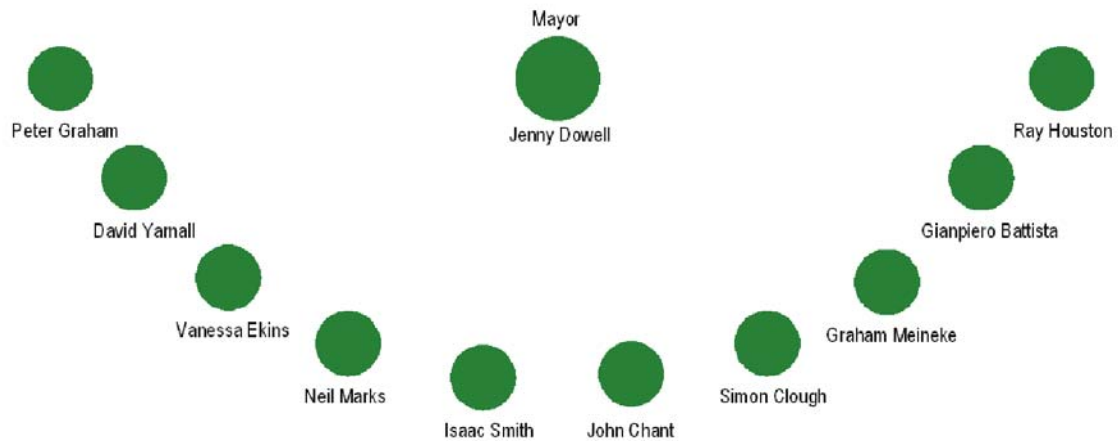


Notice of Council Meeting



Ordinary Meeting

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at
the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on
February 10, 2009
and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager

February 3, 2009



Agenda

Opening of Meeting and Prayer (Mayor)

Apologies and Leave of Absence

Confirmation of Minutes

Ordinary Meeting held on December 9, 2008

Disclosure of Interest

Public Access Session

Jenny Kendall – Notice of Motion – Blue Knob Hall Art Gallery

Public Question Time

Condolences

Mayoral Minutes

Development Application No. 2008/233 – Champions Quarry

Notice of Rescission Motions

Councillors Yarnall, Clough and Chant

Notice of Motions

Councillor Clough – Nimbin Community Centre Inc

Councillor Ekins – Draft LEP

Councillor Houston – Blue Knob Hall Art Gallery

Councillor Yarnall – Road Reconstruction & Maintenance

Altering Order of Business

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Strategic Plan Summary

Lismore regional city

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

Mayoral Minute

Subject **Development Application No. 2008/233 – Champions Quarry**

- 1 That the staff report on DA 08/233 Champions Quarry be deferred, and that an Extraordinary Meeting be held on Wednesday, February 18, 2009 to consider the Development Application.**
- 2 That the Proponent and the Tucki Community Against the Mega Quarry be permitted to make a presentation to this meeting up to a maximum time period on 15 minutes.**

Background

This development application has been the subject of a site inspection by Councillors and 2 workshops. It has generated significant interest in the community, particularly for those residents surrounding the development site.

As a consequence it is my view that Council should focus on this application at an Extraordinary meeting where it is the sole item of business.

Further, I have received an approach suggesting that the Proponent and the peak body objecting to the quarry, Tucki Community Against the Mega Quarry, should be given an extended opportunity to address Council on this issue. A time limit of 15 minutes has been suggested. Again given the significance of the application I believe this request is reasonable and worthy of support.

Notwithstanding the intent of this MAYORAL MINUTE, the staff report has been included in the business paper. This is in accordance with undertakings given to those who lodged a submission to the development application. It is therefore open for Council to deal with the matter tonight, however I understand the proponent and those from Tucki Community and Mega Quarry would not object to it being dealt with on February 18, 2009.

Rescission Motion

Councillors David Yarnall, Simon Clough and John Chant have given notice of their intention to move at the next meeting of Council the following rescission motion:

That resolution 267/08 in respect to the appointment of Policy Advisory Group Community Members be rescinded.

Councillor Comment

Councillor Yarnall

The intention of the rescission motion is to re-open debate and thereby correct a perception that due process was not followed in the nomination process for community membership to the Policy Advisory Groups. Specifically, that nominations were accepted after the closing date and after the business paper was published. This placed those that nominated after the closing date at unfair advantage compared with those that nominated prior to the closing date. It is critically important that in elections to public office of any kind that due process be followed so that transparency, fairness and openness are maintained. Due to the extension of the nomination period the perception is that due process was not followed. This needs to be corrected so that the public can have confidence in Council's processes.

(S36:08-12259)

Notice of Motion

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

That Council:

1. Readvertise for community members for its Policy Advisory Panels with nominations closing strictly at 4.00pm on Monday, March 2, 2009.
2. All nominations received prior to the December meeting be eligible for appointment unless withdrawn by March 2, 2009.
3. All eligible nominations be reported to the Council in the circulated March Council meeting agenda.

(S36:08-12356)

Notice of Motion

Cr Simon Clough has given notice of his intention to move at the next meeting of Council.

That Council does not seek security for the Section 94 (S94) contributions from the Nimbin Community Centre Incorporated in respect of the transfer of title of the community centre as outlined in the Council decision dated 8th July 2008.

Councillor Comment

Councillor Clough

Arguments for waiving mortgage as security for S94 funds contributed:

1. The NCCI agreed to a mortgage 10 years ago to secure the S94 funding. It is now realised that a mortgage on the land would make it harder for NCCI to raise funds against the land should a future community need be identified.
2. Nimbin School of Arts has received \$32,000 in S94 contributions without any long term security. Council simply required the organisation to prepare a plan of management. NCCI has a detailed, recently revised plan of management.
3. On acquisition of the title from the Dept of School Education NCCI demonstrated trust in the Council by allowing subdivision of two parcels of land into council ownership - one to provide public toilets and the other to allow for construction of a new fire station. This action more than compensates for the S94 developer contribution towards the purchase price
4. Council should reciprocate the trust NCCI has shown and acknowledge the substantial contribution the organisation has made to provision of community facilities in Nimbin, a community where Council ownership of land is severely constrained.

Staff Comment

Manager - Finance

In accordance with Council's current and previous Lismore Contributions Plan (Section 94 Plans), approximately \$41,000 will be provided to NCCI and its predecessor (Nimbin Community Development Association Inc.), to purchase and develop the Nimbin Community Centre. The purpose of the security, as a mortgage, is to ensure the provision of community services to the residents of Nimbin and protection of Council's investment. A mortgage would provide an absolute guarantee while other legally binding agreements such as a deed of agreement is not binding on a third party, should that circumstance arise.

This security would allow Council to become pro-actively involved, if required, if there were concern from the community about these services at any time in the future.

In regards to the arguments for waiving security, the counter points are offered:-

1. If NCCI did raise funds from a third party and the third party was a financial institution, these funds would more than likely be secured by a mortgage. Should NCCI default, the third party would take possession to pay off the debt. In this situation, Council would have no legal rights to the Section 94 Funds invested.

Notice of Motion

2. Council does have a binding Deed of Agreement with the Nimbin School of Arts for the Section 94 funds applied protecting Council's interest's. However, it is unlikely to protect Council's interests if there was a third party debt which was secured by mortgage.
3. The decision by Council to purchase the old Nimbin School site was based on lengthy discussions, negotiations and agreement with the Nimbin Community Development Association (now NCCI). These discussions included the subdivision and development by Council of the two parcels of land in question. The responsibilities of each party were documented in a legally binding Deed of Agreement and it was signed by both parties. While it is agreed goodwill and trust is essential in a business relationship, the Deed of Agreement setting out each parties responsibilities remains legally binding.
4. Council is responsible and accountable for the management of all community assets. This requires Council to apply sound and proven governance practices. This is best achieved by the appropriate legally binding agreement and a mortgage removes any risk from the Council's perspective. In the absence of a specific proposal, the difficulties anticipated by NCCI in raising further funds are a matter of speculation and may not be realised.

The Notice of Motion is not supported on the grounds that it exposes a community funded facility to unwarranted risk.

(P27399:09/635)

Notice of Motion

Cr Vanessa Ekins has given notice of her intention to move at the next meeting of Council.

That Council invite the Environmental Defenders Office to make a presentation to councillors at the February 24 workshop on biodiversity aspects of the draft LEP.

Staff Comment

Comment from Manager, Planning Services

Councillors will be advised of the content of the draft LEP in a series of Workshops proposed over the next few months. This content may be altered by the Department of Planning prior to certification for public exhibition. Accordingly, the Environmental Defenders Office does not have the most current and accurate information regarding biodiversity aspect of contents of the draft LEP, nor would it be aware of the requirements of the full range of State agencies involved in the LEP preparation process.

The Environmental Defenders Office will have ample opportunity to raise any concerns it may have during and after the community consultation period, and any such submission would then be based on accurate information.

The intent of the Notice of Motion is premature given the status of the LEP process.

(S946:09-649)

Notice of Motion

Cr Ray Houston has given notice of his intention to move at the next meeting of Council.

That in view of the community benefits to be derived from the Blue Knob Hall Art Gallery, Council make a donation to the Hall of \$ 2,616.60 representing 30% of the Development Application, Construction Fee and Section 94 Charges.

Councillor Comment

Councillor Houston

The existence and operation of the Art Gallery at the Blue Knob Hall demonstrates the ability and foresight of the management committee to develop and manage a community facility.

There is a timeline imperative to get the works completed and discounting council fees and charges can accelerate the progress of the project.

The Blue Knob Hall Art gallery benefits the local community, the promotion of tourism and demonstrates the special place of Lismore's villages in the broader community.

Staff Comment

Manager - Finance

Council's policy 1.4.7 (Section 356 Donations - Development and Other Application Fees) provides for a donation of 30% of development application and construction certificate fees to all community based non-profit organisations. In the case of the Blue Knob Hall Art Gallery, they are eligible under this policy for a donation of \$857 (\$2,857 x 30%).

As the above policy does not include Section 94 contributions, the contribution of 30% or \$1,759 (\$5,865 x 30%) would require Council to allocate this amount in the 2008/09 Budget as there is no existing budget. While the 2008/09 Budget is in surplus, it should be maintained as indications are that the full impact of the economic crisis on the Budget is yet to be realised. Concern is also expressed about the creation of a precedent in terms of effectively donating Section 94 charges.

In regards to the Blue Knob Hall Art Gallery, Council contributed \$7,000 in 2007/08 and a further \$5,000 is planned through the R&LCIP for 2008/09. In addition, Council makes an annual contribution of \$1,000 to all Rural Halls.

(S164:D07/273:09-585)

Notice of Motion

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

That Council holds a workshop in February on the current funding and future schedule for road reconstruction and maintenance.

Councillor Comment

Councillor Yarnall

This workshop is designed to acquaint Councillors with the state of our road network, our largest item of expenditure, prior to the budget workshops to be held in March. I am informed that there will not be enough time to hold a detailed examination of the state of our roads at the workshop to be held on March 5, so I propose a separate workshop to be held in February, possibly February 23, 25 or 26.

Council's surveys continue to show that the residents are very unhappy with the state of our roads and as Councillors we all know from our own experience the discontent in the wider community with the state of our road network. I also remember that most candidates stated on their election material that road funding was a high priority. The time is coming when we will have to make some tough decisions regarding budget allocations for the 2009/2010 financial year. We have to appraise ourselves of the state of our road network, what we have achieved, what we can achieve and what we cannot achieve, before we make these tough funding decisions in the budget.

If there is no money available then so be it, but at least Council will have given the roads issue a thorough examination in an appropriate forum.

Staff Comment

Executive Director – Infrastructure Services

Roads account for the largest proportion of Council's annual budget. Adequate road funding is a challenge facing all councils across Australia. Staff welcome the opportunity to provide information and discuss road issues at a workshop. It is proposed the workshop would cover background information on roles and responsibilities, the current state of our road network, current levels of service, funding implications and asset management (of roads and other infrastructure).

Manager - Finance

This Workshop will provide information on the road network to Councillors such as its physical state and the estimated cost to bring it up to a satisfactory standard.

Based on existing information, the cost to bring the sealed road network alone up to a satisfactory standard is beyond Council's financial ability when considering the broad range of works and services delivered by Council to ratepayers. As such, the information from this Workshop will be useful when Councillors meet on March 5 for a Workshop to review the alignment of financial priorities and strategic requirements in preparation of the 2009/10 Budget.

(S339:09-619)

Report

Subject	Development Application No. 2008/233 – Champions Quarry
File No	Development Application 2008/233
Prepared by	Development Assessment Planner and Development Assessment Co-Ordinator
Reason	Application called in by two Councillors
Objective	Obtain determination by Council
Strategic Plan Link	Natural Environment, Economic Development and Quality of Life
Management Plan Activity	Efficient Assessment of Development Applications

Overview of Report

On May 9, 2008 Lismore City Council received a Development Application (DA) for the *lateral and vertical expansion of an existing extractive industry to increase the approved annual rate of extraction or production from 29,000m³ per annum to an average of 200,000 tonnes per annum up to a maximum of 5,000,000 tonnes for the life of the quarry. The application also included a boundary adjustment, of 6 existing rural allotments (1.75ha, 41.77ha, 38.71ha, 46.85ha, 34.30ha and 24.48ha in area) to create one lot for the operational area of the extractive industry and 4 rural allotments (28.59ha, 10.1ha, 40.38ha and 46.82ha in area).*

The DA is Designated Development in accordance with Schedule 3 of the *Environmental Planning and Assessment Regulations 2000* (EP&A Regulations), and Integrated Development in accordance with Section 91 of the *Environmental Planning and Assessment Act, 1979*.

In accordance with the relevant Regulations and Council's Development Control Plan, the DA was advertised and the general public were given 28 days to provide a written submission. Due to an anomaly in the exhibition the application was re-exhibited for a further 29 days. This application generated a large number of submissions which were considered in the assessment.

A detailed assessment of the application has been undertaken in accordance with the North Coast Regional Environmental Plan, the Model Provisions, relevant State Environmental Planning Policies, relevant State Government Acts, relevant State Policies and Guidelines, Lismore's Local Environment Plan, Lismore's Development Control Plan and section 79C of the *Environmental Planning and Assessment Act, 1979*. Very briefly the key findings of that impact assessment are summarised below.

1. Buffers

The objective of Lismore's Development Control Plan (DCP) Part A, Chapter 11 - Buffers is to minimise land use conflicts between potentially incompatible land uses through the establishment of appropriate buffer areas. A buffer may serve to mitigate against a number of different impacts caused by a development.

The buffer distances established in the DCP are based on a prescriptive approach that provides indicative buffer distances. They do not take into account the varying types, sizes and impacts of development that in the case of quarries can vary markedly. The issuing of General Terms of Approval (GTA) by the Department of Environment and Climate Change (DECC), has shown that the impacts from the proposed extractive industry (such as noise and air pollution) can be mitigated to an acceptable level, thereby allowing the buffer requirements to be varied by Council if it so resolves.

2. Noise

The noise impacts have been assessed by both Council and DECC specialist technical staff. That assessment is based on best practice predictive modelling. That assessment has concluded that the noise impacts for the proposed operation of the quarry do not warrant refusal of the application. The issuing of General Terms of Agreement (GTA) by DECC mean in effect that the Department has approved of the proposal 'in principle', recognising that the application is capable of complying with the current Regulations. If the application was not capable of complying, the GTA would not have been issued. A consolidated noise report demonstrating how the applicant proposes to comply with the project specific noise levels must be provided to Council and DECC prior to the activation of the development consent. The recommended 'deferred commencement' approval is the planning mechanism to ensure this occurs.

3. Traffic

The key issues within the application relating to traffic include: the volume of traffic to be generated by the development; the adequacy of the existing road for the anticipated traffic; and the design of the intersection to access the quarry.

Currently 6.6% of vehicle movements on Wyrallah Road are trucks. The proposal will increase this proportion to 7.6% once the quarry is operating. This is well within the expected range of 6% to 10% truck movements for this type of road.

The intersection does not comply with the standard sight distance requirement, however this is mitigated by the provisions of turning lanes. It was determined that this design approach meets the intent of the standard and therefore the intersection does satisfy the requirement of the standard.

4. Koalas

The inspection of all mapped vegetated areas within the proposed site did not identify any koala faecal scats beneath, or 'poc' markings on, the trunks of potential koala food trees. No koalas were sighted and the koala food trees on the site did not comprise over 15% of the canopy. As a result, the site is not considered 'core' or 'potential' koala habitat under the applicable State policy, and the requirement for an individual koala plan of management cannot be imposed. It is probable that koalas may occasionally traverse, or enter into, the proposed site. To acknowledge and facilitate this movement it is recommended that any restoration or buffer plantings to the north of the site should include koala food trees.

5. Visual

The investigations undertaken and assessments made in accordance with the methodology established in Land and Environment Court cases concerning visual impacts have determined that the alteration of the landscape is acceptable. This is not to say that the impacts on the dwelling nominated at receiver 1 won't result in a reduction of visual amenity, nor can it be said that the screening plantings won't change the outlook from the dwellings nominated at receivers 2 and 3 (the location of the receivers are detailed in 'attachment 3'). However these impacts are not so great so as to warrant refusal of the application.

6. Recommendation

The site and surrounding area is zoned 1(a) General Rural and 1(r) Riverlands. An important point is that extractive industries are permissible with consent in both zones. The assessment of the application in accordance with the legislation has demonstrated that this application can satisfy the current legal requirements for an extractive industry. Therefore a Deferred Commencement Approval, in accordance with the schedule of conditions attached to this report is recommended.

This report will be structured in several parts:

- Part 1** Provides an outline of the proposal and sets out the legislative framework under which Council is required to consider the DA.
- Part 2** Sets out the key issues, followed by a discussion of the issues;
- Part 3** Referral comments from Council staff and the general terms of approval (GTA) from the State Government agencies.
- Part 4** Determination
- Schedule 1:** Recommended Conditions of Consent

Parts 1, 2, 3 and Schedule 1 are within the Business Paper. Attachments 1 – 10 listed below are included in the Attachment to the Business Paper.

- Attachment 1:** Location and Zoning Map
- Attachment 2:** Landscape Plantings
- Attachment 3:** Receivers for the Visual Assessment
- Attachment 4:** Potential Koala Movements
- Attachment 5:** Location of Dams
- Attachment 6:** Receivers for the Noise Assessment
- Attachment 7:** Roads and Traffic Authority intersection design
- Attachment 8:** Legal Advice
- Attachment 9:** Assessment, as required by the Environmental Planning and Assessment Act 1979
- Attachment 10:** Summary and Assessment of the Submissions

Attachment 9 is extensive and is included to ensure that the Council is fully cognisant of all aspects of the assessment as required by the *Environmental Planning and Assessment, Act 1979*. The most important section of the report is Part 2 in which the discussion of the key issues occurs. These issues are also referenced in various locations in the comprehensive assessment.

PART 1

Proposal

1. The lateral and vertical expansion of an existing extractive industry to increase the approved annual rate of extraction or production from 29,000m³ per annum to annual average of 200,000 tonnes per annum to a maximum of 5,000,000 tonnes for the life of the quarry. The estimated life of the quarry is 25 years.
2. Boundary adjustment, as requested by Lismore City Council, of 6 existing rural allotments (1.75ha, 41.77ha, 38.71ha, 46.85ha, 34.30ha and 24.48ha in area) to create one lot for the operational area of the extractive industry and 4 rural allotments 28.59ha, 10.1ha, 40.38ha and 46.82ha in area.

Applicant

The applicant is the General Manager of Champions Quarry.

Location

The subject land is located approximately 16kms south of Lismore via Wyrallah Road. The real property descriptions and road addresses are:

- DP 857530 Lot 5, 94 Hazlemount Lane, Tuckurimba
- DP 729118 Lot 1, 1586A Wyrallah Road, Tucki Tucki
- DP 588125 Lot 4, 1586 Wyrallah Road, Tucki Tucki
- DP 1013042 Lot 183, 1692 Wyrallah Road, Tuckurimba
- DP 127550 Lot 1, 1694 Wyrallah Road, Tuckurimba
- DP 755746 Lot 101, 1782F Wyrallah Road, Tuckurimba

Attachment 1 shows the location of the land in a regional context and the zoning.

Proposal Description

Expansion of the existing approved quarry involves:

- Staged lateral expansion in 3ha cells and progressive rehabilitation with the total operational area of 50ha.
- Extraction depth of RL8m (AHD).
- Increasing the annual rate of extraction or production from 29,000m³ per annum to 200,000ha tonnes per annum to a maximum of 5,000,000 tonnes for the life of the quarry.
- Subdivision (boundary adjustment).

The extraction of the material, being soil and sandstone, will be utilised for the following products:

- Washed sand for concrete market
- Select fill, engineer fill
- Blended road base
- Bricklayers sand
- Aggregates
- Garden topsoil and sandy loam
- Dimensioned stone and rock

The following infrastructure is required for the proposal:

- A partially covered temporary holding stockpile and services area comprising 100mx 40m concrete slab with 6 product/aggregate bays
- A building containing office and staff amenities including provision of a potable water supply and on-site waste water management system
- Weighbridge
- Sand screening and washing plant
- Material stackers, conveyors and reclaimers
- 40 – 150mm pumps for sand washing plant
- Water cart
- The use of mobile crushing plant on an as required basis
- A vehicle wash down area
- The use of four former shipping containers for general and hydrocarbon storage purposes
- Electricity generators.

The internal access road is proposed to be sealed within 24 months from the commencement of the operations. The intersection with the internal access road and Wyrallah Road has already been upgraded to a suitable standard.

The following plant items will be utilised in the extraction of the material:

- D8/D9 bulldozer
- 20 tonne tracked excavator with rock saw (as required)
- 40 tonne tracked excavator
- Nitrogen fed jack hammer for occasional use on weathered surface rock
- Grader
- Roller
- Bobcat
- 3-6m³ rubber tyred front end loader
- On-site haulage trucks

The provision of soil and water management control including:

- Stockpiles for the temporary storage of rehabilitation topsoil and overburden
- A permanent downstream catch drain, 10ML primary settlement dams and 40ML re-use water supply dam below the quarrying area.
- Ancillary pumps

The provision of stabilised earthen noise attenuation barrier as required.

The landscape planting of the quarrying area, including perimeter plantings (refer to Attachment 2).

The proposed operating hours and haulage hours of the material are as follows:

- Monday to Friday: 7:00am to 5:30pm
- Saturday: 7:30am to 4:00pm

As major road works are often undertaken outside of these hours and week-ends it is requested that with prior notification to Lismore City Council, the quarry be permitted to operate on weekends over the following times:

- Saturdays: 7:30am to 5:30pm
- Sundays: 10:00am to 3:00pm

Zoning

The properties are zoned 1(a) General Rural Zone and 1(r) Riverland Zone (refer to attachment 1). The extractive industry and boundary adjustment are permissible with consent within these zones.

Designated Development

The DA is Designated Development in accordance with Schedule 3 of the *Environmental Planning and Assessment Regulations 2000*, as the proposed quarry expansion involves the extraction of more than 30,000m³ of material per annum and will disturb more than 2ha of land. In accordance with the Regulation, an Environmental Impact Statement (EIS) accompanies the application.

Integrated Development

The Development Applicant is Integrated Development in accordance with Section 91 of the *Environmental Planning and Assessment Act, 1979*, as approval is required from:

- The NSW Department of Water and Energy under provisions (Section 89, 90 and 91) of the Water Management Act, 2000.
- The NSW Department of Environment and Climate Change under the provisions (Section 43(a), 47 and 55) of the Protection of the Environment Operations Act, 1997.
- The NSW Department of Primary Industries (Fisheries) under provisions (Section 201) of the Fisheries Management Act, 1994.
- The NSW Rural Fire Services under provisions (Section 100B) of the Rural Fires Act 1997.

Site / Site History

In 1993 the existing quarry was registered under *State Environmental Planning Policy No. 37 – Continued Mines and Extractive Industries* (SEPP 37). The SEPP 37 registration allowed for access to the quarry from Hazlemount Lane with a maximum extraction rate of 7,500m³ per annum during a two year moratorium period.

During the two year moratorium period a DA was lodged (DA 1995/230) to allow for the continued extraction from the existing quarry. This DA was withdrawn.

As no DA was approved during the two year period the quarry reverted to a 'continuing use' right of 5,000m³ (confirmed in 1998). It was demonstrated that the operation commenced prior to March 11, 1959 and that the material extracted from the quarry was used by the former Gundurimba Shire Council for road building purposes. This information was sufficient to prove the existence of a 'continuing use' right.

In 2005 a DA was lodged (DA 2005/999) to increase the extraction rate from 5,000m³ per annum to 29,000m³. The application was publicly exhibited from January 12, 2006 to January 27, 2006 in accordance with Council's Development Control Plan Notification and Advertising of Development Applications. During this period 12 submissions were received. The following State Agencies provided comments and/or conditions for the proposed extraction:

- Department of Infrastructure, Planning and Natural Resources
- Department of Environment and Conservation
- Roads and traffic Authority
- Local Traffic Committee
- NSW Police.

The application was approved on August 9, 2006. The developer has not commenced extraction under the terms of this DA. Works on compliance with the conditions of consent have commenced. A list of conditions that have been complied with and are yet to be complied with have been provided to Councillors under separate cover.

Surrounding Properties

Within 2km of the existing quarry the surrounding landuses are (refer attachment 1):

Direction	Zoning	Surrounding land use within 2km
North	1(a) General Rural	<ul style="list-style-type: none"> ▪ Small rural holdings with dwelling, currently under grazing and/or dwellings on concessional allotments
South	1(a) General Rural and 1(r) Riverland	<ul style="list-style-type: none"> ▪ Small rural holdings with dwelling, currently under grazing and/or dwellings on concessional allotments ▪ Larger rural holdings used for growing of sugar cane.
East	1(a) General Rural and 1(r) Riverland	<ul style="list-style-type: none"> ▪ Small rural holdings with dwelling, currently under grazing and/or dwellings on concessional allotments ▪ Larger rural holdings used for growing of sugar cane.
West	1(a) General Rural and 1(r) Riverland	<ul style="list-style-type: none"> ▪ Small rural holdings with dwelling, currently under grazing and/or dwellings on concessional allotments ▪ Larger rural holdings used for growing of tea tree.

Public Notification

In accordance with *Environmental Planning and Assessment Regulation (2000)* and Council's Development Control Plan Part A, Chapter 10 – Notification and Advertising of Development Applications the DA was advertised for a period of 28 days, within which written submission could be received. The following actions were also undertaken:

- Adjoining landowners/occupiers were sent written notification of the DA on May 14, 2008. The notification outlined the description of the development, the description of the land, the type of development and lists the Government referrals for Integrated Development.
- An advertisement was placed in the 'Echo' newspaper on May 22, 2008 and June 5, 2008.
- Four signs were erected on the property on May 19, 2008. Due to these being removed on several occasions they were replaced on May 29, 2008, June 6, 2008 and June 18, 2008.

As required by the regulations, the notifications and advertisements outlined the description of the development, the description of the land, the type of development and a list of the Government referrals for Integrated Development.

Due to an anomaly in the exhibition the application was re-exhibited for a further 29 days. The following was undertaken:

- Adjoining landowners/occupiers were sent written notification of the DA on July 1, 2008. The notification outlined the description of the development, the description of the land, the type of development and lists the Government referrals for Integrated Development.
- An advertisement was placed in the Echo on July 3, 2008 and July 17, 2008.
- Four signs were erected on the property on July 1, 2008. Due to these being removed they were replaced on July 10, 2008.
- All persons previously making a written submission to first exhibition were advised by letter of the re-exhibition.

PART 2

Key Issues

A detailed assessment of the key issues has been undertaken in accordance with the provisions of the following State Legislation, Regulations and Policies, together with the Lismore Local Environmental Plan and the Lismore Development Control Plan;

- Environmental Planning and Assessment Act, 1979.
- Water Management Act, 2000.
- Protection of the Environment Operations Act, 1997.
- Threatened Species Conservation Act, 1995
- Fisheries Management Act, 1994
- Industrial Noise Policy
- State Environmental Planning Policy No. 44 – Koala Habitat

The key issues relating to the DA are:

- Noise
- Visual impact
- Koala habitat
- Buffers
- Traffic
- Soil and Water management
- Air quality

Each of these key issues has been addressed under its own heading below.

Noise

Background

Extractive industries (exceeding 30,000 cubic metres per annum) are 'scheduled activities' under the *Protection of the Environment Operations Act 1997* (POEO) and the appropriate regulatory authority (ARA) for this proposal is Department of Environment and Climate Change (DECC). Accordingly DECC will set the statutory compliance levels that reflect the achievable and agreed noise limits for the proposed development with specific reference to the *DECC's Industrial Noise Policy (INP)*.

The DECC Industrial Noise Policy (INP)

The INP aims to establish noise criteria that would protect the community from excessive intrusive noise and preserve amenity for specified land uses.

An assessment under the INP should include:

- predicting or measuring the noise levels produced by the development in question, having regard to meteorological effects (such as wind, temperature inversions),
- comparing the predicted or measured noise level with the project-specific noise levels and assessing impacts,
- consideration of feasible and reasonable noise mitigation strategies where the project specific noise levels are exceeded,
- negotiation between the regulatory/consent authority and the proponent and between the community and the proponent to evaluate the economic, social and environmental costs and benefits from the proposed development against the noise impacts.

If the development is granted consent, ongoing monitoring and reporting of noise levels from the development will be required to determine compliance with the consent/licence conditions.

DECC states that the industrial noise source criteria in the INP are best regarded as planning tools. They are **not mandatory**, and an application for a noise producing development should not be determined purely on the basis of compliance or otherwise with the noise criteria. Numerous other factors need to be taken into account in the determination. These factors include economic consequences, other environmental effects and the social worth of the development.

The Environmental Impact Statement lodged with the application provides a comprehensive Noise Impact Assessment undertaken by Environmental Resource Management (ERM) Aust (Attachment 10). The report was undertaken as per the *DECC Industrial Noise Policy (INP)*.

Four rural dwellings were identified as being representative of the most affected by the quarry expansion and are referred to as Noise Assessment Locations (NAL) 1, 2, 3 and 4 (refer attachment 6).

Noise Assessment Locations (NAL)

Noise Assessment Location (NAL)	Address
Location 1	Lot 3 DP588125, 1566 Wyrallah Road
Location 2	Lot 10 DP736216, 139 Hazlemount Lane
Location 3	Lot 4 DP 857530, 140 Hazlemount Lane
Location 4	Lot 1 DP 342132, 1682 Wyrallah Road

The existing noise of the environment was evaluated by unassisted continuous noise monitoring. The recorded Rating Background Levels (RBL) and ambient noise levels are summarised below. The report nominates the dominant existing noise source as being traffic on Wyrallah Road.

Summary of Background and Ambient Noise Levels

Location	Rating Background Level (RBL), dB(A)			Ambient Noise Level, dB(A) Leq,period			Range of Maximum Noise Levels dB(A)Lmax,period
	Day	Evening	Night	Day	Evening	Night	
Logger 1 (Location 4 1682 Wyrallah Road)	35	40	35	54	53	50	65-107
Logger 2, (Location 2 139 Hazlemount Lane)	32	35	28	48	42	42	35-98

Day = 7am to 6pm; **Evening** = 6pm to 10pm; **Night** = 10pm to 7am

The report notes that the assessment criteria for sensitive receivers near industry are based on the following DECC INP objectives:

- Protection of the community from excessive intrusive noise.
- Preservation of amenity for specific land uses.

The intrusive criteria are applicable over 15 minutes in any period, and the amenity criteria covers the day, evening and night period. A noise source is generally considered to be intrusive if it exceeds the rating background noise level by 5dB(A).

The amenity criterion requires the noise to be within an acceptable level for the particular locality and land use. The DECC INP recommended acceptable amenity day goal for rural areas is 50dB(A). The noise report has however stated that the more stringent intrusiveness criteria (RBL + 5dB(A)) will be adopted to achieve a higher amenity goal. This is summarised in the following table.

DECC Industrial Noise Policy (INP) Intrusiveness Criteria

Rating Background Level (RBL), dB(A)			DECC INP Intrusiveness Criteria, dB(A) Leq,period			DECC INP Acceptable Amenity Criteria dB(A) for rural areas		
Day	Evening	Night	Day	Evening	Night	Day	Evening	Night
Logger 1			Locations 1&4			50	45	40
35	40	35	40	45	40			
Logger 2			Locations 2&3					
32	35	28	37	40	35			

The Project Specific day time noise levels for the site are therefore nominated as **40dBA** for Locations 1 and 4, and **37dBA** for Locations 2 and 3. The quarry will not be operated during evening and night time periods.

Project Specific Noise Levels (PSNL)

Noise Assessment Location	Project Specific Noise Limit [L _{Aeq} (15 minute)]
Location 1	40dB(A)
Location 2	37dB(A)
Location 3	37dB(A)
Location 4	40dB(A)

Noise Modelling

ERM conducted noise modelling in 5 scenarios with plant and equipment representative of realistic operating conditions for the 3 cells:

1. Existing Operation,
2. Central Section,
3. Northern Section,
4. Initial Southern Section (first 3-6 months)
5. Southern Section.

Noise Modelling Summary (Table 5.1 of ERM Noise Report)

Predicted Daytime Leq, 15minute Noise Levels, dB(A)	Central Section	Northern Section	Initial Southern Section	Southern Section	Project Specific Noise Level
Location 1	<35	41*	<35	<35	40
Location 2	39*	42	46	39*	37
Location 3	<35	32	36	<35	37
Location 4	36	36	50	37	40

* Deemed: Within industry standard of ± 2 dB,

Red indicates exceeds criteria

Blue indicates the Project Specific Noise Level (PSNL)

The modelling assumes that all plant and equipment was operating simultaneously which is noted as being conservative. Indicative bunding was included and it was noted that noise attenuation is limited in these rural surroundings. The results of the modelling indicate that Locations 2 and 4 will potentially be affected by intrusive noise during the Initial Southern stage, and Location 2 will potentially be affected by intrusive noise during the Northern Section operation.

In response to DECC feedback ERM conducted additional noise modelling to validate the previously modelled noise levels. Noise Assessment Locations (NAL) 1, 2 and 4 were re-assessed and an addendum to the ERM noise report was submitted on October 20, 2008. The report concluded that the contribution from the existing quarrying operations was well below the PSNL and that the initial assessment was conservative. ERM stated that the initial construction phase of the Southern Section is predicted to meet the relevant Construction Noise Criteria.

The addendum report concludes that the noise levels from the Northern Section initial works are still expected to exceed the PSNL by 5 dBA, however ERM state that the initial works are predicted to meet the relevant Construction Noise Criteria and the long-term PSNL would be unlikely to be exceeded.

Road traffic noise was calculated and the ERM initial report concluded that the increased traffic generated by the quarry expansion will not exceed the DECC criteria for road traffic noise for arterial roads on average over a 15 hour period. The proposal will increase from 11 trucks leaving the quarry per day (under the current approval) to an average of 24 trucks leaving the quarry each day (48 in total). The DECC Daytime criteria is 60dB(A) Leq15hr. The combined non-site related and site related vehicles noise level was calculated to be 62dB(A).

Other noise matters concerning the quarry operation

The EIS lists the plant and equipment which includes a mobile crushing plant, sand screening and washing plant, and extraction incorporating nitrogen fed jack hammer and rock saw, all of which were included in the noise modelling.

The mobile crushing plant is nominated to operate 3 weeks of the year. Being mobile, the plant can be situated in an appropriate location to minimise noise and due to the minimal time period of use over the year is not considered to be a significant noise issue.

The sand screening and washing plant was described by the Quarry Manager as a bucket and spiral and

is not considered to generate significant noise.

The rock saw and nitrogen fed jack hammer have been proposed to assist in extraction of rock for purposes such as landscaping, retaining walls, or for sculpture. The Quarry Manager described the use of this equipment is expected to be very minimal.

The hours of operation are nominated to be Monday to Friday 7.00am – 5.30pm, Saturday 7.30am – 3.00pm. A reference to occasional Sunday operations was made in the EIS. Monday to Saturday operations will only be considered with this proposal, as additional assessment would be required before approval could be given for Sunday operations. DECC's GTA have stated operational hours of 7:00am and 5:30 pm Mondays to Fridays and 8:00am and 1:00pm Saturdays. Construction work and all other activities and operations are not to be conducted on public holidays. A proposed condition for any development consent limits hours accordingly.

Conclusions regarding the ERM Noise Assessment

Council is not able to independently review the actual noise level results of the noise modelling as it does not have the necessary noise modelling tools available. As DECC are the ARA, it will be relied upon for its expertise in assessing the accuracy of the modelled noise levels presented. The following comments are made with the assumption that the modelled noise levels are acceptable to DECC.

Central and Southern Section General Operations

The ERM report concludes that noise emissions comply with the nominated PSNL in the Central and Southern Sections. With consideration that the more conservative intrusive noise criteria is the nominated PSNL target, implementation of the nominated mitigation methods are considered reasonable to control and minimise noise impact at these locations.

Initial Southern Section

The initial noise report concluded that the PSNL are exceeded in Locations 2 and 4 during the Initial Southern stage by up to 10dBA. This has the potential to result in a significant noise impact on the receivers. The noise generated during the initial Southern stage is expected to be for a maximum period of 6 months.

In response to DECC feedback ERM conducted additional noise modelling to validate the previously modelled noise levels. Noise Assessment Locations (NAL) 1, 2 and 4 were re-assessed and an addendum to the ERM noise report was submitted in October. The report concluded that the contribution from the existing quarrying operations was well below the PSNL and that the initial noise assessment was conservative. The Initial Southern Section works has been identified in the addendum to the report as involving construction of an earth berm within a four week construction period. Further attenuation will be achieved by cuttings which are noted by ERM to be achieved within six months.

ERM stated that it is unlikely that the long-term PSNL would be exceeded for the Southern Section general operations and that the initial construction phase of the Southern Section is predicted to meet the relevant Construction Noise Criteria (see below).

Northern Section

The initial noise report concludes that the Northern Section exceeds noise levels at Location 2 during the normal Northern Section operation by 5dBA. The report recognises that noise attenuation is limited due to the topography and that noise levels are expected to be progressively reduced as both pit depth and noise attenuation from bunding increases. In addition the EIS summarises that this section will not be worked for 10-15 years and additional noise monitoring for the section will be undertaken to improve accuracy using previous quarry operations data, as it is anticipated that there will be significant improvements to noise emissions from plant and equipment.

The addendum noise report concludes that noise levels from the Northern Section, once bunds are constructed, are still expected to exceed the PSNL by 5dBA, however ERM states that due to the conservative nature of the modelling, in addition to the proposed commitments by the quarry operator

and the short term nature of initial works (which was noted as being within 6 months), it is unlikely that the long-term PSNL would be exceeded and that the initial works are predicted to meet the relevant Construction Noise Criteria as defined below:

DECC 'Construction Period Noise'

The DECC Noise Control Manual states that:

- Construction period of 4 weeks and under – L10 not to exceed background by more than 20 db(A).
- Construction period not exceeding 26 weeks – L10 not to exceed background by more than 10 db(A).

Modelled noise levels predicted to exceed the PSNL are within the range for the above construction criteria. It is expected that noise will be progressively reduced throughout the construction phases to achieve PSNL, therefore it could be considered acceptable that the DECC guideline for construction noise be utilised. The DECC (Chris Hatton) has confirmed to Council by phone on 21/01/2009 that the construction criteria will be utilised for the construction phase and the time period will be regulated through the licensing conditions.

Due to the indicative nature of the results, and that reliance is placed on commitments by the Quarry Manager (refer Section 5 of the Addendum report), and improvements to plant and equipment in future, it is not considered that the noise reporting to date satisfactorily demonstrates reasonable certainty in the mitigation methods for the Northern and Southern sections. It is however recognised that DECC's GTA has required that the applicant conduct a **revised Noise Impact Assessment (NIA)** to demonstrate compliance with the PSNL and develop a noise management plan identifying the nature, location and timing of all noise mitigation measures and strategies to be implemented. This must be submitted with any application for an Environment Protection licence prior to operations commencing at the premises. It is considered that this further review process will ensure that the PSNL will be achieved through realistic mitigation strategies prior to the commencement of operations. The construction time periods and use of the construction noise criteria (if used) need to be clearly defined through this process for consideration by DECC and Council and enforced through conditions.

Traffic Noise

The impact of increased road traffic noise is considered to comply with the DECC Daytime criteria of 60dB(A) Leq15hr. The combined non-site related and site related vehicles noise level was calculated to be 62dB(A). However there was a question as to the number of trucks nominated at 24 **leaving** the site per day. Clarification was sought as to whether this should be 48 truck movements per day. The proponent responded confirming that the road traffic assessment included 48 truck movements per day or 24 trucks.

The ERM noise assessment was modelled on the proposed extraction of 200,000 tonnes per annum. Given that the proposal seeks approval for an annual **average** of 120,000m³ (200,000t) per annum (average of 800,000t over any 4 year period to a max of 5,000,000t for the life of the quarry), there is potential for the truck movements to increase and be significantly higher than those modelled. To address this, it is recommended that a condition of consent require the applicant to determine through the revised NIA the maximum of truck movements per day that would be permissible to ensure compliance with the DECC Daytime criteria of 60dB(A) Leq15hr.

It is recommended that the access road be sealed to improve noise attenuation and the potential for dust. The EIS reports that the access road will be sealed as a staged program. Sealing of this road has the potential to significantly minimise noise and dust and is therefore considered to be a critical component of the initial construction. This was discussed with the proponent and further information has since been submitted which proposes a staged sealing of the access road as follows: Stage 1 – prior to commencement will comprise sealing 50m towards the quarry 'central section' from Wyrallah Road; Stage 2 – within 1 year of commencement will comprise sealing from Stage 1 halfway towards Central section; Stage 3 – within 2 years of commencement will comprise sealing from halfway to the central section.

On-going monitoring and reporting of noise from the site is a critical aspect of the granting of any approval to this proposal. A condition has been nominated by DECC in the GTA to address this.

The Independent Noise Report submission from EDO

The Environment Defenders Office (EDO) requested an independent review by Ambiance Audio Services to review the ERM Noise Assessment. The report from Ambiance was submitted to Council in June 2008. It is considered that the report is a review and a comparative noise assessment was not undertaken. Therefore the matters raised were noted but not considered definitive. The Ambiance Audio report did not measure the background noise levels for the prescribed amount of time (seven days) as set out in the INP. The background levels used in the comparative assessment by Ambiance Audio should not be relied upon. The review was submitted to DECC for its consideration and Council will ultimately be relying on its expertise in the assessment of noise. It has been noted that a number of the concerns raised in the review have since been addressed in further submissions by ERM. It is to be noted that DECC has not specifically referred to the Ambiance Audio report in its correspondence.

Conclusion - Noise

The noise impacts have been considered by Council and DECC, and based on the predictive modelling to date and the issue of the general terms of approval by DECC, the noise impacts for the operation of the quarry do not warrant refusal of the application. A consolidated noise report that demonstrates compliance with the project specific noise levels should be provided to Council and DECC prior to the activation of the development consent. To this end a deferred commencement condition has been drafted for Council's consideration.

Visual Impact

The proposal will increase the bulk and scale of the existing quarry and this will have an impact on the landscape and visual amenity of the locality. The cells will be operating concurrently but only part of a cell will be active at any one time. This, when coupled with the progressive rehabilitation of the cells, will limit the visual impact of the quarry. However the quarry will have an impact and Council must determine if this impact is acceptable.

The assessment of the visual impact of the development was conducted in accordance with the 'Principles of View Sharing' as set out in the Land and Environment Court Planning Principles and based on the methodology for the assessment of visual impacts as accepted by the Court in *Taralga Landscape Guardians Inc v Minister for Planning and RES Southern Cross Pty Ltd* [2007] NSWLEC 59. This matter involved the erection of wind turbines in a rural environment, which would result in a significantly changed visual environment, and as such direct parallels can be drawn between that application and the impacts from this DA.

Tenacity Consulting v Waringah [2004] NSWLEC 140 provides the principles of view sharing and these are set out as follows:

- 1. The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge, North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

2. *The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*
3. *The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*
4. *The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

Attachment 3 shows the location of receivers (dwellings that will be impacted upon visually by the quarry). There is a threshold question to be answered when considering visual impact: fundamentally, should any alteration of the landscape be allowed? If the answer to this question is yes, then to what extent should the landscape be allowed to be altered? The four principles of view sharing can be used to answer the second question. To answer the first question consideration needs to be given to following matters:

- the permissible uses within the zone;
- specific clauses in the Lismore City Local Environmental Plan 2000 relating to visual impact;
- the quality of the landscape to be altered.

It is not a reasonable position to determine that no visual change should be allowed to occur in the rural environment. Various forms of development (quarries, glasshouses, rural industries etc) are permissible in this locality and all of these would alter the view of the landscape from the receivers. Based on the permissible uses within the zone, alteration of the landscape is acceptable.

Clause 41 of the LEP relates to assessment of visual impact of development on ridgetops. The clause is set out as follows:

41 Development on ridgetops in rural areas

1. *This clause applies to land within Zone No 1 (a), 1 (b), 1 (c), 1 (d) or 1 (r).*
2. *Consent may be granted to the carrying out of development on land to which this plan applies on or near any ridgeline visible from any public road only if, in the opinion of the consent authority, the development is not likely to detract from the visual amenity of the rural area and is in the community interest.*

3. *In determining whether to grant such a consent, the consent authority shall consider the following:*
- (a) the height and location of any building that will result from carrying out the development,*
 - (b) the reflectivity of materials to be used in carrying out the development,*
 - (c) the likely effect of carrying out the development on the stability of the land,*
 - (d) the bush fire hazard,*
 - (e) whether landscaping proposals satisfactory to the consent authority have been made.*
 - (f) (Repealed).*

Clause 41 of the LEP applies to this DA as it is visible from a public road. The views of the site are broken by roadside vegetation. Council should also consider the broader public interest (as set out in subclause 2) of the visual impact. The quarry cannot be viewed by a large section of the community and only limited interrupted views can be seen from a moving vehicle along Wyrallah Road. These would best be described as fleeting. In relation to subclause (3) there are no buildings associated with the quarry that will affect the visual impacts of the quarry. Accordingly item (a) is not relevant. Item (b) is specifically targeting the materials to be used in a building and it is acknowledged that no reflective material will be brought onto the site to complete the development. However because of the nature of the sandstone to be extracted, the face of the quarry will be white and this will be a stark contrast to the green pasture. This contrast creates the biggest visual impact and will be partly visible from the road and from receiver 1. Because the view of the quarry from the road will be limited due to vehicle speed and roadside vegetation, Council can be satisfied that the development complies with this clause. Further discussion of this impact on receiver 1 is conducted below. Item (c) is relevant as the quarry will be altering the stability of the land. Suitable remediation measures are proposed to ensure the long term stability of the land once the site is rehabilitated. Item (d) is not relevant to this development. The applicant has proposed significant landscaping to minimise the visual impacts of the proposal and item (e) has been satisfied.

The alteration of the landscape will be permanent due to the removal of the knoll and ridge. This area will be rehabilitated over time and will be returned to pasture in the longer term. The views of the knoll from the road are limited and will not impact upon a significant section of the community. On this basis Council could form the opinion that the development will not detract from the visual amenity of the rural area when viewed from Wyrallah Road. On this basis it is considered that the development satisfies the clauses relating to visual impact contained within the LEP.

