

Council

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, 43 Oliver Avenue, Goonellabah on Tuesday, 12 April 2011 at 6.00pm.

Members of Council are requested to attend.

Paul O'Sullivan General Manager

5 April 2011



Agenda

- 1. Opening of Meeting and Prayer (Mayor)
- 2. Apologies and Leave of Absence
- 3. Confirmation of Minutes

Lismore City Council meeting held 8 March 20111

4. Disclosure of Interest

5. Public Access Session Louise Watson - Prevention of Animal Cruelty Michael Carter - Agreement for Provision of Wastewater Services to the Proposed Crawford Land Development Jim Punch/Tony Riordan - North Lismore Plateau

6. Public Question Time

7. Condolences Yamato Takada (Sister City)

8. Mayoral Minutes

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Lismore City Council Community Strategic Plan 2008 - 2018

Guiding Principles Social Inclusion and Participation	Outcomes That all Lismore residents enjoy equal opportunities within a strong,
Sustainable Economic Growth and Development	inclusive community. That Lismore's economy is vibrant and development is environmentally and socially sustainable.
Protect, Conserve and Enhance the Environment and Biodiversity	That Lismore's natural ecology is protected and maintained in a healthy and robust state for future generations
Best-Practice Corporate Governance	That best-practice management principles pervade our business; that we are innovative, ethical, and our use of resources provides maximum benefits to the community.
Community Strategic Priorities	Outcomes
Enhance Lismore as a Regional Centre	That Lismore retains and builds on its regional service centre role, including the provision of key medical, legal and tertiary education functions
Foster Youth Development	That young people are included in our community and can safely pursue their interests and aspirations,
Support an Ageing Population	That older people have access to appropriate services and facilities to enhance their health and wellbeing.
Provide Sustainable Land-use Planning	That land-use planning is founded on principles of sustainability.
Improve Catchment Management	That catchment management is integrated and holistic, in order to achieve a sustainable and balanced use of natural resources.
Revitalise the CBD	That the CBD becomes a vibrant meeting place and a cultural and entertainment hub for the Northern Rivers region.
Integrated Waste Cycle Management	That Lismore minimises waste to landfill by reducing, reusing and recycling.
Improve Roads, Cycleways and Footpaths	That Lismore has an extensive transport network and is an accessible, safe and efficient city for motorists, cyclists and pedestrians.
Mitigate Climate Change at a Local Level	That Lismore is a leader in reducing carbon emissions and minimising the impacts of climate change.
Develop and Support Art, Cultural, Sporting and Tourism Activities	That our regional art, cultural and sporting facilities remain a major component of Lismore life and an increasingly popular attraction for domestic tourists.
Integrated Water Cycle Management	That Lismore maintains long-term water security for its growing population through the efficient use of this precious resource.
Provide Greater Housing Choices	That Lismore offers a diverse range of housing options to accommodate a variety of households.
Improve Passive and Active Recreational Facilities	That Lismore retains and builds on its regional recreation centre to attract major events and tournaments.

Corporate Foundations	Outcomes
Efficient Use of Council Resources	That we maximise the value of our resources, continually review our operations to ensure best value, eliminate waste and duplication, and gain the full service potential from our assets
Engage With the Community	That the community is informed and consulted about the issues that are relevant to their lives and we are fully accountable to the community for our operations.
Promote a Constructive Corporate Culture	That customers and staff experience a supportive organisation, with a strong sense of integrity, which responds to their needs and provides innovative and creative services.
Whole of Council Corporate Planning	That we have clear goals and act as one in their co-ordinated implementation, in order to maximise the return on resource investment and staff expertise.
Providing Excellent Customer Service	That our primary focus is to understand and respond to the needs of the community we serve.

Cr Isaac Smith has given notice of intention to move:

That Council delivers a report on the Resource Recovery Centre, in time for 2011/12 budget consideration, regarding:

- 1. The results of the two free tip days held annually over the last 3 years.
- 2. The possibility of replacing one of the free tip days with an annual 'emu pick' kerbside collection for large items.

Councillor Comment

After the last free tip day I was asked by a number of residents if Lismore could provide a free annual pick up of large items.

Their reasons were two fold. They thought it was an equity issue for those who were unable to access or load a vehicle for the free tip days. They were also keen to see an 'emu pick' where large goods were left out on the kerb for a day or two prior to the pick up so members of the community could give away unwanted items to anyone who wanted them. The 'emu pick' also has the effect of reducing the amount to be collected and increasing the recycling rate in a sustainable manner.

This would be for large items only and would not include anything that could fit in a wheelie bin. Council staff would only collect items at their discretion with clear instructions being provided to residents.

Staff Comment

Manager Commercial Services

The following information addresses the content of this Notice of Motion and concludes that introducing an annual kerbside collection is costly and an inefficient application of resources. A similar request was raised by Councillors approximately four years ago. Staff investigations then were that there were a number of issues with collecting bulky items from the kerbside and that a preferred option would be to allow the public to bring such items to the Council waste facility free of charge on two occasions per year. The issues with the kerbside pickups included the following:

- At the time this was last investigated the cost of a kerbside pickup was \$160,000 compared to each tip free day costing \$5,000. Costs of the tip free days have now increased to around \$12,000 as they have become more popular. The last indicative figure to conduct a kerbside collection from a nearby similar sized shire was \$280,000. There is a huge difference in the cost structures of these two events. It is estimated that its introduction would add a minimum of \$20 to each household waste charge.
- Previous kerbside collections generated considerable litter as people did not only put out large items. Storm events also damaged many of the items placed out and spread lighter material throughout the streets.

- Considerable risk is associated with a kerbside collection and extensive safety measures will need to be implemented to undertake such a service to meet Occupational Health an Safety requirements, that may not have been required years ago. These will include traffic control and manual handling lifting limits requiring backhoe operation. These items drastically increase the costs of such a collection.
- Typically only a minority of households partakes in the kerbside collection but all streets have to be checked by the collection crews exaggerating the cost per tonne of conducting the collection.
- Rural residents are not able to participate in the kerbside collection, whereas they do make considerable use of the tip free days. This was a key determinate in the move to tip free days.

Patronage of the tip free days continues to grow with 1531 transactions at the November event. Since the new weighbridge system has been installed the following data has been collected (figures are in tonnes):

			Total Waste	Diversion
Tip Free Day	Landfill	Diversion	Presented	%
20/11/2010	100	218	318	69.00%
06/05/2010	70.68	115.42	186.1	62.02%
15/11/2009	73.46	107.51	180.97	59.41%

A break up of items presented at the last tip free day in November was:

concrete	15.7 tonne
steel	32.88 tonne
• timber	21.73 tonne
 co-mingled recyclables 	3.52 tonne
 mixed waste 	100 tonne - mostly bagged and loose waste
 tyres 	159 units (1.44 tonne)
 greenwaste 	118.4 tonne
 e-waste 	15 tonne
 whitegoods 	177 units
 chemicals 	300 kilograms
 chemcial drums 	160 units (320 kilograms)
 paper and carboard 	1.5 tonne
 other (copper, brass, al) 	1.9 tonne
revolve	6.72 tonne

Staff would not recommend a move away from tip free days to a kerbside goods collection.

TRIM Record No: BP11/101:EF10/363

Cr Gianpiero Battista has given notice of intention to move:

That:

- 1. Council make an application to Variety Australia (a children's charity) to install what is termed a 'Liberty Swing' which is a playground swing for children with disabilities in Nesbitt Park.
- 2. In order to fund the purchase and installation of the swing the \$20,000 set aside for a study on shaded car park in Brown's creek be re-directed as Council's contribution to the swing if the application is successful (Liberty Australia usually pay for 25 % of the cost or about \$10,000 and the Council's disability access fund would contribute a further \$10,000 of the balance).

Councillor Comment

The choice of location is related to Council's vision for Nesbitt Park which is to make it a place of excellence in accessible open spaces where people with disability, older people and people without disability can have equal access to appropriate outdoor equipment and open space for the health and wellbeing of all Lismore residents. The Liberty Swing is a part of achieving this vision.

Following is an extract from the Variety Australia website:

'Remember how much fun you had as a child visiting the local playground? The exhilaration of playing on a swing is something that most children enjoy, and nearly all take for granted. For those in a wheelchair however, the simple pleasure of swinging through the air was never an option until Wayne Devine invented the Wheelchair Swing.

The Liberty Swing is a revolutionary design in play equipment for people with disabilities which allow children in wheelchairs the opportunity to enjoy the fun and recreation of swinging.



Variety champions this wonderful invention and aims to get these swings into as many communities as possible.

A Liberty Swing costs **\$23,000 with installation costs at \$12,000 to \$15,000** and Variety has provided over 200 swings to special needs children and their communities. Anyone who has attended a presentation of a Variety

Liberty Swing can tell you how fantastic it is to be able to see the joy brought to the lives of the children who receive it.

Many of the swings commissioned so far have gone into rural areas, reflecting our commitment to support children from all parts of Australia'.

Video of Liberty Swing: http://www.libertyswing.com.au/

Staff Comment

Sport and Recreation Officer

The Liberty Swing is a revolutionary concept in playground swing equipment for people with disabilities which enable children in wheelchairs to enjoy the fun and recreation of swinging.

The swing promotes inclusivity as the inventor has included a fold down seat because sometimes, when the Liberty Swing is being used, able-bodied children want a turn-if a key holder is present, this is possible using that seat

It is important that the swing is located close to other play equipment and in Nesbitt Park there is a suitable spot, close to the current playground and shaded area and within easy distance of the car park which is currently being built with 6 accessible parking bays

The swing needs to be enclosed inside a 1200mm high fence with a locked gate which can be opened using a MLAK key. The area required is approximately 10metres by 7metres. A Liberty Swing is already located in Messingham Park in Ballina and was purchased and installed at a cost of \$35 000

The current cost of a swing and installation is \$40 000. To fund this venture \$10 000 is available from the Variety Club of Australia and \$10 000 from a grant from the Access Committee. I believe a further \$20 000 may be available from funds already allocated to another project.

Social Planner

A shared vision for Nesbit Park is to make it a place of excellence in accessible open spaces where people with disability, older people and people without disability can have equal access to appropriate outdoor equipment and open space for the health and well being of all Lismore residents. The Liberty Swing is a part of achieving this vision.

The Lismore City Council Access and Inclusion Plan 2010 - 2014 supports the inclusion of a Liberty Swing at Nesbitt Park under section 2.4 "Improve recreation opportunities for people with disability" and section 6.1.5 "Develop a coordinated approach to sport, recreation and leisure for people with disability".

The Access Committee receives a recurrent budget of \$15,000 toward small capital works to improve access to council services and facilities for people with disability. The Access Committee has approved \$10,000 to be used for purchase of the Liberty Swing to be installed at Nesbitt Park. The Access Committee is in full support of making Nesbit Park a place of excellence in accessible open space.

Manager Assets

The funds set aside for progression of the proposed shade structures at Brown's Creek carpark have not been spent because of staff vacancies in the Assets area. It had been intended to revisit this project in the middle of 2011. If the funds are reallocated for other purposes, staff will certainly still be able to conduct investigations into the proposal, however formalising it into plans, documentation, development application etc. will not be possible unless funds are available.

Manager - Finance

The recommendation to reallocate \$20,000 from the Carpark Shade Coverings project, which is included in the 2010-2014 Delivery Plan, to a Liberty Swing project which is not included in the 2010-2014 Delivery Plan is not supported.

Council has commenced the process of preparing its 2011/12 Operational Plan and reviewing the 2010-2014 Delivery Plan. It is considered appropriate that a submission for this project be made to this process so that it is treated the same as all other submissions made.

TRIM Record No: BP11/168:EF10/363

Cr Gianpiero Battista has given notice of intention to move:

That Council staff contact the owner of the Lismore Palms Caravan Park in order to:

- Investigate the possibility of collaboration between Council and owners of the Palms Caravan Park in extending the park to include the raised block of land between existing park and the Westpac helicopter base for use as added Caravan sites.
- 2. Investigate the relocation of those permanent residents from the Lismore Caravan Park who have difficulties finding alternative lodging and/or prefer to live on a caravan site.
- Present the results from the investigation in a briefing inviting all stakeholders (i.e. Lismore Park residents representative, Palms' owner, SES) to participate and present if they wish their ideas and /or concerns. All issues arising from the consultation should be investigated by staff.
- 4. Follow a briefing with recommendation/s forwarded to Council for deliberation.

Councillor Comment

The departure, at the end of 2011, of permanent residents from the Lismore Caravan Park **will most likely result** in some of the permanent residents to become homeless. The Lismore Palms Caravan Park owns a filled block of land which is adjacent to the facility and which can, if modified, contain more sites (attached drawings for options). The same block is above current flood levels and close to the SES Lismore base

Staff Comment

Manager, Assets

The welfare of existing residents at the Lismore Tourist Caravan Park has been at the forefront of all discussions and investigations into this matter to date. Council staff continue to work with relevant agencies to find alternate accommodation options for people that would be required to move out of the Tourist Caravan Park. Moving affected residents to other caravan parks within Lismore is one of those options.

The NOM suggests that Council should consider contributing, apparently including financially, to developing the Palms Caravan Park. Any proposal of this nature would require careful consideration as there would be probity, transparency and equity issues to address. Other caravan parks in the Lismore area may ask for similar support to further develop their own facilities.

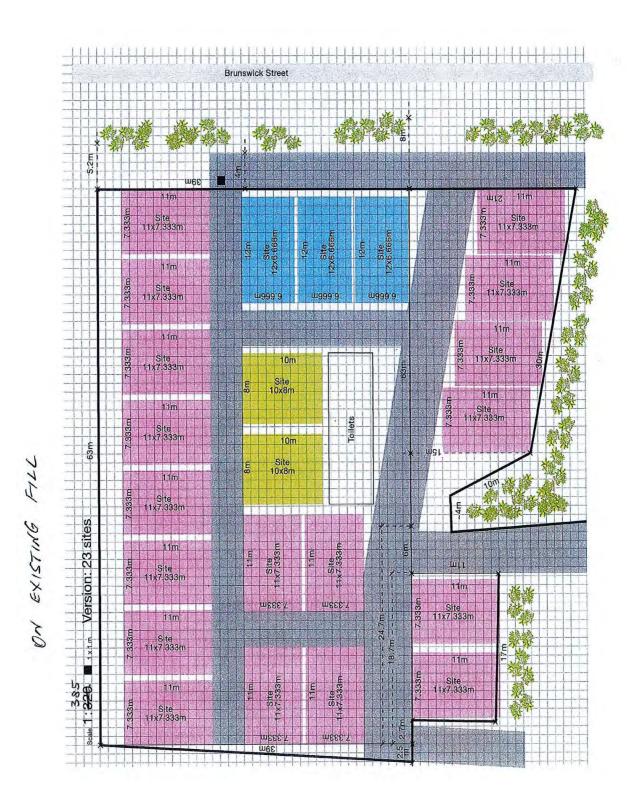
The same issues around how long a resident could stay in the park would remain as they do at the Tourist Caravan Park. Staff are already examining this issue in response to a Councillor Request.

Any workshop to deal with this issue would need to be a closed workshop due to the commercially sensitive nature of the matters under discussion and involve staff and Councillors only. It is not appropriate to be dealing with such matters in a public forum.

1. Attachment - NOM - Lismore Tourist Caravan Park

TRIM Record No: BP11/210:EF10/363

Option 1:

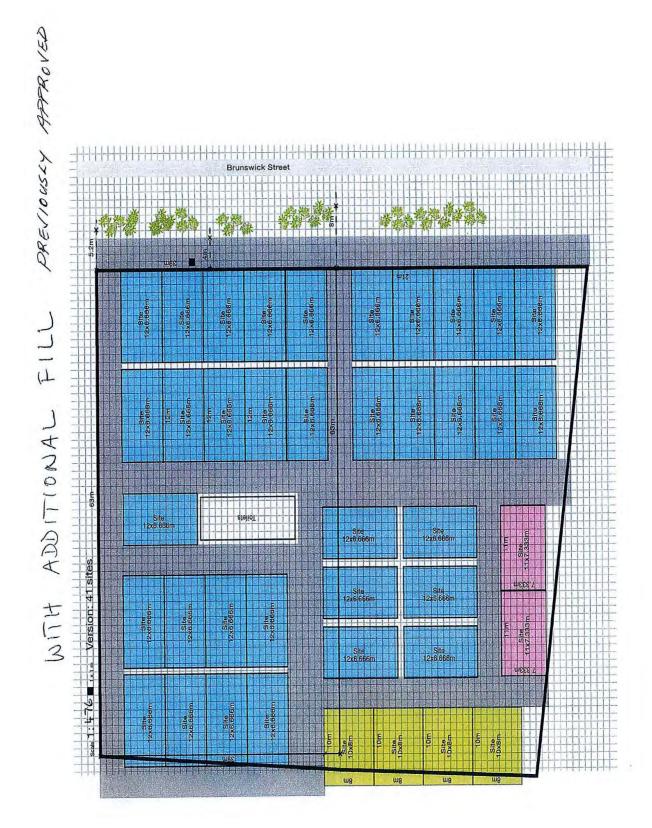


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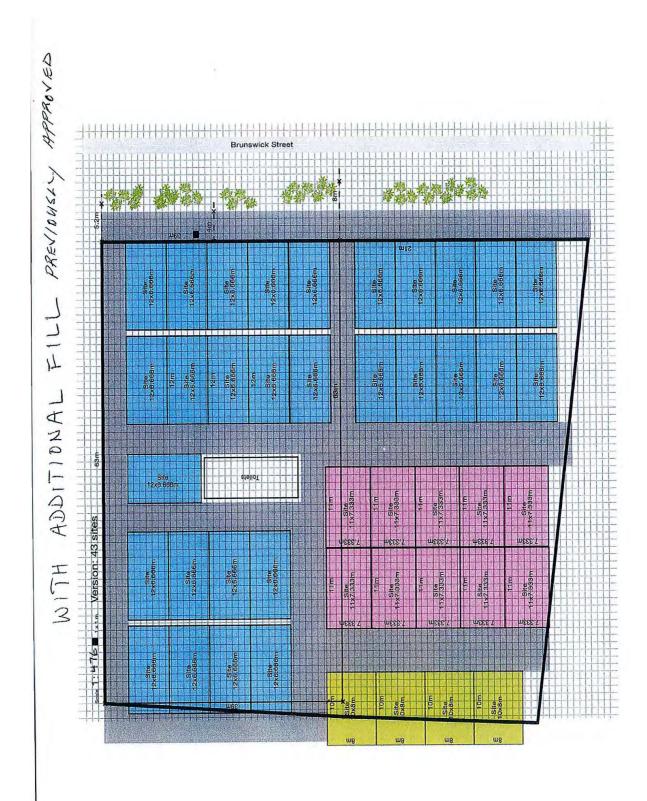
Option 2:











Cr Simon Clough has given notice of intention to move:

That Council prepare clear guidelines for the operation of the 'one million dollar revolving climate change fund' including:

- 1. Criteria as to who can apply for the fund;
- 2. Eligibility criteria for including projects in the fund;
- 3. Regular reports regarding the money expended and money available in the fund; and
- 4. Regular reports detailing the loan fund's impact on carbon emissions.

Staff Comment

Manager Finance

Council created the 'Cities for Climate Protection Implementation Fund' (Fund) as part of the 2007/08 Management Plan. Historically, the criteria used to assess a project include it being a Council project that delivered on the objectives of the Cities for Climate Protection program, and it had a reasonable payback period plus interest of less than 10 years. As this Fund is in practice an internal loan the total amount of Council's Reserves, the amount required to implement a project and Council's overall cash flow situation, are also considerations.

The reason for a reasonable payback period plus interest of less than 10 years is that the source of funding for the Fund is Council's Reserves. Instead of investing all the Reserve, some were used for the Fund's purposes. Council's Reserves are held for specific projects/programs hence it is essential that they be repaid plus interest in a reasonable time to allow the specific project/program to proceed. As such, the Fund is not self sufficient as it does not have a specific budget allocated to it by Council in the same way as the annual budget for roads maintenance and construction, parks maintenance, Lismore Memorial Baths, GSAC, Gingerbread House etc.

The Fund is not a 'revolving fund'. A revolving fund is where the financial benefits of a project after costs are deducted are returned to the revolving fund. This would allow other projects/initiatives to proceed, which may not meet the reasonable payback criteria. At Council, once the Fund is repaid, the ongoing benefits continue to accrue to the Program area where the project was implemented. For projects/initiatives that do not meet the reasonable payback period and therefore don't have access to the Fund, a submission to the annual Operational Plan for separate and new funding is the appropriate course of action.

The NoM to develop criteria is generally supported, but as Council does not operate a 'revolving fund', Council needs to first determine if it wishes to maintain the current Fund or create a 'revolving fund' as the guidelines will be different around the financial impact. From my perspective, the Fund has proven to be successful as there are clear processes in place for all projects that both meet and do not meet the criteria for approval.

Environmental Strategies Officer

Environmental Strategies support the comments of the Finance Manager. It is therefore appropriate that staff report back to Council on funding model options, i.e. maintain the current Fund or create a 'revolving fund', and outline their impacts on finances and Council's ability to undertake sustainability initiatives.

TRIM Record No: BP11/211:EF10/363

Cr Simon Clough has given notice of intention to move:

That Council write to the new Minister for Transport and the local State Member requesting an immediate assessment of providing a frequent light rail service from Casino to Murwillumbah and return. The assessment should also give consideration to the extension of the service to the Queensland rail network.

General Manager's Comment

Council, in conjunction with NOROC has been lobbying consistently since 2009 for development of a Regional Integrated Transport Plan and has recently secured financial support from Regional Development Australia. Council should contemplate the implications of lobbying for light rail in isolation, as NOROC in February 2011 received agreement from Transport NSW to develop an Integrated Transport Plan that meets local passenger and freight needs and recognises the benefits of connectivity to South East Queensland.

The intent of the Notice of Motion is understood however, the call for an immediate assessment of one element is at odds with the current negotiations being undertaken by NOROC in that such an assessment would be part of the overall study. It may be more fruitful to encourage NOROC to expedite negotiations with Transport NSW with a view to progressing the relevant audits and studies and to seek the support of the new Minister for Transport and the Local Member for urgent action.

TRIM Record No: BP11/212:EF10/363

Cr Simon Clough has given notice of intention to move:

That Council write to the new State Minister for Planning, NOROC and the local State Member requesting that:

- (1) The Standard Instrument Principal Local Environmental Plan be amended to:
 - (a) Replace clause 2.3 (2), 'The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone', with the words, 'The consent authority must not grant consent to the carrying out of development in a particular zone unless it is of the opinion that the proposed development is consistent with the objectives of the zone'.
 - (b) Remove the 10% limit on rural and related boundary adjustments.
 - (c) Create additional zones that specifically identify flood prone land.
- (2) Rail corridors are able to be included in the SP2 Infrastructure Zone (or equivalent zone) until this issue is properly resolved and our rail corridors are adequately protected.

Councillor Comment

Most of these proposed changes speak for themselves. However (1) (a) needs a little explanation. The wording in the template reduces the certainty that developers and/or those concerned to protect environmental values will have with regard to Council decisions. This uncertainty will increase the likelihood of challenges to Council decisions.

Staff Comment

Strategic Planning Coordinator

The Notice of Motion is supported by staff. It is noted that these matters have already been discussed with the Department of Planning and will continue to be pursued by staff with the Department through the LEP making process. With respect to each element of the Notice of Motion the following comments are made:

(1) (a) Concern was expressed in public submissions to the draft LEP about the wording of subclause 2.3(2), in particular that the application of the zone objectives have diminished strength compared with the existing LEP. Consistency with zone objectives can be used as a valid reason to support or not support a development application. While it could be argued that a land use should simply not be permissible if there is concern about consistency with zone objectives, objectives such as, 'to ensure that new development is compatible with the character, and preserves the amenity, of each residential area', provide strong grounds for Council to request a proponent to amend plans so that a dwelling house is compatible with existing development. Simply having "regard for zone objectives" will require that the determining authority has to place greater emphasis on the use of S 79C heads of consideration. Consistency/ inconsistency with zone objectives are also valid reasons for refusal that have been upheld by the NSW Land and Environment Court.

1(b) There has been significant concern expressed by the farming sector, planning consultants and staff about the 10% area restriction on rural and related boundary adjustments. There is no agricultural justification to mandate a restriction based on area.

1(c) This matter was raised as a concern by the Floodplain Management Committee. The current LEP contains 'flood' zones, such as Residential (Flood Liable). The Department of Planning considers it unnecessary to zone land according to its flood prone nature, as controls on the types of development permissible in these areas can be achieved through zoning (by zoning an area for industry for example), land use tables (for example, by prohibiting dwellings), 'local' clauses and development control plans. Consequently there are no 'flood' zones in the standard template. However, for cities such as Lismore this does not recognise that some of the most flood prone land, such as South Lismore, is currently residential and it is not valid to simply rezone these areas to industrial (or some other non-residential use) on the basis that it is flood prone. It is valid to be cautious about the nature of residential development that is possible. It is also important to ensure that people who buy into these areas are aware very quickly that they are buying property in a 'flood' zone.

(2) It is considered that significant state infrastructure should be zoned as such, if only to indicate to the community where it is located in the context of other land uses in the local government area. It is noted that this was the subject of a Notice of Motion in June 2010 that resulted in letters to the (then) Minister for Planning, Minister for Transport and the equivalent shadow opposition ministers, NOROC and the Local Government and Shire's Association.

TRIM Record No: BP11/213:EF10/363

Cr Simon Clough has given notice of intention to move:

That Council write to the Royal Society for the Prevention of Cruelty to Animals (RSPCA) requesting that it employ an inspector in Lismore for the Lismore and surrounding areas to deal with animal cruelty issues.

Staff Comment

Acting Manager Development and Compliance

Development and Compliance staff are supportive of this Notice of Motion and the provision of another local RSPCA officer to this area, as this would assist Council's Rangers who work closely with the current RSPCA inspector. The RSPCA inspector currently covers a large area which includes Tweed Heads to Grafton and west to Tenterfield. On many occasions, due to this significant geographical area of responsibility the inspector is often unable to respond as quickly as Council would like.

TRIM Record No: BP11/214:EF10/363

Subject	North Lismore Plateau
TRIM Record No	BP11/205:EF09/822
Prepared by	Consultant Principal Planner - GHD
Reason Community Strategic Plan Link	The reasons for this report are to respond to the request that Council formally commence the rezoning process over certain land at North Lismore Plateau and to confirm that the area subject to the rezoning process is aligned with the amendment to Lismore Urban Strategy resolved by Council on 9 February 2010 and to advise the NSW Department of Planning that Council considers the Far North Coast Regional Strategy should be amended to align with the amended Lismore Urban Strategy in relation to land at North Lismore plateau. Sustainable Economic Growth and Development

Overview of Report

This report responds to a planning proposal (a request for Council to commence an LEP amendment to rezone the land) submitted from two groups representing various landowners on the North Lismore plateau. The planning proposal requests that an area similar to that identified in the Lismore Urban Strategy be rezoned for residential and environment protection purposes. It is recommended that Council support the planning proposal and forward it to the NSW Department of Planning for its consideration and response.

This report also considers the area subject to the planning proposal in relation to the North Lismore Plateau as identified in the Lismore Urban Strategy and recommends that the Lismore Urban Strategy be amended to align it with the planning proposal area. Furthermore, this report recommends that the NSW Department of Planning amend the Far North Coast Regional Strategy to align with Council's revised Lismore Urban Strategy in relation to the North Lismore Plateau.

Executive Director Sustainable Development Overview

The North Lismore Plateau (NLP) has been under consideration for possible residential rezoning for a number of years as evidenced by its inclusion in the Far North Coast Regional and Lismore Urban Strategies. However the rezoning has not progressed for several reasons i.e. a 'quota' on how much land could be released, indicative high infrastructure costs and the impact on the speedway. This report provides Council, the community and ultimately the Department of Planning (DOP) with an opportunity to have a fresh look at the NLP.

The method for this re-examination is Council's consideration of the NLP planning proposal and any subsequent DOP rezoning 'gateway' determination. The 'gateway' determination process did not exist when the NLP was previously examined. The 'gateway' is a checkpoint to ensure the planning proposal is justified before the proponent has to spend a lot of money on studies etc. It also provides Council, the community and developers with a list of required studies, the community consultation requirements and a timeframe for finalising the rezoning.

From a planning viewpoint the planning proposal justifies re-examination as it has been in the relevant planning strategies for some time. From a City perspective the NLP definitely justifies re-examination for several reasons. Firstly, there is an expectation from both the DOP and the Council that Lismore will have much greater housing choice. In recent years land supply in Lismore has been very limited and

even the land planned for release via the draft LEP is relatively small scale. NLP's potential scale is significantly greater. Secondly, the NLP if it proceeds would allow the City to become more centred. What is meant by this is that the more immediate small scale land releases along the southern part of the City are to the east of the CBD. The NLP is located to the west and crucially could provide much needed significant lost retail catchment for the CBD.

Can the issues that prevented NLP from moving forward be resolved? At this first 'checkpoint' step the detailed plans and studies around how they will be resolved are not required to be addressed. The important questions in order for this proposal to pass through the gateway are can it be justified and is it feasible to resolve these issues? I will not repeat the assessment in this report that considers these matters rather make a few brief comments on the design charrette held between Council and the developers in late December 2010.

The NLP design charrette was aimed at robustly testing the justification for the planning proposal, determining the feasibility of resolving the key issues and establishing a collaborative approach. I have already briefly covered some of the outcomes of the justification considerations. The charrette as one of its 'agreed findings' resolved that it was feasible to resolve the three big issues namely the provision of wastewater treatment, road access and not unduly impact the speedway operations. Attachment 4 is the summary slide headed 'agreed outcomes' from the design charrette. The charrette was also successful in establishing a collaborative approach which is important on these large and lengthy developments.

Council staff have identified a range of positive outcomes in this report that will result from the development of North Lismore Plateau. They have also identified a number of detailed matters which warrant further study and investigation once the North Lismore Planning Proposal passes through the 'gateway' step in the process. This outcome is consistent with the intention of the Planning Proposal process i.e. Council generally determines that it can support a Planning Proposal then promotes it to the 'gateway' which requires the proposal to address in detail all relevant issues.

The final matter to cover is the probity issue around Council's land inclusion in the planning proposal. Of note the gateway and final rezoning determinations are made by the State Government. There are a number of measures that are going to be taken to ensure probity issues are covered;

- 1. Firstly, it is important from a transparency viewpoint that this report clearly states that Council land is involved in the proposed area. There is a section in this report about Council's landholdings.
- 2. There is a DOP practice note or planning circular on the subject. One of the key requirements of this is that if the proposal gets past the gateway and eventually gets exhibited there are requirements around the form of that exhibition with the purpose of making it clear that Council has land involved. A person making a submission may request a public hearing.
- 3. Finally, it is the practice of some Councils in this instance that the planning report is completed by an external consultant. That has occurred in this case.

Background

The Winten Property Group and Riordans Consulting Surveyors representing a range of landowners in the North Lismore plateau locality has sought an amendment to Lismore Local Environmental Plan 2000 (or the new revised LEP if it becomes the substantive instrument) to enable residential development and environment protection. For the purposes of this report this area is described as the Winten/Riordan study area. An amendment to an LEP is called a planning proposal. The land proposed to be rezoned is based on (but not identical to) a locality that is identified on map 11 of Lismore Urban Strategy (a strategy agreed to by the NSW Department of Planning in 2003). It is similar to, (but not identical to) an area identified on sheet 4 of the Far North Coast Regional Strategy as a proposed future urban release area.

At its ordinary meeting of 9 February 2010 it was:

RESOLVED that Council, subsequent to amending the Urban Lands Release Strategy (ULRS) to include Pineapple Road (as per the Resolution of Council's December 2009 meeting):

- 1. Include in the ULRS the area known as the North Lismore Plateau (shown as Area A on the attached 'Stocktake' plan) and;
- 2. As part of this process, Council meet with the relevant landowners in a 'Structure Planning' session that will smooth Area A's inclusion in the ULRS.

The 'Stocktake' plan is provided as Attachment A to this report (enclosed separately). The area known as North Lismore Plateau is identified as area A on the 'Stocktake' plan and is identical to the area identified in the LUS as North Lismore plateau.

The action to "include in the ULRS the area known as North Lismore plateau" is interpreted by staff as ensuring that the NLP is regarded in the sequencing of residential release areas in the LUS as an area that Council would like to proceed with in the short term. The second part of the resolution was completed when Council undertook a design charrette workshop on 16 and 17 December 2010 in conjunction with Winten Property Group and Riordans Consulting Surveyors as representatives of the landowners.

Current zoning

The Winten/Riordan study area is currently zoned partly 1(d) Investigation zone (111ha), part 1(a) General Rural zone and part 1(r) Riverlands zone under Lismore LEP 2000. A map showing the existing zone boundaries is provided as Attachment B to this report (enclosed separately).

Likely future zoning

Should the Winten/Riordan study area be rezoned while Lismore LEP 2000 is still the current planning instrument then it is likely that the land will be variously zoned 2(a) Residential zone, 3(b) Neighbourhood Business zone, 7(a) Environment Protection (Natural Vegetation and Wetlands) zone, 6 (a) Recreation zone, and 7(b) Environment Protection (Habitat) zone. It is possible that if areas are identified that do not fit in with these zones then the 1(a) General Rural zone and 1(r) Riverlands zone may also be used.

Planning proposal

The planning proposal ((enclosed separately as Attachment C) has been submitted to Council by the Winten Property Group and Riordans Consulting Surveyors. The process of amending the local environmental plan starts with a planning proposal, which is undertaken or endorsed by Council and then sent to the Minister for Planning.

In preparing the local environmental plan the Council must explain and justify the proposal to the Minister for Planning. Council needs to provide the Minister for Planning with:

- a statement of objectives and intended outcomes of the proposal
- an explanation of the provisions of the proposal
- a justification of the objectives and outcomes, including how this is to be implemented
- maps containing the appropriate detail are to submitted, including land use zones, heritage areas and flood prone areas, and
- details of the community consultation that will be undertaken.

A summary of the planning proposal based on the Department of Planning's standard format is as follows:

Part 1 Objectives and Intended Outcomes

The objective of the planning proposal is to rezone the subject land at North Lismore plateau for residential and neighbourhood business uses as well as environment protection and restoration and open space and recreation.

This objective will be achieved through an amendment of Lismore LEP 2000. The exact distribution of zones has not been finally determined and will be influenced by additional studies to be undertaken. The Planning Proposal will enable a new urban area to be established.

Part 2 Explanation of Provisions

It is proposed that Lismore Local Environmental Plan 2000 be amended by removing the current 1(d) Investigation zone, 1(a) General Rural zone and 1(r) Riverlands zone and replacing it with a range of zones that reflect the existing characteristics and desired future use of the land.

These zones may include the following:

2(a) Residential – to apply to areas elevated out of the floodplain that are largely constraint free and may be suitable for residential development at various densities that are compatible with surrounding land uses. A primary school site may also be identified in this zone.

3(b) Neighbourhood Business zone – to apply to one or two small areas that are largely constraint free and may be suitable for local neighbourhood business uses that will be required in time to service the residential population of the area.

6(a) Recreation zone – to apply to areas that may be required for passive or active open space as the urban area grows.

7(a) Environment Protection (Natural Vegetation and Wetlands) zone - to apply to significant areas of natural vegetation, such as rainforest remnants and wetlands. These areas typically occur on the shoulders to the plateau and in the valley below it and need to be identified with buffer areas as necessary.

7(b) Environment Protection (Habitat) zone – to apply to largely vegetated areas that are important for wildlife habitat and/or wildlife corridors.

1(a) General Rural zone and part 1(r) Riverlands zone may also be used in areas that are not suitable for residential development and not required for environment protection but are still required for access roads, and stormwater retention and cleansing infrastructure.

In the event that the prevailing instrument is in the Standard Instrument format then a suite of zones most similar to these outlined above will be applied.

Part 3 Justification

Section A – Need for the Planning Proposal

Is the planning proposal a result of any strategic study or report?

Yes. The North Lismore Plateau (NLP) was first officially identified as a potential location for higher order development under the Lismore Local Environment Plan (1992) when part of the Winten/Riordan study area was designated as a 1(d) investigation zone. The designation allowed for the site to be considered for higher order uses such as rural residential and residential development. This was

followed soon after by the Dunoon Road Planning Study (1994), which was undertaken on behalf of the Lismore City Council to investigate the physical attributes of the NLP prior to rezoning the land. The study concluded that 'the urban residential development is the most appropriate future development of the site'. The planning proposal provided as Attachment C (enclosed separately) contains a summary of the Dunoon Road Planning Study. The area zoned 1(d) was carried into the Lismore LEP 2000 and remains there to this day.

In 2003 the Lismore Urban Strategy (LUS) identified a broader area than that zoned 1(d) and described it as the North Lismore plateau greenfield investigation site on map 11. The LUS suggested that the area may yield up to 800 residential lots subject to resolution of issues such as speedway noise, servicing and access. The LUS nominated three greenfield sites (not including the NLP) for staged release over the five years from 2005 to 2010 (section 9.9). The life of the LUS was forecast to be five years (section 12.1) after which it should be reviewed.

Between 2003 and 2004 Council undertook a comprehensive community consultation program that led to the adoption of the Lismore Regional City Plan in 2005. This plan clearly nominated the NLP as a potential residential area that would assist Council in reversing the population decline in the North Lismore precinct and in turn generate a demand for facilities and services that will rejuvenate North Lismore (page 7). The plan considers a potential population of 2500 people for the NLP.

In response to Council's resolution of 9 February 2010 Lismore City undertook a design charrette workshop in conjunction with the Winten/Riordan landowners to establish if the NLP really does have the potential to yield significant residential development and whether servicing, access and noise issues can be addressed. The workshop produced a draft structure plan that identified a developable area (based on best available constraints information), a potential road access network, a school site and two small neighbourhood business areas. The structure plan allows the NLP to be viewed in the context of nearby employment lands and existing facilities and services at North Lismore such as the showground, schools and sports ovals.

Subsequent to the design charrette workshop the Winten/Riordan landowners have undertaken a water, sewerage and traffic analysis that provides additional information on these key servicing issues (enclosed separately as Attachments D, E and F to this report).

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, a planning proposal is the only way for the land to be rezoned to permit the proposed residential and environment protection uses.

Is there a net community benefit?

Yes – The Council has not sought to prepare a Net Community Benefit Test as it was not considered to be required given the site's long term inclusion in the LUS and Lismore Regional City Plan. However, there is a net community benefit in utilising the NLP to provide residential and environment protection opportunities.

While the proposal will benefit the land owners it will also benefit the wider community by providing additional housing lots to the market, employment as urban infrastructure and housing is constructed and long term environmental protection of habitat areas and wildlife corridors. The proposed residential development should provide housing at the more affordable end of the north coast housing market.

Benefits from proceeding with residential development at NLP sooner rather than later include:

- refocusing urban growth back on Lismore CBD supporting its revitalisation;
- supporting the revitalization of North Lismore facilities and infrastructure;
- providing an additional land supply source to those east of the CBD; and
- taking pressure off the Ballina Road corridor.

Section B - Relationship to Strategic Planning Framework

Is the planning proposal consistent with the objectives and actions contained within the Far North Coast Regional Strategy?

Yes - The proposal is identified in the Far North Coast Regional Strategy (DoP, 2006) as a proposed future urban release area on sheet 4. As shown within Attachment G (enclosed separately) the Winten/Riordan study area is larger than the area identified in the FNCRS and this is addressed in more detail later in this report. It is recommended in this report that the Winten/Riordan study area be adopted by the NSW Department of Planning as the revised future urban release area on sheet 4 of the FNCRS.

The planning proposal will assist in achieving the aims of the FNCRS as follows:

- important environmental and cultural areas will be protected in the NLP through environment protection zones and structure planning from the outset
- residential development in the NLP will only occur outside of flood affected land or excessively steep land and will be located to avoid visual impacts
- with a potential yield of 1200 to 1500 dwellings and a likely long term population of about 2500 people the NLP will be a significant contributor to catering for the region's expected 26% population increase
- Lismore is one of three identified major regional centres and needs to cater for its share of the 35% of expected regional growth (about 7000 people over 25 years)
- promoting the NLP is consistent with the FNCRS aim to encourage population growth west of the pacific Highway and alleviate pressure on the coast.

Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Yes – The Lismore Regional City Plan 2005 was prepared by the Lismore City Council and provides an overview of short, medium and long term priorities for further developing Lismore as a Regional Centre. The Regional City Plan outlines the NLP as land which can be developed to meet future demand for residential, commercial, industrial and recreational uses.

The Lismore Regional City Plan provides a range of development opportunities and steps which should be undertaken to enhance the regional role and function of Lismore City, by increasing the ability of the City to meet demand for residential, commercial, industrial and recreation uses within Lismore City. The City Plan further emphasises the ability of the NLP to accommodate a significant residential population of approximately 2,500 people.

The planning proposal is consistent with the aims and objectives of the Lismore Regional City Plan 2005 as the plan identifies the potential for the NLP site to be utilised for residential purposes. The plan also, however, identifies a list of actions and studies to be undertaken, which will be required following the preliminary approval of the planning proposal under the gateway process.

Is the planning proposal consistent with applicable state environmental planning policies?

The proposal is consistent with applicable state environmental planning policies. Refer to the checklist against these provided as Attachment H (enclosed separately) to this report.

Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposal is consistent or generally consistent with applicable Section 117 Directions. Refer to the checklist against these Directions provided as Attachment I (enclosed separately) to this report. In relation to Section 117 Direction 5.3 the entire area subject to the planning proposal is not identified as State significant farm land. A large part of the site is Regionally significant farm land, but all except approximately 45 ha of this is identified in the FNCRS as a future urban growth area. The 45 ha that is not within the FNCRS, but is subject to this planning proposal is located at the northern end of the site

near McLeay Road. Excluding it from the NLP study area would not ensure its viability for agriculture as it would be adjacent to a new urban area. It should also be noted that the FNCRS is under review and this area is recommended by Council for inclusion in the revised FNCRS.

Section C - Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No - An environmental assessment was undertaken in 1994 for the area zoned 1(d) Investigation. This assessment indicates that parts of the site contain native vegetation of medium conservation value, and that it has wildlife corridor values. It also concluded that the Common Planingale and five species of bats may use the subject land. It did not locate any koalas on the site.

The significant vegetation on the site is proposed to be zoned 7(a) Environment Protection (Natural Vegetation and Wetlands) zone or 7(b) Environment Protection (Habitat) zone which will provide for its on-going conservation and management. Therefore the planning proposal's intention is to protect the critical habitat or threatened species, populations or ecological communities. All wildlife corridors will be maintained. Although updated studies for flora and fauna will be required, the intent will be to protect significant vegetation and habitat on the site.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Stormwater quality and quantity will be important environmental issues to manage as this largely rural catchment becomes urbanised over time. This issue is being considered from the outset with inclusion of areas suitable for stormwater retention and treatment systems in the NLP study area. More detailed work needs to be done.

How has the planning proposal adequately addressed any social and economic effects?

The intended development of a new urban community on the North Lismore Plateau is anticipated to have a positive effect on the local community and economy. The planning proposal estimates that between 1200 and 1500 residential dwellings will be located on the North Lismore Plateau, which will generate significant employment over the construction phase of the development. It is generally accepted that for every \$1 million in construction expenditure, twenty seven jobs are created throughout the broader economy.

The community development on the site will also generate a significant resident population which will enhance the current role and function of the Lismore CBD. The NLP community will generate demand for schools and tertiary education facilities as well as increased usage of sporting and recreation facilities and infrastructure.

The Dunoon Road Planning Study included an archaeological assessment which was conducted by a qualified archaeologist accompanied by two representatives of the Ngulingah Local Aboriginal land Council. It concluded that the Study Area had no Aboriginal heritage issues, although the North Lismore area generally had significance due to traditional values associated with the showground and post contact sites to the south of the study area. Additional consultation with the local Aboriginal community is warranted as the planning proposal progresses.

A dry stone wall (about 300m in length) is located to the northwest of the Study Area and does have some heritage value and is likely to be worthy of protection.

No adverse social or economic impacts are predicted.

Section D - State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

In terms of utility infrastructure some work has been undertaken to support the planning proposal. For water supply (attachment enclosed separately) the investigation revealed that an initial stage of 200 residential lots within the NLP can be serviced by the existing Tullera Reservoir with the provision of a new 300 mm carrier main from the reservoir to the plateau. A booster pump station will be required to ensure sufficient pressure to all lots. Beyond 200 lots a new 2.5 ML reservoir adjacent to the Tullera Reservoir is required together with upgrading the carrier main from Howards Grass via a 250 mm trunk main approximately 2620 m in length. The cost of these works is attributable to the proposed development. Rous Water has confirmed the provision of bulk water supply to the NLP is available.

Council engineers would like to see a water reticulation system that is not dependent on booster pumps to maintain pressure as a gravity system is more energy efficient and can still deliver water at pressure even when power is not available. This will need to be investigated further.

For sewerage (attachment enclosed separately) the proposal is for reticulated sewerage throughout the proposed urban areas with a transfer route using public access and the existing bridge across Leycester Creek through to the South Lismore Sewage Treatment Plant. The external components will comprise a gravity main, sewer pump station and rising main. The capacity of the South Lismore STP to cater for the demand has been assessed at between 600 ET (equivalent tenements) and 2000 ET subject to design. Although this is a broad range of capacity that needs to be further examined it is clear there is some capacity at the STP at least for the initial stage or stages of the development.

Council engineers consider that conclusions regarding the capacity of South Lismore Sewage Treatment Plant (SLSTP) to accept further load from the proposed North Lismore Plateau development are subject to the conclusions of the proposed SLSTP Investigation Study that Council is currently in the process of commissioning.

Assuming that the NLP will yield approximately 1500 lots, a traffic impact assessment (provided as an attachment to this report) concluded that:

- vehicle access is likely to be off both Nimbin Road and multiple locations along Dunoon Road (MR 306)
- based on advice from the RTA Guide to Traffic Generating Developments, the proposed development of 1500 lots could generate some 1275 vehicle movements during the peak periods and 13500 throughout the day. It is considered that the major attraction would be towards the Lismore CBD and that access via Alexandra Parade and Winterton Parade would be desirable for future residents of the subject site
- there are minimal delays for the existing road users and it is considered that the additional traffic flow associated with development of the subject site will have a minimal impact upon the overall operation of the road network
- the intersection of Winterton Parade and Orion Street suffers from some delays but also creates some safety concerns due to limited visibility at this location. The provision of a roundabout at this location will aid the safe operation of this intersection
- one of the main access points for the development will be a 4-way intersection of Alexandra Parade and Dunoon Road. It is considered that this intersection should be upgraded to a 4-way roundabout control, for ease of traffic movements and to act as a gate way treatment for traffic entering the urban speed limit of 50 km/h within Lismore
- the intersection of Alexandra Parade and Winterton Parade should be altered to reflect the change in priority for the dominant traffic movements
- beyond the development of approximately 500 lots, the continual use of the route via Alexandra Parade and Winterton Parade could change with the provision of the additional bridge crossing proposal supported by Council. Once this is constructed the traffic movements between the subject site and the Lismore CBD could alter considerably and should be reviewed at that stage



• a footpath / cycleway should be provided along Alexandra Parade to connect to the existing footpath / cycleway on Winterton Parade for access between the subject site and the Lismore CBD.

The site is well located in relation to existing public transport infrastructure, utility services, roads and essential services. Being in proximity to the Lismore CBD, all essential services such as schools, sporting facilities, hospitals, police and ambulance are also available.

What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The State Government will need to be consulted in relation to potential for impacts on schools in proximity of the site and its interest in obtaining a school site within the NLP. NPWS will need to be consulted in relation to remnant habitat areas. The RTA will need to be consulted in relation to Dunoon Road which is part of Main Road 306 (MR 306) and is classified regional. It is appropriate to refer the planning proposal to the Lismore Local Traffic Committee to seek its views on the options being considered.

There are no Commonwealth public authorities directly impacted by the planning proposal.

Community Consultation

It is considered that community consultation for the planning proposal should, as a minimum, comprise an exhibition period of not less than twenty eight (28) days. Community consultation will be commenced by giving notice of the public exhibition of the planning proposal:

- in a newspaper that circulates in the area affected by the planning proposal;
- on the web-site of the Lismore City Council and the Department of Planning; and
- in writing to affected and adjoining landowners

The written notice will:

- give a brief description of the objectives or intended outcomes of the planning proposal
- indicate the land affected by the planning proposal
- state where and when the planning proposal can be inspected
- give the name and address of the RPA for the receipt of submissions
- indicate the closing date for submissions.

During the exhibition period, the following material will be made available for inspection:

- the planning proposal, in the form approved for community consultation by the Director General of Planning
- the gateway determination
- any studies relied upon by the planning proposal.

The initial gateway determination will confirm the public consultation that must be undertaken in relation to the planning proposal. If the gateway determination specifies different consultation requirement this part of the proposal will be revised to reflect the terms of the gateway determination.

In the interest of keeping communication open from the outset, key stakeholders will be contacted directly to ensure that they are aware of the planning proposal and are given the opportunity to communicate their concerns and ideas in regards to the development. These will include the Ngulingah Local Aboriginal Land Council, the Banyam/Baigham Landcare Group, the Showground trust, the Lismore Saleyards management group, the North Lismore Progress Association, the Richmond River High School and the owner of adjacent industrial land.

Design charrette workshop

As a result of the resolution by Council of 9 February 2010, a design charrette workshop was held in the Council Chambers on 16 and 17 December 2010. It was chaired by an independent urban designer and in attendance were a range of Council staff from all Departments, representatives of the Winten/Riordan groups and other professionals with expertise in the process. The purpose of the workshop was to assess key issues relating to the NLP and establish if there are matters that would be fatal to a rezoning for residential development. It also aimed to establish if available information is sufficient to put together a planning proposal for reporting to Council in early 2011.

The key issues of traffic, water, sewerage and the showground noise were discussed and subject to further assessment and reports it was agreed that these issues were not fatal to the proposed residential rezoning. The potential socio economic benefits of the proposal proceeding were also discussed.

The available information (subject to some additional reporting) is likely to be sufficient to proceed with commencing the planning proposal. It was generally agreed that the new study area boundary for NLP should become the boundary in Council's LUS and in the FNCRS. The existing LUS area identified greenfield sites that were physically unconstrained, exhibited attributes that will make them desirable to homebuilders in the current market place and are capable of being serviced and developed in a cost effective manner. The Winten/Riordan study area does include some slightly steeper lands (on the plateau edges) and some flood fringe areas (North of Lismore showground on the Dunoon Road). However, this partly constrained land has been included to allow it to be considered for non residential uses and will not in itself be nominated for residential development. The Winten/Riordan study area otherwise does meet the LUS criteria.

The Winten/Riordan study area is approximately 345 ha in total and is based on the following:

The western boundary is the 70 m contour; the southern and south eastern boundary is the 70 m contour; the eastern boundary is predominantly Dunoon Road with the exception being the omission of flood prone lands near the cattle yards and west of Tweed Road; the northern boundary is the rural residential land at the top of Dunoon Road.

A preliminary draft concept plan for the Winten/Riordan study area was prepared as a result of the design workshop and this is provided as Attachment 1. The purpose of the concept plan is to give a general overview of how much of the study area may be suitable for urban development and generally how this might be serviced by roads and other utilities. It can then be amended and change over time as new work is undertaken and the site constraints and opportunities are better understood.

It is not recommended that this preliminary draft concept plan be adopted by Council at this stage of the process or be regarded by the public as a final basis for future land use zones.

