act, 1993, an annual charge be now made for the availability of sewerage of **two hundred and eighty five dollars sixty cents (\$285.60)** per assessment for all rateable parcels of land within 75 metres of a Lismore Sewer Scheme main and capable of discharging into that main but not connected thereto to be known as the '**Sewer Unconnected**' charge for the period July 1, 2008 to June 30, 2009.
13. It is hereby resolved that in accordance with Sections 501 and 539 of the Local Government Act, 1993, for all other properties, not being residential land as defined in Section 516 (1) (a) of the Local Government Act, 1993, an annual charge be now made for the provision of trade waste services for properties connected to the Lismore Sewer Scheme, as per the attached Schedule "G", where the charge is indicated by the number of equivalent tenants or part thereof allocated to an assessment in accordance with the methodology set out in Council's Sewer Usage Charging Strategy to be known as the '**Non-Residential Sewer**' charge, except for properties declared by Lismore City Council to be Established Strength Users, for the period July 1, 2008 to June 30, 2009.

WATER CHARGES

14. It is hereby resolved that in accordance with Section 501, 539 and 541 of the Local Government Act, 1993 an annual charge be now made for the year July 1, 2008 to June 30, 2009 for the provision of water and water service availability, based on the size of the water service connected to a property. For a property which has two or more water connections, the cost of the services will be the total number of services multiplied by the fixed service charged; in cases where different sized services are connected, the sum of the cost of the fixed service charges, except for water connections used solely for fire fighting services, the cost of which shall be **one hundred dollars (\$100.00)** per fire fighting service to be known as the '**Fixed Service Charge**' is hereby made in respect of:

Size of Service	Fixed Service Charge
20mm	\$ 100.00
25mm	\$ 156.25
32mm	\$ 256.00
40mm	\$ 400.00
50mm	\$ 625.00
65mm	\$1,056.25
80mm	\$1,600.00
100mm	\$2,500.00
150mm	\$5,625.00

15. In accordance with Sections 501, 539 and 541 of the Local Government Act, 1993 an annual charge, for the availability of water to property not connected to Council's water supply but capable of connection thereto and within 225 metres of a Council water main in accordance with Section 552 (1)(b) of the Local Government Act, 1993, for the year July 1, 2008 to June 30, 2009, to be known as the '**Water Availability**' charge, of **one hundred dollars (\$100.00)** per assessment is hereby made.
16. In accordance with Section 502 of the Local Government Act, 1993 for water recorded by the water meter on a property, a charge of **one dollar seventy (\$1.70)** per kilolitre for the year July 1, 2008 to June 30, 2009 to be known as the '**Consumption**' charge is hereby made.

2008/09 Rates and Annual Charges (Cont'd)

DOMESTIC AND NON DOMESTIC WASTE MANAGEMENT SERVICES

17. It is hereby resolved that an annual charge be now made, in accordance with Sections 496 of the Local Government Act, 1993, for all land within the declared domestic waste scavenging areas, both urban and rural, maps of which are available at Council's Corporate Centre, not utilising the domestic waste management service provided by Council to be known as the '**Waste Availability**' charge, of **six dollars (\$6.00)** per assessment, except for those properties within the Nimbin Section 94 Plan Area, maps of which are available at Council's Corporate Centre, that are levied the Nimbin Transfer Station Charge, for the period July 1, 2008 to June 30, 2009.
18. It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all land within the Lismore City Council area, to be known as the '**Waste Minimisation**' charge, of **thirty dollars (\$30.00)** per assessment, except for those properties within the Nimbin Section 94 Plan Area, maps of which are available at Council's Corporate Centre, that are levied the Nimbin Transfer Station Charge, for the period July 1, 2008 to June 30, 2009. Two 300KG tip vouchers are included as part of the 'Waste Minimisation' Charge.
19. It is hereby resolved that an annual charge be now made, in accordance with Sections 501 and 541 of the Local Government Act, 1993, for all land located within the Nimbin Section 94 Plan Area, maps of which are available at Council's Corporate Centre, for the provision of the Nimbin Transfer Station Facility, of **seventy dollars twenty cents (\$70.20)** per assessment and for properties with multiple units of residential occupancy a charge of **seventy dollars twenty cents (\$70.20)** per unit of residential occupancy located on each assessment, to be known as the '**Transfer Station**' charge for the period July 1, 2008 to June 30, 2009. Properties paying for a waste collection service are exempt from this charge. Two 300KG tip vouchers are included for each 'Transfer Station' charge.
20. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, weekly, of the approved organic contents of a 240 litre approved mobile waste bin. In addition, on a fortnightly basis, Council will collect the approved recyclable contents a 240 litre approved mobile bin as well as the approved waste contents of a 120 or 140 litre approved mobile bin. This charge is to be known as the '**Integrated Waste**' collection service for the period July 1, 2008 to June 30, 2009 and will be charged at **one hundred and eighty five dollars (\$185.00)** per annum. Additional services will be charged at **one hundred and eighty five dollars (\$185.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.
21. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, on a fortnightly basis, of the approved organic contents of a 240 litre approved mobile waste bin. In addition, on a monthly basis, Council will collect the approved recyclable contents a 240 litre approved mobile bin as well as the approved waste contents of a 120 or 140 litre approved mobile bin. This charge is to be known as the '**Integrated Waste - Urban Half**' collection service for the period July 1, 2008 to June 30, 2009 and will be charged at **one hundred and five dollars (\$105.00)** per annum. Additional services will be charged **one hundred and five dollars (\$105.00)** at per annum. Services commenced during the charging period will be charged for on a proportional basis.

2008/09 Rates and Annual Charges (Cont'd)

22. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, weekly, of the organic contents of a 240 litre approved mobile waste bin. In addition, on a fortnightly basis, Council will collect the approved recyclable contents a 240 litre approved mobile bin as well as the approved waste contents of a 80 litre approved mobile bin, the cost of the provision of this bin is at the ratepayer's cost. This charge is to be known as the '**Integrated Waste – Discount**' collection service for the period July 1, 2008 to June 30, 2009 and will be charged at **one hundred and thirty eight dollars (\$138.00)** per annum. Additional services will be charged at **one hundred and thirty eight dollars (\$138.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.
23. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, weekly, of the approved organic contents of a 240 litre approved mobile bin. In addition, on a fortnightly basis, Council will collect the approved recyclable contents a 240 litre approved mobile bin as well as the approved waste contents of a 240 litre approved mobile bin, the cost of the provision of this bin is the ratepayer's cost. This charge is to be known as the '**Integrated Waste - Waste Plus**' collection service for the period July 1, 2008 to June 30, 2009 and will be charged at **three hundred and three dollars (\$303.00)** per annum. Additional services will be charged at **three hundred and three dollars (\$303.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.
24. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, weekly, of the approved organic contents of a 240 litre approved mobile bin and the approved waste contents of a 240 litre approved mobile bin. In addition, on a fortnightly basis, Council will collect the approved recyclable contents a 240 litre approved mobile bin. This charge is to be known as the '**Integrated Waste – Premium**' collection service for the period July 1, 2008 to June 30, 2009 and will be charged at **three hundred and fifty five dollars (\$355.00)** per annum. Additional services will be charged at **three hundred and fifty five dollars (\$355.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.
25. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, subject to the approval of the Manager of Northern Rivers Waste, fortnightly, of the approved waste contents a 240 litre approved mobile bin. This charge is to be known as the '**Special Needs**' collection service for the period July 1, 2008 to June 30, 2009 and will be charged at **two hundred and sixteen dollars (\$216.00)** per annum. Additional services will be charged at **two hundred and sixteen dollars (\$216.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.