Any assessment of the quality of the landscape to be altered will be highly subjective. There can be no question that the landscape has scenic value to the residents who enjoy views of, and through, the subject property. The landscape is typically rural in nature, with pasture being the predominant characteristic of the landscape. The most visually dominant feature of the landscape is the ridge and knoll that will be removed in the southern cell and the gentle slope of pasture in the northern cell.

Various rating schemes have been considered by the Court, but have been held to provide little assistance in determining the value of a landscape. It cannot be denied that the landscape holds intrinsic value for those that enjoy a view of it from their dwellings. However this is not sufficient reason to determine that there should be no alteration to the landscape. The landscape is not viewed by a significant amount of the community nor is it unique. On this basis it is contended that development that alters the landscape should be acceptable.

If Council accepts the premise that alteration of the landscape is acceptable due to:

1. the fact that many uses that are permissible (e.g., quarries, rural industries, rural tourist facilities) with and without consent (horticulture) can be conducted in the locality; and
2. that the proposal is allowable, having considered the specific controls on visual impact on ridgelines; and
3. that whilst the landscape has value for those that view it, the landscape is not so significant to the greater community so as to warrant specific protection; then,

Council can assume that the threshold question of “should any alteration to the landscape be allowed”

has been answered in the affirmative.

Council should now utilise the principle of view sharing to consider if the level of alteration of the landscape is acceptable.

Step 1 - Consider the type of view to be affected at each receiver:

Receiver 1: The views are not considered “iconic” (an example of an iconic view in this locality would be Mount Warning or Cape Byron), or whole views. The majority of their view field is to the east with the quarry being located in the south. The view that is impacted on is a partial view (approximately 30 degrees of a 180 degree view). The area of the view that is affected will be significantly altered by the development for the life of the quarry (25 years). There are no mitigation measures that will prevent the residents from seeing the quarry.

Receiver 2: The views are not considered “iconic”, or whole views. The view is a partial view, and will be significantly modified by the development and their view will change. As the proposed mitigation measures will change the view from grazing lands with rolling hills to grazing and a vegetated bund (densely planted vegetation). Receiver 2 will suffer from view loss due to the mitigation measures.

Receiver 3: The views are not considered “iconic”, or whole views. The view is a partial view, however will be significantly modified by the development and their view will change. As the proposed mitigation measures will change the view from grazing lands with rolling hills to grazing and a vegetated bund (densely planted vegetation). Receiver 3 will suffer from view loss due to the mitigation measures.

Step 2 - Consider from what part of the receiver property the views are obtained

Receiver 1: The views that are most likely to be impacted on would be obtained from the lawn area oriented to the south of the dwelling. The outdoor entertaining area will also have its view impacted upon from both sitting and standing positions. However the view will also be unaffected to the east and southeast.

Receiver 2: The views that are most likely to be impacted on would be obtained from the side of the dwelling (facilities on the southern side of the house unknown). The view of the pasture lands and knoll will be obscured by the creation of the vegetated bund.

Receiver 3: The views that are most likely to be impacted would be obtained from the outdoor entertaining area, kitchen and living spaces from both sitting and standing positions.

Step 3 - Consider the extent of the impact

Receiver 1: Considering the views of the whole property, not just the affected areas, the impact is likely to be minor. This receiver will retain unaltered views to the east and north from the entertaining and pool area. Landscaping will not reduce the visual impact of the quarry to the south. The view, whilst altered, will be retained in the long term. The progressive rehabilitation of each cell somewhat mitigates against the altered form of the view. Considering that only part of their view to the south is altered and that this altered view will consist of the central cell and up to 3ha at any one time of the southern or northern cells the altered view will not have a significant detrimental impact on the amenity of this residence.

Receiver 2: Considering the views of the whole property, not just the affected areas, the impact is likely to be minor. The loss of the view due to the vegetation screen plantings will not significantly impact on the use of enjoyment of the outdoor areas. The vegetative buffers will be located an acceptable distance from these areas. There will be no overshadowing or other significant alteration of the amenity of this property resulting from the planting of these buffers.

Receiver 3: When evaluating the views from the whole property, not just the affected areas, the impact is likely to be minor given that the vegetated buffer will soften or block the visual impacts of quarry. The main area of impact on this receiver will come from the southern cell. Because this cell will be worked from west to east the visual impact will only occur for a limited time of one to two years whilst the final part of the knoll is removed. The vegetated buffer means that these works are unlikely to be seen in any case. A condition of consent could be imposed requiring this final stage of the southern cell to be removed within a specific time frame and this material stockpiled in the central cell. By limiting the time of exposure, coupled with the mitigation plantings and progressive rehabilitation of the southern cell as the working face moves west to east the visual impact is considered to be minimal on this receiver.

Step 4 - Consider the reasonableness of the application having regard to compliance with Council's planning controls

The proposed development does not comply with Council's Development Control Plan Part A, Chapter 11 - Buffers. Receiver 1 is located within the secondary buffer. This buffer was not established for visual impact, rather the buffers have been established to mitigate against noise and air quality issues that may arise from such an activity, therefore it is reasonable that this variation does not apply to the assessment of visual impact. The development is permissible with consent and is a commonly accepted use within rural areas. The development complies with clause 41 of the LEP. For these reasons it is considered that the proposal is reasonable.

Conclusion on Visual Impact

Having ascertained that the alteration of the landscape is acceptable and that the proposal complies with the relevant planning controls, it is open to Council to conclude that the visual impacts are acceptable. This is not to say that the impacts on receiver 1 won't result in a reduction of their visual amenity, nor can it be said that the screening plantings won't change the outlook from receivers 2 and 3, but these impacts are not so great so as to warrant refusal of the application.

Koala Habitat

Koala Habitat Protection – State Environmental Planning Policy (SEPP) 44

An inspection in August 2008 of all mapped vegetated areas within the proposed site did not identify any koala faecal scats beneath, or 'poc' markings on the trunks of, potential koala feed trees. No koalas were sighted. The site therefore does not meet the requirements to be considered as 'core' koala habitat under SEPP 44.

All sclerophyll areas of the proposed site are dominated by *Corymbia intermedia* (Pink Bloodwood); whilst being a potential koala food tree Pink Bloodwood is not listed under Schedule 2 of SEPP 44 as an indicator of 'potential koala habitat'. Whilst 1 or 2 individual *Eucalyptus microcorys* (Tallowood) were located in open areas - in no areas did they comprise over 15% of the canopy designating 'potential koala habitat'. The site therefore does not meet the requirements to be considered as 'potential' koala habitat under SEPP 44.

As the site is not considered 'core' or 'potential' koala habitat the requirement for an individual koala plan of management cannot be imposed.

However, it is probable that koalas may occasionally traverse, or enter into, the proposed site. To acknowledge and facilitate this movement it is recommended that any restoration or buffer plantings to the north of the site use suitable koala feed trees and be of an appropriate width to maintain their biological integrity (recommended as 20m by Department of Environment and Climate Change's (DECC) (letter dated 14/11/2008). Koala food trees should not be used in cases where they may draw koalas towards potential threats (e.g. machinery movements).

Proposed conditions of consent have been drafted to facilitate koala's movement through the site.

Threatened Flora and Fauna

Koalas are listed as listed as "Vulnerable" under the Threatened Species Conservation Act 1995. In

August 2008 a desk top assessment of the site using Council's GIS system, which includes records from the NSW Wildlife Atlas, identified no koala sightings within the proposed site. However a letter from DECC received November 14, 2008 states that 'four threatened species records for the Koala exist within the development site' and that 'these records have only recently been added to DECC's internal spatial data layers and may not yet be recorded on the NSW Wildlife Atlas public website'.

This is consistent with the comments above, and because the site does not constitute 'core' or 'potential' koala habitat according to SEPP 44 definitions it is not considered that the proposed development will have an adverse impact on koalas.

The proposed dual purpose planting (visual and koala) running east west along the northern boundary of the site, may produce a marginal increase in koala movements in an east/ west direction across Wyrallah Road (refer attachment 4). This is recognised in the DECC letter of 14/11/2008, however, given these movements are currently occurring, and the applicant is not affecting 'core' habitat under SEPP 44, any recommended condition to reduce the risk of vehicles hitting koalas on Wyrallah Road must be applied in a reasonable manner.

It is recommended that a condition of consent be drafted requiring koala crossing signage along Wyrallah Road at appropriate distances from the proposed plantings. It is also recommended that Council write to DECC, as the threatened species experts, requesting information on suitable options to address vehicle strike.

Buffers

The objective of Lismore's Development Control Plan (DCP) Part A, Chapter 11 - Buffers is to minimise land use conflicts between potentially incompatible land uses through the establishment of appropriate buffer areas. A buffer may serve to mitigate against a number of different impacts caused by a development.

A two level buffer applies to large quarries, primary 500m and the secondary 800m. Rural residential development is excluded from the primary and secondary buffer areas. Single dwellings on agricultural holdings may be permitted in the secondary buffer.

Council may grant variations to the numerical standards within the plan. The current provision for variation to the plan is set out in the introduction to the Lismore DCP and is as follows:

Council may approve development that does not strictly comply with this Plan. This will only be considered where the variation is considered to be minor, or where it can be demonstrated that compliance is physically impossible or impractical, or where the alternative proposed is substantiated as a better design solution.

It is to be noted that this variation provision differs significantly to the variation provision that was included in the previous DCP 27 - Buffers. Due to a directive from the Department of Planning that Councils may only have one DCP, Council's Strategic Planners compiled all the individual DCPs into chapters of the current Lismore DCP. When this occurred all the individual variation clauses were removed and the above generic clause was adopted. The original text that provided a more flexible approach in determining if a variation is acceptable is provided as follows:

Applications for variations to the buffer areas nominated in this Plan must demonstrate to Council's satisfaction that there is a clear case for variation of the standard, and that the objectives of this Plan will be satisfied. The following matters must be addressed in any application for variation:

- (a) *The extent, nature and intensity of the conflicting land use.*
- (b) *The operational characteristics of the land use.*
- (c) *The external effects likely to be generated by the land use (e.g. spraydrift, odour,*

- dust, noise etc).*
- (d) *Any topographical features or vegetation which may act to reduce the likely impacts of the land use.*
 - (e) *Prevailing wind conditions and any other climatic characteristics.*
 - (f) *Any other mitigating circumstances.*

Under the previous DCP 27 provisions Council had some flexibility in varying the DCP. This ability has been significantly curtailed under the terms of the current DCP. Council is advised that it must not rely on the previous variation provisions in making a determination to vary the DCP. This would be consideration of an irrelevant matter and could leave the decision of Council open to challenge.

The Environmental Impact Statement (EIS) identifies that 10 existing dwellings are on lands within the secondary buffer of 800m, and 6 of those are within the primary buffer of 500m with the closest distances of unrelated properties being approximately 270m - Receiver 4, and 320m - Receiver 2. Receiver 1 is 550m and Receiver 3 is 510m. Refer Table 15 and Appendices 3 and 4 of the EIS.

It is acknowledged that the variation to the buffer distances is not minor and that the design parameter is not relevant. The non compliance with the numerical standards and with the variation provision raises a difficulty in the assessment of the application. The assessment team sought specific legal advice on the issue of the buffers chapter and variation clause of the DCP. A copy of that advice is provided in Attachment 8. The DCP is a specific matter for consideration under the provisions of section 79C of the Environmental Planning and Assessment Act 1979 (EP&A). It does not however have the statutory weight of the Local Environmental Plan (LEP).

The following table sets out the hierarchy of planning controls and a brief outline of how Council should consider them:

Control	Consideration
Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000	Must be complied with. Any variation or inconsistency may invalidate the assessment process resulting in the Land and Environment Court quashing the consent.
Environmental Planning Instruments e.g. LEP, Regional Environmental Plan (REP) and State Environment Planning Policy (SEPP)	Must be complied with. Any variation or inconsistency may invalidate the assessment process resulting in the Land and Environment Court quashing the consent.
Development Control Plans	A matter for consideration under section 79C of the Act. Council may vary a DCP either using a variation clause built into the DCP or by giving consideration to pertinent facts and the principles established by the Court (discussed below).
Internal Policies, Guidelines and Procedures	Not a matter for consideration under the Act. May be varied on merit providing the principles of natural justice and procedural fairness have been applied.

The Land and Environment Court in *Stockland Development Pty Ltd v Manly Council* [2004] NSWLEC 472 (3 August 2004) consolidated the previous case law on the weight to be given to a DCP. The weight to be given to a DCP is based on the factors below:

- A) *A development control plan is a detailed planning document which reflects a council's expectation for parts of its area, which may be a large area or confined to an individual site. The provisions of a development control plan must be consistent with the provisions of any relevant local environmental plan. However, a development control plan may operate to confine the intensity of development otherwise permitted by a local environmental plan.*

- B) *A development control plan adopted after consultation with interested persons, including the affected community, will be given significantly more weight than one adopted with little or no community consultation.*
- C) *A development control plan which has been consistently applied by a council will be given significantly greater weight than one which has only been selectively applied.*
- D) *A development control plan which can be demonstrated, either inherently or perhaps by the passing of time, to bring about an inappropriate planning solution, especially an outcome which conflicts with other policy outcomes adopted at a State, regional or local level, will be given less weight than a development control plan which provides a sensible planning outcome consistent with other policies.*
- E) *Consistency of decision-making must be a fundamental objective of those who make administrative decisions. That objective is assisted by the adoption of development control plans and the making of decisions in individual cases which are consistent with them. If this is done, those with an interest in the site under consideration or who may be affected by any development of it have an opportunity to make decisions in relation to their own property which is informed by an appreciation of the likely future development of nearby property.*

On consideration of items A, B, C and E some weight must be placed on the provisions of the DCP. However with respect to item D the buffer distances in the DCP may bring about an inappropriate planning solution in this case where the Appropriate Regulatory Authority (DECC) will allow the extraction to occur closer to the dwellings than that as prescribed by the DCP. The buffer distances are arbitrary and have not changed over time to reflect the regulatory role of DECC. This clearly shows that the DCP is not consistent with the State Government legislative changes to the regulation of large quarries. On this basis less weight should be given to the DCP.

DECC is satisfied that the quarry can meet the noise criteria and that appropriate strategies are in place to minimise the impacts of air pollution and particulate matter on the adjoining properties. These issues have been extensively discussed in this report.

It is open to Council to refuse the DA on the basis of non compliance with the DCP. However this is not recommended. The legal advice is clear that Council may vary the DCP outside of the scope of the variation clause. That is, although the variation is not minor Council may determine that less weight should be placed on the DCP because of the inconsistencies created between the DCP and DECC's regulation of the quarry.

The DCP is a focal point in the assessment of the DA and despite the conclusion that less weight may be given to the DCP Council must also decide if the underlying objectives of DCP are being met. The DCP should only be varied where there is sufficient planning merit. Because the merit assessment of the noise and air quality issues has demonstrated that there are no adverse impacts created by varying the proscriptive numerical standards it is contended that the underlying objective of separating incompatible land uses has been achieved and that the DCP may on merit be varied.

Traffic

The key issues within the application relating to traffic include: the volume of traffic to be generated by the development; the adequacy of the existing road for the anticipated traffic; and the design of the intersection to access the quarry.

The Environmental Impact Assessment lodged included a Traffic Impact Assessment prepared by Roadnet Pty Ltd. The report primarily quotes loaded truck movements and also tends to deal with increases upon what has previously been approved but is not yet operational, rather than increases upon existing traffic volumes. In light of this the following is an independent calculation detailing total truck numbers for the proposed average annual extraction rate of 120,000m³.

Approval for 200,000 tonnes or 120,000m³ per annum with 10% trucks carrying 10m³ and 90% carrying 20m³. To determine total annual number of loaded trucks the following calculations were undertaken:

- Number loaded trucks x 0.1x10 +Number loaded trucks x 0.9x20=120,000m³
- Therefore number loaded trucks per year to transport 120,000m³ = 6316 trucks, being 632 trucks carrying 10m³ and 5,684 trucks carrying 20m³
- This will mean 12,632 truck movements per year will be generated by the quarry.
- If 50% of trucks head north and 50% head south this will mean that there will be 6,316 trucks in each direction per year, or that existing traffic counts will increase by 6,316.

The Traffic Impact Assessment Report identifies 260 working days per year; to calculate average daily truck numbers generated in each direction per day, (6,316/260), yields an average of 24 trucks (total, loaded and unloaded) per day in each direction.

The traffic counts undertaken by Council in 2002 identified that on a week day an average of 2200 vehicles per day utilise Wyrallah Road, south of Wyrallah Ferry Road, with 6.6% being trucks. This equates to a daily average of 145 trucks. If the 24 additional truck movements, as calculated above, are added to this figure it results in 169 truck movements per day upon the road, equivalent to 7.6% of the final traffic upon the road being trucks.

Wyrallah Road would be classified as a regional sub-arterial road by traffic engineering standards. The expected range for percentage of heavy vehicles utilising such a road would be 6%-10%. The average expected percentage of heavy vehicles upon Wyrallah Road with the quarry operating at its annual extraction rate of 120,000m³ per annum and a 50% traffic split, at 7.6%, is well within this expected range.

A similar calculation for the worse case of maximum production with all traffic in one direction has been undertaken. Under the proposal the maximum annual production would be 4 times the average annual i.e. 800,000 tonnes per annum, as opposed to 200,000 tonnes used above. Therefore it would yield a maximum of 192 truck movements (including both loaded and unloaded trucks) per day. This is the maximum theoretical traffic generation assuming all trucks in the same direction with 4 years production in 1 year.

Further predictions were also undertaken by using 2200 vehicles per day utilising Wyrallah Road, south of Wyrallah Ferry Road, with 6.6% or 145 vehicles currently being trucks. If we add the proposed 192 trucks it would give 337 truck movements or 14.1% of movements as trucks. If the consent was limited to averaging production over two years or three years maximum yearly production would be 400,000 or 600,000 tonnes. These production rates would yield heavy haulage percentage figures of 10.5% and 12.3%, assuming worst case of all traffic in one direction.

From the above it is evident that the averaging of production between years could have a significant effect on the percentage of heavy vehicles within the traffic stream. To manage this effect it is proposed that the request to allow an averaging of production over four years be denied. It is recommended that if an average of production over some years is to be approved then the average of production be over a maximum of two years.

The above test of the adequacy of the road has been based on Wyrallah Road being at the standard of a regional sub-arterial road. Whilst it is acknowledged that there maybe components of Wyrallah Road that are not at the standard identified for this class of road, such as pavement depth and vertical alignment, this is often the case for roads within Council's road network due to changes in standards over time. It is considered that this road does fulfil the role of a sub-arterial within Council's road network and as such it is appropriate for Wyrallah Road to be utilised for as a haulage route. Imposing a condition upon the development to upgrade the existing road to meet the current standard would fail the planning test of reasonableness given that it currently functions at this level, the significant cost involved in such an upgrade and the small percentage of final traffic volume that the development will generate.

The proposed development operating at its approved extraction rate of 120,000m³ per year will generate road improvement levies in the order of \$181,000 per annum. These will be available to Council for maintenance and improvements of this road.

The proposed entrance that has been recently constructed is considered suitable for the proposed development and the anticipated traffic. The geometry of the intersection design that has been constructed provides additional traffic facilities to what would be required by Austroads intersection design standards for the traffic volume anticipated from this development. Based on the expected traffic generation of the development a type AUR intersection would be required. This is where vehicles turning right into the development do so from the through lane and vehicles that are travelling through the intersection are required to veer left around the turning vehicle. This requires through vehicles to spot the turning vehicle and manoeuvre around the turning vehicle.

The intersection constructed has been constructed to a type CHR which provides a protected right turn lane for vehicles entering the property. This is a higher level of treatment than that recommended within the Austroads standard for the traffic volumes proposed. The reason for this was that though the proposed entrance provides the required sight distances for vehicles to view other vehicles with adequate distance to make appropriate decisions to turn or stop at the intersection, it does not provide for 'approach sight distance'. This is the required distance for a vehicle approaching the intersection to see the line marking at the intersection with adequate time to interpret and react to the line marking. It should be noted that design standards require approach sight distance at all locations upon the road, however, in practice a lot of Lismore's existing road network does not meet this requirement.

To remove the impact of the short fall in approach sight distance, the applicant proposed to construct a protected right turn lane that removes the need for through traffic to sight the line marking and react, ensuring that through traffic have uninterrupted travel through the intersection. It is considered that this approach is acceptable as it provides a solution that both overcomes the functional requirement of the standard, being the need to see the line marking and delivers additional benefit being removing turning traffic from the through travel lane.

It is considered that this design approach does meet the intent of the standard and therefore the intersection does satisfy the requirements of the standard. The intersection design has been discussed with, and accepted by, the RTA.

Detailed responses to submissions regarding traffic matters are included separately within this report.

Conditions of consent and an amendment to the proposed average extraction rate of the quarry have been recommended. The proposed conditions include:

- requiring works to existing intersections at Wyrallah Road/Wyrallah Ferry Road and Wyrallah Ferry Road/Coraki Road,
- limiting the roads that can be utilised for the haulage of material from the quarry,
- requiring payment of levies for maintenance of haulage roads, and
- stipulating that the quarry management plan address traffic related issues.

In addition, due to the volume of traffic that could be generated from an approval to average extraction over 4 years it has been recommended that the approval limit the averaging to a period of two years.

Water and Soil Management

The Soil and Water Management Plan prepared by ERM states that the extent of erosion over the site is not expected to increase as a result of the quarry expansions. In addition the soils were considered to have limited capacity to support long-term agriculture and the continuation of the quarrying activities would not significantly degrade this resource any further. The site will be returned to agricultural use following rehabilitation.

Sediment and Surface Water

The key concern for water quality is in relation to increased sediment loads in the Tuckean Swamp and Tucki Tucki Creek. Clean water will be diverted around disturbed areas by contour drains or channels, and all water from disturbed areas are proposed to be diverted to settling ponds to control sediment runoff from the site. Treated water from sediment ponds will be discharged by overland flow or by storing for re-use on-site.

Long-term material stockpiles will be stabilised by seeding with grass and shorter term stockpiles will be bunded. All surface drainage and sediment control measures will be designed in accordance with the *Managing Urban Stormwater 'Blue Book'* which will minimise the potential for erosion and transportation of sediment.

Groundwater

The report states that it is not expected that the expansion will intercept the groundwater table. The proposed depths of the sections, in particular that of the Southern section, ensures that the deeper regional aquifer beneath the site will not be intercepted. Groundwater seepage is not expected. However the report states that the extraction of the sandstone resource will result in a lowering of the perched water table profile. Council will rely on the expertise of Department of Water and Energy (DWE) in relation to this matter.

DWE have stated to the applicant in correspondence that if groundwater is utilised or intercepted a licence is required which will be conditional on the development of a groundwater management plan.

Water Demand

Water is required for employee use, processing plant, dust suppression, truck washing, at an estimated 50 ML/year.

Water Storage

The report states that three major storage dams are proposed, situated within the natural drainage paths at 40ML each (see point 2 of revised SWMP 2/9/08) (refer attachment 5). Dam 1 is to be constructed at the confluence of the two intermittently flowing first-order streams. Dam 1 does not require a DWE licence. Dam 2 is to be constructed offline downslope of central quarry pit. Dam 2's function is to collect and recycle process water and stormwater runoff from the quarry, and reuse for crushing, washing and dust suppression. Water collected in the sediment basins will be partially desilted in the basins and then drain to Dam 2 for additional water quality control. As Dam 2 is solely for the capture, containment and recirculation of drainage/effluent it is exempt from licensing.

Dam 3 will not be constructed in the early stages of the development. Construction of this dam requires a licence from DWE.

Additional storage will be provided by sediment basins. A water balance was conducted which demonstrated the system of dams is capable of satisfying the quarry's demands.

DWE has been in correspondence with the applicant and provided comment in relation to this matter. DECC has provided GTA in relation to water storage.

Effluent Discharge

The ERM report states that the discharge of Dam 2 will not exceed a Total Suspended Solids (TSS) of 50mg/L. ERM recommends that parameters as set out for this event may be exceeded at the discharge point for the duration of the overflow due to stormwater events $\geq 71\text{mm}$ in total over any consecutive 5 days. The pH of receiving waters will be monitored to enable monitoring and review of the discharge pH to ensure it meets ambient conditions. DECC has provided GTA in relation to discharge of waters and water quality performance standards.

Monitoring

ERM's report recommends quarterly water quality monitoring and additional monitoring following rainfall events within the tributary of Tucki Tucki Creek or the Creek itself at appropriate upstream and downstream points to confirm the site operations are not impacting the receiving waters. Australian and New Zealand Environment Conservation Council (ANZECC) (2000) Guidelines trigger levels for 95% protection of aquatic ecosystems and consistency with pre-development background conditions have been stated as the monitoring and performance criteria (see revised report 2/9/08). If the performance criteria are met frequency may be reduced to 6 monthly.

ERM recommend that monitoring of the sediments ponds shall be undertaken prior to discharge to the environment. All settling ponds will be required to be de-silted regularly and **an additional small settling pond is recommended** at upslope side of the main clean water ponds.

The pH of surface waters will be monitored and maintenance of the ambient condition is likely to be required to reflect the generally mildly acidic conditions.

Groundwater will comprise of water level gauging of the four existing bores along with sample collection and testing by a NATA laboratory. Key parameters will include pH, electrical conductivity (salinity) and hydrocarbons.

ERM conclude that given the location of the site within the upper reaches of the catchment and the size of the area to be disturbed **it is unlikely that the quarry will cause significant changes to environmental flows in the tributaries or Tucki Tucki Creek**. Appropriate site management is expected to be implemented to minimise impacts on water quality and on the quality of run off.

DECC has provided GTA in relation to monitoring.

Acid Sulphate Soils

An addendum to the ERM Soil and Water Management Report was submitted on September 4, 2008 in relation to Potentially Acid Sulphate Soils (PASS). The work cell sites are classified Class 5 on Council's records. Utilising information including Department of Land and Water Conservation (DLWC) Risk mapping, and results of geological drilling previously undertaken, the addendum report concludes that PASS is not expected to be impacted as a result of the development. As a precautionary measure targeted assessment of the Dam 2 site will be conducted. ERM recommend that the proposed development will not require a site specific PASS Management Plan.

Conclusion

The report adequately addresses the soil and water quality issues. The assessment reasonably concludes that it is unlikely that the quarry will cause significant changes to environmental flows in the tributaries or Tucki Tucki Creek with appropriate site management in place. The report states that it is not expected that the expansion will intercept the groundwater table and groundwater seepage is not expected.

Drainage and sediment control will be designed in accordance with the 'Blue Book' which are the current accepted guidelines. The proposed monitoring program is feasible and considered appropriate.

The Soil and Water Management plan addresses water quality monitoring. Existing water quality conditions must be established prior to commencement of the expansion operations and **clear performance objectives were requested to be clearly stated**. Further information was provided by the applicant on 2 September 2008 which states surface and groundwater monitoring sampling and objectives in accordance with accepted guidelines - ANZECC (2000), and AS 55667.11 *Water Quality – Sampling - Guide on the Collection of Groundwater*. Background data is proposed to be established.

A condition is nominated to address this and DECC has provided specific GTA's in relation to Soil and Water Management including a requirement to submit a Final Soil and Water Management Plan with the application for an environmental protection licence.

Air Quality

A comprehensive air quality assessment was conducted by ERM. The assessment was a Level 2 air quality impact assessment study as described by the NSW DECC *Approved Methods and Guidance for the Modelling and assessment of Air Pollutants in NSW* which involved identification of emission sources, contaminants and rates of release, meteorological conditions, geographical conditions, existing environment conditions, predicting future concentrations and incorporating mitigation methods, and using air quality guidelines to determine acceptable levels. Key contaminants considered were total suspended particulates (TSP), particulate matter less than 10 microns (PM10), and deposited dust.

The report concludes that operations as modelled would meet the NSW DECC air quality impact criteria for pm10 and TSP short and long term averages and dust deposition, and **that the proposed expansion is not anticipated to have a significant impact on local air quality**.

The report inventory, modelling, and results were conducted in accordance with the relevant DECC Policy and the conclusion is considered to be reasonable.

The ERM Air Quality assessment was modelled on the proposed extraction of 200,000 tonnes per annum. Given that the proposal seeks approval for an annual **average** of 120,000m³ (200,000t) per annum (**average** of 800,000t over any 4 year period to a max of 5,000,000t for the life of the quarry), there is potential for the dust generation to increase higher than was modelled.

Assessment Under the E.P & A Act

An assessment of the application was undertaken by Council and State Agencies in accordance with the legislative requirements list below. Refer to attachment 9 for this detailed assessment.

Name	Description	Assessment Undertaken By
State Environmental Planning Policy	State Environmental Planning Policies (SEPPs) deal with issues significant to the State and people of New South Wales. They are made by the Minister for Planning and gazetted as a legal document.	Council and relevant State Agencies
Regional Environmental Plan	Regional Environmental Plans (REPs) are made under the Environmental Planning and Assessment Act 1979 and provide the framework for detailed local planning by Councils.	Council
Local Environmental Plan	A Local Environmental Plan (LEP) is a legal document that controls land use and development at the Council level. The LEP categorises land into zonings and identifies allowable land uses and developments within each zone. The plan also contains clauses that control the way some developments can be carried out or that add restrictions on some lands.	Council
Development Control Plan	A Development Control Plan (DCP) is a detailed guideline that includes procedures and development requirements to be followed when preparing and lodging development proposals. A DCP can apply to a particular type of development or to a particular area. It is prepared and adopted by the Council after being advertised for public comment but does not need the Minister's approval. A DCP adds to the controls in the LEP and cannot therefore include anything that is contrary to the LEP.	Council
Environmental Planning and Assessment Act, 1979	The objects of this Act are: (a) to encourage: (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment, (ii) the promotion and co-ordination of the orderly and economic use and development of land, (iii) the protection, provision and co-ordination of communication and utility services, (iv) the provision of land for public purposes, (v) the provision and co-ordination of community services and facilities, and (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and (vii) ecologically sustainable development, and (viii) the provision and maintenance of affordable housing, and (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.	Council and relevant State Agencies
Environmental Planning and Assessment Regulations 2000	The Regulations set out how to implement the Environmental Planning and Assessment Act, 1979	Council and relevant State Agencies

Name	Description	Assessment Undertaken By
Native Vegetation Act, 2003	<p>The objects of this Act are:</p> <ul style="list-style-type: none"> (a) to provide for, encourage and promote the management of native vegetation on a regional basis in the social, economic and environmental interests of the State, and (b) to prevent broadscale clearing unless it improves or maintains environmental outcomes, and (c) to protect native vegetation of high conservation value having regard to its contribution to such matters as water quality, biodiversity, or the prevention of salinity or land degradation, and (d) to improve the condition of existing native vegetation, particularly where it has high conservation value, and (e) to encourage the revegetation of land, and the rehabilitation of land, with appropriate native vegetation, in accordance with the principles of ecologically sustainable development. 	Catchment Management Authority
Threatened Species Conservation Act, 1995	<p>The objects of this Act are as follows:</p> <ul style="list-style-type: none"> (a) to conserve biological diversity and promote ecologically sustainable development, and (b) to prevent the extinction and promote the recovery of threatened species, populations and ecological communities, and (c) to protect the critical habitat of those threatened species, populations and ecological communities that are endangered, and (d) to eliminate or manage certain processes that threaten the survival or evolutionary development of threatened species, populations and ecological communities, and (e) to ensure that the impact of any action affecting threatened species, populations and ecological communities is properly assessed, and (f) to encourage the conservation of threatened species, populations and ecological communities by the adoption of measures involving co-operative management. 	Council and the Department of Environment and Climate Change.
Water Management Act, 2000	<p>The objects of this Act are to provide for the sustainable and integrated management of the water sources of the State for the benefit of both present and future generations and, in particular:</p> <ul style="list-style-type: none"> (a) to apply the principles of ecologically sustainable development, and (b) to protect, enhance and restore water sources, their associated ecosystems, ecological processes and biological diversity and their water quality, and (c) to recognise and foster the significant social and economic benefits to the State that result from the sustainable and efficient use of water, including: <ul style="list-style-type: none"> (i) benefits to the environment, and (ii) benefits to urban communities, agriculture, fisheries, industry and recreation, and (iii) benefits to culture and heritage, and (iv) benefits to the Aboriginal people in relation to their spiritual, social, customary and economic use of land and water, (d) to recognise the role of the community, as a partner with government, in resolving issues relating to the management of water sources, (e) to provide for the orderly, efficient and equitable sharing of water from water sources, (f) to integrate the management of water sources with the management of other aspects of the environment, including the land, its soil, its native vegetation and its native fauna, (g) to encourage the sharing of responsibility for the sustainable and efficient use of water between the Government and water users, (h) to encourage best practice in the management and use of water. 	Department of Water and Energy

Name	Description	Assessment Undertaken By
Protection of the Environmental Operations Act, 1997.	The objects of this Act are as follows: (a) to protect, restore and enhance the quality of the environment in New South Wales, having regard to the need to maintain ecologically sustainable development, (b) to provide increased opportunities for public involvement and participation in environment protection, (c) to ensure that the community has access to relevant and meaningful information about pollution, (d) to reduce risks to human health and prevent the degradation of the environment by the use of mechanisms that promote the following: (i) pollution prevention and cleaner production, (ii) the reduction to harmless levels of the discharge of substances likely to cause harm to the environment, (iia) the elimination of harmful wastes, (iii) the reduction in the use of materials and the re-use, recovery or recycling of materials,	Department of Environment and Climate Change
Planning For Bushfire Protection Guidelines, 2006	This document provides the necessary planning considerations when developing areas for residential use in residential, rural residential, rural and urban areas when development sites are in close proximity to areas likely to be affected by bushfire events and replaces Planning for Bushfire Protection 2001.	NSW Rural Fire Service

Submissions

The exhibition period generated a significant number of submissions. Copies of the submissions have been provided to all Councillors. Section 79C of the EP&A Act requires that all submissions be reviewed and considered in the assessment of an application. Attachment 10 is an analysis of the submissions received. The issues raised in the submissions were considered in the Section 79 C assessment and in the discussion of the key issues.

PART 3

Referral Comments

1 Internal

1.1 Manager Finance

Not required.

1.2 Community Services

The potential social impact of this proposal is difficult to determine and impossible to quantify. There are a number of specific impacts on amenity (point impacts) that will increase stress due to noise and loss of visual amenity (and a corresponding decrease in property values). This stress clearly will adversely impact on the family unit and its interaction within this small community. The number of households that these point impacts affect is small, however the magnitude of the impact on these households is potentially great. The point impacts may not be of sufficient magnitude to warrant refusal of the application, but the effects that these impacts have on the families that reside in the effected dwellings requires consideration by Council.

The social impacts identified in the submissions are mostly concerned with traffic, noise, dust and visual amenity. These impacts will occur to a greater extent to those residences closest to the quarry. Given that the majority of respondents to the consultation survey stated that the reason they live in the area include views and character of the area, the proposed expansion of the quarry will have potential negative social impacts on the residents, however small in number.

A number of mitigation strategies have been identified in the final SIA report including;

- Noise limit goals
- Noise barriers
- Provision of perimeter and other landscaping and habitat corridors
- Progressive rehabilitation
- Quarry plan of management, environmental performance standards and on-going monitoring and reporting of quarry operation
- Retention of areas of ecological/aboriginal significance.

There are a number of proposed conditions of development consent that which may mitigate against the point impacts.

The quarry is unlikely to have a significant detrimental social impact across the broader Lismore population. There will be destabilising effects within the immediate local community due to disunity and ongoing anger and dispute between the objectors and the developer. It is acknowledged that there are adverse impacts but these are not so significant as to warrant refusal of the application.

1.3 Building Surveying

No objections to the proposal.

1.4 Lismore Water and Sewer

No objections to the proposal.

1.5 Development Engineer

The application and accompanying Traffic Impact Assessment has been reviewed and the following comments are provided with regard to traffic matters associated with the assessment and determination of the proposed development.

The key issues within the application relating to traffic include: the volume of traffic to be generated by the development, the adequacy of the existing road for the anticipated traffic and the design of the intersection to access the quarry. The following details are provided in relation to these issues.

The Environmental Impact Assessment lodged included a Traffic Impact Assessment prepared by Roadnet Pty Ltd. The report primarily quotes loaded truck movements and also tends to deal with increases upon what has previously been approved but is not yet operational rather than increases upon existing traffic volumes. In light of this the following is an independent calculation detailing total truck numbers for the proposed average annual extraction rate of 120,000m³.

Approval for 200,000 tons or 120,000m³ per annum with 10% trucks carrying 10m³ and 90% carrying 20m³. To calculate total annual number of loaded trucks the following calculations were undertaken:

- Number loaded trucks x 0.1x10 + Number loaded trucks x 0.9x20=120,000m³.
- Therefore number loaded trucks per year to transport 120,000m³ = 6316 trucks, being 632 trucks carrying 10m³ and 5,684 trucks carrying 20m³.
- This will mean 12,632 truck movements per year will be generated by the quarry.
- If 50% of trucks head north and 50% head south this will mean that there will be 6,316 trucks in each direction per year. Or that existing traffic counts will increase by 6,316.

Report identifies 260 working days per year, to calculate average daily truck numbers generated in each direction per day 6,316/260, yields an average of 24 trucks (total, loaded and unloaded) per day each direction.

The traffic counts undertaken by Council in 2002 identified that of a week day an average of 2200

vehicles per day utilise Wyrallah Road, south of Wyrallah Ferry Road, with 6.6% being trucks. This equates to a daily average of 145 trucks. If the 24 additional truck movements, as calculated above, are added to this figure it results in 169 truck movements per day upon the road equivalent to 7.6% of the final traffic upon the road being trucks.

Wyrallah Road would be classified as a regional sub-arterial road by traffic engineering standards. The expected range for percentage of heavy vehicles utilising such a road would be 6%-10%. The average expected percentage of heavy vehicles upon Wyrallah Road with the quarry operating at its annual extraction rate of 120,000m³ per annum and a 50% traffic split, at 7.6%, is well within this expected range.

A similar calculation for the worse case of maximum production with all traffic in one direction has been undertaken. Under the proposal the maximum annual production would be 4 times the average annual i.e. 800,000 tons per annum, as opposed to 200,000 tons used above. Therefore it would yield a maximum of 192 truck movements (including both loaded and unloaded trucks) per day. This is the maximum theoretical traffic generation assuming all trucks in the same direction with 4 years production in 1 year.

Further predictions were also undertaken by using 2200 vehicles per day utilising Wyrallah Road, south of Wyrallah Ferry Road, with 6.6% or 145 vehicles currently being trucks. If we add the proposed 192 trucks it would give 337 truck movements or 14.1% of movements as trucks. If the consent was limited to averaging production over two years or three years maximum yearly production would be 400,000 or 600,000 tons. These production rates would yield heavy haulage percentage figures of 10.5% and 12.3%, assuming worst case of all traffic in one direction.

From the above it is evident that the averaging of production between years could have a significant effect on the percentage of heavy vehicles within the traffic stream. To manage this effect it is proposed that the request to allow an averaging of production over four years be denied. It is recommended that if an average of production of years is to be approved then the average of production be over a maximum of two years.

The above test of the adequacy of the road has been based on Wyrallah Road being at the standard of a regional sub-arterial road. Whilst it is acknowledged that there maybe components of Wyrallah Road that are not at the standard identified for this class of road, such as pavement depth and vertical alignment, this is often the case for roads within Councils road network due to changes in standards over time. It is considered that this road does fulfil the role of a sub-arterial within Council's road network and as such it is appropriate for Wyrallah Road to be utilised for as a haulage route. Imposing a condition upon the development to upgrade the existing road to meet the current standard would fail the planning test of reasonableness given that it currently functions at this level, the significant cost involved in such an upgrade and the small percentage of final traffic volume that the development will generate.

The proposed development operating at its approved extraction rate of 120,000m³ per year will generate road improvement levies in the order of \$181,000 per annum. These will be available to Council for maintenance and improvements of this road.

The proposed entrance that has been recently constructed is considered suitable for the proposed development and the anticipated traffic. The geometry of the intersection design that has been constructed provides additional traffic facilities to what would be required by Austroads intersection design standards for the traffic volume anticipated from this development. Based on the expected traffic generation of the development a type AUR intersection would be required. This is where vehicles turning right into the development do so from the through lane and vehicles that are travelling through the intersection are required to veer left around the turning vehicle. This requires through vehicles to spot the turning vehicle and manoeuvre around the turning vehicle.

The intersection constructed has been constructed to a type CHR which provides a protected

right turn lane for vehicles entering the property. This is a higher level of treatment than that recommended within the Austroads standard for the traffic volumes proposed. The reason for this was that though the proposed entrance provides the required sight distances for vehicles to view other vehicles with adequate distance to make appropriate decisions to turn or stop at the intersection it does not provide for approach sight distance. This is the required distance for a vehicle approaching the intersection to see the line marking at the intersection with adequate time to interpret and react to the line marking. It should be noted that design standards require approach sight distance at all locations upon the road, however, in practise a lot of Lismore's existing road network does not meet this requirement. To remove the impact of the short fall in approach sight distance the applicant proposed to construct a protected right turn lane that removes the need for through traffic to site the line marking and react, the reason that approach sight distance is relevant to intersection design, by ensuring that through traffic have uninterrupted travel through the intersection. It is considered that this approach is acceptable as it provides a solution that both overcomes the functional requirement of the standard, being the need to see the line marking and delivers additional benefit being removing turning traffic from the through travel lane.

It is considered that this design approach does meet the intent of the standard and therefore the intersection does satisfy the requirements of the standard. The intersection design has been discussed with, and accepted by, the RTA.

Detailed responses to submissions regarding traffic matters are included separately within this report.

Conditions of consent and an amendment to the proposed average extraction rate of the quarry have been recommended. The proposed conditions include; requiring works to existing intersections at Wyrallah Road/Wyrallah Ferry Road and Wyrallah Ferry Road/Coraki Road, limiting the roads that can be utilised for the haulage of material from the quarry, requiring payment of levies for maintenance of haulage roads and stipulating that the quarry management plan address traffic related issues. In addition due to the volume of traffic that could be generated from an approval to average extraction over 4 years it has been recommended that the approval limit the averaging to a period of two years.

1.6 Environmental Health

A site inspection was undertaken on June 3, 2008.

The proposal is a designated development as the expansion involves more than 30,000m³ of material per annum and will disturb more than two (2) hectares of land.

The proposal is integrated development in accordance with Sec 91 of the EP&A Act as approval is required from DWE, DECC, DPI, and RFS.

The proposed development involves staged lateral and vertical expansion of the existing quarry in 3ha work cells known as the Northern, Central and Southern cells, and the progressive rehabilitation of the cells in a total quarrying area of approx 40ha. This involves a proposed increase from 29,000m³ (50,000t) per annum to an annual average of 120,000m³ (200,000t) per annum (average of 800,000t over any 4 year period to a max of 5,000,000t for the life of the quarry), as well as a boundary adjustment of 6 existing rural allotments to create a 60ha quarry lot and 4 rural allotments.

Ancillary infrastructure includes:

- temporary holding stockpile and service area (concrete slab with 6 bays)
- Office and staff amenities buildings
- A weighbridge
- Sand screening and washing plant, material stackers, conveyors and reclaimers
- Mobile crushing plant

- Vehicle storage shed with servicing bay and bunded fuel tank
- Vehicle wash down area
- 4 shipping containers for hydrocarbon storage.

The use of a range of plant including: bulldozers, 20 and 40 tonne excavators, nitrogen jack hammer and rock saw, grader, bobcat, front end loaders, haulage trucks, water cart, material stackers, conveyors and reclaimers, generators when required.

Soil and water management includes:

- Stockpiles for rehabilitation topsoil and overburden;
- Permanent catchdrain, two 40ML re-use/water supply dams, sediment control berms, and basin as required.

Earthen noise barriers will be constructed as required. Landscaping and rehabilitation of quarrying area including planted perimeter landscape buffers 8m wide, progressive rehab of work cells for future grazing purposes.

Nominated operating hours are Monday to Friday 7am to 5.30pm, Saturday 7.30am to 3pm.

(EIS Requirements from DECC) Proponents are expected to implement a 'reasonable level of performance' to minimise environmental impacts. The proponent must indicate how the proposal meets reasonable levels of performance for example reference technology based criteria or good practice in this activity. 'Reasonable levels of performance' involves adopting and implementing technology and management practices to achieve certain pollutant emission levels in economically viable operations. Technology based criteria evolve and gradually change over time as technologies and practices change.

Operating hours

The proponent has nominated operating hours as Monday to Friday 7am to 5.30pm, Saturday 7.30am to 3pm.

DECC, through the GTA have required that:

'Hours of operation

L4.3 Construction work and all other activities and operations at the premises must only be conducted between 7:00am and 5:30 pm Mondays to Fridays and between 8:00am and 1:00pm Saturdays. Construction work and all other activities and operations are not to be conducted on public holidays'.

Noise Assessment

Extractive industries (exceeding 30,000 cubic metres per annum) are scheduled activities under the POEO, therefore the appropriate regulatory authority (ARA) for this proposal is DECC and accordingly DECC will set the statutory compliance levels that reflect the achievable and agreed noise limits for the proposed development with specific reference to the *DECC's Industrial Noise Policy (INP)*.

The DECC Industrial Noise Policy

The INP aims to establish noise criteria that would protect the community from excessive intrusive noise and preserve amenity for specified land uses. An assessment under the INP should include:

- Predicting or measuring the noise levels produced by the development in question, having regard to meteorological effects (such as wind, temperature inversions),
- Comparing the predicted or measured noise level with the project-specific noise levels and assessing impacts,

- Consideration of feasible and reasonable noise mitigation strategies where the project specific noise levels are exceeded,
- Negotiation between the regulatory/consent authority and the proponent and between the community and the proponent to evaluate the economic, social and environmental costs and benefits from the proposed development against the noise impacts.

If the development is granted consent, ongoing monitoring and reporting of noise levels from the development will be required to determine compliance with the consent/licence conditions.

DECC states that the industrial noise source criteria in the INP are best regarded as planning tools. They are **not mandatory**, and an application for a noise producing development should not be determined purely on the basis of compliance or otherwise with the noise criteria. Numerous other factors need to be taken into account in the determination. These factors include economic consequences, other environmental effects and the social worth of the development.

Environmental Health Review of ERM Noise Assessment

The Environmental Impact Statement prepared by Malcolm Scott provides a comprehensive Noise Impact Assessment undertaken by Environmental Resource Management (ERM) Aust (Attachment 10). The report was undertaken as per the DECC *Industrial Noise Policy (INP)*.

Four rural dwellings were identified as being representative of the most affected by the quarry expansion and are referred to as Noise Assessment Locations (NAL) 1, 2, 3 and 4 (refer attachment 6).

Noise Assessment Locations (NAL)

Noise Assessment Location (NAL)	Address
Location 1	Lot 3 DP588125, 1566 Wyrallah Road
Location 2	Lot 10 DP736216, 139 Hazlemount Lane
Location 3	Lot 4 DP 857530, 140 Hazlemount Lane
Location 4	Lot 1 DP 342132, 1682 Wyrallah Road

The existing noise of the environment was evaluated by unassisted continuous noise monitoring. The recorded rating background levels (RBL) and ambient noise levels are summarised below. The report nominates the dominant existing noise source as being traffic on Wyrallah Road.

