

Ordinary Meeting

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at
the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on
February 12, 2008
and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager
February 5, 2008



Agenda

Opening of Meeting and Prayer (Mayor)

Apologies and Leave of Absence

Confirmation of Minutes

December 11, 2007

Disclosure of Interest

Public Access Session

Public Question Time

Condolences

Mayoral Minutes

Adam Gilchrist

Planning Challenge

Notice of Rescission Motions

Notice of Motions

Altering Order of Business

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

Reports

Draft Amendment No 20 to Lismore LEP (Cameron Road).....	8
Lismore Promotion Program update	18
Joint Venture with Rekindle the Spirit Inc.	22
Draft Amendment No 27 to Lismore Local Environmental Plan	25
Lismore Development Control Plan – Amendment 1	29
Planning Agreements Policy	35
Request for Financial Assistance – Lismore Chamber of Commerce Inc.....	44
Lismore City Cycleway Strategy	46
Water Supply and Sewerage Performance Monitoring	50
Emergency Management.....	53
ICLEI – Local Governments for Sustainability – Water Campaign	55
December 2007 Quarter Management Plan Review	59
December 2007 Quarterly Budget Review Statement	60
Investments held by Council – December 2007	66
Investments held by Council –January 2008	68



Committee Recommendations

Financial Assistance - Section 356

Documents for Signing and Sealing

Questions Without Notice

Confidential Matters – Committee of the Whole



Strategic Plan Summary

Lismore regional city

STRATEGIC PRIORITY	AIMS	INITIATIVES
Economic Development	To build Lismore's reputation as a regional city for residents, businesses, education providers, health services and government.	<ul style="list-style-type: none"> ▶ Champion education ▶ Promote health facilities ▶ Support regional agriculture ▶ Promote cultural life ▶ Promote Lismore as a legal centre ▶ Support for sport
	To increase regional economic development, tourism and job-creating investments.	<ul style="list-style-type: none"> ▶ Promote regional development ▶ Develop tourism ▶ Support businesses ▶ Pursue CBD revitalisation ▶ Assist in job creation ▶ Assist in creating new income opportunities
Quality of Life	To 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	To lead the region by demonstrating innovative practices in governance, customer service, communication, consultation, virtual amalgamation and financial management.	<ul style="list-style-type: none"> ▶ Lead the region ▶ Increase revenue from grants ▶ Improve customer service ▶ Consult the community ▶ Update technology ▶ Provide user pays services ▶ Privatise selected services ▶ Share assets and resources
Natural Environment	To 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	To 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	To 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 **Adam Gilchrist congratulations**

That Council endorse the proposal to congratulate Adam Gilchrist on his achievements.

Background

As I am sure you are all aware, Adam Gilchrist has announced his retirement from all forms of cricket at the end of the one day series with India and Sri Lanka. He played his last Test match for Australia in Adelaide recently.

Whilst many have claimed Adam as “their own” he is no doubt a Lismore boy. He went to Kadina High School, played senior cricket with a local cricket club and his parents Stan and June still live in Goonellabah.

His exploits have been well canvassed in the media and there is no need for me to explain these in detail. I will say that it is extremely uncommon that the words “revolutionary” and “integrity” are ever used in the same sentence to describe an individual.

He has changed the role of a wicket keeper forever and done so in a manner which has brought delight to all who watch the game. His integrity is shown in how he played the game and in the respect he has had for its traditions.

Away from the game these qualities are also in evidence. He generously uses his position to help others in a quiet and modest manner so typical of the man and he has not lost sight of his roots, sponsoring an annual award at Kadina High School.

On behalf of Council and the people of Lismore I intend to congratulate Adam in writing, not only on his achievements, but also for the manner in which he has achieved them and I would ask that I can do that with the full support of Council.

Mayoral Minute

Subject **Planning Challenge**

That Council:-

- 1. Strongly supports the commitment of the Local Government and Shires Associations to negotiate improvements to the NSW planning system notwithstanding the lack of effective stakeholder consultation about the government proposals announced by the Minister for Planning on November 27, 2007.**
- 2. Confirms that it is supportive of reforms which improve the planning and development decision making process and provide for genuine community input.**
- 3. Encourages NOROC to devote its resources to lobbying the Premier of this State and all local State Members of Parliament to ensure that the voice of local government is properly heard and its concerns addressed through rational discussion.**
- 4. Seek the urgent support of the Member for Lismore that he will represent Council's case for rejection of the Minister's proposals which diminish the role of community and Council in determining the outcomes of local development.**
- 5. Provide evidence to the LGSA in a detailed submission which outlines those aspects of the proposed changes which are endorsed, and those which are rejected, on the grounds that any changes must be in the best interests of the Lismore community.**
- 6. Reject completely the concept of denying Council the opportunity to collect financial levies commensurate with the impact of new development on public infrastructure and facilities.**

Background

On January 30, 2008 I attended the Leaders Forum convened in Sydney by the Local Government and Shires Association to participate in a debate about the radical planning changes proposed by the State Government. This matter is of serious concern to Councils generally because the Minister's proposals contain an unpalatable mix of good and bad concepts which, if not unwound, will be a net negative for all communities in this State. In our case, the changes to arrangements for collecting developer funds for improving public infrastructure and facilities would mean a loss of up to \$5.7million over 5 years. That is a direct cost on our local community and is a proposal which does not make any sense.

The numbers in attendance at the Forum were impressive and all local Councils were represented. The mood of the meeting was very enthusiastic in its call for local government across the State to act as a united group in opposing the excesses of the Minister's so called reform agenda. As we know, many metropolitan Councils are openly party political but Mayors from all sectors voiced the same message in their vociferous condemnation of the Minister's proposals. There was not a Mayor in attendance who supported the Minister's reform package.

The consensus of the forum was encapsulated in a composite motion which :-

- Supports the LGSA in challenging the State Government over these changes on the grounds that they are not in the best interests of the communities which Mayors and Councillors represent;
- That local government confirm that it is supportive of reforms which improve the planning and development decision process without compromising the character of neighborhoods or community input;
- That reforms focus on making sure planning decision makers are accountable, building codes reflect local needs and neighbours have the opportunity to object to developments;
- That consideration be given to strategies of civil disobedience such as refusing to hand over Section 94 funds, held by Councils, to the State Government;
- That the LGSA co-ordinate a professionally developed information campaign to alert local communities across the State to the adverse impacts of the Government's proposals.

Other matters which drew support from the forum included:-

- Private Building Certifiers' certificates should be referred to the Council for final signoff, but with strict turnaround times enforced;
- The use of advisory Independent Hearing Assessment Panels (IHAPs) to conduct hearings with findings being reported to the Council for a binding decision.

The LGSA Executive has insisted that the Government provide more time to consider the current planning problems so there can be agreement on workable solutions which don't compromise the fundamental right of residents to develop communities where people want to live. That call has thus far been rejected by Minister Sartor but the two Association Presidents (McCaffrey and Miller) assured the forum that they would apply all available resources to engaging the Government on these issues and would concurrently assist Councils across the State in informing their local communities about the key impacts as a means of countering the Government's generally critical attitude toward local government in planning and development matters.

I certainly agree that this is a matter of real significance for local government in this State and it would be a matter of abject neglect if we do not do all that we can as representatives of the Lismore community to retain the primacy of democratically elected Councillors in determining the future look, shape and feel of development in Lismore. The Minister's proposals have the ability to undermine that standard and so I seek the Council's support for an energetic co-ordinated campaign to change his direction. The foregoing Minute is intended to initiate such a campaign locally.

Notice of Motion

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

That Council demands that all political parties immediately remove their election support and promotion signs from public property in the Lismore area.

Councillor Chant

Notice of Motion

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

1. That Council staff prepare a report outlining an amendment to the Tree Preservation Order which may allow for the voluntary removal, without fees, of large, invasive to local surroundings, potentially hazardous and generally unsuitable trees from residential areas on the understanding that any trees removed for these reasons are compensated for by replacement with species suited to the particular location.
2. That Council introduce a moratorium on its Tree Preservation Order as from 1st May, 2008 in the absence of the foregoing report.

Councillor J Hampton

Councillor Comment

Most Councillors will have had phone calls from residents complaining about the tree preservation order, whether they get an approval or a refusal to remove a tree.

Unfortunately residents are not familiar with the policy and use reasons for removal which are not valid e.g. leaves blocking gutters. Residents also complain about the payment of fees (\$55.00 or more) in particular when the tree was planted by themselves, sometimes decades ago.

It is understood that some adjoining Councils whilst having a TPO have a much more sympathetic interpretation when assessing a removal application.

I have always maintained that large species of trees are not suitable in an urban environment, in particular on the renowned reactive clay soils of the area, because they fall, are fireprone and cause massive structural damage to buildings and infrastructure. Therefore, if residents plant unsuitable species they should have the right to remove them from their own land without becoming involved in a complex bureaucratic process.

Notice of Motion

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

That Council:

1. Hold a workshop for councillors and an information session for Dunoon residents to examine the issues surrounding DA 2006/0647 (the development of 56 lots in the Dunoon village and a sewerage treatment plant).
2. That these sessions be held before the DA comes to Council.
3. That a site visit be arranged for Councillors and residents so that they can see a similar, operating sewerage treatment plant to the one proposed for the Dunoon development.
4. That where developments are regarded as sensitive or controversial, Council prepare, or contract experts to prepare, key documents such as Social impact Statements, Environmental and economic statements so that they can be seen to be independent. The costs of these reports to be recovered from the developer.

Councillor D Tomlinson

Councillor Comment

Reasons: 1. The residents of Dunoon have unanimously argued for more consultation on this DA. What is required by them and by Councillors is more information and answers to key questions. This development, if it goes ahead, will increase the population of Dunoon by more than 40 per cent and will fundamentally change the nature of the village. Residents need to know their concerns have been heard and they need answers to their questions.

2. Obvious

3. The sewerage treatment plant is on the eastern edge of the village well within sight of new and existing residents. They need to see a similar STP in operation so that concerns such as odour, reliability, the quality of the effluent and noise can be assessed.

4. When developments are controversial or sensitive, residents need to know that these reports are unbiased.

This is not now the case because they are prepared by the developer, and residents, rightly, have no confidence in their findings.

The SIA and Economic impact assessments supplied with this DA are not unbiased. They argue for the development from the start and dismiss resident concerns saying, in the case of the SIA, that they are either not important, will fix themselves over time or where concerns are acknowledged, that Council will somehow fix it all. The Economic Impact Statement finds no economic downside (the loss of agricultural land?) and assumes, for no apparent reason, that 80 per cent of the benefits will flow to locals.

These reports are required by Council so that it can assess the impacts on our own community. We should prepare them.

Staff Comment

Executive Director – Development and Governance

1 & 2. It would be appropriate for a Councillor workshop on DA 2006/647 to be held prior to the application coming to Council for determination. If required a public information session could be held in conjunction with the rural contact forum scheduled for Dunoon on March 17, 2008.

3. It could be beneficial for Councillors and several community representatives to observe the operation of a small Sewerage Treatment Plant (STP) prior to the determination of the application. It would not be appropriate for a large group of residents to seek to visit a working STP.

4. This proposal is not supported and is not considered to be workable under the current State

Notice of Motion

Planning Scheme and will work to deny proponents opportunities and flexibility to develop good outcomes for individual sites. This part of the Motion will also lead to significant increases in the development assessment times for the following reasons.

Well before Council is aware that any proposal is being developed for a specific site the developer will be working with their preferred consultant team to identify site constraints and opportunities. This process will lead to a specific proposal for the site which in turn will be lodged with Council. If Council were then to oversee the engagement of more consultants it would add significantly to the cost of the proposal and the time of assessment.

In addition to the difficulties outlined above there is an inherent assumption in this Motion that Councillors and staff are not mindful of the bias that can creep into the current system and are not able to make considered and informed decisions. This assumption is incorrect and if staff have reservations about any particular report there are tools available to Council, to seek further and better particulars from applicants and these are frequently used during the assessment processes.

Report

Subject	Draft Amendment No 20 to Lismore LEP (Cameron Road)
File No	S 884
Prepared by	Strategic Planner
Reason	Council resolution
Objective	Council's endorsement to re-exhibit LEP Amendment 20, the amended proposal and amended Planning Agreement for Cameron Road.
Strategic Plan Link	Quality of Life – encourage sustainable development
Management Plan Project	Implement adopted Council Land Use Strategies

Overview of Report

This report advises Council of the receipt of an amended development proposal for the Cameron Road rezoning proposal together with an updated SIA and other supporting information. The report recommends that Council re-exhibit the new plans and supporting information for a period of twenty eight (28) days.

Background

At its meeting of December 11, 2007 Council considered a report on an amended development proposal that had been lodged by Newton Denny Chapelle on behalf of the Cameron Road group of landowners at McLeans Ridges. The amended proposal was submitted in response to Council's resolution of October 9, 2007 to invite both proponents at McLeans Ridges to submit amended design proposals that incorporated the following general principles:

- provide for minimum lot widths of 70m at the building line, other than for battleaxe lots or lots situated at the end of cul-de-sacs, and
- provide a 5m landscaped area in "no build" zones along the first 40m of all side boundaries of all lots, and
- provide a revegetation plan of the Cameron Road reserve using local rainforest species, and
- integrates appropriate stormwater management and driveway design into roadside table drains, so as to negate where possible, the need for kerb and gutter within the road designs, and
- achieves an integrated outcome for the design and location of approximately 6,000m² of open space and community facilities in a more centralised location within the McLeans Ridges strategy area, and
- includes an arborist's report that provides for the protection of the Teak tree on the Roseview Road proposal, and
- provide appropriate footpaths/cycleways to support the centralised community open space, and
- promote reduced building line setbacks for lots with frontages greater than 70m, and
- facilitate the utilisation of ridgetops for road usage to ensure future dwellings are located below ridges and do not have linear building line setbacks, and
- encourage non linear road alignments.

- That roads in the rural residential development should reflect the rural character of the location.

The redesign of the Cameron Road proposal has resulted in a reduction in the potential number of rural residential allotments from 73 to 63. At its December 2007 meeting, Council resolved to defer consideration of the proposal until the February 2008 meeting. This was to provide the proponent with sufficient time to submit the updated social impact assessment (SIA) and also would enable Council to complete its traffic counts on local roads in the area. The proponent has submitted the updated SIA together with supporting documentation for the revised proposal.