Council landholdings

Lismore City Council is a landholder in the Winten/Riordan study area. The Council lands were also within the LUS and FNCRS areas. Council lands (shown in Attachment 2 and below) include the following:

Lot 12 DP 844585 (126,800 sq m) - Operational Land. This lot includes the disused quarry in the southern part of the site.

Lot 1 DP 772627 (186,700 sq m) - Operational Land.

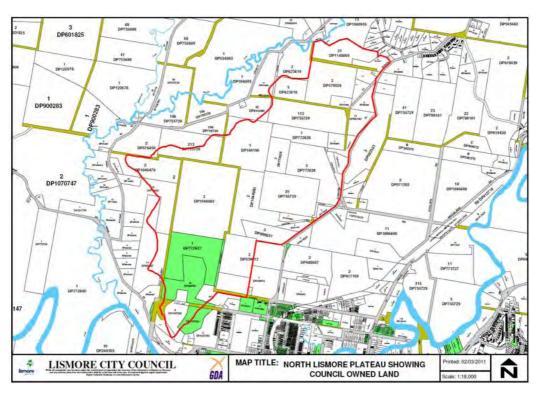
This lot includes most of the land immediately surrounding the disused quarry.

Lot 1 DP 118556 (9,641 sq m) - Operational Land.

This lot is a narrow strip of land that would have been a road reserve and is immediately adjoining the eastern boundary of Lot 1 DP 772627.

Part Lot 3 DP 1037282 (53,660 sq m) - Community Land.

This lot is only partly within the study area and is located in the south eastern corner. It is quite steep and vegetated.



Some of the area surrounding the disused quarry may yield land that is suitable for residential development. Access to the quarry may need to be restricted for safety reasons and the quarry and its surrounds will need to be assessed for land contamination as a result of past land use.

Council has owned the land for some time and used to operate the hard rock quarry. The Council land is currently mostly zoned 1(d) Investigation zone and has been under consideration for its future development potential since 1992. Part Lot 3 DP 1037282 is zoned partly 1(d) Investigation and partly 1(a) General Rural zone. The Council land was included in the Dunoon Road Planning Study in 1994. It is currently part of the NLP as indentified in both the Lismore Urban Strategy and the Far North Coast Regional Strategy.

There are two implications of Council being a landholder. If Council wishes to develop a parcel of land that it owns as residential land, it must first be classified as Operational Land under the Local Government Act 1993. It can be rezoned for residential, open space or environment protection, but if it is to be developed as residential land and sold, it needs to be classified as Operational. All but one piece of Council land is already Operational. The land that is currently Community land is unlikely to have any residential potential and it is not recommended at this stage that Council change its status to Operational. The second implication is that Council will be required to contribute to studies and potentially, depending upon its role in the project, servicing costs proportional to its likely residential lot yield from the development in the long term. Post gateway determination, a report to Council will be prepared outlining Council's options for involvement in the project, including cost estimates and risk analysis.

Noise impacts and the Lismore showground

The Lismore showground is known to emit loud noise when it hosts events such as the Lismore Speedway. Rezoning land for residential purposes that is blighted by noise to the extent that the residents cannot enjoy the use of their own home or yard without suffering offensive noise is not good planning practice. The 'tools' that will be required to manage the matter of noise emissions from the showground and potential land use conflict include:

- built design (structures and landscaping)
- buffers (separation of uses to allow sound to dissipate)
- management (formal regulatory notices, noise management plan & community consultation/information)

The existing showground complex will have little opportunity to address noise emissions through built design and will rely heavily on management frameworks, whereas the North Lismore Plateau will have considerable opportunity to incorporate acoustic design.

The recognition of the importance of developing a Noise Management Plan for the Showground is critical to demonstrate an intended strategy for potential land use conflict. This is an issue that can be addressed on this site and should be dealt with more closely as the planning proposal proceeds and more detail is available on where different urban land use may be likely to occur.

Amending the Lismore Urban Strategy (LUS)

The current LUS identifies an area of approximately 128 ha that encompasses most (but not all) of the 1(d) investigation zoned land in the NLP. It is an area that is substantially based on the 100 m contour on the topographic map of the locality (attachment enclosed separately).

In order to keep the various strategic documents consistent it is important that the NLP area in the LUS be modified to be consistent with the Winten/Riordan study area that is the subject of this planning proposal. The proposed study area is approximately 345 ha in total and represents the broader area within which there is likely to be areas suitable for residential and other urban purposes such as local shops, parks, open space and a school site if required.

Once the proposed study area is adopted the revised LUS could be exhibited publicly with the planning proposal to demonstrate the consistency between the documents. It is recommended that the North Lismore Plateau as identified in the Lismore Urban Strategy area be amended to align it with the larger planning proposal area.

Amending the Far North Coast Regional Strategy (FNCRS)

The FNCRS was prepared in December 2006 and includes the NLP as a proposed future urban release area on sheet 4 of its town and village growth boundary maps. The area identified in the FNCRS is shown in the separately enclosed attachment and is approximately 160 ha. It encompasses all of the current LUS area plus an area at the northern end that covers the 1(d) investigation zoned land. It also includes an area of land that is neither in the LUS or zoned 1(d) investigation.

In order to keep the various strategic documents consistent it is important that the NLP area in the FNCRS be modified to be consistent with the Winten/Riordan study area that is the subject of this planning proposal. The proposed study area is approximately 345 ha in total and represents the broader area within which there is likely to be areas suitable for residential and other urban purposes such as local shops, parks, open space and a school site if required.

The FNCRS stated that it would be reviewed every five years and it is understood that the NSW Department of Planning is currently undertaking a review. It is appropriate that the Lismore City Council notify the Department that the FNCRS be amended to be consistent with the revised LUS and planning proposal area.

It is recommended that Council request that the Department of Planning amend the North Lismore plateau as identified in the FNCRS to align it with the larger planning proposal area and revised LUS area.

Sustainability Assessment

Sustainable Economic Growth and Development

Urban expansion in any location will generate costs for the community as it encourages population growth and this in turn creates demand for Council services such as libraries, sporting facilities, open space and utility infrastructure such as roads, water, sewerage and waste disposal. However, it also increases Council's rate base and development contributions can be collected to upgrade or expand services and infrastructure and off set the increased costs that come with population growth. If the NLP is developed it will generate employment in the land development industry including road and utility construction and building related employment. It will have a positive effect on the Lismore economy, particularly the Nth Lismore area and the Lismore CBD as the residents of this area will feed directly into this economy and not be drawn towards the Ballina economy. Additional work is require to assess and upgrade sewer, water and transport infrastructure (including bike and pedestrian paths),but this can be master planned from the outset given the opportunity of working with a small number of larger "players" rather than a mix of land owners. The planning proposal to commence the rezoning of NLP is consistent with the land use priorities of the Community Strategic Plan, the Regional City Plan and the Lismore Urban Strategy.

Social Inclusion and Participation

In providing additional residential land through this planning proposal the master plan will reflect the diverse needs of the Lismore community by providing a range of residential densities and types including aged care accommodation and affordable housing. Over time the NLP will provide for local parks and open space, local shops, child care facilities, and education facilities as well as meeting places. Any Aboriginal cultural heritage or objects or places will be identified (none are currently known) and preserved. European heritage will also be protected - an old stone wall is the only item known to exist on the site. As a new urban area the community will fit well socially with the existing North Lismore community and use its sporting facilities, the Richmond River High School, the showground and the nearby employment lands. The site is well placed to fit into the existing Lismore City urban fabric and build on existing infrastructure and facilities. It will revitalise North Lismore and the CBD and help bring the social and economic focus of Lismore back to its original centre. It will help retain facilities and won't cause any to be lost.

Protect, Conserve and Enhance the Environment and Biodiversity

Storm water quality and quantity will be key issues to manage from the outset as the NLP becomes more urbanised and urban runoff increases due to the inevitable hard surfaces. Best practice water cycle management will need to prevail from the outset to ensure the rehabilitation work undertaken down stream of the NLP is not jeopardised. Ample land is available in the revised study area to allow for this. Biodiversity on the site will be protected through environment protection zones inclusive of wild life corridors and important remnant habitat. This will likely include red gum forest known to occur in the south and dry rainforest areas across the plateau. Once urban boundaries are established there will be significant opportunity for rehabilitation and regeneration of areas cleared in the past to actually increase the biodiversity and habitat value of the site. Its proximity to North Lismore should enable non car based transport options to be implemented such as bikes, pedestrian paths and bus services. The carbon footprint of the new urban area can be an issue addressed in master planning from the outset.



Best-Practice Corporate Governance

The planning proposal is at the start of a longer process that will require detailed community consultation when more information is available and recommendations on developable areas and likely land use are firmed up. To date the design workshop has been inclusive of all Council departments in an attempt to keep them informed and allow them to participate from the beginning in decisions about the NLP. Servicing and infrastructure will be key factors in staging and the costs of the proposed urban area and more work is needed before some of the decisions can be made. However, there is sufficient information to allow the planning proposal to proceed to the gateway stage where the Department of Planning can decide on the extent of additional work required. There is also sufficient information to support a revision of the NLP study area in the Lismore urban Strategy and request that the Department of Planning amend the Far North Coast Regional Strategy to be consistent with Council's position.

Comments

Finance

As indicated in the report, post gateway determination by the Department of Planning, a report will be prepared outlining Council's options for involvement in the project, including cost estimates and risk analysis.

Other staff comments

Social Planner

This is a welcome development for Lismore however care needs to be taken to address the needs of the North Lismore community and support local social infrastructure that will be required as a result of placing an additional 3,300 people in this area (over a period of time).

Housing in Lismore

With an increase in lone person households and an ageing population, Lismore requires diversity in housing stock, in particular one and two bedroom units or "granny flat" type accommodation. How will this be addressed?

Population

Currently there are 852 residents in North Lismore - 2% of Lismore's population. 4.7% are indigenous (3.7% Lismore). There are strong ties with local Widjabul indigenous communities – how will the proponents consult with the local aboriginal communities?

Currently there are 310 dwellings with a proposed 1,500 additional dwellings (staged). This will add 3,300 people in the North Lismore area resulting in a 440% increase in the North Lismore population.

Character of North Lismore

It is important that a DCP for this new urban area, address the issue of urban character, so that it is consistent with that of the existing North Lismore area.

Social Infrastructure

An addition of 3,300 people will require significant increases in social infrastructure. It is not enough to say that Lismore has high levels of social infrastructure and that NLP residents will access community services/facilities in the CBD. Lismore does not have adequate social infrastructure and this proposal will cause additional stress to an inadequate system. In particular, the following would need to be provided with in the development:

- one or two parks/open spaces with embellishments
- a community meeting place
- a primary school
- a pre school
- public transport and associated infrastructure.

Area wide community facilities will also need to be upgraded or expanded due to increased demand from this growth in population.

Social Impact Assessment

A full Social Impact Assessment will need to be completed.

Consultation

For a development of this size, it is recommended that post the gateway determination the proponents and Council should engage early in the planning process, with the key community groups in the area e.g. the North Lismore Progress Association. Face to face and early engagement is essential.

Business Facilitator

CBD revitalisation

- The NLP size and location offers much to the revitalization of the CBD of Lismore
- The NLP development also offers an opportunity for the revitalization of the North Lismore urban area
- The development of the NLP land will move the residential demographic centre of gravity in two ways, firstly the centre presently favouring Ballina (vs Lismore) will move closer to Lismore, secondly the centre presently favouring East Lismore (vs North Lismore) will help balance North Lismore and will centralize the CBD to both of these important residential spaces
- This offers a natural social and economic orientation back towards Lismore CBD
- Casino is seen as a major new hub for employment and as such offers drivers for Lismore especially as regards light service industry. Being a key regional service centre Lismore has the capacity to host economic growth and service growth (recent Business Survey data)
- NLP will generate Increased 'to and through' traffic for the CBD thus enhancing the CBD's function as a natural stopping/shopping/impulse buying centre
- In combination the development of the NLP presents a huge opportunity to increase CBD investment, increase industrial investment, increase jobs, and reduce CBD retail space vacancies.

New large land supply, out of flood, with excellent amenity

- NLP is very close to recently rezoned employment lands
- Lismore City currently and in recent history has an excess of demand over supply for employment generating and residential land i.e. it's not that people don't wish to live in Lismore, but rather that choice and suitability are determining choices.

Reduced journey to work miles

- Live work and play locally
- Reduced family travel expenses/costs
- Reduced community carbon footprint.

Choice

• The NLP development offers a full spectrum of housing including high-end options for home owners.

Potential catalysts for change and/or quantum multipliers

- Removal of impediments to traffic flows
- Movement of more traffic through CBD
- Journey to work benefits and savings
- More dollars being earnt and spent in Lismore
- More dollars turning more times in Lismore
- More local Lismore investment by investors and entrepreneurs and business people
- More construction work/development
- More Jobs
- More service work
- More lively City
- Greater residential population, greater rate base.

Environmental Strategy Officer (NRM/ Planning)

The following comments, on the submitted Planning Proposal (PP) for the North Lismore Plateau (NLP), are provided in regards to **open space and recreation planning**:

The need for open space and recreational facilities to be provided *within* the proposed urban residential development, to service the needs of the projected population on the plateau, is identified in the following studies cited in the PP report:

- Dunoon Road Planning Study
- Lismore Regional City Plan 2005.

Other than this, the PP report does not discuss the open space or sport and recreation contexts further. The 'Draft Preliminary Structure Plan' for the proposed development shows potential open space areas which have been identified by a sieve mapping process. In general these areas can be described as lands constrained due to:

- topographic features such as excessive slope
- the presence of existing native vegetation
- land for drainage purposes, including existing waterways.

It is recommended that the PP report mention the following:

- 1. Lismore City Council is currently preparing a 'Sport and Recreation Plan', which will provide a strategic planning framework for future development of sport and *active* recreational facilities, services and programs within the local government area (LGA). Completion of the report is anticipated by June 2011. The completed report will help to inform analysis of community needs and the planning of *active* recreational facilities within the proposed NLP development.
- 2. Post the gateway determination, the masterplanning and design development of future open space areas within the proposed development will need to be responsive to the following considerations:
 - conserving and enhancing the ecological values of the land, including consolidating patches of significant native vegetation and fauna movement corridors
 - servicing the recreational needs of the community at regional, local and neighbourhood scales
 - promoting walkable communities and reducing car usage
 - encouraging active, healthy lifestyles at all stages of life
 - Rehabilitating contaminated and degraded lands
 - Conserving significant views and landscape visual amenity.

3. From an initial site inspection, it seems that the Council owned land which is located at the southern end of the study area and includes the decommissioned quarry, has attributes which give it high potential for future development as quality parkland. The land is elevated with significant views to the surrounding rural landscape and mountains of the north coast hinterland. The land above the quarry face has views to both the east and west and receives desirable cooling breezes. The quarry face itself is a landscape feature which could be enhanced by night-lighting and has potential as a recreational climbing wall (subject to engineering stability assessment). The quarry face is well-sited within an area of relatively level land, such that risks could be managed with appropriate measures such as earthworks, regrading, revegetation and fencing. Located at the southern-most extent of the study site, this land also has proximity to Lismore CBD, existing parkland areas and the Wilson Street bridge to the south. The land has potential to provide green, off-road, pedestrian and cycle links between the proposed residential development and existing employment and recreation lands.

Manager Assets

Water

The proposed development can be serviced with water reticulation. Some issues would need to be resolved regarding the provision of the required capacity and whether an additional reservoir or pump booster station is the most appropriate way to deal with this. These matters would be assessed and negotiated with the developer in the normal way as part of a formal application to Council for rezoning, subdivision etc.

Wastewater

The proposed development can be serviced for wastewater disposal. Some issues need to be resolved regarding:

- Capacity of the South Lismore Sewage Treatment Plant
- Timing of any required upgrade to the South Lismore Sewage Treatment Plant
- Explore alternative solutions to upgrade of South Lismore Sewage Treatment Plant
- Who pays for any upgrades etc. and value of any offsets to Section 64 charges.

These matters would be assessed and negotiated with the developer in the normal way as part of a formal application to Council for rezoning, subdivision etc.

Council Land

Parcels of Council owned land are included in the current proposal. It is understood that this does not commit Council to any future action to actually develop the land in accordance with this proposal. Should the proposal be approved by the Minister, i.e. proceed through the gateway, a separate report would be presented to Council addressing the following issues:

- whether Council wishes to proceed to develop the land.
- what options might be available to Council to proceed with a development.
- likely costs to Council.
- mechanisms that could be used to engage with other parties/land owners that wish to progress a development in accordance with the planning proposal.

Environmental Strategy Officer (Environmental Education)

At Section C – Environmental, Social and Economic Impact, the proposal states "It is unlikely that the planning proposal would have any other environmental effects" after discussing wildlife and vegetation on the site. My comments are:

Urbanisation of the North Lismore Plateau will increase stormwater runoff generated which will be discharged with some impacts on the downstream system, Slaters Creek then the Wilsons River. Post

the gateway determination, a detailed 'Stormwater Management Plan' will be need to be prepared which incorporates 'water sensitive urban design' principles and best practice, to mitigate potential effects on these downstream receiving environments, as identified below:

- Increased volumes have the potential to erode the natural banks of Slaters Creek particularly where it is very confined west of Bridge Street.
- The Banyam/Baigham Landcare Group is partnering with LCC to revegetate the creek corridor form Alexandra Parade to Bridge Street. New plantings of native species along the banks are likely to be impacted by increased runoff from the NLP proposal.
- Two 2 threatened flora species are present along the watercourse, Thorny Pea (*Desmodium acanthocladum*) and Fragrant Myrtle (*Gossia fragrantissima*).
- Stormwater infrastructure (pipe work) within the showground is very old with no pollution control devices and may be unable to cope with increased volumes and require upgrading.
- After being piped under the showground stormwater enters the creek system (at Alexandra Parade). Directly downstream the creek is already blocked with sediment and may benefit from dredging to increase capacity.
- LCC plans to create an offline Stormwater Treatment Wetland in this area.

Senior Strategic Engineer

Traffic

The document submitted by Better Transport Futures represents a preliminary assessment/investigation into the impact on the local North Lismore road network and current traffic flow patterns likely to be generated from the proposed North Lismore Plateau Development. The report could be considered preliminary and tends to be more subjective rather quantitative. This is understandable as no allotment layout has been proposed nor points of access to the existing network defined. The report did not seek to determine the location of these access points.

The report did confirm that the following issues need to be considered in the planning process

- The Bruxner Highway Corridor study did consider the traffic generated by the North Lismore Plateau
- The Bruxner Highway Corridor study demonstrated capacity constraints in the road network but it did not take into account the capacity of the Alexandra Road/Winterton Parade (Simes Bridge) route
- Only a few accidents have been recorded along this route to date
- Winterton/Orion Street intersection suffers some level of saturation (delays) during peak traffic times i.e. start and end of school. It also has visibility problems.
- The report recommends the construction of a roundabout at the Winterton/Orion Street intersection would resolve the problems. The report did not comment of the feasibility of construction of the roundabout.
- The four way intersection at the Dunoon Road/ Alexandra Parade has been identified as highly likely and suggested the provision of a roundabout which in turn can act as a gateway feature to the city
- As the development of each allotment progresses, there will be a shift in the traffic flow patterns at the Alexandra Parade/Winterton Parade intersection. Traffic priority will move from Winterdon Parade being the predominant through route to Alexandra Parade/Winterdon Parade being the predominant flow. This will result in the reconstruction of this intersection in the future.
- The report does not canvass in detail the extent of the impact of the provision of a fourth bridge rather they note that it could alter the Alexandra Parade/Winterdon Parade traffic route.

Railway Crossing

The report did not examine the railway underpass or level crossing. This was disappointing as it will impact the type and volume of traffic using the Alexandra Parade/Winterdon Parade route.

Traffic Counts

The report provides details of the peak hour traffic for Dunoon Road, north and south of Alexandra Parade and Alexandra Parade. It identifies all roads are currently functioning at the highest level of service.

The morning peak on Simes Bridge has a dominant flow of 525 vph toward the CBD and 180 vph towards the north. This is still at the best level of service but the addition of North Lismore Plateau traffic will reduce the level of service. The report is silent regarding the extent of the impact North Lismore Plateau traffic will have during peak times and the possible likely delays. The peak traffic is specifically related to school generated traffic. In the evening the flow is reversed with 210 vph to the north and 134 vph to the CBD. There is a noticeable reduction in traffic after 4.00pm

Winterton Parade/Orion Street Intersection

The current dominant peak hour traffic flow through this intersection is to Woodlawn College and Richmond River High. Some delays may be experienced

Fourth Bridge

The report states the previous LCC traffic studies have taken the North Lismore Plateau into consideration; however the role of the Simes Bridge has been played down or ignored. Consequently encouraging this traffic to use the Alexandra Parade/Winterdon Parade route will delay the time frame for the construction of the fourth bridge.

Road Safety

The network generally has a low level of traffic incidents. The additional traffic will have an acceptable impact given the compliance with current design standards. Winterton Parade/Orion Street has existing visibility problems. This can be addressed by upgrading the intersection.

Capacity of Alexandra Parade/Winterdon Parade

The report claims that Alexandra Parade/Winterdon Parade has the capacity 5,000 to 10,000 vehicle per day (vpd). (*Note – at 10,000 vpd traffic on a two-way, two lane road is likely to experience unstable flow, congestion with intolerable delays*) Alexandra Parade is currently carrying 3,500 vpd. When fully developed the North Lismore Plateau generates13,500 trips per day. There is scope within the capacity of Alexandra Parade to handle 50 % of the traffic from the development before augmentation. (*Note this does not allow for growth in the existing traffic or that by improving the Dunoon Road/ Alexandra Parade intersection more traffic will be attracted from the Dunoon Road*) The report suggests a 10 year time frame before the site is fully developed. On this basis it can be interpolated that Alexandra Parade and Winterton Parade will have 5 Years before they need to be upgrade.

Summary

- The Alexandra Parade/Winterdon Parade does provide a viable alternative route between the proposed development and the CBD.
- The Winterton/Orion Street will be required to be upgraded with a roundabout being a possible solution
- Alexandra Parade/ Dunoon Road to be controlled by a roundabout
- Footpath/cycleway along Alexandra Parade connecting the Winterton Parade path thereby encouraging pedestrian access to the CBD
- 500 lots will be a trigger point for further review of network performance and consideration of a fourth bridge
- Alexandra Parade/Winterdon Parade only has sufficient capacity for 500 600 lots
- There are no red flags at this stage but the report should have addressed the railway line issue

Ecologist

Stage 1 - Ecological and Riparian Issues

It is appreciated that in strict accordance with the EP&A Act 1979 a Flora and Fauna Assessment is required at the DA stage for the subdivision, however, given the amount of vegetation located on the subject site and the topographic constraints of the subject site it is recommended that the applicant is required to submit a "comprehensive" Flora and Fauna Assessment to support the Planning Proposal.

The Flora and Fauna Assessment supporting a Planning Proposal will be assessed in accordance with the following NSW State Government Guidelines for the EP&A Act/TSC Act/FM Act:

- DEC (2004). Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities (working Draft). Department of Environment and Conservation NSW, Hurstville, NSW.
 - Pay particular attention to the structure and content guidelines detailed in Table 3.4 as I essentially use this as a checklist.
- DECC (2007). Threatened Species Assessment Guidelines: The Assessment of Significance. Department of Environment and Climate Change NSW, Sydney South, NSW.
 - In regards to threatened species, populations and EECs and their habitats, I pay particular attention to the local rather than the regional context

The documentation supporting a Planning Proposal is assessed in accordance with the following NSW State Government Guidelines for the Water Management Act 2000:

- In-stream works
- Laying pipes and cables in watercourses
- Outlet structures
- Riparian corridors
- Watercourse crossings.

Stage 2 - Vegetation Management Plans (VMP)

For most Planning Proposals which affect/have the potential to affect native vegetation and/or riparian areas, conditions of consent may include conditions for rehabilitation/regeneration of native vegetation and restoration of riparian vegetation. It is highly likely that as a condition of consent vegetation management works will need to be incorporated into any Planning Agreement entered into with the applicant. If this is the case, the planning and implementation of these works would need to be carried out under the auspices of a VMP.

In the absence of comprehensive guidelines from DECCW, LCC has developed its own guidelines for VMPs. These guidelines are available at Council's web site.

Public consultation

It is considered that, as a minimum, community consultation for the planning proposal should comprise an exhibition period of not less than twenty eight (28) days. Community consultation will be commenced by giving notice of the public exhibition of the planning proposal:

- in a newspaper that circulates in the area affected by the planning proposal;
- on the web-site of the Lismore City Council and the Department of Planning; and
- in writing to affected and adjoining landowners.

The timing for community consultation will be when the Department of Planning has advised of its requirements for supporting information and the studies have been undertaken to the satisfaction of Council. At this point there will be a clear picture of the developable area on the subject land and a concept plan for how land use might occur. Council may also at this point have a draft Development Control Plan, draft Section 94 contributions plan and/or draft planning agreement that it wishes to exhibit simultaneously with the planning proposal.

Conclusion

The planning proposal submitted from two groups representing various landowners on the North Lismore plateau has merit and is worthy of Council support. Based on available information the planning proposal substantially complies relevant SEPP's and Section 117 Directions, Council's key strategic documents including its Community Strategic Plan, Lismore Urban Strategy and the Regional City Plan. It also substantially complies with the Far North Coast Regional Strategy.

The planning proposal requests that an area similar to that identified in the Lismore Urban Strategy and far North Coast Regional Strategy (but larger) be rezoned for residential and environment protection purposes. There is sufficient information to enable Council to support the planning proposal and forward it to the NSW Department of Planning for its consideration and response.

It is appropriate that in supporting the planning proposal the North Lismore plateau as identified in the Lismore Urban Strategy be amended to align it with the planning proposal area.

As the Department of Planning is currently reviewing the Far North Coast Regional Strategy Council should also request the NSW Department of Planning to amend the Far North Coast Regional Strategy to align with Council's revised Lismore Urban Strategy and this planning proposal area in relation to the North Lismore Plateau.

Attachment/s

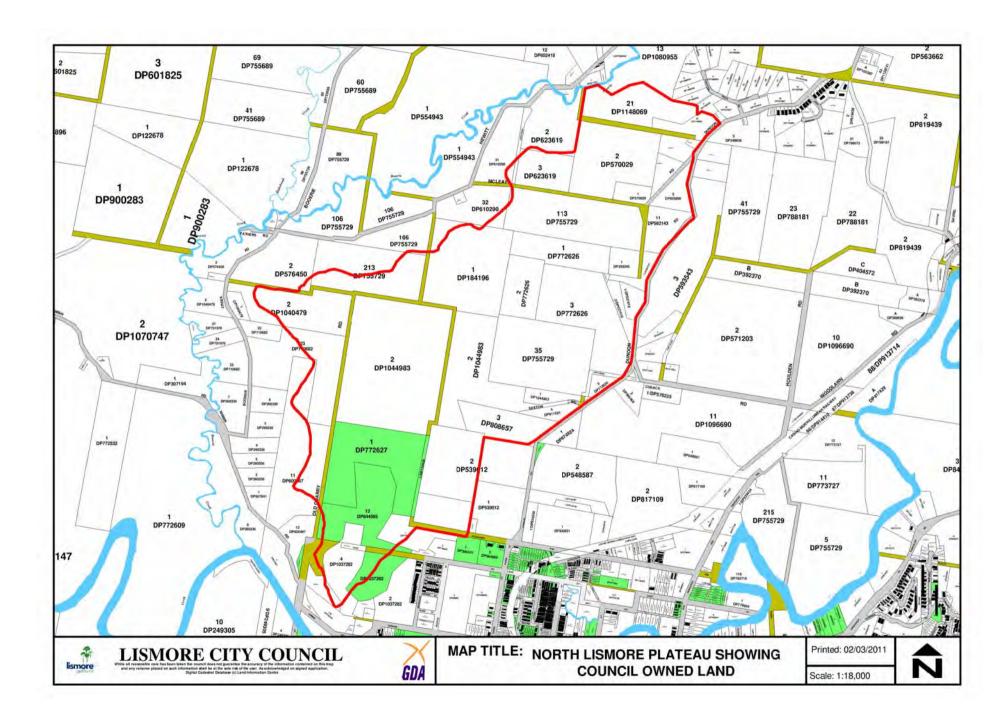
- 1. Councill Owned Land
- 2. Draft Concept Plan
- 3. North Lismore Plateau Attachments A to I
- 4. North Lismore Plateau Attachment J
- 5. North Lismore Plateau Attachment K
- 6. North Lismore Plateau Workshop agreed findings (16 and 17 December 2010)

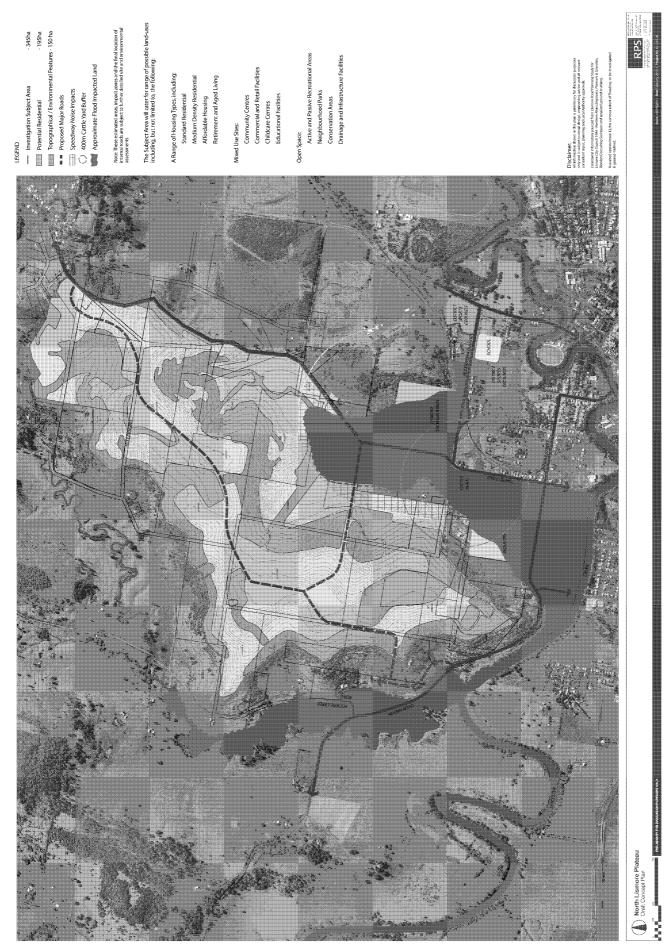
Recommendation

That Council:

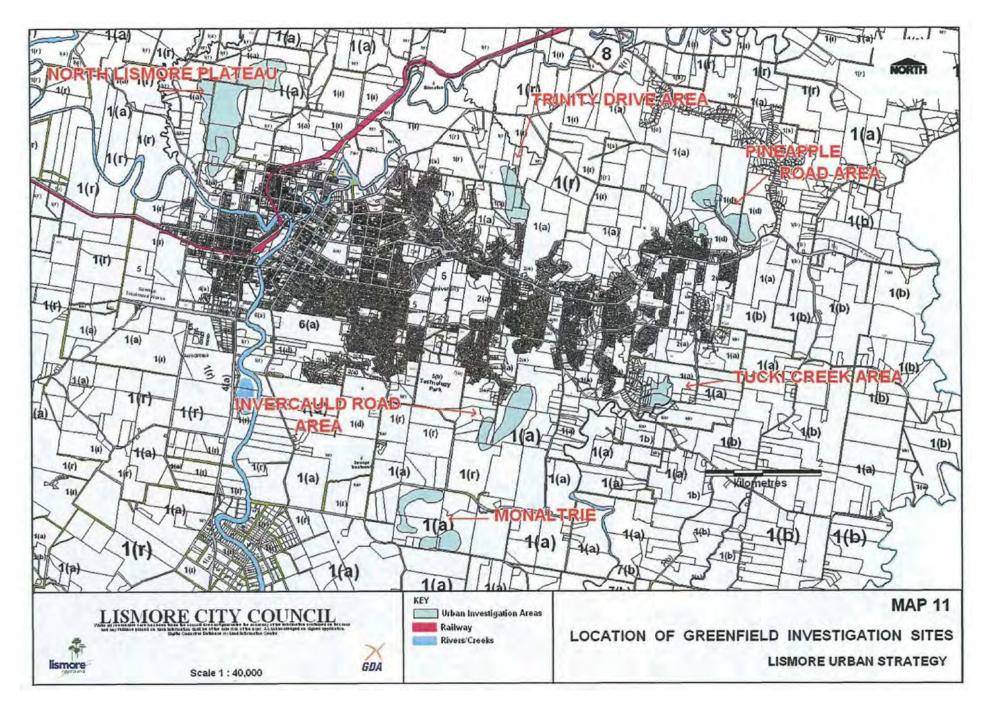
- 1. Agree to support the planning proposal as outlined in this report for the revised North Lismore Plateau study area being the Investigation Study Area shown as a red outline in attachment G and forward it to the NSW Department of Planning for its consideration and processing through the planning gateway.
- 2. Amend the 'Lismore Urban Strategy 2003' in relation to the land release sequencing as outlined in this report and the area of the North Lismore Plateau as shown on maps 11, 13 and 14 of the strategy (attachment J), to align this area with the revised map referred to in recommendation (1).
- 3. Publicly exhibit the changes to the 'Lismore Urban Strategy 2003' referred to in recommendation (2), for a period of 28 days.
- 4. Request the NSW Department of Planning to amend sheet 4 (attachment K) of the 'Far North Coast Regional Strategy 2006' to align the area of the North Lismore Plateau with the revised map referred to in recommendation (1).

(Over 7 pages)

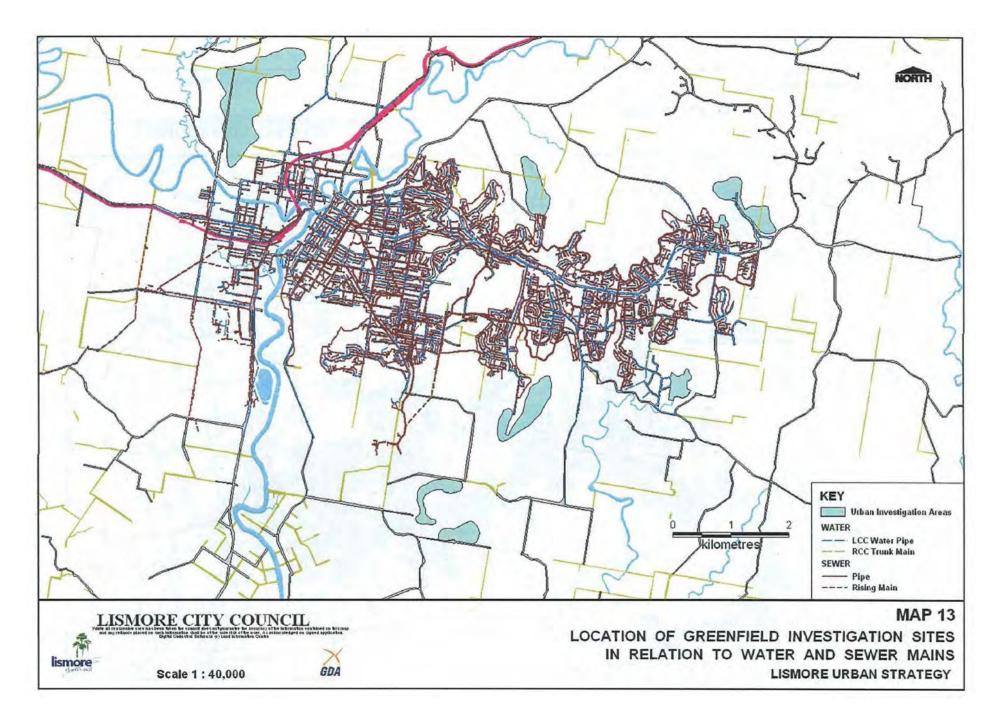




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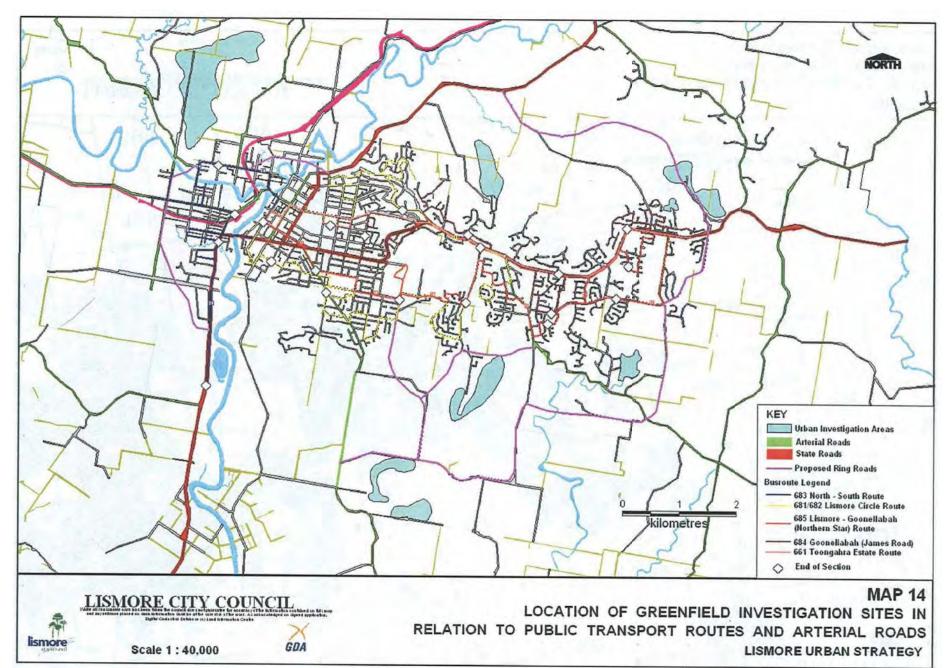


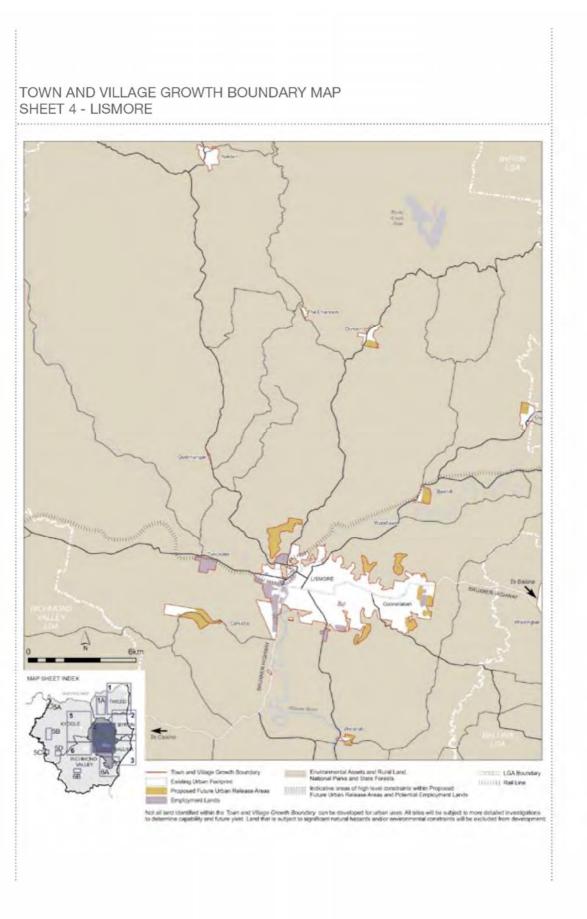
Attachment 4



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Attachment 4





FAR NORTH COAST REGIONAL STRATEGY - PAGE 51

Attachment 6

North Lismore Plateau Workshop Agreed Findings (16 and 17 December 2010)

- **Agreed Findings**
 - The NLP will bring considerable economic and social benefits to Lismore.
- Does not compete with southern options, they are a given.
- NLP is the only significant growth opportunity.
- The Speedway only significantly impacts a portion of the site which could be dealt with through the following measures:
 - 1. Noise mitigating design measures
 - 2. An industry standard management regime
 - Sewerage and water infra structure can be resolved without undue cost to council or at the expense of other infra structure commitments.
- Simes bridge is likely to resolve access requirements (study to confirm) and can be provided without undue cost to council, the 'third' bridge crossing may be required earlier and will be pro rata funded by the NLP development.
- This site can serve as a model for the district with best practice sustainability based design.
- A workable time table has been drafted.

Subject	Agreement for Provision of Wastewater Services to the Proposed Crawford Land Development
TRIM Record No	BP11/169:EF10/257
Prepared by	Strategic Engineer-Water & Wastewater
Reason	To obtain a resolution of Council to enter into an agreement with Norsearch Ltd regarding the provision of wastewater services to the future Crawford urban rezoning.
Community Strategic Plan Link	Integrated Water Cycle Management

Overview of Report

This report relates to the urban land release site known as the 'Crawford Land' owned by Southern Cross University, located at the southern end of Military Road, East Lismore (Lot 1 DP 772605, Lot 21 DP 1124244 and Lots 471-474 DP 755718). It is planned that this land will be rezoned, subdivided and developed for urban purposes by Norsearch Limited, a business arm of the Southern Cross University.

In negotiations between Norsearch Limited and Council staff, a draft agreement has been reached regarding the provision of wastewater services to this proposed future development. This draft agreement commits Council to future capital expenditure. The purpose of this report is to obtain a resolution from Council to enter into this agreement with Norsearch Limited.

Executive Director - Sustainable Development Overview

The Crawford land is one of three new land releases for the City along the south/eastern part of the City. There has been considerable consultation with Norsearch (the developer) and the local community over the proposed land release area, i.e. developer/Council structure plan design session, public meeting and a community open day. Norsearch is very eager to pursue this development particularly triggered by the need to establish the Asia Pacific Football Institute (APFI) which is located on the southern part of the site in time for the Asia Cup in 2015. The APFI is a very exciting development for the City in terms of its sporting, education and economic development significance. The Crawford land release is also close to the CBD compared to the other land in the southern part of the City.

The land release is currently zoned for urban purposes but the zoning is proposed to change to a more appropriate zone via the Draft LEP. The APFI does not have to wait for this change and can proceed via a Development Application. Norsearch has indicated it will pursue a planning proposal to change the zoning so it does not need to wait for the Draft LEP in order to progress the residential part of the site. Following this there will be a comprehensive DCP and planning agreement that will cover all the detailed planning, infrastructure and other issues.

This report deals with one aspect, namely Norsearch's request that Council commits to the funding of the rising main that connects the land to the southern sewerage trunk main. Apart from economic development reasons this is strongly supported for citywide sewerage benefits in that this will free up capacity in the sewerage system for future land releases to the north of the City and will provide much needed flow in the soon to be constructed southern trunk main.

The provision of road access to the land was a key issue raised by residents at the public session and open day. The traffic study currently being undertaken by Norsearch will inform Council and the community of the ability of the existing network (with improvements) to cope with traffic from the land release area. This as well as a citywide strategic roading strategy currently underway will inform the need and priority to extend Military Road. The APFI will in the interim use Skyline Road.

Background

This report relates to the urban land release site known as the 'Crawford Land'. The 71ha site, owned by Southern Cross University, is located at the southern end of Military Road, East Lismore. It includes Lot 1 DP 772605, Lot 21 DP 1124244 and Lots 471-474 DP 755718 and is partly zoned 5(b) Special Use – Technology Park and partly 7(b) Environment Protection (Habitat), under *Lismore Local Environmental Plan 2000.*



Fig 1: 'Crawford Land' site plan

Over the past year, discussions regarding the proposed rezoning and urban development of this land have been held between Council staff and the proponents, Norsearch Limited (a business arm of Southern Cross University). The proposed rezoning of the land will be the subject of a future planning proposal and report to Council.

This report relates specifically to the provision of wastewater services to the proposed development. Norsearch Ltd have requested written confirmation with respect to the provision of wastewater services. This is required so that Norsearch Ltd can demonstrate financial due diligence necessary to proceed with the development of the land.

Development of a 'Draft Structure Plan' and 'Development Control Plan'

Discussions between Council staff and Norsearch Ltd commenced with a design charrette workshop, held on 4 March 2010, which produced a 'Draft Structure Plan' for the proposed development.

The 'Draft Structure Plan' provides a conceptual layout for the subdivision, showing the relative locations of elements such as: roads, residential housing, neighbourhood commercial centre, public open space, recreational facilities, Asia Pacific Football Institute, environmental protection and stormwater management areas. Once finalised, the 'Structure Plan' will be used by Council staff as the basis for defining the new zoning boundaries and preparing a site specific 'Development Control Plan' (DCP) for the land. The DCP will guide the location, form and character of future development on the site

Public Consultation

The 'Draft Structure Plan' resulting from the design charrette workshop was used as the basis of preliminary public consultation. This consultation included an evening public meeting and a Saturday public open day, held in November 2010. Public feedback and the continuing process of site design has produced a revised Draft Structure Plan (refer Attachment 1). Once finalised, the Structure Plan will form part of a Planning Proposal which will be placed on public exhibition.

Asia Pacific Football Institute

Councillors may have recently attended a seminar conducted by Southern Cross University about the 'Asia Pacific Football Institute' (APFI) which is proposed for development within the Crawford Land Structure Plan study area. Norsearch intend to lodge a development application for the APFI in the near future, prior to the rezoning of the land. The proposed recreation facility (football training institute), is permissible development under the current zoning of 5(b) Special Use – Technology Park. Norsearch requires an approved development application in order to secure funding for construction of the APFI from the federal government and other business partners. For this reason, the APFI development application has been brought forward, ahead of the rezoning application.

Infrastructure Sequencing and Cost-Sharing

Since the design charrette, discussions between Council and Norsearch Ltd have been ongoing to refine the Structure Plan and agree upon the sequencing and cost-sharing of infrastructure delivery for the development. As part of these discussions, a draft agreement has been reached regarding the provision of wastewater services to the development. This draft agreement commits Council to future capital expenditure. The purpose of this report is to obtain a resolution from Council to enter into this agreement. Details of the agreement reached between Council staff and Norsearch Ltd, with respect to provision of wastewater services, are given below.

Wastewater Servicing Considerations

The proposed Crawford Land subdivision and development on the eastern side of Military Road is located in close proximity to Council's existing Sewage Pump Station No. 16 (SPS 16) which is on the western side of Military Road at Wade Park. A small part of the proposed development, located on the north-western portion of the site, is able to connect to this pump station by a gravity sewer connection.

The majority of the site will drain to the south and will be served by a new pump station to be constructed to serve this development (Crawford pump station). The new Crawford pump station will be located near the southern boundary of the development. A plan of the site showing the location of existing and proposed pump stations and related connections is included (refer Attachment 2).

Given the close proximity of the development to the existing SPS 16, the normal preferred option would be for the new Crawford pump station to pump to SPS 16. Furthermore, following construction of the Southern Trunk Main (STM) and the diversion of load from the existing Goonellabah sewerage system to the STM, SPS 16 will have reserve capacity to cater for this additional load.

However, in order to meet longer term strategic objectives, it is necessary to require that the Crawford pump station pump to a connection point with the STM. This decision forms part of Council's overall strategy for the servicing of new urban land releases in the vicinity of Goonellabah, whereby the reserve capacity in the Northern Trunk Main and SPS 16 created by diversion of load to the STM is to be held in reserve to allow servicing of future urban releases located to the north of Goonellabah (ie. Trinity, Pineapple Road and Lagoons Grass urban release areas).

Given that the Crawford pump station only serves land within the subject development site, the developer would normally be responsible for the full cost of constructing this pump station and the associated rising main.

Note: The term rising main refers to a pipeline which is pumped rather than one which relies on gravity flow.

However, given the circumstances of this case, Council is requiring that the Crawford pump station connect with the STM rather than the nearer SPS 16. This leads to a significant increase in the cost of providing this infrastructure and this cost is being incurred in order to facilitate other future development to the north. Consequently, it can be construed that construction of the Crawford pump station and rising main does benefit other development. Therefore, some sharing of the costs of this pump station and rising main is warranted.

Proposed Agreement

Cost sharing could be achieved through a variety of means. However, following negotiations, Norsearch Ltd has committed to funding the construction of the Crawford pump station, subject to Council committing to the construction of the associated rising main.

The estimated cost of constructing the Crawford rising main is \$300,000. It is anticipated that construction would not be required until 2013/14 or later.

This arrangement is considered equitable and is far simpler than alternatives available. Consequently, the proposed agreement regarding the funding of this infrastructure is recommended.

Sustainability Assessment

Sustainable Economic Growth and Development

Development of the Crawford rezoning will boost economic growth in the region. The proposed funding agreement facilitates this development proceeding.

Social Inclusion and Participation

The proposed Crawford development is being designed to facilitate the provision of a range of housing types which will contribute to housing affordability in Lismore. The Structure Plan incorporates features aimed at promoting social interaction and community cohesion. To date the proposal has been the subject of a comprehensive public consultation process; this will be ongoing.

Protect, Conserve and Enhance the Environment and Biodiversity

The Structure Plan for the Crawford Land subdivision and development, includes features to mitigate the potential impacts of the development on the natural environment, including the creation of environmental protection areas and provision of stormwater polishing infrastructure. All development will be subject to environmental planning and assessment, including preparation of reviews of environmental factors. Impact will be the same, regardless of the funding arrangements for construction of the pump station and rising main.

Best-Practice Corporate Governance

The commitment to funding this infrastructure will be included in revisions of Council's *Strategic Business Plan for Water Supply and Wastewater Services* and associated impacts included in Council's financial planning of wastewater assets. The arrangement is considered a prudent way of facilitating the construction of this necessary infrastructure.

Comments

Finance

The estimated cost for this project is \$300,000 and construction anticipated in 2013/14. This project is not currently in Council's *Strategic Business Plan for Water Supply and Wastewater Services*, but will be factored in when revising for the 2011/12 Operational Plan. It is important to note that both Water and Wastewater Funds are user pays funds. As such, user charges or planned works will need to be adjusted to accommodate this project.

Other staff comments

Manager - Integrated Planning

This is a very sound proposal. It will facilitate the development of a mixed housing precinct and Asia Pacific Football Institute on Southern Cross University's Crawford Land. It will also increase usage of the soon to be completed southern trunk sewer main and free up wastewater capacity for future development of the land releases to the north of Goonellabah. This has been achieved as a result of Council actively working with the developer (Norsearch Limited) and doing so in a way that integrates its strategic land use and asset development/ management objectives.

Business Facilitator

Lismore City will experience new and significant opportunities for social, cultural and economic capacity building as a result of this project.

The concept and development of a high performance sports academy, of the nature proposed by Southern Cross University, is a unique business opportunity potential for Lismore City and a very exciting personal growth amenity for Australasia. This Lismore APFI high performance sports institute is a globally significant endeavour for world soccer.

Council's relatively minor infrastructure investment in this project will be a legacy of this Council and will pay generational dividends. It is also an opportunity for us to show forward thinking community direction in Council building strong winning partnerships that we can all be rightly proud of.

The Business Facilitator strongly supports the investment outlined in the proposal.

Public consultation

Public consultation has been undertaken with respect to the proposed Crawford development and the development of the associated Structure Plan, including conducting public workshops. Public consultation regarding the proposed agreement for funding of infrastructure related to the development is not considered to be warranted.

Conclusion

The draft funding agreement, with respect to the provision of wastewater services to the proposed subdivision and development on the Crawford Land, is considered reasonable and a simple, prudent way of facilitating construction of this necessary infrastructure.