Summary of Background and Ambient Noise Levels

Location	Rating Background Level (RBL), dB(A)			Ambient Noise Level, dB(A) Leq,period			Range of Maximum Noise Levels dB(A)Lmax,period
	Day	Evening	Night	Day	Evening	Night	
Logger 1 (Location 4 1682 Wyrallah Road)	35	40	35	54	53	50	65-107
Logger 2, (Location 2 139 Hazlemount Lane)	32	35	28	48	42	42	35-98

Day = 7am to 6pm; **Evening** = 6pm to 10pm; **Night** = 10pm to 7am

The report notes that the assessment criteria for sensitive receivers near industry are based on the following DECC INP objectives:

- Protection of the community from excessive **intrusive** noise;
- Preservation of **amenity** for specific land uses.

The intrusive criteria are applicable over 15 minutes in any period, and the amenity criteria covers the day, evening and night period. A noise source is generally considered to be intrusive if it exceeds the rating background noise level by 5dB(A).

The amenity criterion requires the noise to be within an acceptable level for the particular locality and land use. The DECC INP recommended acceptable amenity day goal for rural areas is 50dB(A). The noise report has however stated that the more stringent intrusiveness criteria (RBL + 5dB(A)) will be adopted to achieve a higher amenity goal. This is summarised in the following table.

DECC Industrial Noise Policy (INP) Intrusiveness Criteria

Rating Background Level (RBL), dB(A)			DECC INP Intrusiveness Criteria, dB(A) Leq,period			DECC INP Acceptable Amenity Criteria dB(A) for rural areas		
Day	Evening	Night	Day	Evening	Night	Day	Evening	Night
Logger 1			Locations 1&4					
35	40	35	40	45	40	50	45	40
Logger 2			Locations 2&3					
32	35	28	37	40	35			

The Project Specific day time noise levels for the site are therefore nominated as **40dBA** for Locations 1 and 4, and **37dBA** for Locations 2 and 3. The quarry will not be operated during evening and night time periods.

Project Specific Noise Levels (PSNL)

Noise Assessment	
Location	Project Specific Noise Limit [L _{Aeq} (15 minute)]
Location 1	40dB(A)
Location 2	37dB(A)
Location 3	37dB(A)
Location 4	40dB(A)

Noise Modelling

ERM conducted noise modelling in 5 scenarios with plant and equipment representative of realistic operating conditions for the 3 cells:

1. Existing Operation
2. Central Section
3. Northern Section
4. Initial Southern Section (first 3-6 months)
5. Southern Section

Noise Modelling Summary (Table 5.1 of ERM Noise Report)

Predicted Daytime Leq, 15minute Noise Levels, dB(A)	Central Section	Northern Section	Initial Southern Section	Souther n Section	Project Specific Noise Level
Location 1	<35	41*	<35	<35	40
Location 2	39*	42	46	39*	37
Location 3	<35	32	36	<35	37
Location 4	36	36	50	37	40

* Deemed: Within industry standard of ± 2 dB,

Red indicates exceeds criteria

Blue indicates the Project Specific Noise Level (PSNL)

The modelling assumes that all plant and equipment was operating simultaneously which is noted as being conservative. Indicative bunding was included and it was noted that noise attenuation is limited in these rural surroundings. The results of the modelling indicate that Locations 2 and 4 will potentially be affected by intrusive noise during the Initial Southern stage, and Location 2 will potentially be affected by intrusive noise during the Northern Section operation.

In response to DECC feedback ERM conducted additional noise modelling to validate the previously modelled noise levels. Noise Assessment Locations (NAL) 1, 2 and 4 were re-assessed and an addendum to the ERM noise report was submitted on 20 October 2008. The report concluded that the contribution from the existing quarrying operations was well below the PSNL and that the initial assessment was conservative. ERM stated that the initial construction phase of the Southern Section is predicted to meet the relevant Construction Noise Criteria.

The addendum report concludes that the noise levels from the Northern Section initial works are still expected to exceed the PSNL by 5 dBA, however ERM state that the initial works are predicted to meet the relevant Construction Noise Criteria and the long-term PSNL would be unlikely to be exceeded.

Road traffic noise was calculated and the ERM initial report concluded that the increased traffic generated by the quarry expansion will not exceed the DECC criteria for road traffic noise for arterial roads on average over a 15 hour period. The proposal will increase from 11 trucks leaving the quarry per day (under the current approval) to an average of 24 trucks leaving the quarry each day (48 in total). The DECC Daytime criteria is 60dB(A) Leq15hr. The combined non-site related and site related vehicles noise level was calculated to be 62dB(A).

Other noise matters noted by Environmental Health

The EIS lists the plant and equipment which includes a mobile crushing plant, sand screening and washing plant, and extraction incorporating nitrogen fed jack hammer and rock saw, all of which were included in the noise modelling.

The mobile crushing plant is nominated to operate 3 weeks of the year. Being mobile, the plant can be situated in an appropriate location to minimise noise and due to the minimal time period of use over the year is not considered to be a significant noise issue.

The sand screening and washing plant was described by the Quarry Manager as a bucket and

spiral and is not considered to generate significant noise.

The rock saw and nitrogen fed jack hammer have been proposed to assist in extraction of rock for purposes such as landscaping, retaining walls, or for sculpture. The Quarry Manager described the use if this equipment is expected to be very minimal.

The hours of operation are nominated to be Monday to Friday 7am – 5.30pm, Saturday 7.30am – 3.00pm. A reference to occasional Sunday operations was made in the EIS. Monday to Saturday operations only will be considered with this proposal, as further assessment would be required before approval could be given for Sunday operations. DECC's GTA have stated operational hours of 7:00am and 5:30 pm Mondays to Fridays and 8:00am and 1:00pm Saturdays. Construction work and all other activities and operations are not to be conducted on public holidays.

Environmental Health Conclusion of ERM Noise Assessment

Council is not able to independently review the actual noise level results of the noise modelling as it does not have the necessary noise modelling tools available. As DECC is the ARA, it will be relied upon for their expertise in assessing the accurateness of the modelled noise levels presented. The following comments are made with the assumption that the modelled noise levels are acceptable by DECC.

Central and Southern Section General Operations

The ERM report concludes that noise emissions comply with the nominated PSNL in the Central and Southern Sections. With consideration that the more conservative intrusive noise criteria is the nominated PSNL target, implementation of the nominated mitigation methods are considered reasonable to control and minimise noise impact at these locations.

Initial Southern Section

The initial noise report concluded that the PSNL are exceeded in Locations 2 and 4 during the Initial Southern stage by up to 10dBA. This has the potential to result in a significant noise impact on the receivers. The noise generated during the initial Southern stage is expected to be for a maximum period of 6 months.

In response to DECC feedback ERM conducted additional noise modelling to validate the previously modelled noise levels. Noise Assessment Locations (NAL) 1, 2 and 4 were re-assessed and an addendum to the ERM noise report was submitted in October. The report concluded that the contribution from the existing quarrying operations was well below the PSNL and that the initial noise assessment was conservative. The Initial Southern Section works has been identified in the addendum to the report as involving construction of an earth berm within a four week construction period. Further attenuation will be achieved by cuttings which are noted by ERM to be achieved within six months.

ERM stated that it is unlikely that the long-term PSNL would be exceeded for the Southern Section general operations and that the initial construction phase of the Southern Section is predicted to meet the relevant Construction Noise Criteria.

Northern Section

The initial noise report concludes that the Northern Section exceeds noise levels at Location 2 during the normal Northern Section operation by 5dBA. The report recognises that noise attenuation is limited due to the topography and that noise levels are expected to be progressively reduced as both pit depth and noise attenuation from bunding increases. In addition the EIS from Malcolm Scott summarises to say that this section will not be worked for 10-15 years and additional noise monitoring for this section will be undertaken to improve accuracy using previous quarry operations data, as it is anticipated that there will be significant improvements to noise emissions from plant and equipment.

The addendum noise report concludes that noise levels from the Northern Section once bunds

are constructed are still expected to exceed the PSNL by 5dBA, however ERM state that due to the conservative nature of the modelling in addition to the proposed commitments by the quarry operator, and the short term nature of initial works (which was noted as being within 6 months), it is unlikely that the long-term PSNL would be exceeded and that the initial works are predicted to meet the relevant Construction Noise Criteria as defined below:

DECC 'Construction Period Noise'

The DECC Noise Control Manual states that:

- *Construction period of 4 weeks and under – L10 not to exceed background by more than 20 db(A).*
- *Construction period not exceeding 26 weeks – L10 not to exceed background by more than 10 db(A).*

Modelled noise levels predicted to exceed the PSNL are within the range for the above construction criteria. It is expected that noise will be progressively reduced throughout the construction phases to achieve PSNL, therefore it could be considered acceptable that the DECC guideline for construction noise be utilised. The DECC (Chris Hatton) has confirmed to Council by phone on 21/01/2009 that the construction criteria will be utilised for the construction phase and the time period will be regulated through the licensing conditions.

Due to the indicative nature of the results, and that reliance is placed on commitments by the Quarry Manager (refer Section 5 of the Addendum report), improvements to plant and equipment in future, it is not considered that the noise reporting to date satisfactorily demonstrates reasonable certainty in the mitigation methods for the Northern and Southern sections. It is however recognised that DECC's GTA has required that the applicant conduct a revised **Noise Impact Assessment** (NIA) to demonstrate compliance with the PSNL and develop a noise management plan identifying the nature, location and timing of all noise mitigation measures and strategies to be implemented which must be submitted with any application for an Environment Protection licence, prior to operations commencing at the premises. It is considered that this further review process will ensure that the PSNL will be achieved through realistic mitigation strategies prior to the commencement of operations. The construction time periods and use of the construction noise criteria (if used) need to be clearly defined through this process for consideration by DECC and Council and enforced through conditions.

Traffic Noise

The impact of increased road traffic noise is considered to comply with the DECC Daytime criteria of 60dB(A) Leq15hr. The combined non-site related and site related vehicles noise level was calculated to be 62dB(A). However there was question as to the number of trucks nominated at 24 **leaving** the site per day. Clarification was sought as to whether this should be 48 truck movements per day. The proponent responded confirming that the road traffic assessment included 48 truck movements per day or 24 trucks.

The ERM noise assessment was modelled on the proposed extraction of 200,000 tonnes per annum. Given that the proposal seeks approval for an annual **average** of 120,000m³ (200,000t) per annum (average of 800,000t over any 4 year period to a max of 5,000,000t for the life of the quarry), there is potential for the truck movements to increase and be significantly higher than those modelled. To address this, it is recommended that a condition of consent require the applicant to determine through the revised NIA the maximum of truck movements per day that would be permissible to ensure compliance with the DECC Daytime criteria of 60dB(A) Leq15hr.

It is recommended that the access road be sealed to improve noise attenuation and the potential for dust. The EIS reports that the access road will be sealed as a staged program. Sealing of this road has the potential to significantly minimise noise and dust and is therefore considered to be a critical component of the initial construction. A condition has been nominated to address this.

On-going monitoring and reporting of noise from the site is a critical aspect of the granting of

approval of this proposal. A condition has been nominated by DECC in the GTA to address this.

Comment on the Independent Noise Report submission from EDO

The Environmental Defenders Office (EDO) requested an independent review by Ambiance Audio Services to review the ERM Noise Assessment. The report from Ambiance was submitted to Council in June 2008. Environmental Health has noted that the report is a review and a comparative noise assessment was not undertaken. Therefore the matters raised were noted but not considered definitive. The review was submitted to DECC for their consideration and Council will ultimately be relying on their expertise in the assessment of noise. It has been noted that a number of the concerns raised in the review have since been addressed in further submissions by ERM.

Conclusion Noise

The noise impacts have been considered by Council and DECC and based on the predictive modelling to date and the issue of the general terms of approval by DECC the noise impacts for the operation of the quarry, do not warrant refusal of the application. A consolidated noise report that demonstrates compliance with the project specific noise levels should be provided to Council and DECC prior to the activation of the development consent. To this end a deferred commencement condition has been drafted for Council's consideration.

Environmental Health Review of Soil and Water Management Report

The Soil and Water management plan prepared by ERM states that the extent of erosion over the site is not expected to increase as a result of the quarry expansions. In addition the soils were considered to have limited capacity to support long-term agriculture and the continuation of the quarrying activities would not significantly degrade this resource any further. The site will be returned to agricultural use following rehabilitation.

Sediment and Surface Water

The key concern for water quality is in relation to increased sediment loads in the Tuckean Swamp and Tucki Tucki Creek. Clean water will be diverted around disturbed areas by contour drains or channels, and all water from disturbed areas are proposed to be diverted to settling ponds to control sediment runoff from the site. Treated water from sediment ponds will be discharged by overland flow or by storing for re-use on-site.

Long-term material stockpiles will be stabilised by seeding with grass and shorter term stockpiles will be bunded. All surface drainage and sediment control measures will be designed in accordance with the *Managing Urban Stormwater 'Blue Book'* which will minimise the potential for erosion and transportation of sediment.

Groundwater

The report states that it is not expected that the expansion will intercept the groundwater table. The proposed depths of the sections, in particular that of the Southern section ensures that the deeper regional aquifer beneath the site will not be intercepted. Groundwater seepage is not expected. However the reports states that the extraction of the sandstone resource will result in a lowering of the perched water table profile. Council will rely on the expertise of DWE in relation to this matter.

DWE have stated to the applicant in correspondence that if groundwater is utilised or intercepted a licence is required which will be conditional on the development of a groundwater management plan.

Water Demand

Water is required for employee use, processing plant, dust suppression, truck washing, at an estimated 50 ML/year.

Water Storage

The report states that three major storage dams are proposed, situated within the natural drainage paths at 40ML each (see point 2 of revised SWMP 2/9/08) (refer attachment 5). Dam 1 is to be constructed at the confluence of the two intermittently flowing first-order streams. Dam 1 does not require a DWE licence. Dam 2 is to be constructed offline downslope of central quarry pit. Dam 2's function is to collect and recycle process water and stormwater runoff from the quarry, and reuse for crushing, washing and dust suppression. Water collected in the sediment basins will be partially desilted in the basins and then drain to Dam 2 for additional water quality control. As Dam 2 is solely for the capture, containment and recirculation of drainage/effluent it is exempt from licensing.

Dam 3 will not be constructed in the early stages of the development. Construction of this dam requires a licence from DWE.

Additional storage will be provided by sediment basins. A water balance was conducted which demonstrated the system of dams is capable of satisfying the quarry's demands.

DWE has been in correspondence with the applicant and provided comment in relation to this matter. DECC has provided GTA in relation to water storage.

Effluent Discharge

The ERM report states that the discharge of Dam 2 will not exceed a TSS of 50mg/L. ERM recommends that parameters as set out for this event may be exceeded at the discharge point for the duration of the overflow due to stormwater events $\geq 71\text{mm}$ in total over any consecutive 5 days. The pH of receiving waters will be monitored to enable monitoring and review of the discharge pH to ensure it meets ambient conditions. DECC has provided GTA in relation to discharge of waters and water quality performance standards.

Monitoring

ERM's report recommends quarterly water quality monitoring additional monitoring following rainfall events within the tributary of Tucki Tucki Creek or the Creek itself at appropriate upstream and downstream points to confirm the site operations are not impacting the receiving waters. ANZECC (2000) Guidelines trigger levels for 95% protection of aquatic ecosystems and consistency with pre-development background conditions have been stated as the monitoring and performance criteria (see revised report 2/9/08). If the performance criteria are met frequency may be reduced to 6 monthly.

ERM recommend that monitoring of the sediments ponds shall be undertaken prior to discharge to the environment. All settling ponds will be required to be de-silted regularly and an additional small settling pond is recommended at upslope side of the main clean water ponds.

The pH of surface waters will be monitored and maintenance of the ambient condition is likely to be required to reflect the generally mildly acidic conditions.

Groundwater will comprise of water level gauging of the four existing bores along with sample collection and testing by a NATA laboratory. Key parameters will include pH, electrical conductivity (salinity) and hydrocarbons.

ERM conclude that given the location of the site within the upper reaches of the catchment and the size of the area to be disturbed **it is unlikely that the quarry will cause significant changes to environmental flows in the tributaries or Tucki Tucki Creek.** Appropriate site management is expected to be implemented to minimise impacts on water quality and on the quality of run off.

DECC has provided GTA in relation to monitoring.

Acid Sulphate Soils

An addendum to the ERM Soil and Water Management Report was submitted on 4 September 2008 in relation to Potentially Acid Sulphate Soils (PASS). The work cell sites are classified Class 5 on Councils records. Utilising information including DLWC Risk mapping, and results of geological drilling previously undertaken, the addendum report concludes that PASS is not expected to be impacted as a result of the development. As a precautionary measure targeted assessment of the Dam 2 site will be conducted. ERM recommend that the proposed development will not require a site specific PASS Management Plan.

Environmental Health Conclusion of ERM Soil and Water Management

The report adequately addresses the soil and water quality issues. The assessment reasonably concludes that it is unlikely that the quarry will cause significant changes to environmental flows in the tributaries or Tucki Tucki Creek with appropriate site management in place. The report states that it is not expected that the expansion will intercept the groundwater table and groundwater seepage is not expected.

Drainage and sediment control will be designed in accordance with the 'Blue Book' which are the current accepted guidelines. The proposed monitoring program is feasible and considered appropriate.

The Soil and Water Management plan addresses water quality monitoring. Existing water quality conditions must be established prior to commencement of the expansion operations and **clear performance objectives were requested to be clearly stated**. Further information was provided by the applicant on 2 September 2008 which states surface and groundwater monitoring sampling and objectives in accordance with accepted guidelines - ANZECC (2000), and AS 55667.11 *Water Quality – Sampling - Guide on the Collection of Groundwater*. Background data is proposed to be established.

A condition is nominated to address this and DECC has provided specific GTA's in relation to Soil and Water Management including a requirement to submit a Final Soil and Water Management Plan with the application for an environmental protection licence.

Environmental Health Review of ERM Air Quality Assessment

A comprehensive air quality assessment was conducted by ERM. The assessment was a Level 2 air quality impact assessment study as described by the NSW DECC *Approved Methods and Guidance for the Modelling and assessment of Air Pollutants in NSW* which involved identification of emission sources, contaminants and rates of release, meteorological conditions, geographical conditions, existing environment conditions, predicting future concentrations and incorporating mitigation methods, and using air quality guidelines to determine acceptable levels. Key contaminants considered were total suspended particulates (TSP), particulate matter less than 10 microns (PM10), and deposited dust.

The report concludes that operations as modelled would meet the NSW DECC air quality impact criteria for pm10 and TSP short and long term averages and dust deposition, and **that the proposed expansion is not anticipated to have a significant impact on local air quality**.

Environmental Health Conclusion of ERM Air Quality Assessment

The report inventory, modelling, and results were conducted in accordance with the relevant DECC Policy and the conclusion is considered to be reasonable.

The ERM Air Quality assessment was modelled on the proposed extraction of 200,000 tonnes per annum. Given that the proposal seeks approval for an annual **average** of 120,000m³ (200,000t) per annum (**average** of 800,000t over any 4 year period to a max of 5,000,000t for the

life of the quarry), there is potential for the dust generation to increase higher than was modelled.

OSMS and Potable Water Supply

An on-site wastewater management system must be installed to manage wastewater from staff amenities which include the demountable building and toilet facilities. An on-site wastewater management report, in accordance with Council's Revised On-Site Sewage and Wastewater Management Strategy, must be submitted to Council for consideration. The report must consider low-tech gravity fed systems with a maximum of three ETA beds and must include an area for replacement disposal fields. A condition is nominated to address this.

It is recommended that the staff amenities are connected to a potable water supply system.

Washdown Area

Prior to construction detailed plans of the proposed wash down area shall be submitted to Council for approval.

1.7 Natural Resource Management Officer

Koala Habitat Protection – State Environmental Planning Policy (SEPP) 44

An inspection in August 2008 of all mapped vegetated areas within the proposed site did not identify any koala faecal scats beneath, or 'poc' markings on the trunks of, potential koala feed trees. No koalas were sighted. The proposed site is therefore not considered to meet the criteria for 'core' koala habitat under SEPP 44.

All sclerophyll areas of the proposed site are dominated by *Corymbia intermedia* (Pink Bloodwood). Whilst being a potential koala food tree, Pink Bloodwood is not listed under Schedule 2 of SEPP 44 as an indicator of 'potential koala habitat'. Whilst 1 or 2 individual *Eucalyptus microcorys* (Tallowwood) were located in open areas, in no areas did they comprise over 15% of the canopy designating 'potential koala habitat'. The proposed site therefore is not considered to meet the criteria for 'potential' koala habitat under SEPP 44.

As the site is not considered 'core' or 'potential' koala habitat the requirement for an individual koala plan of management cannot be imposed.

Whilst the site does not constitute 'core' or 'potential' habitat under SEPP 44 it is probable that koalas may occasionally traverse, or enter into, the proposed site. To acknowledge and facilitate this movement it is recommended that any restoration or buffer plantings to the north of the site use suitable koala feed trees and be of an appropriate width to maintain their biological integrity (recommended as 20m by Department of Environment and Climate Change's (DECC) (letter dated 14/11/2008). Koala food trees should not be used in cases where they may draw koalas towards potential threats (e.g. machinery movements).

Proposed conditions of consent have been drafted to facilitate koala movement through the site.

Threatened Flora and Fauna

Koalas are listed as Vulnerable under the Threatened Species Conservation Act 1995. In August 2008 a desk top assessment of the site using Council's GIS system, which includes records from the NSW Wildlife Atlas, identified no koala sightings within the proposed site. However a letter from DECC received 14 November, 2008 states that 'four threatened species records for the Koala exist within the development site' and that 'these records have only recently been added to DECC's internal spatial data layers and may not yet be recorded on the NSW Wildlife Atlas public website'.

This is consistent with the comments above, and because the site does not constitute 'core' or 'potential' koala habitat according to SEPP 44 definitions it is not considered that the proposed development will not have an adverse impact on koalas.

With the proposed dual purpose planting (visual and koala) running east west along the northern

boundary of the site, it may produce a marginal increase in koala movements in an east/ west direction across Wyrallah Road (refer attachment 4). This is recognised in the DECC letter of 14/11/2008, however, given these movements are currently occurring, and the applicant is not affecting 'core' habitat under SEPP 44, any recommended condition to reduce the risk of vehicles hitting koalas on Wyrallah Road must be applied in a reasonable manner.

It is recommended that a condition of consent be drafted requiring koala crossing signage along Wyrallah Road at appropriate distances from the proposed plantings. It is also recommended that Council write to DECC, as the threatened species experts, requesting information on suitable options to address vehicle strike.

These assessments have been undertaken in line with State Legislation, Regulations and Policies.

1.8 Social Planner

The potential social impact of this proposal is difficult to determine and impossible to quantify. There are a number of specific impacts on amenity (point impacts) that will increase stress due to noise, loss of visual amenity (and a corresponding decrease in property values). This stress clearly will adversely impact on the family unit and it's interaction within this small community. The number of households that these point impacts affect is small however the magnitude of the impact on these households is potentially great. The point impacts may not be of sufficient magnitude to warrant refusal of the application but the affects that these impacts have on the families that reside in the affected dwellings requires consideration by Council.

The social impacts identified in the submissions are mostly concerned with traffic, noise, dust and visual amenity. These impacts will occur to a greater extent to those residences closest to the quarry. Given that the majority of respondents to the consultation survey stated that the reason they live in the area include views and character of the area, the proposed expansion of the quarry will have potential negative social impacts on the residents, however small in number.

A number of mitigation strategies have been identified in the final SIA report including;

- Noise limit goals
- Noise barriers
- Provision of perimeter and other landscaping and habitat corridors
- Progressive rehabilitation
- Quarry plan of management, environmental performance standards and on-going monitoring and reporting of quarry operation
- Retention of areas of ecological/aboriginal significance.

There are a number of conditions of development consent that are proposed which may mitigate against the point impacts.

The quarry is unlikely to have a significant detrimental social impact across the broader Lismore population. There will be destabilising effects within the immediate local community due to disunity and ongoing anger and dispute between the objectors and the developer. It is acknowledged that there are adverse impacts but these are not so significant as to warrant refusal of the application.

2 External

2.1 Department of Primary Industries

Agricultural issues

The public submissions, as supplied by Lismore Council, raise a number of agricultural issues. The extent and focus of many of the submissions highlights the challenges for primary industry development and land use change in areas that contain small lot and unplanned rural settlement.

NSW DPI provides the following advice in relation to the key agricultural issues raised by the community to assist Council in assessing and determining the DA.

Impact on lands mapped as regionally significant farmland

The Northern Rivers Farmland Protection mapping shows part of the higher area of the subject lands as regionally significant farmland cross-hatched. Section 117 Direction 5.3 – Farmland of State and Regional Significant on the NSW Far North Coast only applies when a Council prepares a draft LEP that proposes the conversion of land to urban and residential land uses. No draft LEP amendment is proposed in this case and extractive industries are a permissible use with consent in the zones that apply.

Loss of productive agricultural land

The subject lands comprise a small area of mapped Class 2 agricultural land, though the majority of the land is mapped as Class 4 and 5 agricultural land. A site inspection undertaken on 18 September 2008 confirms that the property contains a diversity of land classes, with the majority of the land comprising class 4 and 5 lands. The ridge country, which contains rock outcrops as well as the vegetated areas, comprises Class 5 agricultural land. The cleared slopes are Class 4 lands and there are smaller areas of Class 3 grazing country. The proposed southern quarry area (ridge country) will not impact on prime crop or pasture land. The proposed northern quarry area will impact on grazing land, though with considered rehabilitation the lands could potentially be restored for continued grazing. The Clause 7 and Clause 12 of the North Coast REP are relevant, though the likely impact on agricultural resources is considered to be localised and not deemed to be significant. The Far North Coast Regional Strategy highlights the importance of protecting the agricultural resource. The strategy also highlights the importance of maintaining access to natural (extractive) resources in rural areas. The rural planning principles of the Rural Lands SEPP do not exclude quarries in rural areas.

Development will create land use conflict with existing and potential agricultural land uses in the locality

A number of potential off-site impacts from the proposed quarry such as dust, noise and water quality impacts have been identified in the public submissions. These are largely amenity issues, or are beyond the role of NSW DPI. A reduction in rural land use conflict is however a regional land use planning objective, as outlined in the Northern Rivers Catchment Action Plan. The North Coast “Living and Working in Rural Areas Handbook” recommends a number of measures that can be undertaken, to avoid and reduce risk of land use conflict. The application of best management practice by industries operating in rural areas is one of the recommended measures. Off-site impacts such as dust, noise and water quality deterioration are largely operation, design, environmental management and compliance issues that are the responsibility of the proponent and the appropriate regulatory authorities. Provided these issues are managed within acceptable levels, impacts on adjoining agricultural land uses is not expected.

Development diminishes agriculture land use opportunities e.g. beef cattle grazing

The expansion of the quarry and disturbance of the site by excavation will not significantly diminish the agricultural land use opportunities of the site. The better quality agricultural lands of the property will not be affected by the quarry operations. The access road into the quarry crosses lands that have been classified as high quality agricultural land, though the access road is already permitted by prior development consent and the impact of the access road on agricultural lands is limited. The majority of the better quality grazing land of the property will not be affected by the proposed development. Rural lands have diverse land use values, including quarrying and extractive industries and other primary industry land uses. Extractive industry operations are considered a legitimate use of rural and agricultural lands, subject to the environmental assessment process and subject to mitigation of potential adverse off-site impacts.

Rehabilitation plan may not adequately return the land to grazing

The priority objectives of site rehabilitation, following disturbance of the subject lands, should be public safety, land stabilisation and land management. Return of the subject land to some form of agricultural production is desirable, though the priority objectives are more important and in some cases environmental restoration may have priority over rehabilitation for agricultural land uses. A clear and well defined rehabilitation plan is important for accountability, planning, operational and auditing purposes. NSW DPI would support the rehabilitation of disturbed lands where practical and feasible to a productive use such as grazing.

Proposed vegetation buffers will be inadequate to mitigate noise, dust and visual impacts

Vegetative buffers as well as separation distances complement good development design and application of industry best practice. It is the responsibility of the encroaching and new development to address and mitigate adverse off-site impacts through a range of measures, which in combination will create the desired environmental outcomes. Commercially available dust suppressants are available to help bind soil particles, to reduce dust associated with regular traffic movements, where this is or could be an issue. Earth bunding with associated tree planting, which has already been put in place at the site, are part of the mix of strategies that can be used to address off-site impacts and neighbour issues. The Living and Working in Rural Areas Handbook is a reference and guide for applicants and determining authorities, though it does not take the place of a locally adopted Buffer DCP nor site specific environmental impact assessment studies and related management strategies.

Loss of some 50 ha of agricultural land when government is trying to protect productive farmland

Protection of productive farmland is an objective of government and regional policy, but not at the exclusion of all other legitimate uses of rural lands. Urban encroachment and land sterilisation by non-primary industry development in rural areas are the greatest risk to productive farmland.

Resource significance

The EIS indicates an inferred resource of nearly 12 Mt (page 42) and therefore the proposed development would qualify as a State Significant Development under Clause 7 (1)(b) of Schedule 1 of State Environmental Planning Policy (State Significant Development) 2005.

The list of regionally significant quarries published by the North Coast Extractive Industries Standing Committee in 1997 did not include Champions Quarry, as the full extent of the resource was not known at the time.

Sustainability of construction material supply

Resources in the North Coast are abundant, but many are not accessible due to a variety of environmental or operational constraints (e.g. poor rural road networks), or excessive distance to markets. Consequently, the sustainability of construction material supply in the region is uncertain.

Pyrite, acid sulphate soils and acid mine drainage

Minor pyrite has been reported in the EIS. It may have formed in locally reducing micro-environments (associated with concentrations of organic carbon) during sandstone deposition. In which case, it most probably occurs with unweathered, thin coal seams or dark grey to black (carbonaceous) siltstone interbeds, rather than with clean quartzose sandstone. Ancient weathering would probably have removed pyrite from weathered rock and soil. Consequently, potential for acid mine drainage or acid sulphate soils is probably minimal and may need no remediation or minimal remediation using established best practice.

Carbon emissions

Any contribution to carbon emissions would need to be assessed in comparison to long-term carbon emissions from (potential) alternative sources. Transport distance is likely to be a major differential factor affecting both carbon emissions and transport cost. As resources near population centre markets are depleted and are replaced by typically more distant sources, the net trend over time (all else being equal) could be an increase in both carbon emissions and transport costs. Hence, the subject quarry could offer significant long-term advantages in both carbon emissions and transport costs compared to alternative sources in view of its size and proximity to population centres in and around Lismore City.

2.2 Department of Environment and Climate Change

The Department has determined that it is able to issue an environment protection licence for the proposal subject to a number of conditions. The applicant will need to make a separate application to DECC to obtain this licence prior to the commencement of operations under any development consent granted by Council.

The general terms of approval for this proposal are provided at Attachment A. If Council grants development consent for this proposal these general terms should be incorporated into the consent.

The general terms relate to the development as proposed in the documents and information currently provided to DECC. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with DECC about the changes before the consent is issued. This will enable the Department to determine whether our general terms need to be modified in light of the changes.

DECC notes that the proposal is not integrated development with respect to Aboriginal cultural heritage and biodiversity conservation issues under the National Parks and Wildlife and Threatened Species legislation. Nevertheless, it has reviewed the supplementary information provided on these issues and provides the following general comments below [associated conditions of approval recommended for consideration by Council are enclosed in Attachment B, should Council determine to grant consent]:

Aboriginal Cultural Heritage (ACH)

- DECC notes that the proponent's archaeologist has concluded that the archaeological potential and significance has been assessed as low and that any part of the proposed extraction area does not constitute a Potential Archaeological Deposit (PAD). DECC acknowledges these conclusions and notes that if any Aboriginal cultural material is uncovered due to development activities, the recommended conditions of consent in Attachment B must be adhered to.
- DECC has reviewed the additional evidence provided regarding the Aboriginal community consultation process and is satisfied with the level and scope of consultation undertaken by the proponent to date. Also noted is the proponent has committed to continue to consult with the Aboriginal community as the development proceeds. However note that in the future it is imperative that the proponent's consultant archaeologist (or others) document all telephone conversations, meetings and field conversations with Aboriginal community participants that relate to the ACH assessment methodology, management strategies and/or any recommendations concerning the proposed project area.
- DECC supports the proposal for the proponent to undertake a precautionary survey with members of the Aboriginal community prior to initial extraction occurring on site. If any Aboriginal cultural material is identified the proposed conditions of approval in Attachment B should be adhered to.

Biodiversity Conservation

The impacts on biodiversity values at the site and in particular the Koala, listed as Vulnerable by the *Threatened Species Conservation Act 1995* have been assessed by DECC based on a review of the *Champions Quarry - Report on Tree Replacement Plan August 2008* (the Report).

DECC considers that the planting of vegetation intended as habitat for native fauna known to utilise the site will assist to minimise impacts to those fauna as a result of the proposed development.

It is noted that a 10 metre wide corridor for Koala movement is proposed along the northern boundary of the development site. It is considered that a corridor of that width would be greatly impacted by edge effects thereby reducing its ability to function effectively as a fauna corridor. It is recommended that a minimum 20 metre wide corridor should be established to maintain a viable core of relatively undisturbed vegetation. Tree survival rates would also be higher within a wider corridor.

It is considered that a minimum 20 metre wide vegetation corridor containing Koala food trees should facilitate Koala movement between known Koala habitat to the east and west of the development site. It is recommended that ongoing management, including weeding and replacement of failed plantings, should be the responsibility of the proponent. Council could consider, as a condition of consent, a financial bond to ensure the proper management of the proposed corridor and the rehabilitation of the development site.

Linking the known Koala habitat on the east and west of the development site may increase the number of Koalas crossing Wyrallah Road and therefore increase the risk of vehicle strike. It is recommended that measures to reduce the risk of death and injury to Koalas from vehicle strike be investigated and any feasible control measures implemented.

DECC advises that four threatened species records for the Koala exist within the development site. Two records are adjacent to the western boundary of the development site in the vicinity of the rainforest remnant in the southern cell. Another two records for the Koala exist within the northern cell approximately 200m from the western boundary of the development site. These records have only recently been added to DECC's internal spatial data layers and may not yet be recorded on the NSW Wildlife Atlas public website.

It is understood that the quarry may cause some vibration effects to occur outside of the development footprint. Given that the quarry will only operate during daylight hours and no blasting will be involved DECC does not expect vibrations to significantly impact on resident Koalas in adjacent land.

DECC - Attachment A

General Terms of Approval – DA2008-233: Champions Quarry, Tuckurimba NSW

Administrative conditions:

A1. Information supplied to DECC

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application DA2008/233 submitted to Lismore City Council on 9 May 2008;
- the document '*Development Application - Environmental Impact Statement for the expansion of an existing quarry and boundary adjustment on behalf of Champions Quarry*' (Malcolm Scott, May 2008); and
- all additional documents subsequently supplied to DECC in relation to the development, including correspondence and reports from Lismore City Council, Malcolm Scott and ERM forwarded to DECC and dated 26 August 2008, 3 September 2008, 8 September 2008, 20 October 2008 and 23 October 2008.

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the DECC, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

Limit conditions:

L1. Pollution of waters

L1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

L2. Concentration limits

L2.1 To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.

L2.2 All sedimentation ponds/basins must be capable to capturing and treating all surface water runoff from disturbed areas of the site generated by a 5 day 80th percentile

rainfall event to a discharge standard for Total Suspended Solids of 50mg/L (max).

L3. Waste

L3.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

L3.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

L4. Noise

L4.1 Noise from the premises must not exceed the following daytime noise levels at the following premises:

Assessment Location	Noise Limit [L_{Aeq} (15 minute)]
Location 1	40dB(A)
Location 2	37dB(A)
Location 3	37dB(A)
Location 4	40dB(A)

L4.2 **Note:** Locations 1 to 4 are identified in Figure 2.1 of the EIS Noise Impact Assessment (ERM, March 2008). The above noise limits apply at the boundary of the premises or 30 metres from the residence where boundary is more than 30 metres from residence.

Hours of operation:

L4.3 Construction work and all other activities and operations at the premises must only be conducted between 7:00am and 5:30 pm Mondays to Fridays and between 8:00am and 1:00pm Saturdays. Construction work and all other activities and operations are not to be conducted on public holidays.

L4.4 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L4.3, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to DECC and affected residents as soon as possible, or within a reasonable period in the case of emergency.

L4.5 The hours of operation specified in condition L4.3 may be varied with written consent if the DECC is satisfied that the amenity of the residents in the locality will not be adversely affected.

Operating conditions:

O1. Odour

O1.1 The applicant (licensee) must not permit the emission of any offensive odour from the premises.

O2. Dust

O2.1 All dust management and mitigation measures identified in s.8.2 of Appendix 4 'Air Quality Assessment' of the EIS must be implemented except as required under other conditions of these general terms of approval.

02.2 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

02.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

03. *Stormwater/sediment control*

03.1 A Final Soil and Water Management Plan must be prepared in accordance with the document: *Managing Urban Stormwater: Soils and Construction (LandCom,2004)* and submitted with any application for an environment protection licence to DECC, before operations commence at the premises.

03.2 All sedimentation ponds/basins must be designed (eg. number, location, sizing), constructed and managed in accordance with that document.

03.3 All plant and equipment maintenance and cleaning must be undertaken in a controlled environment where potentially polluted waste water can be captured and treated (separate from the sedimentation ponds/basins) to remove oil, grease and hydrocarbons.

07. *Noise*

07.1 The applicant must conduct a revised Noise Impact Assessment (NIA) in accordance with the *Industrial Noise Policy (EPA, 2000)*. The revised NIA report must be submitted to DECC with any application for an environment protection licence demonstrating to the satisfaction of DECC that the applicant is able to comply with the noise limits specified in condition L4.1 of these general terms, before operations commence at the premises.

07.2 The applicant must, as a minimum, adopt all noise mitigation measures and strategies proposed in the EIS and contained in all supplementary information provided to the DECC (documents referred to in condition A1.1 of these general terms).

07.3 The applicant must develop a noise management plan identifying the nature, location and timing of all noise mitigation measures and strategies to be implemented (refer condition O7.2). The noise management plan must be submitted to DECC with any application for an environment protection licence, prior to operations commencing at the premises.

Monitoring and recording conditions:

M1 *Monitoring records*

M1.1 The results of any monitoring required to be conducted by the DECC's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

- M1.2** All records required to be kept by the licence must be:
- in a legible form, or in a form that can readily be reduced to a legible form;
 - kept for at least 4 years after the monitoring or event to which they relate took place; and
 - produced in a legible form to any authorised officer of DECC who asks to see them.

- M1.3** The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;
- the time(s) at which the sample was collected;
 - the point at which the sample was taken; and
 - the name of the person who collected the sample.

M2. *Requirement to monitor concentration of pollutants discharged*

- M2.1** For each monitoring/ discharge point or utilisation area specified below the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the units of measure, and sample at the frequency, specified opposite in the other columns:

Each sedimentation basin/pond

Pollutant	Units of measure	Frequency
Total Suspended Solids	mg/L	Daily during discharges arising from rainfall events up to 5th day 80 th percentile.

M3. *Testing methods - concentration limits*

- M3.1** Monitoring for the concentration of a pollutant emitted to the air required to be conducted by DECC's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with a relevant local calculation protocol must be done in accordance with:
- any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or
 - if no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or
 - if no such requirement is imposed by or under the POEO Act 1997 or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by DECC for the purposes of that testing prior to the testing taking place.

Note: The Clean Air (Plant and Equipment) Regulation 1997 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".)

- M3.2** Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by condition M2 must be done in accordance with:
- the Approved Methods Publication; or
 - if there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment Operations Act 1997 in relation to the development or the relevant load calculation protocol, a method approved by DECC in writing before any tests are conducted, unless otherwise expressly provided in the licence.

M4 *Noise Monitoring*

- M4.1** The applicant must develop a noise monitoring program to enable confirmation that the operations are compliant with noise limits specified in condition L4.1 of these general terms. The noise monitoring program must be submitted to DECC with any application for an environment protection licence, prior to any operations commencing at the premises. The noise monitoring program must include continuous monitoring at permanent noise monitoring stations established for all relevant noise assessment locations (1-4).

Reporting conditions:

- R1.1** The applicant must provide an annual return to DECC in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

DECC - Attachment B

Recommended conditions of Approval - DA-2008-233 – Champions Quarry, Tuckurimba NSW

Aboriginal Cultural Heritage

1. The applicant must undertake a precautionary survey with members of the Aboriginal community prior to initial extraction occurring on site to determine if Aboriginal objects are present on the site.
2. If Aboriginal cultural objects are uncovered due to the development activities, all works must halt in the immediate area to prevent any further impacts to the find or finds. A suitably qualified archaeologist and Aboriginal community representatives must be contacted to determine the significance of the find(s).
3. If the proposal involves disturbing, damaging or destroying Aboriginal objects an application for an Aboriginal Heritage Impact Permit in accordance with the *National Parks & Wildlife Act 1974 (NPW Act)*, must be sought prior to the works proceeding.
4. The site must be registered in the AHIMS (managed by DECC) and the management outcome for the site included in the information provided to the AHIMS.
5. The applicant must continue to consult with and involve Aboriginal representatives for the project, in the ongoing management of the Aboriginal Cultural Heritage values.

6. An Aboriginal Cultural Education Program must be developed for the induction of personnel and contractors involved in the construction activities on site. The program should be developed in collaboration with the Aboriginal community.

Biodiversity Conservation

1. The applicant must maintain a minimum 20 metre wide corridor containing Koala food tress along the northern boundary of the site to maintain a viable core of relatively undisturbed vegetation through the site and to facilitate Koala movement between known Koala habitat to the east and west of the development site.
2. The applicant must ensure ongoing management of the 20 metre wide Koala vegetation corridor, including weeding and replacement of failed plantings.

2.3 Department of Water and Energy

The Department has no issues with the revised water management strategy, as outlined in section 2. The proposed Dam 1 (40 ML) will not require a licence because it is within the MHRDC (39.88 ML) for the property, due to the proposed leasehold of property Tucki Hills Pty Ltd by Reavill Farm Pty Ltd. Therefore, it is legal to build Dam 1 without the need to apply for a licence.

In addition, Dam 2 is exempt from licensing and MHRDC calculation, as it is solely used for collection and recirculation of quarry stormwater. However, Dam 3, which remains part of the application, will require a licence from a water trade if there is need in the future for its construction.

In summary, Dam 1 and Dam 2 do not require a licence and, hence, there are no further conditions required from DWE in respect to the proposed development.

2.4 New South Wales Rural Fires Service

This response is to be deemed a bush fire safety authority, as required under Section 100B of the *Rural Fires Act 1997* and is issued subject to the following numbered conditions:

Water and Utilities

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

1. *Water, electricity and gas are to comply with section 4.1.3 of Planning for Bush Fire Protection 2006 for the existing dwelling on proposed Lot 2.*

2.5 Department of Planning

The Department has reviewed the submissions that Council received from the exhibition of the above proposal and is of the view the quarry proposal does not raise any matters of State or Regional planning significance, however, advises that Council should consider the submissions carefully when it determines the application.

2.6 Roads and Traffic Authority

On August 6, 2008 Council received the following correspondence from the Roads and Traffic Authority (RTA).

The Roads and traffic Authority has reviewed the documents supporting the Champions Quarry Project and offers the following comments to be considered for condition of approval for this project.

1. *The traffic generation for the project should be limited to 50 haulage trips per day. That is, 25 truck movements into and 25 trucks movements out of the site.*
2. *A contribution should be made towards the ongoing maintenance to the adjoining road network attributable to the haulage operations of this quarry.*
3. *A truck warning sign W5-22, including a suggested distance of 200 metres should be provided on Wyrallah Road on each approach to the quarry access, to be displayed during hours of operation.*
4. *The access to the quarry from Wyrallah Road should be located and designed to AUSTROADS standards for sight distance and the traffic generation potential of the quarry. In this case the sight distance required would be for the measured 85th percentile speed of vehicles on Wyrallah Road.*
5. *If this sight distance requirement can be met, the RTA has no objections to the plan to construct the new access to an AUSTROADS combined CHR, AUL treatment as proposed.*
6. *If the Approach Sight Distance based on the 85th percentile speed cannot be met, alternative access locations should be considered.*
7. *The driveway should be sealed at 50m back onto the property.*
8. *The driveway should be constructed to the attached standard (attachment 7)*

On August 29, 2008 Council received the following correspondence from the Roads and Traffic Authority (RTA).

The RTA has reconsidered its previous advice in its letter dated 6 August 2008 and the following is advised:

- i There would be no objection to removing the requirement to limit haulage trips.*
- ii It is accepted that the proposed AUSTROADS CHR right-turn treatment will be adequate to mitigate the reduced availability of sight distance to the south.*

2.7 The Regional Traffic Committee

The Regional Traffic Committee did not provide a written response to Council. On October 29, 2008 Council's Development Assessment Planner phoned the Regional Traffic Committee who confirmed that the Regional Traffic Committee does not provide comments when the RTA has done so.

2.8 The Local Traffic Committee

This application was tabled at the meeting held on June 18, 2008. A copy of the Traffic Impact Study relevant to the Quarry DA was tabled for the information of the Committee. Whilst there was insufficient time to provide comment, it was noted that a copy of the DA had been forwarded to both the RTA and Police providing an opportunity for feedback. It was suggested that the proposal could be referred back to the Committee should further comment be required.

2.9 NSW Police

Police do not see the need to comment on the expansion of an existing quarry. It is presumed specific intersection construction specifications would be considered as part of the expansion. It is not seen as a significant development which would require a crime prevention assessment as such. Reports on crime within the area are extremely low to nil. Areas of concern would include traffic movement at the intersection of Wyrallah Road and on site security of plant and equipment.

2.10 Ballina Shire Council

Ballina Council's only interest and concern about the proposal relates to the potential use of Marom Creek Road through Ballina Shire as a significant haulage road for quarry trucks.

If the application either proposes, or would permit, the use of Marom Creek Road to any substantial level of traffic, Ballina Council would request that such be refused due to the impacts on the quiet rural amenity of residents along the route, increased road safety risks, and the

additional maintenance costs that would burden this community.

If the proposal was to be constrained to the trucking of quarry product into Ballina Shire (to substantial construction projects such as the Pacific Highway upgrades) by way of Wyrallah Road to Woodburn and thence the State Highway system, or via the Bruxner Highway, then no objection to the project would be raised by this Council.

2.11 Richmond Valley Council

Richmond Valley Council has reviewed the subject EIS and based on the information provided, does not have any significant objection to the proposed development. The traffic study states that 50% of the vehicles will travel to Lismore and 50% will travel to Woodburn. Given the vehicles travelling to Woodburn will almost immediately meet the Pacific Highway once they enter Richmond Valley LGA, the likely impact on the Richmond Valley road network will be negligible and as such, contributions are not sought.

PART 4

Determination

In order to create a structure and a process for resolving this complex application three broad determination options have been prepared for consideration. They are listed below with a summary of the process required to resolve the selected option. It should be noted that these are not all the potential options open to Council but the most likely options envisioned by the assessment team.