2008/09 Rates and Annual Charges (Cont'd)

26. It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties, located within the Urban area of Lismore, a map of which is available at Council's Administration offices, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993, and where Council collects the approved waste contents of an approved 240 litre mobile waste bin and the approved contents of a 240 litre approved resource recovery bin on a weekly basis from that property, of **one hundred and ninety five dollars (\$195.00)** per annum, to be known as the '**Commercial/Industrial Integrated**' charge for the period July 1, 2008 to June 30, 2009. Additional services will be charged at **one hundred and ninety five dollars (\$195.00)** per annum. For services commenced during the year a proportional charge will be made.
27. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land, located outside the urban area of Lismore but within the declared domestic waste scavenging area, a map of which is available at Council's Corporate Centre for the removal, weekly, of the approved waste contents of a 240 litre approved mobile bin and on a fortnightly basis, the approved recycling contents of a 240 litre approved mobile bin. This charge is to be known as the '**Waste Collection Service - Rural**' collection service for the period July 1, 2008 to June 30, 2009 and will be charged at **one hundred and ninety five dollars (\$195.00)** per annum. Additional services will be charged at **one hundred and ninety five dollars (\$195.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.
28. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land, located outside the urban area of Lismore but within the declared domestic waste scavenging area, a map of which is available at Council's Oliver Avenue Office for the removal, fortnightly, of the approved waste contents of a 240 litre approved mobile bin and on a monthly basis the approved recyclable contents of a 240 litre approved mobile bin. This charge is to be known as the '**Waste Collection Service - Rural Half**' collection service for the period July 1, 2008 to June 30, 2009 and will be charged at **one hundred and eleven dollars (\$111.00)** per annum. Additional services will be charged at **one hundred and eleven dollars (\$111.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.

STORMWATER MANAGEMENT SERVICES CHARGE

It should be noted that this charge applies to property located within the urban area of Lismore as defined by the maps shown in Schedules 'H' and 'I', the areas known as the Tucki Tucki Creek and Wilsons River catchments respectively and only on properties that are not vacant land, farmland or otherwise exempted from the charge under Section 496A (2) of the Act.

29. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all eligible residential property, as defined, excluding residential strata units, within the Tucki Tucki Creek catchment area shown on Schedule 'H', of **twenty five dollars (\$25.00)** per assessment, to be known as the '**Stormwater Charge - Residential - Tucki**' for the period July 1, 2008 to June 30, 2009.

2008/09 Rates and Annual Charges (Cont'd)

30. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all eligible residential property, as defined, excluding residential strata units, within the Wilsons River catchment area shown on Schedule 'I', of **twenty five dollars (\$25.00)** per assessment, to be known as the '**Stormwater Charge - Residential - Wilsons River**' for the period July 1, 2008 to June 30, 2009.
31. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all residential strata units and all residential company titled units within the Tucki Tucki Creek catchment area shown on the map in Schedule 'H', of **twelve dollars fifty cents (\$12.50)**, to be known as the '**Stormwater Charge - Res Strata -Tucki**' for the period July 1, 2008 to June 30, 2009.
32. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all residential strata units and all residential company titled units within the Wilsons River catchment area shown on the map in Schedule 'I', of **twelve dollars fifty cents (\$12.50)**, to be known as the '**Stormwater Charge - Res Strata - Wilsons River**' for the period July 1, 2008 to June 30, 2009.
33. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all business/commercial and industrial property, except for business/commercial and industrial strata units and company titled units, located within the Tucki Tucki Creek catchment area of Lismore shown on the map in Schedule 'H', of **twenty five dollars (\$25.00)** for each 350m² or part thereof subject to the following; for properties up to 4,200m² in area, the charge will be \$25 per 350m² or part thereof to a maximum of \$300; for properties whose area exceeds 4,200m², \$25 for each 350m² or part thereof, subject to any reduction due to the porous nature of the property which has determined using Council's adopted Stormwater Appeals Procedure and the charge is to be known as the '**Stormwater Charge - Business Tucki**' for the period July 1, 2008 to June 30, 2009.
34. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all business/commercial and industrial property, except for business/commercial and industrial strata units and company titled units, located within the Wilsons River catchment area of Lismore shown on the map in Schedule 'I', of **twenty five dollars (\$25.00)** for each 350m² or part thereof subject to the following; for properties up to 4,200m² in area, the charge will be \$25 per 350m² or part thereof to a maximum of \$300; for properties whose area exceeds 4,200m², \$25 for each 350m² or part thereof, subject to any reduction due to the porous nature of the property which has determined using Council's adopted Stormwater Appeals Procedure and the charge is to be known as the '**Stormwater Charge - Business - Wilsons River**' for the period July 1, 2008 to June 30, 2009.

2008/09 Rates and Annual Charges (Cont'd)

35. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all eligible business/ commercial and industrial strata units and company titled units, located within the Tucki Tucki Creek catchment area of Lismore shown on the map in Schedule 'H', to be calculated at **twenty five dollars (\$25.00)** for every 350m² or part thereof of the total property and the product of that calculation being divided by the sum of the strata unit entitlement or the total sum of units of the company title with the product of that calculation being multiplied by the individual strata unit entitlement or company title entitlement to give the charge that is to be known as the '**Stormwater Charge - Bus Strata - Tucki**', subject to a minimum charge of \$25 per assessment, for the period July 1, 2008 to June 30, 2009.
36. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all eligible business/ commercial and industrial strata units and company titled units, located within the Wilsons River catchment area of Lismore shown on the map in Schedule 'I', to be calculated at **twenty five dollars (\$25.00)** for every 350m² or part thereof of the total property and the product of that calculation being divided by the sum of the strata unit entitlement or the total sum of units of the company title with the product of that calculation being multiplied by the individual strata unit entitlement or company title entitlement to give the charge that is to be known as the '**Stormwater Charge - Bus Strata - Wilsons River**', subject to a minimum charge of \$25 per assessment, for the period July 1, 2008 to June 30, 2009.

INTEREST CHARGES

37. It is hereby resolved in accordance with Section 566 (3) of the Local Government Act, 1993, for the period July 1, 2008 to June 30 2009, the Interest Rate on outstanding rates and charges will be **ten per cent (10%)**.
(Councillors Irwin/Meineke)

AN AMENDMENT WAS MOVED that:

Following advertisement of the draft 2008/09-2011 Management Plan in accordance with Section 405 of the Local Government Act, 1993, and the consideration of submissions received in accordance with Section 406 of the Local Government Act, 1993:

RATES

1. It is hereby resolved that a **Business Rate** to be known as the '**Business Inner CBD**' rate of **three point six two eight four (3.6284) cents in the dollar** per assessment, on the land value as at base date July 1, 2006 with a **base amount of two hundred and ninety nine dollars (\$299.00)** per assessment be now made for the rating year July 1, 2008 to June 30, 2009, on all rateable land within the centre of activity known as the Inner CBD shown as within the red boundary of the map, Schedule 'C,' and that meets the definition of Business as defined in Section 518 of the Local Government Act , 1993. The total income from base amounts equates to **four point seven (4.7%) percent of the Business Inner CBD income.**
2. It is hereby resolved that a **Business Rate** to be known as the '**Business Urban**' rate of **one point four four two four (1.4424) cents in the dollar** per assessment, on the land value as at base date July 1, 2006 with a **base amount of two hundred and ninety nine dollars (\$299)** per assessment be now made for the rating year July 1, 2008 to June 30 , 2009, on all rateable land within the centre of activity outside the Inner CBD shown as within the red boundary of the map, Schedule 'C', but within the urban area of Lismore as shown by the red boundary on the map, Schedule 'D' and that meets the definition of Business as defined in Section 518 of the Local Government Act, 1993. The total income from base amounts equates to **nine point five (9.5%) percent of the Business Urban income.**

2008/09 Rates and Annual Charges (Cont'd)