Attachment/s

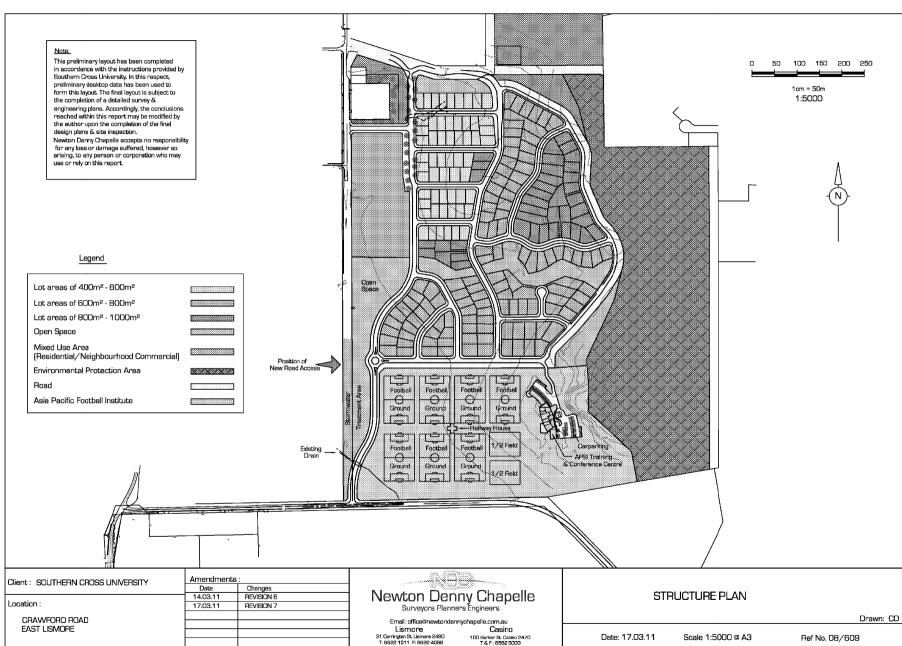
- 1. Crawford Rezoning Draft Structure Plan
- 2. Crawford Rezoning Wastewater Strategy

Recommendation

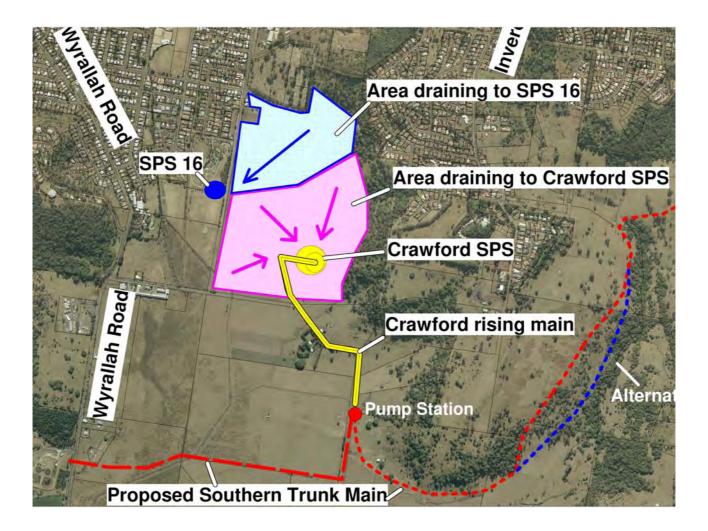
That:

- 1. Council commit to funding the construction of the rising main servicing the Crawford development, extending from the proposed Crawford sewage pump station to its connection with the Southern Trunk Main.
- 2. Any future expenditure by Council shall be subject to the agreed funding of wastewater infrastructure by Norsearch Ltd and Council being confirmed within a planning agreement for the land.
- 3. Construction of the above rising main be included within the revision of Council's Strategic Business Plan for Water Supply and Wastewater Services being undertaken as part of the preparation of Council's 2011/12 Operational Plan.
- 4. The General Manager write to Norsearch Ltd confirming Council's commitment to funding of this infrastructure.

Report



Attachment 1



Attachment 2: Crawford Rezoning Wastewater Strategy

Subject TRIM Record No	Development Application 5.2008.613 - Animal Establishment (organic free range mobile egg/poultry production) BP11/203:DA08/613	
Prepared by	Manager - Development & Compliance	
Reason	For determination by Council	
Community Strategic Plan Link	Provide Sustainable Land-use Planning	

Overview of Report

This report is an assessment of DA5.2008.613 lodged with Council in November 2008 proposing an organic free range mobile egg and poultry farm ('Animal Establishment') on a property located at 55 Chilcott Street, Monaltrie. The application was initially accompanied by insufficient supporting information to enable proper assessment by Council staff, leading to inherent issues/concerns including buffers, odour, noise, traffic and waste disposal.

In response to the initial notification of the application, there were 8 individual letters (14 signatures) and 12 similar 'petition' letters (15 signatures including 10 persons who also signed individual letters) received, making a total of 19 persons who submitted objections or concerns. Issues raised are addressed in the report below. Numerous attempts have been made by staff since lodgement of the application to obtain definitive information from the applicant to enable final determination of the impacts of this proposal.

Council staff have now completed their assessment of the proposed animal establishment, and recommend that the application be approved, with relevant conditions to mitigate any potential environmental impacts.

Background

The subject farm of 28ha, has been operational for many years with cattle and horticultural activities. The application for a free range poultry farm represents a part change in direction over part of that farm. Both lots involved, of equal land area, each have dwellings erected on them, both from the 1990's. The owners approached Council's former Economic Development Unit team in August 2008 to explore the idea of installing a free-range egg and poultry operation over part of the farm, and subsequently lodged a Development Application (DA) for same in November 2008.

Description of proposal

The proposal is to operate an organic, free range mobile egg/poultry production at the property. This involves the 'running' of a total of 6,000 laying birds, plus four times a year there will be 1,500 'day-old' chicks incoming. These will all be contained in an area of about 10.12ha in the north-east corner (known as the 'forage area'), being within part only of the overall 28ha property.

The whole operation is cyclic - the day-old chicks mature in around 4 months, with expended laying birds at the other end being removed from the farm. The whole cycle takes about 104 weeks (2 years) and at maximum capacity in the 'overlap' periods there can be up to 9,000 birds on the farm.

Birds will be housed in 'Home Runs', of which there will be eight – four occupied by the birds, and four under rehabilitation at any one time. Home runs will also be moved around the Forage Area to allow natural grass and ground rehabilitation. Each Home Run will be fenced to about 38m x 36m in size and each will contain eight 'eco-shelter' huts of 21 sq m floor area each, to house the birds. Each Home Run will be serviced by a centrally located silo and feed line, watering drips and drains. The home runs will be provided with mulch flooring to give a healthy base for the birds.

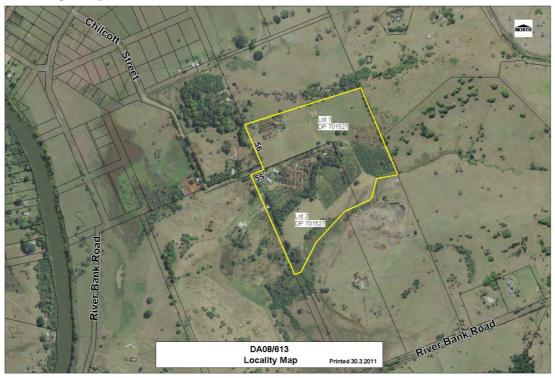
The eco-shelters are mobile, steel framed and covered with a waterproof membrane. Each shelter is 3.3m wide, 6.1m long and 3m high. Shelters are anchored with a strong tie down system and are designed to withstand storms and high winds.

Eggs collected are to be sorted, packed and stored in an existing shed located within the Forage Area. This building contains washing facilities for packers and a cool room for egg storage. Eggs will be trucked out once or twice a week by a utility or a small refrigerated van. There are stated to be two full-time employees of the farm (already existent for the whole farming operations) and three packers who come three afternoons a week, starting at 2.00pm.

The remainder of the farm (two properties, two family dwellings) will remain under horticultural use; however the proposed free range poultry use will take over and occupy the area of the former grazing use on site.

The application is essentially an agricultural pursuit, but requires Council consent, as being a 'chicken farm' it is defined as an "Animal Establishment" under the terms of Council's LEP. The applicant's family property is in two parcels, and the chicken farming operation will occupy only part of the overall farm, generally where grazing formerly took place. There are also horticultural pursuits occurring on the properties.

Locality map



Lismore City Council Meeting held 12 April 2011 - Development Application 5.2008.613 - Animal Establishment (organic free range mobile egg/poultry production)

Statutory controls

Lismore LEP 2000 Zoning –1(a) General Rural Item of Heritage – No In vicinity of Heritage Item – No Conservation Area – No Draft Lismore LEP 2010 – RU2 Rural Landscape zone, which permits "Intensive Livestock Agriculture" with Council consent, S94 Contributions Plan – Assessed that no Sec 94 contributions would apply. Environmental Planning & Assessment Act 1979 SEPP No. 30 – Intensive Agriculture SEPP No. 33 – Hazardous and Offensive Development SEPP No. 44 – Koala Habitat Protection SEPP (Rural Lands) 2008 North Coast REP Local Development

Policy controls

Lismore DCP – Chapter 11 (Buffers)

Description of locality

Undulating farm land, rising from the flat river floodplain, and containing mostly open grazing land, with some horticulture and treed areas, and with an adjacent active quarry to the south.

Relevant Development History

No specific development history. The property consists of two adjoining allotments, both in family ownership, and each with a dwelling house. There are farm sheds, and some horticultural plantation on the properties.

Internal Referrals

Building

Only one condition recommended in relation to the mobile eco-shelter construction.

Environmental Health

Because of the nature of the proposal, Environmental Health issues have predominated the overall assessment. Particular attention has been given to the primary issues of noise, odour, drainage and dispersal, disposal of dead birds and composting. With consecutive responses being provided over the interim period to a range of questions from Council, it can now be stated with confidence that those areas of concern have now been quite satisfactorily addressed and can be effectively operated and managed.

Council's Environmental Health Surveyor requires a number of conditions to be imposed with any approval granted.

Water and Sewer

No requirements for this application.

Engineering/Traffic/Stormwater Drainage

<u>Chilcott Street</u> is a gravel road of variable width. The existing condition is considered average. The road services approximately 9 dwellings and is considered a Rural Access Place as defined in Table 6-16 of Chapter 6 of the Lismore DCP Part A. Although the proposed development is an intensified egg/poultry production facility, the scale of the business results in only a small increase in traffic generated by the development when compared to a standard Rural Land Use. The development does not result in a change to the Road Classification. The applicant should therefore be required to upgrade Chilcott Street to a 5m gravel road standard, with the corresponding modifications to drainage as appropriate. This will require improvements in relation to formed road widths and surface conditioning in consultation with Council staff to ensure the road is brought up to an acceptable standard to accommodate the proposed use.

Drainage: There is a significant increase in roof area and hard standing area on the site. Although proportion of impervious to pervious is small, it is still considered appropriate to require the applicant to control runoff in a manner in which does not cause erosion/damage or inconvenience to neighbouring properties or the property containing the development.

Access: The driveway access may not meet council requirements for Vehicular Access. It is usual practice to place a condition on the vast majority of DAs (irrespective of whether they are subdivisions or change of use) as most existing driveways usually don't comply with current standards – so the emphasis is on the applicant to demonstrate compliance rather than Council accepting a possible non-conforming access.

Engineering conditions are therefore requested, including specified upgrading of Chilcott Street, drainage and potential access construction.

Integrated Referrals

Department of Primary Industries

The application was referred to DPI under provisions of s.59 of EP&A Regulation 2000. The Department has provided a detailed response, which includes the following advices:

- that free range poultry development has the potential to make a positive contribution to regional agricultural investment provided (it) is well planned, accords with relevant guides and is suitably managed;
- that better supporting documentation should be provided (has since been done);
- that this enterprise is a 'larger scale' free range development and is therefore important that it be well planned and managed (i.e. frequency of movement of shelters, etc);
- odour is difficult to assess for free range poultry systems, and so a fixed separation distance buffer may be more appropriate in the circumstances (*will be a recommendation*);
- ground cover needs to be well managed and is an important aspect critical to managing environmental issues, and 90% ground cover should be maintained for wise resource management;
- the proposed 100m buffer to waterbodies and boundaries is supported 'in principle';
- on-site disposal of dead birds in the event of mass mortality should be clarified (*has since been done*); and
- other issues were raised by DPI including traffic assessment, on-farm feed supply, protection from predators, vermin and pest control, soil monitoring – which have since been assessed under additional information from the applicant.

DECCW

Application was referred to DECCW for comment in relation to 'potential odour impacts' from the development. The Department (in two separate letters) replied advising:

- (i) that the development is not scheduled under Schedule 1 of the POEO Act 1997, and all reviews are thus a matter for Council to consider;
- (ii) that "impacts from the proposed development at surrounding residences are likely to be minimal provided operations are well managed and consistent with those proposed in the development application"; and
- (iii) that "the odour impact assessment has been conservatively based on intensive broiler chicken farming and that the proposed development is for a much lower density and free range facility. As such, odours are from several smaller and less concentrated sources and can be more readily controlled by changing the placement and distance of the eco sheds in relation to nearby residences if required".

The issues of air, water and noise impacts have consequently been assessed by Council's environmental health officers, and appropriate conditions have been recommended.

Rural Fire Service

The application was referred to RFS for comment, which has responded but raises no concerns or issues in relation to bush fire matters.

Notification/ Submissions

The application was notified to adjoining and surrounding property owners and advertised in the Northern Rivers Echo in accordance with the provisions of Chapter 10 of the Lismore DCP for the Notification and Advertising of Development Applications. As a result of the notification and advertising, eight individual letters (total 14 signatures) and twelve 'similarly-worded petition type' letters (signed by 15 persons, including 10 of those on the individual letters) were received. In all, a total of 19 persons submitted objections or concerns regarding the operation of the poultry farm.

These are summarised as follows:

Name of Submittor	Issues Raised	Response
P Wardrop 2 Riverbank Road	Aircraft flight path and bird strikesRetirement of spent laying birds	Addressed within this report
	Buffers	
B Driscoll 589 Wyrallah Road (adjoining property)	Doubts with some aspects	EIS not required, Statement of
	Impact on roads	Environmental Effects only is
	Rodents	needed – however original DA
	Chickens will fly	was deficient with supplied
	Dead bird collection	information.
	 No Environmental Impact Statement 	
P&S Scroope 50 Riverbank Road	Doubts with some aspects	As per above
	Impact on roads	
	Rodents	
	Chickens will fly	
	Dead bird collection	
	 No Environmental Impact Statement 	

Name of Submittor	Issues Raised	Response
S Cleaver	Air pollution (compost & chicken waste)	Addressed where appropriate
16 Monaltrie Lane	 Noise (fans and chickens) 	
	Huge amount of runoff when rains	
	Air borne viruses	
W&E Abbott	Lengthy submission	Extensive submission. Many of
11 Chilcott Street	No EIS	these are perfectly reasonable
	Poorly prepared DA	concerns raised particularly
	Visual appearance	given the inadequate
	Reflectivity of materials	information provided with the
	Bushfire hazard	original DA lodged.
	No landscaping	
	Inadequate maps supplied with DA	With additional information
	Buildings not accurately mapped – no construction	obtained from the applicant over the intervening period,
	details - packing shed inadequate in size – incorrect	and raising the same matters
	costings quoted for eco-shelters – silos inadequate	as objectors have, together
	 No costing for on site alarms 	with on-site inspections, most
	 Predator attraction and effect on koalas 	of these concerns will not
	• Water bird life and fauna may be decimated around the	occur, and/or have been
	constructed on site wetland	addressed.
	Manure laden runoff to wetland	
	Area is residential in character and most adjacent	
	owners are employed 'off farm', peace and quiet and	
	clean air will be affected	
	Number of additional vehicle movements, dust and denger of perrow read	
	danger of narrow roadGroundwater could become contaminated	
	 No additional trees 	
	 Can't provide buffers to Council's requirements 	
	 Odour 	
	Dead bird disposal	
	Dust from chickens	
	 No preconsultation from applicant 	
	 Inappropriate for the area, environment and quality of 	
	life	
J Kendall	No EIS prepared	EIS not required.
8 Chilcott Street	Potential for his on site dam being contaminated from	Leaching cannot occur given
	leaching of foreign matter	topography.
	Safety of children walking to school bus	Roadworks will be required to
		Council's standards.
B&R Robertson	Property valuations in area will be affected	EIS not required. Site is
34 Riverbank Road	No EIS	General Rural and use is
	No details of eco-shelter materials	compatible to zone, no basis to
	Odour and bacteria	use property devaluation to
	Koala habitat	influence assessment. Impacts
	Inadequate buffers	of cattle-v- chickens is not
	 Inadequate traffic analysis 	known. Other issues addressed.
	• Poultry will not have less impacts than cattle previously	
	on site	

Name of Submittor	Issues Raised	Report
		Response
D&H Ball 1 Chilcott Street	 Concerns with composting and resultant odours and dust Contamination of springs Vermin attraction, impacts on wildlife, impact on wetland Road maintenance and others 	Mostly relevant issues and addressed.
T Lau & L Lee 36 Chilcott Street (adjoining property)	 Health hazard Quality of life compromised Condition of Chilcott St Impact on koalas Composting Location of eco shelters and 'grazing' area Many 'flaws and contradictions' in the lodged DA 	Relevant issues As for above, these are addressed, where relevant. Agreed that original DA was deficient in information, making it hard for people to make their assessments.
PRE-PREPARED PETITION LETTER: B Lyons 39 Riverbank Rd T Andrews Riverbank Rd G Ramsay 125 Riverbank Rd L Kinsey 200 Riverbank Rd C Nolan 336A Riverbank Rd PETITION LETTER ALSO RECEIVED FROM ABOVE INDIVIDUAL LETTER WRITERS:	 Koala corridor affected Foxes attracted Water contaminated Wetlands affected Noise Flies attracted Land for wildlife fauna affected Additional traffic flow Snakes attracted Extra road maintenance Ammonia created Dust General environmental pollution Development highly unsuitable for the area 	These are an all-inclusive summation of the various issues already raised, with some new additions (flies, snakes, ammonia). It is believed that relevant issues have been addressed within reason, and that the overall proposal (with relevant conditioning) is quite within the expected agricultural land use pursuits that could and should be expected in this rural zone.
B Driscoll P&S Scroope W&E Abbott J Kendall D&H Ball T Lau & L Lee		

Consideration

The relevant matters for consideration under Section 79C of the *Environmental Planning and Assessment Act* 1979, are assessed under the following headings:

Lismore LEP 2000

The proposed development is permissible as an "Animal Establishment" within the 1(a) Rural General zone under the provisions of the Lismore LEP 2000. Relevant sections of the LEP are addressed as follows:

1. Advertised development

Development is not an Advertised Development; however it was notified in the Echo notwithstanding.

2. Preservation of trees

No trees are being removed, and a great number of new trees are being planted by the applicant.

- 3. Buffer zones to avoid potential land use conflicts Buffers have been applied to the proposal, in accordance with the requirements of Council's DCP Chapter 11. Further discussion on this issue is provided under "Policy Controls" above.
- **4. Development on flood affected land** The area of land within the property to be occupied by the poultry farm is not flood affected.
- 5. Development on land identified on Acid Sulphate Soil Planning Maps The site is not in an acid sulphate area.

Zone objectives and zoning control tables

Having regard to the provisions of Lismore LEP 2000, it is considered that:

- (a) The development is in accordance with the specific aims of this plan, the objectives of the zone and is in compliance with relevant controls, and
- (b) The development is in accordance with the character of the neighbourhood and the specific and expected land uses within the General Rural zone in which it is located.

As such, consent to the development may be granted.

Rural zones

Zone No 1 (a) (General Rural Zone) (cl 30)

The proposal is fully compatible with the objectives and permissible land uses of the 1(a) zone

Zone No 1 (r) (Riverlands Zone) (cl 35)

A very small part of the southern end of Lot 2 DP 701527 is zoned 1(r), being well outside the on-site activity area for the poultry farm, and hence this has no effect or bearing upon the section of the farm that is subject of this application.

Draft LEP 2010

The application has been assessed against relevant controls within Draft LEP 2010.

The proposed development is permissible with consent as "Intensive livestock agriculture" within the RU2 Rural Landscape zone under the provisions of the Draft Lismore LEP 2010.

The application is not affected by any provisions of Parts 4, 5, 6 and 7 of Draft LEP 2010.

SEPP 44 – Koala Habitat Protection

The site is not a core habitat and Council may proceed with determining the application (SEPP 44 Cl 8(3)(a)). The two allotments making up the subject property contain charted secondary and marginal koala habitat areas, and parts of these are within the perimeters of the proposed 'forage area'. As such, the applicant was requested to provide information as to how the free-range poultry farm operation will interact with koalas.

The applicant advised that he has planted some 2,000 eucalypts on site since purchase of the property, many of which have reached maturity. Additionally, he intends to plant 'in excess of' 1,000 *Eucalyptus tereticornis* (forest red gum) as part of the vegetated buffers.

The applicant has also advised:

- that koalas have no problem with movement through the area, particularly with the presence of the additional trees planted;
- that hens actively avoid interaction with koalas; and
- that the special breed of 'Maremma' dogs that he has imported from Italy to the farm to keep predators away from the hens have been specifically trained not to harm any koalas which may also be on site.

SEPP 55 and Contaminated Land Management Issues

SEPP 55 does not apply. The land has been assessed as being historically used for grazing purposes and hence no contaminated land assessment is necessary. The proposed composting function within the forage area will be managed in accordance with acceptable practices, and additionally will have covering conditions in any consent granted.

SEPP 64 – Advertising and Signage

There is no signage required for this application.

Lismore Development Control Plan

The application has been assessed against the relevant controls in the Lismore DCP as indicated in the following compliance table.

LISMORE DEVELOPMENT CONTROL PLAN			
	complies		
		Comments	
Agricultural Development			
Characteristics	Yes	Well organised free-range organic poultry farm	
Design Initiatives	Yes	Moveable 'eco-shelters' in clustered home runs	
New or Existing Building	Yes	New eco-shelters and feed silo	
Building Heights	Yes	Eco-shelters are 3.0m high	
External Appearance	Yes	Oviform, waterproof membrane covered shelters, green in colour	
Design and Scale	Yes	Low scale in comparison with occupied area	
Setback	Yes	Forage area min. 10m set back to northern and eastern boundaries,	
		'home runs' min. 20m set back to northern boundary; greater to all	
		other boundaries.	
Materials/Colours	Yes	Steel feed silo, green membrane-covered shelters	
Buffers			
Conflicts in Land Uses		Main potential concerns (as reported by a number of adjoining and	
		nearby owners) include increased road traffic, noise, odours, poultry	
		on boundary, vermin attraction and waterway pollution. These	
		issues have been discussed in this report under "Notifications /	
		Submissions" above.	
Recommended Buffers		The applicant has located the 'forage area' perimeter boundary so	
		as to comply with the DCP 300m primary buffer to 'nearest	
		dwellings not associated with the operation'.	

Waste Minimisation		
Relationship	with	No specific legislation for this application.
Legislation		
Handling Waste		The key waste management issue is the composting of litter, spent mulch, and disposal of dead birds. Details of management of the composting area have been submitted, albeit in parts, to adequately support the application. Council's Environmental Health Surveyor has advised that it has been demonstrated that sustainable waste management can be undertaken on site concurrent with and as part of the proposed operation.

Section 94 Contributions Plan

No Section 94 levies are required in respect of this application.

All Likely Impacts of the Development

The likely impacts of the proposed development have been considered within the context of this report.

ENVII 1.	CONSIDERED Yes	
2.	Policy Controls	Yes
3.	Design in relation to existing building and natural environment	Yes
4.	Landscaping/Open Space Provision	Yes
5.	Traffic generation and Carparking provision	Yes
6.	Loading and Servicing facilities	Yes
7.	Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8.	Site Management Issues	Yes
9.	ESD Principles and Climate Change	Yes
10.	All relevant S79C considerations of Environmental Planning and Assessment (Amendment) Act 1979) Yes

Submitter's Concerns

The objections and concerns raised by various persons are summarised as follows:

1. The free-range poultry farm has commenced operation without consent.

Comment: This is correct. However this has enabled the concerns of the submitters to be checked against the actual operational effects.

- Dust the poultry operation will increase dust nuisance in the locality.
 Comment: There is no dust nuisance created by the free-range operation. (see also dust under traffic below)
- 3. Noise concerns that there will be considerable noise from the open range operation of birds. "6,000 cackling birds at my boundary".

Comment: There is very little noise from the poultry farm, which is in any case for the most part shielded from adjoining properties by the topography of the land. It may have been the case at some time in the past where birds may have been allowed to roam the whole of the property, however since it is intended that there will be a firm definition of allowable 'forage area' as determined by required buffer boundaries and fencing of same, birds will not be any closer than 300m to any adjoining boundary.

4. Smell/Odours – the farm will smell; odours will have a continued adverse effect on the lifestyle of nearby landowners.

Comment: At time of site inspection, with a full complement of hens, in hot weather and just following heavy rains, there was no smell evident, excepting for a very small area in the immediate vicinity of the packing shed where there was a concentration of birds. This is well within the overall compound, and there was plainly no odour as soon as one moved away from that area.

5. The development will attract flies, vermin and snakes.

Comment: This appears a well-run operation, and there were no indications of flies at all on the day of inspection, which was also on a hot day. The operator has an active control program in place in the case of any rats and vermin, and the specially bred imported dogs used on site ensure that foxes and other animals do not enter.

6. There is potential for effluents to enter the waterway systems – pollution of creek – the 'spring fed water dam could get contaminated'

Comment: There will be no contamination of any waterway from this operation. The cyclic use of the home runs, prolific use of mulching, the natural grassed areas in the forage area, and particularly the large purpose-built vegetated wetland of approx 1.5ha in area in the southern low section complete with weir and deepwater zone is specially designed to intercept any nutrient laden runoffs. Water cycle management details have been submitted with the application. It has also been stated by the applicant that 9,000 birds produce roughly equivalent effluent of "less than 12 breeding cows", and that the farm can capably support 30 breeding cows and calves – all with NO development application requirements, conditions or constructed wetland polishing pondages.

7. There will be a marked increase in vehicular traffic to the property; the road condition is already poor; dust nuisance caused by traffic.

Comment: The applicant has clearly stated (following additional questioning) that traffic generated by the poultry farming section of the overall property use will strictly be:-

- 1 small utility or refrigerated van 'once or twice a week' for egg pick-up
- 1 truck of chip mulch once a week (but is also used on the horticultural section)
- 1 truck and trailer 4 to 5 times per year for poultry feed
- 1 light truck 4 times a year for day-old chick delivery
- 2 full-time employees per day, start around 8.30am
- 3 packers (work 3 afternoons a week) start at 2pm

Council's Development Engineer has calculated that, from the vehicular advices provided by the applicant, there would only be a 10% increase in traffic along Chilcott St attracted by the poultry operations, which would not attract consideration of a Sec 94 levy. However the applicant most adamantly states that the traffic which will be generated to the site by the poultry operation in fact represents a <u>decrease</u> in traffic as compared to the previous aggregate of agricultural uses which were occurring on the properties.

Overall, this would seem a reasonably low traffic generation, and it has to be kept in mind that there is NO control on traffic accessing the great majority of agricultural uses (which do not require consent).

Notwithstanding, Council's Development Engineer has assessed the road situation and has recommended basic road upgrading conditions for the 1,200m length of Chilcott Street leading to the site.

8. Concern expressed about the effectiveness of the proposed composting area, and whether this will create its own set of 'problems'.

Comment: It is agreed that the original application and subsequent sets of information received by Council provided little advice as to how this area works. However, information most recently received from the applicant is to a stage where the operational ability appears to be sound. Council's Environmental Health officer reports "from all the information submitted it has been demonstrated that sustainable waste management can be undertaken on site for this scale of poultry farming activities. Dead birds from a mass mortality can also be properly disposed of at a licensed waste management facility if required".

9. No EIS has been submitted with the DA.

Comment: This application does not require an EIS; it falls below the parameters of Schedule 3 of the EPA Act Regulations for Designated Development (threshold is 250,000 birds).

10. No landscaping plan has been submitted with the DA.

Comment: This was correct at the time of lodgement; however a plan has since been requested and lodged. The applicant states that he has planted "2,000 eucalypts" on the (two) properties since he has purchased them, and that "in excess of 1,000 forest red gums (koala trees) are to be planted as part of the vegetated buffers", and that there are some open areas on the farm that are yet to be planted with pecan nut trees, which assist with controlling any potential odour, noise or visual impacts.

11. Predator birds will be attracted to the site – owls, eagles, hawks and kites, which will be a hazard for aircraft to Lismore Airport.

Comment: The poultry farm is a minimum of 3km from the Airport. As the farm has now been in operation for some time, any effects on aircraft or predator bird attraction would be evident. A check with Lismore airport management indicates that it is highly unlikely that bird strikes attributed to an enterprise that far distant (some 3kms away) is highly unlikely to occur, and that the most usual bird strikes are with plovers and magpies that are in close proximity to the airport.

12. The applicant is using adjoining properties as his buffer requirements.

Comment: This is correct; however is the norm throughout the rural sector. It works the same for any approved use, for example, the large primary and secondary buffers around quarries are not self-contained necessarily within the quarry property boundaries. A buffer is not so much related to cadastral boundaries, it is, as per Council's 'Buffer Areas' DCP, "a guide for establishing a physical separation between residential development and certain activities and developments where potential conflicts between land uses may arise" The primary purpose therefore is to ensure (where possible) that a minimum distance will exist between a land use and any adjacent residence not associated with that use. In the case of the current application this has been achieved, but the size and shape of the forage area has had to be defined and restricted in order to achieve compliance with DCP requirements.



Sustainability Assessment

Sustainable Economic Growth and Development

The proposed use of the land will have a positive effect on Lismore's economy, particularly in the organic farming sector. The proposal will encourage additional investment in organic agricultural practices, and has positive effects on local employment that is consistent with sustainable land use planning priorities.

Social Inclusion and Participation

The existing community in this locality will benefit from improvements to the existing condition of Chilcott Street. The proposed use will be sympathetic to the natural environment, and will improve access to and affordability of alternative food production methods from local sources to meet the needs of the local community.

Protect, Conserve and Enhance the Environment and Biodiversity

The proposed use will not have any adverse impacts on quality of the environment, but more positively, it promotes the production of organic food products with low food miles that are available to the local community, which minimises energy and fuel consumed to produce poultry products. The proposal includes provision for recycling of waste materials from egg production, and appropriately protects adjoining areas of environmental significance. It is concluded that the proposed use will have a positive impact on the environment.

Best-Practice Corporate Governance

The proposed use has been the subject of public notification processes and the assessment of this application in light of the information provided is considered to have been managed appropriately in the circumstances.

Comments

Finance Not required.

Public consultation

Refer to main body of this report.

Conclusion

This has been a lengthy application in its process, the time being taken by external referrals, internal staff changes, attention to matters raised by adjacent landowners, and particularly delays occasioned by the number of additional information requests to the applicant. However with most information sought now provided, it is relevant to state that the operation has all the hallmarks of being a desirable and efficiently run agricultural application, yielding a highly marketable organic primary product.

It is also fact that the operation has commenced prior to any approval being granted, which no doubt has not augured well with some of the near neighbours who had concerns. However this has enabled Council staff to conduct inspections under operating conditions whereby those concerns raised have been able to be properly observed and monitored, such as noise, odour, run-off and vermin.

The site is quite ideally located, in that it is close to town (markets and employment), is agriculturally zoned, is an adjunct to an operational horticultural pursuit on the same site; and due to the topography of the property the poultry aspect is for the most part hidden from view to most neighbours. Further intensive buffer landscaping is proposed by the applicant in any case, to be concentrated in the northwestern boundaries and corner of the land. This will provide additional buffer screening for nearby dwellings in that direction.

There is also an active hard rock quarry immediately adjoining the site's southern boundary so there will be no adverse affectation in that direction.

Given that traffic movements have been raised as an issue of concern having regard to the narrow gravel road, Council's Engineer has recommended upgrading of Chilcott Street to a 5 metre wide rural gravel pavement in accord with DCP standards. This will ensure that the full 1,200m length of road servicing the property is to basic standards.

Provided all aspects of the projected operation are effected and put into place and it operates within its stated parameters, it should hold up to be a good example of a permaculture operation, and a large proportion of the concerns expressed by nearby landholders will not be realised. However, to be fair to objectors, the original amount of information available to them (and to Council) at initial DA lodgement was quite limited, and it has taken time over the intervening period to gain sufficient additional information from the applicant to enable a reasoned assessment to be made.

The application is now recommended for approval, with relevant conditions of consent.

Attachment/s

1. Zone Map

Recommendation

That Council, as the consent authority, grant consent to Development Application No. 5.2008.613 subject to the following conditions:

- 1. In granting this development consent, Council requires:
 - all proposed buildings be constructed in accordance with any amendment or modification outlined in these conditions
 - all proposed works be carried out in accordance with any amendment or modification outlined in these conditions
 - any proposed use of buildings or land be in accordance with any amendment or modification outlined in these conditions

and be substantially in accordance with the stamped approved plans titled "Property layout including primary buffer areas", "Catchment Characteristics", and "Vegetation" (all dated 3/11/2010); "Wetland" (dated 11/11/2010); Figure 5a "Layout of composting site", and Figure 5b "Detention pond for waters exiting composting site" (undated; received by Council 8/2/2011); Landscape Plan (undated; received by Council 21/2/2011); and Mobile eco-shelter design and floor plans (as lodged with original DA). Copies of the approved plans are attached to this consent.

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

BUILDING

2. The mobile eco-shelters are to be erected in accordance with manufacturer's specifications and details are to be submitted **prior to commencement of work**.

Reason: To ensure the shelter is structural adequate.

ENVIRONMENTAL HEALTH

3. The development must be operated and in accordance with the information contained within the various documents forming the statement of environmental effects (SEE) for this development. If there is any conflict between the SEE and any condition of this consent then the condition takes precedence. If there is any inconsistency in the SEE documentation the most stringent requirement/s will apply unless otherwise varied by Council in writing.

Reason: To ensure the development operates in accordance with good environmental practice.

4. All activities of the development must be carried out in accordance with good environmental practice and in an environmentally satisfactory manner.

Reason: To protect the environment.

5. A minimum vegetative cover of 90% must be provided and maintained at all times within the home run and foraging areas. The vegetative cover must substantially bind the soil to prevent soil erosion. Good environmental management practices must be implemented to achieve this outcome.

Reason: To prevent soil erosion and to protect the environment.

6. The wetland and all erosion control measures and all drainage pathways leading to and draining from the wetland must be maintained in an optimum condition to ensure the effective and efficient management and treatment of all runoff and stormwaters and to ensure no water pollution is caused. All surface waters arising from upslope of the home runs and from upslope of those parts of the foraging area that are heavily trafficked by the poultry must be diverted clear of these areas to reduce the potential impact of these waters in causing erosion.

Reason: To protect the environment and to ensure there is no pollution of waters.

7. The proposed landuse shall not result in the emission of offensive noise as defined in the *Protection of the Environment (Operations) Act*, 1997.

Offensive noise means:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
- (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

Note 1: Audible security alarm systems are not permitted.

Note 2: The siting, installation and management of any air management systems must ensure that offensive noise is not created.

Note 3: The siting, installation and management of any refrigeration equipment must ensure that offensive noise is not created.

Note 4: The siting, installation and management of any water pumping systems must ensure that offensive noise is not created.

Note 5: The activities and the barking of any dogs must ensure that offensive noise is not created. *Reason:* To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))

8. The management of all noise generated on the premises from all activities and sources and including the barking of any dogs must ensure that offensive noise is not created. Appropriate management practices must be implemented.

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

Lismore City Council Meeting held 12 April 2011 - Development Application 5.2008.613 - Animal Establishment (organic free range mobile egg/poultry production)



- 9. The proposed landuse shall not result in the emission of offensive odour as defined in the *Protection of the Environment (Operations) Act,* 1997.
 - Offensive odour means an odour:
 - (a) that, by reason of its strength, nature, duration, character or quality, or the time at which it is emitted, or any other circumstances:
 - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
 - (b) that is of a strength, nature, duration, character or quality prescribed by the regulations or that is emitted at a time, or in other circumstances, prescribed by the regulations.

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

10. All noxious and environmental weeds and animal pests (with particular attention given to flies, rodents and other vermin) must be properly controlled in an environmentally satisfactory and sustainable manner and in accordance with good environmental practice.

Reason: To protect the environment and the amenity of the neighbourhood.

11. The existing on-site sewage management systems serving the applicants dwelling and the packing shed are permitted to be used as staff amenities. These systems must be regularly monitored to ensure that they continue to operate in an environmentally satisfactory manner. If the systems demonstrate that they are unable to manage the increased effluent loadings Council will require that the system/s be upgraded or replaced to comply with good environmental practice.

Reason: To ensure that the on-site sewage management systems are operate in an environmentally satisfactory manner.

12. The management of all waste materials and including all composting operations and the application of the composted waste materials onto the land must be carried in accordance with good environmental practice. Waste management must not create offensive odours or encourage, harbour or nurture vermin or pests.

Note 1: It is recommended that you consult with the NSW Food Authority and the NSW Department of Primary Industries and include any requirements they may have with composting and waste management.

Reason: To ensure waste management is carried out in accordance with good environmental practice.

13. Within 21 days of the issue of this Consent obtain an Egg Food Safety Scheme Business Licence from the NSW Food Authority.

Within 14 days of obtaining the licence a copy of the licence and any related conditions/requirements must be submitted to the Consent Authority (LCC) for record purposes.

Reason: To ensure the necessary license is obtained.

ENGINEERING

14. Within 6 months of the date of this Consent, the proponent shall provide the following roadworks with associated stormwater drainage structures that have been designed and constructed in accordance with Council's Development, Design and Construction Manual (as amended). The proponent shall be responsible for any costs, including maintenance, for a period of six months from the date of approval of completion of the work. Required roadworks are:

The construction of Chilcott Street to a 5 metre wide rural gravel road pavement, in accordance with Chapter 6 of The Lismore Development Control Plan – Part A.

Upon completion of the above roadworks, the applicant shall obtain a Compliance Certificate for the works from Council. To obtain this Compliance Certificate a practising qualified surveyor or engineer shall submit to Council for approval, a "works-as-executed" set of plans and construction certification. The certification shall confirm that all roads, drainage and civil works required by this development consent and the approved design plans have been completed in accordance with Council's Development and Construction Manual (as amended).

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15. Prior to the issue of the Compliance Certificate in Condition 14, the applicant shall obtain approval under Section 138 of the Roads Act for the all works upon the public road. For this approval full design plans of the proposed engineering works to satisfy Condition 14 shall be submitted to and approved by Council. Such plans shall be accompanied with the fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges.

Reason: To ensure an adequate road network in accordance with adopted standards can be provided. (EPA Act Sec 79C (a)) and to specify requirements for approval under section 138 of the Roads Act.

16. Within 60 days of the date of this Consent, 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))

17. The drainage systems employed on site shall provide adequate on site retention or detention of stormwaters to ensure that post development stormwater flow rates from the site are comparable to pre development flows.

Reason: To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from any structures erected, and from any developed areas that may be constructed or used in conjunction with this development on the land. (EPA Act Sec 79C(b))

18. 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 property.

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

PLANNING

19. There is to be no more than a maximum of 6,000 laying birds on the property at any one time, and no more than a total of 9,000 birds including chicks and spent hens at any one time

Reason: To accord with the maximum number of birds as advised

20. Within 60 days of the date of this Consent, the 'Forage Area' as shown on the "Property Layout and Primary Buffer Areas Plan" is to be permanently fenced with a suitable fence that will permanently contain all poultry birds at all times. No birds are to be allowed outside the designated forage area at any time. The fencing to be maintained and kept operational at all times whilst the free-range poultry use is on the site.

Reason: To ensure that buffer distances as required by DCP Chapter 11 "Buffers" are maintained, and to provide a performance time limit on construction.

21. All 'buffer' tree plantings, including the additional 1,000 forest red gums as indicated on the landscape planting plan and additional information schedules are to be planted and maintained until established, within 60 days of date of this consent.

Reason: To ensure that adequate buffering is provided to adjoining properties, and to provide a performance time limit on planting.

22. In the event that the subject properties, being Lots 1 and 2 DP 701527, are sold or disposed of to separate owners outside the current 'family' ownership, all free-range poultry operations as approved under this consent are to cease, and the consent is to be formally surrendered.

Reason: The current operation relies upon occupation of both lots and, if separated, the required minimum buffers to adjoining lots cannot be maintained; also access to the requisite detention pondage on Lot 2 would be removed to Lot 1.

23. All deliveries and pick-ups attributed to the poultry farming operations on the site to be restricted to between the hours from 6.00am to 7.00pm Mondays to Saturdays only.

Reason: To ensure that trucking movements in Chilcott Street are limited to reasonable hours to reduce any impact upon other residents in the area

Lismore City Council Meeting held 12 April 2011 - Development Application 5.2008.613 - Animal Establishment (organic free range mobile egg/poultry production)

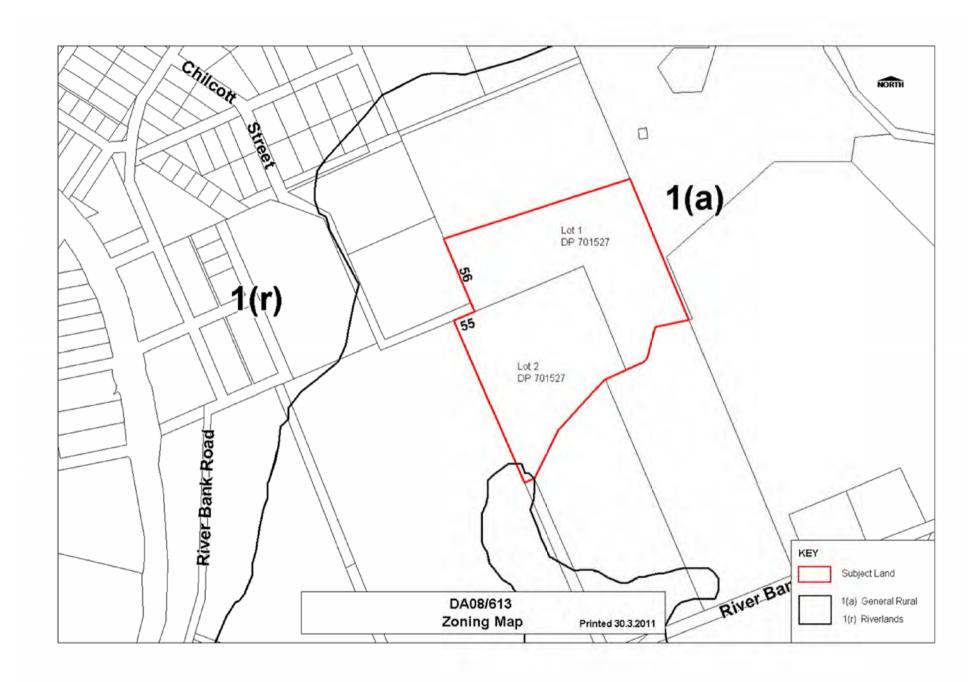
24. Trucking movements to and from the site in relation to the overall free-range poultry operation shall be restricted to an aggregate maximum of four (4) trucks per week for egg pick-up and chip mulch delivery; and an aggregate maximum of twelve (12) trucks per annum for poultry feed and new chick delivery, and spent bird removals.

Reason: To limit trucking movements to and from the site, and to help preserve the amenity of the neighbourhood.

25. Within 60 days of the date of this Consent, the applicant shall submit for Council's endorsement and approval a Management Plan for the free-range poultry operation on the properties. This Plan shall include, but not be restricted to, nominated persons for management compliance with the conditions of the consent on an ongoing basis, maximum numbers of birds on site, eco-shelters, home runs, fencing construction and maintenance, site drainage, employee numbers and hours, delivery and pick up requirements, road upgrading timetable, composting and dead birds management, and cessation of the poultry operation in the event that the two properties involved are separately sold.

Reason: To have a clear and established plan of management in place for the operation of the poultry farm.

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Subject	Nimbin Caravan Park and Operation of Nimbin Public Pool
TRIM Record No	BP11/201:T11/17
Prepared by	Contracts Administration Officer
Reason	To advise Council of the outcome of the tender process to lease the Nimbin Caravan Park.
Community Strategic Plan Link	Best-Practice Corporate Governance

Overview of Report

This report details the assessment of tenders received for the lease of the Nimbin Caravan Park (the Park) and operation of the Nimbin Public Pool (the Pool). The assessment panel, through the tender assessment process, has identified a preferred lessee. There are some minor details to be finalised and a negotiation to deal with these matters is recommended prior to signing a lease.

Background

At the ordinary meeting held on 9 November 2010, it was resolved that Council proceed to offer the Park for lease on the open market by tender.

Council resolved that:

- 1. Council proceed with an open tender process for lease of the Nimbin Caravan Park, noting that any lease could not commence until the expiration of the current management contract in April 2011.
- 2. Council write to the existing managers of the facility and the permanent residents to advise of the decision.

Subsequently, on 19 January 2011, Council staff wrote to the manager to extend the management contract to 30 June 2011 and to provide information and timing of the tender process. The Park residents were also advised at this time.

The Park and Pool complex is currently operated under a management contract that expires on 30 June 2011. It is expected a suitable solution for the Park and Pool operation will be implemented prior to that date, allowing for an adequate handover period.

The park currently operates at a loss for Council. Additionally, it has been identified in previous internal and external reports that, without a substantial financial investment in park facilities and additional capacity in the form of cabins and caravans, there would be little opportunity for Council to increase patronage and therefore reduce the loss or indeed increase profit.

Tender Documentation

An extensive Request for Tender (RFT) document and specification for the lease of the Park was developed by the Contracts Administration Officer. The RFT also included a request for submissions regarding the operation and maintenance of the pool complex. The pool is currently managed by the caravan park managers. The RFT was for a proposal to operate and maintain the pool and associated facilities as a free public facility i.e. no change to the current status and operation of the pool.

Tenderers were provided with structured schedules to help facilitate a response to the following key attributes of the specification:

- Is comprehensive, professional and customer focused;
- Has experience in the industry;
- Utilises all available technical, managerial and customer innovations and methodologies;
- Is environmentally responsible and has a sustainable management approach;
- Is ready to strive for best practice within the industry;
- Is prepared to make a financial investment into the improvement of the Park's operation, facilities and financial performance;
- Is personally prepared to, or have a representative live onsite in the manager's residence 24 hours per day, seven days per week.

Caravan Park Lease Agreement

Because of the complexity and scope of the lease, Council staff followed recommendations from Council's legal adviser and did not include a lease agreement with the RFT documentation. A lease agreement will be finalised once a suitable operator is indentified. This will be dependent on advice from Council's solicitor which has been sought as result of the issues Council is addressing at the Lismore Tourist Caravan Park.

Operation and Maintenance of the Nimbin Public Pool Complex

There is a certain amount of synergy between the park and pool complex. Patrons of the park use the pool and because of the proximity of the pool, users approach the Park managers if problems arise. In past management contracts, the Park Manager has also operated and maintained the pool complex.

As a result, a specification and contract for the operation and maintenance of the pool complex were included in the RFT document. The specification includes but is not limited to, regular cleaning and maintenance of the amenities, picnic tables and pool, monitoring of the pool filter system, and emptying and filling the pool at the change of seasons.

Tender Advertising

Tenders were advertised in February 2011. The RFT was advertised in the 'Weekend Star', 'Sydney Morning Herald' and Council's City News section in the 'Echo', as well as deployed via the "Tenderlink e-procurement portal" linked to Council's web site. During the tender advertising period, one addendum was issued via the Tenderlink procurement portal, clarifying queries and providing additional information to all potential tenderers.

Submissions Received

A total of three submissions were received at the close of tenders at 2.00pm on 3 March 2011. One electronic submission was received via the tenderlink portal and two hardcopy submissions via the tender box located in the foyer of Council's Corporate Centre.

Tender No.	Name	Lease Amounts and Pool Operation Fees
1	Mr Lawrence Turner & Ms Julie Howard	
2	Ms Christine Seymour & Mr Peter Mann	See 'confidential' attachment
3	Ms Jennene Matteson & Mr Wayne van Boheemen	

Tender Assessment

A panel comprising the Contracts Administration Officer, Assets Engineer and Tourism Support Officer from the Nimbin Visitor Information Centre undertook the assessment of tenders. The results are shown in Attachment 2 to the business paper.

1. Total Price

The lease amounts from each submission were recorded and scored as part of the overall assessment, although the non-price attributes discussed below were considered separately and prior to any assessment of the price attributes. (Please refer to confidential Attachment 1 and Attachment 2).

Ms Matteson & Mr van Boheemen also offered an alternative proposal to continue to manage the Park and Pool complex by discounting their current fee (refer to confidential Attachment 1).

2. Capability and Experience

Submissions from Mr Turner & Ms Howard (Tender 1) and Ms Matteson & Mr van Boheemen (Tender 3) lacked detail and did not include information on park upgrading and financial investment. In particular the submission from Mr Turner and Ms Howard was very lacking. This creates a risk around their capacity and understanding of what is required in the form of improvements to facilities and accommodation to increase revenue and transform the facility to a cash-positive investment.

Ms Seymour & Mr Mann (Tender 2) were considered to have demonstrated a good understanding of what the park requires for significant improvements by providing a business plan covering all of the attributes identified in the RFT and specifications. Mr Mann currently owns and operates a fork lift and industrial equipment business. Additionally, he owns and operates the general stores at Dunoon and Goolmangar, in partnership with family members. A third person mentioned in the submission, Mr David Thompson, is proposed as the onsite manager and has a technical/ handyman background.

The submission also outlines a significant investment in new facilities within the caravan park, including purchase and installation of cabins and vans with hard annexes for rental on site, construction of a camp kitchen and second amenities block in the camping area, installation of additional van sites and an upgrade of existing facilities.

3. OH&S, Quality & Safety

All three submissions did not address the OH&S, Quality and Safety selection criteria in any detail and subsequently attracted a low score. Mr van Boheemen & Ms Matteson (Tender 3) provided a generic OH&S Manual, and thus achieved a higher score than the other tenderers.

Ms Seymour & Mr Mann (Tender 2) provided statements around development of complete OH&S documentation for the Park if successful and when they have a complete understanding of the lease and of park requirements.

4. Environment & Community

All three submissions were regarded as lacking on the Environment and Community selection criteria and consequently attracted a low score. No Environmental Management Plans were included and very little community engagement was demonstrated.

Ms Seymour & Mr Mann's business plan (Tender 2) provided statements only around environment and community.

5. Local Content

All three submissions showed compliance with the Local Content schedule by providing basic information around employment of local staff, use of local suppliers and in some cases, engagement of local building contractors.

Ms Seymour & Mr Mann's submission (Tender 2) provided detailed statements around employing local people and suppliers. The submission also provided details of their partnership with family members in owning and operating the general stores at Dunoon and Goolmangar.

Nimbin Public Pool Operation and Maintenance

In addition to the lease of the Park, both Mr Turner & Ms Howard (Tender 1) and Ms Matteson & Mr van Boheemen (Tender 3) provided submissions separately for the operation and maintenance of the Pool complex.

Ms Matteson & Mr van Boheemen have been successfully operating the pool for the past two years.

Mr Turner & Ms Howard's submission outlined a basic pool operation plan and a willingness to undertake training in pool operation.