Community Open Space

The redesign has provided for a more centrally located community lot (Lot 29) that could potentially service the combined Cameron/Roseview Road area. The proposed community lot has an area of 6780m² of which approximately 1585m² has a gradient of less than 5%. Approximately 2420m² has a gradient of 5% to 15% with the remaining 2780m² being between 15% and 20%.

Council has adopted standards under its DCP for neighbourhood parks in urban areas which requires a minimum area of 2500m², of which at least 90% (2250m²) is to have a gradient no greater than 5%. The proposed park in Cameron Road will be required to accommodate a greater range of uses than the typical neighbourhood urban park and so the larger area that has been required is considered to be warranted. The area of land that is 5% or less should be increased to accommodate future recreational and community facilities and this should be possible when earthworks are undertaken as part of future civil works for the subdivision.

A copy of the revised subdivision proposal showing the location of the proposed community open space lot is attached to this report.

Updated Social Impact Assessment

Council had resolved on October 9, 2007 that any amended application for either the Cameron Road or Roseview Road proposals should be accompanied by an updated SIA that took into account current Census data.

The updated SIA has been prepared by Real Options Consultancy Service and includes demographic information based on the results of the 2006 Census. The revised development proposal and amended Planning Agreement are consistent with the recommendations made in the SIA.

The SIA has been assessed by Council's Community Services section which has advised that the document identifies the major concerns and social issues that will be impacted upon by the proposed development and it appears that appropriate mitigation strategies have been planned. A copy of the updated SIA is attached to this report.

Traffic Counts

Traffic counts at various locations on roads in the vicinity of the proposal were undertaken by Council between October and December 2007. Width requirements for rural roads are primarily dependant on traffic volumes. Standards for width/volume relationship are contained in both Council's DCP and in the Austroads publication "A Guide to the Geometric Design of Rural Roads." These are summarised in the following tables:

Austroads: A Guide to the Geometric Design of Rural Roads

	1-150 Daily Av.	150-500 Daily Av.	500-1000 Daily Av.	1,000-3,000 Daily Av.	>3,000 Daily Av.
Traffic Lanes	3.5m	6.2m	6.2-7.0m	7.0m	7.0m
Total Shoulder	2.0m	1.5m	1.5m	2.0m	2.5m

Lismore DCP

	Local Road <300 Daily Av.	Rural Collector Rd 300+ Daily Av.	Sub-arterial Rd (as identified in DCP)
Traffic Lanes	6m	6m	7m
Total Shoulder	2m	2m	2m

Results from the traffic counts undertaken between October and December 2007 are shown in the following table. In March 2006 Council commissioned roughness surveys of all roads within its jurisdiction for use in estimating the pavement life. The average roughness for Cameron Rd, Cowlong Rd and Boatharbour Rd has been included in the table below. With regard to roughness, Council has adopted a roughness of 135NRM as the relevant intervention level for rural roads.

Traffic Counts and pavement condition

Location	Traffic Count (Daily Av)	Existing width (m)	Austrroads Standard (m)	DCP Standard (m)	Pavement Roughness (NRM)	Pavement Condition	Funding proposed (under PA)
Cameron Rd	320	5.2-6.0	6.2 on 7.7	6 on 8	82	Satisfactory	No (reconstruction of section of road required by Cameron Rd developers)
Cowlong Rd (west of Cameron Rd)	854	5.4-6.4	7 on 9	7 on 9	139	Unsatisfactory	Yes
Cowlong Rd (east of Cameron Rd)	701	5.4-6.0	7 on 9	7 on 9	139	Unsatisfactory	No (reconstruction to Roseview Rd to be required by Roseview Rd developers)
Boatharbour Rd (west of Cameron Rd)	433	5.7-6.5	6.2 on 7.7	6 on 8	82	Satisfactory	No
Boatharbour Rd (east of Cameron Rd)	136* 166(2004)	3.4-3.7	3.5 on 5.5 6.2 on 7.7	6 on 8 6 on 8	148	Unsatisfactory	Yes

* The count for Boatharbour Road is inconsistent with previous counts undertaken in June 2004. The 2004 count has been included for comparison.

Road upgrading contributions to be contributed by the developers through the proposed Planning Agreement have been targeted towards Cowlong Road and Boatharbour Road (east of Cameron Road) where existing widths and pavement condition do not meet the required standards. Although the 2007 counts would suggest that the existing pavement width in Boatharbour Road (east of Cameron Road) would satisfy the Austrroads requirements, any reconstruction of Boatharbour Road would be at the higher standard.

The level of road contributions that the proponents will be committed to under the Planning Agreement is considered to be fair and reasonable and the collected funds will be expended in areas where the greatest public benefit will be realised.

Amended Planning Agreement

Council had also resolved on October 9, 2007 that an amended Planning Agreement be drafted to accompany any revised rezoning proposal. The amended Planning Agreement was to incorporate the following:

- an additional \$2,366 per lot to be allocated towards the upgrading Boatharbour Road (being equivalent to the current S 94 contributions for roads that would otherwise be payable),
- a provision that no other S94 roads contribution will be applicable, and
- a provision that all monetary contributions are to be adjusted annually to reflect any increase in the Construction Price Index.

The amended Planning Agreement has been drafted in accordance with Council's resolution and has been signed by the Cameron Road landowners. The amended draft Planning Agreement should be exhibited concurrently with the revised rezoning proposal.

Public Meeting

A public meeting was held at the McLeans Ridges Community Hall on December 6, 2007 where consultants for the Cameron Road landowners presented details of their revised proposal. The meeting was attended by approximately 70 people. A summary of the questions/issues raised at the public meeting is attached to this report.

Comments

Financial Services

Not required

Other staff comments

Council's Development Engineer and Social Planner have assessed relevant aspects the revised proposal for Cameron Road and their comments have been incorporated into this report.

Public consultation

Draft LEP Amendment No 20, which originally included both the Cameron Road and Roseview Road proposals, was exhibited from April 16 to May 14, 2007. The EP&A Act enables Council to make any alteration it considers necessary to a draft LEP arising from its consideration of submissions. The Act also provides that Council may (but need not) publicly exhibit, wholly or in part, a draft LEP that has been altered.

Draft LEP Amendment No 20 has now been altered so that it:

- a) refers only to the Cameron Road proposal (i.e. excludes the Roseview Road proposal), and
- b) reflects the reduced lot yield for Cameron Road as shown on the revised subdivision plan.

A copy of the redrafted amendment is attached to this report.

The terms of Council's resolutions of October 9 and December 11, 2007 have been addressed by the proponent. It is therefore recommended that the altered draft LEP amendment, together with the amended plans, supporting documentation, updated SIA and amended Planning Agreement be placed on public exhibition for a period of twenty eight (28) days and that all persons who made submissions to the original proposal be advised in writing of the exhibition.

During the exhibition period it is also proposed that the amended proposal be referred to relevant government agencies and other public authorities (including Rous Water) for their comment.

Conclusion

In their redesign of the Cameron Road proposal, the applicants have addressed all of the relevant general principles outlined in Council's resolution of October 9, 2007. An updated SIA has been submitted which addresses the relevant issues and an amended Planning Agreement has also been prepared in accordance with the terms of Council's resolution. Supporting documentation has been submitted by the applicant in relation to the impacts of the revised design in terms of wastewater, threatened species, etc. It is recommended that the amended proposal now be placed on public exhibition.

Recommendation

That Council:

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

**Public Information Meeting for the amended Cameron Road rezoning proposal presented by
Newton Denny Chapelle at the McLeans Ridges Community Hall on
December 6, 2007 at 7.00pm.**

Issues/Questions raised:

1. Why don't the 5m wide landscaped strips extend for the full length of the side boundaries?
2. How will consolidated driveways along Cameron Road fit with the proposed 5m wide landscaped areas?
3. What is the slope of the proposed park on Cameron Road? Will there be sufficient usable level areas? Please specify?
4. Will the park have a community building? When will Council provide the community facilities?
5. What is the location and extent of the pedestrian footpath network?
6. How can Councillors make a decision to exhibit the amended plans without first seeing the updated Social Impact Assessment?
7. Does the SIA take into account the Roseview proposal?
8. Will the SIA be assessed by staff before it goes on exhibition?
9. Will the SIA address contamination issues from agriculture?
10. What is the difference between a Social Impact Statement and a Community Needs Assessment?
11. Why can't the decision to exhibit the amended plan wait until the February Council meeting?
12. Are the local traffic counts completed and have they been assessed?
13. Automated traffic counters can be subject to error.
14. What is permissible in the 5m wide landscaped areas and how can it be enforced?
15. Do the residue lots have an entitlement for a house and who will own them?
16. Who will own and look after the proposed regeneration lots?
17. Will the area be exposed to "urban creep" as has happened with development in Goonellabah?
18. The original 1ha minimum rural subdivision size was set by State Government. This policy has now been changed by the government.
19. There is no reason why the developers can't propose larger lot sizes.
20. The area is within the catchment of the Richmond Source.
21. What are the minimum, maximum and median sizes of the smaller rural residential lots?
22. Where road construction requires cuttings there should be sufficient verge width to accommodate horse riding and pedestrians. The surface of concrete footpaths should be "rough concrete" to facilitate horse riding.

23. Cameron Road is too narrow at its northern end. It should be widened to two lanes to cater for increased traffic particularly during flood times.
24. Rural residential development is expensive for Council in the long run. There are bigger profits for developers but Council must pick up the hidden costs.
25. Will the unformed Crown Road to the south west of the site be closed. Who is responsible for recent clearing in the road reserve?
26. Will Cameron Road be upgraded properly or will it just have an extra strip of bitumen tacked to one side? Will it have a defined centreline?

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

under the

Environmental Planning and Assessment Act 1979

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

FRANK SARTOR, M.P.,
Minister for Planning

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

1. Name of plan

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

2. Aims of plan

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

3. Land to which plan applies

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

4. Amendment of Lismore Local Environmental Plan 2000

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

Schedule 1 Amendments

[1] Schedule 4 Additional development on certain land

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

Column 1 Land	Column 2 Purpose	Column 3 Development standards or conditions
Lot 123 DP 731488 Boatharbour Road, Eltham & Lot 2 DP 588282, Lot 4 DP 572949, Lot 5 DP 572949 Cameron Road, McLeans Ridges.	37 rural residential lots plus 1 lot to be dedicated as public reserve plus residue	Consent must not be granted to the purpose specified in Column 2 unless the application is made within 3 years after the commencement of Lismore Local Environmental Plan 2000 (Amendment No 20).
Lot 6 DP 572949 Cameron Road, McLeans Ridges.	7 rural residential lots	Consent must not be granted to the purpose specified in Column 2 unless the application is made within 3 years after the commencement of Lismore Local Environmental Plan 2000 (Amendment No 20).
Lot A DP 420518 Cameron Road, McLeans Ridges.	6 rural residential lots	Consent must not be granted to the purpose specified in Column 2 unless the application is made within 3 years after the commencement of Lismore Local Environmental Plan 2000 (Amendment No 20).
Lot 2 DP 551775 Cameron Road, McLeans Ridges.	10 rural residential lots	Consent must not be granted to the purpose specified in Column 2 unless the application is made within 3 years after the commencement of Lismore Local Environmental Plan 2000 (Amendment No 20).
Lot 12 DP 842905 Boatharbour Road, Boatharbour.	3 rural residential lots plus residue	Consent must not be granted to the purpose specified in Column 2 unless the application is made within 3 years after the commencement of Lismore Local Environmental Plan 2000 (Amendment No 20).

2007

Social Impact Assessment Report. Cameron Rd, McLeans Ridges

Real Options Consultancy Service

PO Box 325

Paddington Q 4064

Ph: 07 3311 2602

Fax: 07 3311 2666



Table of Contents

1. INTRODUCTION	3
2. OUTLINE OF THE PROPOSED DEVELOPMENT	3
3. METHODOLOGY	4
4. UNDERSTANDING THE LOCAL COMMUNITY	5
4.1 Demographic Information.....	6
4.1.1 Age Distribution	6
4.1.2 Ethnicity/Indigenous Descent	7
4.1.3 Household Type	7
4.1.4 Family Composition.....	8
4.1.5 Income	8
4.1.6 Labour Force	9
4.1.7 Occupation and Industry of Employment	9
4.1.8 Method of Travel to Work	10
4.2 Housing Information	10
4.2.1 Dwelling characteristics and Dwelling tenure.....	10
5. MAPPING OF SERVICES AND FACILITIES	12
5.1 Educational and Child Care Facilities	12
5.2 Community Services.....	13
5.3 Recreational facilities.....	14
5.4 Commercial services and facilities	14
6. ASSESSMENT OF THE SOCIAL IMPACTS	15
6.1 Summary of the existing and future Community.....	15
6.2 Resident concerns.....	15
6.3 Transportation	16
6.4 Impact on Rural Amenity and Existing landscape.....	17
6.5 Community facilities and Services	18
7. CONCLUSION.....	21
BIBLIOGRAPHY	22



1. INTRODUCTION

Social impact assessment (SIA) is a sub-field of the social sciences that is developing a knowledge base to provide a systematic appraisal in advance of the impacts on the day-to-day quality of life of persons and communities whose environment may be affected by a proposed project or development.

Social impacts refer to changes to individuals and communities due to a proposed action or development that has the potential to alter the day-to-day way in which people live, work, play, relate to one another, organize to meet their needs and generally cope as members of society.

SIA is done as part of the planning process to identify the likelihood of social impacts of particular development proposals. Like environmental or economic impact assessments, social impacts have to be identified and measured in order to be understood and communicated to decision-makers and other stakeholders including residents. Social impact assessment provides a realistic appraisal of possible social ramifications and suggestions for project alternatives and possible mitigation measures.

2. OUTLINE OF THE PROPOSED DEVELOPMENT

It is understood that two submissions have been made to the Lismore City Council regarding rezoning of land in the McLeans Ridges area for rural residential purposes. This report has been commissioned by *Newton Denny Chapelle Consulting Surveyors and Planners* and provides a Social Impact Assessment for the proposed development at Camerons Road, McLeans Ridges only. This project involves the creation of 66 rural residential lots including 57 vacant lots, 8 lots containing existing dwellings and a Community lot available for shared community use. The total land area is 152 hectare and the rural residential lots vary in size from 3,230m² to 11.0 hectares.