Determination Options

Number	Determination Options	Action Required
1	Approve the application with the recommended conditions of consent as per schedule 1.	<ul style="list-style-type: none"> ▪ Determine at the Council meeting that the application is approved subject to the conditions in schedule 1. ▪ Prepare the approval and notification letters in accordance with the <i>Environmental Planning and Assessment Regulations, 2000</i>.
2	Refuse the application.	<ul style="list-style-type: none"> ▪ The determination must include the reasons for refusal. Any reasons will have to be carefully worded at the Council meeting. If this cannot be completed at the Council meeting then the general intent of the reasons should be identified and the actual resolution should be deferred pending the drafting of those reasons for consideration at a subsequent meeting. ▪ Prepare the refusal and notification letters in accordance with the <i>Environmental Planning and Assessment Regulations, 2000</i>.
3a	Approve the application with changes to recommended conditions and/or additional conditions.	<ul style="list-style-type: none"> • Defer determination to enable: <ul style="list-style-type: none"> ▪ Changes identified and agreed upon by Council ▪ Review and redraft all conditions. ▪ Referral to Government Agencies listed above. ▪ Prepare supplementary report and draft conditions for adoption by Council. ▪ Minimum timeframe would be 60 days.
3b	Approve components of the DA by cells (for example Northern cell and Central Cells are approved and the Southern Cell is refused)	<ul style="list-style-type: none"> • Changes identified and agreed upon by Council <ul style="list-style-type: none"> ▪ Defer determination ▪ Review and redraft conditions. ▪ Referral to the Government Agencies listed above. ▪ Prepare report and draft conditions to be determined by Council. ▪ Minimum timeframe would be 60 days.

3c	Approval for a defined period of time.	<ul style="list-style-type: none"> Changes identified and agreed upon by Council <ul style="list-style-type: none"> Defer determination Review and redraft conditions. Referral to the Government Agencies listed above. Prepare report and draft conditions to be determined by Council. Minimum timeframe would be 60 days.
3d	Approval for a maximum tonnage per year	<ul style="list-style-type: none"> Changes identified and agreed upon by Council <ul style="list-style-type: none"> Deferred determination Review of all conditions and redraft conditions. Referral to the Government Agencies as stated above. Prepare report and draft conditions to be determined by Council. Minimum timeframe would be 60 days.

The following should be considered when making a determination:

- Conditions under the heading "Integrated Development" **cannot** be modified in any way by Council.
- Conditions cannot be created that do not reasonably relate to the DA.
- Conditions cannot be imposed where Council is not the Regulative or Licensing Authority for that activity or works.

The proposal is 'Integrated' under *Section 91 Environmental Planning and Assessment Act, 1979*. As a result any changes to the recommended conditions may require Council to notify the Government Agencies and request that they amend their previous conditions, licensing requirements and/or comments.

There are no prescribed timeframes for options 3a to 3d (above) in the *Environmental Planning and Assessment Act, 1979* or the *Environmental Planning and Assessment Regulations, 2000*. Therefore it is considered reasonable to give the Government Agencies forty (40) days to provide comments and/or changes to their previous submissions if any of these options are selected.

It is to be noted that any of the above options may result in legal proceedings as both the applicant and the objectors may appeal the determination in accordance with Section 97 and 98 of the *Environmental Planning and Assessment Act 1979*.

Recommendation (PLA10)

- A. That Council, as the consent authority, approve Development Application No. 2008/233 for the:
- The lateral and vertical expansion of an existing extractive industry to increase the approved annual rate of extraction or production from 29,000m³ per annum to an annual rate of extraction and/or removal of material from the site which shall not exceed 200,000 tonnes per annum when averaged over a two year period to a maximum of 5,000,000 tonnes or 25 year period, whichever ever occurs first.

- ii) Boundary adjustment, of 6 existing rural allotments to create one lot for the operational area of the extractive industry and 4 rural allotments 28.59ha, 10.1ha, 40.38ha and 46.82ha in area;

subject to the recommended conditions in Schedule 1.

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

Schedule 1: Recommended conditions of consent:

DEFERRED COMMENCEMENT CONDITION(S) PURSUANT TO SECTION 80(3):

Note:

This consent does not become operative until the following Deferred Commencement condition(s) have been fully completed to Council's satisfaction.

1. This consent will not take effect until the applicant satisfies Council that Conditions 2 and 3 have been met.

Noise Impact

2. The applicant must submit to Council and the Department of Environment and Climate Change a **Consolidated Noise Report** that demonstrates compliance with the project specific noise levels.

***Reason:** To ensure compliance with General Terms of Approval from the Department of Environment and Climate Change.*

3. A copy of the Licence by the Department of Environment and Climate Change must be submitted to Council.

***Reason:** To ensure compliance with General Terms of Approval from the Department of Environment and Climate Change.*

In accordance with the provisions of Clause 95(3) of the Environmental Planning and Assessment Regulation 2000, the Council sets the period of time in which the applicant must satisfy Deferred Commencement Conditions as two (2) years effective from the determination date endorsed on this consent.

Standard Condition

4. In granting this development consent, Council requires:

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

be substantially in accordance with the stamped approved plan(s) No.

- Figure 3.3 Proposed Surface Water Management Plan dated 28/08/08
- LM07026-SV6B Sheet 1 of 1 Dated 18/12/2007
- ERM Landscape Plantings dated 20/11/08 as amended in red
- Figure 7 Quarry plan 0 to 7.5 years dated 31/07/08
- Figure 8 Quarry plan 7.5 to 15 years dated 31/07/08
- Figure 9 Quarry plan 15 to 25 years dated 31/07/08

and/or supporting documents submitted with the application. Copies of the approved plan are attached to this consent.

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

General Conditions

5. The annual rate of extraction and/or removal of material from the site when averaged over a two year period shall not exceed 200,000 tonnes of material per annum.

***Reason:** To preserve the environment and existing or likely future amenity of the neighbourhood and to ensure that truck movements are limited to an acceptable level on the road network. (EPA Act Sec 79C(b)).*

6. This consent will expire upon the extraction of 5,000,000 tonnes from the quarry or twenty five (25) years from the date of this consent, whichever occurs first.

Reason: *To ensure a finite operation period for the quarry.*

7. **Prior to commencement of extraction in each cell**, the quarry/extraction area of the cell is to be defined on the ground by the establishment of permanent survey marks, located and shown on a plan by a registered surveyor and be submitted to and approved by Council. Permanent survey marks shall remain in place during the life of the cell.

Reason: *To clearly and permanently delineate the maximum area of disturbance of the quarry.*

8. The quarrying operation must comply with the requirements of all relevant departments, statutory bodies, and authorities having power to control or regulate the quarry. Such requirements are to be complied with either before commencement or during the life of the quarry, as the case may be. This is to include issue of relevant licences by the Department of Environment and Climate Change and compliance with licence conditions.

Reason: *To comply with Departmental requirements.*

9. The hours of operation of the quarry shall be restricted to:

Monday to Fridays	7:00am and 5:30pm
Saturdays	8:00am and 1:00pm

Construction work and all other activities and operations are not to be conducted on Sundays or public holidays.

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

10. No blasting activities are to be carried out.

Reason: *This activity does not constitute part of this application*

11. All topsoil shall be progressively stripped from areas to be excavated, and separately stockpiled. Stockpiles are to be located away from the general operation of the quarry, and to be wholly preserved for the future rehabilitation of the quarry. No topsoil is to be sold or otherwise removed from the site.

Reason: *To ensure that the local topsoil product is available for rehabilitation works to carried out on areas inclusive of regionally significant farmland.*

12. All vehicles and haulage trucks using the access road off Wyrallah Road to the quarry shall be restricted to a maximum speed of 40kph, and signs to this effect are to be erected at the entry gate.

All drivers shall be notified of this requirement as part of the operational management of the quarry.

Reason: *To reduce potential dust nuisance: to help preserve fauna; to preserve existing and future amenity.*

13. Access gates to the quarry are to be kept locked outside approved operating hours.

Reason: *To prevent unauthorised access to the quarry.*

14. The erection of any buildings, structures, works or effluent disposal systems which require separate approval under any Act, must have that approval prior to the carrying out of any work.

Reason: To ensure all works have the relevant statutory approvals.

Environmental

15. All liquid and chemical materials, hazardous materials, and waste products shall be stored in an area that is sealed, bunded and roofed to prevent leaks, spills or other pollutants from entering the stormwater system or leaving the site. The bund must be impermeable, and have a holding capacity of 110% of the volume of the largest container stored within the bund. Appropriate spill management equipment shall be provided on-site and be easily accessible. Where flammable and combustible liquids are stored, compliance with AS1940-1993 "The Storage and Handling of Flammable and Combustible Liquids" is required. Any requirements of the NSW Workcover Authority must also be complied with. Details of the above storage areas shall be submitted to and approved by Council **prior to commencement of operations.**

Reason: To protect the environment and comply with the Protection of the Environment Operations Act 1997.

16. In the event of an incident on the premises that has caused, is causing, or is likely to cause harm to the environment, the owner shall report the event to the Department of Environment and Climate Change and Council immediately it becomes known to the owner or the owner's agent.

Reason: To protect the environment (EPA Act Sec 79C(b)) and to comply with the Protection of the Environment Operations Act 1997

17. **Prior to commencement of works** a data set of existing water quality conditions must be established which will provide ambient conditions for establishment of performance criteria during operations. This shall include all the surface and groundwater monitoring points as nominated in the approved Management Plans.

Reason: To comply with the conditions of consent and to protect the environment (EPA Act Sec 90(1) (b))

18. The main access road from the intersection with Wyrallah Road to the central cell shall be sealed **prior to commencement of extraction.**

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

19. Unsealed trafficable areas including haul roads, and exposed surfaces and access pads must be maintained at all times in a condition which will minimise the emission of wind-blown or traffic generated dust that has the potential to impact upon non-associated properties. A water truck designed to suppress dust shall be available at the site and surfaces shall be regularly wetted to suppress dust generation.

Reason: To minimise generation of dust and to protect the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b)).

20. Screening, blending, crushing and similar activities shall have water sprays installed to minimise the generation of dust.

Reason: To minimise generation of dust and to protect the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b)).

21. All plant and equipment installed or used in or on the premises shall be maintained and operated in a proper and efficient condition.

Reason: To protect the environment (EPA Act Sec 79C(b)).

22. Worker amenities must be provided to meet WorkCover Authority requirements **prior to commencement of operations**. An on-site wastewater management report for the proposed amenities, in accordance with Council's Revised *On-Site Sewage and Wastewater Management Strategy* must be submitted to and be approved by Council.

Reason: *To appropriately dispose of wastewater in compliance with Councils On-Site Sewage and Wastewater Management Strategy.*

23. Design, construction and management of soil and water management control measures shall be strictly in compliance with the approved *Soil and Water Management Plan*, and the 'Blue Book' – *Managing Urban Stormwater, Soil and Construction Volume 1, Landcom 2004*.

Reason: *To protect the environment. (EPA Act Sec 90(1) (b)).*

24. **Prior to commencement of operations** detailed plans of the proposed wash down area shall be submitted to and be approved by Council. All wastewater from the wash down area must be diverted to an appropriate wastewater treatment device prior to discharge to the approved disposal area. Wastewater must not be conveyed to any stormwater drainage system. Surface water drainage must be provided to ensure surface waters external to the washdown area are excluded from the washdown area.

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

25. The proposed amenities shall be connected to an adequate potable water supply.

Reason: *To protect public health and safety.*

Amenity

26. The proposed landuse shall not result in the emission of "offensive noise". 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.

Reason: *To preserve the environment and existing or likely future amenity of the neighbourhood and to provide advice as to Council's source for assessing noise. (EPA Act Sec 79C(b))*

27. The installation and operation of all external and security lighting, must comply at all times with the requirements of AS 4282 – "Control of the Obtrusive Effects of Outdoor Lighting.

Reason: *To protect the amenity of the neighbourhood.*

Waste

28. All waste shall be managed in a manner incorporating sustainable waste minimisation and recycling initiatives that are consistent with contemporary community expectations. Waste disposal shall be through a licensed waste management facility. No land filling or incineration shall take place on site.

Reason: *To ensure sustainable waste management services are incorporated into the*

development.

Roads

29. 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 include:

- Construction of an intersection layout at the junction of Wyrallah Ferry Road and Wyrallah Road in accordance with AUSTROADS Pt 5 "Intersections at Grade" giving particular attention to turning paths for heavy vehicles. Council will credit an amount of **\$8,280** (increased in accordance with the percentage increase as notified by the Consumer Price Index (Sydney) from the date of approval to the date of payment.) against section 94 levies at the time of payment for the required works at the intersection of Wyrallah Ferry Road and Coraki Road
- Construction of an intersection layout at the junction of Wyrallah Ferry Road and Coraki Road in accordance with AUSTROADS Pt 5 "Intersections at Grade" giving particular attention to turning paths for heavy vehicles. Council will credit an amount of **\$8,690** (increased in accordance with the percentage increase as notified by the Consumer Price Index (Sydney) from the date of approval to the date of payment.) against section 94 levies at the time of payment for the required works at the intersection of Wyrallah Ferry Road and Wyrallah Road
- Clearing of road side vegetation and placement of a distance advisory sign as recommended within Appendix 5, Traffic Impact Study by Roadnet Pty Ltd., of the Environmental Impact Statement dated May 2008.

Prior to the commencement of the extraction, 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.*

30. **Prior to commencement extraction**, hinged "Truck Entering" warning signage, W5-22 signs, shall be erected at suitable locations, approximately 200 metres either side of the access, upon Wyrallah Road advising of the traffic hazard. Signs shall be displayed during hours of haulage operations only.

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))*

31. **Prior to the commencement of works required by condition 29 and 30** the applicant shall obtain approval under section 138 of the Roads Act for all works upon the public road. 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 condition(s) 29 and 30. 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.*

32. **Prior to the issue of the section 138 approval** for works upon the public road the proponent shall have approved by Council a plan of management for the construction of all civil works outside the real property boundaries of the proposed development. The plan shall table scheduling of works so as to be completed in the shortest possible time with minimal impact on the general community. Such plan shall include a Traffic Control Plan prepared by an RTA accredited person. All works shall comply with the Occupation Health and Safety Act.

Reason: *To ensure the impact of the construction of the civil works upon the general public is minimised.*

33. The preferred haulage route to and from Lismore shall be generally via the route containing all of the following roads; Bruxner Highway, Coraki Road, Wyrallah Ferry Road and Wyrallah Road.

The following roads shall not be utilised for haulage of material from the site unless the end destination for the material is only accessible from that road:

Tucki Road	Swan Bay Road
Tregeagle Road	Tuckean Island Road
River Bank Road	Tuckurimba Road

This requirement shall be reflected within the Quarry Plan of Management, as required by Condition No. 38.

Reason: To ensure traffic generated from the development will not adversely affect the road network. (EPA Act Sec 79C(a))

Carparking

34. The development shall provide adequate on site parking for all vehicles, plant and equipment 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))

Vehicle Access

35. All loading and unloading 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. Vehicles using any off-street loading/unloading and/or parking area must enter and leave in a forward direction. 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. All traffic associated with the operation of the quarry shall access the site from the existing type CH intersection access to Wyrallah Road. No vehicular access for quarry operations shall be gained from Hazelmount Lane.

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

Plan of Management

38. **Prior to the commencement of extraction** a Quarry Management Plan (QMP) shall be submitted to and approved by Council. The plan shall detail, but not be limited to:

- Administrative procedures
- Induction procedures
- Employee facilities
- Occupational Health and Safety procedures, mitigation measures and monitoring
- Operational procedures
- Environmental mitigation measures
- Method of recording material sales, and required advices to relevant authorities
- Stormwater/sedimentation pondage marker stakes and monitoring
- Waste management procedures
- Maintenance schedule of landscaping plantings
- Weed Management procedures
- Monitoring requirements
- Mitigation measures identified in section '4.2.7 Traffic Impact Assessment' of the Environmental Impact Statement, incorporating a code of practice for trucking operations associated with the development
- Reporting requirements.

The QMP must incorporate the above and General Terms of Approval issued by the Department of Environment and Climate Change. The QMP must be written 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. Induction procedures must be carried out for all appropriate personnel and this must be recognised in the plan. The QMP must be reviewed at least every 5 years to ensure that it remains consistent with contemporary and satisfactory industry and environmental practice. Responsible person/s must be nominated to Council in writing together with full 24 hour per day contact details for the purposes of the QMP.

Reason: *To preserve the environment and existing or likely future amenity of the neighbourhood. To ensure the impacts from traffic generated by the development are minimised. (EPA Act Sec 79C(b))*

Reporting

39. Annual audits shall be carried out of the quarry operations against approved plans of management. The audit shall identify areas of non-compliance and management responses. Annual reports of the audit shall be submitted to Council and the Department of Environment and Climate Change commencing 12 months after the date of commencement of operations.

Reason: *To ensure compliance with the development consent and licensing conditions.*

40. The proponent shall provide Council, on or before January 31, April 30, July 31 and October 31 in each year, with extraction figures detailing quantities of all material removed from the site for the previous quarter of operations.

Prior to the installation of a weighbridge, the quantities extracted shall be based on the survey required by Condition No. 41.

Following the installation of the weighbridge, the extraction figures shall be based upon the weight of the material removed from the site.

When converting from insitu m³ to tonnes a conversion factor of 2.3 shall be adopted. The above conversion factor may be revised and the amended figures adopted for the purpose of this consent if evidence is provided demonstrating that the density of the material differs from the above figures. The measuring of the material for such a modification must be undertaken in conjunction with Council.

Reason: *To allow the calculation of S94 levies for material extracted.*

41. The quantity of material extracted shall be proven by a survey carried out by a registered surveyor. The survey is to be carried out annually and the survey plan shall be included in the subsequent annual reports submitted to Council, or Council may enter the site after reasonable notice has been given and carry out the survey with all reasonable costs being borne by the Applicant.

The survey will continue to be carried out after the installation of the weighbridge to enable monitoring of compliance with the conditions of the consent.

Reason: *To ensure compliance with the development consent and licensing conditions.*

Section 94 Contributions

42. Annual payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and Lismore City Council S94 Contributions Plan 2004 (as amended) are required. Such levies shall contribute towards the provision of public services and/or amenities identified. Such levies shall be calculated utilising extraction returns as required by **Condition 40 above (reporting condition)**. The rates and amounts applying at the date of this notice for the approved extraction rate of 200,000 tonnes, **totalling \$181,505** annually, have been calculated as set out below for your information.

Levies set out below shall be increased in accordance with the percentage increase as notified by the Consumer Price Index (Sydney) annually. Levies shall be paid within 30 days of the Council issuing an assessment for the preceding year.

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.

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.

The levy shall be calculated in accordance with Councils adopted section 94 plan as at this date and be based on the following information:

- Road construction cost of \$369,000 per kilometre (indexed for CPI annually from December 2003)
- Average haulage distance of 15 kilometres.
- The first 5,000m³ (8,500 tonnes) per annum shall be exempt from levies

Levy calculation for yearly extraction will be:

$$\begin{aligned}
 &(\$369,000/6.74 \times 10^6) \times 15\text{km} \times (\text{Annual tonnage extracted} - 8,500) \times 1.025 \times \text{CPI} \\
 &= (\$369,000/6.74 \times 10^6) \times 15\text{km} \times (200,000 - 8,500) \times 1.025 \times 1.126 \\
 &= \$181,505
 \end{aligned}$$

Reason: To provide funds for the provision of services and facilities identified in Lismore City Council's Section 94 Contributions Plan dated March 2004 as required by the increased activity. (EPA Act Sec 94)

Subdivision Conditions

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

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

44. 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))

45. 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, **prior to release of the Subdivision Certificate**.

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

46. 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))

Landscape Plantings

47. **Prior to commencement of works** a schedule (timeframe) must be submitted to and approved by Council for the landscape plantings, indicating the planting times and approximate heights of the plantings prior to commencement of operations of each cell.

Reason: To ensure visual amenity is retained to surrounding area.

48. The applicant must plant and maintain a minimum twenty (20) metre wide corridor containing Koala food trees along the northern boundary of the site. The planting should maintain a viable core of

relatively undisturbed vegetation through the site to facilitate Koala movement between known Koala habitat to the east and west of the development site.

Reason: *To ensure connectivity of koala habitat.*

Koala Signs

49. **Prior to commencement of operations** koala crossing signs must be erected on Wyrallah Road at suitable locations, as approved by Council.

Reason: *To reduce vehicle strike of koalas on Wyrallah Road.*

Rehabilitation Plan

50. **Prior to commencement of operations** a Rehabilitation Plan must be submitted and approved by Council and the Department of Primary Industries (DPI). The Rehabilitation Plan must include but is not limited to:

- Gradient of final batters
- Timeframe and process for rehabilitation of each cell
- Demonstrate where connectivity of existing remnant vegetation and landscape buffers will be provided with a suitable range of endemic species
- Demonstrate rehabilitation of the area defined as Regionally Significant Farmland
- Species list of plants including botanical names and location on scale plan.
- Type of planting methods
- Watering schedule of rehabilitated areas
- Monitoring and maintenance schedules.

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

Tree Removal

51. Prior to tree removal a suitably qualified Environmental Scientist shall inspect trees to be removed for the presence of koalas and other native fauna in tree hollows. Where native animals are detected in trees, clearing shall cease until animals can be relocated to suitable habitat nearby or to Northern Rivers Wildlife Carers.

Reason: *To protect native fauna on site.*

52. Prior to commencement of works, trees on site to be removed are to be clearly distinguished with flagging tape (or similar) from trees to be retained. This information will be clearly communicated to the development site manager and machinery operators.

Reason: *To ensure preservation of existing trees on site.*

53. Trees to be removed are to be felled into the site and not into adjacent vegetation.

Reason: *To ensure preservation of existing trees on site.*

54. All trees and shrubs to be removed that are of a suitable size shall be chipped, stockpiled, weathered and used as mulch or cover on site.

Reason: *To ensure sustainable resource use and minimise impacts to natural vegetation and surrounding environments.*

55. The removal of any native vegetation must be done in accordance with the *Native Vegetation Act, 2003* and all required approvals from the Catchment Management Authority must have been obtained.

Reason: *To ensure compliance with the Native Vegetation Act, 2003.*

Aboriginal Cultural Heritage

56. The applicant must undertake a precautionary survey with members of the Aboriginal community

prior to commencement of the operations occurring on site to determine if Aboriginal objects are present on the site.

Reason: *To determine if Aboriginal objects are present on the site.*

57. If Aboriginal cultural objects are uncovered due to the development activities, all works must halt in the immediate area to prevent any further impacts to the find or finds. A suitably qualified archaeologist and Aboriginal community representatives must be contacted to determine the significance of the find(s).

Reason: *As recommended by Department of Environment and Climate Change.*

58. If the proposal involves disturbing, damaging or destroying Aboriginal objects an application for an Aboriginal Heritage Impact Permit in accordance with the *National Parks & Wildlife Act 1974 (NPW Act)*, must be sought prior to the works proceeding.

Reason: *As recommended by Department of Environment and Climate Change.*

59. The site must be registered in the AHIMS (managed by DECC) and the management outcome for the site included in the information provided to the AHIMS.

Reason: *As recommended by Department of Environment and Climate Change.*

60. An Aboriginal Cultural Education Program must be developed for the induction of personnel and contractors involved in the construction activities on site. The program should be developed in collaboration with the Aboriginal community.

Reason: *As recommended by Department of Environment and Climate Change.*

Earthworks

64. **Prior to construction of the Dam 1 and Dam 2** as shown Figure 3.3 of the Proposed Surface Water Management Plan dated 28/08/08 construction plans certified by a suitably qualified Engineer shall be submitted to Council.

Reason: *To ensure appropriate construction standards.*

65. **Prior to construction of the Dam 3** as shown in Figure 3.3 of the Proposed Surface Water Management Plan dated 28/08/08 construction plans certified by a suitably qualified Engineer shall be submitted to Council. A licence must be obtained from the Department of Water and Energy prior to construction.

Reason: *To ensure appropriate construction standards.*

INTEGRATED DEVELOPMENT

GENERAL TERMS OF APPROVAL – DEPARTMENT OF ENVIRONMENT AND CLIMATE CHANGE ADMINISTRATIVE CONDITIONS

A1. Information supplied to DECC

- A1.1** Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:
- the development application DA2008/233 submitted to Lismore City Council on 9 May 2008;
 - the document ‘*Development Application - Environmental Impact Statement for the expansion of an existing quarry and boundary adjustment on behalf of Champions Quarry*’(Malcolm Scott, May 2008); and
 - all additional documents subsequently supplied to DECC in relation to the development, including correspondence and reports from Lismore City Council, Malcolm Scott and ERM forwarded to DECC and dated 26 August 2008, 3 September 2008, 8 September 2008, 20 October 2008 and 23 October 2008.

A2. Fit and Proper Person

- A2.1** The applicant must, in the opinion of the DECC, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

Limit conditions:

L1 Pollution of waters

- L.1.1** Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

L2 Concentration limits

- L2.1** To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.

- L2.2** All sedimentation ponds/basins must be capable to capturing and treating all surface water runoff from disturbed areas of the site generated by a 5 day 80th percentile rainfall event to a discharge standard for Total Suspended Solids of 50mg/L (max).

L3. Waste

- L3.1** The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.
- L3.2** This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

L4. Noise

- L4.1** Noise from the premises must not exceed the following daytime noise levels at the following premises:

Assessment Location	Noise Limit [L_{Aeq} (15 minute)]
Location 1	40dB(A)
Location 2	37dB(A)
Location 3	37dB(A)
Location 4	40dB(A)

- L4.2** **Note:** Locations 1 to 4 are identified in Figure 2.1 of the EIS Noise Impact Assessment (ERM, March 2008). The above noise limits apply at the boundary of the premises or 30 metres from the residence where boundary is more than 30 metres from residence.

Hours of operation:

- L4.3** Construction work and all other activities and operations at the premises must only be conducted between 7:00am and 5:30 pm Mondays to Fridays and between 8:00am and 1:00pm Saturdays. Construction work and all other activities and operations are not to be conducted on public holidays.
- L4.4** This condition does not apply to the delivery of material outside the hours of operation permitted by condition L4.3, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to DECC and affected residents as soon as possible, or within a reasonable period in the case of emergency.
- L4.5** The hours of operation specified in condition L4.3 may be varied with written consent if the DECC is satisfied that the amenity of the residents in the locality will not be adversely affected.

Operating conditions:

O1. Odour

- O1.1** The applicant (licensee) must not permit the emission of any offensive odour from the premises.

O2. Dust

- O2.1** All dust management and mitigation measures identified in s.8.2 of Appendix 4 'Air Quality Assessment' of the EIS must be implemented except as required under other conditions of these general terms of approval.

- 02.2** Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
- 02.2** Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

03. Stormwater/sediment control

- 03.1** A Final Soil and Water Management Plan must be prepared in accordance with the document: *Managing Urban Stormwater: Soils and Construction (LandCom,2004)* and submitted with any application for an environment protection licence to DECC, before operations commence at the premises.
- 03.2** All sedimentation ponds/basins must be designed (eg. number, location, sizing), constructed and managed in accordance with that document.
- 03.3** All plant and equipment maintenance and cleaning must be undertaken in a controlled environment where potentially polluted waste water can be captured and treated (separate from the sedimentation ponds/basins) to remove oil, grease and hydrocarbons.

07. Noise

- 07.1** The applicant must conduct a revised Noise Impact Assessment (NIA) in accordance with the *Industrial Noise Policy (EPA, 2000)*. The revised NIA report must be submitted to DECC with any application for an environment protection licence demonstrating to the satisfaction of DECC that the applicant is able to comply with the noise limits specified in condition L4.1 of these general terms, before operations commence at the premises.
- 07.2** The applicant must, as a minimum, adopt all noise mitigation measures and strategies proposed in the EIS and contained in all supplementary information provided to the DECC (documents referred to in condition A1.1 of these general terms).
- 07.3** The applicant must develop a noise management plan identifying the nature, location and timing of all noise mitigation measures and strategies to be implemented (refer condition 07.2). The noise management plan must be submitted to DECC with any application for an environment protection licence, prior to operations commencing at the premises.

Monitoring and recording conditions:

M1 Monitoring records

- M1.1** The results of any monitoring required to be conducted by the DECC's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.
- M1.2** All records required to be kept by the licence must be:
- in a legible form, or in a form that can readily be reduced to a legible form;
 - kept for at least 4 years after the monitoring or event to which they relate took place; and
 - produced in a legible form to any authorised officer of DECC who asks to see them.
- M1.3** The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;
- the time(s) at which the sample was collected;
 - the point at which the sample was taken; and

- the name of the person who collected the sample.

M2. Requirement to monitor concentration of pollutants discharged

- M2.1** For each monitoring/ discharge point or utilisation area specified below the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the units of measure, and sample at the frequency, specified opposite in the other columns:

Each sedimentation basin/pond

Pollutant	Units of measure	Frequency
Total Suspended Solids	mg/L	Daily during discharges arising from rainfall events up to 5th day 80 th percentile.

M3. Testing methods - concentration limits

- M3.1** Monitoring for the concentration of a pollutant emitted to the air required to be conducted by DECC's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with a relevant local calculation protocol must be done in accordance with:
- any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or
 - if no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or
 - if no such requirement is imposed by or under the POEO Act 1997 or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by DECC for the purposes of that testing prior to the testing taking place.

Note: The Clean Air (Plant and Equipment) Regulation 1997 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".)

- M3.2** Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by condition M2 must be done in accordance with:
- the Approved Methods Publication; or
 - if there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment Operations Act 1997 in relation to the development or the relevant load calculation protocol, a method approved by DECC in writing before any tests are conducted, unless otherwise expressly provided in the licence.

M4 Noise Monitoring

M4.1 The applicant must develop a noise monitoring program to enable confirmation that the operations are compliant with noise limits specified in condition L4.1 of these general terms. The noise monitoring program must be submitted to DECC with any application for an environment protection licence, prior to any operations commencing at the premises. The noise monitoring program must include continuous monitoring at permanent noise monitoring stations established for all relevant noise assessment locations (1-4).

Reporting conditions:

R1.1 The applicant must provide an annual return to DECC in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

GENERAL TERMS OF APPROVAL - RURAL FIRE SERVICE UNDER SECTION 100B OF THE RURAL FIRES ACT 1997

Water and Utilities

1 Water, electricity and gas are to comply with section 4.1.3 of Planning for Bush Fire Protection 2006 for the existing dwelling on proposed Lot 2.

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

INFORMATION TO APPLICANTS

ADVISORY NOTES

NOTE 1: In regard to any enquiries in relation to compliance with the above General Terms of Approval imposed by the Department of Environment and Climate Change, please contact Chris Hatton on 02 6640 2508.

NOTE 2: In regard to any enquiries in relation to compliance with the above General Terms of Approval imposed by NSW Rural Fire Service, please contact Jaclyn Cowen on 02 8741 5555.

NOTE 3: The Subdivision Certificate shall not be released by Council until all conditions of Development Consent Notice 2008/233 as imposed by Lismore City Council have been complied with to the satisfaction of Council.

NOTE 4: In accordance with clause 98(1) of the Environmental Planning and Assessment Regulation, it is a condition of Development Consent for development that involves any building work, that the work must be carried out in accordance with the requirements of the Building Code of Australia.

NOTE 5: If the provision of services or the construction of any infrastructure or any other thing required by this consent occurs, and a GST is payable by Council, the applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of this consent.

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

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

NOTE 6: This development approval does not guarantee compliance with the Disability Discrimination Act and the developer should therefore investigate their liability under the Act. Council can assist developers by directing them to Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility (Part 1 is mandatory in the BCA).

Report

Subject	Supporting Information for Planning Applications
File No	S371
Prepared by	Manager, Planning Services
Reason	Response to Council resolution 223/08
Objective	To advise Councillors of the legislative procedures for development and rezoning applications
Strategic Plan Link	Economic Development
Management Plan Project	Efficient assessment of development applications.

Overview of Report

At its meeting of November 11, 2008, Council resolved as follows:

“That Council staff prepare a report which examines enforceable processes under which Council can undertake or commission key documents such as SIA and EIS with the costs of these to be passed on to the applicant for the development.”

This report outlines the statutory requirements for the development and rezoning application processes, under both current and proposed legislation. It concludes that the proposal for Council to prepare supporting information for development applications is not enforceable due to:

- There being no legislative requirement for applicants to forewarn staff of lodgement of an application, so that often supporting information would already have been prepared;
- Should Council attempt to reject or refuse an application because supporting information was not prepared by Council, such decision is subject to Court appeal;
- the grounds for rejection of a DA being specified in the Act, so that rejection on any other grounds could trigger a Court appeal.

Currently there is some ability for Council to require information supporting rezoning proposals to be prepared by Council, should the applicant agree, but this opportunity may be removed when imminent legislative change permits the Minister to specify the required information and the time frames in which Council must consider a rezoning. Should the applicant not agree to the process or the cost, there is no enforcement provision.

In addition to being unenforceable, implementation of the proposal for development applications or rezonings would require additional staff and financial resourcing.

Current practice is that, should staff require particular specialist information to inform decision making, independent consultants are commissioned using a small annual budget allocated for this purpose. Due to the regulation of DA fees there is no ability to recoup that cost from the applicant.

Background

At its meeting of November 11, 2008, Council resolved as follows:

“That Council staff prepare a report which examines enforceable processes under which Council can undertake or commission key documents such as SIA and EIS with the costs of these to be passed on to the applicant for the development.”

This report is provided in response.

An assumption has been made that some threshold of possible impact would apply in order to determine whether supporting information would be accepted from an applicant, or whether such information was to be commissioned by Council. The number of development applications lodged can vary from 700 to more than 1000 per year, the great majority being for very minor development, and any system which sought to have Council staff prepare supporting information for all of them would be unworkable.

Current Legislative Requirements

Under current legislation for development applications the information required to support development applications is specified in the Environmental Planning & Assessment Regulation (Clause 50 and Schedule 1). The Regulation states that:

- (1) *A development application:*
 - (a) *must contain the information, and be accompanied by the documents, specified in Part 1 of Schedule 1.*

A Statement of Environmental Effects (SEE) is required. The Regulation also permits Council to request such additional information about the proposed development as it considers necessary to its proper consideration of the application. The information that a consent authority may request includes, but is not limited to, information relating to any relevant matter referred to in section 79C (1) (b)–(e) of the Act or in any relevant environmental planning instrument. The Regulation does not specify who is to prepare supporting information.

If an application is undetermined within forty days from lodgement, an applicant can appeal to the Land & Environment Court against a deemed refusal.

An Environmental Impact Statement (EIS) is required for Designated Development as identified in Schedule 3 of the EP & A Regulation. The EIS is to be prepared by or on behalf of the applicant in the form prescribed by the Regulations. The contents of the EIS are subject to the Regulation, and the Director-General of the Department of Planning specifies the contents of the EIS. The Regulation does not specify who is to prepare supporting information.

For an application for designated development which is undetermined within sixty days from lodgement, an applicant can appeal to the Land & Environment Court against a deemed refusal.

For rezoning applications an ‘environmental study’ is required, unless the Director General agrees otherwise. The Council may specify the contents of the environmental study. Where an environmental study of particular land is prepared by the Council for the purposes of a draft local environmental plan to enable the carrying out of development on the land, the Council may, subject to and in accordance with the regulations, recover from an applicant the costs and expenses, determined in accordance with the regulations, incurred in the preparation of the environmental study. Consequently, for rezoning applications Council would be able to specify that supporting information be prepared by staff but it may not be able to recoup costs unless the applicant agreed. Currently there is no statutory time frame for consideration and finalisation of LEP amendments.

There is no legislative requirement for any pre-lodgement discussion with Council staff by an applicant for development or rezoning. Such applications can be, and often are, lodged with supporting

information already prepared by or on behalf of the applicant. There would be no opportunity in that circumstance for Council to prepare supporting documentation and recoup costs as the applicant is unlikely to agree to duplicate costs for specialist reports.

Information required in a SEE, EIS or 'environmental study' for a rezoning can require specialised expertise in fields such as flora/fauna, flooding and stormwater management, effluent management, soil and geotechnical conditions, traffic management, demographics and social impact assessment, economic/retail impact, etc. External consultants would be required to provide specialist expertise not available within Council.

Should staff require particular specialist information to inform decision making, then current practice is to commission independent consultants using a small budget allocated annually for this purpose. Due to the regulation of DA fees there is no ability to recoup that cost from the applicant. The annual amount allocated for consultants' reports has been \$10,000, so this procedure is used sparingly.

A slightly different process applies to rezoning applications, fees for which are not regulated. Specialist reports can be commissioned by Council, with costs able to be recouped only if the applicant agrees.

Preparation of supporting information

The actions involved in the preparation of any specialist report are as follows:

- Identify staff member to manage process;
- Determine required contents of report; this may require research or inspection so as to gain appreciation of the characteristics of a site, locality or community;
- Prepare brief, estimate costs of work and obtain commitment to fund;
- Seek appropriate external consultant with required skill set; or ensure that staff member with required skill (if any) is available and has capacity to undertake work, given other priorities;
- Evaluate proposal/s from consultant/s to determine appropriate appointee;
- Meet with preferred consultant or staff member so as to ensure requirements are understood;
- Provide Council information to assist consultant/staff member (eg demographic, topographic, historical, cadastral, etc);
- Actively supervise to ensure consultant/staff member is working within deadlines and budget;
- Review draft report/s and recommend alterations if required;
- Determine acceptability of final report (in relation to brief) and manage payment process.

A senior planner would be required to manage this process, which can take considerable time.

Consideration

In regard to development applications, there is no means of enforcement for the proposal. The grounds for rejecting a DA are specified in the Regulation. The failure of an applicant to pay for a report prepared by Council, to provide sufficient information or to permit property access to enable preparation of a

report, would not be legally supportable as grounds for rejection of a DA. Refusal of an application on the grounds that a supporting report had not been prepared by Council, or not paid for, would be subject to appeal in the Land & Environment Court.

There would be no enforceable means of recouping costs of report preparation should an applicant not agree to the process.

Possible implications of the proposal within Resolution 223/08 would be:

- Considerable demands on staff resourcing if the outcome was to meet legislative requirements and withstand professional and public scrutiny. Experience in the management of specialist consultants has been that generally one third of the workload of a project is carried out by staff as part of the actions outlined above. Additional staff resources would be required, necessitating:
 - allocating a senior planner to the role and accepting that assessment of other applications would be considerably delayed,
 - appointing an external consultant to manage the process, or
 - creating an additional staff position to manage the process.
- Delays in finalising and lodging a complete application, with possible financial consequences to the applicant and potentially to Council in the form of litigation;
- Perceptions of, or actual, conflicts of interest when staff are required to objectively assess, on behalf of the wider community, applications relying on information prepared by their colleagues. A staff member preparing, or overseeing the preparation of, specialist reports would not be able to participate in the assessment of the application concerned as they would have a conflict of interest.
- Perceptions within the community that if Council was supporting applications by preparing information for applicants, then Council assessment and determination was not objective.

In regard to rezoning applications, Council could refuse to accept such applications unless all supporting reports had been commissioned by Council, but could require payment from the applicant only in accordance with the EP & A Regulation; ie the applicant would have to have agreed to this process and the cost. If the applicant did not agree, or submitted a rezoning application complete with supporting information, currently Council could choose not to deal with the proposal despite complaints which may eventuate.

'Planning Reform' legislation

A focus of the recent 'planning reforms' is to reduce assessment times and decrease costs associated with planning applications by reducing the amount of supporting information. This legislation has been enacted but implementation is subject to staging by the Department, which is understood to be preparing standardised requirements for the lodgement of information supporting development applications. It is not known whether the Department will specify who is to prepare such reports, nor is it known whether the number of possible grounds for rejection of DAs will be increased.

Under changes to Part 3 of the EP & Act regarding LEP amendments, the information required to support applications for amendment will be specified by the Minister, not Councils. It is not known whether the Minister will require the applicant to prepare the information, or whether she will alter the ability of Councils to recoup costs should they require a planning report or environmental study. The Minister will specify allowable time periods for Councils' consideration of LEP amendments, and a penalty for non-compliance with such time periods is described below.

'Unsatisfactory Council Performance Order 2007'

In 2007 the Minister for Planning, made the above Order pursuant to section 118 of the EP & A Act. The Order comprises the heads of consideration that the Minister is to take into account in determining whether to appoint a planning administrator or planning assessment panel to exercise the functions of a Council because the performance of a Council in planning or development matters is unsatisfactory.

In considering the proposal that Council staff prepare supporting information for planning applications, Councillors should be aware that grounds for removal of their planning powers include the following:

- the nature and extent of the systems, policies, procedures or resources which support a council's administration of planning and development matters;
- the time a Council takes to assess and determine development applications and modification applications;
- the time a Council takes in exercising its functions in making LEPs and DCPs;
- the manner in which a council or councillors manage conflicts of interests concerning planning and development matters;
- the nature and extent of determinations that are contrary to recommendations made by Council staff or an advisory or independent panel;

Councillors should be mindful of possible consequences if a system is adopted which could increase assessment times or application costs.

Comments

Financial Services

If Council supported this proposal, additional funding would be required in the recurrent Budget. This could be considered as part of the 2009/10 Budget. In light of the fact that these are not enforceable provisions, it is expected that these costs would not be recoverable from the applicant.

Other staff comments

The Building Services Co-ordinator has made no comment, based on the assumption that the process proposed would, if adopted, not apply to development applications assessed and determined within the Environmental Health & Building Services Section.

Public consultation

Should Council adopt the proposal then consultation with the development industry should be undertaken.

Conclusion

The proposal for Council to prepare supporting information for development applications is not enforceable due to:

- the lack of legislative requirement for pre-lodgement discussion, so that Council staff are often unaware of applications until they are lodged with supporting information prepared;
- the grounds for rejection of a DA being specified in the Act, so that rejection on any other grounds could trigger a Court appeal.

Currently there is some ability for Council to require information supporting rezoning proposals to be prepared by Council, should the applicant agree, but this opportunity may be removed when imminent legislative change permits the Minister to specify the required information and the time frames in which Council must consider a rezoning. Should the applicant not agree to the process or the cost, there is no enforcement provision.

Implementation of the proposal for development applications or rezonings would require additional staff and financial resourcing.

Recommendation (PLA11)

That Council:

- 1 Notes that there is no enforceable process under which Council can undertake or commission key documents supporting development or rezoning applications.
- 2 Notes the unfunded resourcing demands associated with introducing such a system under voluntary principles.

Report

Subject	Management Contract - Nimbin Caravan Park and Pool
File No.	T2009-19
Prepared by	Contracts Administration Officer
Reason	To advise Council of the outcome of a tender process to appoint a manager to the Nimbin Caravan Park and Pool Complex.
Objective	To have Council endorse a course of action to appoint a new manager to the complex.
Strategic Plan Link	Infrastructure
Management Plan Project	Assets and Infrastructure Services.

Overview of Report

This report summarises the tender process undertaken by Council staff for T2009-19 Management Contract Nimbin Caravan Park and Pool. The report provides details of the assessment of the two (2) submissions received in response to the selective tender process conducted in December and January 2009. The report recommends further negotiations take place with three (3) respondents, from the Expression of Interest and Request for Tender process undertaken over the past months.

Background

The management of the Nimbin Caravan Park and adjacent pool is undertaken through a contractual arrangement. In return for payment of an agreed fee, the managers are able to occupy a residence at the park and provide management services including handling tenancies, cash collection and deposits to Council's bank, cleaning and ground maintenance, pool maintenance and operation during the summer months, and general maintenance of the facility.

The previous managers of the park advised Council in May 2008 of their intention not to seek renewal of their contract and left the facility on June 30, 2008. Since that time Council has appointed an interim manager of the facility through an employment agency.

An Expression of Interest (EOI) was prepared and advertised during the month of August 2008. There are a number of issues and opportunities at the Nimbin Caravan Park and the EOI process was conducted as opposed to a tender in order to determine if there was interest from the private sector in exploring opportunities to further improve the facility as part of any management arrangement. A total of four (4) submissions were received.

The matter was considered by Council in closed session at its meeting on November 11, 2008 and it was resolved inter alia, to conduct a selective tender process for management of the park with respondents to the EOI process. The other matters considered at that meeting regarding an alternative offer received in response to the EOI process remain confidential.

Request for Tender

The respondents to the EOI process that were interested in managing the facility were invited to tender for its management. A Request for Tender (RFT) document was assembled by Council's Contracts Administration Officer in consultation with other relevant staff. The document was developed in line with recommendations accepted in the report to Council, and requested submissions for the management of the Nimbin Caravan Park and Pool Complex.

Tender Submissions Received

A total of two (2) submissions were received on the closing of the tender box, they were from:

1. Jonathan Pell
2. Wayne Van Boheemen

The third party that responded to the EOI process to manage the complex did not submit a tender, having apparently reconsidered their interest in the role.

Details of the Submissions

Details of the submissions have not been provided in the report given the recommendation before the Council. To provide intimate details of each submission would potentially prejudice the process that has been recommended to finalise this matter.

The two submissions received both outline a fee structure to manage the complex. The relationship proposed in each submission is very similar to that which existed under the previous managers and is a workable solution for Council. Both fee structures are in excess of Council's budget and there are other aspects of each submission that require clarification.

Comments

Both tender submissions are above the expected amount set in the budget 2008-2009 for management fees at the complex. It was determined during the assessment process that it is not prudent for Council to accept either submission in its current form. Further negotiations with both parties will deliver a better outcome for Council and the management of the complex. It is also proposed that further discussions be held with the fourth respondent to the EOI process, Mr Ashley Cooper, who did not initially express any interest in managing the complex. This party is the current lessee of Council's other caravan park, the Lismore Tourist Caravan Park and has considerable experience in managing caravan parks.

Other staff comments

Manager - Finance

The recommendations are supported as the objective to negotiate with the Tenderers for a workable solution that is closely matched to Council's budget is considered essential.

Conclusion

The selective tender process conducted for the management of the Nimbin Caravan Park and Pool Complex has not yielded the quality of response expected. Further, the prices submitted are in excess of Council's budget allocation.

It is not considered prudent for Council to accept either of the tenders received in their current form. It is recommended that Council enter into negotiations with both of the parties that responded to the selective tender process, being Jonathan Pell and Wayne Van Boheemen, with a view to reviewing their bids and services offered to more closely match Council's budget. Further, that Council also enter into negotiations with Ashley Cooper who responded to the original EOI process and is the current lessee of the Lismore Tourist Caravan Park.

Recommendation (IS03)

That :

1. In accordance with Clause 178(1)(b) of the Local Government (General) Regulation, Council decline to accept any tenders for the management of the Nimbin Caravan Park and Pool Complex.
2. In accordance with Clause 178(3)(e) of the Local Government (General) Regulation, Council resolve to enter into negotiations with Mr Jonathan Pell, Mr Wayne Van Boheemen and Mr Ashley Cooper to undertake the management of the Nimbin Caravan Park and Pool Complex.
3. 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 an expression of interest and selective tender process and received a reasonable response,
 - The respondents to those processes are capable of delivering the services that Council requires,
 - The responses received to those processes are a workable solution for Council, but require some amendment to more closely match Council's budget,
 - A reasonable outcome can be achieved through a negotiation process and there is no need to call fresh tenders.
4. In accordance with Clause 178(4)(b) of the Local Government (General) Regulation, the reasons that Council has chosen the parties that it intends to negotiate with are:
 - they are all respondents to the expression of interest process conducted by Council in 2008,
 - Mr Ashley Cooper also is the current lessee of the Council owned Lismore Tourist Caravan Park.
5. The General Manager be authorised to enter negotiations and finalise a contract on behalf of Council.
6. The Mayor and General Manager be authorised to execute the Contracts, once finalised, on Council's behalf and attach the common seal.

Report

Subject	Bus Shelter Supply, Maintenance and Advertising
File No.	T2009-13
Prepared by	Contracts Administration Officer
Reason	To advise Council of the outcome of a tender process conducted for the supply and maintenance of bus shelters in Lismore.
Objective	To gain Council approval to award a contract for the services.
Strategic Plan Link	Infrastructure
Management Plan Project	Assets and Infrastructure Services.