Ms Seymour & Mr Mann (Tender 2) proposed that, if they were successful with the lease of the Park, Mr Thompson would be interested in providing a complete submission for pool operation and maintenance.

The fee proposals are detailed in the confidential Attachment 1.

Sustainability Assessment

Sustainable Economic Growth and Development

The lease of the caravan park would be income producing, resulting in a positive outcome for Council. The caravan park is an important tourist attraction in Nimbin and would have benefits to other local businesses in the form of spending by patrons from the park. Improvements to the park would potentially encourage more visitors to the village and increase economic activity for other businesses.

The work required to undertake the improvements would also potentially be undertaken by local tradespeople.

In leasing the facility, Council would no longer require the managers at the park. This is a negative outcome from the proposal as the managers would lose their employment.

Social Inclusion and Participation

The Nimbin Caravan Park provides affordable accommodation for a number of long term residents. Lease of the facility will not alter this arrangement in the short term. The RFT documentation advised that there were long term sites in the park and existing residents have protection under the terms of their existing site agreements and the Residential Parks Act 1998.

Protect, Conserve and Enhance the Environment and Biodiversity

The lessee will have sustainability and environmental responsibilities under the lease agreement. The proposal is not considered to have any negative or positive effects on the environment or biodiversity.

Best-Practice Corporate Governance

An open tender process is considered to be the most transparent method to appoint a new lessee for the caravan park and a manager for the pool complex.

Comments

Finance

The Nimbin Caravan Park is budgeted to make a \$19,700 operating loss in 2010/11. The actual operating loss is anticipated to be higher due to income being less than budget. As the tender is for the future leasing of the Nimbin Caravan Park, future operating results will be that of the successful tenderer, not Council. As such, acceptance of the tender will improve Council's financial position by at least \$19,700 plus the lease amount offered.

As to the Nimbin Pool, an operating loss of \$74,700 is budgeted for 2010/11. Arrangements for the Nimbin Pool operations are proposed to be discussed with the successful tenderer for the Nimbin Caravan Park.

Other staff comments

Manager - Assets

The future of the Nimbin Caravan Park has been under consideration by Council for some time. After deciding not to sell the park, Council determined to lease the facility and it is considered important that the proposed operator be able to conduct the business in a manner that reflects positively on the facility and Council.

Upon review of the assessment of the tenders received, there are concerns with the tender from Mr Lawrence Turner & Ms Julie Howard (Tender 1) in regard to their ability to manage the facility. The lack of information submitted with the tender is a concern as is their lack of experience in managing such a facility. Whilst the financial offer made is the most attractive, it may not be realistic or achievable, especially given the lack of supporting information to explain how the proposed lease fee was determined.

As such it is considered that there would be significant risks associated with awarding the tender to this party and it could not be recommended. This leaves two parties under consideration for lease of the facility.

Public consultation

Not applicable.

Conclusion

Council resolved to call tenders for the lease of the Nimbin Caravan Park and received three responses. A separate contract is to be let to manage the pool complex. One of those submissions is considered to involve a high level of risk for Council and has therefore not been considered further.

The preferred tenderer, Ms Seymour & Mr Mann (Tender 2) has demonstrated a good understanding of the Park's current financial performance and have provided a structured business plan to improve the facilities at the park. They have also demonstrated a preparedness to invest a significant amount of money into the park and additional short-stay accommodation to achieve this outcome.

There are some relatively minor issues that need to be resolved in regard to the form and content of the contract documentation and Council is awaiting legal advice to finalise these matters. The tenderers are also seeking a longer lease term than that contemplated in the RFT. It is therefore recommended that Council accept no tenders and negotiate with the preferred tenderer to finalise those matters.

In the event that agreement cannot be reached with the preferred tenderers, negotiations would be undertaken with the second preferred tenderers, Ms Matteson & Mr van Boheemen (Tender 3).

In regard to the pool complex, it would be desirable to have the complex managed by the same party that operates the caravan park. However, the preferred tenderer did not submit a proposal to manage the facility, instead offering to prepare a proposal should they be successful in securing the rights to operate the caravan park. As such this matter also needs to be negotiated further with the preferred tenderer. In the event that a satisfactory outcome cannot be negotiated, discussions would be held with the second preferred tenderer, Ms Matteson & Mr van Boheemen.

Attachment/s

- 1. Nimbin Caravan Park T2011-17 Confidential Attachment 1 This matter is considered to (Over 7 be confidential under Section 10A(2) (d i) of the Local Government Act, as it deals with pages) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
- 2. Nimbin Caravan Park T2011-17 Attachment 2

(Over 7 pages)

Recommendation

That:

- 1. In accordance with Clause 178(1) (b) of the *Local Government (General) Regulation,* Council decline to accept any tenders for T2011-17 Lease of Nimbin Caravan Park.
- 2. In accordance with Clause 178(3) (e) of the *Local Government (General) Regulation*, Council resolve to enter into negotiations with Ms Christine Seymour and Mr Peter Mann for the lease of the Nimbin Caravan Park and the operation of the Nimbin Pool Complex.
- 3. The General Manager be authorised to finalise negotiations and enter a contractual agreement subject to completion of a satisfactory financial background check of the preferred tenderer and the receipt of legal advice from Council's solicitor on the form of the contractual agreement.
- 4. In accordance with Clause 178(4) (a) of the *Local Government (General) Regulation*, the reasons that Council declines to invite fresh tenders are that:
 - Council has already conducted a tender process and received an adequate response;
 - the respondents to the tender process are capable of delivering the services that Council requires;
 - some matters need to be resolved and clarified prior to entering into a contractual agreement;
 - those matters are not of a nature that significantly alters the content or requirements of the tender.

5. In the event that the financial background check is not satisfactory, or any other aspect of the negotiations with the preferred tenderer cannot be resolved to the satisfaction of Council, the General Manager be authorised to conduct negotiations for a suitable outcome on either the lease of the Caravan Park, or the operation of the pool complex, or both with the second preferred tenderer Ms Jennene Matteson and Mr Wayne van Boheemen.

Subject	Crime Prevention Plan 2011-2013
TRIM Record No	BP10/696:EF09/1902
Prepared by	Community Services Coordinator
Reason	To provide Council with information to enable the adoption of a new 2011-2013 Lismore City Council Crime Prevention Plan.
Community Strategic Plan Link	Social Inclusion and Participation

Overview of Report

To provide Council with information to enable the adoption a new 2011-2013 Lismore City Council Crime Prevention Plan.

Background

The Crime Division of the NSW Attorney General's Department (NSWAG's) supports the development of evidence-based policies and programs to prevent crime and reduce re-offending in NSW. This Department collaborates with government agencies, most particularly Local Government, communities, businesses and other service providers to achieve the goals identified in the NSW State Plan, specifically:

- Reduced rate of crime particularly violent crime
- Reduced re-offending
- Reduced levels of anti-social behaviour.

The Children (Protection and Parental Responsibility) Act 1997 provides for the Attorney General to support Councils in leading crime prevention activity in NSW. The NSWAG's Department has created guidelines and processes to support the development and endorsement of a particular Council's Crime Prevention Plan as a Safer Community Compact (SCC).

The development of this plan has been based on the Department's template of five required key stages which are listed below:

- 1. develop a crime profile
- 2. researching crime prevention approaches
- 3. negotiation with Police, community and service providers to ensure support
- 4. development of an action plan and ultimately,
- 5. the implementation and monitoring of the Plan.

The attached copy of the Lismore City Council Crime Prevention Plan provides a summary of identified priority crimes including: where they occur, the times that they are committed and the demographics of victims and offenders. The Plan examines the role of alcohol in violent crime within the Lismore LGA while also providing a summary of community safety issues and geographic hotspots. Furthermore, the crime prevention strategies which Council is currently undertaking are identified and plans for future projects and partnerships to expand this work are detailed in the *Crime Prevention Action Plan* on page 20-23.



This document will build on the information which was provided to Council when this plan was presented in draft form at the Councillor Briefing on 8 March 2011.

The adoption of this Plan by Council, and its following endorsement by NSWAG's as a SCC, will ensure that Council is eligible to apply for an annual grant to implement the 2011-13 Crime Prevention Action Plan.

Sustainability Assessment

Sustainable Economic Growth and Development

The adoption of this plan will assist in reducing crime and improving the perception of community safety throughout the Lismore LGA. These positive developments have the potential of making substantial contributions to improving long-term sustainable economic growth and development outcomes.

Social Inclusion and Participation

The adoption of this plan and the delivery of its identified strategies will contribute to the inclusion of marginalised and disenfranchised groups within the Lismore LGA.

Protect, Conserve and Enhance the Environment and Biodiversity

In the long-term, the adoption of this plan and the delivery of its strategies have the potential to support the emergence of more engaged and environmentally aware community members.

Best-Practice Corporate Governance

The adoption of this plan will demonstrate Council's commitment to working collaboratively with services, Police and community groups to improve the well being of all groups within the community.

Comments

Finance

The Crime Prevention Plan does not require Council to contribute financially, but it ensures Council (and local non–government organisations) is eligible to apply for an annual grant to implement the 2011-13 Crime Prevention Action Plan.

Other staff comments

Not required.

Public consultation

In the development of the Crime Prevention Plan, a Crime Prevention Planning Survey was posted on Council's website and the link emailed to a wide range of businesses, services and organizations during September and October 2010. 195 responses were received with the following breakdown of respondents:

- 5% were from people who identified as Aboriginal
- 36% lived and/or worked in the Lismore CBD
- 20% in East Lismore
- 26% in Goonellabah
- 25% in Nimbin.

In addition, further consultations were conducted with the following groups:

- Lismore and Nimbin Youth Interagency networks
- Lismore's Aboriginal Interagency
- Lismore Generalist Interagency
- 'Young People Big Voice' Youth Advisory Group
- Council's City Safe Committee
- 8 Friendship Groups of 48 young people in total aged 12-21
- Meetings with Lismore Police Crime Manager, Licensing Police and Police Intelligence Unit
- Richmond Local Area Crime Prevention Partnership members.

Conclusion

The adoption of this Plan, and its ultimate endorsement by the NSWAG's Department, will strongly support Council's current '*Changing the Tune*' Goonellabah Youth plaza project and complement the Federal Government's recent allocation of *Safer Suburbs* funding.

The opportunity to access annual funding through a Safer Community Compact allocation, which the adoption of this Plan creates, will potentially form an exit strategy from the above projects and enhance Council's ability to continue service delivery across the LGA.

Attachment/s

1. Crime Prevention Plan 2010 (Over 7 pages)

Recommendation

That Council adopt the 2011-13 Lismore City Council Crime Prevention Plan.

Report

Subject TRIM Record No	Community Services Policy Advisory Group Membership BP11/5:EF10/174
Prepared by	Community Services Coordinator
Reason Community	To provide Council with the information necessary to appoint nominated members to the Community Services Policy Advisory Group and to appoint one additional Councillor representative. Social Inclusion and Participation
Strategic Plan Link	

Overview of Report

This report provides Council with information to enable the appointment of additional Lismore community members to the Community Services Policy Advisory (CSPAG) and one additional Councillor representative.

Background

During 2009–2010, the CSPAG has struggled to fulfil the requirements outlined in Council's Policy Advisory Group Management Plan. Two members resigned from the group and an additional two took leave of absence to either fulfil family responsibilities or respond to personal health challenges.

During 2010 two CSPAG meetings were required to be cancelled at the last minute when it became apparent it was not going to be possible to form a quorum of members to attend the meeting.

To strengthen the member base of this group, Expressions of Interest (EOI) for positions were invited from the community services sector and the general public in February 2011. Council's Community Services Coordinator proactively canvassed the community services sector for potential nominees. Nominations for membership of the group were also called for from Council's Generalist Inter-agency Network. This network encompasses approximately fifty community service sector organisations within the Lismore Local Government Area (LGA).

The following three community members lodged Expressions of Interest:

- Elizabeth Reimer
- Clare Kable
- Charmaine Williams.

Copies of individual application forms are provided as attachments to this report.

While Councillor Ray Houston has remained engaged with the CSPAG, a further goal of this report is to recruit a second Councillor representative to fulfil the requirements of Council's PAG Management Plan.



Sustainability Assessment

Sustainable Economic Growth and Development

The recruitment of additional new members of the CSPAG will enhance the capacity of the Lismore community while enabling more effective engagement by both Community Service sector professionals and the general public with Council. This increased capacity will ultimately strengthen the community's sustainability while enhancing economic outcomes.

Social Inclusion and Participation

The recruitment of new members to the CSPAG will expand the participation and inclusion of Community Service sector professionals and members of the wider community in the work of Council. It will strengthen an important conduit between all sectors of the community.

Protect, Conserve and Enhance the Environment and Biodiversity

The strengthening of the CSPAG, through this current recruitment of additional new members, will create a more robust mechanism through which environmental and biodiversity concerns of the community can be communicated to Council.

Best-Practice Corporate Governance

The strengthening to the CSPAG will demonstrate transparency and inclusion to the Lismore community.

Public consultation

Advertisements publicising this opportunity were placed in the Northern Rivers Echo on 20 January 2011, 27 January 2011, 3 February 2011 and 10 February 2011. The closing date for applications of 18 February 2011 provided a public consultation period of 30 days.

In both November 2010 and December 2010 the pending consultation period and nomination process were publicised through Council's electronic distribution lists and within Inter-agency network meetings. Members of the Community Services team also actively promoted the opportunity to the community through their community development projects.

At the close of nominations a total of 3 applications had been received.

Conclusion

The intention of Policy Groups within Council is to improve communications between Council and the wider community. As the CSPAG has failed to fulfil this goal for an extended period of time it is important that an attempt be made to strengthen and reinvigorate the group through this EOI process.

Attachment/s

- 1. Nomination Elizabeth Reimer
- 2. Nomination Clare Kable
- 3. Nomination Charmaine Williams

Recommendation

That Council:

- 1. Appoint the following three nominated community members being Elizabeth Reimer, Clare Kable and Charmaine Williams to the Community Services Policy Advisory Group for the remainder of the current term of Council plus an additional three months.
- 2. Appoint one additional Councillor representative to the Community Services Policy Advisory Group.



Community Services Policy Advisory Group NOMINATION FORM

Thank you for your interest in Lismore City Council's Policy Advisory Groups. Positions are currently vacant on the SCPAG. Council will choose a PAG member that provides the CSPAG with a broad range of skills and experience.

Name: Elizabeth Reimer

Telephone No: Home - 02 6622 6637 Mobile - 0400 360 354

Email: lizreimer@exemail.com.au

Address: 42 Ewing St, Lismore, NSW 2480

What contribution could you make to the Community Services PAG? I have approximately twenty years' experience in working with issues relating to child and family wellbeing and sound knowledge of current discourse related to child and family welfare policy, research and practice. All of my work experience has required that I understand child development, social welfare, education and child wellbeing/protection issues. This includes work in the human services in educational, residential, advocacy, family support, and research roles. Positions that I have held that are relevant to the social sciences sector include Policy Officer, Project Officer, Child Protection Caseworker, Research, Primary Teacher, Social Skills Teacher and Aide, Children's Community Worker and Residential Care Worker. My PhD thesis was primarily practice focused, my Honours thesis was primarily theory focused and I have extensive experience in child welfare, community management and family work practice and policy. Through the PhD, Honours degree and other policy and research employment I have become well-practised in conducting and presenting the findings of applied qualitative research methods and experience of working collaboratively with colleagues, with industry and the wider community.

Do you represent a particular community group or perspective? (Please provide details)

I am nominating myself as a member of the community. Whilst I do not represent a particular community group I am interested in social policy regarding child and family wellbeing (from early intervention and prevention through to tertiary policy and service provision), especially in the field of family work.

What skills and knowledge can you bring to the Community Services PAG? Over the years I have developed skills in exchanging information effectively and at many different levels of understanding. I believe that my background in Primary teaching has enabled me to adjust information to a level that can be understood by different audiences. A core component of all of my work has been the ability to communicate clearly and accurately. I am well practised and skilled in engaging service users, practitioners and policy makers in research to understand and test new ways of working.

Whilst employed in various Policy Officer and Project Officer positions in the child welfare sector in NSW, I wrote research-based policies, reports, submissions to government inquiries, literature reviews, and briefing reports. Some of these submissions resulted in the agencies' ideas being raised in Inquiry reports and requests for agency representatives to speak at public hearings. This indicates that these activities enhanced my employer's public profile and influence on public policy. Furthermore, based on tentative research findings of my PhD, I made a private submission to the *Special Commission of Inquiry into Child Protection Services in NSW* and spoke publicly at a local public hearing of this Inquiry. I have also conducted some of this work whilst engaged as a private consultant. The topics have been broad ranging and have included both State and Commonwealth government policy issues relating to NSW child protection, child custody and family violence legislation, child rights, innovation in education, child sexual assault in Aboriginal communities, child poverty, children's health and wellbeing generally.

Please use additional sheets if necessary.



Community Services Policy Advisory Group

NOMINATION FORM

Thank you for your interest in Lismore City Council's Policy Advisory Groups. Positions are currently vacant on the SCPAG. Council will choose a PAG member that provides the CSPAG with a broad range of skills and experience. Name Clare Kable Email <u>clacekable Ohotmail cem</u> Address 10 Sheridan Drive Goonellabah 2480 What contribution could you make to the Community Services PAG? I believe that I am a strang and conflictent computing attac ord I would be able to actively participate and contribute to discussions I have recently been part of the monagement Commutee at Southern Cross University preschool and have exprisive of being part of school commutees management committees for community organisation and a state Gevernment Palicy Advisor Committee Do you represent a particular community group or perspective? (Please provide details) (committee Lon currently a support worker with the Lismore alemen and children's Refuge and that has given me as intermes! perspective on Demestic Violence and the impact on temilies What skills and knowledge can you bring to the Community Services PAG? Thave extensive experience in community organisations and the government sector especially in regard to the formulation and review of policy and how policy implementation can be achieved with limited resources

Please use additional sheets if necessary.

Z00/T00 🕅

FISMORE WOMENS REFUGE 23/01 2010 19:33 FAX +61 2 6622 0352

Nomination - Clare Kable

continued from the previous page) and communities. The lack of accessible housing for vitetims of domestic violence and also the lack of support services especially for children, is onother area that I have experience in and would like to see improve I have also worked in Sydney at Department of Having for many years as well as holding a position at the Institute of Family Advocacy and Leadership Development which was a Statewide organisation that also had its affrices based in Sychey. I held on advocacy role in this organisation at both a systemic and political level where I worked with people who had a developmental disability, and their families, to gain appartunities for each person to participate in regular school, social activities and the general community. I have also had another of roles in the Disability Sector in the Northern Rivers I also held the role of Parent Education officer for the Catholic Education office where I networked with Parent Representatives throughout the Diocese ground Parenting 1550es and Training and Development opportunities. I feel I have experience in a number of areas and I have also developed close links with members of the Indigenus community through work related activities and personal friendships. I am also the mother of frie children and have experienced raising a family as a single parent for much of this time, and I believe I can provide an insight into some of the relevant issues that can face this group of people. Personally 1997 I boo noever s'iteinitop boo eviliend province province a suitiend province a suitiend province a suite a ς.

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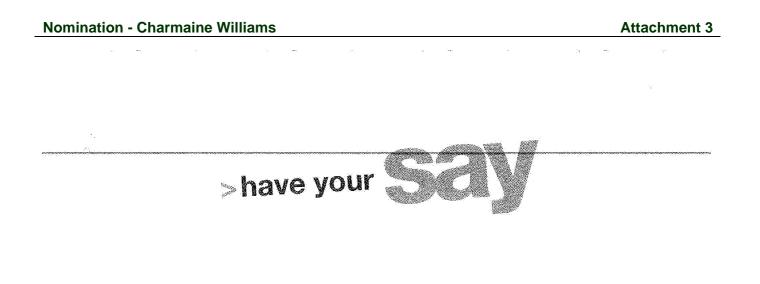


Community Services Policy Advisory Group

NOMINATION FORM

Thank you for your interest in Lismore City Council's Policy Advisory Groups. Positions are currently vacant on the SCPAG. Council will choose a PAG member that provides the CSPAG with a broad range of skills and experience. Name Charmaine Williams Telephone No. Home 6621.8115. Mobile 0419640101. Email charmaine s williams @ yaheo cem. au Address 39 Murray St. East Lismore NSW 2.480		
What contribution could you make to the Community Services PAG? Please see attached shoet for responses.		
Do you represent a particular community group or perspective? (Please provide details)		
What skills and knowledge can you bring to the Community Services PAG?		

Please use additional sheets if necessary.



Send your Application to: The General Manager

Lismore City Council

Post to:

Lismore 2480

PO Box 23A

Or

Email to:

Or

Fax to:

02 66 250 400

Nominations will be received up until Friday 18 February 2011

If you require help completing this form or have any further questions please contact **Sue Wade on 1300 87 83 87**.

council@lismore.nsw.gov.au

Lismore City Council Community Services Policy Advisory Group

Application by Charmaine Williams

Nomination form questions:

(1) What contribution could you make to the Community Services PAG?

With a strong background in community development and engagement, as a resident of Lismore and a mother of a young child, I have the skills, experience and interest to make a contribution on the Community Services PAG. I can make a strong and specific contribution to the Community Services PAG in a number of areas and these include:

- Project management experience and knowledge about the delivery of community services projects.
- Experience in designing and developing projects, identifying funding opportunities, and writing proposals.
- Experience in developing partnerships and growing existing partnerships with other organisations.
- Experience in developing and contributing to the development of policy.
- Knowledge of community engagement and social inclusion.
- In general, reviewing policy and other documents with my strong analytical, problem solving and research skills.

Currently my primary responsibility is caring for my young son and a small amount of part time work. I would value and welcome the opportunity to participate in the Community Services PAG to make a contribution to work completed by the Council, share some of my experiences and knowledge and also for my own personal learning.

(2) Do you represent a particular community group or perspective?

As a mother of a young child I am very interested in services for children and in particular the early years. However, given my background and experience in community services, I am also interested more broadly in all areas.

(3) What skills and knowledge can you bring to the Community Services PAG?

I have had significant and diverse experience in working with communities in Australia and overseas, both with non-government organisations (NGOs), government and tertiary institutions. I have experience working with community members and groups, capacity building of individuals and groups, facilitating groups, developing relationships and stakeholder liaison and consultation. Throughout my work experience, I have developed strong skills in project / program development and management and conducting research using social research methods.

Most recently I have been employed by Mission Australia (an Australian NGO) where I was Team Leader responsible for managing a number of community service projects working with families and children. Prior to this I worked at Curtin University in the Stronger Communities Research Centre, as a Project Coordinator conducting a research project using community action research methods. Whilst working overseas with CARE Australia, I was based in Cambodia and Indonesia where I was a Program Manager for the delivery of development projects in the areas of rural development and post disaster reconstruction.

My post-graduate study includes a Masters of International and Community Development. I also hold a Bachelor of International Business and Bachelor of Asian and International Studies (Development Studies).

Subject TRIM Record No	Festivals and Events Strategy and Events Contribution Policy BP10/627:EF10/174
Prepared by	Events Coordinator
Reason	To endorse the draft Festivals and Events Strategy and adopt the draft Festivals and Events Promotion Policy
Community Strategic Plan Link	Develop and Support Art, Cultural, Sporting and Tourism Activities

Overview of Report

This report outlines the process undertaken in reviewing the previous Festivals and Events Strategy and the development of a new draft Strategy. An Events Contribution Policy and a Festivals and Events Strategy are provided as attachments to this report.

Background

A report on the outcome of the 2009 Lismore Festival of Cricket was considered at Councils meeting of 8 December 2009. Council experienced significant financial losses associated with the event, despite its resounding success as a high quality, high profile sporting event. Following deliberations regarding this event and events in general, it was resolved that:

- 1. Council note the findings contained within the DSA Consulting Services report.
- 2. The current Festivals and Events Strategy be comprehensively reviewed and underpinned by market research.
- 3. Subsequent to (2) above that an Events Sponsorship/Promoter Policy be developed.
- 4. This reviewed Strategy and Policy as referred to in (2) and (3) above be presented to
- EDPAG and the SRPAG prior to Council consideration and adoption.
- 5. Council make an application to host the Cricket Festival in 2010.

This report addresses resolutions 2, 3 and 4, above. A steering Committee was formed to provide broad based input and direction for the Strategy and to provide feedback and critical analysis. It comprised the Executive Director Sustainable Development, Manager Arts, Tourism and Leisure, Business Facilitator, City Centre Manager, Tourism Coordinator, Sport and Recreation Project Officer and Events Unit staff.

Historically Lismore City Council has always had some involvement in local or regional events due to most events being conducted on Council land and most events reliance on Council infrastructure, equipment and assistance. Aside from such practical involvements, recently many councils (primarily coastal) aggressively pursue and bid for events to be hosted in their local government area. Obvious benefits include external economic influence (visitor spend) as well as social/identity benefits that are linked to events. As per the policy statement, the ongoing aim of Council's Events Unit is to assert Lismore's position as the region's premier location for quality festivals and special events.

Festival and Events Strategy review process

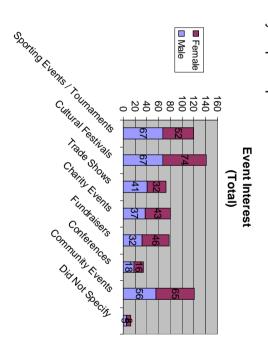
Community and stakeholders consultation

A general survey was developed to gauge the level of community support for hosting and bidding for events, providing financial support for events, and identifying what events people are interested in attending. The surveying process entailed the following inputs and stages:

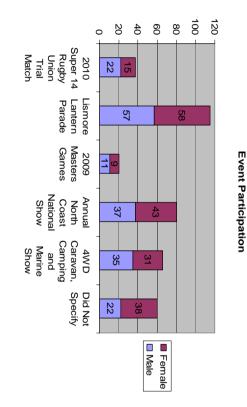
- ٠ random surveys of the general public conducted within the Lismore CBD, Southern Cross University, Goonellabah Sports and Aquatic Centre and Goonellabah Village on 23 and 24 July 2010. 239 people completed the survey
- ٠ surveys completed online, accessed via Council's website
- ٠ several Feedback forms were completed by attendees community/stakeholders meetings/workshops were conducted, attended ç 5 2 people.
- presentations to the Economic Development Policy A Panel and Sport and Recreation Policy Advisory Group. Economic Development Policy Advisory Group, Lismore Business Promotion

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Survey results 1. In recent ye Which of these events did you participate/attended? In recent years Lismore has staged various types of events, which of these events interest you?

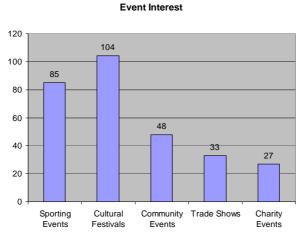


- • sporting and cultural festivals were the most popular type of events
- all types of events listed received significant support
- \mathbf{N} Did you attend/participate in any of these events?



Meeting held 12 April 2011 - Festivals and Events Strategy and Events **Contribution Policy** Lismore City Council

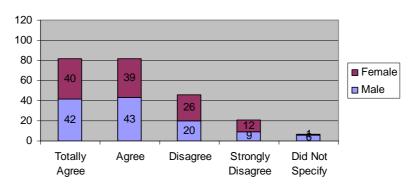
- Lismore Lantern Parade and Lismore's North Coast National Show are the two most popular events with those surveyed. This supports Council's financial contributions to the two organisations running the event.
- all events listed received some support.
- 3. What types of events and festivals would like see staged more in Lismore?



sporting events and cultural festivals received the most support. Sporting events polled
particularly well with ages between 18 – 29 and cultural festivals polling well with ages ranging
between 30 – 59.

Note: Survey comments on this question indicated that the highest event demand was for music and cultural festivals.

4. Lismore City Council commits some of its resources to the management and operation of festivals and special events in the city. Do you agree with this allocation of Council Resources?

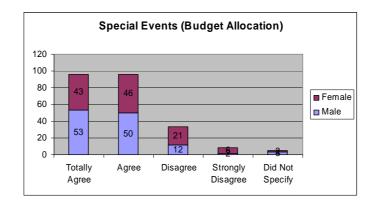


Budget Allocation (0.4%)

The majority of respondents agreed that Council should allocate resources to the management and operation of festivals and events. Of those who disagreed, the two main views were:

- Council should not spend money on events
- Council should allocate more money to be spent on events.

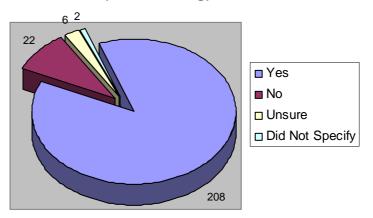
5. Festivals and special events such as the Lismore Lantern Parade and the North Coast National Show receive specific financial support from Council due to their 'iconic' status and importance to the community. Do you agree with annual allocation of resources to such events and why?



The majority of respondents agreed the Lantern Parade and the North Coast National Show should receive specific financial support from Council due to their "iconic" status.

Iconic Events: The Festivals and Events Strategy establishes that the Lantern Parade and North Coast National Show are Lismore's iconic events. To ensure the continued success of these events Council will commit to a three year funding plan. This will be subject to a funding application and plan.

6. Should Lismore City Council pursue and bid to host various events and festivals for major venues such as Oakes Oval, Lismore Showground, Goonellabah Sports and Aquatic Centre, CBD?



Venues (Event Biding)

The majority of respondents (87%) indicated that Council should continue to pursue and bid for events and festivals for major venues such as Oakes Oval, the Showground and GSAC.

Outcomes of the Stakeholder Workshops

All workshop participants were asked to complete a feedback sheet. The strong consensus from stakeholders was that Lismore City Council Events Unit MUST retain its focus/emphasis on creating tourism and bringing people to Lismore, thereby creating local contracts and economic spin offs.

There was particular focus and encouragement for events that are not necessarily high profile, but are definitely "high yield" in terms of visitation and spend. This is best described as events with significant entourages that operate for two days or more (in essence that results in bed nights for 200+ people).

Other suggestions and recommendations stemming from the workshops are as follows:

- ensure events, though tourism based, are also relevant to locals and local facilities
- continued support for Lantern Parade, Lismore Show and Tropical Fruits New Year's Eve
- always be conscious of our "clean green" image
- where appropriate use the "Lismore Come to the Heart" banner
- music events are to be targeted as well as sport and cultural events
- Council to position itself as a host, sponsor or partner but not an event owner
- acknowledge that \$20,000 is not sufficient to foster and bid for large a number of events hence "high yield" is important.

Note: A document containing more detail regarding survey results and workshops comments is available upon request.

The value and economics of festivals and events

Lismore's substantial annual calendar of events brings significant numbers of visitors to the city and district. The number of visitors from outside the region will vary with the type and focus of each festival or event. For example the Lismore Lantern Parade will attract its majority (approximately 15,000) from within the region and events such as the Country Junior Rugby Union Championships (approximately 1,200) from throughout NSW.

The economic multiplier generated by festivals is regarded as substantial with domestic overnight visitors spending \$12.2 billion in NSW, approximately \$159 per person per night. Domestic overnight visitors in regional areas spend \$7.7 billion a year, approximately \$136 per person per night (*Tourism New South Wales, March 2010*).

Festivals and Events Strategy

Aims and objectives

The key aims and objectives of this strategy have been developed as a result of feedback from consultation, surveys and workshops.

Key aims to the Strategy

• To assert and maintain Lismore's position as the region's premier location for quality festivals and special events via an integrated, coordinated approach which utilises support systems.

Key Objectives to the Strategy

- To satisfy the interests and needs of residents whilst creating economic input to the Lismore Business Community.
- To encourage partnerships with the community, commercial sectors and regional agencies to enhance the attractiveness of Lismore as a destination renowned for special events.
- To increase awareness of the economic benefits accrued from festivals and special events, value adding to the regional economy.
- Target high yield events (i.e. involving 200, extending for 2 nights or more).

Specific Strategy/Future Action

• Form a strategic industry panel to help target festivals and special event focus. Note: The group is to be known as the "local community/sporting and major events sponsorship industry group." The group will comprise of the Events Unit Co-ordinator, Tourism Co-ordinator, City Centre Manager an appointed Councillor and three community representatives. Their role is to determine which events applying for funds \$5K or more should receive funding. (see page 3 of attached policy).

- Effectively liaise between the Events Unit and the Lismore Visitor Information Centre (VIC) and their stated goals.
- Compile an annual calendar of events.
- Increase awareness of the value of festivals and events to the local economy.
- Develop packages of tours and experiences in conjunction with events.
- Locate funding options for the Events Unit.
- Assist in locating funding opportunities for local event organisers.
- Encourage involvement of the commercial sector for sponsorship (potential to offset "hosting fees").
- Encourage high standard maintenance of Council owned venues to encourage increased usage.
- Coordinate use of all services Council can provide to event organisers.
- Encourage the development of partnerships between private promoters for events, e.g. professional conference organisers, or sporting event promoters.
- Achieve increased visitation to the Lismore local government area.
- Target events offering significant regional, state or national profiling opportunities for Lismore (i.e. financial, social).
- Results in a significant numbers of bed nights or opportunities for local contracts to be negotiated between event organisers and local businesses.
- Plan for partnerships involving key organisations such as Lismore City Council, Lismore Tourism, Southern Cross University, Lismore Chamber of Commerce, Lismore Workers Club, Department of Education, community groups etc.
- Event coordinators must increase sponsorship levels/partnerships which is crucial to success.

A copy of the Festivals and Events Strategy is provided as an attachment to this report.

Festivals and Events Contributions Policy

Attached to this report is a draft policy document which has been shaped by the outcomes of the community consultation process. An application form is also attached.

Where an event requests Council to be the promoter i.e. to carry all liability associated with it, then this must be reported to Council for consideration and resolution. The report must have a full cost/benefit assessment completed including the risk assessment around financial implications. This applies to existing Council events where Council is the promoter.

Sustainability Assessment

Sustainable Economic Growth and Development

By attracting residents and visitors to the Lismore local government area to attend festival and events, the draft Strategy has a positive effect on the local economy and local employment. It supports the priority objectives in relation to the central business district. Events that have a longer stay component (i.e. at least 2 or 3 days/nights) significantly contribute to Lismore's economy and should therefore be a priority bidding target.

Social Inclusion and Participation

Events undertaken by or supported by Council's Events Unit are socially inclusive for all groups as identified in the Community Strategic Plan 2008-2018.

Best-Practice Corporate Governance

The draft Strategy supports the efficient use of Council resources particular in relation to its primary target market.

Comments

Finance

The findings of the review of the Festivals and Events Strategy, and draft Festivals and Events Contributions Policy are supported.

Other staff comments

Tourism Co-ordinator

Festivals and events are important economic drivers for Lismore, providing significant financial benefits for the tourism industry and broader business community. The Festivals and Events Strategy is an important plan that will continue to build Lismore's reputation as a great place to host festivals and events. The draft Festivals and Events Contributions Policy is also an important initiative that will see council and key business stakeholders working together to attract events to the City of Lismore and on a regular basis.

Public consultation

Consultation undertaken with community stakeholders. Random surveys also provided valuable feedback with respect to Council's involvement in festivals and events.

Conclusion

As demonstrated by survey results, there is considerable community support for Council's traditional methods of supporting events. The continuation of funding, support and management of events that provide economic and socio-cultural benefits to the residents and businesses of Lismore's local government area is strongly supported by the community.

Attachment/s

- 1. Festivals and Events Strategy (Over 7 pages)
- 2. Festivals and Events Contribution Policy (Over 7 pages)

Recommendation

That Council endorse the public exhibition of the draft Festivals and Events Strategy and the draft Festival and Events Contribution Policy as attached for a period of 28 days and report back to Council for finalisation.

Subject	Lismore Levee Repairs - Private Property Impacts
TRIM Record No	BP11/208:R7311
Prepared by	Manager - Assets
Reason	To advise Council of the need for negotiations with private property owners to facilitate repairs to the Lismore Levee and obtain approval for the General Manager to finalise those negotiations.
Community Strategic Plan Link	Best-Practice Corporate Governance

Overview of Report

Council has previously been advised of issues with a section of the levee behind the NewTrain building. Richmond River County Council has been progressing with investigation and detailed design of the required repairs. The repairs will require the levee to be reconstructed further away from the river bank than its present location and this will necessitate the acquisition of sections of private property.

Council has previously agreed to purchase the NewTrain building as part of this project. With finalisation of the design, there is now a requirement to negotiate with another private property owner to reach agreement in regard to a number of existing garages that are affected by the proposal.

Background

The levee system in Lismore was completed in 2005 and provides protection to the CBD and other parts of the City from flooding of approximately 1 in 10 year recurrence intervals. Following the May 2009 flood, evidence of damage to the levee was found in the section behind 9 Club Lane. This property is the former Lismore Club and currently owned and occupied by NewTrain.

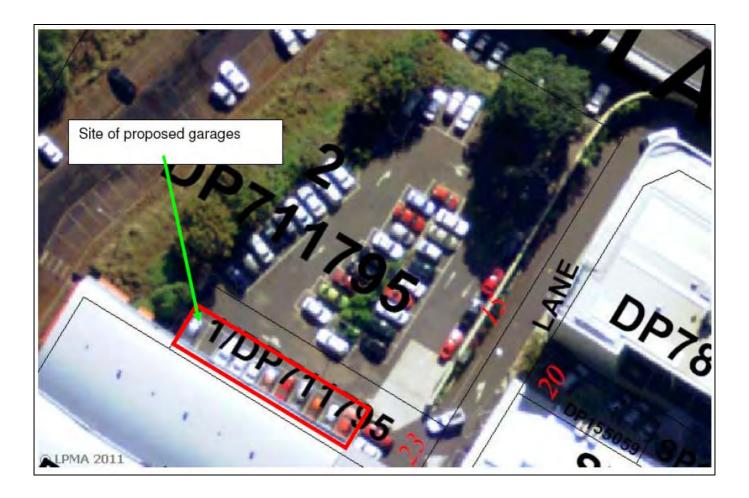
Council at its meeting of 14 September 2010 agreed to purchase this property as it is necessary to demolish the rear section of the building in order to reconstruct the levee further away from the riverbank. Agreement has been reached with NewTrain on a purchase price and conditions. The sale has been delayed while NewTrain negotiated to buy another property in Lismore to relocate to. It is understood that the issues surrounding that purchase have been resolved and solicitors are now finalising contract documentation to allow Council to purchase the NewTrain building.

The report to Council's meeting of 14 September 2010 also identified that the adjacent property at 39 Glasgow Lane, owned by Clarence Properties, would be affected by the required repairs. This property contains 23 garages which are attached to the Westlawn building on the corner of Woodlark Street and Molesworth Street. Tenants in the Westlawn building have use of the garages as part of their tenancy agreement.

The reconstruction works will require demolition of 10–11 of the garages at 39 Glasgow Lane. In addition, five of the garages that are to remain will be located outside the levee and no longer protected by it. A plan of the proposal is attached to Councillors' business papers (refer Attachment 1).

The report to Council's meeting of 14 September 2010 suggested that with the demolition of the rear section of the NewTrain building, it may be possible to reconstruct the garages on land behind the building. In assessing the development application for demolition of the rear section of the NewTrain building, Council's planning staff identified that the building is deficient in regard to its existing parking arrangements. As such additional parking has had to be provided onsite to meet the requirement for the NewTrain building and this means there is no land available to reconstruct the garages which need to be demolished. As such an alternate solution has had to be found.

Council staff have held a number of discussions with representatives from Clarence Properties and several proposals have been discussed. For various reasons only one of those proposals appears to be an acceptable solution for both parties. This involves reconstructing the garages on a section of the Hensley Carpark to the north of the Parry's Corporate Express office building. A land swap is considered the best option available to deal with the access issues and associated easements and/or rights of way would also be required to ensure ongoing access for both parties. The area where the garages are proposed to be reconstructed within the Hensley Carpark is shown below.



Construction of replacement garages in this location would leave them outside the levee wall and therefore susceptible to flooding on a more regular basis than if they remained inside the levee wall. This is partially balanced by the fact that the garages would be located closer to the Westlawn building, however, there is likely to be an amount of cash compensation payable to Clarence Properties as part of an overall agreement. A valuer has been engaged to assist with assessment of the financial value of the various elements of whatever agreement is reached.

At an earlier workshop on this matter a proposal to replace some of the lost garages with spaces under the Westlawn building by converting an existing storage area was canvassed. This proposal has been abandoned due to the substantial cost of providing fire protection measures to comply with the Building Code of Australia.

Sustainability Assessment

Sustainable Economic Growth and Development

The levee system provides flood protection for the CBD and other parts of the City area up to an approximate 1 in 10 year flood event. This protection means that residents and businesses do not have to evacuate their premises and move stock and belongings to higher ground for those flood events. This represents a significant time and cost saving for those businesses. It is imperative that the levee be repaired permanently to ensure this level of protection continues to be provided for those residents and businesses. The levee system contributes positively to the economic growth and development of the City.

The loss of the garages at 39 Glasgow Lane owned by Clarence Properties is a negative consequence of the preferred solution. A land swap and cash settlement is proposed to allow the garages to be reconstructed within the Hensley Carpark. This will result in the loss of up to 11 public parking spaces from that carpark.

Social Inclusion and Participation

The proposal is not considered to have any positive or negative effects on social inclusion and participation.

Protect, Conserve and Enhance the Environment and Biodiversity

The work to stabilise the riverbank will assist in reducing the potential for erosion of this area and subsequent depositing of sediment into the river. The stabilisation work will also include some vegetation which will provide habitat for local fauna. These are considered to be positive outcomes.

There are not considered to be any negative consequences for the environment as a result of this proposal.

Best-Practice Corporate Governance

The proposal is not considered to have any effects, positive or negative, on best-practice corporate governance.

Comments

Finance

The proposal of a land swap and cash settlement to address this situation is yet to be costed, however it is anticipated that it will be fully funded from the Natural Disaster Relief Fund and the Natural Disaster Mitigation Program grants approved for this project.

Other staff comments

Not required

Public consultation

Not applicable

Conclusion

The damage to the levee in Lismore needs to be addressed and a designed solution has now been completed. This will necessitate the demolition of a number of garages on the property at 39 Glasgow Lane, owned by Clarence Properties. A potential solution has been identified which would involve the reconstruction of the garages on part of the Hensley Carpark further to the north.

Discussions to date with the property owner indicate that a land swap and cash settlement is the most likely outcome that would meet the requirements of both parties. The transaction would be funded from grants secured for this project under the Natural Disaster Relief Fund and the Natural Disaster Mitigation Program.

Upon completion of the land swap, any land which Council acquires should be classified as operational.

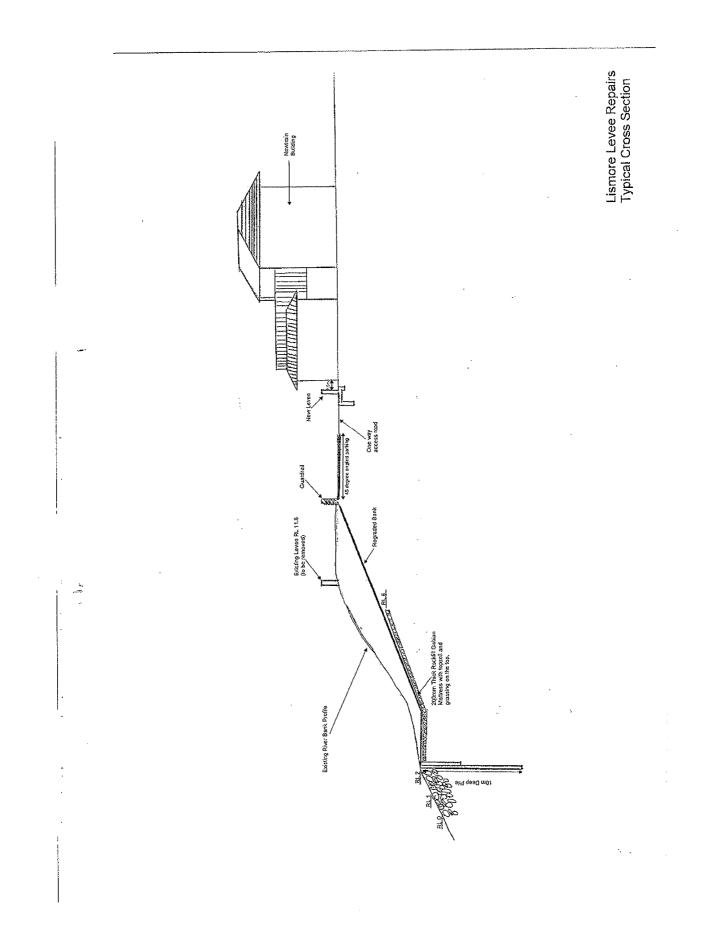
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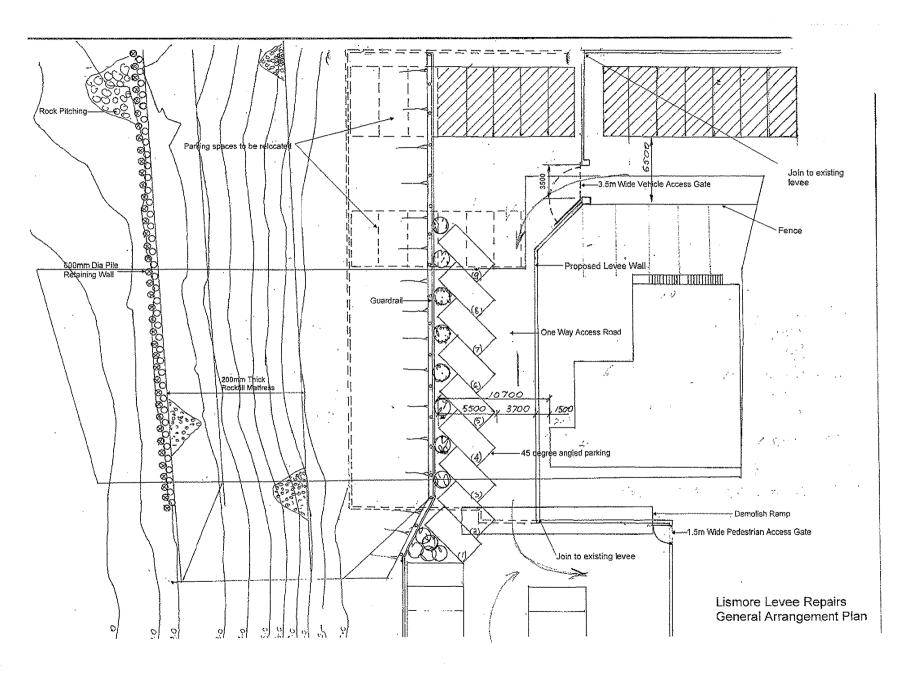
1. Lismore Levee Repairs - Plans

Recommendation

That:

- 1. Council endorse the principle of a land swap with Clarence Properties to resolve the issue of garages on their property which need to be relocated to facilitate repairs.
- 2. Council note the area in the Hensley Carpark identified for the proposed land swap and reconstruction of the garages.
- 3. The General Manager finalise negotiation with Clarence Properties in regards to the acquisition of land relocation of garages from 39 Glasgow Lane affected by the required repair works to the levee.
- 4. The matter be reported back to Council for approval prior to execution of the necessary documentation.





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Subject	Internal Audit
TRIM Record No	BP11/127:EF09/547
Prepared by	Manager - Corporate Services
Reason	To provide options for Council to introduce an internal audit function.
Community Strategic Plan Link	Best-Practice Corporate Governance

Overview of Report

This report provides a summary of the DLG's Internal Audit guidelines. It outlines three options for how these guidelines could be implemented at Lismore City Council with a cost estimate for each one. The cost of implementing the function is proportional to the scope of the internal audit function. The cost of the options considered in this report ranges from \$40,000 to \$160,000.

Background

At its 8 February 2011 meeting Council resolved the following:

- ¹. Council investigates the establishment of an independent internal auditor and an internal audit committee as strongly recommended in the Internal Audit Guidelines as issued by the NSW Division of Local Government in September 2010.
- 2. Council retains a suitably qualified and independent trainer and consultant to attend the Council briefing to explain in detail the need, workings and usefulness of an independent internal auditor and the internal audit committee to Councillors and staff.
- 3. Staff prepare a report to be presented at a council briefing, before the ordinary Council meeting in April, on the details of establishing an independent internal auditor and internal audit committee.'

Introduction

In 2005, the then Department of Local Government (DLG) issued a position paper to the Local Government Industry on the need to improve, enhance and initiate the establishment of an internal audit function in all councils. In October 2008, the Department issued Internal Audit Guidelines in culmination of responses to that position paper. In 2010 the guidelines were amended to require the appointment of an independent external professional to chair the Audit Committee.

The guidelines define the Internal Audit function as '*providing independent assurance over internal controls and risk management framework.*' The function is responsible for reviewing Council's operations against legislative compliance, efficiency, effectiveness and risk management principles. This is not about financial auditing rather it is about business process auditing.

The Internal Audit function is delegated to an Audit Committee which is the group that oversees the function and an Internal Auditor which is an individual or team who is responsible for conducting the audits. The Internal Auditor is independent of Council and reports to the Audit Committee. The Internal Auditor can be an external company or a Council employee(s).

The DLG give the following objectives for the Internal Audit function:

- to support good internal governance
- to improve the effectiveness of risk management, control and governance processes
- to help instil public confidence in an organisation's ability to operate effectively.

Any Internal Audit model that Council may wish to adopt must meet these basic objectives.

In addition an Internal Audit function is well placed to review and improve business processes. This would enable Council to make considerable efficiency gains and allow the Internal Audit function to at least in part become self funding. It should be noted however that the primary focus of the Internal Audit function is that of risk management. Should Council wish to have the Internal Audit function conduct business process improvement then it will have to be willing to make a considerable additional investment.

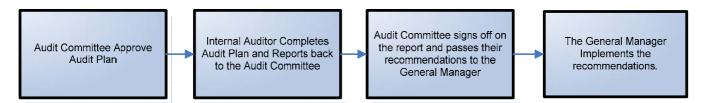
The DLG suggests three models for resourcing Internal Audit, these are:

- A full-time or part-time Internal Auditor. Under this model an internal independent position is created that reports directly to the Audit Committee and administratively to the General Manager. This position has no other operational or management responsibilities. This introduces a grey area as it would be the only staff member not considered accountable to the General Manager.
- **Outsourced or co-sourced function**. In this model, Council would engage an external service provider or providers to conduct all or some of the audits. The auditor would report directly to the Audit Committee and would have the authority over the scope of their investigations.
- **Regional or inter-council sharing of Internal Audit resources**. This is where a group of councils jointly agree to employ or contract an appropriately qualified auditor.

In addition this report will outline the current internal processes that exist at LCC as a fourth option for consideration.

Internal Audit Process

The general Internal Audit process is shown in the diagram below:



Audit Committee

An audit committee plays a pivotal role in the governance framework to provide council with independent oversight and monitoring of Council's audit processes. This oversight includes internal and external reporting, risk management activities, internal and external audit, and compliance. A strong relationship between the audit committee and the internal audit function enables the committee to meet its responsibilities and carry out its functions. An audit committee establishes the importance and executive direction for an internal audit function, and ensures that the council achieves maximum value from the internal audit function.

According to the DLG's guidelines the audit committee will achieve its independence by having a majority of independent members external to council and its operations. In addition, it is highly desirable that all members chosen exhibit an independence of mind in their deliberations and do not act as a representative of a particular area of council, or with conflicts of interests. Regular rotation of some or all members is also desirable to keep a fresh approach. The guidelines suggest that independent external member shall be the majority (either two or three with one or two Councillors, other than the Mayor). The Audit Committee should consist of at least three and not more than five members.