3. It is hereby resolved that a **Business Rate** to be known as the '**Business Other**' rate of **point nine six five zero (0.9650) cents in the dollar** per assessment on the land value as at base date July 1, 2006 with a **base amount of two hundred and ninety nine dollars (\$299)** per assessment be now made for the rating year July 1, 2008 to June 30, 2009, on all rateable land in the City of Lismore but not within the areas defined within the maps, Schedules 'C' and 'D' attached and the Village of Nimbin, as defined by the map of Nimbin Village in Schedule 'A', and that meets the definition of Business as defined in Section 518 of the Local Government Act, 1993. The total income from base amounts equates to **twenty two point three (22.3%) percent of the Business Other income.**
4. It is hereby resolved that a **Business Rate** to be known as the '**Nimbin Business**' rate of **one point two three two seven (1.2327) cents in the dollar** per assessment on the land value as at base date July 1, 2006 with a **base amount of two hundred and ninety nine dollars (\$299)** per assessment that represents be now made for the rating year July 1, 2008 to June 30, 2009, on all rateable land within the Village of Nimbin, as defined by the map of Nimbin Village in Schedule 'A', that meets the definition of Business as defined in Section 518 of the Local Government Act, 1993. The total income from base amounts equates to **sixteen point zero (16.0%) percent of the Nimbin Business income.**
5. It is hereby resolved that a **Farmland Rate** to be known as the '**Farmland**' rate of **point four five zero two (0.4502) of a cent in the dollar** per assessment, on the land value as at base date July 1, 2006 with a **base amount of two hundred and ninety nine dollars (\$299)** per assessment be now made for the rating year July 1, 2008 to June 30, 2009, on all rateable land in the City of Lismore area that meets the definition of Farmland as defined in Section 515 of the Local Government Act, 1993. The total income from base amounts equates to **sixteen point nine (16.9%) percent of the Farmland income.**
6. It is hereby resolved that a **Residential Rate** to be known as the '**Residential**' rate of **point six three five nine (0.6359) of a cent in the dollar** per assessment, on the land value as at base date July 1, 2006, with a base amount of **two hundred and ninety nine dollars (\$299)** per assessment, be now made for the rating year July 1, 2008 to June 30, 2009, on all rateable land within the centres of population defined and within the red lines shown on the maps in Schedule 'A' attached and meeting the definition of Residential as defined in Section 516 of the Local Government Act, 1993. The total income from base amounts equates to **thirty three point six (33.6%) percent of the Residential income.**
7. It is hereby resolved that a **Residential Rate** to be known as the '**Residential Rural**' rate of **point five one two eight (0.5128) of a cent in the dollar** per assessment on the land value as at base date July 1, 2006, with a base amount of **two hundred and ninety nine dollars (\$299)** per assessment, be now made for the rating year July 1, 2008 to June 30, 2009, that meets the definition of Residential on all rateable land **except** for land within the centres of population defined by the maps in Schedule 'A' attached and meeting the definition of Residential as defined by Section 516 of the Local Government Act, 1993. The total income from base amounts equates to **twenty six point eight (26.8%) percent of the Residential Rural income.**
8. It is hereby resolved that a **Special Rate** to be known as the '**Flood Levee**' rate of **point zero six one one (0.0611) of a cent in the dollar** per assessment on the land value as at base date July 1, 2006 subject to a minimum amount of **two dollars (\$2)** per assessment be now made for the rating year July 1, 2008 to June 30, 2009 **on** all land within the area shown within the red boundary as defined in Schedule 'E' attached to this report that in Council's opinion will receive a special benefit from the construction of the Lismore Flood Levee for protection from a one in ten year flood event.

SEWER AND TRADE WASTE CHARGES

9. It is hereby resolved that in accordance with Sections 501 and 539 of the Local Government Act, 1993, an annual charge be now made for the provision of sewerage services to single units of residential occupation, residential, **as** defined in Section 516 (1) (a) of the Local Government Act, 1993, including residential strata units of **four hundred and seventy six dollars (\$476.00)** per assessment. This charge applies to properties connected to the Lismore Sewer Scheme and is to be known as the '**Sewer**' charge for the period July 1, 2008 to June 30, 2009.
10. It is hereby resolved that in accordance with Sections 501 and 539 of the Local Government Act, 1993, an annual charge be now made for the availability of sewerage of **two hundred and six dollars fifty cents (\$206.50)** per **assessment** for all rateable land within the proposed Clunes Sewer Scheme area as defined by Schedule 'J', to be known as the '**Clunes Sewer**' charge for the period July 1, 2008 to June 30, 2009.
11. It is hereby resolved that in accordance with Sections 501 and 539 of the Local Government Act, 1993, an annual charge, as per the attached Schedule 'F', where the charge is indicated by the number of units of residential occupancy located on a property, be now made for the provision of sewerage services to a parcel of land connected to the Lismore Sewer Scheme to be known as the '**Sewer Multiple**' charge for the period July 1, 2008 to June 30, 2009, excluding residential Strata Units.
12. It is hereby resolved that in accordance with Sections 501 and 539 of the Local Government Act, 1993, an annual charge be now made for the availability of sewerage of **two hundred and eighty five dollars sixty cents (\$285.60)** per assessment for all rateable parcels of land within 75 metres of a Lismore Sewer Scheme main and capable of discharging into that main but not connected thereto to be known as the '**Sewer Unconnected**' charge for the period July 1, 2008 to June 30, 2009.
13. It is hereby resolved that in accordance with Sections 501 and 539 of the Local Government Act, 1993, for all other properties, not being residential land as defined in Section 516 (1) (a) of the Local Government Act, 1993, an **annual** charge be now made for the provision of trade waste services for properties connected to the Lismore Sewer Scheme, as per the attached Schedule "G", where the charge is indicated by the number of equivalent tenants or part thereof allocated to an assessment in accordance with the methodology set out in Council's Sewer Usage Charging Strategy to be known as the '**Non-Residential Sewer**' charge, except for properties declared by Lismore City Council to be Established Strength Users, for the period July 1, 2008 to June 30, 2009.

WATER CHARGES

14. It is hereby resolved that in accordance with Section 501, 539 and 541 of the Local Government Act, 1993 an annual charge be now made for the year July 1, 2008 to June 30, 2009 for the provision of water and water service availability, based on the size of the water service connected to a property. For a property which has **two** or more water connections, the cost of the services will be the total number of services multiplied by the fixed service charged; in cases where different sized services are connected, the sum of the cost of the fixed service charges, except for water connections used solely for fire fighting services, the cost of which shall be **one hundred dollars (\$100.00)** per fire fighting service to be known as the '**Fixed Service Charge**' is hereby made in respect of:

2008/09 Rates and Annual Charges (Cont'd)

Size of Service	Fixed Service Charge
20mm	\$ 100.00
25mm	\$ 156.25
32mm	\$ 256.00
40mm	\$ 400.00
50mm	\$ 625.00
65mm	\$1,056.25
80mm	\$1,600.00
100mm	\$2,500.00
150mm	\$5,625.00

15. In accordance with Sections 501, 539 and 541 of the Local Government Act, 1993 an annual charge, for the availability of water to property not connected to Council's water supply but capable of connection thereto and within 225 metres of a Council water main in accordance with Section 552 (1)(b) of the Local Government Act, 1993, for the year July 1, 2008 to June 30, 2009, to be known as the '**Water Availability**' charge, of **one hundred dollars (\$100.00)** per assessment is hereby made.
16. In accordance with Section 502 of the Local Government Act, 1993 for water recorded by the water meter on a property, a charge of **one dollar forty (\$1.40)** per kilolitre for the year July 1, 2008 to June 30, 2009 to be known as the '**Consumption**' charge is hereby made.

DOMESTIC AND NON DOMESTIC WASTE MANAGEMENT SERVICES

17. It is hereby resolved that an annual charge be now made, in accordance with Sections 496 of the Local Government Act, 1993, for all land within the declared domestic waste scavenging areas, both urban and rural, maps of which are **available** at Council's Corporate Centre, not utilising the domestic waste management service provided by Council to be known as the '**Waste Availability**' charge, of **six dollars (\$6.00)** per assessment, except for those properties within the Nimbin Section 94 Plan Area, maps of which are available at Council's Corporate Centre, that are levied the Nimbin Transfer Station Charge, for the period July 1, 2008 to June 30, 2009.
18. It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all land within the Lismore City Council area, to be known as the '**Waste Minimisation**' charge, of **thirty dollars (\$30.00)** per assessment, except for those properties within the Nimbin Section 94 Plan **Area**, maps of which are available at Council's Corporate Centre, that are levied the Nimbin Transfer Station Charge, for the period July 1, 2008 to June 30, 2009. Two 300KG tip vouchers are included as part of the 'Waste Minimisation' Charge.
19. It is hereby resolved that an annual charge be now made, in accordance with Sections 501 and 541 of the Local Government Act, 1993, for all land located within the Nimbin Section 94 Plan Area, maps of which are available at Council's Corporate Centre, for the provision of the Nimbin Transfer Station Facility, of **seventy dollars twenty cents (\$70.20)** per assessment and for properties with multiple units of residential occupancy a **charge of seventy dollars twenty cents (\$70.20)** per unit of residential occupancy located on each assessment, to be known as the '**Transfer Station**' charge for the period July 1, 2008 to June 30, 2009. Properties paying for a waste collection service are exempt from this charge. Two 300KG tip vouchers are included for each 'Transfer Station' charge.