Overview of Report

This report summarises the tender process undertaken by Council staff for T2009-13 Bus Shelter Supply, Maintenance and Advertising. The report provides details of the assessment of the two (2) submissions received in response to the public notification of tenders conducted in November 2008. The report shows the assessment process of the two submissions overwhelmingly concluded Sidewinder Advertising Pty Ltd to be the preferred tenderer. The report recommends Council engage Sidewinder Advertising Pty Ltd under contract, to supply, maintain and advertise on bus shelters in the Lismore LGA for up to a 10-year period.

Background

Since 1998 Council has had a contract in place for the supply and maintenance of bus shelters. The contract has been largely cost neutral to Council as the contractor has met the cost of supply and maintenance of shelters in return for the right to generate revenue by selling advertising space on the shelters. Council does contribute some funding for the maintenance of areas around the shelters (\$7,500 per annum). When the original contract was awarded Lismore City Council required many new bus shelters and the offer at the time, to supply a large number of shelters free of charge; in exchange for advertising rights was a good solution for Council.

The contract concluded in November 2007, and since then has continued under agreement on a month by month basis until April 2009. This extension allowed the existing contractor some business continuity while Council assessed options available in the market, and to develop a new tender and contract.

In recent times other councils have identified that advertising space on bus shelters and street furniture has potential to earn an income. A number of Sydney based councils have been successful in negotiating income from their bus shelter network. Ballina Shire Council recently awarded such a contract to the Claude Group.

Request for Tender – Development, Submissions and Assessment

Tender Specification Development

A Request for Tender (RFT) document was assembled by Council's Contracts Administration Officer in consultation with other relevant staff. Tenders were invited from suitably qualified persons for the supply and maintenance of bus shelters for a 10-year period, commencing April 1, 2009. The successful Tenderer would have the right to sell advertising space associated with the bus shelters.

The tender was advertised in the 'Northern Star', 'Brisbane Courier Mail' and 'The Sydney Morning Herald', on November 8 and 11, 2008. Council's eprocurement web site, *Tenderlink*, was utilised for document deployment and probity management.

The tender specification was very detailed and Council staff structured the tender document and schedules to allow for a variety of combinations or solutions to be offered in the submissions. The tender documents included specific details around the following areas, but not limited to:

- Ability to provide a solution for a shared income model
- Alternative proposals above the already detailed specification
- Extensive local content demonstration schedule
- A solution for cleaning and maintenance of the existing and new bus shelters
- Possible upgrade of new, and supply of additional shelters if required
- A ten years contract, with a review at the end on the first year and at the fifth year
- Council to approve the design of any new shelters
- Council to have control over advertising content on shelters.

Selection Criteria Weighting

Applying Council's new procurement policy and selection criteria with local content as an individually weighted component, Tenderers were given the opportunity to demonstrate the degree of local content by means of the compulsory schedules.

The following table shows the weightings used in the tender assessment process. By applying the largest proportion of the weighting to the areas: total cost, local content and capability and experience, the weighting signifies the selection criteria for this tender are focusing on those three areas:

Total Cost	40%
OH&S, Risk Management and Quality	5%
Capability and Experience	25%
Environment and Community	5%
Local Content (minimum 10% weighting)	25%

Existing Bus Shelter Network

Lismore City Council currently has a total of 99 bus shelters. This includes 33 urban bus shelters with advertising; which are predominantly on major thoroughfares such as Ballina Road, Dawson Street and in the Lismore CBD. There are also another 19 urban shelters without advertising, and a further 47 rural shelters located outside the urban area.

As the majority of the existing 33 urban shelters are in good condition and will not require upgrading in the near future it was anticipated the new tender would focus less on supply of new, or replacement shelters, and more on income generation from advertising on the existing shelter network. This approach may allow Council and the successful Tenderer to improve maintenance on, and undertake replacement of the rural shelter network. It should also be considered the existing shelters will eventually require upgrade or replacement.

Tender Submissions Received

A total of two (2) submissions were received on the closing of the tender box from:

1. Claude Outdoor Pty Ltd
2. Sidewinder Advertising Pty Ltd.

Note: A third company, Adshel, had indicated they would provide a tender although after reading the tender documents, wrote and advised Council they were not in a position to provide a conforming tender.

Summary of Submissions

1. **Claude Outdoor Pty Ltd**

The Claude Outdoor Pty Ltd submission provides two options:

Option One: Use only 30 of the existing urban shelters; and upgrade their concrete slabs compliant with the Disability Discrimination Act (DDA). With this small capital outlay (\$250,000) Claude are able to pay a fee of \$750 per shelter, per year totalling \$22,500 per annum income to Council.

Option Two: Replace 30 shelters in the urban area with new advertising shelters (Claude's design) and provide concrete slabs compliant with the Disability Discrimination Act (DDA). Claude would retain all the advertising revenue and in exchange they would fund the capital costs (\$720,000) for construction, etc, and provide cleaning, maintenance and pest control over a contract period of 15 years. The ownership of the shelters would transfer to Council at the completion of the 15-year period. This option would provide Council with 30 second-hand excess shelters from the replacement programme and the opportunity to upgrade the worst of the rural shelters.

Both options require maintenance of the remaining 69 shelters to be funded by Council either by undertaking the work itself, or paying Claude to undertake the work. Claude has supplied a cost of \$2,665/shelter/annum for maintenance, resulting in a cost to Council of \$183,885/annum.

Claude's estimated cost for supply of a new shelter and/or relocating of an old shelter including new concrete slab to DDA regulations is \$17,500 each.

No reference or solution was provided for a bus shelter design at Trinity on Brewster Street as requested in the tender.

Claude currently has contracts with Kempsey, Ballina, Coffs Harbour, Port Macquarie-Hastings, Lake Macquarie, Port Stephens and Gosford Councils.

2. **Sidewinder Advertising Pty Ltd**

The Sidewinder Advertising Pty Ltd submission provides two options:

Option A: Use 42 of the existing shelters for advertising. With this option Sidewinder is able to provide Council with a \$500 fee, per shelter, per year totalling \$21,000 per annum.

Option B: Replace only 42 shelters in the urban area with new advertising shelters. Sidewinder would retain all the advertising revenue and in exchange they would fund the capital costs (\$301,000) and provide cleaning, maintenance and pest control over a contract period of 10 years. The ownership of the shelters would transfer to Council at installation of the shelter. This option would provide Council with 42 second-hand excess shelters from the replacement programme and the opportunity to upgrade the worst of the rural shelters.

Both options require maintenance of the remaining 57 shelters to be funded by Council either by undertaking the work itself, or paying Sidewinder to undertake the work. Sidewinder has supplied a cost of \$725/shelter/annum for maintenance, resulting in a cost to Council of \$41,325/annum.

Sidewinder's estimated cost for a new shelter is on average \$6,500 each (three styles were provided). Sidewinder's estimated cost to refurbish an old shelter is \$2,700 each, and estimated cost for a new concrete slab for shelter relocation is \$1,050 each, resulting in a total cost of \$3,750, to relocate shelters to a rural area.

Sidewinder also provide a solution and a proposal for the Trinity bus shelter by submitting design, concepts, pricing and advertising solutions for the area along Brewster Street. The price would work out at \$800 per linear metre or \$16,000 per 20 metre structure.

Sidewinder is currently involved with Lismore, Richmond Valley, Ballina, Caboolture, Gympie, Hervey Bay and Whitsunday Councils.

Assessment and Scoring of Submissions

The tender assessment panel consisted of the Urban Works Engineer, the Traffic and Emergency Services Co-ordinator and the Contract Administration Officer. The two submissions were assessed in reference to the selection criteria outlined in the tender document.

Attached to Councillors' business papers is a copy of **Appendix 1 - Raw Score Spreadsheet**.

Comments

Both the Claude and Sidewinder submissions were very similar in content, presentation and options, although this was more a result of the specific nature of the tender documentation and structure of the schedules.

The clear winner from the tender panel scoring process was Sidewinder's submission, which scored equivalent or better in all five categories of the selection criteria. Sidewinder's submission was particularly strong in Local Content and Total Price criterion.

Decision around Council's Operation Model for Bus shelters

During the submission assessment process some fundamental decisions were made by Council staff responsible for the bus shelter network, in conjunction with the assessment panel. The decisions were around a suitable model to adopt, given the number of options provided under the tender process. The decisions were:

- The maintenance, cleaning, mowing and pest control of the rural shelters, not covered by the contract, will continue to be carried out by Council staff under the responsibility of the roads group.
- To utilise fully the existing network of shelters and minimise the use of new shelters while the network is still in good condition.
- Adopt an income producing model for bus shelters.
- The income generated by the advertising fee could be used in conjunction with the existing maintenance budget to provide maintenance of the rural shelters not covered by the new contract. The aggregated budget would also fund small upgrades and replacement shelters as these arise in the network.

The Schedule of Rates within the tender document requested a separate cost for maintenance, cleaning, mowing and pest control of the shelters. After analysing the costs supplied by both tenderers, (Claude \$2,665 and Sidewinder \$725 per shelter per annum) and based on the decisions above, the cost was considered too high and Council will continue to maintain the shelters not covered under contract.

The income fee proposed by both tenderers was very similar in value (Claude \$22,500, Sidewinder \$21,000). Sidewinder is willing to take on more shelters than Claude (42 as to 30). This provides Council with a smaller responsibility of maintenance on the remaining 57 rural shelters.

The income generated by the 42 advertising shelters at \$21,000 per annum, combined with the existing budget allocation of \$7,500 would result in a budget of \$28,500 per annum being available for maintenance and replacement of bus shelters.

Both submissions detailed options for new shelters and also the use of existing shelters. Based on the decision made by Council staff of utilising the existing shelter network, Sidewinder provided a more beneficial solution in proposing a higher number of shelters, and offering a similar income.

Sidewinder's new shelter pricing was significantly cheaper than Claude's (Sidewinder \$6,500 each Claude \$17,500 each). Sidewinder's pricing will give Council much better value for money if and when the need arises to replace or install additional shelters.

Sidewinder's refurbished shelter pricing was significantly cheaper than Claude's (Sidewinder \$3,750 each Claude \$17,500 each). Sidewinder's pricing will give Council much better value for money if and when the need arises to refurbish shelters.

Other staff comments

Financial Services

The recommendation to accept Sidewinder Pty Ltd's Option A offer is supported as it results in the best overall outcome for Council.

Urban Works Engineer

The existing urban bus shelters are in reasonable condition and should remain so for the life of this contract. Selling advertising space produces a much needed supplement to the budget for maintenance of the complete network.

Urban shelters are predominantly mowed and litter collected by the adjoining landowner. Removal of graffiti and annual pest control are the major costs for maintenance.

Rural shelters are in a fairly poor state of repair. As they are out of town they are not subject to the graffiti and litter problems of the urban shelters. Mowing is only occasionally required as the roadside slashers pick up around these sites. There are very few complaints about rural shelters made each year.

Money generated from selling of advertising space would enable staff to maintain as required between the rural and urban assets, and as budgets allow, replace some of the rural assets.

Sidewinder has provided a sound service to Council over the past contracts and has always responded to maintenance issues quickly. The assets directly maintained by them have always been kept in a neat and tidy manner.

Discussions with references about Claude from Ballina Shire Council, reveal that in the short term that Claude have been in Ballina, they have distributed new shelters as indicated in their submission and maintained the shelters as required.

As Sidewinder can provide a greater proportion of funding to the total number of shelters the recommendations are endorsed.

Manager – Assets and Support Services

The tender process conducted has provided Council with an opportunity to generate additional income through the sale of advertising rights on bus shelters. In the past, Council's relatively small allocation of \$7,500 per annum for bus shelter maintenance has only permitted reactive maintenance to those shelters that were not maintained by the contractor. The increased funding would permit Council to be more proactive in its maintenance regime, and in particular to target upgrades where necessary to meet DDA requirements, and undertake a targeted programme of upgrades to rural shelters that are in relatively poor condition.

However, it is understood that Council may wish to utilise the additional revenue generated for other purposes. The appropriate time to consider how these funds should be utilised would be the 2009/10 budget process. A principle that Council should consider at that time is whether income generated from a particular group of assets should be utilised to subsidise other activities, particularly when that group of assets needs additional funding to meet basic service levels.

Conclusion

When procuring goods and services, Council has a responsibility for making value for money decisions on behalf of the community. In the case of bus shelter advertising, provision and maintenance, Sidewinder Advertising Pty Ltd were a clear winner scoring the highest in the tender panel's assessment of both submissions. Sidewinder's submission scored equivalent or better in all five categories of the selection criteria. Sidewinder's submission was particularly strong in Local Content and Total Price criterion. The Sidewinder submission provides Council with the best combination of income, flexibility, solution delivery and utilisation of the existing assets. Sidewinder's lower pricing on replacement and refurbished shelters will provide Council with further cost savings in the life of the contract. A solution for the Trinity Bus Exchange was also provided by Sidewinder. Sidewinder presented a very professional submission addressing all the issues in the specification, along with highly detailed information on shelter design. The submission provides sensible options and addressed strongly the local content criteria.

Recommendation (IS02)

That :

1. Council accept the tender from Sidewinder Pty Ltd, based on Option A of their submission, resulting in a nett income to Council of \$20,480.00 per annum (indexed to CPI) for a ten year period, totalling \$204,480.00 plus GST (2009 dollars).
2. The additional income generated from the fee paid by Sidewinder Advertising Pty Ltd of \$20,480.00 per annum be considered for allocation to the bus shelter maintenance budget as part of the 2009/10 budget process.
3. The Mayor and General Manager be authorised to execute the Contracts on Council's behalf and attach the common seal.

Appendix 1

T2009-13 Bus Shelter Tender Analysis

	Criteria	Weighting	Claude Outdoor		Sidewinder	
			Raw Score	Weighted & calculated	Raw Score	Weighted & calculated
1	Total Price (out of 10)	40%	5	2.00	7.6	3.04
2	Capability and Experience (out of 10)	25%	7	1.75	9	2.25
3	Quality and Safety (out of 10)	5%	7	0.35	7	0.35
4	Environment and Community (out of 10)	5%	7	0.35	8	0.40
5	Local Content Minimum 10% (Out of 10)	25%	7	1.75	8	2.00
		100%		6.20		8.04
	Total 100% or 100			62.00		80.40

Report

Subject	Lismore FloodSafe Reference Group
File No.	WMacD:VLC:S106
Prepared by	Traffic & Emergency Services Co-ordinator
Reason	To ensure the community is better informed and prepared for future flood events.
Objective	To gain Council's concurrence for the continuation of the FloodSafe Reference Group and confirmation of its membership.
Strategic Plan Link	Natural Environment
Management Plan Project	Promote Flood Awareness

Overview of Report

It is proposed to continue the work already done by the FloodSafe Reference Group in developing strategies that aim to increase the community's understanding of the flood risk and thereby increase the level of awareness and preparedness for flooding in their local area. This report seeks to gain Council's concurrence and support for the continuation of the group and to confirm its membership.

Background

As a result of the completion of the flood levee system in June 2005 and the subsequent flood soon after, it became obvious that many members of the Lismore community either did not understand the full consequences of the impact of major flood events or had become complacent with the misunderstanding that the new levee system would provide them with a level of protection well beyond that for which it was designed.

With this in mind, community meetings were held in July 2006 in North Lismore, South Lismore and the Lismore Central Business District with the intention that the local community could raise issues of concern and that a Community Flood Education Reference Group would be established that would consider the issues raised and develop strategies to assist in educating the community.

The FloodSafe Reference Group was established and has met at quarterly intervals for the past two years. Membership of the Reference Group comprises a majority of community and business representatives with other membership consisting of representatives from:

- Lismore City Council
- SES
- Richmond River County Council
- Department of Environment and Climate Change NSW

The group has had some significant successes in strategies already implemented, however there is a need to ensure this programme continues in education of the community.

Comments

Financial Services

Not required.

Other staff comments

Not required

Public consultation

Significant public consultation has taken place over the first two-year term of the group as a result of the strategies already developed. Advertisements were placed late last year calling for expressions of interest for membership for a further two-year term. A total of eight (8) community membership applications have been received as follows –

- John Habib
- John Barnes
- Barry Davidson
- Keith Alcock
- Ellen Thacker
- Neil Short
- Jean Rose-Rapmund
- Charlie Rapmund.

Conclusion

The purpose of a community flood education strategy is to recognise and offer a range of options to deliver community safety messages that assist in building capacity of the local community to prepare, respond and recover from flooding.

The final outcome for any strategies is to create positive and effective behaviour change in the community to become prepared for action before, during and after a flood event and to reduce the associated losses.

Recommendation (IS01)

That Council support the continuation of the FloodSafe Reference Group and that it endorse the community membership nominations received from John Habib, John Barnes, Barry Davidson, Keith Alcock, Ellen Thacker, Neil Short, Jean Rose-Rapmund and Charlie Rapmund.

Report

Subject	December 2008 Quarterly Budget Review
File No	S960
Prepared by	Principal Accountant
Reason	Clause 7, Local Government (Financial Management) Regulations 1993
Objective	To gain Council's approval to amend the 2008/09 Budget to reflect actual or anticipated results
Strategic Plan Link	Leadership by Innovation
Management Plan Project	Various

Overview of Report

The operating surplus at September 30, 2008 was \$181,900. At its December 11, 2008 meeting, Council resolved to make changes to the 2008/09 Budget to mitigate the impact of the economic crisis and these resulted in the surplus increasing to \$874,700.

The review of the budget for December indicates that the surplus will be reduced by \$62,600 to meet additional expenditure and lower investment income expectations. As a result, the surplus balance at December 31, 2008 is \$812,100. This surplus has been transferred to reserve.

Operating expenditure is being closely monitored by management and is generally within approved budgets. There has been additional expenditure recognised for operating expenditure, capital projects and grant projects with funding from reserves and grant revenues.

Operating revenues are currently within acceptable tolerances however the situation is being constantly reviewed with additional downward pressure due the economic climate anticipated. A reduction in investment returns is anticipated with the General Fund impact being \$78,800. Investment revenues are expected to decline further as a result of anticipated reductions in the cash rate by the Reserve Bank of Australia. The situation is being monitored and will be reported when additional information becomes available.

Background

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

General Fund

The 2008/09 Budget provided for a deficit of (\$56,500). The September review detailed a surplus of \$181,900. The surplus was increased at the December 11 2008 meeting to \$874,700. The December review resulted in a deficit of \$62,600 reducing the surplus to \$812,100. A summary of the December review and approved December Target Surplus movements follows:

Budget Movements for Quarter	Amount \$
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Opening Surplus as at September 30, 2008	181,900
Plus – Increase in surplus in accordance with '2008/09 Budget Review – Target \$500,000+ Surplus' report to December 11, 2008 meeting (Resolution 250/08)	692,800
Adjusted Budget Surplus, December 11, 2008	874,700
Plus – OHS Insurance Incentive (StateCover)	23,000
Plus – 2008/09 Rural Fire Service contribution adjustment	17,800
Less – Reduction in interest due to RBA rate reduction in December 2008 on General Fund only. The full impact on all funds is reported below*.	(60,800)
Less – Jazz Festival income less than anticipated. The Program Manager's comments are reported below**.	(15,700)
Less – NRL Trial Match February 2009. Further information is reported below***.	(15,000)
Less – 2008/09 NSW Fire Brigade contribution adjustment	(5,500)
Less – Additional staffing costs as a result of introduction of Electronic Document Management system	(2,700)
Less – Additional audit fees incurred completing the 2007/08 Financial Reports	(2,500)
Less – 2008/09 loan repayment program rounding adjustment	(1,200)
Closing Surplus Balance as at December 31, 2008	812,100

***Interest on Investments –**

Continual financial market turmoil, a reduction of Council investment base and further cash rate reductions by the Reserve Bank of Australia has placed additional pressure on Council investment revenue.

A review of projected revenues has been undertaken based on the projected composition of Council's investment portfolio and the known changes to interest rates and therefore interest revenues.

Overall, interest revenue is anticipated to be \$260,000 less than the reported amount in the September Review and December Target Surplus. There is an estimated negative impact on General Fund of (\$65,000), being the reduced return on unrestricted investments, and a further reduction of (\$13,800) being 25% (\$55,000) of the decrease in Reserve Funds interest as in accordance with policy (25% of all interest on reserves to be used in General Fund). This results in a net movement in General Fund of a loss of \$78,800.

For Reserve Funds, Section 94 and Water & Section 64 Funds, the amounts transferred to/from reserve have been changed to reflect the anticipated increase/decrease in interest revenues so as there is no impact on the operating result.

Summary:	Current Budget	Proposed Budget	Change Increase/(Decrease)
General Fund (unrestricted)	500,000	435,000	(65,000)
Reserves Funds (unrestricted)	420,000	365,000	(55,000)
Section 94 (restricted)	340,000	295,000	(45,000)
Wastewater & Section 64 Funds (restricted)	740,000	650,000	(90,000)
Water & Section 64 Funds (restricted)	60,000	55,000	(5,000)
Total	2,060,000	1,800,000	(260,000)

****Jazz Festival** – Attendances were down by 33% on what was expected (estimates were based on the 2005 event). There maybe some additional income to be received for the event although from merchandise sales and from new subsidies however the final amount could not be quantified at the time of this review.

*****NRL Trial match** – This event was only confirmed in late 2008. No funding to hold the event was included in the 2008/09 Budget. The costs include facility hire charges, cleaning, toilets, electrician, traffic control, sight screen adjustments, etc.

Program Summary

For Council's information, information on each program with significant variances of \$10,000 or greater is provided below other than those impacting the operating result reported in the summary above. Please refer to the 'Individual Programs' attachment for a summary of all the December review and approved December Target Surplus movements.

Administrative Services

Operating expenses have increased due to additional insurance costs (resulting from the revaluation of property to market value in 2008) and the project funds for further enhancement of customer service. These expenses have been sourced from reserves carried forward from 2008 and therefore there is no impact on the operating surplus.

Financial Services

There has been a reduction in loan repayments \$43,500 as a result of the interest rate and terms attained for new borrowings. Additional revenue has been recognised in relation to insurance claims \$134,600 for storm damage and reduced revenue for interest on investments on unexpended developer contributions (\$45,000). There was a reduction in the transfer to reserves to reflect the lower interest earned on reserves funds resulting from reduced cash rates. These changes have been offset by increasing the maintenance budgets where insurance repairs were undertaken and by decreasing the funds restricted for unexpended developer contributions with there being no impact on the operating result.

Corporate Management

There was a transfer of building maintenance expenses in relation to the cultural precinct from the Corporate Management program to the Miscellaneous Properties program (\$10,300). There is no impact on the operating result from this change.

Costs associated with the provision of architectural services for the development of the Cultural Precinct have been included (\$33,500) with funds being sourced from existing reserves (\$25,000) from Corporate Management program and (\$8,500) from Art Gallery building reserves).

Lismore Recycling and Recovery Centre

Additional capital works have been included in relation to the Resource Recovery Facility \$ 407,500. This project has been funded from existing reserves \$360,000 and unexpended loan funds \$47,500 with there being no impact on the operating result.

Miscellaneous Properties

Total operating expenses were increased by \$27,600 with major items being transfer red to the building maintenance budgets from Corporate Management \$10,300 and insurance claim for storm damage to buildings \$17,500. This was offset by increased revenues relating to all insurance claims in the Financial Services program and a reduction in expenses under Corporate Management program. There was no impact on the operating result.

Bridges

Total operating expenses for the Bridge program have been reduced by \$60,500 with the major items represented by a transfer to capital works \$210,000 offset by a transfer to maintenance from reserves of \$150,000. There is no impact on the operating result.

Bushfire Services

Additional grant income of \$102,000 has been recognised and applied to the increased operating expenditure \$89,500 and increased capital purchases (Equipment Bay - Blue Knob Fire Station) of \$12,500 and therefore there has been no impact on the operating result.

Parks and Recreation

There has been increase in the capital works \$46,500 with major projects being: increase in Nesbitt Park development \$27,400 (reserve funded), Lismore Basketball Stadium \$22,500 (reserve funded); Lismore Netball \$25,900 (reserve and capital contributions). There also has been a net transfer to reserves of \$103,100 for Urban Sports Facilities approved by Council in November for works completed in 2007/08. There is no impact to the operating result.

Traffic and City Safe

Capital expenditure in relation to Nimbin pedestrian crossing has been reduced by \$21,400 to reflect work undertaken in 2007/08 and therefore not required in 2008/09. There has been a corresponding decrease in funds sourced from reserves with there being no impact on the operating result.

Roads

Additional grant funding being RTA contributions to PAMP (Pedestrian Access Mobility Plan) \$30,000; ordered works \$2,365,800; State Routine Maintenance works \$55,700 and the Regional Road Block grant \$26,000.

There has been an increase in operating expenses to reflect the additional grants with the major increases being for ordered works \$1,815,500; Dunoon Road \$70,000; Dawson Leycester St roundabout landscaping \$70,000; training outdoor staff \$48,200; Depot slip Wyrallah Road \$182,000 and PAMP projects \$59,900. Reserves have been transferred to fund the PAMP works and recognise the surplus result on RTA works.

Additional capital works of \$485,400 has been included for various works including guardrail at The Channon \$30,000 (reserve funded); Rock Valley Road \$200,000 (reserve funded); Cycleways program \$298,600 (unexpended loans); and Nimbin Road, Blakebrook \$25,800 (Section 94). These works have been funded from unexpended grants, transfer from reserves, section 94 funds; capital grants; unexpended loan funds and additional operating grants.

There is no impact on the operating result from changes in this program.

Workshop

Building maintenance has been increased to reflect insurance works in relation to storm damage. There is no impact on the operating surplus.

Asset Management

Operational expenses have been adjusted to reflect expenditure for demolition of unsafe buildings \$14,400 (completion of 07/08 work) and RTA grant projects (Carpool project \$66,000 and U-poles \$14,000). These projects have been funded from additional grant revenue (\$80,000) and reserve movements (\$14,400) with no impact on the operating result.

Art Gallery

There has been an increase in the building maintenance of \$34,600 which has been fully funded from an insurance refund. The budget for the fundraising program has been reduced by (\$15,000) and transferred to Art Gallery reserves, this transfer was required to offset a potential over expenditure in operational budgets. Management is working with the Art Gallery manager to minimise the over expenditure.

Community Services

Additional operating expenditure of \$51,200 has been included with the major items being additional grant revenue of \$62,400 for the Living Library project and a transfer from reserves of funds carried forward for Youth Activities \$13,000. There has been some minor adjustment from reserves for funds carried forward for the Disability Action Plan and NAIDOC week.

Information Services

A transfer from Information Services reserves of \$15,000 has been included to fund the continual development of the Authority data base. There is no impact on the operating result.

Economic Development & Tourism

Capital works have been included for Rainforest Tourist Attraction at the Lismore Visitor Centre \$172,300 and Wilson River Experience Walk \$61,700. These projects have been funded from additional grant revenue \$112,300, transfer from reserves \$96,700 and from reallocation from existing expense allocations \$25,000.

Planning Services

Additional grant funding \$25,000 has been received from the Department of Planning to finalise the LES/LEP project. This has been applied to the costs required to finalise the project \$11,000 and to reimburse expenditure incurred in advance in 2007/08 \$14,000.

Reserve funding of \$13,400 has been applied to complete minor projects; with the majority \$8,500 associated with the development of reporting in relation to Onsite Sewerage Management.

There was no impact on the operating result.

Environmental Services and Building Control

Operating expense have been included for Bat Roost's \$16,800; River Reach Rehabilitation project \$29,800 and NRGE Energy grant \$22,800 with funding from additional grant revenue and reserves. There is no impact on the operating result.

Wastewater Services (Sewerage Fund)

There has been a reduction in revenue resulting from reduced interest on investments due to lower interest rates (\$90,000) and an increase in revenue being a contribution from Operations \$50,000 to repair the land slip at the Wyrallah Road Works Depot.

There has been a reduction in loan repayments \$10,100 as a result of the interest rate and terms attained for new borrowings.

Adjustments have been made to the transfer to/from reserves to maintain the fund as balanced at December 31, 2008.

Water Services (Water Fund)

Additional total revenue of \$145,000 has been recognised with internal income generated from plant hire charges of \$150,000 and a reduction in interest on investments of \$5,000.

Operating expenses have also increased with the main items being plant operating expenses \$150,000 and a reduction in loan expenses (\$50,200).

Adjustments have been made to the transfer to/from reserves to maintain the fund as balanced at December 31, 2008.

Change in Net Assets

The 2008/09 Management Plan showed a surplus in the "Change in Net Assets" of \$446,000. The September review increased this by \$1,337,100 to \$1,783,100. This review shows an increase for the period of \$445,800 to \$2,228,900.

The change in net asset is based on the original adopted budget and does not include the anticipated impact from increased depreciation associated with assets that were brought to fair value on June 30, 2008. Council should note that depreciation is a non cash impact and does not impact on the reported operating surplus.

At the same time, Council will need to consider how it manages the assets under its control including adequately funding maintenance and renewal costs. This will be addressed as asset management plans are developed and factored into future management plans.

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

Comments

Responsible Accounting Officer

The Council's financial position is considered to be satisfactory based on the revised estimates of income and expenditure reported in this review and the adopted 2008/09 - 2011 Management Plan.

Other staff comments

Not required

Public consultation

Not required

Conclusion

The 2008/09 Budget has moved from an operating surplus of \$181,900 in September to an operating surplus in December 2008 of \$812,100. This amount is held in reserves.

There has been additional expenditure recognised for operating expenditure, capital projects and grant projects with funding from reserves and grant revenues. A summary of these items as they impact within individual programs has been included within the body of this report. Additional pressure can be expected on interest revenue on investments as a result of further anticipated reductions in the cash rate by the Reserve Bank of Australia.

There have been no major variances, other than those outlined within this report, to the adopted 2008/09 Budget quantified during this December review.

Recommendation

1. Council adopt the December 2008 Quarterly Budget Review Statement for General, Water and Sewerage Funds.
2. This report is forwarded to Council's Auditor for information.

2008/09 Estimates of Income and Expenditure To June 2009						
BUDGET ITEMS	Original 2008/09	September 30-Sep-08 Quarter	December 31-Dec-08 Quarter	March 31-Mar-09 Quarter	June 30-Jun-09 Quarter	Total Budget
BUDGET ITEMS	Original 2008/09 \$'000	September Quarter \$'000	December Quarter \$'000	March Quarter \$'000	June Quarter \$'000	Total Budget \$'000
ALL FUNDS						
OPERATING REVENUES						
General Manager	27,071	196	30	0	0	27,297
Infrastructure	38,935	534	2,731	0	0	42,201
Development & Governance	4,819	(166)	137	0	0	4,790
TOTAL OPERATING REVENUES	70,825	564	2,898	0	0	74,287
OPERATING EXPENSES						
General Manager	3,768	24	(126)	0	0	3,665
Infrastructure	45,156	1,904	2,524	0	0	49,584
Development & Governance	12,118	239	32	0	0	12,389
TOTAL OPERATING EXPENSES	61,041	2,167	2,431	0	0	65,639
OPERATING RESULT BEFORE DEPRECIATION	9,784	(1,603)	468	0	0	8,649
DEPRECIATION	17,320	0	0	0	0	17,320
OPERATING RESULT BEFORE CAPITAL AMOUNTS	(7,536)	(1,603)	468	0	0	(8,671)
Add: Capital Grants and Contributions						
Non-cash Developer Contributions	750	0	0	0	0	750
Capital Grants and Contributions	1,188	2,903	(22)	0	0	4,069
Section 94 Contributions (incl. interest)	2,558	(379)	0	0	0	2,179
Gain / (Loss) on Disposal of Assets	3,486	416	0	0	0	3,902
Change in Net Assets as per AAS27	446	1,337	446	0	0	2,229
AVAILABLE FUNDS RECONCILIATION						
Add Expenses Not Involving a Flow of Funds						
Depreciation	17,320	0	0	0	0	17,320
Subtract Income Not Involving a Flow of Funds						
Non-cash Developer Contributions	(750)	0	0	0	0	(750)
Add Non-operating Funds Employed						
Loan Funds Used	8,276	2,468	(4)	0	0	10,740
Repayments by Deferred Debtors	44	0	0	0	0	44
Subtract Funds Deployed for Non-operating Purposes						
Acquisition of Assets	(26,751)	(4,479)	(932)	0	0	(32,162)
Repayment of Principal on Loans	(1,854)	31	(63)	0	0	(1,885)
Subtract Unexpended Grants and Contributions Received During Year						
Developer Contributions Net Movement	(1,374)	0	0	0	0	(1,374)
Cash Surplus / (Deficit)	(4,643)	(643)	(553)	0	0	(5,839)
Equity Movements						
Reserve Funds - Increase / (Decrease)	(2,424)	(1,191)	(1,106)	0	0	(4,721)
Reserve Funds - Operating Surplus Reserve	0	0	812	0	0	812
Working Capital - Increase / (Decrease)	(57)	238	(182)	0	0	0

Report

Subject	December 2008 Quarter - Management Plan Review
File No	S952
Prepared by	Executive Services Coordinator
Reason	Requirement of Local Government Act S.407(1)
Objective	Information for Councillors
Strategic Plan Link	Leadership by Innovation
Management Plan Project	This is a report on the implementation of the 2007/2008 Management Plan

Overview of Report

This report relates to the performance of programmes and activities highlighted in the 2008/2009 Management Plan During the quarter ended December 2008.

Background

The General Manager is required under Section 407(1) of the Local Government Act, 1993 to periodically report on the performance targets outlined in the Management Plan. The attached tables provide a summary of progress across all aspects of Council's activities for the quarter ending December 31, 2008.

Comments

Financial Services

Not Requested

Other staff comments

Not Requested

Recommendation

That the report be received and noted.

DECEMBER QUARTERLY MANAGEMENT PLAN 2008/09 REVIEW						
	General Manager					
	Communications					
	Project	Budget	Key action steps	Target date	Status	Explanation on Progress to Date
1	Communications Strategy	Recurring budget	<ul style="list-style-type: none"> Research Best Practice Audit current methods / results Interview staff / management Conduct survey Prepare revised strategy 	<ul style="list-style-type: none"> Aug 08 Aug 08 Oct 08 Jan 09 	<ul style="list-style-type: none"> Complete Complete Complete In progress 	
2	Community Engagement Strategy		<ul style="list-style-type: none"> Develop community engagement strategy 	Mar 09	In progress	Preparing to conduct Councilor workshop to define values/framework. A consultancy brief has been developed to select an experienced professional to assist in the development of the strategy.
3	Media and Public Relations Training and Support		<ul style="list-style-type: none"> Conduct media training for employees with media roles 	Ongoing	In progress	Draft media training package currently under review
4	Crisis Communication		<ul style="list-style-type: none"> Review current plan, update and redistribute to stakeholders 	Dec 08	In progress	Draft report with Program Managers for comment.
5	Media Planning		<ul style="list-style-type: none"> Introduce media planning into all Council business units, programs and projects. 	Ongoing	In progress	

DECEMBER QUARTERLY MANAGEMENT PLAN 2008/09 REVIEW						
	General Manager					
	Executive Services					
	Project	Budget	Key action steps	Target date	Status	Explanation on Progress to Date
1	Mayor of Lismore scholarships	\$20,000	<ul style="list-style-type: none"> Scholarships defined and awarded 	<ul style="list-style-type: none"> Jan 09 	Not Started	Due to be awarded Jan 09.
2	Customer Service Improvement Project.	\$65,000	<ul style="list-style-type: none"> Customer Service Strategy developed Improvement Plan developed Improvement Plan implemented 	<ul style="list-style-type: none"> Jul 08 Aug 08 Jun 09 	<ul style="list-style-type: none"> Complete Complete In Progress 	<ul style="list-style-type: none"> A customer service strategy has been developed An implementation plan has been developed to reflect the customer service strategy. Plan is being implemented and is on schedule for completion by June 2009.
3	Customer Contact Quality Management Plan	Recurring Budget	<ul style="list-style-type: none"> Monitor quality of the service provided by the customer contact centre. Implement a continuous improvement process from the monitoring 	<ul style="list-style-type: none"> Ongoing Ongoing 	<ul style="list-style-type: none"> Complete Complete 	<ul style="list-style-type: none"> A quality management plan has been completed and is currently being implemented. Continuous improvement process now implemented.
4	Sister Cities Review	Recurring Budget	<ul style="list-style-type: none"> Review arrangements for all Sister Cities Make recommendation for improvements to the process. 	<ul style="list-style-type: none"> July 08 Aug 08 	<ul style="list-style-type: none"> In Progress Not Started 	<ul style="list-style-type: none"> Due to workload associated with the new Council this task has been delayed until February
5	Implement integrated planning methodology	Recurring Budget	<ul style="list-style-type: none"> Implement Improvements Review Strategic Plan Develop Delivery Plan Develop Operational Plan 	<ul style="list-style-type: none"> Dec 08 Nov 08 Dec 08 Jun 09 	<ul style="list-style-type: none"> Not Started In Progress Not Started 	<ul style="list-style-type: none"> Meeting have been arranged for the 3rd and 6th of November. Due to be complete April 2009 As the strategic plan has not yet been finalised, this has been delayed until June 2009

DECEMBER QUARTERLY MANAGEMENT PLAN 2008/09 REVIEW						
	General Manager Corporate Compliance	Budget	Key action steps	Target date	Status	Explanation on Progress to Date
1	Risk management policies, procedures and programs clearly defined and achieved	Staff time	<ul style="list-style-type: none"> ▪ Policies in place, reviewed annually ▪ Supporting procedures in place ▪ Budget submission prepared 07/08 management plan to implement programs 	<ul style="list-style-type: none"> ▪ Sep 08 ▪ Mar 09 ▪ Jun 09 	Complete	
2	Councillor Induction and Training	Recurring budget	<ul style="list-style-type: none"> ▪ Initial Councillor Induction ▪ Introduction to Local Government ▪ Ongoing Training 	<ul style="list-style-type: none"> ▪ Oct 08 ▪ Dec 08 ▪ Ongoing 	Complete	
					Complete	
					In progress	Draft media training package currently under review

DECEMBER QUARTERLY MANAGEMENT PLAN 2008/09 REVIEW						
General Manager						
Human Resources and Organisational Development						
Project	Budget	Key action steps	Target date	Status	Explanation on Progress to Date	
1	Staff Attraction and Talent Management	Staff Time	<ul style="list-style-type: none"> Develop in partnership with directorates a target pool of individuals to develop and retain. Monitor and enhance benefits offered to staff. Develop a Succession Plan. Roll Out to Program Managers. 	<ul style="list-style-type: none"> Jan 09 - Ongoing Jan 09 - Ongoing Jun 09 Jan 09 	Commenced	Continuing roll out of concept to other sections of the organisation.
2	Performance Management	\$10,000 Consultant support	<ul style="list-style-type: none"> Establish measurable KPIs for all Program areas to Program Mgr level. Establish measurable KPIs in three key focus areas for teams and individuals. Provide training for all supervisory staff in conducting effective performance discussions. Establish a pilot test group for on-line performance and skills reviews. Updated Pay for Performance system developed. Criteria and measures established. Deliver group sessions for Coordinator-level staff. Feedback process for other Coordinator-level staff. Collate and communicate results from employee survey and culture. Conduct sessions for Snr Mgt. 	<ul style="list-style-type: none"> Ongoing Ongoing May 09 At annual reviews Oct 08 Nov 08 Ongoing 08-09 Ongoing 08-09 Ongoing 08-09 Ongoing 08-09 Ongoing 08-09 	<ul style="list-style-type: none"> Commenced Commenced Commenced Commenced Completed Completed Ongoing Commenced Commenced Commenced 	<ul style="list-style-type: none"> Links to GM's Performance Plan and Review established. OH&S KPIs for teams established; KPIs for teamwork established in some areas; customer service KPIs finalised. Training being scheduled. Electronic template utilised for some Nov 2008 staff reviews. Performance pay procedure finalised. Broad criteria established. Ongoing refinements. Sessions commenced late 08. Scheduled mid 09. Actions being finalised. Next session scheduled for early '09, agenda proposed late 08.
3	Pay for Performance System	Staff time				
4	Organisational Culture, Leadership, Management Development	Yr 3 of \$10,000 pa				

5	Workplace Diversity	Staff time	<ul style="list-style-type: none"> Collaborate with Community Services (Social Plan) on workplace diversity initiatives. Research and develop a Diversity Employment Strategy. 	<ul style="list-style-type: none"> Mar 09 	Commenced	Participated in Disability Action Planning process with an expectation to incorporate into Diversity Employment Strategy.
6	Smoke-Free Workplace	Staff Health Programs	<ul style="list-style-type: none"> Survey and monitor staff on Quit Program. Identify all relevant worksites for "Smoke-Free Site" signage. Reissue communication on implementation target dates. Review and report on compliance. Recruitment material highlights smoke-free workplace. 	<ul style="list-style-type: none"> May 08 Jun 08 April 08 Sept 08 Ongoing July 08 	<ul style="list-style-type: none"> Completed July 08 Completed July 08 Completed May 08 Completed Sept 08 Completed July 08 	<ul style="list-style-type: none"> Further brief survey to supervisors scheduled Nov 08 to review compliance. Smoke Free Site signs (38) erected and stickers attached to relevant sites. Butt bins ordered. Ongoing communication, support and Quit assistance provided to smokers. Reported to ExCom and General Manager immediately following changeover date. Formal communication to Council contractors. All information packages and advertisements for vacant positions signal to potential applicants that Council is a smoke free workplace.
7	Asbestos Management Plan	\$30,000	<ul style="list-style-type: none"> Identify staff members who may be exposed to asbestos containing materials. Provide relevant accredited training. 	<ul style="list-style-type: none"> Ongoing 	Ongoing	Notification of Exposure forms provided to all relevant sections for staff completion and recording of past and future possible exposure to asbestos containing material.
		StateCover Rebate	<ul style="list-style-type: none"> Monitor Assets and Support Services' completion of Asbestos Mgt Plan, Recommendations and Regulation 2001 requirements. Coordinate health surveillance for identified or at-risk staff. 	<ul style="list-style-type: none"> Feb 09 Mar 09 	<ul style="list-style-type: none"> Ongoing Ongoing 	<ul style="list-style-type: none"> Trainers assessed to ensure appropriate accreditation and course content. Participants identified and advised of training. Progress report provided to the OHS Committee on Dec 9, 08. Committee to review further at February 09 meeting. Database being developed to record and monitor health assessment requirements and timeframes for asbestos related exposures as well as other identified hazardous materials and work practice health risks. Data collection forms forwarded to all staff August 08 and reminder November 08.
8	Learning and Development	Staff Time	<ul style="list-style-type: none"> Coordinate the delivery of learning and development opportunities to organisational units. Continue to develop and implement learning and development opportunities. 	<ul style="list-style-type: none"> Ongoing Ongoing 	<ul style="list-style-type: none"> Ongoing 	<ul style="list-style-type: none"> Training coordination enhanced through additional HR support and Council site visits to review software and practices. Comprehensive and targeted learning and development programs and statutory training being delivered with some budget constraints for 09 training.
9	Regional Collaboration and Resource Sharing	Staff Time	<ul style="list-style-type: none"> Collaborate with Councils to deliver specialist HR services and enhance HR service levels. 	<ul style="list-style-type: none"> Ongoing 	Ongoing	Regional working party completed best practice review of performance review documentation.
		\$5,000	<ul style="list-style-type: none"> Finalise shared tender process for Workers' Compensation Insurer. 	<ul style="list-style-type: none"> May 08 	Completed July 08	Service Level Agreement with performance measures for Council and StateCover finalised Jan 09.
		\$15,000	<ul style="list-style-type: none"> Develop and maintain focussed and intensive Injury management services. Managers follow up all incidents and injuries. 	<ul style="list-style-type: none"> Jun 09 Ongoing 	<ul style="list-style-type: none"> Ongoing 	Supervisors' skills training scheduled for Mar 09.
				<ul style="list-style-type: none"> Ongoing 	Ongoing	Downward trend in Lost Time Injuries reflected in quarterly reports to ExCom.

DECEMBER QUARTERLY MANAGEMENT PLAN 2008/09 REVIEW						
	General Manager Finance					
	Project	Budget	Key action steps	Target date	Status	Explanation on Progress to Date
1	Implement improved Desktop Financial Reporting	Staff time	<ul style="list-style-type: none"> Determine access rights and provide access to software Provide training to nominated staff Undertake a satisfaction survey with nominated staff 	<ul style="list-style-type: none"> Oct 08 Nov 08 Feb 09 	Progressing	Access rights determined and finalised
2	Review Major Capital Works Program	Staff time	<ul style="list-style-type: none"> Workshop presentation to Councillors Prepare a report to Council based on the outcome of the Workshop 	<ul style="list-style-type: none"> Feb 09 April 09 	Progressing	Minor delay with requested software changes. Training to be rescheduled to March 2009
3	Integrated Financial Planning (Stage1)	Staff time	<ul style="list-style-type: none"> Prepare detailed list of all Council planning and strategic documents Assess the financial impact of each on Council's finances with relevant Program Manager 	<ul style="list-style-type: none"> Feb 09 Mar 09 	Not Started	To be undertaken after training delivered
4	Preparation of new S94 Contributions Plan	Staff time	<ul style="list-style-type: none"> Meet financial information requirements of the Working Party Assess financial impact of new S94 plan on Council's finances 	<ul style="list-style-type: none"> Feb 09 Mar 09 	Commence	Will be part of the March 5, 2009 Workshop on the alignment of financial priorities and strategic requirements
5	Fraud Prevention Plan	Staff time	<ul style="list-style-type: none"> Prepare a Fraud Prevention plan with reference to contemporary practices 	<ul style="list-style-type: none"> Mar 09 	Not Started	To commence after the March 5 Workshop
					Progressing	Compilation of a comprehensive list almost completed
					Not Started	Commence assessment process in February 2009
					Progressing	Preliminary meeting to discuss requirements. Process delayed pending the release of new guidelines for the preparation of Section 94 Plans by the State Government
					Not Started	To commence after draft plan prepared
					Not Started	Will be delayed to higher priorities including investment monitoring & reporting, desktop financial reporting and the 2009/10 Budget preparation.

DECEMBER QUARTERLY MANAGEMENT PLAN 2008/09 REVIEW						
	Infrastructure Services					
	Roads and Bridges					
	Project	Budget	Key action steps	Target date	Status	Explanation on Progress to Date
1	Capital Works Program	Capital Budget 2008/2009	<ul style="list-style-type: none"> Undertake funded capital works projects for road and bridge assets Develop and review future capital works programs for roads and bridges 	<ul style="list-style-type: none"> Jun 09 	Progressing	Completed several projects in program.
2	Maintain the effective life of assets within Roads & Bridges.	Maintenance Budget 2008/2009	<ul style="list-style-type: none"> Undertake annual asset inspection programs Undertake footpath condition surveys Undertake maintenance works in accordance with standards and agreed service levels Develop activity guidelines 	<ul style="list-style-type: none"> Jun 09 	<ul style="list-style-type: none"> Ongoing Completed Ongoing Not Started 	<ul style="list-style-type: none"> Asset condition inspections currently being undertaken. Condition inspections for footpaths completed. Commence preparations in 2009.
3	Safety Management	2008/2009 Budget	<ul style="list-style-type: none"> Review Safety Management Plans Review Safe Work Method Statements Undertake risk assessments for all activities 		<ul style="list-style-type: none"> Ongoing Commenced Ongoing 	<ul style="list-style-type: none"> Management Plans being reviewed SWMS currently being reviewed for all activities. Documented Risk assessments undertaken
4	Customer Service	2008/2009 Budget	<ul style="list-style-type: none"> Respond to customer requests within adopted standards Undertake community consultation for major and sensitive projects Provide project information to affected stakeholders 	<ul style="list-style-type: none"> Ongoing 	<ul style="list-style-type: none"> Ongoing Ongoing Ongoing 	<ul style="list-style-type: none"> Monitoring response times Pre-planning procedure for all major works Notifications issued to all stakeholders.