Based on current occupancy rates in the Richmond Hill area, occupation of the 57 vacant lots would equate to a local population increase of approximately 165 people.



3. METHODOLOGY

The report has been developed through the following process:

1. **Research and Review** - Consideration was given to existing documentation and previous reports including:
 - the *Community Facilities Needs Assessment Cameron Road Re-zoning Mclean's Ridges Lismore City Council , Local Government Area Report* prepared by Tricia Shantz
 - Copy of the subdivision plan for Cameron Rd (dated 24/10/07)
 - Lismore City Council's Social Impact Assessment policy and Guidelines
2. **Analysis of statistical data** – A detailed analysis was conducted in regards to the 2006 ABS Population and Housing Census data for the Collection District of Richmond Hill to provide a description of the current community demographics
3. **Site Visit** - A site visit was conducted in respect to the Maclean Ridges area on the 4th December 2007.
4. **Community Feedback** – Lismore City Council publicly exhibited the proposed rezoning for the period 16 April to 28 May 2007 and received a total of 126 submissions. Consideration was given to community feedback from residents contained in the submissions in regards to the proposed social impacts of the development
5. **Preparation of Report** – the report was prepared taking into consideration available data and information and utilising benchmarks established under the Australian Model Code for Residential Development (AMCORD)



4. UNDERSTANDING THE LOCAL COMMUNITY

In order to appropriately assess the social impacts of a proposed action or development, consideration needs to firstly be given to the size, demographics and socio-economic characteristics of the existing and future populations.

McLeans Ridges is situated 13 Kilometres from Lismore, within the ABS Census Collection District (CD) of Richmond Hill. The Census Collection District (CD) is the smallest geographic area defined in the Australian Standard Geographical Classification (ASGC). The CDs are defined every 5 years for the Census of Population and Housing. At each Census the CD boundaries are redefined and realigned to the SLA, LGA and State/Territory boundaries.

The Richmond Hill CD covers the areas known as Richmond Hill and McLeans Ridges as outlined in the map below.



The Macleans Ridges and Richmond Hill areas were previously farming communities located in relatively close proximity to the commercial and business district of Lismore. Changes to the community occurred with the deregulation of the dairy industry in the 1960's which saw many farmers in the Northern Rivers moving out of the dairy industry. Further changes to the community have occurred throughout the 1980's as a result of a number of rural residential subdivisions being established in the areas surrounding Lismore. The area is now predominantly inhabited by a mix of people of retirement age and professionals (some with and without children) who have taken advantage of enjoying a rural lifestyle while still; remaining in close proximity to the larger urban area of Lismore for employment and leisure activities. The demographic features of the community are as follows.



4.1 Demographic Information

In 2006, the recorded population of Richmond Hill (CD) on Census night was 1,198 people. This was an increase of 92 people in the five years from 2001 or an average annual growth rate of 1.66%.

Richmond Hill (CD) is a relatively stable area with approximately 64% or 733 people living at the same address as they did five years ago. A further 111 people or 9.7% of the local population had previously lived at a different address but within the same Statistical Local Area of Lismore. Those moving to the area from outside of the Lismore area were predominantly from other parts of New South Wales (215) and from Queensland (42 people).

4.1.1 Age Distribution

Richmond Hill (CD) is characterised primarily by people aged 25-45 years , with a higher than the national average proportion of people aged 55-64 years and school aged children aged 5-14 years

Table 1: Age Composition

Age	No. People Richmond Hill CD	% of total persons Richmond Hill CD	% of total persons Australia
0-4 years	50	4.2%	6.3%
5-14 years	209	17.4%	13.5%
15-24 years	126	10.5%	13.6%
25-54 years	492	41.1%	42.2%
55-64 years	199	16.6%	11.0%
> 65 years	123	10.3%	13.3%

In the five years since the last census the Richmond Hill (CD) population has aged with the median age recorded as being 40 years in 2001 and 42 years in 2006 . This is much higher than the national average with the median age for Australia recorded at the 2006 census as being 37 years of age.

Overall, the proportion of young people aged 0-24 years has reduced in the past 5 years , in almost direct proportion to the increase in people aged over 60 years, while the proportion of those aged from 25- 59 years has remained relatively stable.



Table 2: Change in Age Composition 2001-2006

Age	% total persons Richmond Hill CD 2001	% of total persons Richmond Hill CD 2006
0-14 years	23.4%	19.8%
15-24 years	12.9%	13.5%
25-39	12.8%	12.6%
40-59	37.6%	37.2%
>60 yrs	13.3%	17.0%
Median Age	40 yrs	42 yrs

4.1.2 Ethnicity/Indigenous Descent

The area consists primarily Australian born people with just 9.6% of the population (116 people) being born overseas compared to a much higher distribution for Australia (22.2%). Of those people who were born overseas, the majority were born in English speaking countries such as England and New Zealand.

Of the total population just 19 people or 1.6% of the population identified as Indigenous persons compared to 2.3% Indigenous persons in Australia.

Table 3: Country of Birth

Country of Birth	No. People Richmond Hill CD	% of total persons Richmond Hill CD	% of total persons Australia
Australia	1,064	88.8%	70.9%
England	41	3.4%	4.3%
New Zealand	19	1.6%	2.0%
Italy	10	0.8%	1.0%
Scotland	5	0.4%	0.7%
Uganda	4	0.3%	0.0%

4.1.3 Household Type

The majority of households in Richmond Hill (CD) are family households, with only 36 dwellings being occupied by lone persons and just six properties being group households.

Of the 36 Lone Person Households, the majority (28) were occupied by persons aged over 45 yrs, with 16 of these properties occupied by people over 65 years.



Table 4: Household Type- Occupied private Dwellings

Household Composition	Richmond Hill CD	% total dwellings Richmond Hill CD	% total dwellings Australia
Family Households	358	89.7%	67.4%
Lone Person Household	36	9.0%	22.9%
Group Household	6	1.5%	3.7%

4.1.4 Family Composition

Of the family households in Richmond Hill (CD), just under half (47.9%) are couple families with children, while couple families without children make up a slightly smaller proportion of total families (43.5%) and a much greater proportion of the population than that recorded for Australia.

Table 5: Family Characteristics

Family Characteristics	Richmond Hill CD	% total Families Richmond Hill CD	% total dwellings Australia
Couple Families with children	174	47.9%	45.3%
Couple families without children	158	43.5%	37.2%
One parent families	27	7.4%	15.8%
Other families	4	1.1%	1.7%

4.1.5 Income

The income levels of people resident in Richmond Hill (CD) are much higher than the national average for all categories including median individual, household and family incomes. This is likely to be due to the fact that the majority of residents in the workforce are employed in the professional and managerial fields.

Table 6: Income

Income (Population aged 15 yrs and over)	\$ Richmond Hill CD	\$ Australia
Median Individual income (\$ weekly)	542	466
Median Household Income (\$weekly)	1,310	1,027
Median Family Income (\$ weekly)	1,367	1,171



4.1.6 Labour Force

Unemployment rates are very low compared to the national average which also accounts for the high levels of income. Of the 299 people not in the Labour force- 75 are aged 15-24 and enrolled in secondary and tertiary Education, while a further 191 are over retirement age.

Table 7: Labour Force

	No. persons in the labour force Richmond Hill CD	% persons in the labour force Richmond Hill CD	% persons in the labour force Australia
Total Labour Force	629		
Employed full-time	386	61.4%	60.7%
Employed Part-time	196	31.2%	27.9%
Employed away from work	16	2.5%	3.5%
Unemployed	20	3.2%	5.2%
Not stated	11	1.7%	2.6%
Not in the labour force	299		

4.1.7 Occupation and Industry of Employment

Richmond Hill (CD) has a high proportion of people employed in the professional and managerial field which accounts for the higher incomes recorded for local residents. The majority of employed persons in Richmond Hill (CD) are engaged in the Education (School and tertiary) and the medical fields (Hospitals and medical sciences). This is likely to be due to major hospitals such as the Lismore Base and St Vincent's Hospital being located in nearby Lismore as are a number of private and state schools and the Southern Cross University.

Table 8: Occupation

	No. Employed persons Richmond Hill CD	% employed persons Richmond Hill CD	% employed Persons Australia
Professionals	160	26.3%	19.8%
Managers	97	15.9%	13.2
Clerical and Administrative Workers	93	15.3	15.0
Technicians and Trades Workers	84	13.8%	14.4%
Sales Workers	60	9.9%	9.8%
Labourers	59	9.7%	10.5%
Community and Personal Service Workers	29	4.8%	8.8%
Machinery Operators and Drivers	20	3.3%	6.6%



4.1.8 Method of Travel to Work

Those people engaged in the labour force in Richmond Hill (CD) predominantly travelled to work by car. A total of 424 people were drivers of the motor vehicle in which they were travelling and 39 were passengers. A further 19 people travelled in a Truck and 4 by motorbiker/scooter. Three people travelled by bicycle and 18 walked to work.

Given the previous stated Industries of employment it is likely that a number of people travel into Lismore by motor vehicle to their place of work.

4.2 Housing Information

4.2.1 Dwelling characteristics and Dwelling tenure

All of the Richmond Hill (CD) residents live in separate houses, with no flats/units or townhouses in the local area. The area is characterised by high levels of home ownership with the majority of homes being fully owned. There are very few rental properties and of those rental properties available none are state or territory Housing Authority properties. Very few are rented through a real estate agent (8), with the remainder (23) being rented through private arrangements

Table 9: Tenure Type

	No. Occupied private Dwellings Richmond Hill CD	% Total Occupied Private dwellings Richmond Hill CD	% Total Occupied Private dwellings Australia
Fully Owned	186	46.6%	32.6%
Being Purchased	175	43.9%	32.2%
Rented	31	7.8%	27.2%

4.2.3 Dwelling Characteristics

There are very few rental properties in Richmond Hill (CD). However, for those that do rent the median weekly rent is higher than the national average. This is likely to be due to the fact that there are only houses for rent and no apartments or town houses, thereby skewing the median rents as apartments and townhouses generally command lower rental returns. Housing loan repayments for properties are equivalent to the national average.



Again due to the existence of larger properties (99% of occupied dwellings are separate houses) and the high number of family households, the average household size is 2.9 persons which is higher than the national average (2.6). Despite the larger household sizes, the average number of persons per bedroom is equivalent to the national average. This is likely to be due to the larger property and bedroom sizes as well as the large proportion of couple only households.

Table 10: Dwelling Characteristics of Occupied private dwellings

	Richmond Hill CD	Australia
Median Rent	\$200	\$190
Median housing loan repayment (\$ monthly)	\$1,300	\$1,300
Average household size	2.9	2.6
Average No. persons/bedroom	1.1	1.1



5 MAPPING OF SERVICES AND FACILITIES

McLeans Ridges is situated just 10 to 15 minutes drive from the Lismore CBD and a shorter distance from Goonellabah. Residents will therefore travel to these areas to access most commercial services and major facilities such as hospitals and emergency services.

Consideration will be given to the availability of existing services and facilities to meet current demand as well as that required to meet the needs of the proposed population growth. While there have been no community facility benchmarks developed specifically for rural residential areas, consideration will be given to the ratios found in Robert Briggs, SA Urban Land Trust and the Australian Model Code for Residential Development (AMCORD) PNP 11 as benchmarks that are relatively accepted within local government circles as providing guiding standards for planning purposes. A list of these benchmarks has been included at Appendix 1.

5.1 Educational and Child Care Facilities

The Census Collection District of Richmond Hill indicates that the area has a preschool population of 50 children. Currently a small preschool (Richmond Hill Community Preschool) operates from the Richmond Hill Hall two days a week. Other accessible preschools in surrounding areas are the Clunes Community Preschool, East Lismore Community preschool, Goonellabah preschool, Jarjun Aboriginal Preschool, Parish Centre Preschool and Lismore preschool.

Benchmarks developed by the AMCORD suggest that there should be a preschool for every 4,000-6,000 people. The Richmond Hill (CD) even taking into account a future residential development for 165 people, exceeds that benchmark.

There are no child care facilities directly located in McLeans Ridges or Richmond Hill. Parents are able to access facilities in Goonellabah six kms to the west or in Lismore which is 13 kms away. There are currently three Long Day care Services In Goonellabah (ABC Learning Centre , Care-Ring Children's Centre, Koala Child Care Centre) as well as three long day care facilities, an occasional child care centre and a family day care service in Lismore.

Given that the predominant areas of employment are education and hospital and medical sciences, it is likely that a large proportion of the Richmond Hill (CD) workforce who require child care are currently travelling to Lismore and Goonellabah for employment and likely to access child care in these areas if needed. Currently the AMCORD PNP 11 benchmark recommends 1 childcare place per ten 0-4 year olds. According to these current criteria, there would only be 5 places allocated for the Richmond Hill (CD), which would be insufficient to sustain the viability of a local child care centre.



Should the number of preschool age children in this area increase to 75 with the proposed rural residential developments it would still provide insufficient demand for a local child care centre.

The local school population in Richmond Hill (CD) is 245 children/young people with 136 children attending primary school and 109 in secondary schools (2006 ABS Census). Almost as many children attend Catholic schools (45 primary students and 57 Secondary students) situated in the Lismore and Goonellabah areas as local state schools (68 primary students and 48 secondary students).

The nearest state schools are either Pearces Creek or Eltham State School. While the enrolments at Eltham State School (situated on Boat Harbour Rd, Eltham) have increased from 68 in 2001 to 78 in 2007, the enrolments at Pearces Creek have decreased from 31 in 2001 to just 24 in 2007. The decreasing enrolments in the local Eltham State School and the high proportion of parents who chose to send their children to private schools would suggest that the existing education services are able to respond to any increased enrolments as result of the proposed development.

5.2 Community Services

The Maclean Ridges Hall was established in 1902 and was originally a focal point for local farmers. It is currently available for bookings by local community groups. The Hall is located on Cowlong Rd (within the Ballina LGA) on a parcel of land that has been donated to the residents and is not under the control of the council or the Crown. It is managed by a local Hall Committee and is primarily used for a range of activities including martial arts, quilting, bowling, parties and wedding hire and is operational three days per week. A small fee is charged for hall hire and this contributes to the maintenance and running costs of the hall. In addition the Ballina Shire Council provides a small annual contribution towards maintenance and upgrading of the facility. The Hall is located on a corner block and has limited space for parking. As a result visitors often park inside the Hall grounds, therefore further reducing the limited available yard for outdoor activities. The timber hall, due to its age requires considerable maintenance. It is currently in need of external painting.