2008/09 Rates and Annual Charges (Cont'd)

20. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, weekly, of the approved organic contents of a 240 litre **approved** mobile waste bin. In addition, on a fortnightly basis, Council will collect the approved recyclable contents a 240 litre approved mobile bin as well as the approved waste contents of a 120 or 140 litre approved mobile bin. This charge is to be known as the '**Integrated Waste**' collection service for the period July 1, 2008 to June 30, 2009 and will be charged at **one hundred and eighty five dollars (\$185.00)** per annum. Additional services will be charged at **one hundred and eighty five dollars (\$185.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.
21. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, on a fortnightly basis, of the approved organic contents of a 240 litre approved mobile waste bin. In addition, on a monthly basis, Council will collect the approved recyclable contents a 240 litre approved mobile bin as well as the approved waste contents of a 120 or 140 litre approved mobile bin. This charge is to be known as the '**Integrated Waste - Urban Half**' collection service for the period July 1, 2008 to June 30, 2009 and will be charged at **one hundred and five dollars (\$105.00)** per annum. Additional services will be charged **one hundred and five dollars (\$105.00)** at per annum. Services commenced during the charging period will be charged for on a proportional basis.
22. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, weekly, of the organic contents of a 240 litre approved mobile waste bin. In addition, on a fortnightly basis, Council will collect the approved recyclable contents a 240 litre approved mobile bin as well as the approved waste contents of a 80 litre **approved** mobile bin, the cost of the provision of this bin is at the ratepayer's cost. This charge is to be known as the '**Integrated Waste – Discount**' collection service for the period July 1, 2008 to June 30, 2009 and will be charged at **one hundred and thirty eight dollars (\$138.00)** per annum. Additional services will be charged at **one hundred and thirty eight dollars (\$138.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.
23. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, weekly, of the approved organic contents of a 240 litre approved mobile bin. In addition, on a fortnightly basis, Council will collect the approved recyclable contents a 240 litre approved mobile bin as well as the approved waste contents of a 240 litre approved mobile bin, the cost of the provision of this bin is the ratepayer's cost. This charge is to be known as the '**Integrated Waste - Waste Plus**' collection service for the period July 1, 2008 to June 30, 2009 and will be charged at **three hundred and three dollars (\$303.00)** per annum. Additional services will be charged at **three hundred and three dollars (\$303.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.

2008/09 Rates and Annual Charges (Cont'd)

24. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, weekly, of the approved organic contents of a 240 litre approved mobile bin and the approved waste contents of a 240 litre approved mobile bin. In addition, on a fortnightly basis, Council will collect the approved recyclable contents a 240 litre approved mobile bin. This charge is to be known as the '**Integrated Waste – Premium**' collection service for the period July 1, 2008 to June 30, 2009 and will be charged at **three hundred and fifty five dollars (\$355.00)** per annum. Additional services will be charged at **three hundred and fifty five dollars (\$355.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.
25. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, subject to the approval of the Manager of Northern Rivers Waste, fortnightly, of the approved waste contents a 240 litre approved mobile bin. This charge is to be known as the '**Special Needs**' collection service for the period July 1, 2008 to June 30, 2009 and will be charged at **two hundred and sixteen dollars (\$216.00)** per annum. Additional services will be charged at **two hundred and sixteen dollars (\$216.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.
26. It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties, located within the Urban area of Lismore, a map of which is available at Council's Administration offices, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993, and where Council collects the approved waste contents of an approved 240 litre mobile waste bin and the approved contents of a 240 litre approved resource recovery bin on a weekly basis from that property, of **one hundred and ninety five dollars (\$195.00)** per annum, to be known as the '**Commercial/Industrial Integrated**' charge for the period July 1, 2008 to June 30, 2009. Additional services will be charged at **one hundred and ninety five dollars (\$195.00)** per annum. For services commenced during the year a proportional charge will be made.
27. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land, located outside the urban area of Lismore but within the declared domestic waste scavenging area, a map of which is available at Council's Corporate Centre for the removal, weekly, of the approved waste contents of a 240 litre approved mobile bin and on a fortnightly basis, the approved recycling contents of a 240 litre approved mobile bin. This charge is to be known as the '**Waste Collection Service - Rural**' collection service for the period July 1, 2008 to June 30, 2009 and will be charged at **one hundred and ninety five dollars (\$195.00)** per annum. Additional services will be charged at **one hundred and ninety five dollars (\$195.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.

2008/09 Rates and Annual Charges (Cont'd)

28. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land, located outside the urban area of Lismore but within the declared domestic waste scavenging area, a map of which is available at Council's Oliver Avenue Office for the removal, fortnightly, of the approved waste contents of a 240 litre approved mobile bin and on a monthly basis the approved recyclable contents of a 240 litre approved mobile bin. This charge is to be known as the **'Waste Collection Service - Rural Half'** collection service for the period July 1, 2008 to June 30, 2009 and will be charged at **one hundred and eleven dollars (\$111.00)** per annum. Additional services will be charged at **one hundred and eleven dollars (\$111.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.

STORMWATER MANAGEMENT SERVICES CHARGE

It should be noted that this charge applies to property located within the urban area of Lismore as defined by the maps shown in Schedules 'H' and 'I', the areas known as the Tucki Tucki Creek and Wilsons River catchments respectively and only on properties that are not vacant land, farmland or otherwise exempted from the charge under Section 496A (2) of the Act.

29. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all eligible residential property, as defined, excluding residential strata units, within the Tucki Tucki Creek catchment area shown on Schedule 'H', of **twenty five dollars (\$25.00)** per assessment, to be known as the **'Stormwater Charge - Residential - Tucki'** for the period July 1, 2008 to June 30, 2009.

30. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all eligible residential property, as defined, excluding residential strata units, within the Wilsons River catchment area shown on Schedule 'I', of **twenty five dollars (\$25.00)** per assessment, to be known as the **'Stormwater Charge - Residential - Wilsons River'** for the period July 1, 2008 to June 30, 2009.

31. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all residential strata units and all residential company titled units within the Tucki Tucki Creek **catchment** area shown on the map in Schedule 'H', of **twelve dollars fifty cents (\$12.50)**, to be known as the **'Stormwater Charge - Res Strata -Tucki'** for the period July 1, 2008 to June 30, 2009.

32. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all residential strata units and all residential company titled units within the Wilsons River catchment area shown on the map in Schedule 'I', of **twelve dollars fifty cents (\$12.50)**, to be known as the **'Stormwater Charge - Res Strata - Wilsons River'** for the period July 1, 2008 to June 30, 2009.

2008/09 Rates and Annual Charges (Cont'd)

33. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all business/commercial and industrial property, except for business/commercial and industrial strata units and company titled units, located within the Tucki Tucki Creek catchment area of **Lismore** shown on the map in Schedule 'H', of **twenty five dollars (\$25.00)** for each 350m² or part thereof subject to the following; for properties up to 4,200m² in area, the charge will be \$25 per 350m² or part thereof to a maximum of \$300; for properties whose area exceeds 4,200m², \$25 for each 350m² or part thereof, subject to any reduction due to the porous nature of the property which has determined using Council's adopted Stormwater Appeals Procedure and the charge is to be known as the '**Stormwater Charge - Business Tucki**' for the period July 1, 2008 to June 30, 2009.
34. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all business/commercial and industrial property, except for business/commercial and industrial strata units and company titled units, located within the Wilsons River catchment area of Lismore shown on the map in Schedule 'I', of **twenty five dollars (\$25.00)** for each 350m² or part thereof subject to the following; for properties up to 4,200m² in area, the charge will be \$25 per 350m² or **part** thereof to a maximum of \$300; for properties whose area exceeds 4,200m², \$25 for each 350m² or part thereof, subject to any reduction due to the porous nature of the property which has determined using Council's adopted Stormwater Appeals Procedure and the charge is to be known as the '**Stormwater Charge - Business - Wilsons River**' for the period July 1, 2008 to June 30, 2009.
35. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all eligible business/ commercial and industrial strata units and company titled units, located within the Tucki Tucki Creek catchment area of Lismore shown on the map in Schedule 'H', to be calculated at **twenty five dollars (\$25.00)** for every 350m² or part thereof of the total property and the product of that calculation being divided by the sum of the strata unit entitlement or the total sum of units of the company title with the product of that calculation being multiplied by the individual strata unit entitlement or company title entitlement to give the charge that is to be known as the '**Stormwater Charge - Bus Strata - Tucki**', subject to a minimum charge of \$25 per assessment, for the period July 1, 2008 to June 30, 2009.
36. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all eligible business/ commercial and industrial strata units and company titled units, located within the Wilsons River catchment area of Lismore shown on the map in Schedule 'I', to be calculated at **twenty five dollars (\$25.00)** for every 350m² or part thereof of the total property and the product of **that** calculation being divided by the sum of the strata unit entitlement or the total sum of units of the company title with the product of that calculation being multiplied by the individual strata unit entitlement or company title entitlement to give the charge that is to be known as the '**Stormwater Charge - Bus Strata - Wilsons River**', subject to a minimum charge of \$25 per assessment, for the period July 1, 2008 to June 30, 2009.