Independent members should have the following attributes:

- Knowledge of local government;
- Strong communication skills;
- High levels of personal integrity and ethics;
- Sufficient time available to devote to their responsibilities as a committee member; and
- High levels of financial literacy and, if possible accounting; financial; legal compliance and/or risk management experience or qualifications.

The Audit Committee as a whole should have:

- At least one member with financial qualifications and experience; and
- Skills and experience relevant to discharging its responsibilities, including experience in business, financial and legal compliance and risk management.

The Chair of the Audit Committee is critical to the overall effectiveness of the committee. The Chair of the Committee should be independent and should not be the Mayor or a member of council.

The Audit Committee must be chaired by an independent member. For Lismore an Audit Committee would best be made up of two independent members and one Councillor.

The DLG recommends that a budget be allocated to pay the independent members. An amount of \$1,000 per day per external member should be used.

Audit Plan

The Committee should prepare an audit plan that identifies its objectives and strategies, and the audit work they will undertake. Good practice internal audit plans will be based on a risk assessment of the council's key strategic and operational areas to determine an appropriate timing and frequency of coverage of each of these areas. Best practice will also include audit judgment of areas that should also be reviewed despite not appearing as a high priority in the council's risk profile. The annual plan will generally be developed with input from the General Manager, senior management and the internal auditor and approved by the audit committee.

A mentioned the DLG offers three options for implementation of the guidelines.

A Full-Time or Part-Time Internal Auditor

This option employs a skilled staff member to conduct Internal Audit. This person would become familiar with Council processes. This person would have adequate time to conduct a high audit load. This person would have the ability to not only identify risk but to also conduct business process reviews and complete the implementation of the improvements.

Under this model the auditor would report to the Audit Committee. The Audit Committee would control the audit plan and would sign off on any audit reports. However under the Local Government Act the only person who can employ staff is the General Manager. This presents something of a weakness via the possibility for the General Manager to influence the auditor.

The DLG recommend that an Internal Auditor has the following skills and experience:

- Proficiency in applying internal audit standards, procedures and techniques;
- Proficiency in accounting principles and techniques when working extensively with financial records and reports;
- An understanding of management principles required, recognising and evaluating the significance of deviations from good business practices;
- An appreciation of fundamental concepts in areas such as accounting, economics, commercial law, taxation, finance, quantitative methods and IT;
- Effective interpersonal skills;
- Skills in oral and written communication;
- Ability to identify key issues in any area under review;
- Ability to influence senior management as and when required; and
- Knowledge of key information systems technology risks and controls and available technologybased audit techniques.

These skills are highly sought after in the labour market. An Internal Auditor is likely to be an expensive staff acquisition. From speaking to other councils it is estimated that the full cost of employment and overheads would be around \$140,000. It would also be appropriate for the audit function to have a small operational budgets; \$20,000 should be allowed thus giving a total cost of this option of \$160,000 per annum.

Of course Council has the option of appointing a part-time auditor. The cost and the scope of the Internal Audit function would be reduced on a pro-rata basis.

Outsourced or Co-Sourced Function

In this model councils contract their internal audit functions to private sector firms practicing as internal audit service providers.

This model provides good flexibility. Service is paid for on an hourly or daily basis and Council can do as much or as little in a year as suits circumstances and shop around for auditors with particular skills. Under this model there is no direct reporting line to the General Manager so influence cannot be exerted.

On the negative front this option does not offer good value for money. External contractors are likely to be very expensive with daily rates between \$1000 and \$1500. In addition when a contract finishes the corporate knowledge is lost.

It is difficult to put a price on this option without knowing the scope of the Internal Audit function. As an example, if Council had a budget of \$100,000 this would translate to between 67 and 100 days work. According to the DLG, other Councils spend between \$20,000 and \$300,000 on this model.

This is the model that both Ballina and Richmond Valley Councils use. These Councils joined together to conduct a joint tender to procure the services of a particular audit company. Ballina and Richmond Valley spent \$40,000 and \$60,000 per year on this function respectively and the emphasis is on risk management. The current budget and scope of this model does not allow a focus on business improvements.

A co-sourced approach is a combination of this model and the one above. The staff internal auditor supplements audit services with an outsourced internal audit service provider.

Regional or Inter-Council Sharing Of Internal Audit Resources

This model is where a Regional Organisation of Councils (ROC) or other strategic alliance agrees to jointly employ or contract an appropriately qualified internal auditor.

The benefits of this model are economies of scale and cross council benchmarking. Unfortunately, this function was not supported by NOROC as a resource sharing initiative and there are no plans to change this. This effectively rules out this option for LCC.

Lismore City Council Status Quo

Lismore City Council currently implements the principles of the DLG's guidelines in two ways. Firstly Council conducts periodic independent reviews of its operations. In recent times Council has conducted the Westing review of the planning area and the Infrastructure Services review. In both cases the Council identified a function that required review and directed the General Manager to recruit a suitably qualified external resource to conduct the review. There have been a number of other examples where this approach using independent advisors has occurred (waste strategies, quarry business planning, library services) and has worked well.

In addition, the Executive Committee has recently signed off on a system of internal compliance and review. This process collects ideas from customers, staff, management and our Sustainable Innovations Group to improve the efficiency and effectiveness of our operations. This process which is driven by senior management is constantly ensuring best business practice and compliance with legislation. Whilst recognising the merit of an internal audit function, the fundamental reason for Council applying this methodology is that the cost implications are manageable and importantly the underlying objectives of the guidelines are achieved. It should be noted that following DLG guidelines is not mandatory for Councils.

It should also be noted that this option is not without costs. This option does not as a matter of course provide resources for the audits. These are funded through discreet budget approvals. To provide an example the Westing and Infrastructure Services reviews cost Council a total of \$70,000.

Sustainability Assessment

Sustainable Economic Growth and Development

The proposal provides an opportunity to achieve cost reduction in its processes.

Best-Practice Corporate Governance

The Internal Audit function has been identified by the Division of Local Government as a best-practice approach. The report details the preferred approach by the Division.

Comments

Finance

There is no mandatory requirement to have an internal audit function in NSW councils, but it is strongly supported by the NSW Division of Local Government.

If Council supports the introduction of an internal audit function, like many other NSW councils, then inclusion of sufficient funding to meet expectations in the draft 2011/12 Operational Plan is required.

Councillor input

The DLG Guidelines and the options for implementing an Internal Audit function at Lismore City Council were considered at a workshop for Councillors on 22/3/2011. The workshop was attended by nine of the eleven Councillors and facilitated by Pamela Westing. The facilitator has more than 25 years' experience in local government and is not an Internal Auditor. The workshop explored the issues outlined in this report. The Councillors then identified the following advantages and disadvantages of establishing a formal internal audit function at Lismore City Council, as recommended in the DLG Guidelines.

The Advantages of Establishing a Formal Internal Audit Function at LCC

- More accountability regarding implementation of recommendations for improvement;
- More transparency;
- More systematic and regular review of risks and processes;
- Better financial monitoring;
- Potential financial savings;
- Improved external and internal confidence in Council processes;
- Independent and external expertise;
- Develops internal process expertise and operational knowledge;
- Improved processes;
- Improved risk management; and
- More focus on improvements in the organisation.

The Disadvantages of Establishing a Formal Internal Audit Function at LCC

- Costs of the Audit Committee, the Internal Auditor, and possibly of the recommendations arising from audit projects;
- Potential negative impact on staff and relationships;
- Increased staff and Councillor workloads;
- Potentially difficult to implement recommendations; eg due to costs;
- Planned approach to reviews may reduce responsiveness;
- External audit committee members may not be genuinely independent;
- Reduced staff initiative and responsibility to improve processes;
- Would not add value compared to current process reviews;
- Potential for political influence [via the Audit Committee]; and
- Would still need external reviews.

Following consideration of the advantages and disadvantages of establishing a formal internal audit function, Councillors identified some of the advantages and disadvantages of the two basic models for resourcing an internal audit function: staff vs. outsourcing.

Advantages of employing a staff Internal Auditor

• Would get to know the organisation better.

Disadvantages of employing a staff Internal Auditor

- May lose objectivity;
- May become too close to other staff and to the processes being reviewed; and
- Difficult to recruit the required skills.

Advantages of an Outsourced Internal Auditor

- Costs more flexible;
- Independent;
- Options to share costs with other Councils; and
- Broader perspective and potential for benchmarking with other organisations.

Disadvantages of an Outsourced Internal Auditor

• Perhaps not as responsible or available as a staff member.

The discussion concluded that if Lismore City Council wishes to establish a formal Internal Audit function, using an outsourced Internal Auditor would be more suitable to the Council's circumstances than seeking to employ a staff Internal Auditor.

Alternative Approach

Whilst the abovementioned comments represent the position reached at the workshop, there was a sense from Councillors that they were not entirely happy with this position. There was general support for the concept of an Internal Audit function but not the model offered by the Guidelines.

An alternative approach would be to make the function of Internal Audit a Performance Criteria within the General Manager's Annual Performance Agreement. In this manner, Council through the General Manager's Performance Review Panel would effectively become the Internal Audit Committee. Council would still need to develop a three year Internal Audit Plan and negotiate with the General Manager about the best method for conducting the audit.

Conclusion

As with everything, the quality of the Internal Audit function depends on cost. If Council wishes to merely comply with the DLG's requirements then \$20,000 for an external contractor would be sufficient. This would however, provide a very limited business benefit.

Should Council wish to use an Internal Audit function to properly manage risk then it could use either the outsourced or co-sourced model and pay between \$40,000 and \$60,000, or it could employ a part-time Internal Auditor under the full-time or part-time Internal Auditor model for approximately two days per week. This would cost approximately \$60,000.

If Council wishes to manage risk and have a permanent resource improving Council's business processes then the most cost effective way to achieve this is to employ a full-time Internal Auditor under the full-time or part-time Internal Auditor model.

This report outlines five options for the implementation of an Internal Audit function. The options represent various possibilities for Council to implement a function that suits its objectives and budget. When making the decision Council should consider firstly whether it wishes to change from the status quo, which has achieved success, to a model that better reflects the guidelines. Council is not obligated to implement DLG guidelines, only to consider them. Secondly, Council should consider whether the Internal Audit function should merely meet the guidelines; manage Council's risk; or manage Council's risk and make improvements to business processes.

Council could demonstrate its recognition of the importance of an internal audit function by developing a three year plan and build this into the performance agreement of the General Manager, which of course involves six monthly reporting to the Council.

This approach whilst not in accord with the Division's guidelines is likely to be just as effective and allow the Council rather than an independent committee to sit and monitor the audit agenda.

This would be a reasonable first step in establishing a more formal audit process, which Council could subsequently vary to more closely align with the Division of Local Government guidelines should future experience deem necessary.

Attachment/s

There are no attachments for this report.

Recommendation

That:

- 1. Council establish a more formal internal audit process by incorporation into the General Manager's Annual Performance Plan.
- 2. An amount of \$50,000 be included in the draft 2011/12 Operational Plan to fund internal audit processes.

Subject	Information Services' Strategic Plan 2010 - 2012
TRIM Record No	BP11/164:EF09/1750
Prepared by	Manager - Information Services
Reason Community Strategic Plan Link	Following the February 2011 Ordinary Council Meeting it was resolved that before adopting the Information Services' Strategic Plan (ISSP) 2010-2012 that progress be demonstrated on the upgrade of Council's web site. This web site has now been upgraded and condequently the ISSP is re-submitted for consideration. Best-Practice Corporate Governance

Overview of Report

The Information Services Strategic Plan (ISSP) 2010 – 2012 identifies key strategies and initiatives for the Information Services (Information Technology - IT) Program Area of Council. The plan reviews the previous Strategic Plan, assesses the current IT infrastructure, security and disaster recovery procedures in place. It identifies potential risks to Council's technology based operations and makes recommendations through both strategic and practical initiatives.

The ISSP contains an Executive Summary.

The adoption of the ISSP was deferred at the February 2011 ordinary meeting until progress could be demonstrated on the upgrade of Council's web site. The web site has now been upgraded.

Background

Information Services is a Program Area of Lismore City Council. It has four areas of responsibility including:

- 1. Information Technology
- 2. Records Management
- 3. Telecommunications
- 4. Business Improvement.

Every three years Information Services develops a three year Strategic Plan. It is based around the NSW Government Chief Information Office's Information Management and Technology Strategic Plan Template. This report does not summarise what is in the ISSP as the document itself has an executive summary.

This plan as presented contains a number of exclusions. They are:

• Richmond Tweed Regional Library (RTRL). The RTRL has been administered by Lismore City Council since 1 July 2010. At present future strategic planning for the ongoing support of RTRL IT systems has not been completed. A three year vision for RTRL technology and systems will be developed and eventually incorporated into this plan.

• Following an organisational restructure in 2010, the Records Management function was moved under the auspices of Information Services. A Records Management Strategic Plan incorporating Councils new Electronic Document Management System is being developed and will be included in this plan once complete.

The plan contains six major and thirty-one minor initiatives.

Initiatives with identified funding have been included in the Lismore City Council Delivery Plan 2010 – 2014.

This plan contains strategies/initiatives that have already commenced i.e. in the 2010/11 year. This is as a result of the following:

- the development of the Plan was held-up while the integration of Richmond Tweed Regional Library took place.
- the previous plan came to a conclusion in June 2010.
- some strategies/activities are time critical (replacement of IT Infrastructure) and needed to commence at the start of financial year 2010/11
- some strategies/activities received funding this financial year through the Delivery Plan.

Web Site

Council's primary web site <u>www.lismore.nsw.gov.au</u> has had a makeover involving a new layout and a new Content Management System (CMS). The layout re-organises the existing information into elements based around function and features images of the region to provide a fresh and interesting interface to the User. Many of the images have been provided by local photographers. The CMS contains some new facilities to facilitate two way communication including blogging and page rating (the ability to attach comments to a page).

The site went live on 24 March 2011.

Sustainability Assessment

Sustainable Economic Growth and Development

The ISSP strengthens the technology framework that supports much of Council operations thus enabling it to achieve the growth and development described in its Community Strategic Plan.

Social Inclusion and Participation

The plan references activities including the development of online content for its web sites that facilitates access for those with visual difficulties or limited keyboard skills. It also highlights technology initiatives that will enable greater online interaction between Council and the community.

Protect, Conserve and Enhance the Environment and Biodiversity

The ISSP contains a number of initiatives (in particular Mobile Computing, Electronic Document Management and Online Development Applications) to encourage both staff and the Community to work with Council information in an electronic format rather than printing it.

Best-Practice Corporate Governance

The existence of a Strategic Plan, Disaster Recovery/Business Continuity plans for Information Technology and Systems is considered essential and best practice for all government bodies.

Comments

Finance

The adoption of the Information Services Strategic Plan is supported given the significant importance of technology to Council's everyday operations. Importantly, initiatives with identified funding requirements have been included in the 2010-2014 Delivery Plan.

Conclusion

The ISSP focuses on maintaining an IT Infrastructure that meets the expectations of the organisation as well as identifying opportunities for improving corporate efficiency and leveraging new technologies particularly for delivering services to the Community.

Attachment/s

1. Information Services Strategic Plan 2010-2012 (Over 7 pages)

Recommendation

That Council adopt the Information Services' Strategic Plan 2010 – 2012.

Subject	Lismore Business Promotion Panel
TRIM Record No	BP11/200:EF09/1902
Prepared by	Executive Director - Sustainable Development
Reason	To report to Council two recommendations adopted at a meeting of the Lismore Business Promotion Panel (LBPP) which was held on 18 February 2011.
Community Strategic Plan Link	Revitalise the CBD

Overview of Report

The Lismore Business Promotion Panel (LBPP) in summary adopted two recommendations at its 18 February meeting:

- 1. That Council fund a contribution of \$20,000 to assist with the production and distribution of the Lismore Visitor Information Centre's bi-annual A4 Visitor Guide.
- 2. That Council reinstate a dedicated CBD maintenance services staff member, dedicated to the prompt repair of footpaths and other infrastructure identified in regular CBD Audits.

Background

At the LBPP meeting of 18 February 2011 the Panel resolved to present the following to Council for consideration:

- 1. That Council find a contribution of \$20,000 to assist the production and distribution of the VIC's bi-annual A4 Visitor Guide, in recognition of:
 - the positive economic impact of tourism in the Lismore LGA (\$107 million PA);
 - the recent awarding of Best Visitor Information Centre in NSW by Tourism NSW (from a field of 175 across the State);
 - the importance of Tourism to business and commerce in Lismore, as evident in the recent Business Retention and Expansion Survey (BRE) Survey.

NOTE: The Visitor Guide is the key marketing and promotional tool that seeks to attract visitors to the Lismore LGA and encourage them to stay longer and spend more.

2. That Council reinstate the services of a single outdoor employee, dedicated to the prompt repair of footpaths and other infrastructure identified in CBD Audits conducted by the City Centre Manager and representatives of Lismore Chamber of Commerce and Council's Parks and Reserves Coordinator.

In terms of recommendation (1), the Visitor Guide has not been republished due to a lack of funding in the 2010/11 Council budget. Given the significant number of businesses in the greater CBD area the LBPP is of the view that the Visitor Guide would be of great benefit to not just directly tourism oriented businesses. In this regard the timing of this recommendation was also partly triggered by the recent release of the BRE results which showed the importance of tourism to many businesses in the City e.g. the BRE survey of 1,426 businesses showed tourism provides important benefits to over 40% of Lismore City/rural businesses and to 80% of Nimbin businesses.

In terms of the background to recommendation (2) there is regular CBD Audits conducted by the City Centre Manager (CCM), representatives of the Lismore Chamber of Commerce and Council's Parks/ Reserves Co-ordinator. These audits are working well but the LBPP would like Council to consider reinstating a 'one-stop-shop' approach to CBD maintenance via a single CBD maintenance staff member rather than a range of staff members.

Sustainability Assessment

Sustainable Economic Growth and Development

Both recommendations will have if adopted a positive effect on local economic growth and development. Recommendation No. 1 will ensure the provision of up to date visitor information is available to local residents and guests whilst recommendation No. 2 will ensure the City's infrastructure will be of a satisfactory standard for local residents and guests.

Social Inclusion and Participation

One of the tasks of the LBPP is to make recommendations to Council on matters impacting the CBD.

Protect, Conserve and Enhance the Environment and Biodiversity

Recommendation No. 2 could result in a better CBD built environment.

Best-Practice Corporate Governance

The fact that the LBPP is making recommendations to Council to consider is evidence that the governance system is working as set up.

Comments

Finance

When adopting the 2010/11 Operational Plan, Council resolved to consider funding the Visitor Guide if funding became available during 2010/11. Given the significant deficit result anticipated in 2010/11, this is unlikely to be achieved. As such, it is considered appropriate that a submission for the Visitor Guide be made to the 2011/12 Operational Plan process which has already commenced and will be determined by Council in June 2011.

As to the reinstatement of an outdoor employee service dedicated to the prompt repair of footpaths and other infrastructure in the CBD, the impact of this proposal needs to be investigated and costed. If the proposal is supported by Council and has a cost impact, again it is considered appropriate that a submission for this service be made to the 2011/12 Operational Plan process.

Other staff comments

Tourism

The Lismore Visitor Guide is tourism's key marketing tool. A budget submission was placed last year to develop the 2010 edition of the guide. The project was earmarked to be considered for inclusion in the 2010/11 Operational Plan should funding become available.

The current edition of the visitor guide is over two years old, with much information currently being out of date. It is anticipated that all copies of the guide will be distributed by the end of April 2011.

Over 100,000 copies of the guide are distributed on a bi-annual basis, along with 24,000 copies downloaded from the web and emailed out to potential visitors. The visitor guide provides all the information that visitors need to know about Lismore and Nimbin. The guide encourages visitors to spend more time and money in the region resulting in increased economic benefits for the community.

The total cost for Visitor Guide is \$63,000 (\$20,000 request to Council and the remaining \$43,000 is made up of advertising in the guide and partner contributions. Of note the majority of content in the visitor guide focuses on the city centre (65%), including promotion of events, shopping, markets, retail businesses, accommodation, dining, arts, the River, parks and gardens.

Recommendation (1) is strongly supported by the tourism area to ensure a visitor guide can be developed and distributed to visitors and locals as soon as possible.

Executive Director Infrastructure Services

It has been several years since Council has had a dedicated person just for CBD matters. The role has been absorbed into a crew who work in and around the CBD. Part of the role is to leave the crew at short notice and attend to CBD matters. If extra resources are required the whole crew can attend to the incident. This is meant to provide more flexibility in a cost effective manner.

In relation to recommendation (2) I believe there is some confusion regarding the current performance of services within the CBD. This is in regard to the services provided, frequency of service and resources available to react to incidents.

It would be helpful if the LBPP could identify the desirable levels of service, intervention levels and response times for services within the CBD. The Works section can then look at rearranging current resources to meet the targets or submit a budget request for additional funds to improve service levels.

Public consultation

Not applicable.

Conclusion

The LBPP have made two recommendations for Council's consideration on matters that impact the CBD. Given our financial constraints it is recommended that the first issue of funding \$20,000 towards the Visitor Guide be resolved through the 2011/12 budget process. In terms of the second recommendation of a dedicated CBD maintenance staff member it is recommended that the LBPP and the Infrastructure Services Directorate work through an agreed set of CBD maintenance service levels. Some of these agreed levels will be able to be met within the existing budget whereas others may require a budget submission.

Report

Attachment/s

There are no attachments for this report.

Recommendation

That Council resolve in respect of the two subject recommendations from the Lismore Business Promotion Panel that:

- 1. Council funding of \$20,000 towards the Visitor Guide be considered and resolved as part of the 2011/2012 budget considerations.
- 2. Reinstatement of the services of a single dedicated employee for CBD maintenance tasks be considered and that the Infrastructure Services Directorate work with the Lismore Business Promotion Panel to determine the desired CBD maintenance levels of service and resolve these through the appropriate channels.

Subject	Lismore Business Promotion Panel vacancy
TRIM Record No	BP11/199:EF09/1902
Prepared by	City Centre Manager
Reason	For Council to appoint a new member to the Lismore Business Promotion Panel as a result of a resignation.
Community Strategic Plan Link	Sustainable Economic Growth and Development

Overview of Report

This report seeks Council's appointment of a new member to a vacant position on the Lismore Business Promotion Panel (LBPP). This position has become vacant as a result of the resignation of Craig Howlett, former Manager Westpac, Lismore.

The purpose of the LBPP is to oversee the Lismore Promotion Program. This includes the activities of the City Centre Manager and City Centre Management Program as adopted in the City Centre Management Business Plan 2009-2010.

Background

Since the resignation of LBPP member, Mr Craig Howlett, Manager Westpac on 15 January 2011 a recruitment process began in an effort to fill the vacant position. Invitations were distributed to all registered businesses and property owners in the Lismore Urban Area directly or indirectly contributing to the Lismore Promotion Program inviting them to nominate for the one vacated position Panel. Eight nominations were received at the conclusion of this process and are provided as an attachment to this report. Members of the LBPP are appointed for the term of Council.

The nominations received are listed below:

	Name	Company	Industry Sector	Geographic Location of the Business	Business or Property Owner
1.	Robert Bou- Hamdan	Big Rob's	Accommodation, Cafes and Restaurants	Inner CBD	Business
2.	Steve Bowden	Westpac Bank, Lismore	Finance and Insurance	Inner CBD	Business
3.	Janelle Hancock	North Coast National A&I Society	Cultural & Recreational Services	Outer CBD	Business
4.	Daniel McCabe	Manager Birch Carroll & Coyle	Retail Trade	Inner CBD	Business
5.	Dorothy Orchard	Marriage & Funeral Celebrant	Personal & other services	Outer CBD	Business
6.	Rudy Pearce	Armsign Pty Ltd	Manufacturer	Outer CBD	Business
7.	Robyn Riordan	Federal Govt Department	Retail Trade/Other Professional	Inner CBD	Property & Govt Office
8.	Barry Robinson	Rosada Pty Ltd	Property & Business Services	Inner/Outer CBD	Property & Business

Criteria for Selection

Each of the nominations was assessed using the following criteria:

- proof of business operation or property ownership in the Lismore Urban Area
- evidence of relevant business / commercial / professional experience
- stated reasons for nominating
- understanding of the Lismore Promotion Program and its aims and objectives
- experience in serving of boards and committees
- assessment of the likely contribution (skills and personal attributes) the candidate could bring to the LBPP.

Recommended Appointment

It is evident from Mr Daniel McCabe's application that he best meets the selection criteria. Mr McCabe's expertise in media, events, customer service and the entertainment industry, coupled with this business management experience will be an asset to the LBPP and will ultimately benefit Lismore's City Centre. Some key points to support this recommendation are Mr McCabe:

- Has extensive experience in managing and working in a promotion based industry and is currently the Area General Manager for Country New South Wales for Birch, Carroll and Coyle Lismore;
- He has extensive knowledge and experience of retailing, event production, customer service and consumer behaviour;
- He is a former GM Event Cinemas Australia, responsible for 1800 staff and 34 cinemas; and
- He grew up in Lismore and has held executive roles in the exhibitions industry in Sydney.

Sustainability Assessment

Sustainable Economic Growth and Development

The recruitment of the new member to the LBPP will enhance the capacity of the Lismore community while enabling more effective engagement with Council. This increased capacity will ultimately strengthen the community's sustainability while enhancing economic outcomes.

Social Inclusion and Participation

The filling of the vacant membership will enable a full complement of members to provide support, direction and guidance to the Lismore Promotion Program, (including the activities of the City Centre Manager and City Centre Management Program as adopted in the City Centre Management Business Plan 2009-2010).

Protect, Conserve and Enhance the Environment and Biodiversity

The strengthening of the LBPP through this current member recruitment creates a robust mechanism through which environmental and biodiversity concerns of the community can be communicated to Council.

Best-Practice Corporate Governance

The LBPP provides a method for members to make a contribution to the Lismore Promotion Program demonstrating transparency and inclusion to the Lismore community.

Public consultation

An invitation to nominate was distributed to all registered businesses and property owners within the Lismore Urban Area directly or indirectly contributing to the Lismore Promotion Program on 1 February 2011. An advertisement was also placed in the Northern Star (1 February 2011) and Northern Rivers Echo (3 February 2011) for a period of twenty eight (28) days.

At the close of nominations on 4 March 2011 a total of 15 enquiries had been received, and 8 written nominations submitted.

Conclusion

Daniel McCabe is recommended to fill the vacancy on the LBPP as he brings demonstrated skills and knowledge relevant to achieving the vision and objectives outlined in the Lismore City Council adopted *Lismore Promotion Program Business Plan 20109 – 2011.*

Attachment/s

- 1. Nomination Robert Bou-Hamdan
- 2. Nomination Steve Bowden
- 3. Nomination Janelle Hancock
- 4. Nomination Daniel McCabe
- 5. Nomination Dorothy Orchard
- 6. Nomination Rudy Pearce
- 7. Nomination Robyn Riordan
- 8. Nomination Barry Robinson

Recommendation

That Council appoint Mr Daniel McCabe to the vacant position on the Lismore Business Promotion Panel.

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TO: Brent McAlister

FROM: Daniel McCabe

DATE: 1.03.11

RE: Lismore Business Promotional Panel – Nomination Form

Dear Brent,

Please see attached nomination form for consideration to be a part of the Lismore Business Promotional Panel.

Kind regards,

Øaniel McCabe Área General Manager – Country NSW

Mob:0421 554 949

Birch Carroll & Coyle - Greater Union - Events Cinemas

PAGE 01/02

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Lismore City Council Meeting held 12 April 2011 - Lismore Business Promotion Panel vacancy

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Please outline your interest in this initiative and what you believe you will bring to the process:

As a business manager I cannot put enough emphasis on the importance of waking and bading in a vibrant, prospersus region. It is vital that Lismore is seen as a desirable place to both live and work, in order to attrack the growing demand for new skills by the business community. I bring a wide range of managerial skills having spent the last 10 years working as a General Manager of SME companies both here in Australia and in the UK. I have previously had the apportantly to shore my knowledge both is industry and in the public sector, by been involved in government 'Best Practice' initiatives and as a Bourd of Governors Chairman for a primery school respectively. I would very much like to put my shills to good use in the community once again. Signed: 2014 Please emplit this form to <u>council@lismore askapping</u> or fax back to (02) 6625 0400 before COB Friday 4 March 2011 · .

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Subject TRIM Record No	Lismore Development Control Plan - Amendments Chapters 7 and 9 BP11/202:EF09/820
Prepared by	Strategic Planner
Reason Community	To advise Council of the outcome of the public exhibition of the Lismore Development Control Plan Amendment No. 10 and to recommend approval of the plan generally in the form in which it was publicly exhibited. Provide Sustainable Land-use Planning
Strategic Plan Link	

Overview of Report

Lismore City Council adopted Development Control Plan (DCP) Amendment No. 10, for public exhibition on 14 December 2010. No submissions were received.

The amended provisions relate to car parking and signage associated with outdoor dining. Car parking requirements for minor additions to existing CBD premises also formed the subject of the amendment. It is recommended that Lismore DCP Amendment No. 10 be adopted by Council in accordance with clause 21 of the *Environmental Planning and Assessment Regulation 2000*.

Executive Director's Overview

This package of measures includes the recent adoption of a revised policy that encourages outdoor dining in a range of ways, significantly reducing the costs of setting up outdoor dining, providing a free license fee period, approving a universal CBD street activity/outdoor dining development application (DA) that saves getting individual DA's, building upon the reduced CBD car parking requirements and lifting the blanket prohibition on sidewalk signs.

Importantly, this package of measures has been a great example of staff cross-organisational proactive work over a sustained period which has been strongly supported by both the Council and the business community. Recently the LBPP at its regular meeting highly commended Council on its red tape reduction in this area. Of note it is intended to widely promote this freeing up of rules and incentives for outdoor dining via the City Centre Manager in order to see a lot more take up in the CBD.

Background

Lismore City Council resolved to adopt a new Outdoor Dining Policy for the Lismore City Centre at its ordinary meeting of 14 September 2010. Various provisions of the Lismore DCP required amendment in order to reflect the Outdoor Dining Policy.

Council resolved to adopt DCP Amendment No. 10 at its ordinary meeting of 14 December 2010 for the purpose of public exhibition. The amendment was notified from 13 January to 11 February 2011 with no submissions received.

- (a) approve the plan in the form in which it was publicly exhibited, or
- (b) approve the plan with such alterations as the council thinks fit, or
- (c) decide not to proceed with the plan.

The EP&A Regulation requires Council to notify its decision within twenty eight days after the decision is made. If Council notifies of the adoption of the plan, the new provisions come into effect on the date of the notification or on a later date specified.

The DCP modifications affect chapters 7 and 9 and appear below in the form advertised:

DCP Chapter 7 - Off Street Carparking

Section 7.7.3.1 is replaced with:

7.7.3.1 Fixed Car Parking Rate

With the exception of certain uses listed below, a fixed rate of no less than 3.3 car spaces/100m² of gross floor area (as defined in the Lismore LEP) shall be required for development within the CBD/City Centre.

Exceptions:

- *(i)* **Residential uses exception**: Where the development is (or includes) a residential use listed below, the minimum number of spaces required for the residential component shall be as described in Schedule 1 rounded up to the next whole number:
 - Bed and Breakfast Establishment
 - Boarding House
 - Dwelling House
 - Dual Occupancy
 - Motel
 - Residential Flat Building.

(ii) 'Refreshment Room' and Outdoor Dining use exceptions:

(Where: "<u>Enclosed</u>' has the same definition as "gross floor area" in the Lismore LEP; and "<u>Magellan Street- Entertainment/Activity Precinct</u>" is that area indicated by Map No 2 in Council's 'Outdoor Dining Policy' as adopted on **14 September 2010**)

- (a) For 'enclosed' outdoor dining areas constructed outside the Magellan Street-Entertainment/Activity Precinct, Section 94 charges for non-provision of car parking in accordance with the specified rate under this DCP <u>will apply</u>.
- (b) For 'enclosed' outdoor dining areas constructed within the specified Magellan Street-Entertainment/Activity Precinct, Section 94 charges for non-provision of car parking in accordance with the specified rate under this DCP <u>will not apply</u>.
- (c) For 'unenclosed' outdoor dining areas in all CBD/City Centre locations, Section 94 charges for non-provision of car parking in accordance with the specified rate under this DCP <u>do not apply</u> in accordance with the definition of GFA.

(d) If construction of a new outdoor dining area necessitates removal of car parking spaces from the road reserve, a contribution for the lost space(s) will be levied in accordance with the Lismore Contributions Plan (Section 2.5.5), however this contribution will not be levied if the new outdoor dining area is located within the Magellan Street-Entertainment/Activity Precinct.

(iii) All Commercial and Business (incl. refreshment rooms) use exceptions:

Existing commercial/business/retail premises within the Lismore CBD (see map 1 of this DCP) may, with consent, increase internal floor space by up to 20% of the existing building GFA up to a maximum of 40 sg. m. without incurring Section 94 charges for car parking. This allowance will only be available once to each premises (whether 20% or 40 sq m is achieved or not), and any further internal extensions will attract relevant Sec 94 charges.

DCP Chapter 9 - Outdoor Advertising Policy

- i) Amended Development Control Table under Clause 9.4 In the Development Control Table under Clause 9.4, for the table relating to Zones 3(a), 3(b), 3(f), and 4(a), the words "weighted portable footpath signs as permitted by Council's Outdoor Dining Policy" should be inserted in column 3 after the words 'any advertising sign not listed in Column 2 or 4'; and the words "except for the specific weighted portable footpath signs permitted with consent under the provisions of Council's Outdoor Dining Policy" should be inserted in column 4, after the words 'portable footpath sign'.
- ii) Amendment to 'Portable Footpath Sign' under Clause 9.11 In the 'Additional Information' for 'Portable Footpath Sign' under Clause 9.11, the words "with
- the exception of specific, weighted portable footpath signs permitted under the provisions of Council's Outdoor Dining Policy" should be inserted at the end of the paragraph after the word "area".

Discussion

Notwithstanding the absence of submissions, a recommendation is made that will serve to clarify the application of the DCP amendment. In its current form section 7.7.3.1(iii) does not specify a date with which exceptions to Section 94 charges for car parking apply. This issue could be rectified with the inclusion of an additional sentence at the end of the provision. The amended clause follows, with the additional sentence in italics:

(iii) All Commercial and Business (incl. refreshment rooms) use exceptions:

Existing commercial/business/retail premises within the Lismore CBD (see map 1 of this DCP) may, with consent, increase internal floor space by up to 20% of the existing building GFA up to a maximum of 40 sq. m. without incurring Section 94 charges for car parking. This allowance will only be available once to each premises (whether 20% or 40 sq m is achieved or not), and any further internal extensions will attract relevant Sec 94 charges. The allowance applies from the date that DCP Amendment No. 10 takes effect (include here date of notification in local newspaper).

The date of effect for the DCP can be inserted in brackets after the additional sentence when the newspaper notification date is established.

The inclusion of the additional sentence will clarify that all commercial/business premises within the Lismore CBD could potentially qualify for the exemption. Without reference to a date, it remains unclear if premises that have undergone historic additions satisfy the requirements for an exemption.

Sustainability Assessment

Sustainable Economic Growth and Development

Their may be some minor decrease in revenue associated with the waiving of Section 94 charges, however, the action encourages minor development within the CBD and facilitates the use of the public footpath area.

Social Inclusion and Participation

The recently adopted Outdoor Dining Policy was developed with the participation of the commercial sector. DCP Amendment No. 10 was notified and did not attract any public submissions. The DCP amendment facilitates the implementation of the Outdoor Dining Policy.

Protect, Conserve and Enhance the Environment and Biodiversity

The DCP amendment has no negative impacts on the natural environment. Increased use of the public domain within the CBD has the potential to provide enhanced ambience within the built environment.

Best-Practice Corporate Governance

The DCP amendment is required to facilitate the operation of the Outdoor Dining Policy. Moreover, the changes to the DCP are consistent with Council's aims to enhance the culture of the CBD and increase patronage to the commercial centre of Lismore.

Comments

Finance

As reported to the 14 December 2010 meeting, the proposed changes to DCP Chapter 7 (Off-Street Car Parking) will result in reduced Section 94 contributions being received for car parking, however it should be noted that contributions received for the last three years total approximately \$4,800.

Public consultation

Lismore DCP Amendment No. 10 was notified from 13 January to 11 February 2011. The following stakeholder groups were also sent correspondence regarding the DCP amendment:

- Lismore Chamber of Commence
- Economic Development Policy Advisory Group
- Lismore Business Promotion Panel
- Council's business owner database.

No submissions were received.

The EP&A Regulation requires Council to notify its decision (to proceed/not to proceed with the adoption of the plan) within twenty eight (28) days after the decision is made. There is no further requirement for Council to consult with the public regarding this matter.

Conclusion

The adopted and exhibited DCP Amendment No. 10 will facilitate consistency in the interpretation and application of relevant planning controls that relate to Council's adopted Outdoor Dining Policy.

Amendment No. 10 also provides CBD businesses with the opportunity to undertake minor alterations and additions in order to meet operational demands without requiring additional car parking spaces or section 94 contributions.

It is recommended that Council resolves to approve the plan as publicly exhibited and also incorporates the additional reference date for clause 7.7.3.1 as outlined in the report. Council should then proceed to notify the public of its decision.

Attachment/s

There are no attachments for this report.

Recommendation

That Council:

1. Approve Lismore Development Control Plan Amendment No. 10 which alters as follows:

Section 7.7.3.1 is replaced with:

7.7.3.1 Fixed Car Parking Rate

With the exception of certain uses listed below, a fixed rate of no less than 3.3 car spaces/100m² of gross floor area (as defined in the Lismore LEP) shall be required for development within the CBD/City Centre.

Exceptions:

- (i) **Residential uses exception**: Where the development is (or includes) a residential use listed below, the minimum number of spaces required for the residential component shall be as described in Schedule 1 rounded up to the next whole number:
 - Bed and Breakfast Establishment
 - Boarding House
 - Dwelling House
 - Dual Occupancy
 - Motel
 - Residential Flat Building.

(ii) 'Refreshment Room' and Outdoor Dining use exceptions:

(Where: "<u>Enclosed</u>' has the same definition as "gross floor area" in the Lismore LEP; and "<u>Magellan Street- Entertainment/Activity Precinct</u>" is that area indicated by Map No 2 in Council's 'Outdoor Dining Policy' as adopted on **14 September 2010**)

- (e) For 'enclosed' outdoor dining areas constructed outside the Magellan Street-Entertainment/Activity Precinct, Section 94 charges for non-provision of car parking in accordance with the specified rate under this DCP <u>will apply</u>.
- (f) For 'enclosed' outdoor dining areas constructed within the specified Magellan Street-Entertainment/Activity Precinct, Section 94 charges for non-provision of car parking in accordance with the specified rate under this DCP <u>will not apply</u>.

- (g) For 'unenclosed' outdoor dining areas in all CBD/City Centre locations, Section 94 charges for non-provision of car parking in accordance with the specified rate under this DCP <u>do not apply</u> in accordance with the definition of GFA.
- (h) If construction of a new outdoor dining area necessitates removal of car parking spaces from the road reserve, a contribution for the lost space(s) will be levied in accordance with the Lismore Contributions Plan (Section 2.5.5), <u>however</u> this contribution will not be levied if the new outdoor dining area is located within the Magellan Street-Entertainment/Activity Precinct.

(iii) All Commercial and Business (incl. refreshment rooms) use exceptions:

Existing commercial/business/retail premises within the Lismore CBD (see map 1 of this DCP) may, with consent, increase internal floor space by up to 20% of the existing building GFA up to a maximum of 40 sq. m. without incurring Section 94 charges for car parking. This allowance will only be available once to each premises (whether 20% or 40 sq m is achieved or not), and any further internal extensions will attract relevant Sec 94 charges. The allowance applies from the date that DCP Amendment No. 10 takes effect (include here date of notification in local newspaper).

And DCP Chapter 9 amended as follows:

- i) Amended Development Control Table under Clause 9.4
 In the Development Control Table under Clause 9.4, for the table relating to Zones 3(a), 3(b), 3(f), and 4(a), the words "weighted portable footpath signs as permitted by Council's Outdoor Dining Policy" should be inserted in column 3 after the words 'any advertising sign not listed in Column 2 or 4'; and the words "except for the specific weighted portable footpath signs permitted with consent under the provisions of Council's Outdoor Dining Policy" should be inserted in column 4, after the words 'portable footpath sign'.
- ii) Amendment to 'Portable Footpath Sign' under Clause 9.11 In the 'Additional Information' for 'Portable Footpath Sign' under Clause 9.11, the words *"with the exception of specific, weighted portable footpath signs permitted under the provisions of Council's Outdoor Dining Policy"* should be inserted at the end of the paragraph after the word *"area"*.
- 2. Notify the public of the adoption of Amendment No. 10 to the Lismore Development Control Plan in accordance with clause 21 of the *Environmental Planning and Assessment Regulation 2000*.

Subject	General Insurance Tender
TRIM Record No	BP11/204:EF09/1345
Prepared by	Corporate Compliance Coordinator
Reason	To consider a tender received in response to a tender process sponsored by Council's within NOROC
Community Strategic Plan Link	Best-Practice Corporate Governance

Overview of Report

Council like all organisations has a broad range of insurance. In some categories Council has established Mutual Organisations to achieve the best financial outcome. Other Councils typically engage Brokers to achieve the same result. NOROC this year undertook a joint tender process as an alternative to see if greater savings could be made. The report details the outcome of the tender process

Background

One of NOROC's key priorities is the "facilitating of joint activities". To this end NOROC undertook to facilitate a process whereby a joint tender was called for what could be described as General Insurance for NOROC Councils, to see if it could achieve savings for individual Councils This tender excluded Public Liability Insurance, Property Insurance and Fidelity Guarantee all of which are contained within Mutual Funds of which the NOROC Councils are members.

Prior to this tender approach, all Councils have engaged insurance Brokers Jardine Lloyd Thompson to source the best products for Council. This firm has a specialist local government section and is the primary insurance broker for Councils in NSW and arguably Australia wide.

The obvious aim of the exercise was to see if savings could be achieved. The tender was called with options allowing that it could be accepted by a group of Councils or individually.

Outcome

The actual tender process was conducted by Tweed Council with advertisements placed in major publications in Sydney and Brisbane

As a consequence eight enquiries were received i.e. the Tender specification down loaded.

At the closure of the process only one tender was received for each Council. The tender submitted by Jardine Lloyd Thompson Pty Ltd.

Council	Class of Insurance	Premium (excl GST)
Lismore City Council	Councillors and Officers Liability	21,260.00
	Marine – Carriers Liability	4,200.00
	Marine – Hull	1,063.00
	Marine – Transit	500.00
	Motor Vehicle –(Also see note on CED*)	176,699.50
	Personal Accident	1,890.00
	Property Insurance – Artworks	7,817.00
	Workers Compensation Top Up	5,227.19
	Total (excl GST)	\$218,656.69

There is an anticipated ***Claims Experience Discount of \$22,253.84** that is based on claims as provided in the Tender Specification. This will be adjusted based on claims at expiry and will be subject to renewal with the current insurers.

Analysis

Obviously the receipt of one tender is disappointing given the effort that has gone into preparing what was a complicated tender specification. Once the tender process has been finalised the lack of response will be pursued to try and to determine the reason. To do so before finalising the tender process would be inappropriate.

As to the tender received, it is a confirming tender and as such it is open for council to consider it. There are two aspects to the tender, the obvious one is the price submitted and the second is the content of the policies they represent.

As indicated earlier, Jardine Lloyd Thompson has been Council's brokers for many years and in this they have an advantage of understanding our needs. The actual products i.e. policies submitted, are the same as submitted in previous years and are thus acceptable to Council.

As to price, the amounts tendered are roughly equivalent to those submitted for last year with the exception of the motor vehicle policy. The amount tendered is some \$50,000 less that incurred last year which is of course a pleasing result. Some other Councils have also experienced a similar result but others, no change at all.

It is difficult to determine if this reduction was the result of the tender process or other factors. The insurance industry is global in nature with strong linkages to the Finance sector but the bottom line is a saving to Council

Sustainability Assessment

Sustainable Economic Growth and Development

The cost savings achieved through the tender process will be reflected in savings through the budget.

Best-Practice Corporate Governance

The involvement of NOROC was implemented to achieve the best outcome by undertaking a joint tender approach.

Comments

Finance

The tender process undertaken is most likely to achieve the best value outcome for Council. Based on this approach, the recommendation is supported.

Public consultation

A public tender was conducted.

Conclusion

The tender process instigated by NOROC did not result in an increase in the number of potential providers however, the final result is still acceptable to Council.

Attachment/s

There are no attachments for this report.

Recommendation

That the tender submitted for Council's insurance for 2011/12 by Jardine Lloyd Thompson Pty Ltd as detailed in the report in the sum of \$218,656.69 be accepted.

Subject	Water Industry Reform - Infrastructure Australia Report
TRIM Record No	BP11/207:EF09/2181
Prepared by	Executive Director - Infrastructure Services
Reason	To obtain Council's endorsement of a proposed submission to Infrastructure Australia in response to its report by AECOM entitled 'Review of Regional Water Quality and Security'.
Community Strategic Plan Link	Integrated Water Cycle Management

Overview of Report

Infrastructure Australia has released a report entitled 'Review of Regional Water Quality and Security'. It makes recommendations regarding reform of the Water Industry which could have significant impact on this Council. The objectives of the report are discussed and it is recommended Council make a submission to Infrastructure Australia and that Council's view is communicated to NOROC to help formulate a regional response.

Background

Infrastructure Australia has engaged consultants, AECOM, to help identify opportunities to improve Australia's regional towns water quality and security, and to form practical recommendations for change at the federal, state and local government levels. The report is now available via the following web site address <u>www.infrastructureaustralia.gov.au/public_submissions/rtwqsr/index.aspx</u>.

Infrastructure Australia is inviting feedback on the findings and recommendations of the report. An extension of time has been requested from 25 March 2011 to allow Council time to develop a well considered response and also provide input into a regional response. It has been requested the deadline for submissions be extended to 27 April 2011.

The key recommendations of the report are:

- Mandate compliance with Australian Drinking Water Guidelines through legislation or regulation.
- Implement a nationally consistent Best Practice Management Framework for all regional water utilities.
- Move toward more cost reflective pricing of water.
- Develop a more highly skilled workforce to operate and maintain water systems in regional water utilities by developing nationally consistent trade qualifications.
- Reform the governance structure of regional water utilities in New South Wales and Queensland.

Infrastructure Australia is now developing a plan of action to respond to the findings and recommendations in the AECOM report.

This report follows the NSW Government's 2008 'Inquiry into Secure and Sustainable Water Supply and Sewerage Services for Non-Metropolitan NSW.' The Inquiry was undertaken by an independent panel, comprising the former NSW Deputy Premier, Ian Armstrong, and former head of the NSW Premier's Department, Dr Colin Gellatly. Lismore City Council made a written submission to the Inquiry and also a verbal presentation at a public hearing. In summary, Council recommended a community owned Regional Water Authority (under the governance structure applicable to a County Council), with delegated responsibility for all urban water and wastewater services in the Richmond, Brunswick and Tweed River catchments.

Following the release of the panel's draft final report, this Council resolved at its ordinary meeting of 14 April 2009 to continue to work with neighbouring councils in an effort to submit an agreed joint submission.

NOROC made a submission to the NSW Government on 20 April 2009. In summary the councils of this area agreed that; There is a case for reforming water management practice but this can be achieved within the current provisions of the *Local Government* Act and the councils are unanimous in their view that the decision making over water matters, under any new entity, must be made by elected Councillors.

Since receiving submissions on the final report, the former NSW Labor Government has not actively pursued any water utility reform initiatives within local government.

At a local level the regional General Managers Group has pursued resource sharing opportunities. Facilitated meetings have been held with General Managers, Engineering Directors and Water Managers from councils (except Clarence Valley Council) within the NOROC area. A Memorandum of Understanding between regional General Managers has been drafted. It sets out specific objectives which will be voluntarily targeted. They include:

- development of a regional water supply strategy incorporating integrated water cycle management criteria, based on a 50 year planning horizon;
- development of a regional drinking water quality management plan incorporating an implementation strategy;
- development of a regional approach to water supply demand management;
- development of agreed protocols and processes for the effective sharing of resources; recognising the opportunistic nature of resource sharing;
- development of a regional best practice pricing strategy;
- development of operational objectives and methodologies for benchmarking across the region and across regional water utilities in New South Wales and across Australia.

AECOM Report - Review of Regional Water Quality and Security

The AECOM report has come up with several recommendations which are discussed in more detail below.

Reform of Governance Structures

The most contentious recommendation of this report is the reform of governance structure for regional water utilities in NSW and Queensland. The AECOM preferred reform model would see the urban water utility functions currently performed by local government in NSW and Queensland transferred to Government owned Regional Water Corporations. That approach is completely at odds with the position of the Local Government and Shires Association and their member Councils.



Some of the disadvantages of this structure include:

- Removal of local decision making and accountability from locally elected Councillors.
- Cost of restructuring.
- Impact on local councils loss of economies of scale.
- Impact on Community possible closure of offices or down scaling of local services; possible increase in prices due to payment of dividends to the State Government.
- There is no solid evidence that bigger is better.

Other options mentioned in the report include a larger State-based utility or a third solution is mandatory regional alliances.

Mandate Compliance with Australian Drinking Water Guidelines (ADWG)

The report found that under existing legislation or regulatory instruments such as operating licenses, many urban water utilities in Australia are not required to comply with the Australian Drinking Water Guidelines beyond particular water quality targets.

A national program which helps mandatory compliance with ADWG is supported.

Implement Nationally Consistent Best Practice Management Framework

The report states all water authorities supplying water to urban consumers (regional and metropolitan) should be required to report to the National Water Commission and the Water Services Association of Australia on performance, with the results to be published annually in the National Performance Report.

NSW regional water utilities currently operate under a Best Practice Management Framework developed by the NSW Office of Water.

A national standard that extends this framework is supported.

Improve Water Pricing

The report infers many water utilities are not fully recouping the cost of supplying water services or providing for capital improvements. This Council along with many others in NSW use the NSW Office of Water guidelines for the preparation of Strategic Business Plans which cover a 30 year period. They are developed to a specific format and ensure all costs are recovered.

Best Practice Pricing Guidelines released in 2002, which fully conform to IPART requirements, already provide a sound base for water pricing.

A national standard that adds to the above is supported.

Develop a More Highly Skilled Workforce

The problem of skills shortage is not unique to the water industry; it is a problem across many industries in Australia. The report recommends the development of a more highly skilled workforce to operate and maintain water systems in regional water utilities by developing nationally consistent trade qualifications.

The report infers that by creating larger water utilities this will overcome the skills shortage problem. However, given the diverse geographical location of water treatment facilities throughout regional NSW it is not clear how this will help.

The NSW Office of Water runs high quality training courses for operators, so the availability of training does not seem to be the problem.

Currently councils are looking at regional alliances to provide specialist skills and the use of consultants is currently wide spread in the industry.

A national program which builds on the existing training programs is supported.

Sustainability Assessment

Sustainable Economic Growth and Development

The control of local water and wastewater services could have a marked effect on Lismore's future economic growth and development. Under some of the recommendations canvassed in the AECOM report, a head office and other services may or may not be centralised in Lismore. Integration of future land development may also be affected by a State owned Regional Water Authority.

Social Inclusion and Participation

A State owned regional water authority will not be as inclusive and participatory as a locally elected and controlled water entity.