Other accessible community services include a Community Centre at Goonellabah which houses the library and a range of services for older people, while the Lismore area has a wide range of community services including HACC services, a community centre , youth services and Child health services. The AMCORD benchmark suggests that there should be a small Community Hall for every 10,000 people. The existence of the McLeans Ridges hall exceeds that benchmark and will be able to support an enhanced population base with additional days of opening.



5.3 Recreational facilities

The nearest recreational facilities are located in Goonellabah and include a major sporting field (soccer, cricket, football) tennis courts and indoor squash courts. Kadina Park at Goonellabah is a large integrated sport and recreational reserve proposed to include a basketball/netball court, sports field, shared walking/cycle paths, picnic and BBQ facilities and a number of playgrounds to cater for different age groups. It is also planned to construct a multipurpose recreational facility at Goonellabah that will include a dedicated youth space.

There is also a tennis court at Richmond Hill that is privately owned but available for hire by the local public.

5.4 Commercial services and facilities

Residents in McLeans Ridges access commercial services and facilities in Goonellabah and Lismore for their grocery shopping and personal needs. It is understood that the Old School building located on Cowlong Road, opposite the McLeans Ridges Hall previously operated in a commercial capacity as a fruit and vegetable shop, however, it was unable to be economically sustained as a viable commercial operation.

Most recently, two large shopping centre developments have been established at Goonellabah, both with supermarkets (IGA and Coles) and offering a range of variety and food outlets.



6. ASSESSMENT OF THE SOCIAL IMPACTS

6.1 Summary of the existing and future Community

Over 40% of the Richmond Hill CD population is people aged between 25-54 years , many of whom are professionals who work in the education and health (hospital and medical sciences) sectors in Lismore. Over a quarter of the population are people aged over 55 years who are retired and enjoying the lifestyle of rural living while being in close proximity to amenities and services in nearby Goonellabah and Lismore. Just under 20% of the population are children aged 0-14 years with the majority being children who are of school age. This equates with the slightly older population in the area where the median age is 42 years, with a trend away from young parents with very young children.

It is likely, given the expected sale price for the vacant lots, that a large proportion of future purchasers will be of a similar demographic to the current residential population, that is professionals aged in their mid thirties to mid fifties (some with school age children) and retired people aged over 55 years. It would further seem likely that the land sales will be out of reach for first home buyers and/or those on low incomes.

6.2 Resident concerns

Lismore City Council publicly exhibited the proposed rezoning during the period 16 April to 28 May 2007. The most common issues raised by the majority of objectors were as follows:

1. Increased traffic and its impact on the local road network. This included concerns about the adequacy of the existing road network as well as the impact of increased traffic flow.
2. Impact on existing rural amenity, landscape and views. This included concerns about the number, size and shape of allotments and how they might impact on the current residents' lifestyle choice and reason for living at McLeans Ridges. Concerns were also raised about the ribbon development along ridgelines and the urban nature of the developments which might not blend into the existing rural character and landscape of the locality.
3. The adequacy and impact on existing community facilities and services of the proposed development

Other issues raised by a smaller number of objectors included the adequacy and impact of the proposed on-site wastewater management systems; the impact on flora and fauna; the adequacy and impact on existing infrastructure such as electricity, telecommunications, water supply and emergency services; and concerns regarding a loss of agricultural land.



6.3 Transportation

Transportation is a major factor that impacts on the quality of people's lives in terms of their access and links to services (commercial, health and emergency services), employment, recreation and social networks. Well planned communities provide different modes of travel including private transport routes as well as walkways for pedestrians and cyclists. Given that a large proportion of the community work and go to school in Lismore and Goonellabah and travel to these areas to access services, it is important that the roads are able to support an increase in local commuter traffic.

The major roads that provide traffic flow from Cameron Rd through to Lismore are either Boatharbour Rd or Cowlong Rd. Fortunately, much of the commuter traffic from Bangalow/Byron Bay to Goonellabah is channelled along the Lismore/Bangalow Rd through Bexhill and Clunes and bypasses both McLeans Ridges and Richmond Hill.

Currently there are a number of school buses that transports students to schools in Lismore and Alstonville and the Eltham State School. While these are designated school buses, they have provided the general public with assistance if required and available.

Concerns raised by residents ranged from the adequacy of the existing road network, through to concerns about increased traffic on the road network including intersections and the availability of footpaths. Strategies proposed by the developers to mitigate against these concerns are as follows:

- A proposed upgrade of Cameron Road for the frontage of the development and a contribution to the Cowlong Rd upgrade. It is understood that a planning agreement has been prepared which commits the developer to a contribution of \$10,820 per each final lot towards the cost of up-grading Cowlong Rd and an upgrade of Cameron Rd with cement stabilised 7m wide bitumen seal on 9m wide formation.
- Provision of a footpath/cycleway that connects all of the lots to the proposed community facility allotment within the Cameron Road Estate with the capacity to further extend the pathways beyond the estate

The balance is to ensure that there are appropriate transportation routes, while at the same time preserving the rural character by not constructing multiple radial networks that create a suburban feel and encourage commuters from beyond the McLeans Ridge area to travel through the area. The proposed strategies would appear to enhance private transportation access for an increased population.



6.4 Impact on Rural Amenity and Existing landscape

Many residents who choose to live in rural areas, do so not only because of the economic reasons (cheaper housing costs and agricultural and farming livelihoods) but also because of the major lifestyle benefits it affords. This includes larger property areas and backyards with less populated neighbourhoods and a green leafy outlook. Given that the majority of people resident in McLeans Ridges are either retired or employed professionals, their reasons for living in the area is likely to be primarily for lifestyle benefits.

Concerns raised by local residents ranged from the proposed number, size, location and shape of allotments, through to the loss of rural character and impacts on lifestyle choice and reason for living at McLeans Ridges. Concerns were also raised about the ribbon development along ridgelines and whether the nature and character of the developments would blend into the existing rural character and landscape of the locality.

Currently dwellings in the local area are constructed of different materials and architectural designs, with the character of the community being largely defined by the large property areas with native vegetation surrounding residences. This therefore the character that needs to be maintained.

When the Cameron Road estate was first proposed it included 73 vacant lots. Following issues raised by residents this has now been reduced to 57 vacant lots. This subsequent reduction in the number of lots has resulted in a change in the road alignment from a linear design to one with greater curvature which is more in keeping with the meandering flow of a country road. The outcome of this modification means that the view from Cameron Road in the West, Boatharbour Road to the north and the Roseview estate from the east is a staggered building line rather than a straight row of properties. This is further enhanced by the setback of all building envelopes to a minimum of 15m with some setback greater than this minimum in order to achieve greater separation between nominated building envelopes on adjoining land. To further ensure that the estate does not exhibit a suburban facade, stormwater management and driveway designs have incorporated grass swales where possible to negate the need for kerb and gutters within the road design.

The reduction in the number of lots has been matched by an increase in the lot size with a 70m frontage for all lots, with the exception of those lots which gain access from the proposed cul-de-sacs and battle-axe arrangements. In addition the subdivision design encompasses the provision of a 5m wide landscape area in “no build” zones along the first 40m of all side boundaries of all lots, thereby ensuring greater levels of privacy between properties and maintaining the rural facade of a residence surrounded by vegetation.

It is further proposed that Cameron Road will be revegetated utilising rainforest species.



These site changes have ensured that the area retains its rural character and mitigates against the area becoming a densely populated suburb. The individual development applications for future dwelling houses will provide a further opportunity for Council to review the design of the built form and ensure that it is in keeping with the local area.

6.5 Community facilities and Services

Being a small rural area with a dispersed population and located just 10-15 minutes drive from a large regional centre, McLeans Ridges has very few community facilities and services. Residents primarily travel into Lismore, Goonellabah or the local townships to access schools, childcare, shops and recreational facilities.

The only existing community facility in McLeans Ridges is the McLean Ridges hall which operates as a focal point for residents, providing activities and classes in accordance with the needs and demands of the local community. The balance in a rural residential area is to ensure that there is access to a range of community facilities and services, while not establishing a commercial centre within a rural setting which attracts visitors into the area and detracts from its rural character.

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

Social Infrastructure principles that guide the provision of community facilities and services include:

- Provision of services and facilities in accordance with the size, demographic and socio-economic characteristics of the existing and future population;
- Design and management of services and facilities to provide a focus for community activity and interaction for residents;
- Co-operative approaches which promote co-location, multiple use and sharing of facilities between compatible uses; and
- Flexible designs that accommodate sharing of facilities and changing use over time.

Taking into account the current occupancy rates, it is expected that the Cameron Rd Subdivision (containing 57 vacant lots) will result in an additional 165 people living in the local community. Should the proposed Roseview Rd development also proceed than it is likely that this figure will be approximately 280 people.



Based on the current numbers of preschool children for the whole of the Richmond Hill Census District (50 children) and assuming that the ratio of preschoolers remains at a similar level (5%) there is no current or future demand (in the short term) to warrant or sustain the establishment of a local child care centre. Most working parents are likely to be travelling into Goonellabah or Lismore and will access the various child care options in these locations. Similarly, there is an accessible preschool in Richmond Hill.

Current statistics regarding school enrolments including the decreasing numbers at Pearce's Creek as well as the fact that almost half of the children from Richmond Hill (CD) attend private schools would indicate that any further demand for educational facilities can be met from within existing resources.

Major recreational facilities are currently accessed at local schools and in Goonellabah and Lismore. The current subdivision plan includes a 6000m² open space for community use connected by a footpath/cycleway accessible to all proposed lots. This will provide an open space for young people. A commitment has also been given to embellish the community lot with play equipment for young families.

The most recent emphasis in social planning has been the importance of creating social *connections* rather than establishing physical infrastructure. That is strategies or approaches that establish and develop a sense of connectedness are more important for the development of a community than bricks and mortar alone. The McLeans Ridges Hall provides a focal point where community members can participate in activities and classes or alternatively hire the hall for social functions such as weddings and birthdays. It was established approximately a century ago, as a meeting place for farmers and demonstrates how the need for social connections has not altered, however the types of activities on offer will vary in accordance with the demography and needs of the community. It is therefore considered that the hall plays a significant role within the local community. Currently there are a range of activities on offer at the hall that meet the diverse needs of the community – activities suited to the retired population, (bowling and quilting) and physical activities for young people and adults (Martial Arts). The current building while providing a valuable resource has some limitations in that it is situated on a corner block with limited parking and external grounds. It also requires external painting which will be a relatively significant expense for the Hall committee.



The developers of the Cameron Rd estate have signed a planning agreement to provide a contribution of \$600 per each final lot to upgrade the McLeans Ridge Hall. This agreement and the inclusion of the open space for community use are supported as important strategies in providing a focus for community activity and interaction for residents. One option might be for the McLeans Ridges Hall committee to relocate the Hall to the community Lot where there is more suitable space for parking and provision of outdoor activities. This will also ensure that the community use area promotes co-location and sharing of facilities between compatible users and meets good social planning principles. However this is a decision for the Hall committee as and it is recommended that the proposed funding allocation be made available for either upgrading the centre at the existing site or relocating the centre, subject to a cost benefit analysis by the Hall committee.

It is not recommended at this stage that any commercial facilities and services are located in the local area. This is primarily due to the accessibility of commercial services a short distance away in Goonellabah and Lismore and the experience of previous commercial enterprises (fruit and vegetable shop in the old school building) which has indicated that local enterprises may not be commercially viable even given an increase in the population. Residents are likely to continue to travel the short distance to Lismore and Goonellabah, where many of them work, to access a broader range of goods and services.

The Community Facilities study recommends the construction of a weatherproof bus stop for students travelling to local schools in Lismore and Goonellabah. This recommendation is supported.



7. CONCLUSION

The McLeans Ridges area is populated by retired people or employed professionals, many of whom have children of school age. They have settled in the area for the lifestyle benefits the area provides – living in large rural properties that offer a quiet comfortable lifestyle but are still in close proximity to employment options and a good range of services and facilities.

In order to ensure that the proposed Cameron Rd development does not negatively impact on that lifestyle it is important to ensure that the subdivision plan and developer planning agreements support a maintenance of the rural residential character, that transport routes are able to comfortably support an increased population's access to employment, services and facilities and that social connection between residents is facilitated to encourage a sense of local community identity. It is therefore recommended that the following planning agreements be confirmed between the Lismore City Council and the Cameron Rd Landowners:

1. Monetary contributions be made to Council for the costs of upgrading the Cowlong Rd
2. Cameron Rd is upgraded to a 7m wide road seal on a 9m wide
3. Provision of community facilities including the provision of a 6000m² open community space, embellishment of the community lot with play equipment, provision of a pedestrian network and bus bays and provision of funding to upgrade the McLeans Ridge Hall or alternatively relocate the Hall to the Community Lot.

The amended site plan (as attached) with the following changes below will further retain the rural character of the area.

- a) Reduction in the number of lots,
- b) increased lot sizes
- c) changes to the road alignments and building line setbacks and
- d) landscaped areas embodied as no build zones



BIBLIOGRAPHY

1. Shantz, T. *Community Facilities Needs Assessment Cameron Road Re-zoning Mclean's Ridges Lismore City Council, Local Government Area* Report. December 2005
2. Policy No. 5.2.30 SOCIAL IMPACT ASSESSMENT. Lismore City Council Policy Manual. Reviewed 10/04/01.
3. Department of Housing and Regional Development (DHRD), Commonwealth 1995. *Australian Model Code for Residential Development (AMCORD)*. A national resource document for residential development, DHRD, Canberra.
4. Briggs, R. South Australian Urban Trust (1994) p380
5. Ziller, A. *The community is not a place and why it matters– Case study: Green Square*. Paper prepared for the State of Australian Cities National Conference. Sydney 2003.