INTEREST CHARGES

37. It is hereby resolved in accordance with Section 566 (3) of the Local Government Act, 1993, for the period July 1, 2008 to June 30 2009, **the** Interest Rate on outstanding rates and charges will be **ten per cent (10%)**.
(Councillors Swientek/Tomlinson)

On submission to the meeting the AMENDMENT was DEFEATED.

Voting Against: Councillor Swientek.

2008/09 Rates and Annual Charges (Cont'd)

107/08

RESOLVED that:

Following advertisement of the draft 2008/09-2011 Management Plan in accordance with Section 405 of the Local Government Act, 1993, and the consideration of submissions received in accordance with Section 406 of the Local Government Act, 1993 :-

RATES

1. It is hereby resolved that a **Business Rate** to be known as the '**Business Inner CBD**' rate of **three point six two eight four (3.6284) cents in the dollar** per assessment, on the land value as at base date July 1, 2006 with a **base amount of two hundred and ninety nine dollars (\$299.00)** per assessment be now made for the rating year July 1, 2008 to June 30, 2009, on all rateable land within the centre of activity known as the Inner CBD shown as within the red boundary of the map, Schedule 'C,' and that meets the definition of Business as defined in Section 518 of the Local Government Act , 1993. The total income from base amounts equates to **four point seven (4.7%) percent of the Business Inner CBD income.**
2. It is hereby resolved that a **Business Rate** to be known as the '**Business Urban**' rate of **one point four four two four (1.4424) cents in the dollar** per assessment, on the land value as at base date July 1, 2006 with a **base amount of two hundred and ninety nine dollars (\$299)** per assessment be now made for the rating year July 1, 2008 to June 30 , 2009, on all rateable land within the centre of activity outside the Inner CBD shown as within the red boundary of the map, Schedule 'C', but within the urban area of Lismore as shown by the red boundary on the map, Schedule 'D' and that meets the definition of Business as defined in Section 518 of the Local Government Act, 1993. The total income from base amounts equates to **nine point five (9.5%) percent of the Business Urban income.**
3. It is hereby resolved that a **Business Rate** to be known as the '**Business Other**' rate of **point nine six five zero (0.9650) cents in the dollar** per assessment on the land value as at base date July 1, 2006 with a **base amount of two hundred and ninety nine dollars (\$299)** per assessment be now made for the rating year July 1, 2008 to June 30, 2009, on all rateable land in the City of Lismore but not within the areas defined within the maps, Schedules 'C' and 'D' attached and the Village of Nimbin, as defined by the map of Nimbin Village in Schedule 'A', and that meets the definition of Business as defined in Section 518 of the Local Government Act, 1993. The total income from base amounts equates to **twenty two point three (22.3%) percent of the Business Other income.**
4. It is hereby resolved that a **Business Rate** to be known as the '**Nimbin Business**' rate of **one point two three two seven (1.2327) cents in the dollar** per assessment on the land value as at base date July 1, 2006 with a **base amount of two hundred and ninety nine dollars (\$299)** per assessment that represents be now made for the rating year July 1, 2008 to June 30, 2009, on all rateable land within the Village of Nimbin, as defined by the map of Nimbin Village in Schedule 'A', that meets the definition of Business as defined in Section 518 of the Local Government Act, 1993. The total income from base amounts equates to **sixteen point zero (16.0%) percent of the Nimbin Business income.**
5. It is hereby resolved that a **Farmland Rate** to be known as the '**Farmland**' rate of **point four five zero two (0.4502) of a cent in the dollar** per assessment, on the land value as at base date July 1, 2006 with a **base amount of two hundred and ninety nine dollars (\$299)** per assessment be now made for the rating year July 1, 2008 to June 30, 2009, on all rateable land in the City of Lismore area that meets the definition of Farmland as defined in Section 515 of the Local Government Act, 1993. The total income from base amounts equates to **sixteen point nine (16.9%) percent of the Farmland income.**

2008/09 Rates and Annual Charges (Cont'd)

6. It is hereby resolved that a **Residential Rate** to be known as the '**Residential**' rate of **point six three five nine (0.6359) of a cent in the dollar** per assessment, on the land value as at base date July 1, 2006, with a base amount of **two hundred and ninety nine dollars (\$299)** per assessment, be now made for the rating year July 1, 2008 to June 30, 2009, on all rateable land within the centres of population defined and within the red lines shown on the maps in Schedule 'A' attached and meeting the definition of Residential as defined in Section 516 of the Local Government Act, 1993. The total income from base amounts equates to **thirty three point six (33.6%) percent of the Residential income.**
7. It is hereby resolved that a **Residential Rate** to be known as the '**Residential Rural**' rate of **point five one two eight (0.5128) of a cent in the dollar** per assessment on the land value as at base date July 1, 2006, with a base amount of **two hundred and ninety nine dollars (\$299)** per assessment, be now made for the rating year July 1, 2008 to June 30, 2009, that meets the definition of Residential on all rateable land except for land within the centres of population defined by the maps in Schedule 'A' attached and meeting the definition of Residential as defined by Section 516 of the Local Government Act, 1993. The total income from base amounts equates to **twenty six point eight (26.8%) percent of the Residential Rural income.**
8. It is hereby resolved that a **Special Rate** to be known as the '**Flood Levee**' rate of **point zero six one one (0.0611) of a cent in the dollar** per assessment on the land value as at base date July 1, 2006 subject to a minimum amount of **two dollars (\$2)** per assessment be now made for the rating year July 1, 2008 to June 30, 2009 on all land within the area shown within the red boundary as defined in Schedule 'E' attached to this report that in Council's opinion will receive a special benefit from the construction of the Lismore Flood Levee for protection from a one in ten year flood event.

SEWER AND TRADE WASTE CHARGES

9. It is hereby resolved that in accordance with Sections 501 and 539 of the Local Government Act, 1993, an annual charge be now made for the provision of sewerage services to single units of residential occupation, residential, as defined in Section 516 (1) (a) of the Local Government Act, 1993, including residential strata units of **four hundred and seventy six dollars (\$476.00)** per assessment. This charge applies to properties connected to the Lismore Sewer Scheme and is to be known as the '**Sewer**' charge for the period July 1, 2008 to June 30, 2009.
10. It is hereby resolved that in accordance with Sections 501 and 539 of the Local Government Act, 1993, an annual charge be now made for the availability of sewerage of **two hundred and six dollars fifty cents (\$206.50)** per assessment for all rateable land within the proposed Clunes Sewer Scheme area as defined by Schedule 'J', to be known as the '**Clunes Sewer**' charge for the period July 1, 2008 to June 30, 2009.
11. It is hereby resolved that in accordance with Sections 501 and 539 of the Local Government Act, 1993, an annual charge, as per the attached Schedule 'F', where the charge is indicated by the number of units of residential occupancy located on a property, be now made for the provision of sewerage services to a parcel of land connected to the Lismore Sewer Scheme to be known as the '**Sewer Multiple**' charge for the period July 1, 2008 to June 30, 2009, excluding residential Strata Units.

2008/09 Rates and Annual Charges (Cont'd)

12. It is hereby resolved that in accordance with Sections 501 and 539 of the Local Government Act, 1993, an annual charge be now made for the availability of sewerage of **two hundred and eighty five dollars sixty cents (\$285.60)** per assessment for all rateable parcels of land within 75 metres of a Lismore Sewer Scheme main and capable of discharging into that main but not connected thereto to be known as the '**Sewer Unconnected**' charge for the period July 1, 2008 to June 30, 2009.
13. It is hereby resolved that in accordance with Sections 501 and 539 of the Local Government Act, 1993, for all other properties, not being residential land as defined in Section 516 (1) (a) of the Local Government Act, 1993, an annual charge be now made for the provision of trade waste services for properties connected to the Lismore Sewer Scheme, as per the attached Schedule "G", where the charge is indicated by the number of equivalent tenants or part thereof allocated to an assessment in accordance with the methodology set out in Council's Sewer Usage Charging Strategy to be known as the '**Non-Residential Sewer**' charge, except for properties declared by Lismore City Council to be Established Strength Users, for the period July 1, 2008 to June 30, 2009.