Protect, Conserve and Enhance the Environment and Biodiversity

Regardless of the governance structure of the water authority, high quality environmental outcomes should be achieved. Therefore this report should have no impact on the environment and biodiversity.

Best-Practice Corporate Governance

Several of the AECOM recommendations including; implementation of nationally consistent Best Practice Management Framework and a move toward more cost reflective pricing of water are aimed at improvements to corporate governance and these recommendations are supported.

Comments

Finance

The key recommendation in the AECOM report relates to the reform of governance structures. It is proposed that urban water utility functions currently performed by local government in NSW and Queensland be transferred to government owned Regional Water Corporations. It is assumed that this would include Lismore City Council's Water and Wastewater Funds.

It is not possible to assess the financial impact of such a reform unless more detail on transitional arrangements, compensation arrangements as alluded to in the report or if reform costs would be recoverable are known.

Other staff comments

Not required.

Public consultation

No specific consultation with the public has been initiated by Council to date.

Conclusion

It is recommended that Council authorise the General Manager to make a submission to Infrastructure Australia on its commissioned report 'Review of Regional Water Quality and Security' and that Council's submission be distributed and discussed at NOROC meetings to help formulate a regional response to the report.

The submission will express the position that Council does not support the formation of a State owned regional water corporation. A locally controlled Regional Water Authority (under the governance structure applicable to a County Council) or mandatory regional alliance models would be preferred.

As discussed in the body of the report, this Council participates in many existing State Government initiatives which address several of the recommendations of the report. However, Council supports additional national initiatives that will improve:

- Conformance with National Drinking Water Standards;
- Best Practice Management Framework;
- Improved water pricing; and
- Development of a more highly skilled workforce.

Attachment/s

There are no attachments for this report.

Recommendation

That:

- 1. Council authorise the General Manager to make a submission to Infrastructure Australia on the Regional Towns Water Quality and Security Review.
- 2. The submission will express the position that Council does not support the formation of a State owned regional water corporation but that locally controlled Regional Water Authority or mandatory regional alliance are the preferred models.
- 3. Council supports national initiatives to improve:
 - a. Conformance with National Drinking Water Standards,
 - b. Best Practice Management Framework,
 - c. Improved water pricing, and
 - d. Development of a more highly skilled workforce.
- 4. The submission be distributed to NOROC to help develop a regional response to the AECOM report.

Subject	Investments - March 2011
TRIM Record No	BP11/76:EF09/586
Prepared by	Management Accountant
Reason	Required by Local Government Act 1993, Local Government (General) Regulation 2005 and Council's Investment Policy
Community Strategic Plan Link	Best-Practice Corporate Governance

Overview of Report

Investments as at 31 March 2011 are estimated to be \$45,999,076 subject to final market valuations typically provided after month end.

The interest rate reported for March 2011 is estimated to be 4.67% which is below the Bank Bill Swap Rate for the period of 4.92%. The final interest return may vary due to actual returns achieved on investments advised after month end.

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, investment portfolio performance for the period and a statement of compliance in relation to the requirements of the Local Government Act 1993.

Report on Investments

٠	Confirmation of Investments – at Market Value – 28 February 2011	\$44,149,933
٠	Estimated Investments – at Market Value – 31 March 2011	\$45,999,076

Investments increased by approximately \$2 million in March 2011. The main reasons for the increase include the 3rd rates instalment due 28 February, 2011 and payment from the Roads and Traffic Authority for works completed in prior months.

The current rate of return on investments for March 2011 is estimated to be 4.67% which is below the Bank Bill Swap Rate for the period of 4.92%. 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.

There are a number of investments not paying coupons. These include investments in Blackrock Care & Maintenance Fund, Longreach – Series 25, Corsair (Torquay) and five other Lehman Brothers related investments that are terminating. These investments are shown on the 'Estimated Interest' attachment with an estimated interest rate and weighted interest for the period of zero.

The combined effect of the above investments not paying coupons and the maturity of some higher yielding investments such as ING Bank Australia Limited and Suncorp Bank in the past month has resulted in the monthly rate of return on investments to fall below the bank bill swap rate. The maturing funds have been reinvested however interest rates have been lower due to the impact of natural disasters and political turmoil on world markets. Staff are currently considering longer maturity terms on investments and cash flow requirements to increase the rate of return.

In regards to the Blackrock Care & Maintenance Fund, as this fund is being independently managed with a view to its ultimate termination, the payment of a coupon is dependent on funds being available net of costs. A coupon payment has not been recognised as a return on investment this month.

The estimated interest earned for the financial year to March 2011 remains favourable compared to the pro rata Budget. This is expected to fall into line when funds held for capital works are expended.

Quarterly Investment Report

Each quarter Council's independent investment advisors, CPG Research and Advisory, prepare a Quarterly Investment Report on the investment holdings compared to the Target Credit Quality, Counterparty Exposure, Target Asset Allocation and Target Maturity Profile. The report for the December 2010 Quarter indicates strong compliance to the Policy after the lack of liquidity in some investments is taken into consideration. Councillors have been provided with a copy of this report along with a brief summary of the contents.

Sustainability Assessment

Sustainable Economic Growth and Development

Council's main objective in investing funds is to preserve the capital, i.e. prevent any loss to the amount invested, while gaining the most advantageous rate of return with minimum risk.

Best-Practice Corporate Governance

The Local Government Act 1993, Local Government (General) Regulation 2005 and Council's Investment Policy require Council's investments to be reported monthly.

Comments

Finance

Relevant comments have been included in the report and the recommendation supported.

Conclusion

A report on investments is required to be submitted to Council monthly. This report meets that requirement. As at 31 March 2011 investments total \$45,999,076 and the annualised rate of return was 4.67%.

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.

Attachment/s

- 1. Capital Value Movement including name of institution, lodgement date and maturity date
- 2. Estimated Interest showing interest rate and estimated interest earned for the year
- 3. Total Investment Portfolio held by month with last year comparison graphical
- 4. Weighted Average Interest Rate with bank bill swap rate and last year comparison graphical
- 5. Investment by Type graphical
- 6. Investment by Institution as percentage of total portfolio graphical

Recommendation

That the report be received and noted.

Capital Value Movements Summary of Investments held as at 31 March 2011

Name of Investment / & Counterparty	Type of Investment	Rating	Assessment of return of Capital	Purchase Date	Maturity Date	Last Date Confirmed Valuation Available	Balance Sheet Valuation (Note 1)		rent Market Value (Note 4)	
Cash Based Returns										
Blackrock Care & Maintenance Fund	Managed Fund	Not Rated (Note 7)	High	15/10/2008	N/A	31/01/2011	\$ 1,799,597	\$	2,017,847	Note 3
CBA Business On Line Banking A/C	Cash Management Account	Cash	High	N/A	N/A	28/03/2011	\$ 4,900,500	\$	4,900,500	
Macquarie Cash Management Trust	Cash Management Account	Cash	High	1/9/2006	N/A	28/02/2011	\$ 261,646	\$	261,646	1
UBS Cash Management Trust	Cash Management Account	Cash	High	N/A	N/A	28/03/2011	\$ 1,117,507	\$	1,117,507	1
Police & Nurses Credit Union	Term Deposit	Not Rated (Note 7)	High	4/3/2011	4/4/2011	4/03/2011	\$ 2,000,000	\$	2,000,000	1
Bank of Western Australia	Term Deposit	A1+	High	14/12/2010	13/4/2011	14/12/2010	\$ 2,000,000	\$	2,000,000	1
Community CPS Australia Ltd	Term Deposit	Not Rated (Note 7)	High	19/1/2011	19/4/2011	19/01/2011	\$ 1,000,000	\$	1,000,000	1
Newcastle Permanent	Term Deposit	A-2	High	28/1/2011	28/4/2011	28/01/2011	\$ 1,000,000	\$	1,000,000	1
Community CPS Australia Ltd	Term Deposit	Not Rated (Note 7)	High	4/3/2011	3/5/2011	4/03/2011	\$ 2,000,000	\$	2,000,000	1
Defence Force Credit Union	Term Deposit	Not Rated (Note 7)	High	7/12/2010	10/5/2011	7/12/2010	\$ 2,000,000		2,000,000	1
Westpac Banking Corporation	Term Deposit	AA	High	7/12/2010	7/6/2011	7/12/2010	2,000,000	\$	2,000,000	1
Newcastle Permanent	Term Deposit	A-2	High	15/2/2011	15/6/2011	15/02/2011	\$ 1,000,000	\$	1,000,000	1
Bank of Cypress	Term Deposit	Not Rated (Note 7)	High	15/2/2011	15/6/2011	15/02/2011	\$ 1,000,000	\$	1,000,000	
Savings & Loans Credit Union	Term Deposit	Not Rated (Note 7)	High	15/2/2011	15/6/2011	15/02/2011	\$ 2,000,000	\$	2,000,000	
Savings & Loans Credit Union	Term Deposit	Not Rated (Note 7)	High	20/12/2010	20/6/2010	20/12/2010	\$ 1,000,000	\$	1,000,000	
Credit Union Australia (CUA)	Term Deposit	A-2	High	11/1/2011	11/7/2011	11/01/2011	\$ 1,000,000	\$	1,000,000	
Southern Cross Credit Union	Term Deposit	Not Rated (Note 7)	High	13/10/2010	13/7/2011	13/10/2010	\$ 2,000,000	\$	2,000,000	1
IMB Banking & Financial Services	Term Deposit	A-2	High	18/1/2011	19/7/2011	18/01/2011	\$ 1,000,000	\$	1,000,000	1
Bank of Queensland	Term Deposit	A-2	High	19/1/2011	19/7/2011	19/01/2011	\$ 1,000,000	\$	1,000,000	1
Police & Nurses Credit Union	Term Deposit	Not Rated (Note 7)	High	31/1/2011	1/8/2011	31/01/2011	\$ 1,000,000	\$	1,000,000	1
Southern Cross Credit Union	Term Deposit	Not Rated (Note 7)	High	31/1/2011	1/8/2011	31/01/2011	\$ 1,000,000	\$	1,000,000	1
IMB Banking & Financial Services	Term Deposit	A-2	High	2/2/2011	2/8/2011	2/02/2011	\$ 2,000,000	\$	2,000,000	1
Bank of Queensland	Term Deposit	A-2	High	7/12/2010	8/8/2011	7/12/2010	\$ 2,000,000	\$	2,000,000	
Suncorp Bank	Term Deposit	A-1	High	15/2/2011	15/8/2011	15/02/2011	\$ 2,000,000	\$	2,000,000	1
Credit Union Australia (CUA)	Term Deposit	A-2	High	7/3/2011	5/9/2011	7/03/2011	\$ 2,000,000	\$	2,000,000	1
National Australia Bank	Term Deposit	A1+	High	7/12/2010	7/12/2011	7/12/2010	\$ 2,000,000	\$	2,000,000	
Summerland Credit Union	Term Deposit	A-2	High	17/1/2011	17/1/2012	17/01/2011	\$ 1,000,000	\$	1,000,000	
Deutsche Bank CG Yield Curve Note	Euro Bond	A+	High	1/9/2006	18/10/2011	30/06/2010	\$ 247,500	\$	247,500	Note 5
Magnolia (Flinders)	Floating Rate CDO	BB-	Low	1/9/2006	20/3/2012	30/06/2010	\$ 255,000	\$	255,000	Note 5
Omega (Henley)	Floating Rate CDO	ccc	Low	1/9/2006	22/6/2012	30/06/2010	\$ 280,000	\$	280,000	Note 5
Commonwealth Bank of Australia	Term Deposit	A1+	High	30/11/2009	29/11/2012	30/11/2009	\$ 400,000	\$	400,000	1
Beryl (Esperance 2)	Floating Rate CDO	Early Termination	Low	1/9/2006	20/3/2013	30/06/2010	\$ -	\$	-	Note 5
Corsair (Torquay)	Floating Rate CDO	CCC-	Low	1/9/2006	20/6/2013	30/06/2010	\$ 20,000	\$	20,000	Note 5
Zircon (Merimbula)	Floating Rate Note	Early Termination	Low	1/9/2006	20/6/2013	30/06/2010	-	\$	-	Note 5
Corsair (Kakadu)	Floating Rate CDO	CCC-	Low	1/9/2006	20/3/2014	30/06/2010	125.000	\$	125.000	1

Capital Value Movements Summary of Investments held as at 31 March 2011

Name of Investment / & Counterparty	Type of Investment	Rating	Assessment of return of Capital	Purchase Date	Maturity Date	Last Date Confirmed Valuation Available	Balance Sheet Valuation (Note 1)	с	urrent Market Value (Note 4)	
Longreach - Series 25	Equity Linked Investment	A+	High	2/4/2007	4/4/2014	30/06/2010	\$ 759,45	0 \$	759,450	Note 2
Helium (Scarborough)	Floating Rate CDO	ccc-	Low	1/9/2006	23/6/2014	30/06/2010	\$ 16,00	0 \$	16,000	Note 5
Beryl (Global Bank Note)	Floating Rate Note	Early Termination	Low	1/9/2006	20/9/2014	30/06/2010	\$ -	\$	-	Note 5
Zircon (Coolangatta)	Floating Rate CDO	Early Termination	Low	1/9/2006	20/9/2014	30/06/2010	\$	\$	-	Note 5
Aphex (Glenelg)	Floating Rate CDO	ccc-	Low	1/9/2006	22/12/2014	30/06/2010	\$ 100,00	0 \$	100,000	Note 5
Bendigo Bank FR Sub Debt	Subordinate Debt	BBB	Medium	1/9/2006	14/12/2015	31/08/2010	\$ 497,10	0 \$	498,625	Note 5
Zircon (Miami)	Floating Rate CDO	Early Termination	Low	1/9/2006	20/3/2017	30/06/2010	\$ -	\$		Note 5
Investment on Hand							\$ 45,779,30	1 \$	45,999,076	

Investments Redeemed during period (Note 6)

Note 6: Note 7:

pointe (interes)									
ING Bank Australia Limited	Term Deposit	A-1	High	1/9/2010	1/3/2011	1/09/2010	\$ 2,000,000	\$ 2,000,000	5
Credit Union Australia (CUA)	Term Deposit	A-2	High	6/9/2010	7/3/2011	6/09/2010	\$ 2,000,000	\$ 2,000,000	5
Suncorp Bank	Term Deposit	A-1	High	9/11/2010	21/3/2011	9/11/2010	\$ 1,000,000	\$ 1,000,000	5
Elders Rural Bank Sub Debt	Subordinate Debt	BBB-	Medium	1/9/2006	16/3/2016	31/08/2010	\$ 983,890	\$ 1,000,800	2 No
UBS Cash Management Trust	Cash Management Account	Cash	High	N/A	N/A	N/A	\$ 200,000	\$ 200,000	5

\$ 51,963,191 \$ 52,199,876

Note 1: Balance Sheet Valuation is the value reported in Council's Financial Report as at 30 June 2010 or the purchase price for investments purchased post 30/06/10

- Note 2: Capital Guaranteed note if held to maturity Note 3:
- The Balance Sheet Valuation is the Market Value as at 30/6/10 less redemptions during the year. Latest estimates based on information provided by investment managers and prior period performance. Note 4: Note 5:
 - Market Value is the Capital Value of the Investment and any accrual of income.
 - These investments were redeemed during the period and impact on the interest return for the period. They are not part of the Balance of investments Heid.
 - These Counterparties & Products are authorised under the Minister's Investment Order and require no minimum credit rating.

"Indicative" Source of Funds

Externally Restricted Internally Restricted

35,203,093 10,795,983 \$ 45,999,076

and

of institution, lodgement date

Capital Value Movement including name maturity date

Estimated Interest Summary of Investments held as at 31 March 2011

Name of Investment / & Counterparty	Type of Investment	Rating	Annualised Coupon / Interest Rate	Current market Value (Note 6)	Estimated Interest for Period	Weighted Interest for Period	
Cash Based Returns							
Blackrock Care & Maintenance Fund	Managed Fund	Not Rated	0.00%	\$ 2,017,847	\$-	0.00%	Note
CBA Business On Line Banking A/C	Cash Management Account	Cash	4.10%	\$ 4,900,500	\$ 17,064	0.38%	
Macquarie Cash Management Trust	Cash Management Account	Cash	4.75%	\$ 261,646	\$ 1,056	0.02%	
UBS Cash Management Trust	Cash Management Account	Cash	3.82%	\$ 1,117,507	\$ 3,626	0.08%	
Police & Nurses Credit Union	Term Deposit	Not Rated (Note 7)	5.63%	\$ 2,000,000	\$ 8,329	0.18%	
Bank of Western Australia	Term Deposit	A1+	6.05%	\$ 2,000,000	\$ 10,277	0.23%	
Community CPS Australia Ltd	Term Deposit	Not Rated (Note 7)	6.20%	\$ 1,000,000	\$ 5,266	0.12%	
Newcastle Permanent	Term Deposit	A-2	6.00%	\$ 1,000,000	\$ 5,096	0.11%	
Community CPS Australia Ltd	Term Deposit	Not Rated (Note 7)	6.00%	\$ 2,000,000	\$ 8,877	0.20%	
Defence Force Credit Union	Term Deposit	Not Rated (Note 7)	6.26%	\$ 2,000,000	\$ 10,633	0.24%	
Westpac Banking Corporation	Term Deposit	АА	6.14%	\$ 2,000,000	\$ 10,430	0.23%	
Newcastle Permanent	Term Deposit	A-2	5.88%	\$ 1,000,000	\$ 4,994	0.11%	
Bank of Cypress	Term Deposit	Not Rated (Note 7)	6.15%	\$ 1,000,000	\$ 2,190	0.05%	
Savings & Loans Credit Union	Term Deposit	Not Rated (Note 7)	6.03%	\$ 2,000,000	\$ 4,295	0.10%	
Savings & Loans Credit Union	Term Deposit	Not Rated (Note 7)	6.26%	\$ 1,000,000	\$ 5,317	0.12%	
Credit Union Australia (CUA)	Term Deposit	A-2	6.20%	\$ 1,000,000	\$ 5,266	0.12%	
Southern Cross Credit Union	Term Deposit	Not Rated (Note 7)	6.10%	\$ 2,000,000	\$ 10,362	0.23%	
MB Banking & Financial Services	Term Deposit	A-2	6.24%	\$ 1,000,000	\$ 5,300	0.12%	
Bank of Queensland	Term Deposit	A-2	6.45%	\$ 1,000,000	\$ 5,478	0.12%]
Police & Nurses Credit Union	Term Deposit	Not Rated (Note 7)	6.25%	\$ 1,000,000	\$ 5,308	0.12%	
Southern Cross Credit Union	Term Deposit	Not Rated (Note 7)	6.40%	\$ 1,000,000	\$ 5,436	0.12%]
MB Banking & Financial Services	Term Deposit	A-2	6.20%	\$ 2,000,000	\$ 8,833	0.20%	
Bank of Queensland	Term Deposit	A-2	6.45%	\$ 2,000,000	\$ 10,956	0.24%	
Suncorp Bank	Term Deposit	A-1	6.28%	\$ 2,000,000	\$ 10,667	0.24%	
Credit Union Australia (CUA)	Term Deposit	A-2	6.29%	\$ 2,000,000	\$ 9,650	0.21%	
National Australia Bank	Term Deposit	A1+	6.60%	\$ 2,000,000	\$ 11,211	0.25%	
Summerland Credit Union	Term Deposit	A-2	6.35%	\$ 1,000,000	\$ 5,393	0.12%]
Deutsche Bank CG Yleld Curve Note	Euro Bond	A+	6.99%	\$ 247,500	\$ 1,484	0.03%	
Magnolia (Flinders)	Floating Rate CDO	BB-	6.24%	\$ 255,000	\$ 1,590	0.03%	1
Omega (Henley)	Floating Rate CDO	ccc	5.63%	\$ 280,000	\$ 1,913	0.03%	1
Commonwealth Bank of Australia	Term Deposit	A1+	7.00%	\$ 400,000	\$ 2,378	0.05%	1
Beryl (Esperance 2)	Floating Rate CDO	Early Termination	0.00%	\$ -	\$ -	0.00%	1

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Estimated Interest Summary of Investments held as at 31 March 2011

Name of Investment / & Counterparty	Type of Investment	Rating	Annualised Coupon / Interest Rate	Current m Value (Note I		Estimated Interest for Period	Weighted Interest for Period	
Corsair (Torquay)	Floating Rate CDO	CCC-	0.00%	\$ 20	0,000	\$-	0.00%	,
Zircon (Merimbula)	Floating Rate Note	Early Termination	0.00%	\$	-	\$-	0.00%	, ,
Corsair (Kakadu)	Floating Rate CDO	ccc-	6.14%	\$ 125	5,000	\$ 2,607	0.01%	5
Longreach - Series 25	Equity Linked Investment	A+	0.00%	\$ 759	9,450	\$-	0.00%	Note
Helium (Scarborough)	Floating Rate CDO	ccc-	6.63%	\$ 16	6,000	\$ 1,126	0.00%	>
Beryl (Global Bank Note)	Floating Rate Note	Early Termination	0.00%	\$	-	\$-	0.00%	>
Zircon (Coolangatta)	Floating Rate CDO	Early Termination	0.00%	\$	-	\$-	0.00%	>
Aphex (Glenelg)	Floating Rate CDO	ccc-	6.53%	\$ 100	0,000	\$ 2,773	0.01%	>
Bendigo Bank FR Sub Debt	Subordinate Debt	BBB	5.31%	\$ 498	3,625	\$ 2,255	0.05%	5
Zircon (Miami)	Floating Rate CDO	Early Termination	0.00%	\$	-	\$-	0.00%	>
Investment on Hand				\$ 45,999	0,076	\$ 207,436	4.47%	5

Investments Redeemed during period

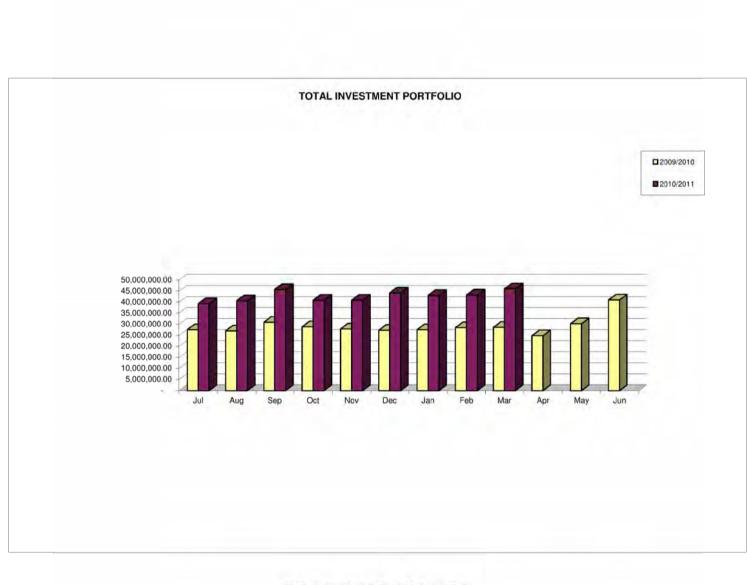
		-		_			
ING Bank Australia Limited	Term Deposit	A-1	6.25%	\$	2,000,000	\$ 342	0.01%
Credit Union Australia (CUA)	Term Deposit	A-2	6.08%	\$	2,000,000	\$ 2,332	0.05%
Suncorp Bank	Term Deposit	A-1	6.25%	\$	1,000,000	\$ 3,596	0.08%
Elders Rural Bank Sub Debt	Subordinate Debt	BBB-	5.48%	\$	1,000,800	\$ 2,402	0.05%
UBS Cash Management Trust	Cash Management Account	Cash	3.82%	\$	200,000	\$ 314	0.01%

31/3/2011 4.67% \$ 52,199,876 \$ 216,422

Investment Income Earned vs. E	Budget	t Year to Date
Estimated interest earned to date	\$	1,802,521
Pro Rata annual budget	\$	1,614,075

Note 1:	Interest return is calculated on (actual interest + accrued interest + realised gains - losses on
	disposal - expenses) / principal value
Note 2:	Capital Guaranteed note if held to maturity
Note 3:	Blackrock Care & Maintenance Fund interest rate is shown as zero as regular distributions are not being received. When a distribution is received the interest rate is adjusted for that month accordingly.
Note 4:	Estimated Interest for Period is calculated by multiplying the annualised rate by the purchase price and reflects both interest accrued and received.
Note 5:	No coupon currently payable under terms of the investment.

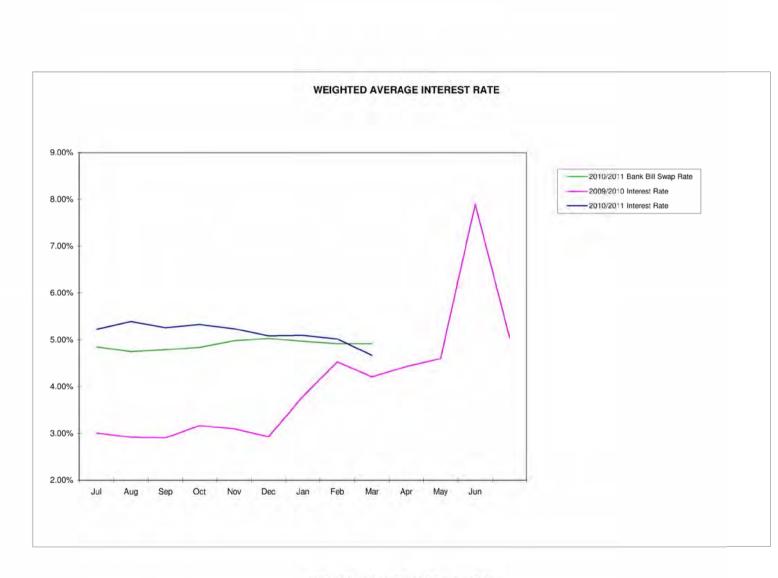
Note 6: Latest estimates based on information provided by investment managers and prior period performance.



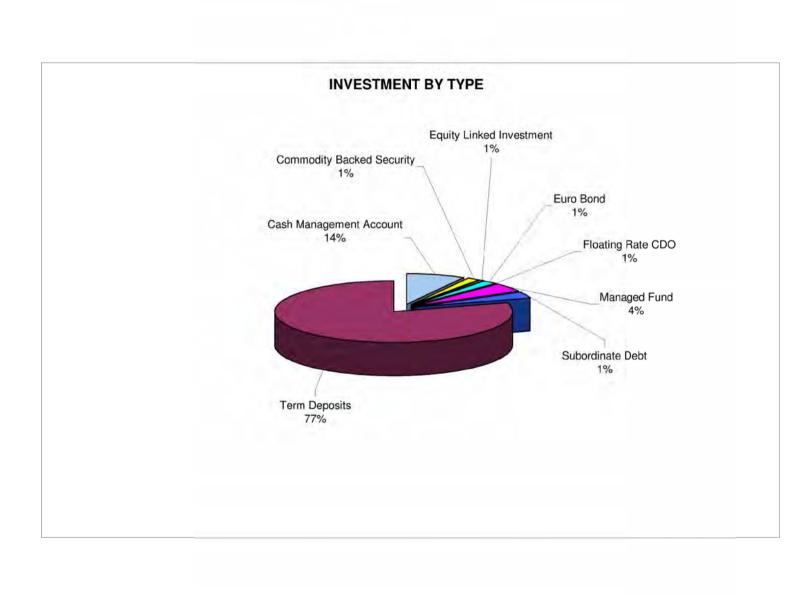
2010-11 Investment Report for council.xls

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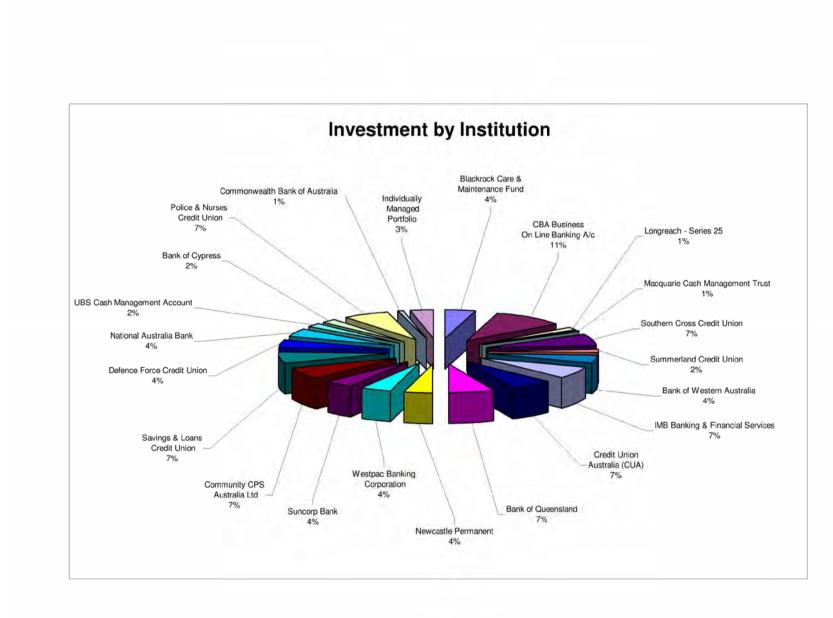


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Committee Recommendations

Committee Recommendation

Committee Recommendation

Traffic Advisory Committee Meeting of 16 March 2011

Attachment/s

1. Traffic Advisory Committee Minutes 16 March 2011

Recommendation

That the minutes be received and adopted and the recommendations contained therein be adopted.

MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD IN THE MAGELLAN ROOM, CBD CENTRE, 55 MAGELLAN STREET, LISMORE, ON WEDNESDAY, 16 MARCH 2011 AT 10.00AM.

Present

Councillor Jenny Dowell (*Chairperson*), Frank Smallman (*RTA*) and Snr Const Peter Kirk (*Lismore Police*).

In Attendance

Garry Hemsworth (*Executive Director-Infrastructure Services*), Lisa Marshall (*Road Safety Officer*) and Bill MacDonald (*Traffic & Emergency Services Co-ordinator*).

Apologies

An apology for non-attendance on behalf of Thomas George, MP was received and accepted.

Confirmation of Minutes

TAC14/11 The Committee was advised that the minutes of the Traffic Advisory Committee meeting held on 16 February 2011 were confirmed by Council at its meeting on 8 March 2011.

Disclosure of Interest

Nil.

Part 'A' – Committee Recommendations

Traffic Management Plan Revision / Risk Assessment - The Channon Craft Market

Advising it is reviewing its Traffic Management Plan and requesting the 40km sign placed at Rocky Creek Bridge be relocated to the eastern side of Nimbin Street.

(CI11/5949:EF10/129)

The Market Manager had identified a risk associated with their set up for market days and the new 40km signs and their placement in that traffic may represent a risk to their workers coming from the village side due to their current location. The existing temporary 40kph zone starts just below Currie Road and finishes just north of Rocky Creek Bridge, a distance of approximately 1.4km. This is short of Coronation Park where the markets are held. As the balance of The Channon Road past the park and through the village is narrow and heavily parked on market days it makes sense to extend the 40kph temporary speed limit to include these areas.

TAC15/11 Recommended: That the existing temporary 40kph speed limit on The Channon Road be extended by a distance of 1.3km to a point 50m north of the FC Ford Bridge north of the village. Further that intermediate 40kph signage be provided to the market organisers that can be placed over existing 50kph signs on market days.

Parking in Conway Street, East of the Wyrallah Road Roundabout

Unsafe parking practices have been observed on the southern side of Conway Street in the slip lane just east of the Wyrallah Road roundabout. (R7307-03)

Vehicles are being parked at 90 degrees to the kerb where there is insufficient road width, creating a significant restriction for through traffic. A 'No Stopping' zone needs to be created to ensure the available parking area is better defined.

TAC16/11 Recommended: That a 'No Stopping' zone be introduced on the southern side of the Conway Street slip lane, east of Wyrallah Road roundabout from a point opposite 104 Conway Street up to Ballina Road.

Jubilee Street Reconstruction

The Design Services Section has forwarded a plan showing a proposal for one way traffic movement to be introduced as part of a road reconstruction proposal.

(RP11/1:R6038)

A plan was tabled at the meeting showing a proposal to introduce one way traffic movement in Jubilee Street, between Diadem Street and Hunter Street east bound, as part of a reconstruction project. Jubilee Street is very narrow and to reconstruct the road to a suitable two way standard would involve significant land acquisition and relocation of services. Current formation is little more than one lane width in any case. It was noted that Leycester Street, which runs parallel to the north, is already one way east bound and Orion Street, which runs parallel to the south is two way, providing ample alternative access routes should they be required.

TAC17/11 Recommended: That one way traffic movement east bound in Jubilee Street, between Diadem and Hunter Streets, be introduced as part of the proposed reconstruction, subject to further consultation and support from residents.

Part 'B' – Determined by Committee

Dangerous Traffic Conditions in Esyth Street

Don Granatelli drawing attention to the potentially dangerous crest on Esyth Street where the roadway is very narrow and backing out of his driveway at No. 12 is a hazard. Requesting either "Slow Down" signs or a speed bump be installed to prevent vehicles speeding over the crest.

Mrs E Lennon drawing attention to the narrow road and the difficulty in leaving her driveway at 21 Esyth Street as her residence is close to the corner of Daphne Street and when cars are parked on the side of the road it is impossible to see traffic coming from Daphne Street into Esyth Street or traffic coming over the crest of the hill from the left. Requesting a method of slowing down traffic to make it safer for both drivers and pedestrians. (Cl11/4549;Cl11/5861: R7437)

Esyth Street is a narrow road linking Wyrallah Road to Cathcart Street. Due to the undulating nature of the road formation there is limited opportunity to widen the road and construct footpaths along its entire length without significant expenditure.

Dangerous Traffic Conditions in Esyth Street (Cont'd)

There are warning signs in place either side of the crest, however there would be benefits in relocating the signage on the western side of the crest and making the message uniform on both sides. **TAC18/11** It was agreed: That the existing warning signage on either side of the crest in Esyth Street be replaced with new signage that would include a 'narrow road' symbol sign and 'slow down' underneath and further that the signage west of the crest be relocated to a point opposite the carport to 3 Esyth Street.

Parallel Parking in Weaver and Carrington Streets

Requesting lines be painted on the road in an effort to maximise the parking at these two locations. (CI11/4588:R6062,R7303)

Ms Blenheim is a nurse at the Lismore Base Hospital Child and Adolescent Mental Health Unit which backs onto the Weaver Street and Fermoy Avenue corner. Outside Nos. 12-14 Weaver Street there is parallel parking space sufficient for three cars but commonly drivers park 2m from the start of the space leaving only enough room for two cars.

Outside the Teacher Federation Building in Carrington Street the space is long enough for two vehicles, however, it is rare that drivers park thoughtfully leaving space for a second car.

Both Weaver Street and Fermoy Avenue are heavily parked each day by what appears to be predominately hospital staff. In the absence of multiple signage defining specific parking areas, a white line has been painted on the road either side of driveways which generally works well in ensuring orderly parking. There is insufficient length to mark out three spaces in accordance with the standard in the area in question. This is similarly the case in Carrington Street.

Whilst it is common for the available space to be utilised by the maximum number of vehicles it is felt that as the majority of parkers in Weaver Street are hospital staff the easiest way to ensure this continues is for staff to negotiate between each other.

TAC19/11 It was agreed: That in the absence of the ability to extend or mark out three parking spaces in the area in front of Nos. 12-14 Weaver Street that it be suggested to the writer that they negotiate with other users who are no doubt regulars, to ensure the maximum number of vehicles can park in this area.

Caniaba Public School - RTA School Zone Flashing Lights Initiative

Advising the Caniaba Public School has been included as one of the next 124 School Zone sites to receive School Zone flashing lights. (CI11/5163:R4701:EF09/2047)

It is not possible to set a date for the installation of the lights, however it is expected this will be completed by June 2011.

Council had nominated four locations that it considered were priorities in terms of the installation of flashing lights at School Zones. These were Caniaba Public School, Goolmangar Public School, Coffee Camp Public School and Modanville Public School. Caniaba Public School is considered a priority due to the variation of its standard School Zone times of operation and accordingly its number one ranking is supported.

TAC20/11It was agreed: That the Roads & Traffic Authority's advice that School Zone flashing
lights at Caniaba Public School would be installed be noted.Pedestrian Facilities in Little Keen Street

Jade Trapp advising of a recent incident that occurred while walking along Little Keen Street and requesting action be taken to address seeding and the lack of a footpath/ pedestrian facilities in the street. (CI11/6267:R7317)

Little Keen Street is very narrow and boundary fences are close to the bitumen seal making it difficult to provide a footpath given its current formation. The condition of the road is deteriorating and would likely warrant reconstruction in the future. As part of any reconstruction and bearing in mind the restricted width of the road, the inclusion of traffic calming measures would assist in reducing residents' safety concerns.

TAC21/11 It was agreed: That this matter be referred to Council's Design Services Section with a view to preparing a plan and estimate of proposed works that would include traffic calming measures that could be forwarded to the Roads Section for inclusion in a future works program.

Speed Limit Reduction on Dunoon Road through Modanville

Mrs K Pirlo lodging a complaint regarding the speed limit on Dunoon Road through Modanville being reduced to 60kph and requesting the 80kph speed limit be reinstated. (C11/6329:R3407-09)

The assumption by the writer that the speed limit was reduced to limit Council's obligations to maintain the road to a suitable condition and as a revenue raising exercise for local police is obviously incorrect. There have been several requests from residents in recent years for the speed limit through Modanville to be reduced which has resulted in a comprehensive review by the RTA to determine what the appropriate speed limit should be. The review includes consideration of road function, roadside development, alignment, delineation, access, hazards, intersections, crash rates amongst others. This is done to ensure consistency in the application of speed limits generally on public roads. The initial survey by the RTA was carried out in 2009 and again reviewed in late 2010 which resulted in the determination that a 60kph speed limited was most appropriate.

It was agreed that a media release should be prepared so the public was aware of the recent changes and that police would be monitoring the area to ensure compliance with the new limit.

TAC22/11 It was agreed: That the writer be advised of the Roads and Traffic Authority's review and it had been determined that the 60kph speed limit was appropriate.

Pedestrian Access across Ballina Road

Guide Dogs NSW/ACT forwarding PAMP suggestions to assist residents with vision impairments. (CI11/6637:R6408-16)

The writer had pointed out that the residential area south of the Bruxner Highway is effectively cut-off from the CBD by high traffic flows and fast moving vehicles. It was noted that this issue had been discussed most recently at the Committee meeting in December 2010 where it was agreed to write to the RTA outlining the community's concerns and requesting it seriously consider the installation of a suitable pedestrian facility on Ballina Road in the vicinity of the City Hall and provide Council with a proposal for a suitable solution at the earliest opportunity.

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Pedestrian Access across Ballina Road (Cont'd)
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Whilst a written reply from the Authority has not been received to date it would appear from verbal advice that it is unlikely any proposal will be forthcoming in the near future. If this is to be the response, it is seen as inadequate and it was agreed Council would continue to pursue a more positive outcome.

It was also suggested that political representation be sought to assist in this regard.

TAC23/11 It was agreed: That Council continue to pursue the issue of a suitable pedestrian facility being provided on Ballina Road.

Closure

This concluded the business and the meeting concluded at 10.45am.

Documents for Signing and Sealing

Document for Signing and Sealing

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

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

Recommendation

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

Outdoor Dining Licence – New Tattersalls Hotel – 108 Keen Street, Lismore (P5751)

Licence for outdoor dining comprising an area of $9.6m^2$ over the footpath adjacent to the premises at 108 Keen Street, Lismore. The licence is in accordance with Lismore City Council Outdoor Dining Policy. The term of the licence is 28 March 2011 – 31 December 2012 and is fee-free in accordance with the Policy.

Outdoor Dining Licence – Just Grounds – 86 Magellan Street, Lismore (P6316)

Licence for outdoor dining comprising an area of $13.5m^2$ over the footpath adjacent to the premises at 86 Magellan Street, Lismore. The licence is in accordance with Lismore City Council Outdoor Dining Policy. The term of the licence is 1 January 2011 – 31 December 2012 and is fee-free in accordance with the Policy.

Outdoor Dining Licence – Big Robs – 77 Keen Street, Lismore (P20999)

Licence for outdoor dining comprising an area of $5.05m^2$ over the footpath adjacent to the premises at 77 Keen Street, Lismore. The licence is in accordance with Lismore City Council Outdoor Dining Policy. The term of the licence is 1 April 2011 – 31 December 2012 and is fee-free in accordance with the Policy.

Outdoor Dining Licence – Goanna Bakery – 171 Keen Street, Lismore (P5624)

Licence for outdoor dining comprising an area of 15.4m² over the footpath adjacent to the premises at 171 Keen Street, Lismore. The licence is in accordance with Lismore City Council Outdoor Dining Policy. The term of the licence is 1 January 2011– 31 December 2012 and is fee-free in accordance with the Policy.

Outdoor Dining Licence – La Baracca – 29 Keen Street, Lismore (P5593)

Licence for outdoor dining comprising an area of 14.1m² over the footpath adjacent to the premises at 29 Keen Street, Lismore. The licence is in accordance with Lismore City Council Outdoor Dining Policy. The term of the licence is 1 January 2011– 31 December 2012 and is fee-free in accordance with the Policy – however repayment for previous construction costs will continue.

Outdoor Dining Licence – Lismore Pie Cart – 11 Magellan Street, Lismore (P23113)

Licence for outdoor dining comprising an area of $63.3m^2$ over the footpath adjacent to the premises at 11 Magellan Street, Lismore. The licence is in accordance with Lismore City Council Outdoor Dining Policy. The term of the licence is 1 January 2011– 31 December 2012 and is fee-free in accordance with the Policy – however repayment for previous construction costs will continue.

Outdoor Dining Licence – Thai Satay – 143 Keen Street, Lismore (P5618)

Licence for outdoor dining comprising an area of $27m^2$ over the footpath adjacent to the premises at 143 Keen Street, Lismore. The licence is in accordance with Lismore City Council Outdoor Dining Policy. The term of the licence is 1 January 2011– 31 December 2012 and is fee-free in accordance with the Policy – however repayment for previous construction costs will continue.

Financial Assistance – Section 356

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

Spent to date: \$20,382

Tropical Fruits are requesting Council discount the hire fees (\$796) for use of the City Hall to hold the annual Easter fund raising event on 23 April 2011. An entrance fee will be charged. *Recommendation:* In accordance with Clause 5 of the policy, a donation 20% of the hire fees applies.

In accordance with policy.

Budget: \$21,400

\$159.20

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

Budget: \$15,000 Spent to date: \$10,704.06

<u>February 2011</u> Multitask \$70.80 Five Loaves \$290.90 Friends of the Koala \$69.53 Lismore Soup Kitchen \$21.82 1st Lismore Scout Group \$50.91 LifeLine \$229.80 St Vincent De Paul \$43.64 Westpac Life Saver Helicopter \$58.20

Total \$835.60

In accordance with policy.

c) Development & Other Application Fees – Policy 1.4.7 (GL390.200.15) Budget Approved: \$11,100 Spent to date: \$2,959

Lismore Thistles Soccer Club are requesting Council waive or reduce fees (\$440) associated with a development application for upgrading of existing lights at Thistles Park. *Recommendation:* In accordance with clause B of the policy, a donation of 30% of the development application fees applies.

\$132.00

In accordance with policy.

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

Budget: \$2,700 Spent to date:\$1,050

Rous Public School are seeking assistance with raising funds for educational materials through their 32nd Annual Bonfire and Fireworks Extravaganza on Saturday, 4 June 2011 (CI11/6974).

\$100

Lismore Minister's Fellowship are seeking assistance for their National Day of Thanksgiving celebrations honouring people and services that assist people with disability on Sunday, 29 May 2011.

\$100

Paddle for Life are seeking a donation for their next fundraising event on Saturday, 16 April 2011 and the 2011 beneficiaries are Summerland Early Intervention and Southern Cross LADS (ED11/6090).

\$100

MDF for Clunes Old School Association are seeking a donation for the purchase of plants for community planting in Avalon Avenue and Remnant Drive, Clunes.

\$100

e) Miscellaneous Community Donations – Policy 1.4.13 (GL390.525.15)

Budget Approved:\$30,500 Spent to date: \$29,112

Paddle for Life are requesting Council sponsorship for the cost of signage (\$350). The Paddle for Life launch is on 16 April 2011(ED11/6090).

Comment: A \$30,500 budget was provided for Miscellaneous Community Donations in 2010/11. A public submission process took place in mid 2010 and Council determined the successful applicants at its 13 July 2010 meeting. A total of \$29,112 was allocated leaving \$1,388 available for urgent donation request.

The request from Paddle for Life has not been assessed against the policy criteria however, it is considered an urgent donation request. It is supported and proposed that a donation of \$250 be made from Miscellaneous Community Donations. A donation of \$100 is separately reported from the Mayor's Discretionary Fund.

Recommendation: A donation towards the cost of signage applies.

\$250.00

f) Donations to Rural Halls – Policy 1.4.11 (GL390.680.15) (GL390.705.15)

Budget: \$29,000 and \$16,600

Spent to date: \$29,000.00 and \$16,441.60

Recommendation: In accordance with policy, a donation towards maintenance and rates is made to the following 29 rural halls:

Financial Assistance – Section 356

Rural HallMaintenanceRatesTotEltham Public Hall\$1,000.00\$610.83\$1,61Corndale Hall\$1,000.00\$597.18\$1,59Clunes Public Hall\$1,000.00\$893.26\$1,89Keerrong Public Hall\$1,000.00\$724.60\$1,72Rock Valley Public Hall\$1,000.00\$677.85\$1,67Rosebank Public Hall\$1,000.00\$853.67\$1,85Ruthven Public Hall\$1,000.00\$518.99\$1,51Whian Whian Public Hall\$1,000.00\$750.25\$1,75	0.83 7.18 3.26 4.60 7.85 3.67
Corndale Hall\$1,000.00\$597.18\$1,59Clunes Public Hall\$1,000.00\$893.26\$1,89Keerrong Public Hall\$1,000.00\$724.60\$1,72Rock Valley Public Hall\$1,000.00\$677.85\$1,67Rosebank Public Hall\$1,000.00\$677.85\$1,67Ruthven Public Hall\$1,000.00\$518.99\$1,51	7.18 3.26 4.60 7.85 3.67
Clunes Public Hall \$1,000.00 \$893.26 \$1,89 Keerrong Public Hall \$1,000.00 \$724.60 \$1,72 Rock Valley Public Hall \$1,000.00 \$677.85 \$1,67 Rosebank Public Hall \$1,000.00 \$853.67 \$1,85 Ruthven Public Hall \$1,000.00 \$518.99 \$1,51	3.26 4.60 7.85 3.67
Keerrong Public Hall \$1,000.00 \$724.60 \$1,72 Rock Valley Public Hall \$1,000.00 \$677.85 \$1,67 Rosebank Public Hall \$1,000.00 \$853.67 \$1,85 Ruthven Public Hall \$1,000.00 \$518.99 \$1,51	4.60 7.85 3.67
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Whian Whian Public Hall \$1,000.00 \$750.25 \$1,75	0.25
South Gundurimba Hall \$1,000.00 \$394.05 \$1,39	4.05
Caniaba Literary Institute \$1,000.00 \$928.14 \$1,92	8.14
Blue Knob Public Hall \$1,000.00 \$568.22 \$1,56	8.22
Koonorigan Hall \$1,000.00 \$679.92 \$1,67	9.92
Coffee Camp Public Hall \$1,000.00 \$589.73 \$1,58	
Numulgi Public Hall \$1,000.00 \$762.66 \$1,76	
Tullera Public Hall \$1,000.00 \$853.67 \$1,85	3.67
Nimbin School of Arts \$1,000.00 \$1,487.76 \$2,48	7.76
Goolmangar School of Arts \$1,000.00 \$746.11 \$1,74	6.11
Jiggi School of Arts \$1,000.00 \$724.60 \$1,72	4.60
Repentance Creek Hall \$1,000.00 \$679.92 \$1,67	9.92
Dungarubba Memorial Hall\$1,000.00Non Rateable\$1,00	0.00
Dorroughby Hall\$1,000.00Non Rateable\$1,00	0.00
Dunoon Hall\$1,000.00Non Rateable\$1,00	0.00
Wyrallah Hall Association\$1,000.00Non Rateable\$1,00	0.00
Tregeagle Hall \$1,000.00 Non Rateable \$1,00	0.00
Bexhill School of Arts \$1,000.00 Non Rateable \$1,00	0.00
Roy Waddell Community\$1,000.00Non Rateable\$1,00Centre	0.00
The Channon Hall\$1,000.00Non Rateable\$1,00	0.00
Billen Cliffs Hall \$1,000.00 Non Rateable \$1,00	0.00
Tuntable Creek Hall\$1,000.00Non Rateable\$1,00	0.00
Totals \$29,000.00 \$14,041.41 \$43,04	11.41

g) Donations to Community Organisations – Policy 1.4.14 (GL390.151.15) (GL390.300.15) (GL390.310.15) (GL390.355.15) (GL390.565.15) (GL390.570.15) (GL390.705.15) (GL390.441.15) (GL390.447.15) (GL 390.560)(GL390.291.15) (GL390.562.15)

Budget: \$2,000, \$5,000, \$2,000, \$700, \$4,600, \$2,000, \$16,600, \$1,000, \$20,000, \$40,000, \$11,000 and \$5,000 Spent to date: \$2,000, \$2,229, \$2000, \$700, \$4,600, \$2,000, \$16,441.60, \$1,000, \$20,000, \$30,000, \$0 and \$0

Recommendation: In accordance with policy and the 2010/11 Budget, a donation is made to the following organisations:

Clunes Old School Association	\$2,000.00
Far North Coast Life Education	\$5,000.00
Friends of the Koala	\$2,000.00
Richmond River Historical Society	\$700.00
North Coast Academy of Sport	\$4,600.00
North Coast National A&I Society	\$2,000.00
NSW Police Citizens Boys Club	\$897.00
Nimbin A&I Society	\$804.40
Nimbin Headers Sports Club	\$698.79
Home Garden Education Club	\$1,000.00
Lismore Showgrounds Trust	\$20,000.00
NORPA (Cultural Program)	\$40,000.00
Five Loaves – Caring is sharing	\$11,000.00
Nimbin Mardi Grass	\$5,000.00

Attachment/s

There are no attachments for this report.

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 COUNCIL CHAMBERS ON TUESDAY, 8 MARCH 2011 AT 6.00PM.

Present

Mayor, Councillor Dowell; Councillors Houston, Battista, Meineke, Clough, Chant, Graham, Yarnall, Ekins, Marks, and Smith, together with the General Manager, Executive Director-Sustainable Development, Executive Director-Infrastructure Services, Manager-Finance, Manager-Assets, Manager- Development and Compliance, Manager-Integrated Planning, Acting Manager-Arts, Tourism and Leisure, Manager-Works, Manager-Corporate Services, Strategic Planning Coordinator, Development Assessment Officer (Planning), Senior Development Assessment Officer (Planning), Social Planner (Community Services), Development Engineer, Environmental Strategy Officer (Ecologist), Corporate Compliance Co-ordinator, Elected Members and Corporate Services Support Officer and the General Manager's Personal Assistant.

Leave of Absence

312/11 **RESOLVED** that a leave of absence granted for:

Councillor Meineke from 16-23 March 2011 Councillor Houston from 23-30 March 2011 Councillor Smith 14-18 March 2011

(Councillors Clough/Marks)

Voting for:	Councillors Houston, Meineke, Clough, Chant, Marks, Battista, Dowell, Graham, Yarnall, Ekins and Smith
Voting against:	Nil

Confirmation of Minutes

313/11 **RESOLVED** that the minutes of the Lismore City Council held on 8 February 2011 be confirmed.