Benchmarks for Community Facilities

Appendix 1

Facility Categories	Facility Type	Functions	Standard
Families and children	Early Childhood Centre	<ul style="list-style-type: none"> Child health and parenting information and referral services Children medical services 	1:4,000 – 6,000 people ¹
	Childcare Centre (long day care)	<ul style="list-style-type: none"> Care for children aged 0-5 years. Indoor and outdoor play space. Offers a range of play, educational, developmental activities and programs. 	1:10 places 0-4 year olds ²
	Occasional Care	<ul style="list-style-type: none"> Care for children aged 0-5 years. Offers a range of play, educational, developmental activities and programs. 	1:12,000 – 15,000 people ³
	Pre-School	<ul style="list-style-type: none"> Structured care, designed to prepare children 5 years of age for school. Offers a range of play, educational, developmental activities and programs. 	1:4,000-6,000 ⁴
	OSHC and vacation care centres	<ul style="list-style-type: none"> care for children aged 6-12 during after school hours Offers a range of play, educational, developmental activities and programs. 	1:4,000 – 6,000 people ⁵

¹ Briggs, 1992

² AMCORD PNP 11; NSW Dept. of Community Services

³ Rovers, 1998

⁴ AMCORD PNP 11

⁵ AMCORD PNP 11

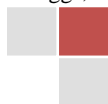


Facility Categories	Facility Type	Functions	Standard
General community	Neighbourhood Centre	Spaces are used for local or neighbourhood activities and programs. These could include, lifecycle specific spaces (ie young people, older people), language classes, information services	1:3,500 – 15,000 people ⁶
	Multi-purpose Community Centre	<ul style="list-style-type: none"> ▪ Community / group meetings and functions ,community group offices ▪ Program and service delivery, cooking classes, language classes ▪ Information services 	1:15,000 – 20,000 people ⁷
	Community Hall	<ul style="list-style-type: none"> ▪ Community gatherings, functions, events, ceremonies ▪ Concerts, theatrical performances, films screenings ▪ Dance lessons, gymnastics, ▪ Exhibitions and information sharing 	Small 1:10,000 Large 1:20,000 to 30,000 ⁸

⁶ Department of Community Services; Dept. of Urban Affairs and Planning; Briggs, South Australian Urban Trust (1994) p380






⁷ Roberts (1998, p226); ILAP, 1993

⁸ Briggs, 1992, Australian Model Code for Residential Developments (AMCORD), PNP 11, 1995, p6



NOTE:
CAMERON ROAD RESERVE TO BE REVEGETATED USING LOCAL RAINFOREST SPECIES
GRASS SWALES TO BE INCORPORATED INTO THE ROAD DESIGN WHERE POSSIBLE




-  REHABILITATION AREA
-  NATURAL REGENERATION AREA
-  LARGE EFFLUENT ENVELOPE
VARIABLE DIMENSIONS 1000m²
-  EFFLUENT ENVELOPE
20m*25m 500m²
-  BUILDING ENVELOPE
20m*25m 500m²



ROAD CLOSURE LODGED

Client :
VENESS, LAWSON, PRIEST,
DUCKER, PAUL, DAVIS,
FELLOWES PTY LTD &
BALDOCK


Newton Denny Chapelle
Consulting Surveyors & Planners
Email: office@newtondennychapelle.com.au

Lismore
First Floor Molesworth House
186 Molesworth St. Lismore 2480
T: 66 221011 F: 66 224088

Casino
100 Barker St. Casino 2470
T & F : 66 625000

Amendments :

Date	Changes
B	
C	
D	
E	
F	

Project :
**FINAL LAYOUT
CAMERONS ROAD REZONING**

Date: 24.10.07
Scale 1:5000 @ A3
Ref No. 01/202X FINAL

Report

Subject	Lismore Promotion Program update
File No	S740
Prepared by	Manager – Economic Development
Reason	Response to Council Resolution 531/07, part 3: <i>That the Advisory Group develop a strategically focussed Promotion Program for the balance of 2007/08 period and report its recommendations to Council in February 2008.</i>
Objective	Council to take a proactive role in the management and administration of the Special Business Rate Variation Levy (SBRVL) <i>Lismore Promotion Program</i>
Strategic Plan Link	Economic Development, through support for business
Management Plan Project	Economic Development

Overview of Report

This Report outlines the operating framework of the newly formed *Lismore Promotion Program* Advisory Group and preliminary project recommendations for the 2007/08 financial year.

Background

At the 9 October 2007 Council meeting, the Economic Development Unit (EDU) was charged with the responsibility of co-ordinating a working group “to develop a framework for the EDU’s management of the SBRVL Promotion Fund” (466/07, part 1). On 24 October 2007, the EDU wrote to all property and business owners in the Lismore Urban Area requesting nominations for the *Lismore Promotion Program* Advisory Group. Eighteen nominations from the business community were received and assessed according to their stated interest in the initiative, their alignment with the stated purpose of the *Lismore Promotion Program*, strengths or qualities which could be brought to the process, together with reference to the geographic location of their business and representative industry sector.

The final composition of the Special Business Rate Variation Levy (SBRVL) *Lismore Promotion Program* Advisory Group was considered and subsequently endorsed by Council at the 11 December 2007 meeting (531/07, parts 1 and 2).

Operating framework for the Advisory Group

Since the Group’s inception, there have been two meetings held on 15 and 23 January 2008 respectively.

At the inaugural meeting, the Advisory Group reached agreement on two processes that allow for timely and manageable:

1. development of projects,
2. consideration of projects by the Advisory Group and recommendation to Council, plus
3. Council consideration and endorsement – or otherwise

of projects that coordinate with Council’s budget cycle (see Attachment 1), as well as projects that do not (see Attachment 2).

Given that the *Lismore Promotion Program*’s objective is “To promote Lismore in a positive manner which reinforces its position as the regional centre of the Far North Coast of NSW”, a SWOT analysis

was undertaken to get a sense of issues and aspirations associated with this statement. The resulting table will become a useful strategic planning tool, particularly in the development of the 2008/09 Promotion Plan. Also, the exercise highlighted suggestions and issues to be addressed, that were outside the scope of this particular Group. These matters have been referred to other committees, such as the Economic Development Policy Advisory Group (EDPAG), for their future action or continuing work.

The Group also came to agreement on guidelines to be considered when projects are being assessed:

- a) How consistent is the project with the objectives of the *Lismore Promotion Program*?
- b) To what extent will the outcomes benefit the SBRVL contributors?
- c) To what extent is Promotion Program funding required, relative to other sources? (funding mix)
- d) Can the project be funded from other, more appropriate sources?
- e) Is the project value for money?
- f) How involved is the proponent in delivering the project? Do they have a vested interest in the project being a success?
- g) What is the level of support for the project from other potential beneficiaries?
- h) How experienced is the proponent in project management?
- i) How sound is the proposed evaluation method?

Preliminary project recommendations for the 2007/08 financial year

The EDU sought out projects that were relatively developed, broadly fitted the Program objectives and required a decision in the 2007/08 financial year. Given the short time frame, the invitation to submit projects for consideration on this occasion was based on project suggestions that had come forward from previous surveys of SBRVL contributors, as well as two projects that had been notionally budgeted for in the final year of the Lismore Unlimited Opportunities (LUO) 3 year SBRVL Plan 2005 – 2008. As the management of the *Lismore Promotion Program* had been transferred across to Council, through the EDU, during the final year of LUO's Plan, there was an urgency need for these organisations to have their projects considered for the 2007/08 period.

Nine projects came forward for consideration at the second meeting of the Advisory Group and up to two more projects, still under development, were flagged for consideration in the 2007/08 financial year. The Group agreed to consider any projects that required immediate deliberation that day (four in total) and to meet once more on 27 February 2008 to deliberate on the balance of projects for the 2007/08 financial year. This also allowed for the two projects currently under development to be finalised and come forward.

As information for these projects was collected on a confidential basis and having reference to the Local Government Act, Section 10A(2), parts c) and d) i), these four project briefs are attached as confidential Attachments 3, 4, 5 & 6.

	Project title	SBRVL funding request
Project 1 Attachment 3	Quarterly SBRVL Newsletters	\$6,000
Project 2 Attachment 4	Expert Speaker Program	\$10,000
Project 3 Attachment 5	Warbirds Over Lismore Airshow	\$10,000
Project 4 Attachment 6	LGSA Tourism Conference – “Regional City” study strand	\$2,500
TOTAL Funding request		\$28,500

Project 1: Quarterly SBRVL Newsletters

The Advisory Group were very supportive of the project concept and voted unanimously in favour of recommending it to Council for financial assistance up to \$6,000 from the *Lismore Promotion Program* fund. There were a large number of suggestions that came forward in the project discussion which would ultimately lead to improved communication mechanisms with SBRVL contributors over time. The Group agreed to conditional support for the project, subject to an editorial panel steering the project and developing future communication strategies. The panel would consist of the Manager Economic Development and two nominated Advisory Group members (Jon Paterson and Julie Dickson).

Project 2: Expert Speaker Program

Whilst the Advisory Group were agreed that such a program would be highly relevant and useful to business people in the Lismore urban area, on the balance of discussion, it was decided that organisations such as the Lismore Chamber of Commerce would be the best vehicle to deliver this project. It was also agreed that, given the commercial nature of such a project, money need not and should not be provided from the Promotion Fund.

The Advisory Group agreed to NOT recommend the request for funding to Council (10/2). Further, the Group agreed that the Manager Economic Development, together with two Advisory Group members (Mark Willoughby, Acting President Lismore Chamber of Commerce and Bill Sheaffe), would meet to further plans for such activities to be reintroduced to the Lismore business community.

Project 3: Warbirds Over Lismore Airshow

On the balance of discussion, agreement was reached by the Advisory Group on recommending the project to Council for financial assistance up to \$10,000 from the *Lismore Promotion Program* fund (11/1). From the suggestions that also came forward from the group discussion, it was agreed that the Tourism Services Co-ordinator and Advisory Group member, Michael Timbrell, work with the proponent to assist with the development of the marketing strategy and implementation plan. It was thought that such support not only served to aid the proponent with a better understanding of the visitors that come to the Lismore area, but also to assist with the development of the local event industry.

Project 4: LGSA Tourism Conference – “Regional City” study strand

Consensus was reached on this project's relative merits almost immediately. The Group voted unanimously in favour of recommending it to Council for financial assistance of \$2,500 from the *Lismore Promotion Program* fund.

The Group agreed to meet again on 27 February 2008, for the final occasion to deliberate on the balance of projects for the 2007/08 financial year. This will enable recommendations arising from this meeting to come forward to the March 2008 Council meeting, effectively finalising projects comprising the 2007/08 Promotion Plan.

Subsequent meetings in the coming two month period are planned to be devoted to the development of the 2008/09 Lismore Promotion Plan, which will be submitted for Council's consideration during the forthcoming Budget development period.

Comments**Financial Services**

For 2007/08, the Lismore Promotion Program has a total funding of \$275,800 being \$189,800 for 2007/08 rates and \$86,000 unexpended from previous years. A total of \$46,800 has been committed or expended leaving \$229,000 available for initiatives recommended by the Advisory Group. The initiatives recommendation in this report total \$18,500 leaving \$210,500 available.

Other staff comments

Not applicable.

Public consultation

Not applicable.

Conclusion

The newly formed Advisory Group has met to agree on a process for considering applications for SBRVL funding and a time frame for recommendations to Council. As the group further develops its process' further recommendations will be made for Council consideration.

Recommendation

That Council apply 2007/08 SBRVL funding to the following projects:

1. The preparation and printing of a quarterly newsletter up to a value of \$6,000.
2. Financial assistance of up to \$10,000 towards the staging of the Warbirds over Lismore Airshow.
3. Financial assistance of up to \$2,500 towards the establishment of a "Regional City" standard at the coming LGSA Tourism Conference.

Report

Subject	Joint Venture with Rekindle the Spirit Inc.
File No	P21434/1
Prepared by	Crime Prevention Officer
Reason	Rekindle the Spirit has requested access to a parcel of Council land at Lot 630 Gordon Blair Drive, Goonellabah. Access to this land will enable the construction of a service specific facility.
Objective	To obtain Council's endorsement for the development of a Joint Venture with Rekindle the Spirit Inc.
Strategic Plan Link	Quality of Life
Management Plan Project	Community Services: Social Plan Implementation.

Overview of Report

To provide Council with background to Rekindle the Spirit Inc. and an overview of the proposed Joint Venture.

Background

Rekindle the Spirit Inc. is a service that has operated in the Lismore local government area for 10 years. It operates within a holistic framework to deliver programmes with a strong violence prevention focus to the Indigenous population. As an Aboriginal service, Rekindle the Spirit works with issues that affect the Indigenous community's spiritual, emotional, physical, sexual and mental well-being. The service operates in partnership with the Department of Community Services, the Department of Corrective Services and the Office for Aboriginal and Torres Strait Islander Health. An ongoing collaboration between these services provides the service's recurrent operational funding.

In 2007 Rekindle the Spirit was awarded a capital works grant of \$500,000 through the Family Violence Partnership Programme of the Department of Families, Community Services and Indigenous Affairs (FCSIA) towards the construction of an appropriate building in which to deliver their services. This funding is being held in trust by FCSIA until a suitable site is found to commence construction. After exhaustive efforts during 2007 to find suitable land or premises within the local real estate market it became clear that the allocated capital works funding would be insufficient to enable the purchase of premises of an adequate size.

The organisation is staffed by seven full time employees, providing an annual service delivery to approximately 200 clients, and provides outreach services to local Indigenous communities. The service experiences considerable pressure from the federal and state governments, and the local Indigenous community to expand its service delivery. It is currently impossible to meet the needs of these stakeholders given the current accommodation constraints.

PROPOSAL

To maximise the value of both the capital grant and the services provided by Rekindle the Spirit Inc. it is proposed that a Joint Venture be established between Lismore City Council and Rekindle The Spirit Inc. This Joint Venture would consist of the following core objectives:

- Council would make available a small area of Lot 630 in DP 810600, being that part of the lot which is located on the north side of Tucki Tucki Creek and over which there are no current plans for development. This area is clearly identified in the attachments to this report.
- Council will create the said land as a separate lot and retain the ownership and value of this lot. The Joint Venture will give long term tenure to Rekindle the Spirit who will construct their new building on the lot.
- When the building is complete the total land and building package will be valued and the respective value of the Council's and Rekindle the Spirit's contributions will be ascribed and an appropriate restriction placed on the title of the lot. This will ensure that both parties have their capital contribution to the site recorded so that, if in the future, the site is sold, all parties are protected.
- There will be no financial contribution to this project from Council.

Comments

Financial Services

Council's contribution to the Joint Venture proposal would be the land and the costs associated with creating a separate lot for the facility to be constructed. The proposed site is adjacent to the Goonellabah Recreation Centre and while the current zoning (6 (a) recreation) would limit its potential use and therefore its realisable value; the zoning could be changed to allow development to occur and enhance its market value.