DECEMBER QUARTERLY MANAGEMENT PLAN 2008/09 REVIEW						
	Infrastructure Services					
	Contracts and Private Works					
	Project	Budget	Key action steps	Target date	Status	Explanation on Progress to Date
1	Business Management Systems	Contract & Private Works Budget 2008/2009	<ul style="list-style-type: none"> Review Safety Management Systems Review Quality Management Systems and Procedures Review Environmental Management Systems RTA Audit of BMS 	<ul style="list-style-type: none"> Jun 09 	In Progress	
2	Provide an additional income stream for Council	Contract & Private Works Budget 2008/2009	<ul style="list-style-type: none"> Net profit achieved for private works undertaken for 2008/2009. Net profit achieved for RTA works undertaken for 2008/2009. 	<ul style="list-style-type: none"> Jun 09 	Ongoing	New RMCC with RTA works.
3	Successfully negotiate new contract agreement with NSW Roads & Traffic Authority for State Roads	Contract & Private Works Budget 2008/2009	<ul style="list-style-type: none"> Review actual costs and submit competitive prices Tender submitted on time Acceptance of offer 	<ul style="list-style-type: none"> Aug 08 	Completed	Actual costs reviewed for new Contract with RTA.
					Completed	Tender submitted on time.
					Completed	Contract signed and accepted by RTA

DECEMBER QUARTERLY MANAGEMENT PLAN 2008/09 REVIEW						
	Infrastructure Services					
	Parks and Recreation					
	Project	Budget	Key action steps	Target date	Status	Explanation on Progress to Date
1	Capital Works Program	Capital Budget 2008/2009	<ul style="list-style-type: none"> Undertake funded capital works projects for parks and recreation facilities 	<ul style="list-style-type: none"> Jun 09 	Commenced	Playground upgrades nearing completion.
2	Operational and Maintenance Programs	Maintenance Budget 2008/2009	<ul style="list-style-type: none"> Maintain assets in accordance with activity guidelines and agreed levels of effort 	<ul style="list-style-type: none"> Jun 09 	Commenced	Currently reviewing levels of service for all facilities.
3	Maintain the effective life of assets within parks and reserves.	Maintenance Budget 2008/2009	<ul style="list-style-type: none"> Undertake annual condition assessments of assets. 	<ul style="list-style-type: none"> Jun 09 	Not Started	
4	Safety Management Systems		<ul style="list-style-type: none"> Update Future Capital Works Program Develop Safety Management Plans Review Safe Work Method Statements Undertake risk assessments for all activities 	<ul style="list-style-type: none"> Annually 	Commenced	Commence in 2009.
5	Benchmarking Work Activities		<ul style="list-style-type: none"> Undertake internal benchmarking Develop industry best practice for Parks activities 	<ul style="list-style-type: none"> Ongoing 	Completed	Safe Work Method statements reviewed.
6	Improve Customer Service Levels		<ul style="list-style-type: none"> Respond to customer requests. Liaise with all sporting group users Determine TPO applications 	<ul style="list-style-type: none"> Ongoing 	Ongoing	Risk assessments completed for all activities.
					Commenced	Reviewing first quarter results.
					Ongoing	Response times being monitored.
					Ongoing	TPO applications processed on time.

DECEMBER QUARTERLY MANAGEMENT PLAN 2008/09 REVIEW						
Infrastructure Services						
Water Supply Services						
Project	Budget	Key action steps	Target date	Status	Explanation on Progress to Date	
1 Capital Works Program	Capital Budget 2008/2009	<ul style="list-style-type: none"> Award tenders and engage contractors to undertake Water Mains Renewals Update future Capital Works Program 	<ul style="list-style-type: none"> Jun 09 	In Progress	Completed Dibbs Street and Wyrallah Road.	
2 Maintain the effective life of assets within Water	Operational Budget 2008/2009	<ul style="list-style-type: none"> Maintain assets in accordance with industry standards and agreed service levels. Undertake annual condition assessments 	<ul style="list-style-type: none"> Jun 09 	In Progress	Commence preparations in 2009	
3 Benchmarking Activities	Maintenance Budget 2008/2009	<ul style="list-style-type: none"> Undertake internal benchmarking Participate in benchmarking with other Water authorities 	<ul style="list-style-type: none"> Annual 	In Progress	Commenced activity based costings	
4 Safety Management Systems	2008/2009 Budget	<ul style="list-style-type: none"> Develop Safety Management Plan Review Safe Work Method Statements Undertake risk assessments for all activities 	<ul style="list-style-type: none"> Jun 09 	Not Started		
5 Improve Customer Service Levels	2008/2009 Budget	<ul style="list-style-type: none"> Ensure 95% compliance with NHMRC bacteriological water quality guidelines for the provision of filtered water Respond to water service repairs within 4 hours during normal hours Monitor mains breaks/km 	<ul style="list-style-type: none"> Weekly Ongoing Ongoing 	In Progress	Risk assessments undertaken for all work activities.	
6 Integrated Water Cycle Management Strategy	\$25,000 (plus \$25,000 in wastewater budget)	<ul style="list-style-type: none"> Completion of Integrated Water Cycle Management Strategy 	<ul style="list-style-type: none"> Dec 08 	In progress	Currently full compliance	Consultant is well advanced with the strategy - final draft received and consultation with project reference group to be organised.
7 Demand Management Plan	Included in IWCM budget	<ul style="list-style-type: none"> Co-operate with Rous Water and other constituent councils in review of Regional Demand Management Plan Completion of local Demand Management Plan 	<ul style="list-style-type: none"> Jun 09 Jun 09 	In progress		
8 Drought Management Plan	Included in IWCM budget	<ul style="list-style-type: none"> Co-operate with Rous Water and other constituent councils in review of Regional Drought Management Plan Completion of local Drought Management Plan 	<ul style="list-style-type: none"> Jun 09 Jun 09 	In progress		
9 Water Loss Management Program	Included in Demand Management and Capital Works budgets	<ul style="list-style-type: none"> Investigate and develop Water Loss Management Program Commence implementation of program. (Implementation planned over 2-3 years) 	<ul style="list-style-type: none"> Dec 08 Ongoing 	In progress	Consultant appointed and has commenced work	
10 Water Meter Replacement Program	Included in Capital Works budget	<ul style="list-style-type: none"> Establish water meter replacement program Implementation of program 	<ul style="list-style-type: none"> Jun 09 Ongoing 			
11 Servicing strategies for new urban release areas	Costs to be met from s64 reserves	<ul style="list-style-type: none"> Completion of draft servicing strategy for new urban release areas, for concurrent exhibition with DLEP 	<ul style="list-style-type: none"> Exhibition date for DLEP 	In progress		

DECEMBER QUARTERLY MANAGEMENT PLAN 2008/09 REVIEW							
	Infrastructure Services Wastewater Services						
	Project	Budget	Key action steps	Target date	Status	Explanation on Progress to Date	
1	Capital Works Program	Capital Budget 2008/2009	<ul style="list-style-type: none"> Award tenders and complete Wastewater Capital Works Program in accordance with designs 	<ul style="list-style-type: none"> Jun 09 	Commenced	Commenced preparations for 2009	
2	Maintain the effective life of assets within Wastewater	Operational Budget 2008/2009	<ul style="list-style-type: none"> Maintain assets in accordance with activity guidelines and agreed levels of effort Undertake annual asset condition surveys 	<ul style="list-style-type: none"> Jun 09 	Commenced	Assets being maintained in accordance with guidelines.	
3	Compliance of Wastewater systems in accordance with DEC License	Operational Budget 2008/2009	<ul style="list-style-type: none"> Undertake annual asset inspection program 	<ul style="list-style-type: none"> Jun 09 			
4	Safety Management Systems	2008/2009 Budget	<ul style="list-style-type: none"> Update Future Capital Works Program Develop Safety Management Plan for Operational activities Review Safe Work Method Statements Undertake risk assessments for all activities 	<ul style="list-style-type: none"> Jun 09 	Not Started	Commence preparations for 2009.	
5	Improve Customer Service Levels within wastewater services	2008/2009 Budget	<ul style="list-style-type: none"> Respond to sewer chokes within four hours (during normal working hours) Ensure Trade Waste customers comply with development consents and annual compliance 	<ul style="list-style-type: none"> On going Annually 	Commenced	Response times being recorded and monitored.	
6	Clunes Wastewater	Capital Budget 2008/2009	<ul style="list-style-type: none"> Prepare design scope and specifications for project Undertake environmental assessments Completion of Integrated Water Cycle Management Strategy 	<ul style="list-style-type: none"> Jun 09 	In progress	Preferred option adopted by Council Dec 2008.	
7	Integrated Water Cycle Management Strategy	\$25,000 (plus \$25,000 in water supply budget)		<ul style="list-style-type: none"> Dec 08 	In progress	Consultant is well advanced with the strategy - draft report received for comment	
8	Servicing strategies for new urban release areas	Costs to be met from s64 reserves	<ul style="list-style-type: none"> Completion of draft servicing strategy for new urban release areas, for concurrent exhibition with DLEP 	<ul style="list-style-type: none"> Exhibition date for DLEP 	In progress		

DECEMBER QUARTERLY MANAGEMENT PLAN 2008/09 REVIEW						
Infrastructure Services						
Road Safety Program						
Project		Budget	Key action steps	Target date	Status	Explanation on Progress to Date
1	Stakeholder Communication	Staff time and recurrent budget	<ul style="list-style-type: none"> Attend meetings and maintain good communications with key stakeholders – NSW Police – Highway Patrol, Licensing and Crime Prevention, North Coast Area Health Service, Lismore City Liquor Accord, Southern Cross University, RTA Support Police road safety enforcement programs as requested and determined in consultation with NSW Police and the RTA Provide support and assistance to stakeholders to conduct their own road safety events 	<ul style="list-style-type: none"> Ongoing as required As required Ongoing as required 	In progress. In progress. In progress.	Ongoing. Ongoing. Ongoing.
2	GLS Workshops	\$2,000	<ul style="list-style-type: none"> Conduct workshops for parents/ supervisors of learner drivers 	<ul style="list-style-type: none"> Aug 08 Nov 08 Feb 09 May 09 	Not Started Complete Complete	August workshop cancelled due to illness of staff member and low participant numbers. Participants rescheduled to November workshop. August workshop cancelled due to illness of staff member and low participant numbers. Participants rescheduled to November workshop.
3	RRISK 2008/09	Staff time Staff time	a. Secure funding from adjoining local government areas that participate in the RRISK program <ul style="list-style-type: none"> Attend stakeholder planning meetings 	<ul style="list-style-type: none"> July 08 Monthly 	Complete In progress	Funding secured. Ongoing.
4	Lismore Late-Nighter	\$19,500 \$28,900	<ul style="list-style-type: none"> Conduct seminars Co-ordinate late night bus service every Saturday night and other special events 	<ul style="list-style-type: none"> Nov 08 Jun 08 	Complete In progress	Ongoing.
5	Lismore Cup Week	Staff time and \$1,800 from RTA	<ul style="list-style-type: none"> Co-ordinate drink/drive campaign targeting race-goers 	<ul style="list-style-type: none"> Sep 08 	Complete	No recorded Drink Drive offences recorded on Cup Day.
6	2008-2011 Road Safety Strategic Plan	Staff time	<ul style="list-style-type: none"> Prepare draft 2008-2011 Road Safety Strategic Plan and distribute for comment Final Plan prepared and adopted 	<ul style="list-style-type: none"> July 08 Sep 08 	Complete Complete	Final draft reported to November Council and adopted.

DECEMBER QUARTERLY MANAGEMENT PLAN 2008/09 REVIEW						
Infrastructure Services						
Asset Management						
Project	Budget	Key action steps	Target date	Status	Explanation on Progress to Date	
1 Undertake a fair value assessment of Council's roads, drainage and miscellaneous assets in accordance with the direction of the Department of Local Government	\$100,000	<ul style="list-style-type: none"> Develop a brief to appoint a consultant to undertake the assessment Call quotations/expressions of interest to undertake the assessment Award contract for consultant to undertake the assessment Consultant to undertake assessment and deliver final report. Input data to Council's asset management software package 	<ul style="list-style-type: none"> Sept 08 Oct 08 Dec 08 30 April 09 30 June 09 	<ul style="list-style-type: none"> In progress Not started 	<ul style="list-style-type: none"> Awaiting advice from the Department of Local Government as to whether this will be required. It appears the deadline for this work may be extended to 30 June 2010. Awaiting advice from the Department of Local Government as to whether this will be required. It appears the deadline for this work may be extended to 30 June 2010. 	
2 Continue with development of an Asset Management Plan for Sealed Roads	Staff time	<ul style="list-style-type: none"> Prepare draft asset management plan Adopt asset management plan 	<ul style="list-style-type: none"> Aug 08 Dec 08 	<ul style="list-style-type: none"> In progress 	<ul style="list-style-type: none"> Progress has been slow due to staff resources required in meeting ongoing operational workloads. Resource 	
3 Continue to review and update data as required in Council's asset management software package -AIM	Staff time	<ul style="list-style-type: none"> Review data and amend/update as required 	<ul style="list-style-type: none"> Ongoing 	<ul style="list-style-type: none"> In progress 	<ul style="list-style-type: none"> Ongoing 	
4 Develop an Asset Management Policy after completion of the sealed roads asset management plan	Staff time	<ul style="list-style-type: none"> Develop draft policy Advertise draft policy for comment Consider feedback, amend if necessary and adopt policy 	<ul style="list-style-type: none"> Mar 09 April 09 June 09 	<ul style="list-style-type: none"> Complete 	<ul style="list-style-type: none"> Draft policy has been developed based on IPWEA model policy and considered by Infrastructure PAG 	
5 Progressively develop and implement Asset Management Plans for all Council Assets	Staff time	<ul style="list-style-type: none"> Develop an asset management plan for at least one group of assets per annum 	<ul style="list-style-type: none"> June 09 			
6 Investigate and undertake street lighting improvements where appropriate in response to resident requests	Staff time and \$14,000	<ul style="list-style-type: none"> Investigate requests as they are received Arrange quotations from Country Energy where required and installation of lighting where approved 	<ul style="list-style-type: none"> Within 8 weeks of initial enquiry Within 3 months of Country Energy being requested to do the work 	<ul style="list-style-type: none"> In progress 	<ul style="list-style-type: none"> Requests are investigated as they come to Council. 	

DECEMBER QUARTERLY MANAGEMENT PLAN 2008/09 REVIEW						
Infrastructure Services Properties						
Project	Budget	Key action steps	Target date	Status	Explanation on Progress to Date	
1 Complete construction of the Lismore Sports and Aquatic Centre at Goonellabah	\$8,500,000	<ul style="list-style-type: none"> Supervise contractor to ensure Council's needs and contractual obligations are met Building completed and open for operation 	<ul style="list-style-type: none"> Ongoing 	In progress		
2 Undertake tender/EOI process to appoint a manager at Nimbin Caravan Park including provision of a new manager's residence and improvements to facilities	\$100,000	<ul style="list-style-type: none"> Prepare a tender/EOI document Advertise Consider responses Appoint a manager Construct manager's residence Prepare program of improvements Implement program of improvements 	<ul style="list-style-type: none"> June 08 June 08 July 08 Aug 08 Dec 08 Feb 09 Ongoing 	<ul style="list-style-type: none"> Complete Complete Complete In progress Not started 	<ul style="list-style-type: none"> Opening is now scheduled for February 2009 	
3 Undertake tender/EOI process to appoint a manager of the Lismore Transit Centre	Staff time	<ul style="list-style-type: none"> Prepare a tender/EOI document Advertise Consider responses Appoint a manager 	<ul style="list-style-type: none"> June 08 June 08 July 08 Aug 08 	<ul style="list-style-type: none"> Complete Complete Complete Complete 	<ul style="list-style-type: none"> Manager appointed to 30 June 2009. Council will be taking over the management after that time with a view to improving the service levels and complementing the existing services of the Visitor Information Centre. 	
4 Undertake tender/EOI process to appoint a manager of the Goonellabah Community Centre	Staff time	<ul style="list-style-type: none"> Prepare a tender/EOI document Advertise Consider responses Appoint a manager 	<ul style="list-style-type: none"> Oct 08 Nov08 Jan 09 Feb 09 	<ul style="list-style-type: none"> Not started Not started 	<ul style="list-style-type: none"> Reviewing service requirements Reviewing service requirements 	
5 Review Council's fire safety services contract and undertake a tender/EOI process to appoint a contractor	Staff time and recurrent budget	<ul style="list-style-type: none"> Review existing contract Prepare a tender/EOI document Advertise Consider responses Appoint a contractor Review existing register for accuracy and completeness 	<ul style="list-style-type: none"> Aug 08 Sept08 Oct 08 Nov 08 Dec 08 July 08 	<ul style="list-style-type: none"> In progress Not started Not started Not started Not started In progress 	<ul style="list-style-type: none"> Process has commenced but will take some time to complete. Anticipate tender process to commence in the new year. 	
6 Maintain Council's register of leases and licences for Council property	Staff time and recurrent budget	<ul style="list-style-type: none"> Develop a written procedure for updating the register Update register as required by the procedure 	<ul style="list-style-type: none"> Sept 08 Ongoing 	<ul style="list-style-type: none"> Not started In progress 	<ul style="list-style-type: none"> Ongoing 	

	Properties (Cont)					
	Project	Budget	Key action steps	Target date	Status	Explanation on Progress to Date
7	Land and Building Register	Staff time and recurrent budget	<ul style="list-style-type: none">Review existing register for accuracy and completenessUpdate the register as required following the completion of the reviewDevelop a written procedure for ongoing updates of the registerUpdate register as required by the procedure	<ul style="list-style-type: none">Aug 08Dec 08Oct 08Ongoing	<ul style="list-style-type: none">In progressIn progressNot started	<ul style="list-style-type: none">OngoingOngoing
8	Prepare an Asbestos Management Plan for Council properties	\$30,000	<ul style="list-style-type: none">Appoint consultant to prepare Asbestos Management PlanConduct an audit of Council properties to determine presence of asbestos etc.Receive report and draft plan from consultantAdopt and implement Asbestos management Plan	<ul style="list-style-type: none">June 08July 08Sept 08Dec 08	<ul style="list-style-type: none">In progressNot started	<ul style="list-style-type: none">Quotations received for work and being considered.
9	Continue marketing and sale of properties at Council's Airport Industrial Subdivision	Staff time	<ul style="list-style-type: none">Market propertiesFinalise all current negotiations.	<ul style="list-style-type: none">OngoingSept 08	<ul style="list-style-type: none">In progressIn progress	<ul style="list-style-type: none">Council has exchanged contracts on sale of lots 21 and 22. Contract exchange on lots 7 and 8 has not yet occurred. Decision expected from the potential purchaser by end of February 2009. Negotiations continuing on lots 4 and 5. Lot 6 still on the market.
10	Undertake annual Fire Safety inspections for Council buildings	Staff time and recurrent budget	<ul style="list-style-type: none">Complete sale of all propertiesConduct annual fire safety inspections for Council-owned properties	<ul style="list-style-type: none">June 09Ongoing	<ul style="list-style-type: none">In progress	<ul style="list-style-type: none">Inspections undertaken in accordance with requirements of Council's building services section
11	Review Council's kerbside dining policy	Staff time	<ul style="list-style-type: none">Review existing policyPrepare draft amended policyAdvertise draft policyConsider feedbackReport final policy to Council for adoptionMonitor local market and investigate opportunities as they arise	<ul style="list-style-type: none">July 08Aug 08Sept 08Oct 08Nov 08	<ul style="list-style-type: none">CompleteIn progressNot started	<ul style="list-style-type: none">Councillor Workshop to be programmed to discuss draft policy
12	Explore opportunities for Council to acquire properties	Staff time		<ul style="list-style-type: none">Ongoing as required	<ul style="list-style-type: none">In progress	<ul style="list-style-type: none">Two opportunities investigated to date this year.

Properties (Cont)							
	Project	Budget	Key action steps	Target date	Status	Explanation on Progress to Date	
13	Arrange sale of excess land at Goonellabah adjacent to Lismore Sports and Aquatic Centre	Staff time	<ul style="list-style-type: none"> Undertake an LEP amendment to re-classify the land as Operational Complete necessary boundary adjustments, lot consolidation, subdivision, etc. Appoint an agent to market the property 	<ul style="list-style-type: none"> Aug 08 Nov 08 Aug 08 	In progress	Public Hearing for the LEP scheduled for March 2009	
					In progress	Documentation is ready to be lodged pending outcome of the LEP process.	
					Not started	This process cannot be commenced until the reclassification of the land is completed as part of the LEP amendment process. This process is not anticipated to be complete until mid 2009.	
			<ul style="list-style-type: none"> Market the property 	<ul style="list-style-type: none"> Sept – Oct 08 	Not started	This process cannot be commenced until the reclassification of the land is completed as part of the LEP amendment process. This process is not anticipated to be complete until mid 2009.	
14	Administer contracts for management of Council properties by third parties	Staff time	<ul style="list-style-type: none"> Complete the sale City Hall, Lismore Transit Centre, Nimbin Caravan Park and Goonellabah Community Centre contracts 	<ul style="list-style-type: none"> Ongoing 	In progress	Ongoing	
15	Review Council's property portfolio regularly to identify opportunities for income generation through leasing and/or licensing activities	Staff time	<ul style="list-style-type: none"> Review property portfolio to identify opportunities 	<ul style="list-style-type: none"> Ongoing - Sept review 	In progress		
16	Administer Crown Reserves where Council is Reserve Trust Manager	Staff time	<ul style="list-style-type: none"> Opportunity identified and implemented Administer reserve trusts, leases, licences etc. in accordance with the Crown Lands Act 	<ul style="list-style-type: none"> June 09 Ongoing 	In progress	Ongoing	
17	Review Council's property portfolio with a view to disposal of properties surplus to Council requirements	Staff time	<ul style="list-style-type: none"> Review property portfolio, identify properties surplus to needs and dispose of properties where required 	<ul style="list-style-type: none"> Ongoing – Mar review 	In progress	Ongoing	
18	Provide assistance to Council's operations section by undertaking land acquisition where needed for Council roadworks projects	Staff time	<ul style="list-style-type: none"> Undertake land acquisition processes, or formalise agreements with property owners where required for roadworks to proceed 	<ul style="list-style-type: none"> Ongoing 	In progress	Ongoing	
19	Administer Council's leases and licences with sporting clubs for use of Council open space and sporting facilities	Staff time	<ul style="list-style-type: none"> Administer leases and licences in accordance with Council policies and procedures and the conditions of individual agreements 	<ul style="list-style-type: none"> Ongoing 	In progress	Ongoing	
20	Administer leases and licences for grazing of animals on Council land	Staff time	<ul style="list-style-type: none"> Administer leases and licences in accordance with Council policies and procedures and the conditions of individual agreements 	<ul style="list-style-type: none"> Ongoing 	In progress	Ongoing	

DECEMBER QUARTERLY MANAGEMENT PLAN 2008/09 REVIEW						
	Infrastructure Services Survey and Design					
	Project	Budget	Key action steps	Target date	Status	Explanation on Progress to Date
1	Complete necessary pre-construction activities at least 3 months prior to the scheduled commencement of construction	Staff time	<ul style="list-style-type: none"> Investigation, survey, design, consultation and pre-construction activities 	<ul style="list-style-type: none"> As required 	In progress	Processes are completed for relevant projects as required.
2	Maintain Flood Warning System (Telemetry)	Staff time	<ul style="list-style-type: none"> Monitor base station data input Conduct regular inspections of monitoring stations Recycle batteries 	<ul style="list-style-type: none"> Monthly Oct 08 and Apr 09 Nov 08 May 09 	In progress	Ongoing as indicated
3	Flood awareness - house flood and floor level sketches	Staff time	<ul style="list-style-type: none"> Update database Print sketches Organise accompanying documentation Assemble documentation for delivery Deliver to SES for distribution Publish updated levels on Council's website 	<ul style="list-style-type: none"> As required Dec 08 Dec 08 Jan 09 Jan 09 Mar 09 	Complete	
4	Maintain Lismore CBD Business Names and Floor Level Map	Staff time	<ul style="list-style-type: none"> Survey CBD Update Map Publish map on Council's website 	<ul style="list-style-type: none"> Jan 09 Jan 09 Feb 09 		
5	Maintain Lismore Urban and Rural Street Map	Staff time	<ul style="list-style-type: none"> Update Map Publish Map on Council's website Provide digital file in correct format to printer 	<ul style="list-style-type: none"> Jul 08 Oct 08 Nov 08 	Complete	
6	Conduct traffic surveys as required for Council	Staff time	<ul style="list-style-type: none"> Conduct surveys 	<ul style="list-style-type: none"> As required 	In progress	Ongoing as required

DECEMBER QUARTERLY MANAGEMENT PLAN 2008/09 REVIEW						
Infrastructure Services						
Traffic, Emergency Services and CitySafe Operations						
	Project	Budget	Key action steps	Target date	Status	Explanation on Progress to Date
1	Manage the CitySafe Program for both Lismore and Nimbin	Staff time and recurrent budget	<ul style="list-style-type: none"> Ensure safety patrols and monitoring are carried out where appropriate in accordance with the community needs and as agreed with the CitySafe Committee Review and upgrade CCTV equipment Respond to maintenance of system Produce CitySafe newsletter for Lismore Conduct regular CitySafe meetings for Lismore and Nimbin Conduct camera monitoring for both Nimbin and Lismore camera systems 	<ul style="list-style-type: none"> As per agreement Jun 09 As required Monthly Monthly Weekly or as agreed 	In progress	Ongoing
2	Co-ordinate traffic facilities investigations and installations	Staff time and recurrent budget	<ul style="list-style-type: none"> Analyse, prioritise and manage traffic requirements having regard to the special needs of those with mobility problems Service the Traffic Advisory Committee and represent on other Council Committees Arrange installation of minor traffic facilities 	<ul style="list-style-type: none"> Ongoing Monthly As required 	In progress	Ongoing
3	Co-ordinate operation and maintenance of flood levee system	Staff time and recurrent budget	<ul style="list-style-type: none"> Ensure maintenance of flood levee system carried out Co-ordinate operation of levee system with other emergency agencies 	<ul style="list-style-type: none"> As per schedule As required during flood events 	In progress	Latest audit undertaken October 2008
4	Implement strategies to improve awareness of flood related issues throughout Lismore and surrounding communities	Staff time and recurrent budget	<ul style="list-style-type: none"> Service the Lismore Flood Reference Group Determine and implement communication strategies in consultation with the Lismore Flood Reference Group 	<ul style="list-style-type: none"> Quarterly As required 	In progress	Quarterly meetings held
5	Investigate and complete further modifications to the outlets and electrical switchboard at Browns Creek Pump Station to improve the efficiency of the pumps (dependent upon receiving funding from Richmond River County Council)	Staff time and \$50,000 for construction – to be sourced from Richmond River County Council	<ul style="list-style-type: none"> Investigate requirements to modify outlets and switchboard Obtain quotations for work Secure funding from Richmond River County Council Complete the work 	<ul style="list-style-type: none"> Aug 08 Sept 08 Nov 08 Feb 09 	Complete	

DECEMBER QUARTERLY MANAGEMENT PLAN 2008/09 REVIEW						
	Infrastructure Services					
	Fleet Operations, Workshop and Signshop					
Project		Budget	Key action steps	Target date	Status	Explanation on Progress to Date
1	Develop and implement a 10 year plant replacement plan	Staff time	<ul style="list-style-type: none"> Review existing fleet information and gather and analyse data Develop replacement criteria for each plant item Complete Replacement Plan Incorporate into 2009/10 Management Plan 	<ul style="list-style-type: none"> Sept 08 Nov 08 Feb 09 April 09 	Complete	Existing information has contained some gaps. Work is under way to correct this with plant lists brought up to date and information regarding replacement criteria added.
2	Install suitable workshop management software	Staff time \$30,000	<ul style="list-style-type: none"> Review and assess alternative software systems Select and install software Reporting commenced Develop complete fleet data input to available fields Review Authority modules and establish management tools Recommend system changes if necessary 	<ul style="list-style-type: none"> July 08 Oct 08 Mar 09 Sept 08 Mar 09 Mar 09 	Complete In Progress Not Started	Initial criteria have been determined for each plant item. These will require further review at a regular interval. The two year plan is almost complete. Ten year plan will flow from that. Software options reviewed - Ausfleet appears best alternative.
3	Review fleet management capabilities of Authority systems	Staff time			Complete	Issues with Authority interfacing using plant numbers is being investigated so as not to duplicate work in two systems. Demonstrations by Civica (AIM) and Ausfleet in January to sort out final issues. Now expect to place order by end January.
					Complete	Data fields defined and data being added as it becomes available. Mostly complete.
					In Progress	Discussions with Authority and Finance are progressing regarding options and simplification of data entry and retrieval. Ausfleet decision will effect development of modules.
					In Progress	Changes recommended regarding fuel use management in Authority - awaiting outcome.

DECEMBER QUARTERLY MANAGEMENT PLAN 2008/09 REVIEW							
	Infrastructure Services						
	Waste Services						
	Project	Budget	Key action steps	Target date	Status	Explanation on Progress to Date	
1	Progress landfill concept planning	\$150,000	<ul style="list-style-type: none"> Review of draft strategy Develop detailed engineering plans for proposed cell development 	<ul style="list-style-type: none"> Aug 08 May 09 	Complete	Draft concept plan finalised and submitted to DECC and Council Planning departments.	
					In Progress	Initial Major Project meeting held in October. ERM not yet supplied costings - there role yet to be determined. Hired Bob Amaral (professional landfill designer) to develop drawings - expect delivery March.	
2	Develop regional recyclables strategy	Staff time	<ul style="list-style-type: none"> Establish Dialogue with surrounding Councils Develop action plan 	<ul style="list-style-type: none"> July 08 Oct 08 	Complete	Initial contacts suggest willingness to use central MRF but operate own collection systems.	
					In Progress	Items being assessed include - Review of Alternative processes and costings/ involvement of other Councils / impact of market forces. World economy has severely effected prices for recovered items - reviewing options with range of prices.	
3	Review waste collection strategy for commercial and multiple unit dwellings	Staff time	<ul style="list-style-type: none"> Review trial Report to Council 	<ul style="list-style-type: none"> July 08 Sept 08 	Complete	Trial successful on increased recycling volumes/ improved waste services usage in Housing Dept area/ improved amenity at units.	
					Complete	Council adopted report to proceed. Rollout commenced.	

DECEMBER QUARTERLY MANAGEMENT PLAN 2008/09 REVIEW						
	Infrastructure Services					
	Lismore Memorial Services					
	Project	Budget	Key action steps	Target date	Status	Explanation on Progress to Date
1	Commence Bushland Cemetery activities	Recurring operational budget	<ul style="list-style-type: none"> Finalise procedures for Bushland burials Promote concept Establish infrastructure to enable commencement of burials 	<ul style="list-style-type: none"> Sept 08 Oct 08 May 09 	Complete	Procedures developed.
2	Develop a detailed LMG infrastructure improvement plan	Staff time	<ul style="list-style-type: none"> Identify strategy and list developments Prepare costing for developments Paper submitted to Excom 	<ul style="list-style-type: none"> Aug 08 Feb 09 April 09 	Complete	Local, State and international coverage received
3	Review of services provided	Staff time	<ul style="list-style-type: none"> Review of services provided by other Memorial Garden operations Shortlist of proposed changes Introduction of new services 	<ul style="list-style-type: none"> Oct 08 Dec 08 Mar 09 	Complete	First burial conducted.
					In Progress	A list of items including a larger chapel/ additional crematorium / additional parking and post service facilities identified as development strategies
					Not Started	Design work under way to allow budget pricing to progress
					Complete	Funeral home facilities/ alternative memorial options/ post service facilities are main items offered elsewhere in addition to LMG services.
					Complete	In order listed above.
					In Progress	EOI from Invocare accepted to operate Funeral Home on site. Leases drafted. Building refit completed.

DECEMBER QUARTERLY MANAGEMENT PLAN 2008/09 REVIEW						
	Infrastructure Services					
	Quarry & Asphalt Services					
	Project	Budget	Key action steps	Target date	Status	Explanation on Progress to Date
1	Refine Mobile Crushing Strategy	Staff time	<ul style="list-style-type: none"> Review issues and develop action items to address problem areas 	<ul style="list-style-type: none"> Aug 08 	Complete	Staffing issues addressed. Plant issues largely solved. Maintenance scheduling being developed as data collected. Increase in work at Ballina has led to contract and hired equipment being used there and LCC plant being utilised to improve aggregate stockpiles at Blakebrook.
		Operational budget	<ul style="list-style-type: none"> Trial TSAB tertiary crusher 	<ul style="list-style-type: none"> Oct 08 	Complete	TSAB increased production rates and improved product mix. Further trials with cone crusher produced even better result. Cone crusher currently on hire (to be included in 09/10 budget to purchase).
			<ul style="list-style-type: none"> Increase production 	<ul style="list-style-type: none"> Dec 08 	Complete	October production supervisor resignation and other staff movements have set back development. Contract supervisor commenced November resigned January. Recruitment under way to correct this. Production and downtime rates are improving steadily.
2	Progress 3A application	Staff time	<ul style="list-style-type: none"> Address issues raised by State Planning 	<ul style="list-style-type: none"> Oct 08 	In Progress	All items except groundwater addressed. Meeting with DWE on site organised for early November. Awaiting DWE comment on submission prior to sending to Planning Dept. Expect completion late January.
			<ul style="list-style-type: none"> Obtain approval from State Govt 	<ul style="list-style-type: none"> Mar 09 	Not Started	Submission dependant on DWE expectations.
3	Review regional quarry opportunities	Staff time	<ul style="list-style-type: none"> Develop list of operational quarries in the area 	<ul style="list-style-type: none"> Sept 08 	Complete	List compiled
			<ul style="list-style-type: none"> Review potential of regional quarries for opportunities for LCC 	<ul style="list-style-type: none"> Dec 08 	In Progress	Initial assessment of opportunities under way. May take longer than anticipated to gather relevant information and staff time being utilised by the Ballina bypass.
			Develop action plan	<ul style="list-style-type: none"> Feb 09 	Not Started	Anticipate completion mid 09.

DECEMBER QUARTERLY MANAGEMENT PLAN 2008/09 REVIEW							
	Development and Governance	Budget	Key action steps	Target date	Status	Explanation on Progress to Date	
	Planning Services						
	Project						
1	Customer Service in land use planning matters	Staff time	Respond efficiently to internal and external customer requests for interpretation of planning controls, permissibility of land uses, progress of assessment of DAs	As required	In Progress	Duty Planner' roster introduced to assist customers	
			Provide planning advice in response to referrals from other Sections of Council	As required	In Progress		
		Staff time	Ensure current planning information is available to the public, development industry and Councillors	As required	In Progress		
		Staff time	Participate in State Government regional planning initiatives	As required	Not commenced	No State Government regional planning initiatives currently underway	
		Staff time	Research response to planning enquiries for dwelling entitlement searches, zoning and consent histories, existing uses, etc	As required	In Progress		
		\$21,000	Maintain Heritage Advisory Service	As required	In Progress	Heritage Advisor available as required	
		\$16,400	Maintain Local Heritage Grants Program	Annual offer to community of grant funding	In Progress	Seven grant applications approved, two more under consideration.	
2	Prepare Local Environmental Study/Local Environmental Plan	\$15,500	Report draft LES/LEP to Council for endorsement of contents	Jul-08	Complete	Completed August 2008	
			Apply to DoP for S65 Certificate	Within 1 month of Council endorsement	Complete	Completed September 2008	
			Undertake community consultation	Commence within 1 month of receipt of Certificate	Not commenced	Awaiting determination of Council's consultation strategy and receipt of Certificate from DoP	
			Report outcomes of public exhibition to Council	Within 3 months of end of exhibition	Not commenced	Public exhibition cannot commence as yet (see above)	

	Planning Services (Cont)	Budget	Key action steps	Target date	Status	Explanation on Progress to Date
4	Update Development Control Plan	Staff time	Revise car parking chapter	Report to Council for adoption in Aug '08	In Progress	Council resolved on 12 December 2008 to exhibit draft DCP with revised requirements for service vehicles.
			Revise subdivision chapters	Public exhibition Sept 08 Finalise Dec 08	In Progress	Parts of Subdivision DCP redrafted.
			Prepare Stormwater Management chapter	Public Exhibition Sep-08 Finalise Dec-08	In Progress	Awaiting Technical Guidelines.
			Update villages chapters	Commence Jan-09 Community consultation Mar-09 Finalise June 09	Not commenced	Awaiting appointment of staff resource
			Revise DCP for consistency with LEP	Commence when DoP Certifies LEP	Not commenced	Certification not yet received
5	Prepare new S94 Contributions Plan	Staff time	Bruxner H'way Traffic Management Study commenced (TTM)	Jul-08	Complete	Study commenced
			Traffic Mgt Study completed	Nov-08	In Progress	Draft work to date requires revision
			S94 Working Party initiated	Jan-09	Complete	Meeting held
			Draft S94 Plan prepared	Mar-09	Not commenced	State Gov't issuing new requirements for S94 Plans
6	Prepare City Gateway Strategy	Staff time	Co-ordinate project team.	Jan-09	Commenced	Project team set up
			Identify design/landscaping requirements		In Progress	
			Prepare Implementation Schedule		Not commenced	
7	Review Rural Housing Strategy	Funding to be allocated	Obtain funding	Commence Mar 09 (if funding available)	Not commenced	No funding available
			Prepare brief		Not commenced	No funding available
			Engage external consultants		Not commenced	No funding available

	Planning Services (Cont)		Budget	Key action steps	Target date	Status	Explanation on Progress to Date
8	Efficient assessment of land use development applications			Monitor and review land use DA assessment processes	Quarterly	In Progress	Process complies with State regulation
				Monitor status of lodged DAs: identify and address any reasons for delay in assessment	Monthly	In Progress	
9	Ensure compliance with planning controls and development consents			Ensure efficient assessment of applications for subdivision certificates	Monitor monthly	In Progress	Applications prioritised and finalised within 10 days
				Investigate allegations of illegal land use	As required	In Progress	20 matters investigated
				Ensure compliance with consent conditions	Nov-08	Complete	Payment of outstanding contributions requested.
					Apr-09		

DECEMBER QUARTERLY MANAGEMENT PLAN 2008/09 REVIEW						
Development and Governance						
Building Services						
	Project	Budget	Key action steps	Target date	Status	Explanation on Progress to Date
1	Customer Service	Recurring budget	<ul style="list-style-type: none"> Prove information and assistance to clients 	<ul style="list-style-type: none"> As required 	In progress	This is ongoing and occurs on daily basis
2	Assessment approval processes, inspections	Recurring budget	<ul style="list-style-type: none"> Undertake legislative assessments and inspections Planning Services DA referrals undertaken 	<ul style="list-style-type: none"> Ongoing As required 	In progress	DA's and CC's assessed as submitted
3	Fire Safety program	Recurring budget	<ul style="list-style-type: none"> Identify buildings requiring fire orders Implement actions on outstanding fire orders Implement Essential Services Program 	<ul style="list-style-type: none"> Ongoing Ongoing Ongoing 	In progress	Referrals undertaken as required
4	Policy Development and implementation	Recurring budget	<ul style="list-style-type: none"> Implement relevant policy changes including state government reforms 	<ul style="list-style-type: none"> As required 	In progress	This is an ongoing process. Nimbin strategy being established
5	Swimming Pool Safety Program	Recurring budget	<ul style="list-style-type: none"> Maintain pool inspection program Implement pool awareness and education to the community 	<ul style="list-style-type: none"> Ongoing Ongoing 	In progress	Notices issued and premises inspected
6	Regulatory Enforcement	Recurring budget	<ul style="list-style-type: none"> Ensure investigation and implementation of enforcement of legislation 	<ul style="list-style-type: none"> As required 	In progress	Annual fire safety statements continue to be collated and followed up
						Anticipated legislation reforms on Councils Building Services are currently being monitored for likely required implementation May 2009.
						65 inspections and 13 follow up inspections for quarter
						Council developed brochure that is issued to pool owners that have pools that are not up to the required standard.
						Enforcement of illegalities within Building Sector continues with issued of Orders, etc.

DECEMBER QUARTERLY MANAGEMENT PLAN 2008/09 REVIEW						
Development and Governance						
Environmental Health						
Project	Budget	Key action steps	Target date	Status	Explanation on Progress to Date	
1 Customer Service	Recurring budget	<ul style="list-style-type: none"> Provide environmental and public health advice to internal and external clients Respond to community requests and enquiries 	<ul style="list-style-type: none"> Ongoing 	In progress		
2 Assessment approval processes, inspections and enforcement	Recurring budget	<ul style="list-style-type: none"> Undertake environmental and public health assessments Undertake Regulatory enforcement/education 	<ul style="list-style-type: none"> Ongoing 	In progress	This is undertaken as required with submission of DA's and reports	
3 Public Health Management	Recurring budget	<ul style="list-style-type: none"> Implement commercial premises risk assessment strategy Undertake Public Health assessments Implement legislative/policy/guideline changes Provide education/information to clients Clean Up Australia Day (CUAD) 	<ul style="list-style-type: none"> As required As required Legislative changes reported As required Mar 09 	In progress	Enforcement is undertaken as required	
4 On-Site Sewage Management	Recurring budget	<ul style="list-style-type: none"> Undertake inspections Implement legislative policy/guideline changes Provide education/information to clients Complete 2008 SOE Report Support SEPAG and implement and monitor SEPAG projects Implement Cleaner Waterways program Implement education and rehabilitation action 	<ul style="list-style-type: none"> 250 inspections per annum As required As required Nov 08 As required Ongoing Ongoing 	In progress	236 commercial premises inspections conducted for the quarter	
5 Natural Resource Management	Recurring budget			Completed	Undertaken with each commercial premises DA	
6 Cleaner Waterways Program (Stormwater Management)	Annual charge			Not started	Council has joined partnership with NSW Food Authority as Required.	
7 Catchment Management	Recurring budget			In progress	One to one campaign with commercial premise operator	
8 Environmental monitoring	Recurring budget			In progress	Program is undertaken in March 2009	
9 Cities for Climate Protection Program	Recurring budget			In progress	63 - Inspections 12 - Upgrade Installations approved 16 - Orders Issued Implemented as required	
10 Southern Cross University Affiliation	Recurring budget			In progress	Reed bed study document investigated Adopted by Council in November 2008	
				In progress	Maintenance of stormwater treatment devices Oliver Ave remediation & planning Show and Expo education programs	
				In progress		
				In progress	Currently undertaken monthly- results in SOE	
				In progress	Progression through Councils Local Action Plan LAP).	
				In progress	Retrofit Corporate Centre lighting.	