WATER CHARGES

14. It is hereby resolved that in accordance with Section 501, 539 and 541 of the Local Government Act, 1993 an annual charge be now made for the year July 1, 2008 to June 30, 2009 for the provision of water and water service availability, based on the size of the water service connected to a property. For a property which has two or more water connections, the cost of the services will be the total number of services multiplied by the fixed service charged; in cases where different sized services are connected, the sum of the cost of the fixed service charges, except for water connections used solely for fire fighting services, the cost of which shall be **one hundred dollars (\$100.00)** per fire fighting service to be known as the '**Fixed Service Charge**' is hereby made in respect of:

Size of Service	Fixed Service Charge
20mm	\$ 100.00
25mm	\$ 156.25
32mm	\$ 256.00
40mm	\$ 400.00
50mm	\$ 625.00
65mm	\$1,056.25
80mm	\$1,600.00
100mm	\$2,500.00
150mm	\$5,625.00

15. In accordance with Sections 501, 539 and 541 of the Local Government Act, 1993 an annual charge, for the availability of water to property not connected to Council's water supply but capable of connection thereto and within 225 metres of a Council water main in accordance with Section 552 (1)(b) of the Local Government Act, 1993, for the year July 1, 2008 to June 30, 2009, to be known as the '**Water Availability**' charge, of **one hundred dollars (\$100.00)** per assessment is hereby made.
16. In accordance with Section 502 of the Local Government Act, 1993 for water recorded by the water meter on a property, a charge of **one dollar seventy (\$1.70)** per kilolitre for the year July 1, 2008 to June 30, 2009 to be known as the '**Consumption**' charge is hereby made.

DOMESTIC AND NON DOMESTIC WASTE MANAGEMENT SERVICES

17. It is hereby resolved that an annual charge be now made, in accordance with Sections 496 of the Local Government Act, 1993, for all land within the declared domestic waste scavenging areas, both urban and rural, maps of which are available at Council's Corporate Centre, not utilising the domestic waste management service provided by Council to be known as the '**Waste Availability**' charge, of **six dollars (\$6.00)** per assessment, except for those properties within the Nimbin Section 94 Plan Area, maps of which are available at Council's Corporate Centre, that are levied the Nimbin Transfer Station Charge, for the period July 1, 2008 to June 30, 2009.
18. It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all land within the Lismore City Council area, to be known as the '**Waste Minimisation**' charge, of **thirty dollars (\$30.00)** per assessment, except for those properties within the Nimbin Section 94 Plan Area, maps of which are available at Council's Corporate Centre, that are levied the Nimbin Transfer Station Charge, for the period July 1, 2008 to June 30, 2009. Two 300KG tip vouchers are included as part of the 'Waste Minimisation' Charge.
19. It is hereby resolved that an annual charge be now made, in accordance with Sections 501 and 541 of the Local Government Act, 1993, for all land located within the Nimbin Section 94 Plan Area, maps of which are available at Council's Corporate Centre, for the provision of the Nimbin Transfer Station Facility, of **seventy dollars twenty cents (\$70.20)** per assessment and for properties with multiple units of residential occupancy a charge of **seventy dollars twenty cents (\$70.20)** per unit of residential occupancy located on each assessment, to be known as the '**Transfer Station**' charge for the period July 1, 2008 to June 30, 2009. Properties paying for a waste collection service are exempt from this charge. Two 300KG tip vouchers are included for each 'Transfer Station' charge.
20. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, weekly, of the approved organic contents of a 240 litre approved mobile waste bin. In addition, on a fortnightly basis, Council will collect the approved recyclable contents a 240 litre approved mobile bin as well as the approved waste contents of a 120 or 140 litre approved mobile bin. This charge is to be known as the '**Integrated Waste**' collection service for the period July 1, 2008 to June 30, 2009 and will be charged at **one hundred and eighty five dollars (\$185.00)** per annum. Additional services will be charged at **one hundred and eighty five dollars (\$185.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.
21. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, on a fortnightly basis, of the approved organic contents of a 240 litre approved mobile waste bin. In addition, on a monthly basis, Council will collect the approved recyclable contents a 240 litre approved mobile bin as well as the approved waste contents of a 120 or 140 litre approved mobile bin. This charge is to be known as the '**Integrated Waste - Urban Half**' collection service for the period July 1, 2008 to June 30, 2009 and will be charged at **one hundred and five dollars (\$105.00)** per annum. Additional services will be charged **one hundred and five dollars (\$105.00)** at per annum. Services commenced during the charging period will be charged for on a proportional basis.

2008/09 Rates and Annual Charges (Cont'd)

22. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, weekly, of the organic contents of a 240 litre approved mobile waste bin. In addition, on a fortnightly basis, Council will collect the approved recyclable contents a 240 litre approved mobile bin as well as the approved waste contents of a 80 litre approved mobile bin, the cost of the provision of this bin is at the ratepayer's cost. This charge is to be known as the '**Integrated Waste – Discount**' collection service for the period July 1, 2008 to June 30, 2009 and will be charged at **one hundred and thirty eight dollars (\$138.00)** per annum. Additional services will be charged at **one hundred and thirty eight dollars (\$138.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.
23. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, weekly, of the approved organic contents of a 240 litre approved mobile bin. In addition, on a fortnightly basis, Council will collect the approved recyclable contents a 240 litre approved mobile bin as well as the approved waste contents of a 240 litre approved mobile bin, the cost of the provision of this bin is the ratepayer's cost. This charge is to be known as the '**Integrated Waste - Waste Plus**' collection service for the period July 1, 2008 to June 30, 2009 and will be charged at **three hundred and three dollars (\$303.00)** per annum. Additional services will be charged at **three hundred and three dollars (\$303.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.
24. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, weekly, of the approved organic contents of a 240 litre approved mobile bin and the approved waste contents of a 240 litre approved mobile bin. In addition, on a fortnightly basis, Council will collect the approved recyclable contents a 240 litre approved mobile bin. This charge is to be known as the '**Integrated Waste – Premium**' collection service for the period July 1, 2008 to June 30, 2009 and will be charged at **three hundred and fifty five dollars (\$355.00)** per annum. Additional services will be charged at **three hundred and fifty five dollars (\$355.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.
25. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, subject to the approval of the Manager of Northern Rivers Waste, fortnightly, of the approved waste contents a 240 litre approved mobile bin. This charge is to be known as the '**Special Needs**' collection service for the period July 1, 2008 to June 30, 2009 and will be charged at **two hundred and sixteen dollars (\$216.00)** per annum. Additional services will be charged at **two hundred and sixteen dollars (\$216.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.

2008/09 Rates and Annual Charges (Cont'd)

26. It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties, located within the Urban area of Lismore, a map of which is available at Council's Administration offices, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993, and where Council collects the approved waste contents of an approved 240 litre mobile waste bin and the approved contents of a 240 litre approved resource recovery bin on a weekly basis from that property, of **one hundred and ninety five dollars (\$195.00)** per annum, to be known as the '**Commercial/Industrial Integrated**' charge for the period July 1, 2008 to June 30, 2009. Additional services will be charged at **one hundred and ninety five dollars (\$195.00)** per annum. For services commenced during the year a proportional charge will be made.
27. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land, located outside the urban area of Lismore but within the declared domestic waste scavenging area, a map of which is available at Council's Corporate Centre for the removal, weekly, of the approved waste contents of a 240 litre approved mobile bin and on a fortnightly basis, the approved recycling contents of a 240 litre approved mobile bin. This charge is to be known as the '**Waste Collection Service - Rural**' collection service for the period July 1, 2008 to June 30, 2009 and will be charged at **one hundred and ninety five dollars (\$195.00)** per annum. Additional services will be charged at **one hundred and ninety five dollars (\$195.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.
28. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land, located outside the urban area of Lismore but within the declared domestic waste scavenging area, a map of which is available at Council's Oliver Avenue Office for the removal, fortnightly, of the approved waste contents of a 240 litre approved mobile bin and on a monthly basis the approved recyclable contents of a 240 litre approved mobile bin. This charge is to be known as the '**Waste Collection Service - Rural Half**' collection service for the period July 1, 2008 to June 30, 2009 and will be charged at **one hundred and eleven dollars (\$111.00)** per annum. Additional services will be charged at **one hundred and eleven dollars (\$111.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.