Given the demand for funds to undertake major capital works such as the Goonellabah Recreation Centre without limiting recurrent works and services, it would be prudent to first assess the market value of the land proposed for the Joint Venture as this amount would not be realised for the period of the Joint Venture.

Other staff comments

Community Services

Council's Community Services Department has a long and engaged partnership with Rekindle the Spirit. Council's Crime Prevention Officer was a member of the service's Advisory Board for the initial seven years of its operation. More recently the service has partnered with Council to deliver 'Our Journey to Respect' Indigenous youth anti-violence training, and in 2006/7 collaborated with Council to support Council's access to the Federal Government's National Crime Prevention funding.

The work of Rekindle the Spirit is held in exceptionally high regard by both the NSW Police service and Lismore's justice sector. The Service's independently assessed statistics demonstrate that 97% of men and women concluding their formal programs do not re-enter custody within two years of exiting the service. These outcomes place the organisation at the forefront of service delivery to the Indigenous community within the Lismore local government area. These achievements have been recognised more widely through receipt of:

- 1999 Certificate of Achievement (semi-finalist) 2000 Commonwealth Association for Public Administration and Management International Innovations Awards Program
- 2000 Certificate of Merit Australian Violence Prevention Award Program
- 2000 Two ATSI High Achievement Awards
- 2001 Highly Commended National Child Abuse Awards: Indigenous Culture

Property Services

The land is currently classified as community land and is zoned 6(a) recreation. The application to re-classify this land from community to operational has been endorsed by Council and is currently with the Minister.

Public consultation

Not required.

Conclusion

Engagement in this joint venture would considerably contribute to the consolidation and expansion of violence prevention strategies to the Indigenous community. It would significantly expand the range of community safety initiatives within the Lismore local government area and support strategies within Council's adopted Social and Community Plan and Crime Prevention Plan.

Recommendation

That Council prepare a Joint Venture Agreement with Rekindle the Spirit that reflects the proposal outlined in this report for further consideration by Council.

Report

Subject	Draft Amendment No 27 to Lismore Local Environmental Plan – 96 Breckenridge Street, Wyrallah.
File No	S919
Prepared by	Senior Planner
Reason	Receipt of amended rezoning submission
Objective	To seek Council's endorsement for public re-exhibition of a draft amending LEP
Strategic Plan Link	Economic development
Management Plan Activity	Implement adopted Council Land Use Strategies

Overview of Report

Council is in receipt of an amended rezoning submission that will enable the lodgement of a Development Application to create 12 rural residential lots at Breckenridge Street, Wyrallah. Upgrading of Skyline Road South and its intersection with Tregeagle Road will be required to provide acceptable and safe access to and from the development. Details of the proponent's obligations in this regard will be incorporated into a Planning Agreement. It is recommended that Council exhibit the amended proposal and draft Planning Agreement.

Background

At its meeting of June 14, 2005 Council resolved to prepare draft amendment No. 27 to the Lismore Local Environmental Plan 2000 to permit rural residential development in accordance with the Rural Housing Strategy at 96 Breckenridge Street, Wyrallah. State government agencies were subsequently invited to comment on the draft amendment and the proposal was publicly exhibited in accordance with sections 62, 65 and 66 of the *Environmental Planning and Assessment Act 1979*. Following the exhibition period in April 2006, the applicant requested that the rezoning application be deferred as the property was in the process of being sold. In May 2007 an amended rezoning proposal was submitted. This proposal required further modification to address outstanding issues raised by staff, state agencies and submitters. A final rezoning submission has now been received. The proposed subdivision plan is included as an attachment to this Report. The full rezoning submission is in the Councillor's meeting room. The amended proposal still consists of 12 lots and the plan shows building envelopes, on-site waste water disposal areas, proposed buffer area to the macadamia plantation to the east. Access to individual lots is from Breckenridge Road, Skyline Road South, an internal cul-de-sac, Miriam Street and Agnes Street.

Statutory Requirements

State Environmental Planning Policies

SEPP 44 (Koala Habitat) aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas. The site does not contain core Koala habitat; however recommendations to improve potential Koala habitat have been incorporated into the site rehabilitation proposals.

SEPP 55 (Remediation of Land) requires the consideration of contamination and remediation in relation to rezoning proposal. A Preliminary Contaminated Land Assessment was prepared for the site in

accordance with SEPP 55 requirements and submitted in association with the rezoning submission.

Tests on the site revealed elevated levels of manganese, which is naturally occurring in this and other parts of Wyrallah. Council's Environmental Health section advises that any potential health risks associated with this can be addressed through a Management Plan prepared at subdivision stage.

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

North Coast Regional Environmental Plan (NCREP)

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

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

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

S117 Directions

1.2 Rural Zones

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

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

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

Threatened Species Conservation Act, 1995

The Threatened Species Conservation Act outlines requirements for the protection of threatened species, communities and critical habitat in New South Wales. One (1) species listed as 'vulnerable' (Thorny Pea) under the *Threatened Species Conservation Act 1995* was found within the subject area. The rezoning proposal identifies the species and measures to ensure it is protected and conserved.

Development Control Plans (DCP) and Council Policies

DCP Chapter 11 - Buffers

The subject site is adjacent to a macadamia farm, which requires buffers to comply with DCP Part A, Chapter 11. The subdivision has been designed and landscaping of the buffer area proposed to ensure consistency with the provisions in DCP Part A, Chapter 11.

DCP Chapter 6 – Rural Subdivision

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

On-Site Sewerage and Wastewater Management Strategy (2003)

Council's current Onsite Sewage and Wastewater Management Strategy requires that consideration be given in the first instance to low-tech gravity fed systems for wastewater disposal. Due to the presence of shallow and generally poor quality soils and bedrock a highly engineered and high tech system to facilitate effluent disposal will be required. Council's Environmental Health and Building Services section is satisfied that specific designs can be developed at subdivision stage.

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

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

Planning Agreement

A Planning Agreement is proposed to ensure upgrading of Skyline Road South and its intersection with Tregagle Road is funded by the developer to the required standard. The Planning Agreement will also ensure that a future subdivision application is generally in accordance with the plans and documentation submitted with the rezoning submission and that proposed environmental rehabilitation works are carried out in accordance with the submitted plans.

The terms of the proposed Planning Agreement are:

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

The Planning Agreement must be exhibited concurrently with the draft LEP amendment.

Comments

Financial Services

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

Other staff comments

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

Public consultation

Opportunity for public consultation on the amended rezoning proposal and draft planning agreement is provided during the statutory public exhibition period, which is a minimum of twenty eight (28)

days. Although the number of lots is the same as the original proposal, which was publicly exhibited for the statutory period, the amended proposal is considered to be significantly different as it details building envelopes and on-site wastewater disposal areas and includes a cul-de-sac to provide vehicle access to a number of the lots. Additionally, the Planning Agreement was not previously exhibited. Re-exhibition is therefore recommended.

Conclusion

The amended proposal complies with the requirements of the Lismore Rural Housing Strategy, NCREP, S117 Directions and relevant Council plans and policies. The draft Planning Agreement will require a future subdivision application and associated environmental rehabilitation works to be generally in accordance with the submitted rezoning plans. It will also require the upgrading of Skyline Road South and its intersection with Tregeagle Road to be fully funded by the proponent. It is therefore recommended that Council place LEP Amendment No 27 and the draft Planning Agreement on public exhibition for a period of twenty eight days.

Recommendation (PLA5)

That Council re-exhibit draft LEP Amendment No 27 for a period of twenty eight days together with amended documentation and draft Planning Agreement.

Report

Subject	Lismore Development Control Plan – Amendment 1
File No	S924
Prepared by	Strategic Planner
Reason	To advise Council of the close of exhibition of Amendment 1 to the Lismore Development Control
Objective	Council adoption of Amendment 1 to the Lismore Development Control Plan
Strategic Plan Link	Economic Development
Management Plan Project	Review and update of planning controls

Overview of Report

This report is to inform Council of the close of public exhibition for Lismore Development Control Plan-Amendment 1. Council received no submissions during the exhibition period. It is recommended that Council adopt the proposed amendments to the Lismore DCP.

Background

At its meeting held November 13, 2007, Council resolved to exhibit Lismore Development Control Plan – Amendment 1. The proposed amendments to the Lismore DCP are attached to this report. The following provides an overview of the proposed amendments:

- Modifying design standards for industrial development to ensure consistency between planning controls and Australian Standards.
- Requiring more energy efficient street lighting in new residential, commercial and industrial development.
- Increasing required building envelopes to ensure that new lot design is capable of accommodating dwellings that meet contemporary standards of size and design.
- Modifying the notification requirements for s96 applications to provide Council with some discretion in determining whether s96 applications warrant the same notification requirements as the original development application.
- Allowing school sites or buildings to be used outside of school hours for public meetings or community purposes without development consent.

Council also resolved for staff to clarify the carparking and access arrangements in Clause 3.3. This has been addressed by Councils Development Engineer.

Comments

Financial Services

Not required

Other staff comments

Development Engineer: Clause 3.3 of the Lismore DCP outlines the preferred design standards for industrial development. The changes to Clause 3.3 recommend that the preferred option for industrial carparking design is to have carparking and light vehicle traffic separated from heavy vehicles. This requirement will only apply to development of a scale and nature that, based on possible conflicts between heavy vehicles and light vehicles or pedestrians, warrants separation of light and heavy vehicles. It is considered preferable to separate carparking and light traffic from heavy vehicles for safety and amenity purposes. An assessment of individual industrial development applications and the impact of heavy vehicle movements will determine whether separation of carparking and heavy traffic is required.

Public consultation

Amendment 1 to the Lismore DCP was exhibited for a period of twenty-eight (28) days from November 22, 2007 to December 21, 2007. No submissions were received during the exhibition period.

Conclusion

Since the adoption of the consolidated Lismore DCP several issues have been identified that warrant the amendments outlined above. There were no submissions received during the exhibition of Amendment 1; therefore, it is recommended that Council adopt the proposed amendments.

Recommendation (PLA2)

- 1 That Council adopt Amendment 1 of the Lismore Development Control Plan.
- 2 That Council give public notification of its decision in accordance with the Environmental Planning & Assessment Regulation 2000.

LISMORE DEVELOPMENT CONTROL PLAN**DRAFT AMENDMENT NO. 1****Citation**

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

Land to which this plan applies

2. This plan applies to all development within Lismore.

Objectives

3. This plan aims to amend the Lismore Development Control Plan by:
 - Ensuring design standards for industrial development are consistent with Australian Standards.
 - Requiring the installation of energy efficient street lighting in residential, commercial and industrial areas.
 - Increasing the size of building envelopes required for urban residential subdivision.
 - Modifying the requirements to readvertise minor s96 applications to amend a development consent
 - Allowing school sites or buildings to be used outside of school hours for a public meeting or for community purposes without development consent.

Amendment of Lismore Development Control Plan No. 1

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

Schedule 1

Part A: Chapter 3 – Industrial Development

1. Clause 3.3 Design Standards

Delete the sections headed “Access and Parking” and “Loading Docks” and insert instead:

Access

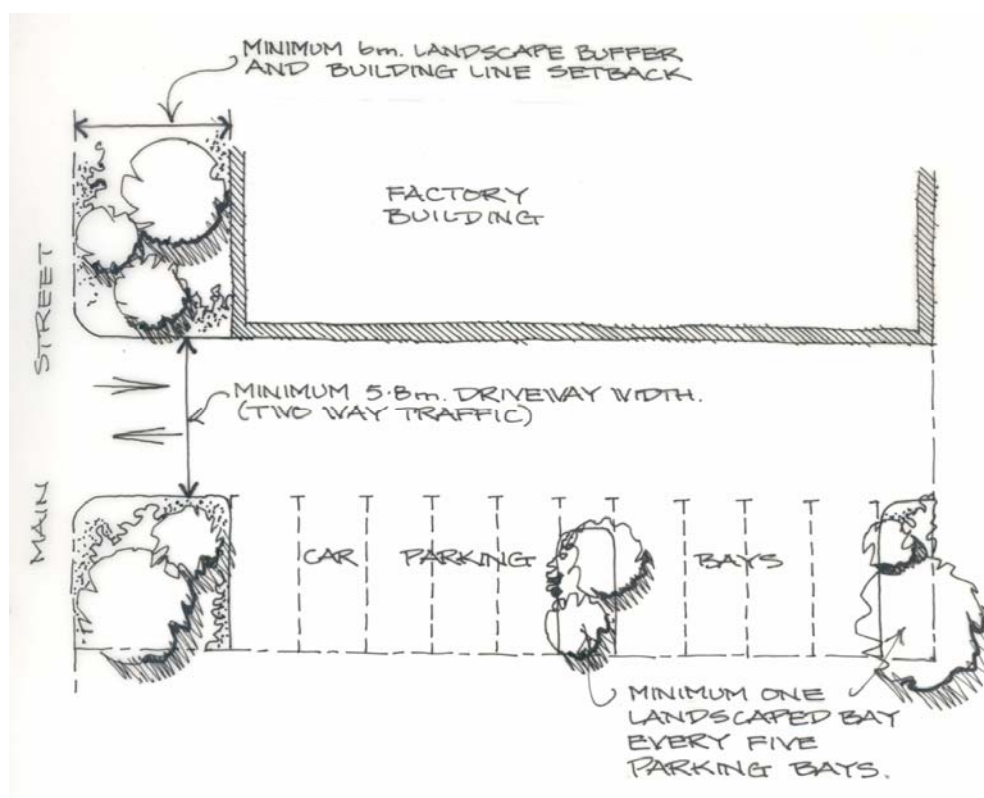
The design of driveways, access points and vehicular circulation areas is to be such that vehicular entry and exit from the site may be carried out in a forward direction. It is preferred that car parking and light vehicle traffic is separated from heavy vehicle traffic accessing loading and servicing areas.

All driveways shall be suitably signposted and indicate “Entrance”, “Exit” and “Keep Left” as appropriate. Driveways shall be located so that any vehicle entering or exiting from the site is clearly visible to approaching vehicles or pedestrians.

Car parking

On-site parking requirements for industrial development are set out in Chapter 7 – (Off Street Parking) of this Development Control Plan.