Lismore City Council
Meeting held February 10, 2009 – Management Plan Review – December 2008

DECEMBER QUARTERLY MANAGEMENT PLAN 2008/09 REVIEW						
	Development and Governance					
	Economic Development					
	Project	Budget	Key action steps	Target date	Status	Explanation on Progress to Date
1	BUSINESS DEVELOPMENT / INVESTMENT ATTRACTION					
	Provide support information, advice and assistance to attract investment and/or encourage industry and business development in the Lismore LGA	\$20,000	<ul style="list-style-type: none"> Continue with the provision of holistic advice and assistance to business people seeking to invest, expand or relocate their businesses in the Lismore LGA 	<ul style="list-style-type: none"> Ongoing 	In Progress	Business advice team has responded to 15 face to face business & investment related enquiries and 35 telephone enquiries; focussing also on CBD revitalisation project
	Communication with the business community	\$25,000	<ul style="list-style-type: none"> Support the establishment of the Small Business Incubator Generate quality information for local business people and potential investors benchmarking Lismore as a city and regional centre Conduct or support industry workshops and/or events with key industry sectors to strengthen local industry, broaden networks and information sources 	<ul style="list-style-type: none"> Ongoing to April 09 Ongoing 1 per year Quarterly 	<ul style="list-style-type: none"> In Progress In Progress Not Started Yet In Progress 	<ul style="list-style-type: none"> Negotiating sale of land to incubator developers; discussing fill and compaction requirements and road improvements "Invest in Lismore" website currently undergoing testing with potential stakeholders Seeking out relevant trade show to promote Lismore to potential investors and residents 2 x Women in Business Networking functions conducted, averaging 30 attendees/month
	Town Centre Management	\$40,000	<ul style="list-style-type: none"> Engage a Centre Manager for Lismore's CBD as part of an overall strategy to bring about revitalisation of the town centre 	<ul style="list-style-type: none"> Oct 08 	In Progress	Proceeding to prepare Position Profile for 18 month contract position of City Centre Manager (funded via SBRVL), with a view to advertise in the New Year
	SBRVL Lismore Promotion Program	Staff time	<ul style="list-style-type: none"> EDU management of the Lismore Promotion Program to maximise businesses' SBRVL contributions and develop businesses' knowledge of how to gain leverage and capitalise on marketing and promotion campaigns 	<ul style="list-style-type: none"> April 09 Ongoing Quarterly 	<ul style="list-style-type: none"> In Progress In Progress In Progress 	<ul style="list-style-type: none"> "Lismore Alive" project, a pre-cursor to the City Centre Manager, commenced in November Final round of EOIs invited and closed with 7 applications; 6 approved at the December Council meeting, including the engagement of a City Centre Manager, effectively committing all SBRVL funds for 2008/09 SBRVL newsletter, "Lismore Leader" distributed in December to 3,000 business owners and 1,100 property owners - database progressively compiled of all business owners in the Lismore Urban area

Economic Development (Cont)									
	Project	Budget	Key action steps	Target date	Status	Explanation on Progress to Date			
2	RIVER BANK Wilsonts River Re-development – ongoing improvements	Staff time	<ul style="list-style-type: none"> Develop marketing material and branding for Wilsonts River Experience Walk, Café and Culture Trail and CBD Historic Interest Walk 	<ul style="list-style-type: none"> Nov 08 	Not Started Yet	Federal funding has been received for a further two historic sites in and around the Lismore Visitor Centre and work has instead been prioritised in this area			
		Recurring budget	<ul style="list-style-type: none"> Complete Plan to remove invasive species from CBD riverbank 	<ul style="list-style-type: none"> Oct 08 	Not Started Yet	As above			
			<ul style="list-style-type: none"> Document process for further historic sites in Spinks Park 	<ul style="list-style-type: none"> Oct 08 	Not Started Yet	As above			
3	LISMORE REGIONAL AIRPORT Lismore Regional Airport – operations, safety and security programs	Staff time	<ul style="list-style-type: none"> Manage the airport facility in accordance with Operations Manual, incorporating the airport Safety Management System and the Transport Security Program 	<ul style="list-style-type: none"> Ongoing 	In Progress	Annual audit by Office of Transport Security revealed there were no non-conformances; 17,333 passengers travelled in and out of Lismore Airport for the quarter, which is 8% down on the same quarter for 2007; head tax for the same period is also 8% or \$13,259 down for the same period. The result is better than expected given the economic downturn and state of the world economy. Lismore Airport caters for the business passenger market, so our results are better than airports geared towards the tourism market.			
		\$40,000	<ul style="list-style-type: none"> Revalidate staff training and hand wand screening system for a heightened security alert situation 	<ul style="list-style-type: none"> Every 12 months 	Not Started Yet	Staff training not required this quarter			
		Recurring Budget	<ul style="list-style-type: none"> Statutory reviews of the airport Transport Security Program and Standard Security Procedures 	<ul style="list-style-type: none"> Nov 08 	Complete	Annual audit by Office of Transport Security undertaken and revealed there were no non-conformances			
		Capital Works	<ul style="list-style-type: none"> Remediate southern 400 metres of runway 	<ul style="list-style-type: none"> Aug 08 	In Progress	Research on best "fix" to suit the budget completed; preparation for actual remediation works commencing in earnest			
		Recurring Budget	<ul style="list-style-type: none"> Review 20 year Pavement Management Plan Continue with upgrade program to airport gardens 	<ul style="list-style-type: none"> Aug 08 Mar 09 	Complete	Review undertaken			
			<ul style="list-style-type: none"> Review drainage across entire airport site 	<ul style="list-style-type: none"> Mar 09 	Not Started Yet	Gardens in terminal car park undergoing progressive upgrade			
4	FESTIVALS AND EVENTS Attract three new major external events	\$15,000	<ul style="list-style-type: none"> Develop a Master Plan 	<ul style="list-style-type: none"> June 09 	Not Started Yet				
		* pending sale of airport land							
		Staff time	<ul style="list-style-type: none"> Bid for two State-level conferences Bid for one major swimming event 	<ul style="list-style-type: none"> June 09 June 09 	In Progress	Won bids for women's "W" League soccer in November 2008 and an NRL Pre-Trial Game in February 2009			

Economic Development (Cont)										
Project		Budget	Key action steps		Target date	Status	Explanation on Progress to Date			
4	Continue to support events that have an economic benefit to Lismore LGA	Staff time	Assist with events such as: World Youth Day, Tropical Fruits, January Sporting events, Germ Fest		▪ Ongoing	In Progress	Tropical Fruits New Year's Eve party, the Retailer's Christmas Carnival, together with the "W" League Football game were supported by the Events Team this quarter			
	Event Marketing Plan to attract new visitation to Lismore LGA	Staff time	▪ Implement the Event Marketing Plan (2009 – 2012) actions		▪ Ongoing	Not Started Yet	The "Sports Specific" Event Plan has taken precedence over this Plan for the moment, as the Events Team has achieved early success in attracting sports based events to Lismore, e.g.. "W" League match			
		\$9,000	▪ Develop a "Sports Specific" Event Marketing Plan which will examine satisfaction rates relevant to venue capabilities and Council support delivery		▪ Oct 08	Complete	Plan being implemented - see above			
TOURISM										
5	Implement Tourism Strategic Plan (3 – 5 years)	\$9,273	▪ Develop Tourism Strategic Plan		▪ June 09	In Progress	Successful in receiving matched funding from the State Government			
	Ongoing marketing and promotion	*subject to success with \$9,272 in govt funding								
		Staff time	▪ Continue ongoing market research for Lismore LGA		▪ May 09	In Progress	Monthly statistics collected at Lismore and Nimbin Visitor Centres			
		\$7,300	▪ Implement actions and signage strategy		▪ Jan 09	Complete	Lismore gateway signage progressively refreshed			
		Staff time	▪ Upgrade Lismore Tourism website		▪ Aug 08	In Progress	Progressive upgrades and improvements undertaken on www.visitlismore.com.au			
		\$3,000	▪ Develop Nimbin Tourism website in consultation with Nimbin community stakeholders		▪ April 09	In Progress	Continuing preliminary discussions with Nimbin community stakeholders			
		\$8,000	▪ Promote and attract media coverage and attention designed to boost tourism visitation to Lismore LGA		▪ June 09	In Progress	Lismore Destinations TV Promotions campaign undertaken; funding secured from SBRVL, Tourism NSW, Federal Government and industry buy-in			
			• Review all available local produce to develop a greater range of merchandise		▪ June 09	In Progress	New products being reviewed for Christmas release			
Ongoing improvements to Lismore Visitor Information Centre	Staff time	• Continue improvements to the Visitor Information Centre		▪ June 09	In Progress	Rainforest display to be refreshed with aid of IHP funding				
Further support to enhance the development of the tourism industry in Nimbin; upgrade provision of information services to village visitors	\$69,360	• Continue operation of Nimbin Visitor Information Centre		▪ July 08	In Progress	The Nimbin Visitor Centre saw a marked increase in visitor numbers this summer; at the peak of the holiday season, numbers increased 30% from an average of 250 per day to				

DECEMBER QUARTERLY MANAGEMENT PLAN 2008/09 REVIEW						
	Development and Governance					
	Information Services					
	Project	Budget	Key action steps	Target date	Status	Explanation on Progress to Date
1	Continue with the implementation of the Electronic Document Management System	Reserve	<ul style="list-style-type: none"> Recruit for Systems Administrator Commence Software Implementation Go Live 	<ul style="list-style-type: none"> Sept 08 Oct 08 Mar 08 	<ul style="list-style-type: none"> Complete In progress 	<p>A Systems Administrator (now called the TRIM Project Officer) has been recruited and commenced work in October 2008. This is a 12 month contract.</p> <p>The implementation of the TRIM EDM has now commenced. The initial system has been established with customisation to occur over the next few months. Expected Go Live is February 2009</p>
2	Commence Server consolidation/replacement program	Recurrent	<ul style="list-style-type: none"> Implementation of server virtualisation software Consolidation of Servers complete 	<ul style="list-style-type: none"> Aug 08 May 09 	<ul style="list-style-type: none"> In progress In progress 	<p>Initial trials of virtualisation have commenced with a number of non-critical systems running on a virtual server. Awaiting further developments by Microsoft to implement further.</p> <p>All live corporate SQL Server database systems have now been consolidated onto a single server.</p>
3	Further utilisation of the AUTHORITY system	Recurrent	<ul style="list-style-type: none"> Review use of all modules in both Authority and I-Services Identify training needs and deliver where funding is available 	<ul style="list-style-type: none"> Ongoing Ongoing 	<ul style="list-style-type: none"> In progress In progress 	<p>Review has commenced. Issues have been identified for some modules.</p> <p>Additional training has been provided for Assets and payroll modules. Additional training for financial reporting from Authority scheduled for November 2008</p>
4	Enhance Disaster Recovery facility at LSAC	Recurrent	<ul style="list-style-type: none"> Identify opportunities for developing LSAC as an IT DR site Commence acquisition of DR equipment and technologies 	<ul style="list-style-type: none"> Mar 08 Mar 09 	<ul style="list-style-type: none"> In progress 	<p>basic infrastructure has been acquired. Connectivity will be established once the building is complete.</p>

DECEMBER QUARTERLY MANAGEMENT PLAN 2008/09 REVIEW						
	Development and Governance					
	Community Services					
	Project	Budget	Key action steps	Target date	Status	Explanation on Progress to Date
1	National Living Library Strategy	\$75,000	<ul style="list-style-type: none"> Develop website and resources Develop and implement promotional strategy Establish National Network Evaluation and Final report 	<ul style="list-style-type: none"> July 08 Oct 08 Oct 08 July 09 	<ul style="list-style-type: none"> Completed Completed Completed In progress 	<ul style="list-style-type: none"> (Currently 68 living libraries have been established across Australia.) The project has received additional funding for a further 6 months. An evaluation will be conducted following the completion of the entire 18 months.
2	New 5 Year Disability, Access and Inclusion Plan (DAIP)	\$15,000	<ul style="list-style-type: none"> Develop brief for consultant Appoint consultant Draft DAIP received DAIP completed 	<ul style="list-style-type: none"> July 08 July 08 Aug 08 March 09 	<ul style="list-style-type: none"> Completed Completed Completed In progress 	<ul style="list-style-type: none"> A draft has been received but requires some fine tuning prior to completion. Completion is anticipated in March 09.
3	Social and Community Plan	\$7,000	<ul style="list-style-type: none"> Implement strategies identified within the Plan for 2008-2009 	<ul style="list-style-type: none"> Ongoing 	<ul style="list-style-type: none"> In progress 	<ul style="list-style-type: none"> Implementation is ongoing.
4	Crime Prevention Plan	\$17,500	<ul style="list-style-type: none"> Implement of crime prevention strategies Bi-monthly consultation with NGOs for program delivery 	<ul style="list-style-type: none"> Ongoing 	<ul style="list-style-type: none"> In progress 	<ul style="list-style-type: none"> Implementation is ongoing.
5	Crime Prevention	\$40,000 (pending NSW AG funding)	<ul style="list-style-type: none"> Ongoing implementation coordination by staff Delivery of violence prevention training to Indigenous youth Deliver two Train the Trainer courses Deliver three violence prevention programs to young people 	<ul style="list-style-type: none"> Ongoing 	<ul style="list-style-type: none"> Completed 	<ul style="list-style-type: none"> See dot point 3 below.
6	Homeless Shelter	\$20,000	<ul style="list-style-type: none"> Coordinate project partners to finalise management for the shelter Implement mitigation strategies identified in the Social Impact Assessment Assist project partners in seeking operational funds 	<ul style="list-style-type: none"> July 09 	<ul style="list-style-type: none"> In progress 	<ul style="list-style-type: none"> This project has changed direction due to lack of broad partner support and the federal government conditioning its \$200,000 grant effectively prohibiting a shelter in flood prone areas. Council will continue to support St Vincent de Paul as the lead agency in the development of a shelter that may potentially be able to access the federal funding. The project is ongoing.
7	Lismore Sports and Aquatic Centre		<ul style="list-style-type: none"> Provide best practice advice on function and fit-out components Determine management model Recruit Centre manager 	<ul style="list-style-type: none"> Ongoing July 08 3 months prior to opening Feb 09 	<ul style="list-style-type: none"> In progress Completed Completed In progress 	<ul style="list-style-type: none"> Recruitment of centre manager completed. Recruitment of casual positions commenced through JHA. Recruitment to continue through to Feb 2009. As above.

	Community Services (Cont)	Budget	Key action steps	Target date	Status	Explanation on Progress to Date
	Project					
8	Cultural Precinct		<ul style="list-style-type: none"> Continue to lobby state and federal government for funding Develop affordable concept design for new gallery building 	<ul style="list-style-type: none"> Ongoing July 08 	<ul style="list-style-type: none"> In progress Completed 	<ul style="list-style-type: none"> Concept design presented at Council Workshop in November 2008.
9	Riverview Park Plan of Management		<ul style="list-style-type: none"> Review previous plan (generic) 	<ul style="list-style-type: none"> July 08 	Not started	To be outsourced to a consultant, commencing April 2009. Staff have been unable to complete the plan due to the ongoing demands of GSAC.
			<ul style="list-style-type: none"> Consult with user groups 	<ul style="list-style-type: none"> June 08 		As above.
			<ul style="list-style-type: none"> Draft plan completed 	<ul style="list-style-type: none"> Sept. 09 		As above.
			<ul style="list-style-type: none"> Final plan completed 	<ul style="list-style-type: none"> Nov 09 		As above.
10	Nesbitt Park		<ul style="list-style-type: none"> Endorse draft Master Plan Construct children's playground, Stage One 	<ul style="list-style-type: none"> July 08 Mar 09 	<ul style="list-style-type: none"> Completed In progress 	<ul style="list-style-type: none"> Detailed plans are being developed as part of Development Application to be lodged prior to the end of the year.
			<ul style="list-style-type: none"> Construct shade structure over playground 	<ul style="list-style-type: none"> April 09 	Not started	A shade structure has been relocated within the park to a more suitable location next to the proposed playground.

DECEMBER QUARTERLY MANAGEMENT PLAN 2008/09 REVIEW						
	Development and Governance					
	Gingerbread House					
	Project	Budget	Key action steps	Target date	Status	Explanation on Progress to Date
1	Renovation of front playground (pending budget allocation)	\$12,000	<ul style="list-style-type: none"> Kidsafe inspection Review recommendations Obtain quotes Oversee works 	<ul style="list-style-type: none"> July 08 July 08 July 08 Sept 08 	<ul style="list-style-type: none"> Completed Completed Completed In Progress 	<ul style="list-style-type: none"> Plans in final stages for playground work to commence in 2nd last week in January 2009 Done Work almost completed
2	Form committee to organise 20 Year celebrations for Gingerbread House service (October 2008)	Recurring budget	<ul style="list-style-type: none"> Advertise for committee members in newsletter Meet on a regular basis to plan celebrations Undertake celebrations 	<ul style="list-style-type: none"> July 08 Oct 08 	<ul style="list-style-type: none"> Completed Completed In Progress 	<ul style="list-style-type: none"> Committee called. 2 meeting held. Celebration planned for April 2009. Committee meetings continuing.
3	Prepare for DOCs licensing at end of 2008	\$500	<ul style="list-style-type: none"> Complete all relevant paperwork for self-evaluation. 	<ul style="list-style-type: none"> From July 08 	<ul style="list-style-type: none"> Completed 	<ul style="list-style-type: none"> All paper work completed. Self evaluation done by all staff.
4	Continue to support diversity and promote cross-cultural exchange	N/A	<ul style="list-style-type: none"> Promote Gingerbread House services to diverse community groups Provide service and advocacy for refugee families, Women's Refuge, Women Up North Consult with group organisers/representatives Consult with refugee support groups Approach Rural Health re Indigenous children at caravan parks 	<ul style="list-style-type: none"> Ongoing 	<ul style="list-style-type: none"> In Progress In Progress In Progress In Progress Not started 	<ul style="list-style-type: none"> All groups supported. Rural Health project not started. Ongoing Ongoing We will support this project once initiated by Lismore Family Support or another community agency.
5	Re-organise front office space	\$250	<ul style="list-style-type: none"> Consult with staff and develop room plan Re-arrange furniture and fittings 	<ul style="list-style-type: none"> Aug 08 	<ul style="list-style-type: none"> In Progress 	<ul style="list-style-type: none"> Staff discussion held
6	Plan and hold a grandparents' day	\$50	<ul style="list-style-type: none"> Set a date Send out notices Host event 	<ul style="list-style-type: none"> Dec 08 Aug 08 	<ul style="list-style-type: none"> In Progress Completed Completed 	<ul style="list-style-type: none"> Furniture available from council. Held 15th May 2008

DECEMBER QUARTERLY MANAGEMENT PLAN 2008/09 REVIEW						
Development and Governance						
	Koala					
	Project	Budget	Key action steps	Target date	Status	Explanation on Progress to Date
1	Implement the NCAC Quality Improvement and Accreditation System	Recurring budget	<ul style="list-style-type: none"> Use Centre's ongoing NCAC Improvement Plan to devise and implement a work plan Consult with Koala Advisory Panel, clients and staff to assess current standards of care Meet licence requirements Conduct client surveys 	<ul style="list-style-type: none"> Feb 09 Monthly Annually Quarterly 	<ul style="list-style-type: none"> In progress Ongoing Completed Ongoing 	<ul style="list-style-type: none"> Finalising Centre's self study and continuing improvement plan. Last meeting held Dec 4. New licence granted - 2008 - 2011. New online annual DOCS report Oct 29. Completed in December - positive response.
2	Encourage community involvement in Centre's operations	Recurring budget	<ul style="list-style-type: none"> Network with local community services to meet child, client and staff needs Continue with referral process for children's additional developmental needs Liaise with families regarding Centre's program evaluation Utilise community resources to reflect the Centre's cultural diversity 	<ul style="list-style-type: none"> Bi-monthly Ongoing Quarterly Ongoing 	<ul style="list-style-type: none"> Ongoing Ongoing Ongoing Ongoing 	<ul style="list-style-type: none"> Local Child Care Centre Network meeting hosted at Koala Dec 1. Working with Communities for Children and Child and Family Health to meet children's additional needs. Sent out in December. Contact made with Local Bundjalung Elder with possible invitation to an elders meeting in early 2009.
3	Provide programs that respond to the developmental needs of the children	Recurring budget	<ul style="list-style-type: none"> Provide staff non-contact teaching time to allow for program evaluation Consult with clients to assess children's individual needs, skills and interests Review children's learning environment to stimulate their curiosity and interest Provide quarterly developmental summaries of children to client families 	<ul style="list-style-type: none"> Ongoing Ongoing Ongoing Quarterly 	<ul style="list-style-type: none"> Ongoing Ongoing Ongoing Ongoing 	<ul style="list-style-type: none"> Every fortnight. Portfolio sent home on a bi-monthly basis. Use of emergent curriculum in program development. Families received December.
4	Provide appropriate staff training	Recurring budget	<ul style="list-style-type: none"> Identify individual staff training needs through the skills assessment and performance evaluation systems Staff attendance at available staff training 	<ul style="list-style-type: none"> Quarterly/annual needs identification Monthly assessment 	<ul style="list-style-type: none"> Ongoing Ongoing 	<ul style="list-style-type: none"> Staff annual skills assessments conducted and submitted to Council on Dec 3. Staff attended annual Fire training with Denis Drew Nov 12.
5	Building maintenance	Recurring budget	<ul style="list-style-type: none"> Replace Possums Room air-conditioner Replace damaged timber on Centre entry alcove 	<ul style="list-style-type: none"> Dec 08 April 09 	<ul style="list-style-type: none"> In progress Ongoing 	<ul style="list-style-type: none"> Service indicates a new system not required as yet. Liaising with Council's Assets Services to coordinate.

DECEMBER QUARTERLY MANAGEMENT PLAN 2008/09 REVIEW						
	Development and Governance					
	Outside School Hours					
	Project	Budget	Key action steps	Target date	Status	Explanation on Progress to Date
1	Children's Art Competition	\$100	<ul style="list-style-type: none"> Consult local businesses including LCC to display works of art produced by the children and seek sponsorship to provide prizes 	<ul style="list-style-type: none"> Nov 08 	In Progress	Term 4 Program complete. Start date for the competition is 10.11.08 completion date 24.11.08.
2	Police Anti-Bullying Campaign	\$0	<ul style="list-style-type: none"> Visit from Police Community Liaison officer to give advice and information to children on the effects of bullying and what actions the children need to take if this is affecting their daily lives 	<ul style="list-style-type: none"> Dec 08 	In Progress	Correspondence sent to Senior Constable Harris of Lismore Police Station. The Lismore Police will not answer our correspondence. The service has booked Brainstorm productions to come and perform their anti-bullying performance.
3	Paddle pop stick sculpture show	\$95	<ul style="list-style-type: none"> Children create their own conceptual sculptures for display at Lismore Library 	<ul style="list-style-type: none"> Apr 09 	Not Started	
			<ul style="list-style-type: none"> Arrange with the Lismore Library a suitable timeframe to display the works of art 			
			<ul style="list-style-type: none"> Families are invited to view their children's art works at the Library 			
4	International Day of Families 2009	\$0	<ul style="list-style-type: none"> To program a week of activities reflecting the concept of the family 	<ul style="list-style-type: none"> May 09 	Not Started	
			<ul style="list-style-type: none"> Encourage parents to donate time or skills that can be utilised in the week's activities 			
			<ul style="list-style-type: none"> Have an afternoon where parents are encouraged to have afternoon tea at the centre 			

DECEMBER QUARTERLY MANAGEMENT PLAN 2008/09 REVIEW						
	Development and Governance					
	Regional Art Gallery					
	Project	Budget	Key action steps	Target date	Status	Explanation on Progress to Date
1	Raise funds and lobby for the construction of the new building	\$23,000 + staff time	<ul style="list-style-type: none"> Form a network of people able to assist with fundraising Confirm contacts with government representatives 	<ul style="list-style-type: none"> Ongoing Oct 08 	In progress Complete	<p>This action is progressing as resourcing allows and will be aligned with the project management and funding strategy for the Olley Centre is put in place.</p> <p>Gallery Director and Deputy Director have established and confirmed contacts with Arts NSW - NSW Government's arts policy and funding body, Federal Member for Page - Janelle Saffin MP and Member for Lismore Thomas George MP. The gallery is in contact with Michael Goss, Arts NSW, who has recommended other funding opportunities for the gallery. The gallery will apply for funding from the Federal Governments Green Precincts Fund. The Lismore Cultural Precinct document was presented to The Hon. David Borger, BEC MP. Arts NSW have responded to our application for funding with a grant of \$110,000.</p>
2	Develop nationally significant exhibitions	Staff time	<ul style="list-style-type: none"> Curate exhibitions featuring nationally significant artists like Ricky Swallow, William Robinson and John Olsen 	Ongoing	In progress	The John Olsen and William Robinson exhibition did not receive funding from Visions Australia, the Gallery is considering options. The Tracey Moffatt exhibition opens on 13 march 2009. Tracey is one of the leading artists in Australia and this exhibition is of considerable national significance.
3	Provide input and specialist technical knowledge into the design of the new Gallery building	Staff time	<ul style="list-style-type: none"> Meet with stakeholders and research other facilities to evaluate the best model for Lismore's needs 	Ongoing	In progress	Revised draft concept plans and animation have been drawn up for a 1200m2 ground floor gallery space with mezzanine. Gallery Director continues to liaise with various stakeholders and galleries to research other facilities to develop the best model for the gallery's new building.
4	Grow the Gallery community and increase membership	Staff time	<ul style="list-style-type: none"> Develop support material for the newsletter, webpage, e-updates and panels that is informative and inclusive 	Ongoing	In progress	Support material is consistently developed for each exhibition. This support material includes catalogues, information panels and e-invites. This information is available in hard copy or online at the gallery website. The Newsletter has ceased as it is too expensive to print. The Gallery now encourages public to visit the website as our information is current and serves a similar purpose to the newsletter.
5	Develop a user-friendly website with full program details and projects online	Staff time	<ul style="list-style-type: none"> Provide staff training in specialists areas Consistently list full program on the website 	Ongoing	Complete In progress	<p>Gallery staff have received training to maintain, update and improve the gallery website.</p> <p>Past, current and future events and exhibitions are consistently displayed on the gallery website.</p>

DECEMBER QUARTERLY MANAGEMENT PLAN 2008/09 REVIEW						
	Development & Governance Library Services					
	Project	Budget	Key action steps	Target date	Status	Explanation on Progress to Date
1	Develop and maintain programs for children and teenagers	Recurring budget	<ul style="list-style-type: none">Expand Baby Bounce to Goonellabah branchDevelop monthly teenage program at Lismore LibraryContinue <i>Lismore Let's Read</i> program	<ul style="list-style-type: none">Sept 08July 08Ongoing	In Progress	Trailing this service in November
2	Promote the Library within the community	Recurring budget	<ul style="list-style-type: none">Make available display space to community organisationsParticipate in local events	<ul style="list-style-type: none">July 08July 08	Completed	These occur on every 2nd Thursday of each month. This has been successfully rolled out to library members.
3	Increase library membership	Recurring budget	<ul style="list-style-type: none">Offer extended library opening hours	<ul style="list-style-type: none">Ongoing	Completed	There have been a number of community displays
4	Maintain quality book stock	Recurring budget	<ul style="list-style-type: none">Read wide range of book reviewsFulfil Requests for PurchaseSource materials from variety of suppliersPurchase all locally produced materialMaintain a vigorous culling program	<ul style="list-style-type: none">OngoingOngoingOngoingOngoingOngoing	In Progress	Book review routinely read
5	Train and support staff	Recurring budget	<ul style="list-style-type: none">Ensure appropriate training is available to all staff	<ul style="list-style-type: none">Ongoing	In Progress	Books have been purchased as requested. Source books as appropriate. This is always done.
			<ul style="list-style-type: none">Source new training programs for inclusion in Training PlanReview staff training requests	<ul style="list-style-type: none">OngoingOngoing		Poor quality and out of date books are routinely culled. Staff at all levels have attended appropriate training in this quarter.
						Staff at all levels have attended appropriate training in this quarter.
						Always looking for new training opportunities/ Staff are encouraged to provide their own training requirements.

Report

Subject	Membership of Conduct Review Committee
File No	S44
Prepared by	Corporate Compliance Coordinator
Reason	Council resolution and legislative requirements
Objective	To appoint conduct reviewers
Strategic Plan Link	Leadership by Innovation
Management Plan Project	Councillors

Overview of Report

Council advertised for Expressions of Interest for people interested in being code of conduct reviewers. Four nominations were received and all are recommended for appointment.

Background

Council at its meeting of August 12, 2008 adopted a revised Code of Conduct and resolved to call for Expressions of Interest for Conduct Reviewers.

Prior to these expressions of interest being called for, discussions were held with surrounding Councils to determine if there was any interest in the formation of a joint Conduct Review Committee. At this stage, these discussions have not been successful so the decision was made to pursue Lismore's Conduct Reviewers on a stand alone basis.

This joint concept will be further pursued with the surrounding Councils.

Council advertised twice in the Northern Rivers Echo and a copy of the Expression of Interest circulated to Lismore based solicitors.

As a consequence, four nominations were received being:

Bronwyn Connolly, Keith Graham, Daniel Spain and Lindsay Taylor

All four nominations meet the criteria and they are recommended for appointment. The nomination details are separately enclosed.

Should an issue arise, the General Manager or in the case of complaints against the General Manager, the Mayor will decide if a review will be undertaken by a sole conduct reviewer or a Conduct Review Committee and will select the reviewers from the persons appointed by Council. The Code of Conduct, Section 14 sets out the operating guidelines from the Conduct Review Committee/Reviewer.

Comments

Financial Services

Not required.

Other staff comments

Not required.

Public consultation

Expressions of Interest were called for in the Northern Rivers Echo.

Recommendation

That:

1. Bronwyn Connolly, Keith Graham, Daniel Spain and Lindsay Taylor be appointed as Code of Conduct Reviewers for four years from the date of appointment.
2. Council continue to pursue with surrounding councils the options of joint conduct reviewers.
3. Mr David Wolfe be thanked for his past involvement in the role of a Code of Conduct Reviewer.

Report

Subject	Disclosure of Pecuniary Interest Returns 2007/08
File No	S18
Prepared by	Corporate Compliance Officer
Reason	Required by Department of Local Government
Objective	To meet the Guidelines Requirements
Strategic Plan Link	Leadership by Innovation
Management Plan Project	Administration Services

Overview of Report

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

Background

The Department of Local Government has issued a set of guidelines associated with the administrative process of the completion of Pecuniary Interest Returns. Returns for the newly elected Councillors are requested to be lodged within three (3) months of their election and tabled at the next ordinary Council meeting.

In accordance with the Procedure, the Returns for Councillors Battista, Clough, Houston, Marks, Smith and Yarnall are tabled.

Comments

Financial Services

Not requested

Other staff comments

Not requested

Public consultation

Not requested

Recommendation

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

Report

Subject	Investments – December, 2008 and January, 2009
File No	S178
Prepared by	Management Accountant
Reason	Required by Local Government Act 1993, Local Government (General) Regulations 2008 and Council's Investment policy.
Objective	To report on Council Investments
Strategic Plan Link	Leadership by Innovation
Management Plan Project	Financial Services

Overview of Report

Council investments as at 31 January 2009 are estimated to be \$26,464,361 subject to final value of funds held under separate management being advised shortly.

The interest rate reported for January 2009 is estimated to be 4.9% in comparison to 7.1% for January 2008. Council's return of 4.9% is above the Bank Bill Swap Rate for the same period of 3.8%. The final interest return may vary due to actual returns achieved in the funds held under separate management.

Council investments as at 31 December 2008 were \$27,258,942. The interest rate for December was estimated to be 5.1% in comparison to 7.12% for December 2007. The Bank Bill Swap Rate for the same period was 4.4%.

Background

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

Report on Investments

- | | |
|---|--------------|
| • <i>Confirmation of Investments – at Market Value – 30 November 2008</i> | \$30,943,440 |
| • <i>Confirmation of Investments – at Market Value – 31 December 2008</i> | \$27,258,942 |
| • <i>Estimated Investments – at Market Value – 31 January 2009</i> | \$26,464,361 |

The current rate of return on investments for January 2009 is estimated to be 4.9% compared to 7.1% for January 2008. Council's return of 4.9% is above the Bank Bill Swap Rate for the same period of 3.8%. 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.

Investments held in Longreach – Series 25 and ASPRIT III Trust are no longer paying coupons as

reported previously and are shown on the Estimated Interest attachment with an interest rate and estimated interest for the period of zero.

In regards to the five investments that were no longer paying coupons due to the Lehman Brothers Holdings bankruptcy (Beryl Esperance 2, Beryl Global Bank Note, Zircon Merimbula, Zircon Coolangatta and Zircon Miami) did make a payment in December, 2008. CPG Advisory (formerly Grove Research and Advisory) are pursuing information to determine if these payments are coupons that will continue to be paid into the future, or whether they were a one-off payment. The payment received was approximately \$23,000 and this has been used to estimate the interest rate for the period.

There has been no change in the investment strategy adopted which is to hold all investment products to maturity so as to minimise the realisation of any market value losses. At this stage, it is not intended to change this approach, however, it is likely that the Lehman's bankruptcy may result in losses being realised earlier than anticipated due to the early unwind of some CDO's.

Attachments

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

- Capital Value Movements including name of institution, lodgement date and maturity date.
- Estimated Interest showing interest rate and estimated interest earned for the period.
- Total Investment Portfolio held by month with last year comparison - graphical
- Investment by Type - graphical
- Weighted Average Interest Rate with bank bill swap rate and last year comparison – graphical
- Investment by Institution as percentage of total portfolio – graphical

Comments

Financial Services

The investments held by Council with various financial institutions, have been made in accordance with the Local Government Act 1993, Local Government (General) Regulation 2005 and Council's investment policy.

Other staff comments

N/A

Public consultation

N/A

Conclusion

A report on investments is required to be submitted to Council monthly. This report meets that requirement. For January 31, 2009, investments total \$26,464,361 and the annualised rate of return was 4.9%.

The investments held by Council with various financial institutions, have been made in accordance with the Local Government Act 1993, Local Government (General) Regulation 2005 and Council's investment policy.

Recommendation

That the report be received and noted.

Capital Value Movements
Summary of Investments held as at
31 January, 2009

Name of Investment / & Counterparty	Type of Investment	Rating	Assessment of return of Capital	Purchase Date	Maturity Date	Last Date Confirmed Valuation Available	Base Capital Value	Estimated Current Market Value (Note 4)	
Cash Based Returns									
Longreach - Series 25	Equity Linked Investment	AA-	High	2/4/2007	4/4/2014	31/12/2008	\$ 1,000,000	\$ 696,100	Note 1,2
Aberdeen Income Fund	Managed Fund	A	High	14/3/2005	N/A	27/01/2009	\$ 1,789,362	\$ 1,504,957	Note 3
Blackrock Care & Maintenance Fund	Managed Fund	A	High	15/10/2008	N/A	27/01/2009	\$ 3,518,074	\$ 3,298,948	Note 3
Merrill Q A/A FRN / CBA	Floating Rate Note	A+	High	22/3/2005	8/6/2010	31/12/2008	\$ 1,000,000	\$ 918,710	Note 1
Summerland Credit Union	Subordinate Debt	Not Rated (Note 7)	High	21/5/2004	21/5/2009	01/10/2008	\$ 1,000,000	\$ 1,000,000	Note 1
ASPRIT III Trust	Equity Linked Investment	AA	High	13/7/2007	13/7/2013	31/12/2008	\$ 2,000,000	\$ 1,726,000	Note 1,2
Bank of Queensland Ltd	Term Deposit	A2	High	12/12/2008	12/3/2009	12/12/2008	\$ 2,000,000	\$ 2,000,000	Note 1
CBA Business On Line Banking A/c	Cash Management Account	Cash	High	N/A	N/A	27/01/2009	\$ 8,243,000	\$ 8,243,000	Note 1
Macquarie Cash Management Trust	Cash Management Account	Not Rated (Note 7)	High	1/9/2006	NA	27/01/2009	\$ 245,638	\$ 245,638	Note 1
ANZ High Yield Cash Account	Cash Management Account		High	N/A	N/A	27/01/2009	\$ 1,644,746	\$ 1,644,746	Note 1
Bishopsgate (Wentworth)	Floating Rate CDO	AA+	High	1/9/2006	20/9/2010	27/01/2009	\$ 500,000	\$ 465,670	Note 1,5
Herald Limited (Quartz)	Floating Rate CDO	BBB-	Medium	1/9/2006	20/12/2010	27/01/2009	\$ 30,000	\$ 21,747	Note 1,5
Cypress (Lawson)	Floating Rate CDO	A-	High	1/9/2006	30/12/2010	27/01/2009	\$ 500,000	\$ 467,450	Note 1,5
Deutsche Bank CG Yield Curve Note	Euro Bond	Not Rated (Note 7)	High	1/9/2006	18/10/2011	27/01/2009	\$ 250,000	\$ 210,250	Note 1,5
BELO (Kalgoorlie)	Commodity Backed Security	AA+	High	1/9/2006	27/2/2012	27/01/2009	\$ 700,000	\$ 586,950	Note 1,5
Magnolia (Flinders)	Floating rate CDO	AA	High	1/9/2006	20/3/2012	27/01/2009	\$ 300,000	\$ 230,370	Note 1,5
Omega (Henley)	Floating Rate CDO	BB-	Medium	1/9/2006	22/6/2012	27/01/2009	\$ 400,000	\$ 270,280	Note 1,5
Beryl (Esperance 2)	Floating rate CDO	BB+	Medium	1/9/2006	20/3/2013	27/01/2009	\$ 400,000	\$ 221,596	Note 1,5
Corsair (Torquay)	Floating Rate CDO	BBB+	Low	1/9/2006	20/6/2013	27/01/2009	\$ 500,000	\$ 266,150	Note 1,5
Zircon (Merimbula)	Floating Rate Note	C	Medium	1/9/2006	20/6/2013	27/01/2009	\$ 300,000	\$ 93,450	Note 1,5
Corsair (Kakadu)	Floating Rate CDO	CCC+	Low	1/9/2006	20/3/2014	27/01/2009	\$ 500,000	\$ 217,755	Note 1,5
Helium (Scarborough)	Floating rate CDO	CCC+	Low	1/9/2006	23/6/2014	27/01/2009	\$ 200,000	\$ 112,520	Note 1,5
Beryl (Global Bank Note)	Floating Rate Note	C	Medium	1/9/2006	20/9/2014	27/01/2009	\$ 150,000	\$ 119,535	Note 1,5
Zircon (Coolangatta)	Floating Rate CDO	C	Medium	1/9/2006	20/9/2014	27/01/2009	\$ 500,000	\$ 153,550	Note 1,5
Aphex (Glenelg)	Floating Rate CDO	BBB-	Medium	1/9/2006	22/12/2014	27/01/2009	\$ 500,000	\$ 301,035	Note 1,5
Bendigo Bank FR Sub Debt	Subordinate Debt	Not Rated (Note 7)	Medium	1/9/2006	14/12/2015	27/01/2009	\$ 500,000	\$ 482,050	Note 1,5
Elders Rural Bank Sub Debt	Subordinate Debt	Not Rated (Note 7)	Medium	1/9/2006	16/3/2016	27/01/2009	\$ 1,000,000	\$ 945,000	Note 1,5
Zircon (Miami)	Floating Rate CDO	C	Medium	1/9/2006	20/3/2017	27/01/2009	\$ 50,000	\$ 20,905	Note 1,5
Investment on Hand							\$ 29,720,819	\$ 26,464,361	

Investments Redeemed during period (Note 6)

Southern Cross Credit Union	Term Deposit	Not Rated (Note 7)		24/11/2008	6/1/2008		\$ 2,000,000	\$ 2,000,000
IMB Banking & Financial Services	Term Deposit	A2		4/12/2008	19/1/2009		\$ 2,000,000	\$ 2,000,000
Macquarie Bank Limited	Term Deposit	A1/1		21/11/2008	20/1/2009		\$ 1,000,000	\$ 1,000,000
Bank of Western Australia	Term Deposit	A1+		21/11/2008	20/1/2009		\$ 1,000,000	\$ 1,000,000
Summerland Credit Union	Term Deposit	Not Rated (Note 7)		8/12/2008	7/1/2009		\$ 1,500,000	\$ 1,500,000

\$ 37,220,819 \$ 33,964,361

Total Capital Movement - Gain/(Loss)

\$ (3,256,458)

Adjusted Capital loss reported for 2007/08

\$ (3,228,424) Note 8

Capital Movement since 01/07/08 - Gain/(Loss)

\$ (28,034)

Note 1: Base Capital Value is the face value of the investment
Note 2: Capital Guaranteed note if held to maturity
Note 3: The Base Capital Value is the Market Value as at 30/6/08 plus additions less redemptions during the year.
Note 4: Latest estimates based on information provided by investment managers and prior period performance.
Note 5: Market Value is the Capital Value of the Investment and any accrual of income.
Note 6: These investments were redeemed during the period and impact on the interest return for the period. They are not part of the Balance of Investment Held.
Note 7: These Counterparties & Products are authorised under the Minister Order and require no minimum Credit Rating.
Note 8: The amount shown as the Capital Loss reported for 2007/08 has been adjusted for the loss on the Managed Funds and actual impaired investments from 2007/08 realised in the current year. The loss on the managed funds has been factored into the Base Capital Value. Please see Note 3 for further explanation.

"Indicative" Source of Funds

Externally Restricted	15,076,747
Internally Restricted	11,387,615
	\$ 26,464,361

Estimated Interest
Summary of Investments held as at
31 January, 2009

Name of Investment / & Counterparty	Type of Investment	Rating	Annualised Coupon / Interest Rate	Base Capital Value	Estimated Current Value (Note 6)	Estimated Interest for Period	Weighted Interest for Period
Cash Based Returns							
Longreach - Series 25	Equity Linked Note	AA-	0.00%	\$ 1,000,000	\$ 696,100	\$ -	0.00%
Aberdeen Income Fund	Managed Fund	A	3.39%	\$ 1,789,362	\$ 1,504,957	\$ 4,333	0.17%
Blackrock Care & Maintenance Fund	Managed Fund	A	0.00%	\$ 3,518,074	\$ 3,298,948	\$ -	0.00%
Merrill Q A/A FRN - CBA	Floating Rate Note	A+	4.99%	\$ 1,000,000	\$ 918,710	\$ 3,894	0.15%
Summerland Credit Union	Subordinate Debt	Not Rated	6.40%	\$ 1,000,000	\$ 1,000,000	\$ 5,436	0.21%
ASPRIT III Trust	Wholesale Managed Investment	AA	0.00%	\$ 2,000,000	\$ 1,726,000	\$ -	0.00%
Bank of Queensland Ltd	Term Deposit	A2	5.70%	\$ 2,000,000	\$ 2,000,000	\$ 9,682	0.38%
CBA - Business On Line Banking A/c	Cash Management Account	Cash	3.85%	\$ 8,243,000	\$ 8,243,000	\$ 26,953	1.05%
Macquarie Cash Management Trust	Cash Management Account	Not Rated	6.92%	\$ 245,638	\$ 245,638	\$ 1,444	0.06%
ANZ High Yield Cash Account	Cash Management Account		4.30%	\$ 1,644,746	\$ 1,644,746	\$ 6,007	0.25%
Bishopsgate (Wentworth)	Floating Rate CDO	AA+	8.79%	\$ 500,000	\$ 465,670	\$ 3,733	0.15%
Herald Limited (Quartz)	Floating Rate CDO	BBB-	8.87%	\$ 30,000	\$ 21,747	\$ 226	0.01%
Cypress (Lawson)	Floating Rate CDO	A-	8.59%	\$ 500,000	\$ 467,450	\$ 3,646	0.15%
Deutsche Bank CG Yield Curve Note	Euro Bond	Not Rated	2.19%	\$ 250,000	\$ 210,250	\$ 464	0.02%
BELO (Kalgoorlie)	Commodity Backed Security	AA+	8.49%	\$ 700,000	\$ 586,950	\$ 5,047	0.21%
Magnolia (Flinders)	Floating rate CDO	AA	8.87%	\$ 300,000	\$ 230,370	\$ 2,260	0.09%
Omega (Henley)	Floating Rate CDO	BB-	8.17%	\$ 400,000	\$ 270,280	\$ 2,776	0.11%
Beryl (Esperance 2)	Floating rate CDO	BB+	0.75%	\$ 400,000	\$ 221,596	\$ 255	0.01%
Corsair (Torquay)	Floating Rate CDO	BBB+	8.57%	\$ 500,000	\$ 266,150	\$ 3,639	0.15%
Zircon (Merimbula)	Floating Rate Note	C	8.83%	\$ 300,000	\$ 93,450	\$ 2,250	0.09%
Corsair (Kakadu)	Floating Rate CDO	CCC+	8.37%	\$ 500,000	\$ 217,755	\$ 3,554	0.15%
Helium (Scarborough)	Floating rate CDO	CCC+	8.77%	\$ 200,000	\$ 112,520	\$ 1,490	0.06%
Beryl (Global Bank Note)	Floating Rate Note	C	8.38%	\$ 150,000	\$ 119,535	\$ 1,068	0.04%
Zircon (Coolangatta)	Floating Rate CDO	C	9.08%	\$ 500,000	\$ 153,550	\$ 3,856	0.16%
Aphex (Glenelg)	Floating Rate CDO	BBB-	8.62%	\$ 500,000	\$ 301,035	\$ 3,661	0.15%
Bendigo Bank FR Sub Debt	Subordinate Debt	Not Rated	7.78%	\$ 500,000	\$ 482,050	\$ 3,304	0.14%
Elders Rural Bank Sub Debt	Subordinate Debt	Not Rated	7.98%	\$ 1,000,000	\$ 945,000	\$ 6,778	0.28%
Zircon (Miami)	Floating Rate CDO	C	9.28%	\$ 50,000	\$ 20,905	\$ 394	0.02%
Investment on Hand				\$ 29,720,819	\$ 26,464,361	\$ 106,150	4.27%

Note 4

Investments Redeemed during period

Southern Cross Credit Union	Term Deposit	Not Rated (Note 7)	6.20%	\$ 2,000,000	\$ 2,000,000	\$ 2,038	0.08%
IMB Banking & Financial Services	Term Deposit	A2	5.50%	\$ 2,000,000	\$ 2,000,000	\$ 5,726	0.24%
Macquarie Bank Limited	Term Deposit	A1/1	5.75%	\$ 1,000,000	\$ 1,000,000	\$ 3,151	0.13%
Bank of Western Australia	Term Deposit	A1+	5.60%	\$ 1,000,000	\$ 1,000,000	\$ 3,068	0.13%
Summerland Credit Union	Term Deposit	Not Rated (Note 7)	5.30%	\$ 1,500,000	\$ 1,500,000	\$ 1,525	0.06%

Effective Interest Rate	31/1/2009	4.90%
\$ 37,220,819	\$ 33,964,361	\$ 121,659

Note 1: Interest return is calculated on (actual interest + plus accrued interest + plus realised gains - losses on disposal - expenses) / principal value

Note 2: Capital Guaranteed note if held to maturity

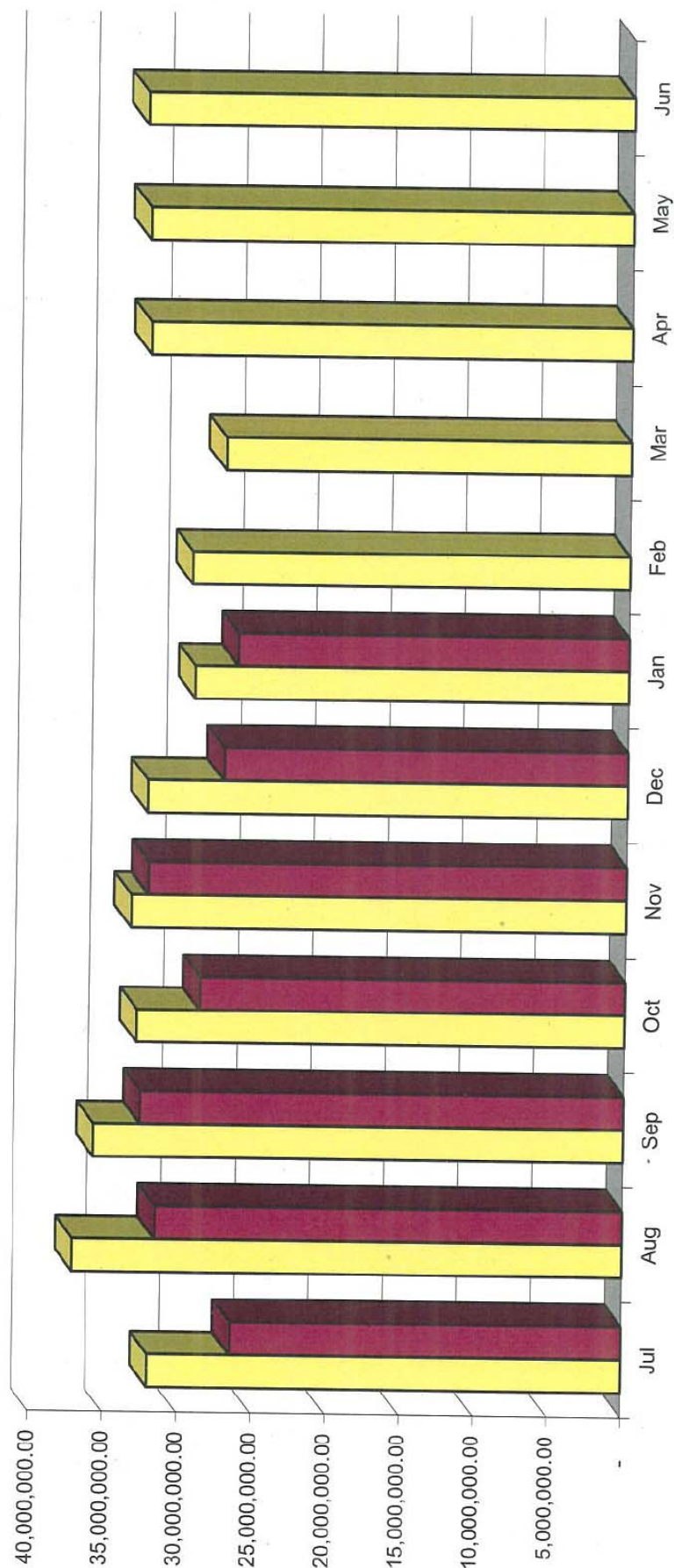
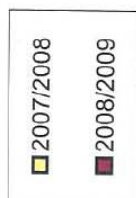
Note 3: Managed Funds interest rate is calculated as an annualised rate based on the interest earned for the previous quarter.

Note 4: Estimated Interest for Period is calculated by multiplying the annualised rate by the estimated current value and reflects both interest accrued and received.