(Councillors Clough/Chant)

Voting for:	Councillors Houston, Meineke, Clough, Chant, Marks, Battista, Dowell, Graham, Yarnall, Ekins and Smith
Voting against:	Nil

Disclosure of Interest

Councillor Dowell declared a non-significant conflict of interest in the following item:

Report – Development Application 5.2010.77 – Cameron Road, McLeans Ridges

Nature of Interest: Having checked the objectors list of people who have objected to this DA, some made non-reportable donations to me or provided assistance to my election campaign. I do not regard this as a significant conflict and I will participate in the vote on this matter.

Councillor Houston declared a non-significant conflict of interest in the following item:

Report – Development Application 5.2010.77 – Cameron Road, McLeans Ridges

Nature of Interest: Some opponents of this DA made contributions to my campaign, in amounts less than \$1,000. My intention is to stay in the Chamber and vote on the matter.

Councillor Battista declared a non-significant conflict of interest in the following item:

Report – Proposed 2011/2012 Roads Capital Works Program

Nature of Interest: I live in Ashgrove Drive and drive every day on Mountain View Drive.

Councillor Meineke declared a pecuniary conflict of interest in the following item:

Report – Traffic Advisory Committee Meeting Minutes of 16 February 2011

Nature of Interest: Minute Number TAC 10/11 relates to a client of mine.

Councillor Yarnall declared a significant conflict of interest in the following item:

Report – Development Application 5.2010.77 – Cameron Road, McLeans Ridges

Nature of Interest: Members of McLeans Ridges community donated to my election campaign, in amounts less than \$1,000.

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:

Kerry Wilson - Discounted Milk Prices

Mr Wilson outlined the business and community role of NORCO. He raised concerns that the present price reductions would have long-term adverse impacts upon the future viability of local farmers and food security.

Heather Dunn - Development Application 5.2010.77 - Cameron Road, McLeans Ridges

Ms Dunn spoke against the proposed development citing concerns over road safety, including intersections, loss of amenity and issues of sustainability. She asked that Council determine the application on its merits.

John Van Arrondonk - Development Application 5.2010.77 - Cameron Road, McLeans Ridges

Mr Van Arrondonk stressed the efforts by the local land owners to prepare a quality development in response to community concerns. He claimed this would have long-term benefits of the community.

Mike Berry - Development Application 5.2010.123.1 - Dunoon Subdivision

Mr Berry spoke in general support of the subdivision, stressing the improvement of the current design over that previously lodged. However, he advised there were still concerns over noise and lighting issues but that conditions of consent would mitigate these. He also raised the issue of possible land acquisition.

Damien Chapelle - Development Application 5.2010.123.1 - Dunoon Subdivision

Mr Chapelle spoke to the history of the Balzer family in this development and others in Dunoon. He spoke to the design compromises made to improve the development. He raised concerns about any further costs associated with any additional conditions but advised that land dedication could be discussed in the future.

Paul Recher - Lismore Tourist Caravan Park

The speaker was not in attendance at the meeting.

Peter Harris - Lismore Tourist Caravan Park

Mr Harris raised concerns over what would happen to the current residents if the current lessee removed the vans if Council closed the park. He advised there was inadequate low cost housing to relocate these people.

Condolences

Condolence for the people of New Zealand(Cr Jenny Dowell) - ef10/363

I rise to move a condolence motion to the people of New Zealand and those within this Council and community with New Zealand heritage.

This Council acknowledges the tragedy that struck Christchurch at 12.51pm on 22 February 2011. At that time, while workers, students and tourists went about their daily lives in the CBD of that beautiful, historic city, a catastrophic earthquake struck bringing down buildings, opening chasms in the earth and burying an estimated 220 people.

We as Australians have a unique relationship with our cousins across the ditch. We love to beat them at cricket, netball or any code of football. But when tragedy strikes either of our countries, there is no stronger friendship.

When Queensland needed help, New Zealand was quick to offer. Conversely, this earthquake has seen a swift response from emergency workers including police and rescue from Victoria, Queensland and NSW.

Two Australians lost their lives in this earthquake. So Australian families are grieving alongside hundreds of NZ families and those from other countries who lost a loved one.

To honour the lives lost and to express our sympathy to New Zealanders and to show our compassion for those of our own staff with family connections and the bond of country of birth, I ask that you stand while we spend a moment in silence.

RESOLVED that Council's expression of sympathy be conveyed to the people of New Zealand and the MOTION was APPROVED with members standing and observing the customary moments silence.

Condolence for Frank Roberts (Cr Jenny Dowell) - ef10/363

Frank Roberts - 5 March 1945 - 7 February 2011

I rise to move a Condolence Motion to honour Francis Roy Roberts, known as Frank, who died suddenly from a heart attack in Armidale on Monday, 7 February 2011.

Frank was born here in Bundjalung Country at Cubawee on 5 March 1945. Cubawee was a place where many families were forcibly re-located but it became a much-loved home and 'place of plenty' for many years. Today the site has been returned to local Bundjalung ownership and is being developed as a site for celebrations and learning. Roberts family members are key participants in these special occasions and I extend sympathies to them all and to others of the Bundjalung Nation who mourn Frank's passing.

There can be no higher honour for a sportsman than to represent his country at an Olympic Games. To have been the first Indigenous Australian Olympian is something for which his family will forever be proud. Frank was a 16 year old boxer at the 1968 Tokyo Olympic Games and his lifelong passion has been to train and mentor other young boxers-something he continued to do until his sudden death.

Frank's family know the husband, father and grandfather Frank. To the broader Armidale community and the people of the Kamilaroi Nation, on whose land he has lived for the past 40 years, it is not the Olympian but, as 'Honest Frank', a man of integrity, humour and commitment to helping young people in the sport he loved that will be his most important and lasting legacy.

On Australia Day last month, Frank was honoured with the Armidale-Dumaresq Mayor's Special Contribution to the Community Award for his 40 years as a great leader of your community's young people, improving their fitness while teaching them about sharing and respect. Little would the community or his family have suspected that this award would be the last Frank would receive in this life.

Frank was a **proud Bundjalung man**, a leader of his people and the community. He will be sadly missed.

Frank was honoured with a State funeral in Armidale on Wednesday, 16 February.

I extend Lismore Council's condolences to Frank's wife Dianne, his daughter Dorothy and her husband Darryl, his son Frank and his wife Jodee and his grandchildren and great grandchild.

I ask that Councillors and Gallery stand and observe a moment's silence in honour of Frank Roberts.

315/11 **RESOLVED** that Council's expression of sympathy be conveyed to the family of Mr Roberts and the MOTION was APPROVED with members standing and observing the customary moments silence.

Mayoral Minutes

8.1 Referendum on Constitutional Recognition

- 316/11 **RESOLVED** that Council:
 - 1. Declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly;
 - 2. Supports inclusion of local government in any new Preamble to the Constitution if one is proposed;
 - 3. Calls on all political parties to support a referendum by 2013 to change the Constitution to achieve recognition of Local Government; and
 - 4. Writes to the Prime Minister, Opposition Leader and Member for Page to advise them of this Council's position.

(Councillors Dowell/Marks) (BP11/103)

Voting for:Councillors Houston, Meineke, Clough, Chant, Marks, Battista,
Dowell, Graham, Yarnall, Ekins and Smith

Voting against: Nil

8.2 NSW Election Priorities 2011

317/11 **RESOLVED** that Council:

- 1. Supports the LGSA's *NSW Election Priorities 2011* and the request for an official response from all political parties contesting the 2011 NSW Election.
- 2. Contacts our local State Member of Parliament and candidates seeking their response to the *NSW Election Priorities 2011*.

(Councillors Dowell/Clough) (BP11/120)

Voting for:Councillors Houston, Meineke, Clough, Chant, Marks, Dowell,
Graham, Yarnall, Ekins and SmithVoting against:Councillor Battista

8.3 Centenary of International Women's Day

318/11 **RESOLVED** that Council:

- 1. Recognises the significance of the 100th Global Centenary of International Women's Day on 8 March 2011.
- 2. Re-affirms its strong commitment to work within Council and with our community to:
 - a) eliminate barriers to women's participation; and
 - b) embody the principles of gender equity into all we do.

(Councillors Dowell/Graham) (BP11/126)

Voting for:	Councillors Houston, Meineke, Clough, Chant, Marks, Battista, Dowell, Graham, Yarnall, Ekins and Smith
Voting against:	Nil

Notice of Motions

10.1 Committee Reports

319/11 **RESOLVED** that in order to improve information exchange between Councillors:

1. Monthly briefing Councillor reports include the agenda for, all County Council, committee and Policy Advisory Group meetings in the prior month.

2. The Mayor request Councillors to provide a brief verbal report on the relevant agenda. (Councillors Ekins/Clough) (BP11/104)

Voting for:	Councillors Houston, Clough, Chant, Dowell, Yarnall, Ekins and Smith
Voting against:	Councillors Meineke, Marks, Battista and Graham

10.2 Discounted Milk Prices

320/11 **RESOLVED** that Council write to the Australian Competition and Consumer Commission (ACCC) requesting that it investigate the sale of heavily discounted generic brand milk in large supermarkets, especially Coles and Woolworths. This investigation is to focus on the impact of the discounting on the longer term viability of all aspects of the Australian dairy industry.

(Councillors Clough/Graham) (BP11/110)

Voting for:Councillors Houston, Meineke, Clough, Chant, Marks, Battista,
Dowell, Graham, Yarnall, Ekins and Smith

Voting against: Nil

Reports

12.1 Development Application 5.2010.77 - Cameron Road, McLeans Ridges

A MOTION WAS MOVED that Council refuse Development Application 5.2010.77.1 for the following reasons:

- Pursuant to Section 79C(1)(a)(i) of the Environmental Planning & Assessment Act 1979 the proposed subdivision proposal does not comply with Clause 30.1 objectives (a) and (b) of the 1(a) General Rural Zone of Lismore Local Environmental Plan, 2000.
- Pursuant to Section 79C(1)(a)(ii) of the Environmental Planning & Assessment Act 1979 the proposed subdivision proposal does not comply with the objectives of the R5 -Large Lot Residential zone under the 'draft' Lismore Local Environmental Plan, 2010.
- 3. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning & Assessment Act 1979 the proposed subdivision proposal does not comply with Clause 20 Buffer zones to avoid potential land use conflicts of Lismore Local Environmental Plan 2000 as the proposed development is not compatible with the existing land uses in the locality or with surrounding established development and therefore the application does not sufficiently address the issue of rural land use conflicts.
- 4. Pursuant to Section 79C(1)(b) of the Environmental Planning & Assessment (EP&A) Act 1979 the proposed subdivision is likely to have a negative impact upon the natural environment as the development does not sufficiently take into account the cumulative impacts of expanding the numbers of on-site sewerage management treatment systems on the Lismore (Wilson River) Water Catchment area.
- 5. Pursuant to Section 79C(1)(b) of the Environmental Planning & Assessment (EP&A) Act 1979 the proposed development is likely to have a negative impact upon the natural environment as the application does not address the potential negative environmental impact upon the existing koala population from increased pet numbers and traffic movements associated with the proposed subdivision.

- 6. Pursuant to Section 79C(1)(c) of the Environmental Planning & Assessment (EP&A) Act 1979 the subject land is not considered suitable for the development as the subdivision proposal is inconsistent with the Rural Housing Strategy, Lismore Community Strategic Plan 2008-2018, Department of Planning 'Settlement Planning Guidelines, 2007' and does not satisfy the requirement for ecologically sustainable development under Section 8 of the Local Government Act, 1993.
- Pursuant to Section 79C(1)(c) of the Environmental Planning & Assessment (EP&A) Act 1979 the subject land is not considered suitable as the development will adversely impact the scenic quality and amenity of the area.
- 8. Pursuant to Section 79C(1)(e) of the Environmental Planning & Assessment (EP&A) Act 1979 the development is not considered to be in the public interest as the subdivision will place an unfair economic burden on the rest of the community.
- 9. Pursuant to Section 79C(1)(e) of the Environmental Planning & Assessment (EP&A) Act 1979 there were a number of public submissions from residents within McLeans Ridges in objection to the development proposal and therefore the development is not considered to be in the public interest.

(Councillors Yarnall/Clough) (BP11/109)

On submission to the meeting the MOTION was DEFEATED.

Section 375A Voting Record

Voting for:	Councillors Houston, Clough, Yarnall and Ekins
Voting against:	Councillors Meineke, Chant, Marks, Battista, Dowell, Graham and Smith

321/11 **RESOLVED** that:

- A. Council grant approval to the further 'Planning Agreement' of 2011 prepared by McCartney Young Laywers, subject to an amendment to clause 13.1.3 to state: 'park embellishments to the value of \$70,000 (indexed to the Sydney Building Price Index (as adjusted to reflect regional variations)) have been constructed and installed on the Community Lot including a picnic shelter, slab floor, tables, seating, bin, swing, tank and water tap and landscape trees to the Council's satisfaction in accordance with a plan approved by the Council.'
 - execute the 'Planning Agreement' attached to this report (as amended in accordance with the above words or equivalent) under the common seal of Council;
 - 2. Forward a copy of the Planning Agreement to the Minister for Planning within 14 days of the Agreement being entered into by Council;
 - 3. Not proceed with the Draft Section 94 Contributions Plan for a Neighbourhood Park in Cameron Road, McLeans Ridges;
 - 4. Give public notice that the Draft Section 94 Contributions Plan will not proceed in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*

B. **THAT** Council, grant consent to Development Application No. 5.2010.77.1, subject to the following conditions.

Conditions of Consent

General

1 In granting this development consent, Council requires:

All proposed works be carried out in accordance with any amendment or modification outlined in these conditions Compliance with the requirements of the *'Cameron Road Planning Agreement'* dated 16 October 2008 (as amended), and the further "Cameron Road Planning Agreement" of 2011 prepared by McCartney Young Lawyers between Lismore City Council and Cameron Road Landowners.

and be substantially in accordance with the following approved plans submitted with the application:

Drawer/Name Ardill Payne & Partners Ardill Payne & Partners	Description of Plan Lot & Residue Layout Plan 1:2500 Lot Layout Plan – Alternate Park PART 'A'	Job No. Job No. 6937 Job No. 6937	Drawing No. LP-B01 LP-B02	Date 29/10/201 29/10/201
Ardill Payne & Partners	Lot Layout Plan – Alternate Park PART 'B'	Job No. 6937	LP-B03	29/10/201
Ardill Payne & Partners	Alternate Community Lot Details	Job No. 6937	CL1	18/06/10

A copy of the approved plans are attached to this consent.

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

Planning

2 **Prior to the release of any Subdivision Certificate** the Applicant is to submit a written report to Council for review and certification from Council (by way of letter) detailing how all monetary and work commitments made under the *'Cameron Road Planning Agreement'* and the further "Cameron Road Planning Agreement" of 2011 prepared by McCartney Young Lawyers between Lismore City Council and Cameron Road Landowners have been complied with or completed.

Reason: To correctly describe what has been approved, ensure that the proposed development addresses the increased demands for services and facilities arising from the proposal at the relevant stages, and comply with the relevant legislated requirements. (EPA Act Sec 79C)

3 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 **\$40,404.00**, are set out in the schedule for your information. Should the proponent wish to pay the Section 94 levies in one instalment, and 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)

Engineering

4 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))

5 **Prior to the issue of a Construction Certificate for Subdivision earthworks** all earthworks, roadworks, stormwater drainage structures and associated civil infrastructure as shown in the Ardill Payne & Partners drawing LP-B01, LP-B02 and LP-B03 dated 29 October 2010 shall be amended as required so that all infrastructure is designed and constructed in accordance the Northern Rivers Local Government Development and Design manual (as amended) and Chapter 6 of Lismore Development Control Plan - Part A "Subdivision and Infrastructure – Village and Rural Subdivision" as well as amendments listed elsewhere in this approval. The proponent shall be responsible for any costs, including maintenance, for a period of six months from the date of approval of completion of the work and shall lodge a security equivalent to 5% of the cost of the works with Council to guarantee rectification of any defects.

Reason: To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a) & and to specify requirements for approval under section 138 of the Roads Act.

6 **Prior to the issue of a Subdivision Certificate** the proponent shall dedicate to Council as road reserve a parcel of land as detailed on the Ardill Partner & Partners Drawing 6937 LP-B01, which is located between lots 5 and 6 and connects Road 1 through to the existing unconstructed road reserve which lies between lot 123 DP 731488 (proposed residual lot 500) and lot 1 DP 441201

Reason: To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C (a) & and to specify requirements for approval under section 138 of the Roads Act.

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 **Prior to issue of the Subdivision Certificate**, a Certificate of Compliance from an accredited electricity infrastructure provider shall be required confirming that it has provided underground electrical power to each lot, street lighting for the development at the following locations:
 - Each road intersection
 - Each cul-de-sac head
 - Each significant change in horizontal road alignment

In accordance to the Australian Standard 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))

9 **Prior to issue 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))

10 **Prior to the issue of a Subdivision Certificate** all utility services shall be relocated to ensure that all services are located within the respective lots to which they service or alternatively appropriate easements covering encroaching services be created upon the subdivision certificate. A plan showing the location of each of these services for the lots shall be lodged with the Subdivision Certificate.

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

11 **Prior to commencement of construction** the proponent shall provide Council with a Certificate of Final Design Approval from the relevant utility provider.

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

12 No restriction as to user shall be imposed upon any allotment that would purport to restrict development that would otherwise be permissible under the terms of the Lismore Local Environmental Plan or the Environmental Planning and Assessment Act.

Reason: To ensure appropriate planning controls are applied to the development and to comply with Clause 26 of the Lismore Local Environmental Plan.

13 Road names proposed for the subdivision shall be submitted to Council and the Geographical Names Board for **approval with the Construction Certificate** application for the subdivision works. A suitable name for any new roads shall be in accordance with Council and Geographic Names Board Policy.

Reason: To ensure premises are able to be reasonably located by emergency services and the like.

14 Street signage in accordance with Council's adopted standard shall be erected **prior** to release of the Subdivision Certificate.

Reason: To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C (a))

15 **Prior to release of the Subdivision Certificate** the proponent shall place street number identification at the road frontage of the property to indicate the property address.

Reason: To identify the property correctly (EPA Act Sec 79C (e)).

16 If the existing physical road to which the subdivision fronts encroaches upon the subject land then the area of encroachment must be surveyed out and dedicated to Council as road reserve as part of the subdivision certificate.

Reason: To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C (a))

17 Prior to the issue of a subdivision certificate, the proponent shall apply for the closure of the unformed road **reserve contained within** the proposed subdivision and in the event that the application is successful incorporate the closed road into the subject blocks

Reason: To eliminate redundant road reserves and limit the creation of severed parcels of land. .

18 **Prior to the issue of a Subdivision Certificate**, the proponent shall apply for the closure of the unformed road reserve dissecting proposed lots 9 to 11 and 21 to 25 and in the event that the application is successful incorporate the closed road into the subject lots.

Reason: To eliminate redundant road reserves and limit the creation of severed parcels of land.

Geotechnical

19 **Prior to being issued with a Construction Certificate**, certification from a practising qualified engineer experienced in soil mechanics is required verifying the following:

proposed civil engineering works, including retaining walls, have been assessed as structurally adequate,

proposed civil engineering works will not be affected by landslip either above or below the works,

proposed civil engineering works will not be affected by subsidence either above or below the works,

adequate drainage has been proposed to ensure the stability of the proposed civil engineering works .

Reason: To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 79C(c))

20 **Prior to** being **issued with a Construction Certificate** a qualified practising structural engineer shall provide **Council** with a design certification for any proposed retaining walls in the development. The certification shall state that the walls have been designed to resist soil and water loadings for full saturation of the height of the wall and surcharge from any structure within the zone of influence of the wall. Retaining walls shall be founded on residual soil or weathered rock. Any proposed retaining wall shall be constructed wholly within the lots. No retaining wall shall be constructed upon the road reserve.

Reason: To ensure the development is constructed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 79C(b))

21 **Prior to release of the Subdivision Certificate** a qualified practising structural engineer shall provide Council with a certificate of structural adequacy for any structures, including retaining walls, constructed as part of the development.

Reason: To ensure the development is constructed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 79C(b))

22 Bulk earthworks shall not commence on site until the release of the Construction Certificate.

Reason: To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 79C(c))

23 The slope of any cut or fill batter shall not exceed 1:4 unless specific geotechnical advice as to the stability of the proposed batters is provided by a suitably qualified geotechnical engineer.

Reason: To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 79C(c))

24 During construction any area of seepage identified at the base of filling or behind filling shall be brought to the attention of the supervising geotechnical engineer and treated by the provision of a suitable drainage mechanism. Details of any necessary works are to be provided to Council.

Reason: To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 79C(c))

25 **Prior to the release of the Subdivision Certificate**, a NATA registered geotechnical testing authority shall submit documentary evidence in the form of level 1 certification, certifying that any fill material has been placed in accordance with Australian Standard 3798 "Guidelines on earthworks for commercial and residential developments". The completion report must note that the; foundation, fill materials, workmanship, fill compaction density and fill moisture contents are acceptable for the intended and certified use of the fill and meet the specifications of the site. Filling in excess of 2m of height must be accompanied by a geotechnical slope stability analysis of the final construction undertaken using limit equilibrium techniques and site specific parameters.

Reason: To ensure the development is completed in accordance with the conditions and approved construction design plans. (EPA Act Sec 79C(b))

26 **Prior to the release of the Subdivision Certificate**, a qualified practising Engineer, experienced in soil mechanics and local conditions, shall submit documentary evidence in the form of a Geotechnical Investigation Report to Council for approval, certifying that each allotment is suitable for building purposes and classifying each allotment in accordance with Australian Standard 2870 "Residential Slabs and Footings. Such reports shall generally be done in accordance with the following requirements:

Reports shall be site specific and include an investigation of the subsurface conditions typically involving more than two test pits or boreholes per site.

Reason: To ensure the development is completed in accordance with the conditions and approved construction design plans. (EPA Act Sec 79C(b))

Roads

27 Prior to commencement of any works upon the site the proponent shall obtain a Construction Certificate for the proposed road and associated stormwater drainage works. The construction certificate application shall include full design details of the proposed engineering works to satisfy the road and associated stormwater drainage works condition(s) within this development consent. Such application shall be accompanied with the relevant fee, as adopted at the time of the relevant payment, as indicated in Council's Fees and Charges.

Reason: To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a)) and to comply with requirements of EPA Act Sec 81A(4)

a) Prior to commencement of work a Construction Traffic Management Plan shall be submitted to, and approved by, Council. Such plan shall include: scheduling of works so as to be completed in the shortest possible time with minimal impact on the general community; details of haulage routes to be utilised for delivery and removal of material from the site; traffic control plans prepared by an RTA accredited person for any works that impact upon the movement of vehicles or pedestrians upon the public road; a requirement for any damage to road infrastructure arising from construction activities to be

reinstated at the developers cost prior to completion of the project.b) Prior to the release of the subdivision certificate the proponent shall provide a traffic management plan detailing the position of regulatory signage, linemarking and other traffic regulatory devices such as advisory signs including speed limit restrictions for the consideration and endorsement of Council.

Reason: To ensure activities relating to the development do not interfere with the movement of traffic along the public road. (EPA Act Sec 79C(b)) **Prior to the release of a Subdivision Certificate** the proponent shall provide the

29 following roadworks with associated stormwater drainage structures. The geometric design of the road network shall comply with all details set out in the Lismore Development Control Plan - and section D1 Geometric Road Design of the Northern Rivers Local Government Development and Design manual (as amended).

The proponent shall be responsible for any costs, including maintenance, for a period of six months from the date of approval of completion of the work. Required roadworks include:

Cameron Road

Upgrade Cameron Road to a 7 m wide bitumen seal on 9 m gravel formation complying with the Northern Rivers Local Government Development and Design Manual requirements. The Cameron Road realignment is to be designed and constructed in such a way that that native trees and shrubs are retained and that woody weeds are removed.

Overlay the existing pavement with 100 mm compacted depths of gravel and cement stabilise to a depth of 200mm.

Design to 60 kph design

Sign in accordance with the Manual of Uniform Traffic Control Devices a 60 kph speed zone on Cameron Road where fronting the proposed development construct traffic management elements to ensure a 60 kph speed environment

Internal Road 1, Road 2 and Road 3

All internal roads shall be designed and constructed in accordance with the Northern Rivers Local Government Development and Design Manual to a two lane rural residential local road standard

Construct to a 6m wide bitumen seal with1m gravel shoulders

Cul-de-sac heads for roads 2 and 3 shall have a 10m turning radius

Cul-de-sac heads for road 1 shall have a 12.5m turning radius.

Required to design these roads to a 40 kph design speed Construct speed restricting elements to ensure the speed environment of 40 kph

Intersection of Road 1, Road 2 and Road 3 with Cameron Road

Shall be designed and constructed in accordance with the Northern Rivers Local Government Development and Design Manual and the Austroads Part 5 "Intersections at Grade.

Each intersection shall have a dedicated right turning lane into the development. Each intersection shall be designed in a manner to aid in reducing the speed environment in Cameron road to 60kph.

Where the road longitudinal grade exceeds 12%, concrete kerb and channel shall be provided in lieu of the grassed table drains.

Each intersection shall have a dedicated right turning lane from Cameron Road into Roads 1, 2, and 3.

Reason: To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C (a) & and to specify requirements for approval under section 138 of the Roads Act.

30 Prior to the release of a Subdivision Certificate the proponent shall construct: A 1.2m wide concrete footpath along the north eastern side for the full frontage of Cameron Road. The footpath is to be designed and constructed in such a manner that preserves native trees and shrubs but removes the woody weeds.

A 1.2m wide concrete footpath along western side of Road 1 from Cameron Road to the community lot

as detailed in Ardill Payne & Partners Drawing LP-B01 dated 29 October 2010 and Ardill Payne & Partners Drawing Number CL1 dated 18 June 2010. All costs shall be the responsibility of the proponent.

Reason: To ensure an adequate pedestrian network in accordance with adopted standards

31 **Prior to the release of the Subdivision Certificate** the Applicant shall obtain a certificate of completion for the roadworks and associated stormwater drainage structures from Council. Prior to obtaining this certificate a practising qualified surveyor or engineer shall submit to Council for approval, a "works-as-executed" set of plans, completed asset record forms and a construction certification. The certification shall certify that all roads, drainage and civil works required by this development consent and the approved design plans have been completed in accordance with Council's Development and Construction Manual (as amended).

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

32 **Prior to issue of the Subdivision Certificate**, street signage in accordance with Council's adopted standard shall be erected at all new street intersections.

Reason: To ensure adequate street signage for the development. (EPA Act Sec 79C(c))

Vehicular Access

33 Design details for driveways to battle-axe blocks included in this development being lots 3, 27, 36, 103, 206, 208, 201, 301, and 401 shall be submitted with the **Construction Certificate**. The driveway designs shall generally be in accordance with Council's Design and Construction Specification for Vehicular Access, Australian Standard AS2890.1 Parking Facilities – Offstreet Parking and Council Policy Number 1.8.2 "Access to Battle Axe Type Subdivisions". In addition the driveway shall be a minimum width of 3.0m wide where servicing 1 lot. An asphaltic concrete (25mm depth) sealed or equivalent surface shall be applied to the full length of the driveway. All works shall be constructed in accordance with Council's Development, Design and Construction Manuals (as amended) prior to the issue a Subdivision Certificate. The Subdivision certificate shall create reciprocal right of way giving benefit to all lots proposed to utilise the shared access.

Provision shall be made for the future supply of the following services within the access shaft:

water supply sewer stormwater telephone power

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

34 Prior to the release of the subdivision certificate a vehicular access from the road pavement to lots 1, 3, 27, 29-37, 100, 103, 200, 201, 203-209, 301-304, 401 and the unconstructed road reserve between lots 5 and 6, as well as 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))

- 35 **During the subdivision construction works** all loading and unloading of construction vehicles and plant shall take place within the property boundaries, as will the parking of construction and private vehicles associated with the development. *Reason:* To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 79C (a))
- 36 **During the subdivision construction works** vehicles using any off-street loading/unloading and/or parking area must enter and leave in a forward direction, in accordance with Council's Development Control Plan No. 1, Part A, Chapter 7 Off Street Carparking Requirements. All driveways and turning areas shall be kept clear of obstructions that prevent compliance with this condition.

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

37 **Prior to the issue of a Construction Certificate** the proponent shall lodge a bond equivalent to 5% of the cost of the proposed works with Council to cover any damage to infrastructure within the road reserve arising during the construction of the proposed development. Evidence is to be provided to Council indicating the pre development condition of the surrounding public infrastructure. Any damage arising from construction activities to roads, kerb and gutter, footpaths or any other infrastructure within the road reserve shall be reinstated in accordance with Council's Development, Design and Construction Manuals (as amended) to Council's satisfaction prior to refund of the bond. Certification as to compliance with this condition shall be provided to Council prior to the issue of a **Subdivision Certificate**.

Reason: To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a))

38 Where either existing or proposed vehicular accesses front Cameron Road, vehicles must enter and leave in a forward direction, in accordance with Council's Development Control Plan No. 1, Part A, Chapter 6 – "Subdivision and Infrastructure – Village and Rural Subdivision" section 6.2.3 item 7. All driveways and turning areas shall be kept clear of obstructions that prevent compliance with this condition.

Reason: To ensure driveway egress movements do not create a safety hazard. (EPA Act Sec 79C(c))

39 **Prior to the release of a Subdivision Certificate** the proponent shall provide at no cost to Council the following:

Two tapered bus bays including timber and metal clad bus shelters in accordance with Council's standard Drawing No. SD 1256 on Cameron Road adjacent to the frontage of lot 1 and lot 32 on Cameron Road and A third tapered bus bay including a timber and metal clad bus shelter adjacent to the community lot on Road 1.

These locations must be confirmed **prior to the issuing of the Construction Certificate** to ensure compliance with sight distances and general safety for people crossing road at these locations.

Reason: To provide for adequate public transport infrastructure (EPA Sec 79C(e))

- 40 **Prior to the commencement of works** the Applicant shall obtain approval under section 138 of the Roads Act for the required road works upon Cameron Road. For this approval an application shall be made on the prescribed form accompanied with the relevant fee, as specified in Councils adopted fees and charges, and the following information:
 - a) Detailed design plans
 - b) Pavement Design
 - c) Specification for Construction
 - d) Review of environmental factors
 - e) Environmental management plan

- Traffic control plan prepared by an RTA accredited person for any works that f) impact upon the movement of vehicles or pedestrians upon the public road
- g) Proposed signposting.

Reason: To ensure an adequate road network in accordance with adopted standards can be provided. (EPA Act Sec 79C(a)) and to specify requirements for approval under section 138 of the Roads Act.

Stormwater Prior to being issued with a Construction Certificate full design details of a stormwater management system for the development shall be submitted to Council for approval under Section 68 of the Local Government Act. Stormwater control and treatment measures shall be installed to ensure stormwater discharges satisfy the qualitative and quantitative objectives of Council's Stormwater Management Plan. The discharge of stormwater from the site shall be limited to the pre-development flow for an ARI of 10 years. These plans shall include a schedule that identifies each component of the stormwater management system and how that component satisfies the qualitative and quantitative objectives of the stormwater management plan.

The application must be accompanied by a Stormwater Management Plan (SWMP), which must be reviewed/updated to ensure compliance with contemporary standards and requirements with any subsequent renewal of the Section 68 approval. The SWMP must comprehensively address maintenance requirements (including timetabling of maintenance), access to facility, longevity for all stormwater devices, and the performance monitoring of the installation and discharges. The SWMP must be written in such a manner that it can be readily understood and be implemented by the person/s nominated to action the plan.

Reason: To manage stormwater quality and quantity and to protect the environment. (EPA Act Sec 79C(b))

42 Prior to release of the Construction Certificate detailed design showing that unobstructed overland flow path/s have been provided to prevent any inundation of future habitable structures and to drain all surcharge and surface waters for the major system design event.

Appropriate easements including:

Where overland flow paths and open channels pass through private property.. Any other overland flow that may be identified during the design and construction phase of the development

shall be created to ensure that the flow paths will not be obstructed by any non approved structures, landscaping or the like, that may reduce flow path design capacity. The easements shall be sized to contain the 1 in 100 year ARI flood flow plus a freeboard of 150mm.

To ensure that the land or adjoining land is not damaged by the Reason: uncontrolled discharge of concentrated runoff. (EPĂ Act Sec 79C(b))

43 The proponent shall make satisfactory provision for existing lots adjoining the property and the proposed lots to dispose of stormwater without causing a nuisance to other lots. An adequate drainage system shall be constructed to ensure that all roof water and/or surface water from paved areas from any existing or proposed lots can be directed to a discharge point to prevent intensification of discharge runoff onto adjoining land. All works are to be constructed according to Council's Development, Design and Construction Manual (as amended). All drainage lines are to be located within drainage easements.

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))

44 Prior to release of the Subdivision Certificate, a suitably qualified person is required to furnish a statutory certificate confirming: all drainage lines have been located within the respective easements,

all stormwater has been directed to a Council approved drainage system.

Reason: To ensure the development is completed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 79C(a))

Sediment and Erosion Control

Prior to release of the Construction Certificate or commencement of any works upon the site a "Soil Erosion and Sedimentation Control Plan of Management" (SESCPM) must be submitted to and approved by Council. The plan must outline 45 what measures are proposed and the action that will be taken to manage the completion of the development to minimise any erosion or sedimentation from the site. The plan must be consistent with the "*Managing Urban Stormwater-Soils and Construction*" (blue book). It must have a summary sheet and be in plain English to ensure that it is capable of being readily understood and implemented by the site managers and operators and nominated responsible person/s. Responsible person/s must be nominated to Council in writing together with full 24 hour per day contact details for the purposes of the SESCPM.

Reason: To ensure the proper management of the site with regard to soil erosion and sedimentation.

46 Prior to commencement of any subdivision works on the site Erosion and Sediment control measures shall be put into place and be properly maintained to prevent soil erosion and the transport of sediment from the site and into natural or constructed drainage lines or watercourses. Measures must:

> maximise the diversion of clean waters, and minimise the extent and duration of site disturbance, and include devices/practices to prevent sediment being carried from the site by vehicle and plant tracks and tyres.

All disturbed areas shall be stabilised and revegetated. Turfing or another approved seeding method shall be undertaken in each part of the development within 14 days of completion of earthworks. Topsoil shall be preserved for site revegetation. All control measures must be regularly inspected and be maintained to ensure they operate to the design requirements and to meet all relevant environment protection standards. Weather patterns must be monitored and be coordinated in with the inspection and maintenance procedures. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion.

Reason: To ensure the proper management of the site with regard to soil erosion and sedimentation

Design, construction and management of the sedimentation basins are to be strictly in accordance with the "Managing Urban Stormwater: Soils, and construction (Landcom, 2004)," guidelines; based on the 90th percentile five day rainfall event as a 47 design criterion (i.e. 60mm).

Reason: To protect the environment. (EPA Act Sec 90(1)(b)) **Prior to release of the Subdivision Certificate** the land designated as lot 22/23 on 48 Ardill Payne & Partners drawing LP-B01 dated 29 October 2010 shall dedicated to Council for use as a community lot and detailed in the 'Cameron Road Planning Agreement' (updated 23 November 2010).

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

Prior to the registration of fifty (50) lots the proponent shall: 49

construct a graded, grassed car park area for a minimum of six (6) car bays on the verge adjacent to the community lot;

provide all earthworks, retaining walls, top dressing and grassing for an area of 3,600m² of the community lot, and

provide park embellishments including a picnic shelter, slab floor, tables,

seating, bin, swing, tank and water tap and landscape trees.

These works are to be undertaken in accordance with the Ardill Payne & Partners drawing 6937 CL1 dated 18 June 2010. All costs shall be the responsibility of the proponent.

Reason: To ensure an adequate pedestrian network in accordance with adopted standards

Emergency Fire Egress

51 **Prior to the issue of a Subdivision Certificate** a "Right of Carriageway" shall be created giving benefits to the Rural Fire Services for emergency fire egress over the residual of lot 123 DP 731488 between the cul-de-sac head of Road 1 and Boatharbour Drive as detailed on Ardill Payne & Partners drawing LP-B01 dated 29 October 2010.

Reason: To comply with the Rural Fires Act 1997.

52 **Prior to the release of a Subdivision Certificate** the proponent shall construct to Council and Rural Fires Services standards a fire egress and provide a minimum of 5m horizontal and 4m vertical clearance free of overhanging trees, branches, vines and the like.

Reason: To comply with the Rural Fires Act 1997.

Environmental

53 The burning off of vegetative and other wastes arising from the subdivision development is prohibited. Suitable arrangements shall be made for the processing and/or re-use of all waste materials generated by the development activity or alternatively wastes shall be transported to an approved waste facility.

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

54 The construction of the subdivision shall not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise.

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

55 Any development which generates sewage or domestic wastewaters, must have installed an on-site sewage management facility designed to manage all wastes in accordance with Council's On-Site Sewage and Wastewater Management Strategy or other policy that is contemporary at the time of the proposed development.

Reason: To protect human health and the environment.

56 The existing on-site sewage management systems on proposed Lots 1, 29, 37, 100, 207, 302, shall be inspected to ensure protection of public health and the environment, and must satisfy all boundary setbacks and buffer distances contained in Councils *On-site Sewage and Wastewater Management Strategy*. Any existing sewage systems located on adjoining properties must be decommissioned according to Department of Health requirements and have installed an on-site sewage management facility designed to manage all wastes in accordance with Council's On-Site Sewage and Wastewater Management Strategy. Any failing system shall also have installed an on-site sewage management facility designed to manage and wastes in accordance with Council's On-Site Sewage and Wastewater Management facility designed to manage all wastes in accordance with Council's On-Site Sewage and Wastewater Management facility designed to manage all wastes in accordance with Council's On-Site Sewage and Wastewater Management facility designed to manage all wastes in accordance with Council's On-Site Sewage and Wastewater Management facility designed to manage all wastes in accordance with Council's On-Site Sewage and Wastewater Management facility designed to manage all wastes in accordance with Council's On-Site Sewage and Wastewater Management Strategy.

Prior to the issue of a Subdivision Certificate details prepared by an appropriately qualified person and demonstrating compliance with this condition shall be submitted to and be approved by the Certifying Authority. A copy of this documentation must be provided to the Consent Authority (LCC) for record purposes.

Reason: To ensure that sewerage management facilities are provided on the land and meet relevant setback and buffer requirements.

57 The effluent disposal area envelopes as identified in the approved report by Ardill, Payne & Partners (dated February 2010) for Lots 17, 305 and 401 shall be excavated to a minimum one (1) metre or to bedrock. A similar soil type (light clay/loam with no coarse fragments) shall be placed in the envelope to achieve a minimum one (1) metre soil depth. Any spoil from such excavation must be disposed of at Council's landfill or other approved site.

Reason: to ensure satisfactory management of effluent

All fill imported onto the site must be clean fill and free from any contamination, within 58 the meaning of the "Managing Land Contamination – Planning Guidelines – SEPPN0.55 – Remediation of Land "document published in 1998 by the NSW Government.

Reason: to protect human health and the environment.

Prior to the issue of a Subdivision Certificate details prepared by an appropriately 59 qualified person and demonstrating that Groundwater bores number GW 035514 as indicated on the NSW NR Atlas (NSW Office of Water) have been decommissioned. Evidence of compliance with this condition shall be submitted to and be approved by the Certifying Authority. A copy of this documentation must be provided to the Consent Authority (LCC) for record purposes.

Reason: To protect public health.

Groundwater bore number GW 046368 as indicated on the NSW NR Atlas (NSW 60 Office of Water) is restricted to non-domestic uses only.

Reason: To protect public health.

Building

Prior to the release of the Subdivision Certificate, a qualified practising Engineer, 61 experienced in soil mechanics, shall submit documentary evidence in the form of a Geotechnical Investigation Report to the Principal Certifying Authority for approval, certifying that each allotment is suitable for building purposes and classifying each allotment in accordance with Australian Standard 2870 "Residential Slabs and Footings". Any allotment subject to further earthworks during the construction phase will require an amended Geotechnical Report.

Reason: To ensure the development is completed in accordance with the conditions and approved construction design plans. (EPA Act Sec 79C(b))

Ecological

- Prior to the commencement of subdivision works the Applicant is to submit to 62 Council for approval the construction design of the stock crossings over the eastern and western streams. In this regard the Applicant is advised that any stock crossings of the above streams are to be designed and constructed in accordance with the following guidelines:
 - DWE (2008b). Guidelines for controlled activities: Watercourse crossings. O
 - Department of Water & Energy NSW, Sydney, NSW. DWE (2008c). *Guidelines for controlled activities: In-stream works*. Department of Water & Energy NSW, Sydney, NSW. 0

Reason: To ensure that the design and constructions of stock crossings meet NSW State Government guidelines.

63 **Prior to the commencement of subdivision works** the Applicant is to submit to Council for approval a Landscaping/Vegetation Management Plan (henceforth, 'the plan').

The plan must incorporate the works detailed in the document referred to as the *Environmental Management Plan*' (as outlined in the document referred to as the *'Environmental Management Plan*' (as outlined in Clause 9 of the *'Cameron Road Planning Agreement*') prepared by *PLACE Environmental* dated 25 September 2006 (specifically, Attachment 2 – Proposed Management of Threatened Plants and Attachment 3 – Rehabilitation of the Eastern & Western Waterways) and should relate to the approved lot layout identified in plans LP-B02 and LP-B03.

A works program must be incorporated in the plan to ensure that all works associated with the submitted and approved plan are completed within an appropriate timeframe. Subject to compliance with the recommendations and performance criteria detailed within the plan, works are to be undertaken in general accordance with the following schedule:

- 0
- Year 1 60% of work Year 2 20% of work Year 3 20% of work 0
- 0

The plan is to be prepared in accordance with both the structure and content of the following guidelines:

Lismore City Council (2010), Guidelines for the preparation of Vegetation o Management Plans. Lismore City Council, Lismore, NSW

The plan is to be prepared and implemented by person(s) with appropriate knowledge, qualifications and experience in current best practices for indigenous vegetation rehabilitation and management as detailed in the above guidelines.

It is the responsibility of the Applicant to:

- Arrange for Council's Ecologist and/or Landscape Architect to the review 0 of the plan
- Arrange for any relevant Council inspections 0
- Pay all necessary inspection and administration fees associated with the 0 review and inspection.

The plant species utilised in all regeneration and/or revegetation areas as well as any landscaped buffers should be locally indigenous rainforest species chosen from the plant species listed in the following guidelines and sourced from seed stock of local provenance:

Lismore City Council (2007), Landscape Guidelines for Lismore City O Council.

The plan at a minimum must incorporate the items detailed below:

Establishment of riparian corridors

A riparian corridor is to be established on both sides of the third order stream located in the eastern section of existing Lot 123 DP 731488. In addition to the width of the channel, the minimum width of the riparian corridor for this stream is to be 30m as measured from the top of the highest bank and on both sides of the stream. The riparian corridor is to be enclosed by a stock exclusion fence.

A riparian corridor is to be established on both sides of the second order stream located in the western section of the existing Lot 123 DP 731488 and Lots 1,2 and 3 DP 588282. In addition to the width of the channel, the minimum width of the riparian corridor for this stream is to be 20m as measured from the top of the highest bank and on both sides of the stream. The riparian corridor is to be enclosed by a stock exclusion fence.

The riparian corridor(s) are to be regenerated/revegetated within the stream channel as well as in both the Core Riparian Zone and the Vegetated Buffer in accordance with the following guidelines:

DWE (2008a). *Guidelines for controlled activities: Riparian Corridors*. Department of Water & Energy NSW, Sydney, NSW. 0

Raine & Gardiner (1997). *Revegetating Streams in the Richmond Catchment: A Guide to Species and Planting Methods*. Department of Land and Water Conservation NSW, Maitland, NSW. (Contained in Lismore City 0 Council (2007). Landscape Guidelines. Lismore City Council, Lismore, NSW).

The areas to be regenerated and/or revegetated are to be planted with a mixed selection of pioneer and mature phase rainforest plant species

Regeneration of native vegetation

For all the lots that form part of the 'Cameron Road Planning Agreement' a plan for the regeneration and/or revegetation of rainforest within the areas of vegetation identified as:

- 0
- Community 1 Closed Forest (Camphor Laurel) Community 2 Closed Forest (Camphor Laurel/Broadleaved Privet +/-0 Rainforest regrowth) Community 3 Closed Forest (Rainforest Regrowth) – Clumps 1, 2, 3 and 5
- 0 are to be incorporated in the Vegetation Management Plan.

Areas to be regenerated and/or revegetated are to be planted with a mixed selection of pioneer and mature phase rainforest plant species

The general location of these vegetation communities are detailed in the following reports:

- Colvin, I. (2010), *Ecological Assessment of various allotments of DA* 5.2010.77.1, *McLeans Ridges A report for Ardill Payne & Partners*. Australian Wetland Consulting Pty Ltd, Byron Bay, NSW. Place Environmental (2008), *McLeans Ridges Rezoning Comments on amended layout*. Place Design Group Pty Ltd, Fortitude Valley Qld. 0
- 0

Retention and protection of significant vegetation within a management area

The following vegetation, trees and threatened plant species are to be retained and protected within a management area enclosed by a stock exclusion fence: o Proposed Lot 2A Northern corner, adjacent to proposed Road 1

- Ficus sp. trees
- Proposed Lot 4 South-west corner, adjacent to proposed Road 1 0 Floydia praealta (Ball nut tree) and rainforest regrowth vegetation
- Proposed Lot 30 South-west of the proposed lot Clump 5 Community 3 Closed Forest (Rainforest Regrowth), *Floydia praealta* (Ball nut tree) and *Owenia cepiodora* (Onion Cedar) Proposed Lot 31 Middle of the subject site (between proposed Lots 22/23 O
- 0 and 32)
- Gossia fragrantissima (Sweet Myrtle), two specimens o Proposed Lot 300 and 402 – Along lot boundary
- Clump 7 Closed Forest (Rainforest Regrowth)

Each management area is to be regenerated and/or revegetated with a mixed selection of pioneer and mature phase rainforest plant species. The general location of the above vegetation, trees and threatened plant species are detailed in the following reports:

- Australian Wetlands Consulting Pty Ltd (2010), *Ecological Assessment of various allotments of DA 5.2010.77.1, McLeans Ridges A report for Ardill Payne & Partners.* Australian Wetland Consulting Pty Ltd, Byron Bay, NSW. Place Environmental (2008), *McLeans Ridges Rezoning Comments on amended layout.* Place Design Group Pty Ltd, Fortitude Valley Qld. 0
- 0

Control of listed weeds

The plan is to incorporate a program for weed removal and ongoing weed management for <u>all</u> the lots that form part of the Cameron Road Planning Agreement.

The plan should include the removal of <u>all</u> woody weeds (including the planted Corymbia torelliana (Cadagi) windbreak located in proposed Lot 27, 30 and 31), as well as control any exotic plant species that have been:

- Declared noxious under the Noxious Weeds Act 1993 in the control area of 0 the Far North Coast County Council (Far North Coast Weeds)
- 0
- Listed as Environmental Weeds by Far North Coast Weeds Declared as Weeds of National Significance by the Australian Weeds 0 Strategy.

Weeds are to be controlled according to current best practice and in accordance to the control requirements for each of the five classes of noxious weeds identified in the Act.

Pursuant to Clause 9.1.2 of the 'Cameron Road Planning Agreement', any woody weeds located in the riparian corridors of the eastern and western streams noted in 'Establishment of riparian corridors' section above are to be controlled by nonmechanical means only.

Landscaping of the Cameron Road reserve

The Cameron Road reserve is to be planted with rainforest trees and shrubs at five metre spacing's were possible (depending on driveway and fencing) or as otherwise approved by Council.

Both proposed and conditioned requirements around landscaping along all roads the subject of the development will be undertaken to improve the streetscape with species that will not unreasonably interfere with the natural monitoring of public spaces or create bush fire hazard.

Where necessary, plants are to comprise low level shrubs that will not obstruct sight lines and will not provide concealment areas or predator traps.

Landscaping of the Community Lot

In regard to the landscaping for the community lot as required under the 'Planning Agreement' an individual landscape plan (unless submitted as part of one overall revegetation/landscape plan) shall be submitted to the Council for approval prior to commencement of subdivision works. The Landscape plan must include the following community lot/park embellishments:

> picnic shelter with concrete slab floor tables seating rubbish bin play ground equipment rain water tank and tap proposed location for planted shrubs and trees

Note: The construction and embellishment of the community lot/park and the associated landscaping of the lot/plan must be completed **prior to the registration** of the fiftieth (50) lot.

Establishment of landscaped buffers

A 5m wide landscaped buffer is to be established along the street frontages of proposed Lots 2a, 2b, 4-26, 28, 100, 101, 105, 106, 209, 300-302 to proposed roads 1, 2, and 3. The landscaped buffer is to be planted with rainforest trees and shrubs at five metre spacing's were possible (depending on driveway and fencing) or as otherwise approved by Council.

The landscape/vegetation plan must also include a 5m wide planted buffer along property boundaries for those lots bordering on surrounding grazing land.

Plantings within regeneration areas, revegetation areas and landscaping

For all plantings associated with the regeneration of native vegetation, revegetation of cleared areas and landscaping, the plan should detail:

The planting schedule, including botanical name, common name, container size and quantity of all plant species proposed for planting

The methods to be employed for soil and bed preparation as well as mulching How plantings will be protected from grazing by both stock and wildlife

An ongoing maintenance schedule, including a program for weed suppression and removal

The planted buffer shall comply with the requirements as detailed in Chapter 11 (Buffer Areas) of Councils DCP 2007

Reason: To ensure that the Landscape/Vegetation Management Plan can be assessed in accordance with Lismore City Council guidelines. To screen new and existing dwellings within the proposed development from the street frontage and improve the amenity of the local area. To ensure that the width of proposed riparian corridors meet NSW State Government guidelines. To ensure appropriate control of weed species on the subject site. To ensure protection of water bodies, wetlands bushland or environmentally significant land from soil erosion and sediment deposition.

64 **Prior to the commencement of subdivision works** the Applicant is to submit to Council for approval a monitoring report relating to the implementation of the approved Vegetation Management Plan shall be submitted to Council following the completion of primary planting and then at annual intervals until the end of the three (3) year maintenance period.

A final monitoring report shall also be submitted to Council upon completion of the maintenance period.

It is the responsibility of the Applicant to arrange for the relevant Council inspections with Council's Ecologist and/or Landscape Architect and pay all necessary inspection and administration fees associated with that inspection.

Reason: To ensure that implementation of the approved Vegetation Management Plan meets the approved works schedule and performance criteria established in the plan.

65 Subject to compliance with the recommendations and performance criteria detailed within the Council approved Vegetation Management Plan, the landscape/vegetation works are to be undertaken in general accordance with the schedule detailed in the approved plan.

If any of the vegetation comprising the landscaping works dies or is removed, it is to be replaced with vegetation of the same species, and similar maturity as the vegetation which has died or was removed.

It is the responsibility of the Applicant to arrange for the relevant Council inspections with Council's Ecologist and pay all necessary inspection and administration fees associated with that inspection.

Reason: To ensure that implementation of the approved Vegetation Management Plan meets the approved works schedule and performance criteria established in the plan.