Car parking areas should be designed in accordance with the requirements of Chapter 7. They should permit ready access to the development and the public road network while being suitably screened from adjoining developments and public areas. The car park layout should utilise a logical and efficient internal circulation network thus reducing potential conflict for users of the car park. Appropriate landscaping is to be incorporated into the car park design. Landscaped areas should have a minimum width of two (2) metres with shade trees located in landscaped bays at a rate of approximately one per every five (5) car parking spaces.



Internal roads and car parking areas shall be constructed of bitumen seal or similar material and are to be drained and marked to Council's satisfaction. Design details are to be submitted to Council for approval with the Development Application.

Heavy Vehicles Servicing Areas

Facilities should be designed in accordance with the requirement of AS 2890:2 – Parking Facilities Part 2 Off-street Commercial Vehicle Facilities and generally be a minimum width of 6.5 metres for two-way traffic and 3.5 metres for single lane.

Loading Docks

Loading docks or bays shall be provided as part of the development to ensure that no loading or unloading of vehicles occurs within Council's road reserve. The dimensions of a loading bay will depend on the nature of the development and the type of vehicles involved in the delivery/pick up operations but they shall comply with the requirement of AS 2890:2 Part 2 Off-street Commercial Vehicle Facilities and should be no less than 7m x 4m so as to permit access and accommodation of a small rigid truck.

Part A: Chapter 5 - Urban Subdivision

2. Clause 5.1.5 Physical Infrastructure - Element: Utility Services

Insert additional performance criteria and suggested solutions as follows:

PERFORMANCE CRITERIA	SUGGESTED SOLUTIONS
<p>6. Public lighting shall be designed to maximise energy efficiency.</p>	<ul style="list-style-type: none"> • Public lighting to be designed in accordance with: <ul style="list-style-type: none"> ○ Australian Standard AS/NZS 1158 “Lighting for Roads and Public Spaces”; ○ The NSW Public Lighting Code; and ○ Any relevant street lighting service agreements between council and the service provider. • The efficiency of public lighting lamps should be no less than 60 lumens/watt (Note that mercury vapour lamps do not meet this criterion). • Public lighting lamps should be shielded such that no light is emitted above the horizontal thus minimising wasted light.

3. Clause 5.1.7 Streetscape and Lot Layout - Element: Lot Layout

Delete second paragraph (Suggested Solutions) and insert instead:

Size

Lots are capable of containing a building envelope of 25x15 metres. The building envelope is to be shown on development plans.

Part A: Chapter 10 – Notification and Advertising of Development Applications

4. Clause 10.9 Notice to be given for amended application, or for applications to modify or review a development consent

Insert after the second paragraph the following:

However, if an application to amend a development consent is of a minor nature and will not significantly alter the outcome of the original development consent, has not been the subject of a council resolution or an unresolved objection from the public, the consent authority may have discretion in determining whether or not to readvertise the amendment in the same manner as the original development application.

Delete from the third paragraph the words:

“In addition”

Part A: Chapter 19 – Exempt Development

5. Schedule – Exempt Development Provisions

Insert in the Schedule of Exempt Development Provisions in exemption requirements, after....'Australia', the following:

'and meets the requirements of the Environmental Planning & Assessment Act'.

Insert in the Schedule of Exempt Development Provisions in alphabetical order the following:

<p>School sites or buildings: use outside school hours for a public meeting or for community purposes.</p>	<p>The premises are to comply with the relevant provisions of the BCA and the Environmental Planning & Assessment Act. The activity does not involve the operation or use of a loudspeaker or sound amplifying device after midnight unless it is within a building or place licensed as a place of public entertainment.</p>	
--	---	--

Report

Subject	Planning Agreements Policy
File No	S609
Prepared by	Executive Director – Development and Governance
Reason	Consistency with ICAC Recommendation
Objective	To establish a framework for the use of Planning Agreements by Lismore City Council
Strategic Plan Link	Leadership by Innovation
Management Plan Project	Customer Service in Land use Planning matters

Overview of Report

This report proposes a Planning Agreements Policy in compliance with recent ICAC recommendations

Background

In July 2005 sections 93F to 93L were introduced into the Environmental Planning and Assessment Act (EP & A Act) to provide for the introduction of Planning Agreements into the planning system. These Planning Agreements are a voluntary agreement between a Council and another party, typically a developer, by which the other party is required to dedicate land free of cost, pay a monetary contribution or provide any other material public benefit, or any combination of the above to be used for or applied towards a public purpose.

Planning Agreements are most commonly negotiated between a developer and Council when:

- a. A change to an environmental planning instrument is sought.
- b. Consent for a development application is sought.

Following acknowledgement that in the 2005-2006 financial year 35% of all complaints to ICAC related to a public concern of corruption within local government the ICAC published a position paper "Corruption Risks in NSW Development Approval Processes". This Position Paper brought forward a number of recommendations, all of which have been reviewed by staff.

Recommendation 17 read *"That individual local Councils consider preparing and publicly exhibiting a policy to clarify the processes they will follow in relation to planning agreements; and that in doing so, they adopt the best practice guidelines outlined in the Development Contributions – Practice Note issued by the former Department of Infrastructure, Planning and Natural Resources on 19 July 2005."*

Lismore City Council, upon the introduction of the legislation relating to Planning Agreements in 2005 recognised the need to ensure that it negotiated and prepared Planning Agreements in a manner that was both consistent with the legislation and equitable for all parties. Accordingly Lismore City Council sought and obtained guidance from Lindsay Taylor Lawyers (who were involved in the drafting of the legislation) as to how best to apply the Planning Agreement provisions of the EP & A Act. This document was titled "Lismore City Council Planning Agreements Policy 2006" and has been used by staff in all its Planning Agreements. While this document has been used by staff it has never been

exhibited or formally adopted by Council. The document also goes well beyond that which would be seen as a policy and provides procedural detail as well.

In conformity with Recommendation 17 of the ICAC Position Paper the Lindsay Taylor Lawyers' document has been abbreviated to form the enclosed policy.

Comments

Financial Services

Not required.

Other staff comments

Not required.

Public consultation

Not required.

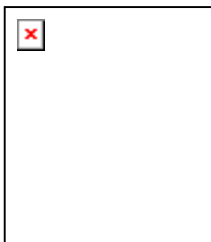
Conclusion

While Council has relied upon a legally prepared document in all its negotiations concerning Planning Agreements it has neither publicly exhibited nor formally adopted a policy with respect to Planning Agreements. To provide certainty for developers and Council the enclosed Policy in regard to Planning Agreements has been prepared.

Recommendation

That Council:

1. Publicly exhibit the proposed Planning Agreements Policy for 28 days.
2. A further report be brought to Council at the conclusion of the exhibition period, prior to the adoption of a Planning Agreements Policy.



POLICY MANUAL

POLICY NO: Draft	Planning Agreements Policy
FUNCTION:	
ACTIVITY:	
OBJECTIVE:	
SECTION RESPONSIBLE:	
AUTHORISED:	REVIEWED:

1 Introduction

1.1 This Policy sets out Lismore City Council's policy and procedures relating to planning agreements under s93F of the *Environmental Planning and Assessment Act 1979*.

1.2 This Policy was adopted by resolution of the Council on [Drafting note 1.2. Insert date].

1.3 In this Policy, the following terminology is used:

Act means the *Environmental Planning and Assessment Act 1979*,

development application has the same meaning as in the Act,

development contribution means the kind of provision made by a developer under a planning agreement, being a monetary contribution, the dedication of land free of cost or the provision of a material public benefit,

instrument change means a change to an environmental planning instrument to enable a development application to be made to carry out development the subject of a planning agreement,

planning benefit means a development contribution that confers a net public benefit, that is, a benefit that exceeds the benefit derived from measures that would address the impacts of particular development on surrounding land or the wider community,

public facilities means public infrastructure, facilities, amenities and services,

planning obligation means an obligation imposed by a planning agreement on a developer requiring the developer to make a development contribution,

Practice Note means the *Practice Note on Planning Agreements* published by the Department of Infrastructure Planning and Natural Resources (July 2005)

public includes a section of the public,

public benefit is the benefit enjoyed by the public as a consequence of a development contribution,

Regulation means the *Environmental Planning and Assessment Regulation 2000*,

surplus value means the value of the developer's provision under a planning agreement less the sum of the value of public works required to be carried out by the developer under a condition imposed under s80A(1) of the Act and the value of development contributions that are or could have been required to be made under s94 or s94A of the Act in respect of the development the subject of the agreement.

1.4 The purposes of this Policy are:

- (a) to establish a framework governing the use of planning agreements by the Council
- (b) to ensure that the framework so established is efficient, fair, transparent and accountable,
- (c) to enhance planning flexibility in the Council's area through the use of planning agreements,
- (d) to enhance the range and extent of development contributions made by development towards public facilities in the Council's area,
- (e) to set out the Council's specific policies on the use of planning agreements,
- (f) to set out procedures relating to the use of planning agreements within the Council's area.

2 Policy on the Use of Planning Agreements

Council's strategic objectives for the use of planning agreements

2.1 The Council's strategic objectives with respect to the use of planning agreements include:

- (a) to provide an enhanced and more flexible development contributions system for the Council,
- (b) more particularly, to supplement or replace, as appropriate, the application of s94 and s94A of the Act to development,
- (c) to give all stakeholders in development greater involvement in determining the type, standard and location of public facilities and other public benefits, and
- (d) to allow the community, through the public participation process under the Act, to agree to the redistribution of the costs and benefits of development in order to realise community preferences for the provision of public benefits.
- (e) to adopt innovative and flexible approaches to the provision of infrastructure in a manner that is consistent with the Council's adopted management plan,
- (f) to provide or upgrade infrastructure to appropriate levels that reflect and balance environmental standards, community expectations and funding priorities, and
- (g) to provide certainty for the community, developers and Council in respect to infrastructure and development outcomes.
- (h) To provide or upgrade infrastructure that may be required to service new release areas identified in Council's residential land release strategies.

Fundamental principles governing the use of planning agreements

2.2 The Council's use of planning agreements will be governed by the following principles:

- (a) planning decisions may not be bought or sold through planning agreements,
- (b) development that is unacceptable on planning grounds will not be permitted because of planning benefits offered by developers that do not make the development acceptable in planning terms,
- (c) the Council will not allow planning agreements to improperly fetter the exercise of its functions under the Act, Regulation or any other Act or law,
- (d) the Council will not use planning agreements for any purpose other than a proper planning purpose,
- (e) the Council will not allow the interests of individuals or interest groups to outweigh the public interest when considering a proposed planning agreement,
- (f) the Council will not improperly rely on its statutory position in order to extract unreasonable public benefits from developers under planning agreements,
- (g) if the Council has a commercial stake in development the subject of a agreements, it will take appropriate steps to ensure that it avoids a conflict of interest between its role as a planning authority and its interest in the development.

Circumstances in which Council will consider negotiating a planning agreement

2.3 The Council, in its complete discretion, may negotiate a planning agreement with a developer in connection with any application by the developer for an instrument change or for development consent relating to any land in the Council's area.

Specific purposes of planning agreements

2.4 The Council may consider negotiating a planning agreement with a developer to:

- (a) compensate for the loss of, or damage to, a public amenity, service, resource or asset caused by the development through its replacement, substitution, repair or regeneration,
- (b) meet the demands created by the development for new public infrastructure, amenities and services,
- (c) address a deficiency in the existing provision of public facilities in the Council's area,
- (d) achieve recurrent funding in respect of public facilities,
- (e) prescribe inclusions in the development that meet specific planning objectives of the Council,
- (f) monitor the planning impacts of development,
- (g) secure planning benefits for the wider community

Acceptability test to be applied to all planning agreements

2.5 The Council will apply the following test in order to assess the desirability of a proposed planning agreement:

- (a) is the proposed planning agreement directed towards a proper or legitimate planning purpose having regard to its statutory planning controls and other adopted planning policies and the circumstances of the case?
- (b) does the proposed planning agreement provide for a reasonable means of achieving the

relevant purpose?

(c) can the proposed planning agreement be taken into consideration in the assessment of the relevant rezoning application or development application?

(d) will the planning agreement produce outcomes that meet the general values and expectations of the community and protect the overall public interest?

(e) does the proposed planning agreement promote the Council's strategic objectives in relation to the use of planning agreements?

(f) does the proposed planning agreement conform to the fundamental principles governing the Council's use of planning agreements?

(g) are there any relevant circumstances that may operate to preclude the Council from entering into the proposed planning agreement?

Application of s94 and s94A to development to which a planning agreement relates

2.6 The Council has no general policy on whether a planning agreement should exclude the application of s94 or s94A of the Act to development to which the agreement relates. This is a matter for negotiation between the Council and developers on a case by case basis.

2.8 However, where the application of s94 of the Act to development is not excluded by a planning agreement, the Council will generally decide on a case by case basis whether the benefits under the agreement are to be taken into consideration in determining a development contribution under section 94.

Form of development contributions under a planning agreement

2.9 The form of a development contribution to be made under a proposed planning agreement will be determined by the particulars of the instrument change or development application to which the proposed planning agreement relates.

Recurrent charges

2.10 The Council may request developers, through a planning agreement, to make development contributions towards the recurrent costs of public facilities. Where the public facility primarily serves the development to which the planning agreement relates or neighbouring development, the arrangement for recurrent funding may be in perpetuity. However, where the public facility or public benefit is intended to serve the wider community, the planning agreement will only require the developer to make contributions towards the recurrent costs of the facility until a public revenue stream is established to support the on-going costs of the facility.

Pooling of development contributions

2.11 Where a proposed planning agreement provides for a monetary contribution by the developer, the Council may seek to include a provision permitting money paid under the agreement to be pooled with money paid under other planning agreements and applied progressively for the different purposes under those agreements, subject to the specific requirements of the relevant agreements. Pooling may be appropriate to allow public benefits, particularly essential infrastructure, to be provided in a fair and equitable way.

Monitoring and review of a planning agreement

2.12 The Council will continuously monitor the performance of the developer's obligations under a

planning agreement.

2.13 The Council will require the planning agreement to contain a provision establishing a mechanism under which the planning agreement is periodically reviewed with the involvement of all parties. This will include a review of the developer's performance of the agreement.

2.14 The Council will require the planning agreement to contain a provision requiring the parties to use their best endeavours to agree on a modification to the agreement having regard to the outcomes of the review.