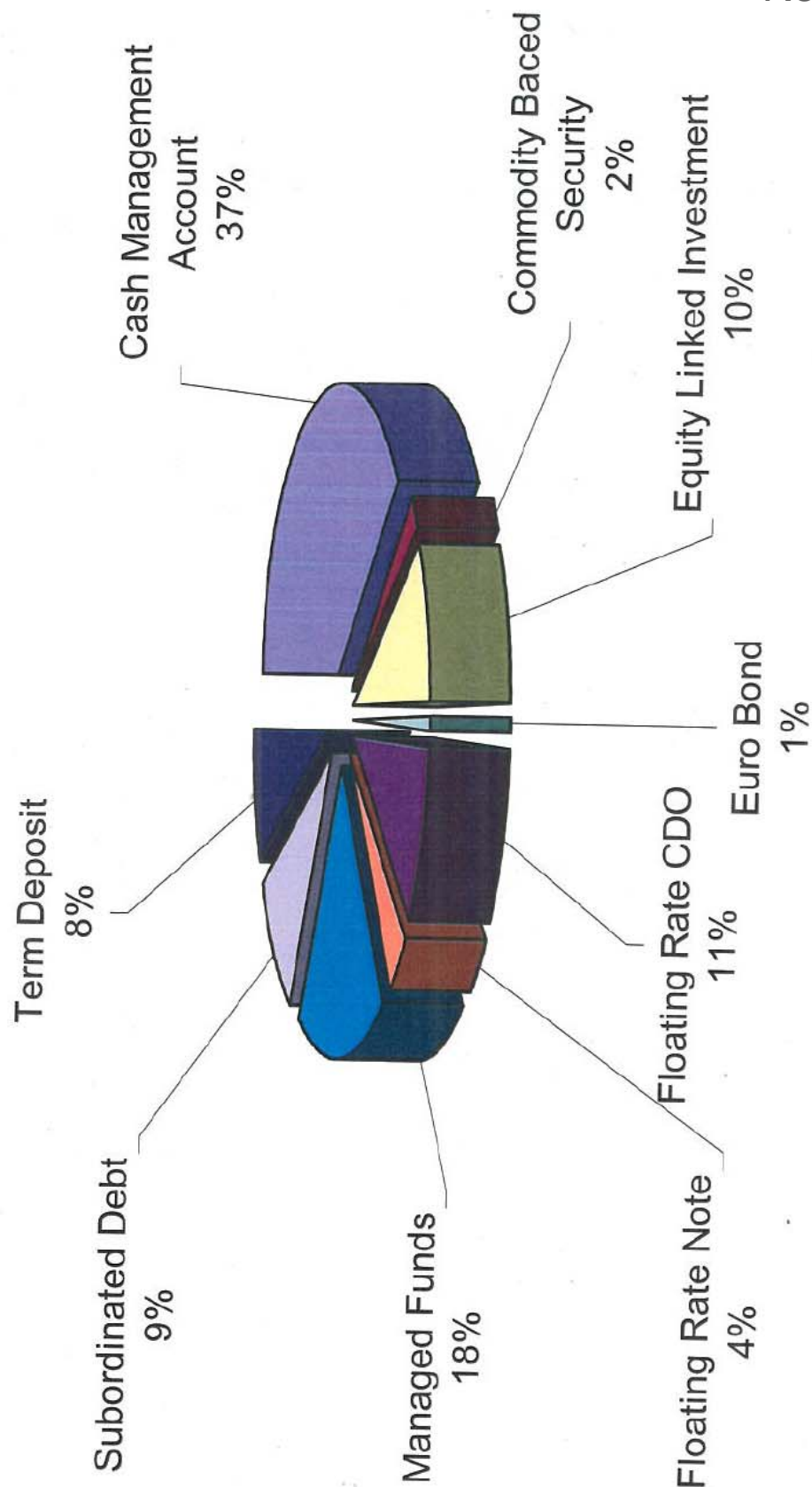
Note 5: No Coupon currently payable under terms of the investment.

Note 6: Latest estimates based on information provided by investment managers and prior period performance.

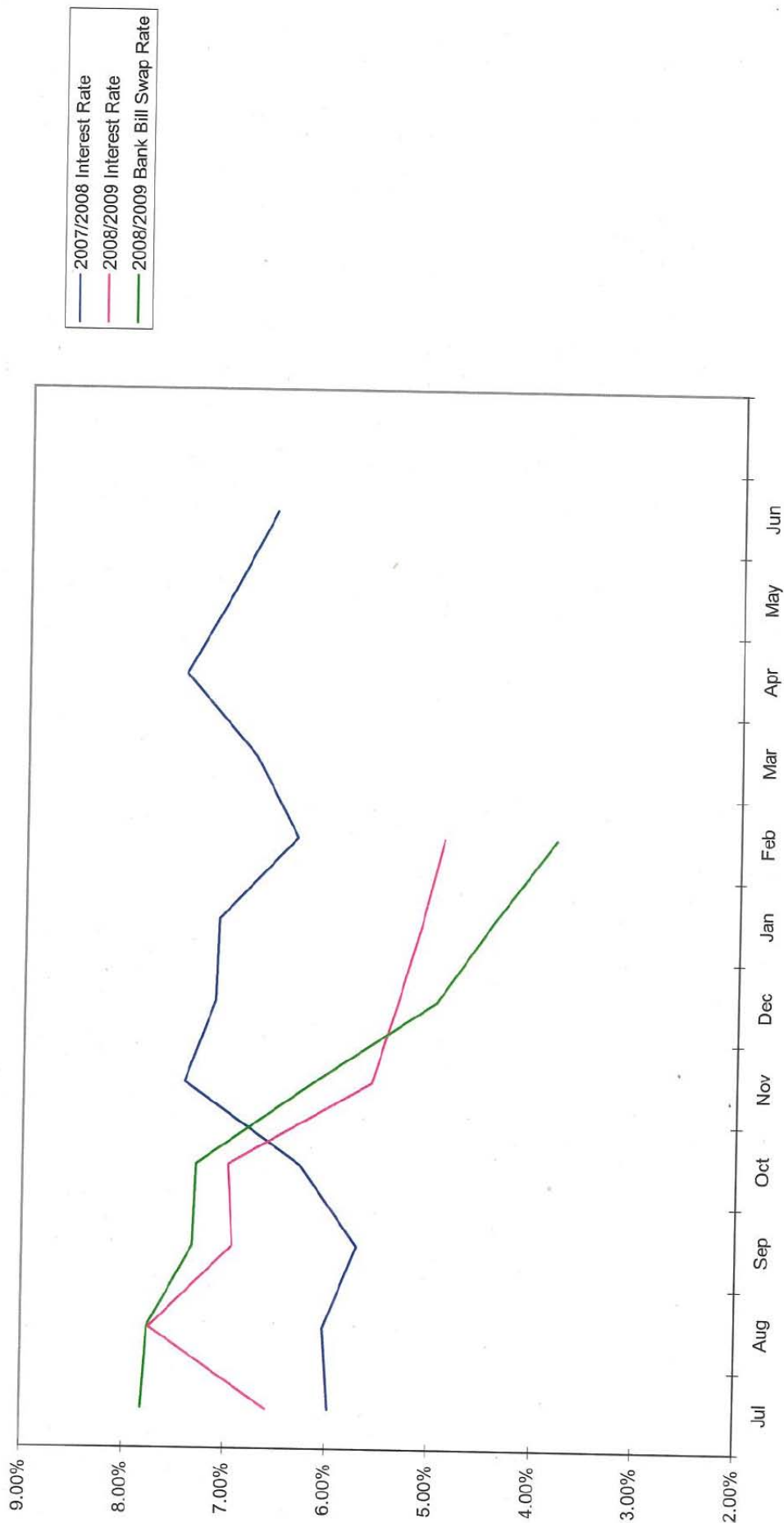
TOTAL INVESTMENT PORTFOLIO



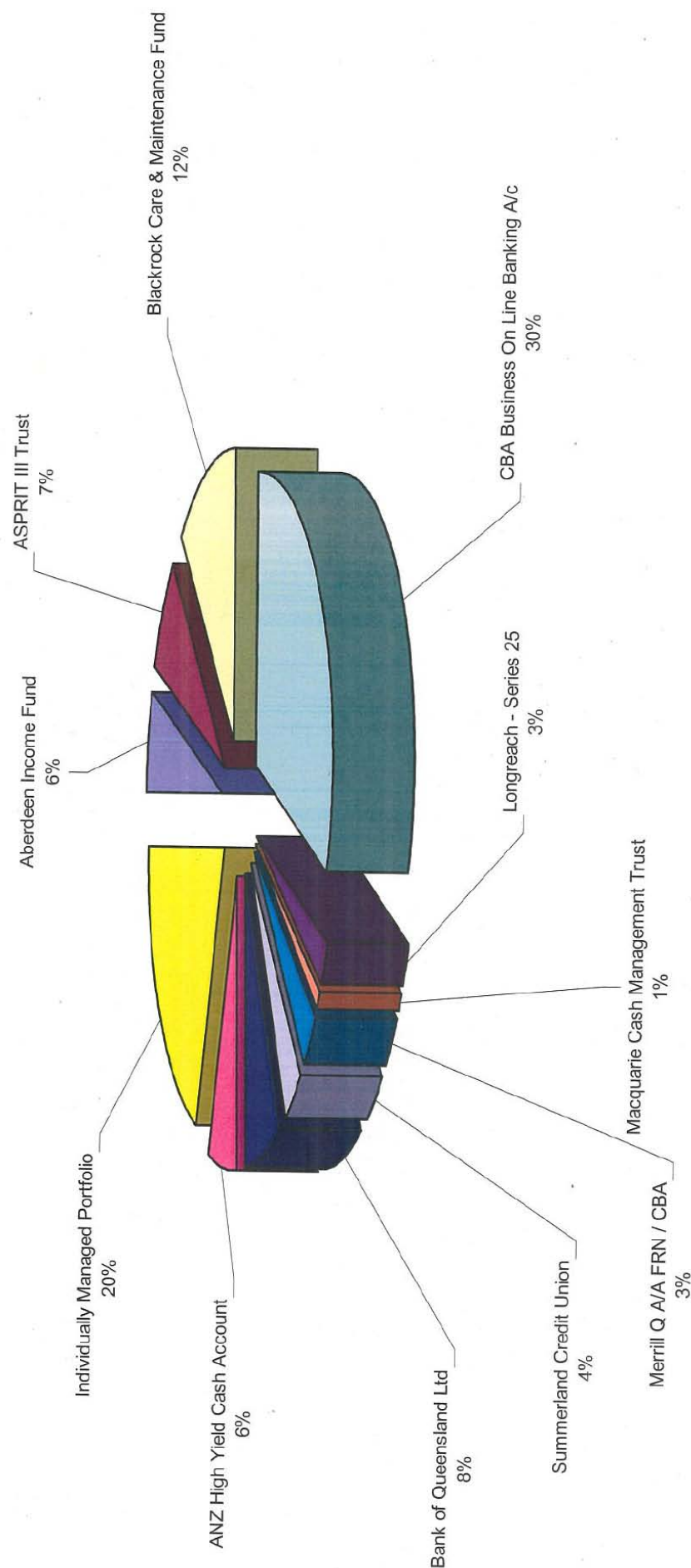
INVESTMENT BY TYPE



WEIGHTED AVERAGE INTEREST RATE



Investment by Institution



MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD ON DECEMBER 17, 2008, AT 10.00 AM.

Present Councillor Jenny Dowell (*Chairperson*), Bronwyn Mitchell (*on behalf of Thomas George, MP*), Stefan Wielebinski (*RTA*), Snr Const Rob Clarke (*Lismore Police*).

In Attendance Garry Hemsworth (*Executive Director-Infrastructure Services*) and Bill MacDonald (*Traffic & Emergency Services Coordinator*).

TAC54/08 **Apologies** An apology for non-attendance on behalf of Thomas George, MP, was received and accepted.

TAC55/08 **Minutes** The Committee was advised that the minutes of the Traffic Advisory Committee meeting held on November 19, 2008, were confirmed by Council on December 9, 2008.

Disclosure of Interest

Nil

Part 'A' – Committee Recommendations

Lismore Church of Christ – Pleasant Street, Goonellabah

Outlining concerns regarding restricted vehicular access to the Church property on the corner of Rous Road and Pleasant Street due to buses pulling up across their driveway on Pleasant Street.

The area in question has a hoop Bus Stop sign on the topside of the driveway, however motorists are parking close to this which necessitates the bus to pull across the driveway in order to drop off or collect passengers. This area is heavily parked due to its close proximity to the Rous Road Shopping Centre and the installation of regulatory signposting is required to ensure access to the Bus Zone is maintained as well as to the Church property.

TAC56/08 Recommendation: That a No Stopping Zone be introduced on the southern side of Pleasant Street from Rous Road to the western side of the driveway to the Church of Christ, and further that a single bus length Bus Zone be introduced from the western side of the driveway to the Church of Christ for a distance of 15m. (08-11375:R6502)

Stuart Thomson, Council Ranger – New England Lane, Lismore CBD

Requesting consideration of installing No Stopping signs along the east/west leg of New England Lane due to the danger caused by motorists parking in this area.

The northern side of New England Lane already is signposted as No Stopping. The southern side has limited opportunities for parking due to access to undercover parking areas. Prohibiting parking along this side of the lane would assist in increasing safety for through traffic.

TAC57/08 Recommendation: That a No Stopping Zone be introduced on the southern side of New England Lane between Carrington Street and the Rous Water building. (R7324)

Pedestrian Refuge – Main Street, Clunes

To consider a reduction in the length of the existing Bus Zone on Main Street, Clunes, opposite the General Store.

A proposal exists for the installation of a pedestrian refuge in front of the General Store, which will include kerb blisters on both sides of the road. This will effectively cut the existing Bus Zone opposite the store in two. After consultation with Kirklands Coaches and country bus operators it would appear that only a small portion of the zone is used at any one time with a maximum of two buses. Modification to the length of the existing Bus Zone to accommodate the proposed kerb blisters and with the balance to revert to unrestricted parking best suits the needs of all users.

TAC58/08 Recommendation: That the existing Bus Zone opposite the Clunes General Store be shortened to accommodate two buses with the balance of the available parking to revert to unrestricted parking. (R1301)

Sweeny Todd Bus Service – Molesworth Street, Lismore CBD

Requesting consideration of relocating the existing Bus Zone on the eastern side of Molesworth Street in front of the old T&G building to allow easier access to the zone for buses.

The existing Bus Zone is located at the start of the kerbside parking area immediately north of Woodlark Street. If vehicles are parked close to the end of the Bus Zone some difficulty is experienced in fully accessing the zone. Relocating the Bus Zone further north to the end of the kerbside parking area would allow for easier unrestricted access.

TAC59/08 Recommendation: That the existing Bus Zone on the eastern side of Molesworth Street, immediately north of Woodlark Street, be relocated further north to the end of the existing kerbside parking area. (R7322)

Part 'B' – Determined by Committee

Jazz Street Parade – Lismore CBD on December 29, 2008

John Bancroft (Events Co-Ordinator) providing details of the proposed Jazz Parade to be held in Molesworth Street on Monday, December 29, 2008.

Details of the parade and a Traffic Management Plan were provided for members. Apparently a similar event was held last year without incident. Provided appropriate control measures were implemented no problems were envisaged.

It was agreed: That the staging of the Jazz Parade as outlined be approved. (R7322)

Cancer Council New South Wales – Uralba Street, Lismore

Requesting consideration of the provision of a three-car drop-off zone on Uralba Street in front of the Lismore Base Hospital Oncology and Haematology Centre.

An onsite meeting was held with Ms Patty Delaney to further discuss the Centre's needs and the use of the existing parking facilities. Already existing on the northern side of Uralba Street close to the centre are two No Parking zones and accessible parking bays for a further three vehicles. With the extremely high demand on parking generally, it was agreed that the existing arrangements should suffice. It was also agreed that the availability and use of these restricted parking areas be further publicised by the service providers to their clients and also the opportunity for drivers of those with mobility problems to apply for an accessible parking permit through the RTA.

It was agreed: That the above information be noted.

(08-11109:R6058)

Basil Cooper – Pleasant Street, Goonellabah

Requesting consideration of introducing time limited parking on Pleasant Street adjacent to the Rous Road Shopping Centre.

It would appear that some of the onstreet parking on Pleasant Street is being used by employees in order to leave the substantial onsite parking areas for use by customers of businesses within the shopping centre. These onsite parking areas are readily accessible and are rarely full. There are also several larger accessible parking bays within the onsite parking areas. Some additional onstreet parking is generally available as well. The imposition of time limited onstreet parking is not considered warranted.

It was agreed: That the status quo remain.

(R6502)

Closure

This concluded the business and the meeting terminated at 10.40a.m.

Chairperson

**Traffic and Emergency
Services Coordinator**

Documents for Signing & Sealing

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

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

Recommendation

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

Lease to Lismore City Pipe Band- 64 Brewster, Lismore

Lease to Lismore City Pipe Band for a period of five years of 64 Brewster Street, Lismore, being Lot 11 DP 812156.

Licence to Men & Family Centre Inc - 90 Brunswick Street, Lismore

Licence to Men & Family Centre Inc for a period of twelve months for part of 90 Brunswick Street, Lismore, being part of Lot 1 DP 324500.

Subdivision and sale of land in Bristol Circuit, Goonellabah (P29331)

A plan of subdivision has been prepared for Lot 47 DP 1087889 creating four residential allotments and a residue allotment and Section 88B Instrument creating and releasing easements.

The Mayor and General Manager be authorised to sign and affix the Council seal to plan of subdivision, Section 88B Instrument, Contracts for Sale of Land (four lots) including transfer documents and any other documents deemed necessary to complete this transaction.

Crown Reserve Trust matters:

Council as Trustee of Gundurimba Reserve – Reserve Number R87093

Grazing Licence to O'Malley - Wharf Road, Gundurimba

Licence to graze livestock over this Crown reserve for a period of three years - Lot 267 DP 728508. The Department of Lands consent has been received and Licence is to be forwarded for their execution.

Council as Trustee of Albert Park Reserve – Reserve Number R89503

Owner's consent for Development Application – Lismore Workers' Golf Club

Provide owner's consent for the erection of a proposed shed for the purpose of a golf cart garage on Lot 188 DP 755718 and Lot 7002 DP 1058659. This use is consistent with the purpose of the reserve – which is for recreation. Area of proposed garage is 9m x 85m. If approved, a copy of the Development Consent Conditions shall be forwarded to the Department of Lands after the completion of Council's planning processes.

Financial Assistance - Section 356

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

Budget Approved: \$11,700

Budget Available: -\$2,074

Gurgun Bulahnggelah, Lismore Aboriginal Health and NORPA requesting Council discount the hire charges (\$1,776) for an Aboriginal Art & Craft Exhibition at City Hall on January, 23, 24, 25 and 26, 2009. An entrance fee is to be charged (S164&P6816).

Recommendation: In accordance with Clause 5 of the policy, a donation of 20% of the hire fee applies **\$355.20**

Laurie Lawrence Kids Alive Do The Five Show requesting Council donate all hall hire charges (\$300) for a drowning prevention show on February 17, 2009. The show is free to all local schools, preschools and the public. (S164&P6816).

Comment: Council supported a similar request to waive charges for this show in 2008.

Recommendation: In accordance with Clause 5 of the policy, a donation of 100% of the hire fee applies. **\$300.00**

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

Budget: \$10,000

Budget available after this donation: \$4,811.87

Animal Right & Rescue \$12.73

Challenge Foundation \$33.27

Five Loaves \$141.22

Friends of the Koala \$12.73

Lismore Soup Kitchen Inc \$

LifeLine \$210.00

Lismore & Dist Police Boys Club \$0.00

Saint Vincent De Paul \$15.91

Salvation Army \$13.09

Westpac Life Saver Rescue Helicopter \$47.27

Shared Vision Aboriginal Corporation \$0.00

*In accordance with policy.***\$486.22****c) Development & Other Application Fees – Policy 1.4.7 (GL390.200.15)**

Budget Approved: \$300.00 Budget Available: \$-644.15

DA Fees for the Blue Knob Fire Station Extensions (30%)

*In accordance with policy.***\$944.45****d) Mayor's Discretionary Fund (GL390.485.15)**

Budget Approved: \$2,700.00

Budget Available: \$1,800.00

Nimbin Agricultural Society Inc seeking donation on behalf of the Nimbin Quilters with regards to their Quilters Exhibition to be held on March 20-21, 2009.

*In accordance with policy.***\$50.00**

e) Miscellaneous Donations

Lismore District Cricket Association requesting Council pay for the cost of lighting at Oakes Oval for a day/night game of cricket between a Lismore District Cricket Association representative team and a New Zealand Colts team. The Association would pay for the costs of the ground and the Gordon Pavilion (S164, P15870:08-12341)

Comment: Council has supported these type of requests in the past as it is a representative fixture. The lighting charge for this event would be \$429.20 and it is proposed that the fee be waived and the lighting costs be funded from the Parks & Reserves operating budget.

Recommendation: That Council agree to the request and waive the lighting charge for the cricket match between a Lismore District Cricket Association representative team and a New Zealand Colts team.

\$429.20

Recommendation

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

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD
IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, December 9, 2008, AT 6.00PM.**

Present

Mayor, Councillor Dowell; Councillors Battista, Clough, Chant, Ekins, Graham, Houston, Marks, Meineke, Smith and Yarnall, together with the General Manager; Executive Director Infrastructure Services, Executive Director Development & Governance, Manager Finance, Manager Planning Services, Manager Economic Development, Sport & Recreation Project Officer, Corporate Compliance Coordinator, Communications Coordinator and Acting Personal Assistant to the General Manager.

242/08 **Apologies/** Nil

**Leave of
Absence**

243/08 **Minutes** The minutes of the Ordinary Meeting held on November 11, 2008, were confirmed. Subject to being noted that Councillors Clough, Houston, Ekins and Yarnall voted for the amendment in respect to Minute No. 228/08
(Councillors Graham/Marks)

Disclosure of Interest

Councillor Battista declared a pecuniary interest and a conflict of interest in the following item:

Report – Lease of Council Properties

Nature of Interest: My business, The Left Bank, leases its property from Council

Councillor Battista declared a non significant conflict of interest in the following item:

Report – Policy Advisory Group Scope, Objectives and Membership

Nature of Interest: Nominees helped with my campaign and were members of my ticket.

Councillor Marks declared a non significant conflict of interest in the following item:

Report – Lismore Promotion Program for 2008/09

Nature of Interest: Employer – Part Time

Councillor Meineke declared a non significant conflict of interest in the following items:

Report – DCP Chapter 7 – Requirements for Service Vehicles

Nature of Interest: Made a submission as a private individual to the DCP and the matters raised in the submission are reported in Agenda.

Report – Policy Advisory Group Scope, Objectives and Membership

Nature of Interest: A nominee is a client of mine and handed out for me at the election.

Councillor Yarnall declared a non significant conflict of interest in the following items:

Notice of Motion – Cameron Road LEP Amendment No. 20

Nature of Interest: Members of McLeans Ridges community supported my election campaign with donations of less than \$1000.

Report – Policy Advisory Group Scope, Objectives and Membership

Nature of Interest: Nominees contributed and donated less than \$1000 to my election campaign.

Councillor Clough declared a non significant conflict of interest in the follow items:

Notice of Motion – Cameron Road LEP Amendment No. 20

Nature of Interest: Staffing of polling booths by members of the McLeans Ridges community.

Report – Policy Advisory Group Scope, Objectives and Membership

Nature of Interest: Nominees helped with my campaign

Councillor Dowell declared a significant conflict of interest in the follow item:

Report – Policy Advisory Group Scope, Objectives and Membership

Nature of Interest: A nominee paid for print ad in my campaign and a nominee is my husband. Councillor Dowell indicated that in both instances she would not vote on the membership of Policy Advisory Group that these individuals had nominated.

Councillor Dowell declared a non significant conflict of interest in the follow item:

Notice of Motion – Cameron Road LEP Amendment No. 20

Nature of Interest: Some opponents of the Cameron Road re-zoning supported my electoral campaign.

Councillor Houston declared a non significant conflict of interest in the follow item:

Notice of Motion – Cameron Road LEP Amendment No. 20

Nature of Interest: Donations made to my campaign by people of McLeans Ridges..

Councillor Ekins declared a non significant conflict of interest in the follow item:

Notice of Motion – Cameron Road LEP Amendment No. 20

Nature of Interest: Members of community donated to Greens election campaign. My views on this matter were well aired prior to the election.

Councillor Chant declared a non significant conflict of interest in the follow item:

Notice of Motion – Cameron Road LEP Amendment No. 20

Nature of Interest: Nominees helped with my campaign.

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:

Margi Hill – Mayoral Minute

Margi Hill, General Manager of Community Corrections North Coast Inc. outlined the role of Community Connections and its role with Council. She spoke to the need for a youth facility in C Block and the benefits it would bring to the city. Regardless of the decision she look forward to working with Council in the future.

Marcus Mantscheff – Mayoral Minute

Marcus Mantscheff advised he was the Coordinator of the Nimbin Community Centre which was the developer of the Nimbin Skate Park. He sought \$50,000 to complete the sound proofing of the structure, citing previous Council support for the development.

Brian Best – Policy for Leasing Council Properties

S451

Councillor Battista declared a perceived conflict on interest and left the meeting during the public access address.

Brian Best, President of the Lismore Theatre Company, spoke in support of the recommendation. He detailed the activities undertaken by the company.

At this juncture Councillor Battista rejoined the meeting

Nyree Eplett – Lismore Promotion Program for 2008/09

Nyree Eplett, the Business Development Manager for the Wespac Rescue Helicopter Service sought financial support for the 2009 4WD Camping Caravan & Motor Show. She cited the general benefits the show brought to Lismore businesses and the external exposure the show gave to Lismore.

Mayoral Minute

Regional & Local Community Infrastructure Grants

A MOTION was MOVED that:

1. That Council allocate:
 - \$679,000 to the Goonellabah Sports and Aquatic Centre Youth Plaza
 - \$245,500 to the Nesbitt Park upgrade
 - \$145,000 to Rural Halls with \$1,049,000 sourced from the Regional & Local Community Infrastructure Program and \$20,500 from Council's Urban Sports Facilities Fund. (Councillor Dowell/Battista) (S631)

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An AMENDMENT was MOVED that:

1. That Council allocate:
\$679,000 to the Goonellabah Sports and Aquatic Centre Youth Plaza
\$245,500 to the Nesbitt Park upgrade
\$145,000 to Rural Halls with \$1,049,000 sourced from the Regional & Local Community Infrastructure Program and \$20,500 from Council's Urban Sports Facilities Fund.
2. That funding for Community Halls be averaged at \$5000 up to a maximum of \$15,000, subject to a matching contribution by the hall. Council seek contributions from the halls to submissions by Council at its March Meeting.
(Councillor Graham/Marks) (S631)

On submission to the meeting the AMENDMENT was DEFEATED

Voting against: Councillors Dowell, Houston, Battista, Clough, Smith, Ekins and Yarnall

A FORESHADOWED AMENDMENT was MOVED that:

1. That Council allocate:
\$679,000 to the Goonellabah Sports and Aquatic Centre Youth Plaza
\$245,500 to the Nesbitt Park upgrade
2. That the amount allocated to rural halls be reduced to \$95,000 to rural halls. The balance of \$50,000 to be give the Nimbin Community Centre for completion of the skate park.
(Councillors Clough/Yarnall) (S631)

On submission to the meeting the AMENDMENT was DEFEATED

Voting against: Councillors Graham, Meineke, Smith, Chant, Marks, Battista and Houston

AN AMENDMENT was MOVED that:

1. Council allocate:
\$679,000 to the Goonellabah Sports and Aquatic Centre Youth Plaza
\$245,500 to the Nesbitt Park upgrade
\$145,000 to Rural Halls with \$1,049,000 sourced from the Regional & Local Community Infrastructure Program and \$20,500 from Council's Urban Sports Facilities Fund.
2. Any funds that are not taken up by rural halls be reallocated by Council at its February meeting to the Nimbin Skate Park
(Councillors Smith/Battista) (S631)

On submission to the meeting the AMENDMENT was DEFEATED

Voting against: Councillors Graham, Yarnall, Marks, Chant, Meineke, and Houston

244/08 **RESOLVED** that Council allocate:

\$679,000 to the Goonellabah Sports and Aquatic Centre Youth Plaza
\$245,500 to the Nesbitt Park upgrade
\$145,000 to Rural Halls with \$1,049,000 sourced from the Regional & Local Community Infrastructure Program and \$20,500 from Council's Urban Sports Facilities Fund.
(Councillors Dowell/Battista) (S631)

Voting against: Councillors Battista and Ekins

A MOTION was MOVED that:

Council make an application to the Regional & Local Community Infrastructure Program – Strategic Projects for a \$4.5 million Main Street Revitalisation project requesting \$2.75 million from the Government.
(Councillors Dowell/Graham) (S631)

AN AMENDMENT was MOVED that:

That Council make an application to the Regional & Local Community Infrastructure Program – Strategic Projects for the upgrade of C Block
(Councillors Ekins/Battista)

On submission to the meeting the AMENDMENT was DEFEATED

Voting against: Councillors Graham, Marks, Chant, Meineke, Houston, Dowell, Smith and Clough

245/08 **RESOLVED** that:

Council make an application to the Regional & Local Community Infrastructure Program – Strategic Projects for a \$4.5 million Main Street Revitalisation project requesting \$2.75 million from the Government.
(Councillors Dowell/Graham) (S631)

Voting against: Councillors Battista and Ekins

Notice of Motions

Climate Implementation Fund

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

1. Council investigate means of opening the Climate Implementation Fund, for which it is to be congratulated, to the public by way of small low interest loans that will allow ratepayers to fit photo voltaic and solar hot water systems as well as water tanks.
2. One proposal that should be investigated is that Council make funds available to local credit unions which undertake to administer the loans on a no profit basis.
(Councillors Clough/Ekins) (S232)

On submission to the meeting the MOTION was DEFEATED

Voting against: Councillors Graham, Marks, Smith, Chant, Meineke, Battista and Dowell

Cameron Road LEP Amendment No. 20

246/08 Formal notice having been given by Councillor Meineke it was **RESOLVED** that:

Councillors declare their support or non support for the rezoning application for the Cameron Road LEP Amendment No 20.
(Councillors Meineke/Graham) (S884)

Voting against: Councillors Yarnall, Ekins, Houston, Battista and Clough

At the request of the Mayor the following declarations were made:

Councillors in support of the rezoning - Chant, Meineke, Marks and Graham
Councillors not in support of the rezoning - Clough, Houston, Smith, Ekins, Yarnall and Dowell

Altering Order of Business

247/08 **RESOLVED** that the order of business be altered to debate the following matters raised during Public Access.

- Lismore Promotion Program 2008/09
 - Policy for Leasing of Council Properties
- (Councillors Graham Meineke)

Lismore Promotion Program for 2008/09

A MOTION WAS MOVED that:

1. Council approve the funding of the Town Centre Manager position from the SBRVL Promotion Fund for a 18 month trial period (until 30 June 2010) as generally outlined in the report and as per the recommendations of the SBRVL Advisory Group.
2. Council approve the following projects from the SBRVL Promotion Fund for the 2008/09 year as recommended by the SBRVL Advisory Group totalling \$45,500 (GST exclusive) -

	Project description	SBRVL funding request SUPPORTED by the Advisory Group	TOTAL project value
09-13	Marketing and Promotion Campaign for the 2009 Lismore Lantern Parade	\$18,000	\$237,000
09-17	Promotion to attract more athletes and accompanying partners from a five hour radius of Lismore to the Lismore Masters Games – “Six th In The City” (25 – 27 / 9 / 2009)	\$15,000	\$113,000
09-22R	Lismore’s Christmas Giving Carnival	\$12,500	\$38,500
TOTAL funding request SUPPORTED by Advisory Group		\$45,500 (GST exclusive)	\$388,500

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3. The 2009 4WD Caravan Camping Marine Show and the Australian Super Sedan Championship be funded by the SBRVL for \$15,000 per event and the Gemfest \$7,800.

(Councillors Chant/Graham) (\$740)

AN AMENDMENT was MOVED that:

1. Council approve the funding of the Town Centre Manager position from the SBRVL Promotion Fund for a 18 month trial period (until 30 June 2010) as generally outlined in the report and as per the recommendations of the SBRVL Advisory Group.
2. Council approve the following projects from the SBRVL Promotion Fund for the 2008/09 year as recommended by the SBRVL Advisory Group totalling \$45,500 (GST exclusive) -

	Project description	SBRVL funding request SUPPORTED by the Advisory Group	TOTAL project value
09-13	Marketing and Promotion Campaign for the 2009 Lismore Lantern Parade	\$18,000	\$237,000
09-17	Promotion to attract more athletes and accompanying partners from a five hour radius of Lismore to the Lismore Masters Games – “Six th In The City” (25 – 27 / 9 / 2009)	\$15,000	\$113,000
09-22R	Lismore’s Christmas Giving Carnival	\$12,500	\$38,500
TOTAL funding request SUPPORTED by Advisory Group		\$45,500 (GST exclusive)	\$388,500

(Councillor Ekins/Smith)

On submission to the meeting the AMENDMENT was DEFEATED

Voting against: Councillors Graham, Yarnall, Marks, Chant, Meineke and Battista

248/08 **RESOLVED** that:

1. Council approve the funding of the Town Centre Manager position from the SBRVL Promotion Fund for a 18 month trial period (until 30 June 2010) as generally outlined in the report and as per the recommendations of the SBRVL Advisory Group.
2. Council approve the following projects from the SBRVL Promotion Fund for the 2008/09 year as recommended by the SBRVL Advisory Group totalling \$45,500 (GST exclusive) -

	Project description	SBRVL funding request SUPPORTED by the Advisory Group	TOTAL project value
09-13	Marketing and Promotion Campaign for the 2009 Lismore Lantern Parade	\$18,000	\$237,000

	Project description	SBRVL funding request SUPPORTED by the Advisory Group	TOTAL project value
09-17	Promotion to attract more athletes and accompanying partners from a five hour radius of Lismore to the Lismore Masters Games – “Six th In The City” (25 – 27 / 9 / 2009)	\$15,000	\$113,000
09-22R	Lismore’s Christmas Giving Carnival	\$12,500	\$38,500
TOTAL funding request SUPPORTED by Advisory Group		\$45,500 (GST exclusive)	\$388,500

3. The 2009 4WD Caravan Camping Marine Show and the Australian Super Sedan Championship be funded by the SBRVL for \$15,000 per event and the Gemfest \$7,800.

(Councillors Chant/Graham) (S740)

Voting against: Councillors Ekins, Smith, Houston, Dowell and Clough

Policy for Leasing of Council Properties

S541

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

- 249/08 **RESOLVED** that That Council adopt the “Leasing of Council Buildings to Community Groups” draft policy attached to this report subject to the policy being amended defining minor maintenance to be maintenance that does not extend the life of the building.
(Councillors Clough/Chant) (P583:P1270)

At this juncture Councillor Battista rejoined the meeting.

Reports

2008/09 Budget Review – Target \$500,000 + Surplus

A MOTION was MOVED that:

1. That Council adopt the list of options totalling \$874,700 to mitigate the impact of the financial crisis and economic downturn on the 2008/09 Budget.
2. A review of the targeted surplus result and deferred capital or other works be reported to Council in March 2009.
(Councillors Graham/Clough) (S960)

AN AMENDMENT WAS MOVED that:

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1. That Council adopt the list of options totalling \$874,700 to mitigate the impact of the financial crisis and economic downturn on the 2008/09 Budget.
2. A review of the targeted surplus result and deferred capital or other works be reported to Council in March 2009.
3. Trunk drainage in South Lismore be commenced as soon as possible
(Councillors Graham/Clough) (S960)

On submission to the meeting the AMENDMENT was DEFEATED

Voting against: Councillors Dowell, Houston, Battista, Clough, Ekins, Yarnall, Chant, Graham, Marks and Meineke

250/08 **RESOLVED** that:

1. That Council adopt the list of options totalling \$874,700 to mitigate the impact of the financial crisis and economic downturn on the 2008/09 Budget.
2. A review of the targeted surplus result and deferred capital or other works be reported to Council in March 2009.
(Councillors Graham/Clough) (S960)

Voting against: Councillor Ekins

Clunes Wastewater Preferred Option

251/08 **RESOLVED** that:

1. Council formally adopt the option recommended by the Clunes Wastewater Committee as being the preferred method for provision of wastewater services to Clunes - provision of on-site treatment on each lot within Clunes, with collection, disinfection and re-use of treated effluent through irrigation;
 2. Council proceed with the preparation of an Environmental Impact Statement which is focussed on this proposal.
(Councillors Graham/Yarnall) (S288)
-

Clunes Wastewater Committee

252/08 **RESOLVED** that:

1. The existing Clunes Wastewater Committee be retired.
2. Members of the committee be thanked for their valuable service.
3. When Council determines its future consultation requirements, members be invited to take an active role.
(Councillors Ekins/Clough) (S288)

Small Business Incubator in South Lismore

253/08 **RESOLVED** that:

1. The General Manager be authorised to negotiate sale of the property at 40 Three Chain Road South Lismore to NORTEC.
2. All documentation required to facilitate the sale of the property be executed under Seal of Council.
(Councillors Meineke/Clough) (S640)

DCP Chapter 7 – Requirements for Service Vehicles

254/08 **RESOLVED** that:

That Council resolve to exhibit the draft Lismore Development Control Plan Amendment No. 7 for a period of 28 days.
(Councillors Houston/Smith) (S924)

Section 375A Voting Record

Voting For: Councillors Dowell, Houston, Battista, Clough, Smith, Ekins, Yarnall, Chant, Graham, Marks, Meineke

Voting against: Nil

Policy Advisory Group Scope, Objectives and Membership

255/08 **RESOLVED** that consideration of this matter be deferred to later in the Business Paper when the Ballots have been counted.
(Councillors /Chant) (S36)

Floodplain Management Committee Membership

A MOTION WAS MOVED that:

Council appoint of the following people to membership of the Lismore Floodplain Management Committee for a term concluding in September 2012:

- Mr Graham Askey
 - Mr Severino Da Roit
 - Mr John Habib
 - Mr Keith Graham
 - Mrs Jean-Rose Rapmund
- (Councillors Graham/Chant) (S106)

AN AMENDMENT was MOVED that:

Council appoint of the following people to membership of the Lismore Floodplain Management Committee for a term concluding in September 2012:

- Mr Graham Askey
 - Mr Severino Da Roit
 - Mr John Habib
 - Mr Keith Graham
 - Mrs Jean-Rose Rapmund
 - Liese Coulter
- (Councillors Ekins/Clough)

On submission to the meeting the AMENDMENT was DEFEATED

Voting against: Councillors Dowell, Houston, Smith, Yarnall, Chant, Graham, Marks, Meineke

256/08 **RESOLVED** that:

Council appoint of the following people to membership of the Lismore Floodplain Management Committee for a term concluding in September 2012:

- Mr Graham Askey
 - Mr Severino Da Roit
 - Mr John Habib
 - Mr Keith Graham
 - Mrs Jean-Rose Rapmund
- (Councillors Graham/Chant) (S106)

City Gateway Project Team

257/08 **RESOLVED** that:

1. Council determine two elected member representatives for the City Gateway Project Team.
2. Any proposals developed by the Project Team are to be reviewed by the Policy Advisory Groups prior to being reported back to Council for consideration.
(Councillors Ekins/Smith) (S73)

258/08 **FURTHER RESOLVED** that Councillors Ekins and Smith elected member representatives for the City Gateway Project Team.
(Councillors Graham/Marks)

Corporate Enforcement Policy

259/08 **RESOLVED** that Council adopt Policy 1.2.23 – Corporate Enforcement Policy.
(Councillors Clough/Marks) (S9)

At this juncture Councillor Houston left the meeting.

Changes for Lismore Vegetation Maps

260/08 **RESOLVED** that the 2008/09 Lismore vegetation maps charge is \$300 per tile with a 50% discount if all tiles are purchased at the same time.
(Councillors Graham/Smith) (S960)

Constitutional Recognition of Local Government

261/08 **RESOLVED** that Council advise the Australian Local Government Association that it has determined that its rankings of the questions be as follows:

1	Simplified/Streamlined Federal Funding (Direct Commonwealth funding rather than through States)	High
2	Providing a guarantee of funding to some minimum level	Medium
3	Symbolic recognition of Local Government	Low
4	Protection of the system of Local Government (require the States to maintain a system of Local Government)	High
5	Protection for Councils against arbitrary dismissal/amalgamation (require certain minimum principles or processes to be met)	Medium

(Councillors Yarnall/Marks) (S13)

At the juncture Councillor Houston returned to the Chambers.

Investments held by Council – November 2008

262/08 **RESOLVED** that:

1. The report be received and noted.
2. After considering the Department of Local Government's Circular 08/10 and advice from Council's investment advisor, the investments in Omega (Henley), Beryl (Esperance 2) and Beryl (Global Bank Note) be maintained.
(Councillors Graham/Clough) (S178)

Committee Recommendations

Traffic Advisory Committee November 19, 2008

263/08 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.
(Councillors Chant/Marks) (S352)

Documents for Signing and Sealing

264/08 **RESOLVED** that the following documents be executed under the Common Seal of Council:
(Councillors Smith/Chant)

Lease to Friends of the Koala Inc (P5144)

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

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

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

Assignment of Licence Agreement - Lismore Pie Cart (P23113)

Assignment of Licence Agreement for kerbside dining for the Lismore Pie Cart on the road reserve in Magellan Street adjacent to Lot 1 DP 776438, 172 Molesworth Street, Lismore. Council has received financial and business references for the new business owners.

Plan of Subdivision - Lot 22 DP 1122783 - 40 Three Chain Road, South Lismore (P30335)

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Following reports to Council on June 13, 2006 and November 13, 2007, a Plan of Subdivision of Lot 22 DP 1122783 has been prepared to create an additional lot, being 5,975m², for the purpose of the Lismore Small Business Incubator.

Lease to Lismore Pre-School Kindergarten Inc - Lots 2 & 3 DP 344444 (P1294)

Lease over Lots 2 & 3 DP 344444 (66 Brewster Street, Lismore) comprising an approximate area of 1,492m², for the permitted use as a pre-school for a period of 5 years with a 5 year option. Annual rental shall be in accordance with the rental assessment.

Sub-lease of office space - part Crown Reserve No. 85839 – Part Lot 588 DP728678 (P21601)

An advertisement was placed in *The Northern Star* on September 27, 2008 seeking submissions from suitably qualified complimentary businesses to lease a portion of office space at the Lismore Memorial Gardens.

The successful applicant has been chosen, and with the approval of the Crown, shall be granted a sub-lease of the office space at a commercial rental.

Assignment of Licence Agreement - Dragonfly Cafe (P24014)

Assignment of Licence Agreement for kerbside dining for the Dragonfly Cafe on the road reserve in Carrington Street adjacent to SP 67313, 34 Carrington Street, Lismore. Council has received financial and business references for the new business owners.

Plan of Subdivision and 88B Instrument for various easements - (R6575, P21434, P22522, P27380, P27381, P27382, P27383)

Plan of subdivision of Lot 1 DP 1133690, Lots 630 & 631 DP 810600, Lots 3, 4, 5, and 6 DP 1011282 for the purpose of consolidation of lots for the Goonellabah Sports and Aquatic Centre; the creation of one lot proposed for the Rekindling the Spirit joint venture in accordance with Council's resolution of February 12, 2007; dedication of 572m² for road widening; and the creation and extinguishment of various easements by Section 88B Instrument.

Financial Assistance - Section 356

265/08 **RESOLVED** that in accordance with Section 356(1) of the Local Government Act 1993, the assistance to persons as listed is hereby approved.
(Councillors Graham/Clough) (S164)

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

Budget Approved: \$2,700 Budget Available: \$1900.00

Vivienne Roberts

Seeking contributions re World Indigenous Peoples Conference Education 2008 WIPCE 7-10 Dec 2008.

In accordance with policy.

\$50.00

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Magic Mania

Seeking sponsorship re Magic Mania project 19 Dec 2008 Ballina RSL.

In accordance with policy.

\$50.00

f) Council Contributions to Charitable Organisations

Waste Facility – Policy 5.6.1 (GL390.965.15)

Budget: \$10,000 Budget available after this donation: \$5,298.09

Animal Right & Rescue	\$6.36
Challenge Foundation	\$112.53
Five Loaves	\$158.45
Friends of the Koala	\$19.09
LifeLine	\$210.00
Saint Vincent De Paul	\$7.64
Salvation Army	\$34.36
Westpac Life Saver Rescue Helicopter	\$40.91
Total	

\$589.34

c) Miscellaneous Donations

Our Kids

This year Council did not send out printed Christmas Cards but instead sent e-cards.

The donation is in lieu of printing and postage of Corporate Christmas Cards

Recommendation: That a donation in lieu of printing and postage of Corporate Christmas Cards

\$250.00

Lismore Soup Kitchen

Requesting Council to provide assistance with supply of two (2) 240ltr bins from the Wyrallah Road Waste Facility.

Recommendation: The two bins be provided as requested funded from Council's waste collection operating budget.

\$160.00

Interchange Respite Care Inc. - Lismore

Requesting Council donate mulch and soil to cover tree roots and stones at the their premises at 2 Balmer Avenue, Lismore Heights as the surface is causing problems for young children and teenagers with a physical disability.

Recommendation: The mulch and soil be provided as requested funded from Council's parks and reserves maintenance budget. (P896:S164:08-11838) \$200.00

5 Loaves

Letter received from a Mr. David Berg requesting Council waive the fees for the hire of Gordon Pavilion for their Christmas Part Day for Orphans on December 14th 2008 coordinated by The Soup Kitchen and Darcy Goodwin.

Comments: This is the second consecutive year for this request. The total cost of the request is \$171 being for the hire fee. A bond also exists being \$321.

Recommendation: It is recommended that this fee be waived subject to the venue being cleaned to the satisfaction of the Parks & Recreation section. The bond of \$321 is recommended to be paid by the group before the event, with no transactions being

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required. It is further recommended that this group request an annual section 356 request in the annual budget submission requests held in February and March each year.

\$171.00

Policy Advisory Group Scope, Objectives and Membership

266/08 **RESOLVED** that:

1. The PAG Scope and Objective statements be endorsed.
2. That Council select up to eight community members to serve on each of the PAGs. (Councillors Graham/Chant) (S36)

267/08 **RESOLVED** that the following appointments be confirmed.

Arts and Culture PAG	Community Services PAG	Economic Development PAG
Therese Crollick Jyllie Jackson Jan Davis Andrew Binns Meg Nielsen Dr Moya Costello Patricia Sanotti Robbie Braithwaite	Paul Cruickshank Vicki Findlay Samantha Standish Jennifer Park Luciana Trojer Neil Moreton Margi Hill Vicki Bardon	David Fryer Rod Sproule Keith Sloan Dianna Roberts Russell Trebilcock Barry Robinson John Corcoran Robyn Riordan

Infrastructure Assets PAG	Sustainable Environment PAG	Sports and Recreation PAG
Denis Byrne Simon Cripps Clark Assoc. Prof. Robert Weatherby Colin Smith Barry Garland Barry Robinson Barry Davidson David Hudson	Lorraine Vass Robert Jarman Maryann Anderson Caoilfionn (Keelin) Turner Leigh Davidson Terry Lawrence Catherine Ann Ford Ross Garsden	Therese Crollick Peter Baillie Tony Clarke Lyn Larsen Cheryl Amor Matt Kelso Norman Ryder Clint Mallett

(Councillor Smith/Graham) (S36)

Matter of Urgency

Removal of Tree – Kadina Street, Goonellabah

268/08 **RESOLVED** that this matter be admitted to the business paper as a matter of urgency. (Councillors Ekins/Clough) (R6469)

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269/08 **RESOLVED** that Council erect a sign on the tree stump that the tree was unlawfully poisoned by persons unknown and that trees have an important part to play in the habitat of urban areas.
(Councillors Ekins/Battista) (R6469)

Voting against: Councillor Meineke

Closure

This concluded the business and the meeting terminated at 9.47pm.

CONFIRMED this Tenth Day of February, 2009 at which meeting the signature herein was subscribed.

MAYOR