66 **During the subdivision construction works** the Applicant is to ensure that all rare and threatened plant species identified of the proposed development are to be protected from damage during regeneration and weed control works. Trees/plants are to be clearly identified and, where appropriate, protected by securely installed fencing appropriate to the local conditions. Trees/plants may be fenced off in clusters where it is not practical to fence off individual trees.

The general location of rare and threatened plant species to be protected are detailed in the following reports:

o Australian Wetlands Consulting Pty Ltd (2010), Ecological Assessment of various allotments of DA 5.2010.77.1, McLeans Ridges – A report for Ardill

- Payne & Partners. Australian Wetland Consulting Pty Ltd, Byron Bay, NSW. 0
- Place Environmental (2008), *McLeans Ridges Rezoning Comments on amended layout*. Place Design Group Pty Ltd, Fortitude Valley Qld. Place Environmental (2008), *Ecological Assessment for upgrade of Cameron Road, McLeans Ridges*. Place Design Group Pty Ltd, Fortitude 0 Valley Qld.

Reason: To ensure that rare and threatened plant species are protected during works.

67 During the Cameron Road realignment works the Applicant is to ensure that tree removal and any pruning works is completed by a fully qualified and insured Arborist (AQF level 3 qualifications as a minimum). In particular it is required that:

> Works are conducted in such a way as to ensure surrounding native vegetation, structures and boundary fences on the same or adjoining lots are not damaged. Any pruning work is undertaken in accordance with the Australian standard for the pruning of amenity trees.

The currencies of all insurances are checked by the Applicant before work commences.

All existing locally indigenous native trees and areas of native vegetation identified for retention on approved plans of the proposed development shall be protected from damage during works. Trees/plants are to be protected by 1800mm high fencing, securely installed beneath the outer canopy of any tree to be retained. Trees/plants may be fenced off in clusters where it is not practical to fence off individual trees.

There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas

That no trenching or fill will occur within 10 times the trunk diameter of the tree and no roots greater than 50mm in diameter to be damaged or cut without qualified Arborist assessment of affects on retained trees anchorage and health.

The Applicant will receive two copies of the consent, one to be retained by the Applicant and one to be given to the contractor if engaged to carry out work.

Reason: To ensure that native trees and vegetation are protected during works. To ensure structural integrity of retained trees.

68 During the subdivision construction works the Applicant is to ensure that adequate soil erosion and sediment control measures are to be installed and maintained such that the clearing of any vegetation does not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.

All disturbed areas are to be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than seven (7) days.

Soil erosion and sediment control measures are to be adequately maintained during any clearing works and until the establishment of vegetation.

Reason: To ensure protection of water bodies, wetlands bushland or environmentally significant land from soil erosion and sediment deposition.

69 **During the subdivision construction works** the Applicant is to ensure that cleared, weed free <u>native</u> vegetation (timber, small branches and leaf litter) is to be mulched, reserved and stockpiled for re-use in rehabilitation works.

Mulch generated from any plant any exotic plant species declared noxious under the Noxious Weeds Act 1993 in the control area of the Far North Coast County Council (Far North Coast Weeds), listed as an Environmental Weed by Far North Coast Weeds, or plants declared as Weeds of National Significance by the Australian Weeds Strategy is not be used on site. Such mulch is to be removed from the site and disposed of appropriately and in accordance with legislative requirements.

Reason: To ensure that weed species propagules are not dispersed by regeneration/revegetation works.

Prior to release of the Subdivision Certificate and pursuant to Clause 9 of the 70 *Cameron Road Planning Agreement* the Applicant is to lodge with Council a security bond to the value of \$172,500 to ensure that all works associated with the approved Vegetation Management Plan have been conducted.

Pursuant to Clause 9.2 of the 'Cameron Road Planning Agreement' and subject to compliance with the recommendations and performance criteria detailed within the Vegetation Management Plan, the bond will be fully refunded after a period of three (3) years according to the following schedule:

- On satisfactory completion of rehabilitation works 16% 0
- Upon satisfactory establishment of the rehabilitation works three (3) years 0 after completion – 84%

Reason: To ensure compliance with the recommendations and performance criteria contained in the approved Vegetation Management Plan.

71 Prior to the release of the Subdivision Certificate the Applicant is to demonstrate compliance with the recommendations and performance criteria detailed within the Vegetation Management Plan and pursuant to the schedule of works detailed in the conditions above. The initial phase of works detailed in the Vegetation Management Plan approved by Council is to be completed in compliance with the recommendations and performance criteria detailed within the plan.

Reason: To ensure compliance with the recommendations and performance criteria contained in the approved Vegetation Management Plan.

72 The Subdivision Certificate plan submitted to council must be accompanied by an instrument under Section 88b of the Conveyancing Act 1919. The instrument is to include the following restrictions:

All proposed lots a)

Lismore City Council is the only entity that has the power to vary, modify or extinguish any of the following restrictive covenants on the title;

A 5 m wide 'no-build' area is to be maintained along the side boundaries of the lot;

The land shall be managed in accordance with the Vegetation Management Plan approved by Council;

For the purpose of conducting and/or maintaining works associated with the plan, access shall be provided to person(s) acting on the plan for the three (3) year term of the plan;

In accordance with the above plan for the subject site, the land is to be maintained such that there is a maximum of 5% Environmental Weed cover (as listed by North Coast Weeds) and the land is 100% free of Noxious Weeds declared within the Lismore Local Government Area;

With the exception of the removal and/or pruning of dead, damaged and/or diseased trees/ tree limbs, locally indigenous native trees on the lot are not to be removed, damaged or in any way interfered with; A tree removal/tree pruning application must be made to Council and approval

for removal/pruning must be granted prior to the removal of a tree/tree limb;

No clearing of native vegetation, altering of native vegetation structure or damage to native vegetation is permitted within the lot except as required to remove Noxious Weeds, Environmental Weeds or other exotic plant species. Native vegetation includes any species of vegetation that existed in the Lismore Local Government Area before European settlement including trees, saplings, shrubs, scrub, understorey, groundcover or plants in a wetland. Clearing is defined as cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.

b) **Proposed Lots 2a, 2b, 4-26, 28, 100, 101, 105, 106, 209, 300-302**

A 5m wide landscaped buffer along the street frontages to proposed road 1, 2, or 3.is to be established, retained and maintained in perpetuity by the owner(s).

c) **Proposed Lots 2A, 4, 30, 31, 300 and 402**

A management area approved by Council is to be established, retained and maintained in perpetuity as a conservation area by the owner(s). This management area is to be enclosed by a stock exclusion fence. Fencing shall be erected and maintained in working order and shall not be removed, damaged or allowed to fall into disrepair at any time;

d) Existing Lot 123 DP 731488 (Proposed Residue Lot 500)

With the exception of any approved stock crossing points, a riparian corridor encompassing the third order unnamed stream located in eastern portion of the lot is to be established, retained and maintained in perpetuity as a conservation area by the owner(s);

In addition to the width of the channel, the minimum width of the riparian corridor is to be 30 m as measured from the top of the highest bank and on both sides of the stream;

The riparian corridor is to be enclosed by a stock exclusion fence. Fencing shall be erected and maintained in working order and shall not be removed, damaged or allowed to fall into disrepair at any time.

e) Proposed Lots 16, 17 and 31

With the exception of any approved stock crossing points, a riparian corridor encompassing the second order unnamed stream located on the lot is to be established, retained and maintained in perpetuity as a conservation area by the owner(s);

In addition to the width of the channel, the minimum width of the riparian corridor is to be 20 m as measured from the top of the highest bank and on both sides of the stream;

The riparian corridor is to be enclosed by a stock exclusion fence. Fencing shall be erected and maintained in working order and shall not be removed, damaged or allowed to fall into disrepair at any time.

Reason: To ensure that the conservation area is kept free of stock and is maintained in perpetuity by the owner of the subject site.

73 **The subdivision certificate plan submitted to council** is to identify the following features:

- a) 5 m wide 'no build' zone All proposed lots Identify a 5 m wide 'no-build' zone along the side boundaries of each lot.
- b) 5m wide landscaped buffer Lots 2a, 2b, 4-26, 28, 100, 101, 105, 106, 209, 300-302
 Identify a 5m wide landscaped buffer along the street frontage to proposed road 1, 2, or 3.
- c) Conservation area Proposed Lot 2A, 4, 30, 31, 300 and 402 Identify a conservation area as detailed in the Vegetation Management Plan approved by Council.
- d) Riparian corridor Lot 123 DP 731488 As detailed in the Vegetation Management Plan approved by Council, identify:
 - A riparian corridor encompassing the third order unnamed stream located in eastern portion of the lot. In addition to the width of the channel, the minimum width of the riparian corridor is to be 30 m as measured from the top of the highest bank and on both sides of the stream;

- o The location of any approved stock crossing points.
- e) Riparian corridor Proposed Lots 16, 17 and 31 As detailed in the Vegetation Management Plan prepared approved by Council, identify:
 - A riparian corridor encompassing the second order unnamed stream located in eastern portion of the lot. In addition to the width of the channel, the minimum width of the riparian corridor is to be 20 m as measured from the top of the highest bank and on both sides of the stream;
 - o The location of any approved stock crossing points.

Reason: To ensure compliance with the Section 88B instrument requirements imposed onto the development consent.

(Councillors Meineke/Marks) (BP11/109)

Section 375A Voting Record

Voting for:	Councillors Meineke, Chant, Marks, Battista, Dowell, Graham and Smith
Voting against:	Councillors Houston, Clough, Yarnall and Ekins

12.2 Development Application 5.2010.123.1 - Dunoon Subdivision

A MOTION WAS MOVED that Council as the consent authority, grant consent to Development Application No. 2010/123 subject to the conditions 1-63.

(Councillors Yarnall/Marks) (BP11/74)

AN AMENDMENT WAS MOVED that Council as the consent authority, grant consent to Development Application No. 2010/123 subject to the following conditions (1-63) and with the addition of condition 58A as below:

58A Prior to the issue of the Subdivision Certificate a screen fence (chain mesh or similar) to help stop soccer and other sporting balls from entering approved Lot 11 is to be erected at the southern end of the western most soccer field on adjoining Lot 2 DP 613492 (Balzer Park). The screen fence is to have a length of 30m, a height of 5m and is to be located centrally behind the goal posts. The screen fence is to be transparent and setback from the sports field so as to ensure player safety.

Details of the location and design of the screen fence to address the above requirements are to be submitted to and approved by Council's Town Planner and Parks and Gardens Co-Ordinator **prior to the issue of the Construction Certificate.** Owners consent for the erection of the structure is to be provided with the Construction Certificate application.

Reason: To reduce the potential conflict between the existing sport field and proposed Lot 11, and imposed pursuant to s. 80A(1)(f) of the EP & A Act.

(Councillors Ekins/Clough) (BP11/74)

At the request of the MOVER and the SECONDER the AMENDMENT was with WITHDRAWN.

322/11 **RESOLVED** that Council as the consent authority, grant consent to Development Application No. 2010/123 subject to the following conditions:

(Councillors Yarnall/Marks) (BP11/74)

STANDARD

In granting this development consent, Council requires:

All proposed buildings be constructed in accordance with any amendment or modification outlined in these conditions

All proposed works be carried out in accordance with any amendment or modification outlined in these conditions Any proposed use of buildings or land be in accordance with any amendment or

Any proposed use of buildings or land be in accordance with any amendment or modification outlined in these conditions

and be substantially in accordance with the stamped approved plan(s) No:

Plan 2 SITE ANALYSIS (Ref 09106-DA1) dated 22/03/2010 PROPOSED SUBDIVISION LAYOUT WITH AERIAL UNDERLAY (Ref 09/106B) – dated 19.01.11 Plan 3 PROPOSED SUBDIVISION LAYOUT (Ref 09/106B) dated 22/12/10 Plan 4 SUBDIVISION LAYOUT WITH SITE SERVICE (Ref 09106–DA1) dated 22/03/2010 Plan 5 ROAD HIERARCHY and ROAD WIDTH (Ref 09106–DA1) dated 22/03/2010

Plan 6 ZONE ALIGNMENT (Ref 09106–DA1) dated 22/03/2010

as amended in red 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)

LAND DEDICATION

This consent does not approve the proposed land dedication investigation area for sports field extension (approximately 1ha) as shown overdrawn on the approved plans in red.

Note: This consent may be modified at a later date subject to an appropriate application being made to modify this consent to satisfy Council's requirements for dedication of land against offsets in s.94 contributions payable. Any such application will need to be made prior to the payment of any applicable s.94 contributions.

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

SUBDIVISION

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))

4 Nothing in this consent shall prohibit the creation of a 'development lot' and a 'residual lot' subject to the submission and approval of a Subdivision Certificate application consistent with the lot layouts approved under this consent, to enable initial separation of rural lots from village lots.

Prior to the making of any such Subdivision Certificate application, the Applicant shall obtain written advice from Council as to the conditions of consent and other matters that need to be addressed as part of any Subdivision Certificate application for the above purpose.

Reason: To enable the creation of a development lot and residual lot.

5 **Prior to release of the Subdivision Certificate** the proponent shall place street numbers identification at the road frontages of the property to indicate the property address.

Reason: To identify the property correctly (EPA Act Sec 79C(e)).

6 If the existing physical road to which the subdivision fronts encroaches upon the subject land then the area of encroachment must be surveyed out and dedicated to Council as road reserve as part of the subdivision certificate.

Reason: To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a))

DRAINAGE

Prior to release of the Construction Certificate the detailed design of stormwater drainage systems shall ensure the discharge of stormwater from the site shall be limited to the pre-development flow (rural flow) for an ARI of 10 years and a time of concentration of 6 minutes. On-site retention of stormwater shall be encouraged to achieve this requirement.

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)).

8 The proponent shall make satisfactory provision for existing lots adjoining the property and the proposed lots to dispose of stormwater without causing a nuisance to other lots. Particular attention should be paid to existing stormwater flows from adjoining Lot 2 in DP4890. An adequate drainage system shall be constructed to ensure that all roof water and/or surface water from paved areas from any existing or proposed lots can be directed to a discharge point to prevent intensification of discharge runoff onto adjoining land. All works are to be constructed according to Council's Development, Design and Construction Manual (as amended). All drainage lines are to be located within drainage easements. Any stormwater line with an area of influence from the stormwater line measured by projecting a 45° angle from the invert of the main to surface level extending outside of the easement shall be covered by a restriction on use requiring any structure within this area to be piered to the stormwater invert level. All costs shall be the responsibility of the proponent.

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))

9 Prior to the release of the Construction Certificate full design and construction details of the stormwater management system proposed for the development shall be submitted to Council for approval under Section 68 of the Local Government Act. Stormwater control and treatment measures as identified within the development application shall be installed and lot level requirements reflected upon the title of the lots prior to the release of the Subdivision Certificate.

Reason: To protect the environment. (EPA Act Sec 79C(b))

10 **Prior to the issue of a Subdivision Certificate,** a section 88B instrument under Part 6 Division 4 of the Conveyancing Act 1919 is to be prepared with respect to each of the proposed lots 1 to 23, indicating that all future dwellings require a minimum 5,000 litre BASIX rainwater tank which is to be dual plumbed to toilets/garden. **Reason:** To manage stormwater quantity. (EPA Act Sec 79C(b)).

11 The dry sediment basin and associated infrastructure will be constructed upon the residual Lot 24. An easement to the benefit of Council is to be created over the dry sediment basin and associated infrastructure proposed on the residual Lot 24.

The developer shall be responsible for ongoing maintenance of the dry sediment basin and associated infrastructure during the course of the subdivision construction and up until two (2) years from the release of the **Subdivision Certificate** for all the proposed village residential lots. The maintenance inspection requirements are to be as listed within the Stormwater Report details in "Appendix 1", with the final version to be as approved by Council.

Reason: To manage stormwater infrastructure and protect the environment.

12 The developer is to enter into a registered legal agreement that binds any subsequent land title holder of the residue Lot 24 to the obligation to undertake the maintenance of the dry sediment basin and associated infrastructure on the same terms and conditions as the original developer. The terms of the agreement are to be drawn up by Council's nominated Solicitor generally in line with the above intent, solely at the Applicants cost to the satisfaction of Council.

Reason: To manage stormwater infrastructure and protect the environment.

SEDIMENT AND EROSION

13 Erosion and Sediment control measures shall be put into place and be properly maintained to prevent soil erosion and the transport of sediment from the site and into natural or constructed drainage lines or watercourses. Measures must

maximise the diversion of clean waters, and minimise the extent and duration of site disturbance, and include devices/practices to prevent sediment being carried from the site by vehicle and plant tracks and tyres.

All disturbed areas shall be stabilised and revegetated. Turfing or another approved seeding method shall be undertaken in each part of the development within 14 days of completion of earthworks. Topsoil shall be preserved for site revegetation. All control measures must be regularly inspected and be maintained to ensure they operate to the design requirements and to meet all relevant environment protection standards. Weather patterns must be monitored and be coordinated in with the inspection and maintenance procedures. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion.

Reason: To ensure the proper management of the site with regard to soil erosion and sedimentation

14 **Prior to release of the Construction Certificate or commencement of any works** upon the site a "Soil Erosion and Sedimentation Control Plan of Management" (SESCPM) must be submitted to and approved by Council. The plan must outline what measures are proposed and the action that will be taken to manage the completion of the development to minimise any erosion or sedimentation from the site in accordance with the requirements of **Condition No. 13**. The plan must be consistent with the "*Managing Urban Stormwater-Soils and Construction*" (blue book). It must have a summary sheet and be in plain English to ensure that it is capable of being readily understood and implemented by the site managers and operators and nominated responsible person/s. Responsible person/s must be nominated to Council in writing together with full 24 hour per day contact details for the purposes of the SESCPM.

Reason: To ensure the proper management of the site with regard to soil erosion and sedimentation.

EARTHWORKS

Prior to release of the Construction Certificate, certification from a practising qualified engineer experienced in soil mechanics is required verifying the following:

proposed civil engineering works, including retaining walls, have been assessed as structurally adequate,

proposed civil engineering works will not be affected by landslip either above or below the works,

proposed civil engineering works will not be affected by subsidence either above or below the works, and adequate drainage has been proposed to ensure the stability of the proposed civil

engineering works.

Reason: To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 79C(c))

Prior to the release of the Subdivision Certificate, a NATA registered geotechnical testing authority shall submit documentary evidence in the form of level 16 I certification, certifying that any lot fill material has been placed in accordance with Australian Standard 3798 "Guidelines on earthworks for commercial and residential developments".

Reason: To ensure the development is completed in accordance with the conditions and approved construction design plans. (EPA Act Sec 79C(b))

VEHICULAR ACCESS

Prior to the release of the Subdivision Certificate the proponent shall repair any damage to infrastructure within the road reserve arising due to the construction of the proposed development. Evidence is to be provided to the Council indicating the pre development condition of the surrounding public infrastructure. Any damage arising from construction activities to roads, kerb and gutter, footpaths or any other infrastructure within the road reserve shall be reinstated in accordance with Council's Development, Design and Construction Manuals (as amended) to Council's satisfaction.

To ensure an adequate road network in accordance with adopted Reason: standards. (EPA Act Sec 79C(a))

ROADS AND FOOTPATH

Prior to the commencement of works, the developer is to submit reports from a 18 suitably qualified Arborist and Engineer, assessing the health of the tree cluster at the start of Cowley Road and their impact upon the safety of vehicles (from collision with the trees), power lines and pedestrians.

Reason: To ensure the safety of vehicle occupants and the public and to ensure adequate access for the development.

19 The proponent shall provide the following roadworks with associated stormwater drainage structures that have been designed and constructed in accordance with Council's Development, Design and Construction Manual (as amended). The proponent shall be responsible for any costs, including maintenance, for a period of six months from the date of approval of completion of the work. The required roadworks include:

> Construction of an urban, AC bitumen sealed road shape with a width of 9 m between kerbs in a 20 metre road reserve: for the full length of the proposed roads, being: the connection of the existing ends of May Street and the

> connection of Donaghue Street to May Street. In the event that the Arborist Report (required as per Condition 18 above) finds that due to the poor health of the cluster of trees that they have to be removed, then the pavement is to be reconstructed to a 7m wide gravel formation comprising a minimum depth of 300 mm of compacted gravel, and including a bitumen sealed surface 5m wide from the intersection with James Street towards the eastern boundary of proposed lot 23.

In the event that the Arborist Report advises that the trees are to be retained, the Engineers Report, including plans submitted for Council approval, will detail the additional line marking and traffic control that will be required to ensure the safety of the road users. All works will be at the Applicant's expense.

Delineation of the intersection layout at the junction of both Donaghue and May Streets with James Street by the erection of "Give Way" Regulatory signage and linemarking accordance with AUSTROADS Pt 5 "Intersections at Grade".

Prior to the release of the Subdivision Certificate the Applicant shall obtain a certificate of completion for the above works from Council. Prior to obtaining this certificate a practising qualified surveyor or engineer shall submit to Council for approval, a "works-as-executed" set of plans, completed asset record forms and a construction certification. The certification shall certify that all roads, drainage and civil works required by this development consent and the approved design plans have been completed in accordance with Council's Development and Construction Manual (as amended).

Reason: To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a) and to specify requirements for approval under section 138 of the Roads Act.

20 **Prior to the release of a Subdivision Certificate** the proponent shall construct a 1.5 m wide reinforced concrete, paving block or equivalent footpath, leading from May Street to the Sports Field as shown on Plan 5 Road Hierarchy and Road Width (Newton Denny Chapelle Drawing) in accordance with Council's Development, Design and Construction Manuals (as amended) and AS1428. Any costs shall be the responsibility of the proponent.

Reason: To meet the anticipated demand for open space by residents of the development. (EPA Act Sec 94)

21 **Prior to issue of the Subdivision Certificate**, street signage in accordance with Council's adopted standard shall be erected at all new street intersections.

Reason: To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a))

22 **Prior to the release of the Subdivision Certificate** a minimum 4 m wide asphaltic concrete (25mm depth) sealed or equivalent driveway with kerb and gutter on one edge shall be constructed for the full length of the access shaft of Lots 16 and 17. A right of access shall be created over the constructed driveway giving benefit to Lots 16 and 17. All works shall be constructed in accordance with Council's Development, Design and Construction Manuals (as amended). Provision shall be made for the future supply of the following services within the access shaft:

water supply stormwater telephone power.

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

23 **Prior to the release of the Subdivision Certificate** a 3.0m wide asphaltic concrete (25mm depth) sealed or equivalent driveway shall be constructed commencing from the road pavement for the full length of the access shaft of Lot 12. All works shall be constructed in accordance with Council's Development, Design and Construction Manuals (as amended). Provision shall be made for the future supply of the following services within the access shaft: water supply

stormwater telephone power.

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

24 The grade from the road pavement to each lot shall permit the construction of vehicular access in accordance with Council's Design and Construction Specification (Vehicular Access). Engineering design working drawings shall provide evidence of the feasibility of lot access. Such drawings shall be submitted for Council approval with the Construction Certificate.

Reason: To ensure adequate access for the development. (EPA Act Sec 79C(b))

25 **Prior to commencement of any works** upon the site the proponent shall obtain a Construction Certificate for the proposed works. The Construction Certificate application shall include full design details of the proposed engineering works to satisfy the relevant conditions of this consent. Such application shall be accompanied with the relevant fee, as adopted at the time of the relevant payment, as indicated in Council's Fees and Charges.

NOTE: Where a development is proposed to be staged then appropriate plans to satisfy this condition for that stage shall be submitted and approved by Council prior to commencement of works.

Reason: To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a)) and to comply with requirements of EPA Act Sec 81A(4)

26 **Prior to the issue of the Construction Certificate** approval under section 138 of the Roads Act for the all works upon the public road shall be obtained. For this approval full design plans of the proposed engineering works required upon the public road shall be submitted to and approved by Council. Plans shall include details of works required to satisfy the conditions of this consent. Such plans shall be accompanied with the fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges.

Reason: To ensure an adequate road network in accordance with adopted standards can be provided. (EPA Act Sec 79C(a)) and to specify requirements for approval under section 138 of the Roads Act.

27 The proposed road reserve at the northern end of May Street shall be a maximum width of 20m. The additional land shown as road reserve within the approved plan shall be dedicated to Council as public reserve in the plans to accompany the Subdivision Certificate application.

Reason: To ensure that public lands are appropriately classified.

28 The design of the May Street extension is to have regard to producing a "low speed environment" for the road by the inclusion of raised pavement, thresholds treatments or line markings. Details of the proposed "low speed environment" treatments are to be discussed and agreed by Council's Development Engineer **prior to the submission of final road design plans for the Construction Certificate.**

Reason: To ensure an adequate and safe road network in accordance with adopted standards. (EPA Act Sec 79C(a))

PUBLIC TRANSPORT

29 The proponent shall provide a tapered bus bay including a timber and metal clad bus shelter in accordance with Council's standard Drawing No.SD1256. Details of the location of the proposed bus shelter is to be submitted to and approved by Council **prior to the issue of the Construction Certificate**. The bus shelter shall be provided at no cost to Council.

Reason: To provide for adequate public transport infrastructure (EPA Sec 79C(e))

PUBLIC RESERVE

30 **Prior to the release of the Subdivision Certificate** the land to be dedicated as public reserve shall be slashed, weed free and cleared of all surface rocks to the satisfaction of Council's Parks and Reserves Section.

Reason: To ensure that the land is in a satisfactory condition to be utilised and maintained as open space.

31 **Prior to the release of the Construction Certificate** full details of the proposed landscaping within the land to be dedicated as public reserve shall be submitted to and approved by Council. **Prior to the release of the Subdivision Certificate** the proponent shall obtain written confirmation from Council's Parks and Reserves section that the gardens within the public reserve have been landscaped to the satisfaction of Council's Parks and Reserves section.

Reason: To ensure that appropriate landscaping is provided. (EPA Act Sec 79C(c))

32 Bollards, or similar, are to be erected for the length of the proposed road reserve at the northern end of May Street that is required to be dedicated as public reserve by Condition 27. Details of the specific location and design of the proposed bollards are to be submitted to and approved by Council **prior to the issue of the Construction Certificate.**

Reason: to prevent unauthorised parking on the public reserve.

PUBLIC UTILITIES

33 **Prior to release of the Subdivision Certificate,** the proponent shall ensure the provision of telephone services is provided to all lots. A Certificate of Compliance 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))

34 **Prior to release of the Subdivision Certificate,** a Certificate of Compliance from the relevant service provider shall be required confirming that it has provided underground electrical power to each lot, adequate street lighting for the development as required by the Australian Standard 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))

ON-SITE EFFLUENT DISPOSAL

35 **Prior to the issue of a Subdivision Certificate,** a section 88B instrument under Part 6 Division 4 of the Conveyancing Act 1919 is to be prepared with respect to each of the proposed lots 1 to 23, indicating:

> Any future development which generates sewage or domestic wastewaters must have installed an on-site sewage management facility designed to manage all wastes in accordance with Council's On-Site Sewage and Wastewater Management Strategy.

> That preference in the design of an on-site sewage management facility must initially be given to low technology gravity fed options.

The base of any evapotranspiration/absorption trenches must be constructed into natural and not filled land.

To satisfy the various site and soil structure limitations, secondary treatment may be required and in some instances secondary treatment to BOD 20mg/litre may be necessary.

The siting and scale of any building or other development on any lot must take into account the potential site limitations that may impact on on-site sewage management and particularly the location of effluent disposal fields. *Reason:* To protect human health and the environment.

36 The width of Lot 6 is to be increased by a minimum of 5m by adjusting the width of Lots 7, 8 and 11. A plan showing this amendment is to be submitted to and approved by Council **prior to the issue of the Construction Certificate.**

Reason: To provide an increase in the area available on Lot 6 to site a dwelling and on-site effluent disposal system that complies with Council's polices.

CONTAMINATION

37 **Prior to the commencement of any work on the site** a detailed contaminated land investigation must be carried out by a suitably qualified professional in accordance with the requirements of the *NSW Managing Land Contamination Planning Guidelines* (guidelines) to determine the extent and degree (laterally and vertically) of all lead and asbestos contamination.

Reason: To determine the extent and degree of land contamination.

Prior to the commencement of any work on the site and following the detailed investigation, a site Remedial Action Plan (RAP) must be prepared for the land by a suitably qualified professional and must be approved by Council. The RAP must address and manage all risks, including occupational health and safety matters, erosion and sediment control, dust management, waste management, and include appropriate validation and monitoring procedures. Induction procedures must be carried out for all appropriate personnel and this must be recognised in the plan. The RAP must be supervised by a suitably qualified professional who must be nominated to Council in writing together with full 24 hour per day contact details. The RAP must also address Schedule 2 of the Lismore City Council Regional Policy for the Management of Contaminated Land, June 2007.

Reason: To ensure the proper management of land contamination.

39 **Prior to the issue of a Subdivision Certificate** a validation report and certification prepared by a suitably qualified professional in accordance with the requirements of the *NSW Managing Land Contamination Planning Guidelines* demonstrating that the objectives of the RAP have been complied with must be submitted to and be approved by Council.

Reason: To ensure the proper management of land contamination.

WASTE MANAGEMENT

40 **Prior to the commencement of any work on the site** a Waste Management Plan, in accordance with the provisions of Part A, Chapter 15 – Waste Minimisation of Lismore Development Control Plan, must be submitted to and approved by Council.

Reason: To comply with the requirements of Lismore DCP.

41 All waste materials generated from the development shall only be disposed of at licensed waste management facilities capable of receiving the waste as classified under the NSW Department of Environment and Climate Change (EPA) guideline document *'Waste Classification Guidelines: Part 1 Classifying Waste 2008'*.

Reason: To protect the environment and manage wastes appropriately.

NOISE AND LIGHTING

42 **Prior to the issue of a Subdivision Certificate** a restriction as to user, pursuant to Section 88 of the Conveyancing Act 1919, is to be prepared and registered on the title of Lot 23, indicating:

Any future application for a dwelling house or structure proposed for residential habitation shall be accompanied by a detailed noise impact assessment which addresses the operational activities of the adjoining sports club and sports ground facilities and demonstrates that the dwelling house or structure proposed for residential habitation can comply with the Evening and Night time Project Specific Noise Level of 37dB(A).

Any future application for a dwelling house or structure proposed for residential habitation shall be accompanied by a detailed light spill assessment referencing Australian Standard 4282 - *Control of the Obtrusive Effects of Outdoor Lighting.* The assessment must address the operational activities of the adjoining tennis courts and the impact of light spill on the proposed residence and include appropriate recommendations to ensure the design of the residence provides for reasonable amenity for future occupants.

Reason: To ensure a reasonable level of amenity is provided for future occupants of and residence.

WATER and SEWER

43 A Certificate of Compliance issued by Lismore City Council, under the provisions of Section 305-307 of the Water Management Act 2000, must be obtained and submitted to the Principal Certifying Authority and Council **prior to release of any linen plan for subdivision.**

Notes:

- a) A Notice of Requirements advising of the matters that must be completed prior to issuing the Certificate of Compliance should have been forwarded to the applicant with this notice of determination.
- b) Applicants are advised via the Notice of Requirements of any water authority requirements that must be met **prior to being issued with a Construction Certificate**, prior to construction commencing, during construction and prior to being issued with a Certificate of Subdivision.
- c) If you are intending to act upon this consent and have not obtained a Notice of Requirements please contact Lismore Water. Go to web site www.lismore.nsw.gov.au, or telephone Lismore Water on 1300 87 83 87.

Reason: To ensure compliance with the statutory requirements of Lismore City Council.

44 A Certificate of Compliance from **Rous Water**, under the provisions of Section 305-307 of the Water Management Act 2000, must be obtained and submitted to the Principal Certifying Authority and Council **prior to release of any linen plan for subdivision.**

Notes:

- a) The Certificate of Compliance confirms all money payable to Rous Water in respect of the load the development imposes on the Regional Bulk Water Supply has been paid.
- b) Lismore City Council acts as Rous Water's agent in this matter and will issue a Certificate of Compliance on behalf of Rous Water upon payment of the Rous Water Development Servicing Charge to this Council.
- c) Rous Water's Development Servicing Charge is set out in the Notice of Requirements attached to this notice of determination.

Reason: To ensure compliance with the statutory requirements of Rous Water

ECOLOGY

45 All native trees located on and/or near the southern boundary of the subject site are to be retained.

Reason: To ensure that significant landscape trees that may provide habitat and forage threatened species and contribute to the local amenity are retained.

46 Camphor Laurel specimens at any stage of growth are to be removed from the subject site.

Reason: To ensure eradication of Camphor Laurel on the subject site.

47 Any exotic plant species declared noxious under the Noxious Weeds Act 1993 in the control area of the Far North Coast County Council, or plants declared as Weeds of National Significance by the Australian Weeds Strategy are to be controlled on the subject site.

Weeds are to be controlled in accordance to the control requirements for each of the five classes of noxious weeds identified in the Act.

A plan for the control of Noxious Weeds and Weeds of National Significance is to be incorporated in the Vegetation Management Plan as required by Condition 50.

Reason: To ensure appropriate control of weed species on the subject site.

48 The drainage gully immediately to the east of the proposed village subdivision is a first order watercourse. **Prior to the issue of a Subdivision Certificate** a riparian corridor extending to a width of 20m on the eastern side and up to the eastern boundaries of approved Lots 6 to 11 on the western side of the gully (as measured from the centre of the channel) is to be revegetated in accordance with the following guidelines:

Raine & Gardiner (1997). *Revegetating Streams in the Richmond Catchment: A Guide to Species and Planting Methods*. Department of Land and Water Conservation NSW, Maitland, NSW. (Contained in Lismore City Council (2007). *Landscape Guidelines*. Lismore City Council, Lismore, NSW)

Reason: To ensure that the width of proposed riparian corridors meet NSW State Government guidelines.

49 A plan and details for the revegetation of the riparian corridor and the buffer plantings on Lot 11 are to be incorporated in the Vegetation Management Plan as required by Condition 50.

Reason: To ensure that the width of proposed riparian corridors meet NSW State Government guidelines.

50 **Prior to commencement of works** a Vegetation Management Plan, based on the approved lot layout plan, is to be prepared and submitted to Council for approval. The Vegetation Management Plan shall be prepared in accordance with structure and content of the: Lismore City Council (2010). *Guidelines for the preparation of Vegetation Management Plans*. Lismore City Council, Lismore, NSW

The Vegetation Management Plan shall be prepared and implemented by person(s) with appropriate knowledge, qualifications and experience in current best practices for indigenous vegetation rehabilitation and management as detailed in the above guidelines.

Reason: To ensure appropriate management and rehabilitation of retained native vegetation, weed management and the revegetation of cleared areas. To ensure that the Vegetation Management Plan can be assessed in accordance with both NSW State Government and Lismore City Council guidelines.

- 51 A monitoring report relating to the implementation of the approved Vegetation Management Plan shall be submitted to Council:
 - 1. at the completion of primary planting and **prior to the issue of a Subdivision Certificate**; and
 - 2. at annual intervals until the end of the five (5) year maintenance period.

A final monitoring report shall also be submitted upon completion of the maintenance period.

Reason: To ensure that implementation of the approved Vegetation Management Plan meets performance criteria established in the plan.

- 52 **Prior to the issue of the Subdivision Certificate** a Restriction on Use, under Part 6 Division 4 of the Conveyancing Act 1919, is to be placed on the title of proposed lot 11 indicating:
 - a. The Buffer Planting at the northern boundary of proposed Lot 11 shall be established and retained as a conservation area;
 - b. For the purpose of maintaining the Buffer Planting, access to the Buffer Planting shall be provided to person(s) acting on the approved Vegetation Management Plan for the five (5) year term of this plan;
 - c. Unrestricted access to the buffer planting area is to be made available to the users of the adjoining public reserve for the purpose of retrieving balls and equipment;
 - d. Stock shall be excluded from the Buffer Planting by appropriate fencing;
 - e. No vegetation clearing, altering of vegetation structure or damage to vegetation shall be permitted within the Buffer Planting except as required to remove Noxious Weeds, Environmental Weeds or other exotic plant species;
 - f. The fencing erected around the buffer plantings shall maintained in working order and shall not be removed, damaged or allowed to fall into disrepair at any time;
 - g. The buffer area shall be managed in accordance with the approved Vegetation Management Plan prepared for the site; and
 - h. In accordance with the Vegetation Management Plan for the subject site, the buffer area shall be maintained such that there is a maximum of 5% Environmental Weed cover (as listed by North Coast Weeds) and the land is 100% free of Noxious Weeds declared within the Lismore Local Government Area.

Reason: To ensure that the conservation area is kept free of stock and is maintained in perpetuity by the owner of the subject site.

- 53 **Prior to the issue of the Subdivision Certificate** a Restriction on Use, under Part 6 Division 4 of the Conveyancing Act 1919, is to be placed on the title of proposed Lot 19 indicating:
 - a. The Small-leaved Fig (*Ficus obliqua*) situated in the north western portion of Lot 19 as identified in Plan 3 Proposed Subdivision Layout is not to be removed from the lot.
 - b. The land directly under the canopy of the tree is to be kept free of Noxious Weeds, Environmental Weeds and any other exotic shrub or tree species (e.g. Camphor Laurel)

Reason: To ensure that the conservation area is kept free of stock and is maintained in perpetuity by the owner of the subject site.

- 54 **Prior to the issue of the Subdivision Certificate** a Restriction on Use, under Part 6 Division 4 of the Conveyancing Act 1919, is to be placed on the title of proposed Lot 24 indicating:
 - a. The Riparian Corridor revegetation encompassing the first order watercourse immediately to the east of the proposed subdivision shall be established and retained as a conservation area. The minimum width of the Riparian Corridor Planting on both sides of the watercourse shall be 20 m measured from the centre of the channel;
 - b. For the purpose of maintaining the Riparian Corridor revegetation, access to the Riparian Corridor Planting shall be provided to person(s) acting on approved Vegetation Management Plan for the five (5) year term of this plan;

- c. Stock shall be excluded from the Riparian Corridor revegetation by appropriate fencing;
- d. No vegetation clearing, altering of vegetation structure or damage to vegetation shall be permitted within the Riparian Corridor except as required to remove Noxious Weeds, Environmental Weeds or other exotic plant species;
- e. The fencing erected around the Riparian Corridor revegetation shall maintained in working order and shall not be removed, damaged or allowed to fall into disrepair at any time;
- f. The Riparian Corridor revegetation area shall be managed in accordance with the approved Vegetation Management Plan prepared for the site;
- g. In accordance with the Vegetation Management Plan for the subject site, the Riparian Corridor revegetation area shall be maintained such that there is a maximum of 5% Environmental Weed cover (as listed by North Coast Weeds) and the land is 100% free of Noxious Weeds declared within the Lismore Local Government Area.

Reason: To ensure that the conservation area is kept free of stock and is maintained in perpetuity by the owner of the subject site.

ABORIGNIAL SIGNIFICANCE

55 Any person shall not knowingly destroy, deface or damage any Aboriginal relic or other item of archaeological significance within the works area without the prior written consent of the Department of Environment, Climate Change and Water (DECCW).

Reason: To protect Aboriginal and Archaeological significance.

56 Upon discovery of any Aboriginal relics within the meaning of the National Parks and Wildlife Act 1974 (as amended) during site or excavation works, the developer and any person acting on their behalf shall immediately notify the DECCW, the local Aboriginal Land Council and Council and shall cease operations within the vicinity thereof until such time as the consent of the DECCW is obtained (if required) for the destruction, removal or protection thereof and the developer has complied with the directions of the DECCW in that respect. The developer shall provide to Council copies of any direction given by the DECCW in respect of Aboriginal relics that are subject of this condition.

Reason: To protect Aboriginal and Archaeological significance

PLANNING

57 The Riparian Corridor revegetation on the western side of the existing gully is to be extended to the eastern boundary of proposed Lots 6 to 11.

Reason: to restrict grazing on the part of the site between the village residential lots and the riparian revegetation.

58 Stock proof fence is to be erected so as to prevent stock from the residual Lot 24 entering the village residential lots and the proposed Riparian Corridor revegetation area adjacent to the gully.

Reason: To protect the riparian vegetation and the village residential lots.

CRIME PREVENTION

59 The minimum width of any pathway is to be 1.5m

Reason: To encourage the use of the pathways.

60 Five (5) metres on either side of the pathway between May Street and Balzer Park are to include low height (600mm or below) plantings. Vegetation outside this 5 metre setback is to graduate up in height. Details of these plantings adjacent to this footpath are to be submitted to and approved by Council **prior to the issue of the commencement of works.**

Reason: To increase the safety of the pathways.

61 Security lighting is to be provided in accordance with AS1158.3.1:2005 for the pedestrian pathway from May Street to Balzer Park. Details are to be submitted to and approved by Council **prior to the issue of the Construction Certificate.**

Reason: To increase the safety of the pathways and existing pedestrian thoroughfare.

62 Security lighting provided along the approved pathways is to be designed to be vandal resistant.

Reason: To target harden approved infrastructure.

CONTRIBUTIONS

63 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 **\$156,785**, 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)

Section 375A Voting Record

Voting for:

Councillors Houston, Meineke, Clough, Chant, Marks, Battista, Dowell, Graham, Yarnall, Ekins and Smith

Voting against: Nil

12.3 Lismore Tourist Caravan Park

A MOTION WAS MOVED that:

- 1. Council note the contents of the report from GHD and take no further action to explore the recommended options.
- 2. Council conduct an expression of interest (EOI) process as soon as possible in an attempt to secure a new lessee for the facility.
- 3. The EOI documentation include requirements for an improvement in the overall standard of the facilities and management of the park to be undertaken by the lessee as outlined in the report.
- 4. The EOI documentation include requirements that all new residents at the park must be short stay tenants only.
- 5. The evacuation plan for the caravan park be reviewed, noting that an application has been lodged for funding of this review.
- 6. Staff investigate further the issues outlined in the report regarding a potential moratorium for existing residents of the park in regard to enforcement of the short stay provisions.
- 7. A further report be presented to Council following completion of the EOI process and completion of the investigation outlined in Point 6.
- 8. Council work with the current lessee to ensure that their obligations to the existing residents are understood and met in regards to their departure from the facility in December 2011.
- 9. Council continue to work with the relevant housing agencies to assist in relocating residents where and if required.

(Councillors Graham/Clough) (BP11/81)

AN AMENDMENT WAS MOVED that:

- 1. Council note the contents of the report from GHD and take no further action to explore the recommended options.
- 2. Council conduct an expression of interest (EOI) process as soon as possible in an attempt to secure a new lessee for the facility.
- 3. The EOI documentation include requirements for an improvement in the overall standard of the facilities and management of the park to be undertaken by the lessee as outlined in the report.
- 4. The evacuation plan for the caravan park be reviewed, noting that an application has been lodged for funding of this review.

- 5. Council work with the current lessee to ensure that their obligations to the existing residents are understood and met in regards to their departure from the facility in December 2011.
- 6. Council continue to work with the relevant housing agencies to assist in relocating residents where and if required.
- 7. Staff prepare a report on option 3 for submission to the May 2011 Council meeting.

(Councillors Battista/Meineke) (BP11/81)

On submission to the meeting the AMENDMENT was DEFEATED.

Voting for:	Councillors Houston, Meineke, Chant, Battista and Smith
Voting against:	Councillors Clough, Marks, Dowell, Graham, Yarnall and Ekins

323/11 **RESOLVED** that:

- 1. Council note the contents of the report from GHD and take no further action to explore the recommended options.
- 2. Council conduct an expression of interest (EOI) process as soon as possible in an attempt to secure a new lessee for the facility.
- 3. The EOI documentation include requirements for an improvement in the overall standard of the facilities and management of the park to be undertaken by the lessee as outlined in the report.
- 4. The EOI documentation include requirements that all new residents at the park must be short stay tenants only.
- 5. The evacuation plan for the caravan park be reviewed, noting that an application has been lodged for funding of this review.
- 6. Staff investigate further the issues outlined in the report regarding a potential moratorium for existing residents of the park in regard to enforcement of the short stay provisions.
- 7. A further report be presented to Council following completion of the EOI process and completion of the investigation outlined in Point 6.
- 8. Council work with the current lessee to ensure that their obligations to the existing residents are understood and met in regards to their departure from the facility in December 2011.
- 9. Council continue to work with the relevant housing agencies to assist in relocating residents where and if required.

(Councillors Graham/Clough) (BP11/81)

Voting for:	Councillors Clough, Marks, Dowell, Graham, Yarnall and Ekins
Voting against:	Councillors Houston, Meineke, Chant, Battista and Smith

12.4 Infrastructure Services Review

324/11 **RESOLVED** that:

- 1. The final report from Complete Urban on the Infrastructure Services Review be received and noted.
- 2. All 67 recommendations as presented in the review be adopted.
- 3. Staff develop an action plan for the implementation of the above recommendations and report back to Council.

(Councillors Yarnall/Houston) (BP11/100)

Voting for:	Councillors Houston, Meineke, Clough, Chant, Marks, Battista, Dowell, Graham, Yarnall, Ekins and Smith
Voting against:	Nil

12.5 Proposed 2011/2012 Roads Capital Works Program

325/11 **RESOLVED** that Council approve the 2011/2012 Roads Capital Works Program as set out in the body of the report.

(Councillors Graham/Smith) (BP11/82)

Voting for:Councillors Houston, Meineke, Clough, Chant, Marks, Battista,
Dowell, Graham, Yarnall, Ekins and Smith

Voting against: Nil

12.6 Seasonal Closure of the Lismore Memorial Baths

326/11 **RESOLVED** that:

- 1. Council authorises Option 3, limited hours for the month of May 2011.
- 2. Individual Lismore Memorial Baths membership pass holders be informed and invited to negotiate for a partial pro-rata refund or extension options as compensation for the early closure.

(Councillors Ekins/Marks) (BP11/80)

- Voting for: Councillors Meineke, Chant, Marks, Battista, Graham, Yarnall and Ekins
- Voting against: Councillors Houston, Clough, Dowell and Smith

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12.7 Draft Koala Plan of Management Stakeholder Reference Group

327/11 **RESOLVED** that Council:

- 1. Acknowledge that the stakeholder reference group will be chaired by the Manager-Integrated Planning
- 2. Appoint the following nominees to the draft Koala Plan of Management stakeholder reference Group namely;

Mr Jolyon Burnett Mrs Kath Robb Mr Malcolm Scott Mr Andrew Tickle Ms Georgia Beyer Ms Sandra Heuston Mr Kell Graham Mr Tony Walker Mrs Lorrain Vass Mr Jeffery Zanette Ms Julie Reid

(Councillors Graham/Chant) (BP11/28)

Voting for:	Councillors Houston, Meineke, Clough, Chant, Marks, Battista, Dowell, Graham, Yarnall, Ekins and Smith
Voting against:	Nil

12.8 Investments - February 2011

328/11 **RESOLVED** that the report be received and noted.

(Councillors Clough/Chant) (BP11/75)

Voting for:	Councillors Houston, Meineke, Clough, Chant, Marks, Battista, Dowell, Graham, Yarnall, Ekins and Smith
Voting against:	Nil

At this juncture Councillor Graham Meineke left the meeting.

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Committee Recommendations

13.1 Traffic Advisory Committee Meeting Minutes of 16 February 2011.

329/11 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.

(Councillors Clough/Smith) (BP11/113)

Voting for:	Councillors Houston, Meineke, Clough, Chant, Marks, Battista, Dowell, Graham, Yarnall, Ekins and Smith
Voting against:	Nil

At this juncture Councillor Graham Meineke returned to the meeting.

Documents for Signing and Sealing

Documents for Signing and Sealing

330/11 **RESOLVED** that the following documents be executed under the Common Seal of the Council:

Outdoor Dining Licence – Howards Deli – 106 Keen Street, Lismore (P5752) Licence for outdoor dining comprising an area of $7.8m^2$ over the footpath adjacent to the premises at 106 Keen Street, Lismore. The licence is in accordance with Lismore City Council Outdoor Dining Policy. The term of the licence is 3 March 2011 – 31 December 2012 and is fee-free in accordance with the Policy.

(Councillors Smith/Yarnall) (BP11/128)

Voting for:Councillors Houston, Meineke, Clough, Chant, Marks, Battista,
Dowell, Graham, Yarnall, Ekins and Smith

Voting against: Nil

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Financial Assistance – Section 356

15.1 Financial Assistance – Section 356 Report

331/11 **RESOLVED** that in accordance with Section 356(1) of the Local Government Act 1993, the assistance to persons as listed above is hereby approved.

(Councillors Graham/Yarnall) (BP11/102)

a) City Hall Reductions in Rental – Policy 8.4.2 (GL390.125.15) Budget: \$21,400 Spent to date: \$14,040.69

Volunteering Northern Rivers requesting Council waive the hire fees (\$471) for use of the City Hall to hold the Lismore Community Volunteers Expo on 12 May 2011.

Recommendation: In accordance with Clause 5 of the policy, a donation 100% of the hire fees applies.

\$471.00

In accordance with policy.

b) Council Contributions to Charitable Organisations Waste Facility – Policy 5.6.1 (GL390.965.15) Budget: \$15,000 Spent to date: \$9,010.31

January 2011 Animal Right & Rescue \$21.82 Multitask \$70.13 Five Loaves \$290.90 Friends of the Koala \$33.17 Lismore Soup Kitchen \$14.55 LifeLine \$290.90 Westpac Life Saver Helicopter \$50.92 Total

\$772.39

In accordance with policy.

c) Development & Other Application Fees – Policy 1.4.7 (GL390.200.15) Budget: \$300 Spent to date:\$2,707.48

Lismore Preschool Kindergarten requesting Council waive all fees (\$504) associated with a development application for a new fence at Lismore Preschool Kindergarten

(CI11/3040 DA11/21).

Recommendation: In accordance with clause A of the policy, a donation of 50% of the development application fees applies.

\$252.00

In accordance with policy.

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

Budget: \$2,700 Spent to date: \$950

The Rotary Club of Lismore are holding a Dinner Dance on 19 March to raise money for the victims of the Queensland and Victorian floods (ED11/2719)

\$50.00

Mr Shawn Sivewright is seeking a donation to costs associated with attending a national training camp at the AIS as part of his selection in a National team to represent Australia in karate (ED11/2594).

\$50.00

Voting for:	Councillors Houston, Meineke, Clough, Chant, Marks, Battista, Dowell, Graham, Yarnall, Ekins and Smith
Voting against:	Nil

At this juncture Councillor Neil Marks left the meeting.

Confidential Matters – Closed Council Meeting

332/11 **RESOLVED** that Council now exclude the press and public and meet in Closed Council to consider the following matters;

ltem	17.1 General Manager's Performance Review - Mid-term Monitoring
Grounds for Closure	Section 10A(2) (a):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to personnel matters concerning particular individuals (other than Councillors).
(Councillors Chant/Clough)	
Voting for:	Councillors Houston, Meineke, Clough, Chant, Battista, Dowell, Graham, Yarnall, Ekins and Smith
Voting against:	Nil

At this juncture Councillor Neil Marks returned to the meeting.

Resumption of Open Council

When the Council had resumed its former sitting, the General Manager reported that Council, meeting in Closed Council, had RECOMMENDED:

17.1 General Manager's Performance Review - Mid-term Monitoring

333/11 **RESOLVED** that the General Manager's report of Council meeting in Closed Council be received and adopted

(Councillors Dowell/Marks)

Voting for:	Councillors Houston, Meineke, Clough, Chant, Marks, Battista, Dowell, Graham, Yarnall and Smith
Voting against:	Councillor Ekins

Closure

This concluded the business and the meeting terminated at 10.15pm.

CONFIRMED this TWELFTH DAY of APRIL 2011 at which meeting the signature herein was subscribed.

MAYOR