STORMWATER MANAGEMENT SERVICES CHARGE

It should be noted that this charge applies to property located within the urban area of Lismore as defined by the maps shown in Schedules 'H' and 'I', the areas known as the Tucki Tucki Creek and Wilsons River catchments respectively and only on properties that are not vacant land, farmland or otherwise exempted from the charge under Section 496A (2) of the Act.

29. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all eligible residential property, as defined, excluding residential strata units, within the Tucki Tucki Creek catchment area shown on Schedule 'H', of **twenty five dollars (\$25.00)** per assessment, to be known as the '**Stormwater Charge - Residential - Tucki**' for the period July 1, 2008 to June 30, 2009.

2008/09 Rates and Annual Charges (Cont'd)

30. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all eligible residential property, as defined, excluding residential strata units, within the Wilsons River catchment area shown on Schedule 'I', of **twenty five dollars (\$25.00)** per assessment, to be known as the '**Stormwater Charge - Residential - Wilsons River**' for the period July 1, 2008 to June 30, 2009.
31. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all residential strata units and all residential company titled units within the Tucki Tucki Creek catchment area shown on the map in Schedule 'H', of **twelve dollars fifty cents (\$12.50)**, to be known as the '**Stormwater Charge - Res Strata -Tucki**' for the period July 1, 2008 to June 30, 2009.
32. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all residential strata units and all residential company titled units within the Wilsons River catchment area shown on the map in Schedule 'I', of **twelve dollars fifty cents (\$12.50)**, to be known as the '**Stormwater Charge - Res Strata - Wilsons River**' for the period July 1, 2008 to June 30, 2009.
33. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all business/commercial and industrial property, except for business/commercial and industrial strata units and company titled units, located within the Tucki Tucki Creek catchment area of Lismore shown on the map in Schedule 'H', of **twenty five dollars (\$25.00)** for each 350m² or part thereof subject to the following; for properties up to 4,200m² in area, the charge will be \$25 per 350m² or part thereof to a maximum of \$300; for properties whose area exceeds 4,200m², \$25 for each 350m² or part thereof, subject to any reduction due to the porous nature of the property which has determined using Council's adopted Stormwater Appeals Procedure and the charge is to be known as the '**Stormwater Charge - Business Tucki**' for the period July 1, 2008 to June 30, 2009.
34. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all business/commercial and industrial property, except for business/commercial and industrial strata units and company titled units, located within the Wilsons River catchment area of Lismore shown on the map in Schedule 'I', of **twenty five dollars (\$25.00)** for each 350m² or part thereof subject to the following; for properties up to 4,200m² in area, the charge will be \$25 per 350m² or part thereof to a maximum of \$300; for properties whose area exceeds 4,200m², \$25 for each 350m² or part thereof, subject to any reduction due to the porous nature of the property which has determined using Council's adopted Stormwater Appeals Procedure and the charge is to be known as the '**Stormwater Charge - Business - Wilsons River**' for the period July 1, 2008 to June 30, 2009.
35. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all eligible business/ commercial and industrial strata units and company titled units, located within the Tucki Tucki Creek catchment area of Lismore shown on the map in Schedule 'H', to be calculated at **twenty five dollars (\$25.00)** for every 350m² or part thereof of the total property and the product of that calculation being divided by the sum of the strata unit entitlement or the total sum of units of the company title with the product of that calculation being multiplied by the individual strata unit entitlement or company title entitlement to give the charge that is to be known as the '**Stormwater Charge - Bus Strata - Tucki**', subject to a minimum charge of \$25 per assessment, for the period July 1, 2008 to June 30, 2009.

2008/09 Rates and Annual Charges (Cont'd)

36. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all eligible business/ commercial and industrial strata units and company titled units, located within the Wilsons River catchment area of Lismore shown on the map in Schedule 'I', to be calculated at **twenty five dollars (\$25.00)** for every 350m² or part thereof of the total property and the product of that calculation being divided by the sum of the strata unit entitlement or the total sum of units of the company title with the product of that calculation being multiplied by the individual strata unit entitlement or company title entitlement to give the charge that is to be known as the '**Stormwater Charge - Bus Strata - Wilsons River**', subject to a minimum charge of \$25 per assessment, for the period July 1, 2008 to June 30, 2009.

INTEREST CHARGES

37. It is hereby resolved in accordance with Section 566 (3) of the Local Government Act, 1993, for the period July 1, 2008 to June 30 2009, the Interest Rate on outstanding rates and charges will be **ten per cent (10%)**.
(Councillors Irwin/Meineke)

Voting Against: Councillors Tomlinson and Swientek.

Closure

This concluded the business and the meeting terminated at 7.16 pm.

CONFIRMED this 8 of July 2008 at which meeting the signature herein was subscribed.

MAYOR

MINUTES OF THE ADJOURNED ORDINARY MEETING (JUNE 10, 2008) OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON THURSDAY, JUNE 19, 2008 AT 7.16PM.

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, Executive Director-Infrastructure Services, Manager-Finance, Strategic & Assessment Planner, Communications Co-ordinator, Manager-Human Resources, Human Resource Officer-Injury Management, Corporate Compliance Co-ordinator and Executive Assistant-Infrastructure Services.

Reports

Proposed 2008/2009 Roads Capital Works Programme

- 108/08 **RESOLVED** that the report be received and:
1. That Council approve the 2008/2009 Roads Capital Works Programme as set out in the body of the report.
 2. That road maintenance spending be brought within the scope of the Infrastructure Assets PAG.
- (Councillors Tomlinson/Irwin) (S374)

Amendment No 3 to Lismore Development Control Plan

- 109/08 **RESOLVED** that the report be received and:
1. That Council adopt Amendment 3 of the Lismore Development Control Plan in the form in which it was publicly exhibited.
 2. That Council give public notification of the adoption of Amendment No. 3 to the Lismore DCP in accordance with the *Environmental Planning and Assessment Regulation 2000*.
- (Councillors Irwin/Meineke) (S924)

Voting Against: Councillors Ekins

Lismore CBD Traffic Study

- 110/08 **RESOLVED** that Council exhibit the proposal with estimated costings for 40 days seeking community input through workshops in the CBD and eliciting support for some or all elements of the proposal.
- (Councillors Swientek/Ekins)

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

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

A FORESHADOWED MOTION was MOVED that Council conduct two workshops, one with Councillors, with a presentation from TTM Consultants on their conclusions and recommendations.

(Councillors Henry/Meineke)

Lismore CBD Traffic Study (Cont'd)

- 111/08 **RESOLVED** that Council conduct two workshops, one with Councillors, with a presentation from TTM Consultants on their conclusions and recommendations.
(Councillors Henry/Meineke) (S274)

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

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

Lismore Development Control Plan – Proposed Amendment No. 5 – Off Street Carparking

- 112/08 **RESOLVED** that the report be received and:
1. That Council resolve to exhibit Lismore Development Control Plan Amendment No. 5 for a period of 28 days.
 2. That Council refer the proposed DCP Amendment No. 5 to the Lismore Chamber of Commerce and the Economic Development Policy Advisory Group for review and comment.
- (Councillors Meineke/Henry) (S924)

Goonellabah Sports and Aquatic Centre

- 113/08 **RESOLVED** that the report be received and that Council:
1. Approve the revised construction and fit-out budget for the Goonellabah Sports & Aquatic Centre totalling \$14,874,293.
 2. Make allowance to borrow a total of \$1,424,000 in 2008/09 from loan funds for the Goonellabah Sports & Aquatic Centre.
 3. Allocate \$144,000 in unexpended stormwater management services charges to partially fund the Tucki Tucki Creek project.
 4. Transfer \$444,000 allocated to rehabilitation of Tucki Tucki Creek to the construction of the Sports & Aquatic Centre.
 5. Allocate \$315,100 from the sewerage fund for sewer main relocation works associated with this project.
 6. Allocate \$10,000 from the demand management budget in water fund for rain tanks for this project.
 7. Allocate \$6,000 from the risk management reserve to set up the Goonellabah Sports & Aquatic Centre as the disaster recovery facility for the Council Chambers and Goonellabah Corporate Centre.
- (Councillors Swientek/Dowell) (T27005)

Voting Against: Councillors Irwin, Tomlinson, Ekins, Chant and Hampton.

Rental of Council Properties to Community Groups

- A MOTION was MOVED that the report be received and that:
1. Council review its existing policies and develop a draft policy governing the rental of Council owned properties by community groups.
 2. The guidelines provided in this report form the basis of the policy review and development of the new draft policy.
 3. The draft policy be reported back to Council for further consideration when complete.
 4. Until the policy is determined by Council, organisations that are potentially affected, are not to be charged for rental.
- (Councillors Dowell/Irwin)

Rental of Council Properties to Community Groups (Cont'd)

AN AMENDMENT WAS MOVED that –

1. Council review its existing policies and develop a draft policy governing the rental of Council owned properties by community groups.
 2. The guidelines provided in this report form the basis of the policy review and development of the new draft policy.
 3. The draft policy be reported back to Council for further consideration when complete.
 4. That the status quo remain until such time as the new policy is adopted.
- (Councillors Meineke/Crimmins)

On submission to the meeting the AMENDMENT was APPROVED and became the MOTION.

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

114/08

RESOLVED that:

1. Council review its existing policies and develop a draft policy governing the rental of Council owned properties by community groups.
 2. The guidelines provided in this report form the basis of the policy review and development of the new draft policy.
 3. The draft policy be reported back to Council for further consideration when complete.
 4. That the status quo remain until such time as the new policy is adopted.
- (Councillors Meineke/Crimmins) (P583:P1270)

Tenders for Sewer Rising Main No 3 Replacement – Stage 1

115/08

RESOLVED that the report be received and that:

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

Workers Compensation Insurance – Regional Tender

116/08

RESOLVED that the report be received and that:

1. Council accept the tender from StateCover Mutual Ltd. for the provision of Workers Compensation Insurance for a two year period, for a cost of \$617,034 being the indicative premium payment covering the twelve month period from July 1, 2008.
2. Council engage StateCover Mutual Ltd. on the proviso that they agree to negotiate and enter into a Service Level Agreement containing clearly articulated service standards, with the agreement to be for a of two-year period with an initial review after the first twelve months.

Workers Compensation Insurance – Regional Tender (Cont'd)

3. The continuation of StateCover as the supplier of Workers Compensation Insurance be subject to satisfactory annual performance as measured against the selection criteria detailed in the Service Level Agreement.
 4. QBE be appointed as the second preferred supplier of Workers Compensation Insurance in the event that a satisfactory Service Level Agreement cannot be negotiated and agreed upon within a three month period commencing from July 1, 2008 and ending on September 30, 2008.
 5. QBE be appointed as the second preferred supplier of Workers Compensation Insurance in the event that StateCover do not satisfactorily meet the performance criteria contained in the Service Level Agreement at the annual review.
 6. The Mayor and General Manager be authorised to execute the contract on Council's behalf and attach the common seal.
- (Councillors Irwin/Chant) (S184)

North Lismore Quarry Access

117/08

RESOLVED that the report be received and that:

1. Council compulsorily acquire Lot 159 in DP 755729 and Lot 160 in DP 755729 under Section 29 of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of securing access to the North Lismore Quarry and other important community infrastructure as outlined in the report.
 2. Council make an application to compulsorily acquire these lots in accordance with the Guidelines for Compulsory Acquisition of Land.
 3. Council make application for the approval of the Minister for Local Government pursuant to Section 187 of the Local Government Act 1993 to the giving of a proposed acquisition notice under the Land Acquisition (Just Terms Compensation) Act 1991 in respect of such land.
 4. Council make application for the approval of the Governor for Council to declare by notice published in the 'Government Gazette' that such land is acquired by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991.
 5. Upon acquisition, the land be classified as operational in accordance with Section 31 of the Local Government Act 1993.
 6. The Mayor and General Manager be authorised to sign and affix the Council seal to any documentation required to complete this resolution.
 7. That the adjoining landowner who contributed towards the initial acquisition costs be reimbursed \$8,000 plus reasonable interest applicable to the payment.
- (Councillors Graham/Hampton) (P9388:R2854)

Council Meeting Schedule – June to November

118/08

RESOLVED that the report be received and noted and that:

1. The Council meeting schedule for June – November be as follows:

June 19	– Extra-Ordinary Meeting
July 8	– Ordinary Meeting
August 12	– Ordinary Meeting
August 26	– Possible Extra-Ordinary Meeting
September 30	– Extra-Ordinary Meeting
October 14	– Ordinary Meeting
October 21	– Extra-Ordinary Meeting
November 11	– Ordinary Meeting

Council Meeting Schedule – June to November (Cont'd)

2. The following workshops for the new Council be noted:
 - September 23 – Initial Introduction for Councillors
 - October 7 – Strategic Plan Overview and Site inspection and review of GSAC
 - October 10 – 12 – Weekend Workshop and briefings
 - October 21 – Council Finances and Budgeting
 - November 3 – 4 – Strategic Plan Review

3. The tenure of the Policy Advisory Groups' Community Members be extended until the end of November 2008.
(Councillors Irwin/Hampton) (S43)

At this juncture, Cr Tomlinson left the meeting.

Replacement of Plant No 207 (Wheel Loader) and No 211 (Front-End Loader)

- 119/08 **RESOLVED** that the report be received and that:
1. Council resolve to purchase from Komatsu Australia Pty Ltd a Komatsu WA380-6 wheeled loader with protective guarding and high-lift arms suitable for waste handling, and fitted with auto-greasing, the price of which will be \$319,071.68 including Goods and Services Tax.
 2. Council resolve to purchase from Komatsu Australia Pty Ltd a Komatsu WA200-5 wheeled loader, the price of which will be \$177,100.00 including Goods and Services Tax.
- (Councillors Chant/Hampton) (S360)

At this juncture, Cr Tomlinson rejoined the meeting.

Lismore Public Transport Policy Advisory Group Strategic Plan

- 120/08 **RESOLVED** that the report be received and that:
1. The Lismore City Council Public Transport Policy Advisory Group Strategic Plan be adopted.
 2. The Public Transport Policy Advisory Group Strategic Plan be reviewed annually to remain abreast of current issues impacting transport.
- (Councillors Irwin/Meineke) (S135)

Fire Safety in Buildings Policy

- 121/08 **RESOLVED** that the report be received and that Council formally adopt the "Fire Safety in Buildings" policy as presented.
(Councillors Dowell/Irwin) (S963)

Debt Recovery – Credit Terms and Pensioners

- 122/08 **RESOLVED** that the report be received and that Council endorse the following principles pertaining to debt recovery procedures:-
1. That credit terms for sundry debtor accounts be generally 30 days, but subject to variation depending on the quantum of the client account and client history.
 2. That credit terms for water accounts be one month.
 3. That pensioners be excluded from legal proceedings and the sale of land for unpaid rates for rates and water debt recovery processes.
- (Councillors Swientek/Dowell) (S204)

Investments held by Council – May 2008

- 123/08 **RESOLVED** that the report be received and noted.
(Councillors Dowell/Swientek) (S178)

Committee Recommendations

Traffic Advisory Committee May 21, 2008

- 124/08 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.
(Councillors Irwin/Dowell) (S352)

Financial Assistance - Section 356

- 125/08 **RESOLVED** that in accordance with Section 356(1) of the Local Government Act 1993, the assistance to persons as listed is hereby approved.

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

Budget: \$11,700.00 To date: \$13,350.00

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

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

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

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

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

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

Financial Assistance - Section 356 (Cont'd)

Lismore Symphony Orchestra Inc. requesting Council consider discounting the hire charges (\$215 per session) for the City Hall on June 14, 2008 (1 session), June 15, 2008 (1 session) and November 22, 2008 (2 sessions) for performances. An entrance fee is to be charged (S164,P6816:08-5176)

Recommendation: In accordance with Clause 5 of the policy, a donation of 20% of the hire fee applies \$172.00

b) Council Contributions to Charitable Organisations

Waste Facility – Policy 5.6.1 (GL390.965.15)

Budget: \$12,000.00 To date: \$10,318.19

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

In accordance with policy. \$644.70

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

Budget: \$2,700.00 To date: \$1,626.82

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

d) Miscellaneous Donations

The Salvation Army are requesting to waive the fees for two weeks' banner hire for Carrington Street for their annual Red Shield Appeal on May 24-25, 2008.

Comment: The sum of the banner site for two weeks being \$196.00. Council's Policy 1.4.14 allows for one week's banner hire to eligible non profit community organisations.

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

(Councillors Graham/Irwin)

Closure

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

CONFIRMED this 8 of July 2008 at which meeting the signature herein was subscribed.

MAYOR