Modification or discharge of the developer's obligations under a planning agreement

2.15 The Council will generally only agree to a provision in a planning agreement permitting the Developer's obligations under the agreement to be modified or discharged where the modification or discharge is linked to the following circumstances:

- (a) the developer's obligations have been fully carried in accordance with the agreement,
- (b) the developer has assigned the developer's interest under the agreement in accordance with its terms and the assignee has become bound to the Council to perform the developer's obligations under the agreement,
- (c) the development consent to which the agreement relates has lapsed,
- (d) the performance of the planning agreement has been frustrated by an event beyond the control of the parties,
- (e) the Council and the developer otherwise agree to the modification or discharge of the agreement.

2.16 Such a provision will require the modification or revocation of the planning agreement in accordance with the Act and Regulation.

Notations on Certificates under s149(5) of the Act

2.17 The Council will generally require a planning agreement to contain an acknowledgement by the developer that the Council may, in its absolute discretion, make a notation.

Provision of security under a planning agreement

2.18 The Council generally will require a planning agreement to make provision for security by the developer of the developer's obligations under the agreement.

2.19 The form of security will generally be the unconditional bank guarantee from an Australian Bank in favour of the Council to the full value of the Developer's provision under the Agreement and on terms otherwise acceptable to the Council.

3 Procedures Relating to the Use of Planning Agreements

Council's negotiation system

3.1 The Councils negotiation system for planning agreements aims to be efficient, predictable, transparent and accountable.

3.2 The system seeks to ensure that the negotiation of planning agreements runs in parallel with

applications for instrument changes or development applications.

3.3 The system is based on principles of fairness, co-operation, full disclosure, early warning, and agreed working practices and timetables.

When should a planning agreement be negotiated?

3.4 The Council is required to ensure that a planning agreement is publicly notified as part of and in the same manner as and contemporaneously with the application for the instrument change or the development application to which it relates.

3.5 The planning agreement must therefore be negotiated and documented before it is publicly notified as required by the Act and Regulation.

3.6 The Council prefers that a planning agreement is negotiated before lodgement of the relevant application and that it accompanies the application on lodgement.

Who will negotiate a planning agreement on behalf of the Council?

3.7 A council officer with appropriate delegated authority will negotiate a planning agreement on behalf of the Council.

3.8 The councillors will not be involved in the face to face negotiation of the agreement.

Separation of the Council's commercial and planning assessment roles

3.9 If the Council has a commercial interest in the subject matter of a planning agreement as a landowner, developer or financier, the Council will ensure that the person assesses the application to which a planning agreement relates is not the same person or a subordinate of the person who negotiated the terms of the planning agreement on behalf of the Council in its capacity as landowner, developer or financier.

Public notification of planning agreements

3.10 A planning agreement must be publicly notified and available for public inspection for a minimum period of 28 days.

3.11 As mentioned, the Council is required to ensure that a planning agreement is publicly notified as part of and in the same manner as and contemporaneously with the application for the instrument change or the development application to which it relates.

3.12 Where the application to which a planning agreement relates is required by or under the Act or Regulation to be publicly notified and available for public inspection for a period exceeding 28 days, the Council will publicly notify the planning agreement and make it available for public inspection for that longer period.

3.13 Where the application to which a planning agreement relates is permitted by or under the Act or Regulation to be publicly notified and available for public inspection for a period of less than 28 days, the Council will publicly notify the application and make it available for public inspection for a minimum period of 28 days.

3.14 The Council will publicly re-notify and make available for public inspection a proposed planning agreement and the application to which it relates if, in the Council's opinion, a material change is made to the terms of the agreement or the application after it has been previously publicly notified and

inspected. Such a change may arise as a consequence of public submissions made in respect of the previous public notification and inspection of the agreement or the application, or their formal consideration by the Council, or for any other reason.

Report

Subject	Request for Financial Assistance – Lismore Chamber of Commerce Inc.
File No	S124 07-10070
Prepared by	Manager – Finance
Reason	Lismore Chamber of Commerce Inc. requested Council to refinance their existing loan. In principle support was provided and the proposal was advertised for 28 days.
Objective	For Council to determine the level of any financial assistance
Strategic Plan Link	Leadership by Innovation, Economic Development
Management Plan Project	Community Services, Economic Development

Overview of Report

Lismore Chamber of Commerce (previously know as Lismore Unlimited Opportunities) requested Council to pay out an existing loan and they would then repay Council.

At it's December 2007 meeting, Council resolved to support the proposal in principle.

The proposal was advertised in the Northern Rivers Echo from December 20, 2007 to January 25, 2008. One telephone call not supporting the proposal was received and no written submissions.

To assist the Lismore Chamber of Commerce to move forward with their endeavours to rebuild and strengthen relationships with the business community and Council, supporting their request is recommended with the only variation being the interest rate being equivalent to the interest on investments return and not the CPI.

Background

Council considered a request from the Lismore Chamber of Commerce (previously know as Lismore Unlimited Opportunities) for financial assistance at its December 11, 2007 meeting. It was resolved to *“provide in principal support to the request from Lismore Unlimited Opportunities on the basis that it be advertised for 28 days and a report on any submissions received and final recommendations be submitted to the February 2008 Council meeting”*.

The primary reason for the request was to allow the new Lismore Chamber of Commerce (Chamber) board to move forward as the guarantors of the existing loan are no longer board members.

The proposal was advertised in the Northern Rivers Echo on December 20, 2007 and January 17, 2008 in the Lismore City News with submissions closing on Friday, January 25, 2008. During the submission period, one telephone call not supporting the proposal was received and no written submissions.

Loan Details

The amount of the loan proposed is approximately \$18,000. The Chamber requested terms of an eighteen month repayment period with monthly repayments and an interest rate equivalent to the CPI (3%). The loan would be unsecured.

Based on the request, monthly repayments of approximately \$1,083 would be required to repay the loan within the eighteen month period. If a commercial interest rate (10.4%) was applied, repayments for an eighteen month period would be approximately \$1,144 per month. Based on their current monthly repayment of approximately \$1,134 and the Chamber's 2007 financial reports, they are capable of meeting future loan repayment commitments.

While initially supported on the basis of an interest rate equivalent to the CPI, as the funds used to payout the loan would otherwise be invested, it is recommended that the interest rate (approximately 7.12%) equivalent to Council's investment portfolio interest rate for January 2008 be used.

Other staff comments

Not required.

Public consultation

The proposal was advertised in the Northern Rivers Echo in the Lismore City News from December 20, 2007 to January 25, 2008.

Conclusion

The Chamber requested Council to pay out a current loan and then they would repay Council. The arrangement will allow the Chamber to move forward with their endeavours to rebuild and strengthen future relationships with the business community and Council.

The proposal was advertised with one telephone call not supporting the proposal received and no written submissions.

Based on available financial information, the Chamber is capable of repaying the loan.

Recommendation

Council agree to the Lismore Chamber of Commerce Inc. request to provide a loan to pay out an existing loan up to a maximum amount of \$18,000, for an eighteen month repayment period with monthly loan repayments at an interest rate equivalent to the investment portfolio interest rate for January 2008.

Report

Subject	Lismore City Cycleway Strategy
File No.	SR:VLC:S552
Prepared by	Road Safety Officer
Reason	To present the Lismore Cycleway Strategy developed by Local Government Engineering Services.
Objective	To adopt the strategy developed by Local Government Engineering Services, to deliver a strategic prioritised cycleway works schedule that also aligns with road works schedule for optimum economic benefit.
Strategic Plan Link	Infrastructure
Management Plan Project	Urban, Rural and Regional Roads

Overview of Report

This report presents the Lismore City Cycleway Strategy for formal adoption by Council including a prioritised programme of works.

Background

Local Government Engineering Services (LGES) were contracted by Lismore City Council to develop a strategic prioritised, cycleway strategy for the Lismore City urban area. As part of LGES' brief they were required to consult with user groups and produce a bicycle strategy that complies with current legislation, Australian Standards and community and industry best practice. The Lismore City Cycleway Strategy has been developed considering the following issues:

- Land Use;
- Road Hierarchy;
- Traffic Volumes;
- Traffic Management Devices and Facilities;
- Reported Bicycle Accidents and Near-misses;
- Physical, Social and Environmental Constraints;
- Input from Community/Public Consultations;
- Consultation with relevant government bodies in Lismore;
- Existing Cycleway network;
- Funding and Grant sources;
- Existing bicycle usage and profile;
- CPTED Risk Analysis;
- Cycle Strategy Framework;
- Cycle Network Development and Plans, including proposed cycle facilities, parking, signage and cycle friendly traffic management treatments;
- Cycleway Actions, including improvements to existing network;
- Cycle Works Programme, including Costing and Staging;
- Current legislation, Australian Standards, community and industry best practice.

Following a detailed consultation process, LGES have delivered the final cycleway strategy. The final draft was presented to Councillors at a workshop held on November 20, 2007. A copy of the final document is also attached to Councillors' business papers.

LGES notes in the strategy that Lismore City Council has 17.9km of existing cycleway and a further 13.1km of existing footpaths which could be widened to meet the standard of a cycleway. The total programme of proposed cycleway, and cycling infrastructure includes, 14.6km of off road cycleway, 5.4km of road cycleway, 13.1km of existing paths to be widened with a total length of 33.1km.

The cycleway strategy includes 35 road crossings, the provision of 14 bicycle racks and two (2) secure bike parking stations. The prioritised programme of works includes 84 separate sections of cycleway combined into 19 practical works programmes which are estimated to cost \$4.4 million. The prioritised list of 19 works programmes will be reviewed in conjunction with Road Works Programmes to ensure maximum economic benefits are achieved in the implementation of the Cycle Strategy.

One matter of some discussion was the route to connect the Lismore CBD to Goonellabah. The significant difference in levels between these two areas was a considerable challenge to deal with, especially in regard to catering for riders of all abilities and the multiple destinations in the CBD that cyclists may wish to access. LGES have presented three (3) proposals for connecting these areas as follows:

1. High Street
2. Rotary Drive
3. Ballina Road.

The report states that Rotary Drive is the preferred route as it is the most direct, and is favoured by the majority of cyclists questioned in the consultation undertaken for the project. Rotary Drive already has a narrow concrete pedestrian footpath on the southern side which could possibly be widened in some sections. Council has also allocated funding in the current year's budget for reconstruction of Rotary Drive. A preliminary design for this work has been prepared including widening of the footpath to 2.5 metres as a shared cycleway (this includes a 300mm clearance to the adjacent Brifen Wire Safety fence between the footpath and road). This has necessitated considerable work on the northern side of the road to cut back existing embankments and will require the construction of retaining walls. The additional cost for this work has not yet been fully established but is likely to be in the vicinity of \$200,000.

The alternate routes have been identified by LGES should Council determine that the cost to provide the route along Rotary Drive is prohibitive.

LGES have also prepared a prioritised list of the proposed works based on a points system developed to distinguish one project from another. Whilst the system may not be perfect, it is considered a workable methodology to provide Council with a starting point in determining project priorities. In particular, Council has an annual works programme for roads and footpath reconstruction and rehabilitation. It would be prudent for Council to review the suggested priorities for the cycleway plan at the beginning of each financial year to coordinate any cycleway works with the proposed roads and footpath programmes.

Council has allocated \$382,000 in the current financial year towards cycleway construction. Given that the total cost of the priority list of works is approximately \$4.4 million, Council will need to provide ongoing annual funding to allow progress with construction of these works.

Proposed 2007/08 Cycleway Programme

As mentioned above, \$382,000 has been allocated in the 2007/08 budget for cycleways. The RTA has allocated \$40,000 to a cycleway in Orion Street (Molesworth to Dawson Streets). A condition of the funding is that Council match the RTA allocation.

The proposed cycleway programme for 2007/08 is shown below –

Location	Budget (\$)	Project Description
Rotary Drive	200,000	Dixon Place to Uralba Street
Orion Street	40,000	Molesworth Street to Dawson Street
High Street	87,600	Ballina Road to Lismore Heights Public School
Uralba Street	41,000	Existing path to Dibbs Street
Contingency	13,400	
	\$382,000	

Comments

Financial Services

A total of \$382,000 was included in the 2007/08 Budget for cycleway construction. This included one-off loan funding of \$350,000 in 2007/08. For funding to implement the strategy in future years, consideration of requirements as part of the annual Management Plan process is supported.

It is also suggested that the proposed cycleway prioritised works programme be reviewed annually in conjunction with not only the road works programme, but the footpath construction/reconstruction programme to maximise shared benefit opportunities.

Other staff comments

Manager – Community Services

Community Services supports the proposed cycleway strategy as recommended. The strategy reflects commitments within the Social and Community Plan for better integrated transport networks within the local government area, and will ensure greater access for people without private vehicles.

Public Consultation

LGES conducted surveys with key stakeholders through:

- Local schools
- Bike shops
- Community events
- Community groups.

A Public Meeting was held on March 28, 2007 and comments from attendees were encouraged to be sent direct to LGES. A further public workshop presenting the final report was held on November 19, 2007.

Conclusion

Within any community there is a need for accessible, equitable safe and efficient transport systems. The Lismore City Cycleway Strategy developed by LGES provides a prioritised connected cycleway strategy suited to recreational and commuter cyclists. A prioritised work programme has been presented but should be reviewed annually to coordinate with Council's annual roads and footpath upgrade programmes.

The preferred option of Rotary Drive as the connection between the Lismore CBD and Goonellabah should be adopted as it was clearly identified by those that participated in the consultation process as the preferred route.

The cycleway strategy is estimated to cost approximately \$4.4 million to construct and therefore will require an ongoing annual budget commitment from Council to implement.

Recommendation (IS01)

That:

1. The Lismore City Cycleway Strategy as developed by LGES and attached to Councillors' business papers be adopted.
2. Council approve the proposed 2007/08 Cycleway Programme as set out in the body of the report.
3. The proposed cycleway prioritised works programme be reviewed annually in conjunction with the road works programme to achieve maximum economic benefits and efficiency of implementation.

Report

Subject	Water Supply and Sewerage Performance Monitoring
File Nos.	DA:VLC:S387,S301
Prepared by	Contract Engineer, Water and Wastewater
Reason	Report on 2005/06 NSW Performance Monitoring Report and Triple Bottom Line Performance Reports for Water Supply and Sewerage. Report on Performance Monitoring data for the 2006/07 financial year.
Objective	To inform Council and provide information on proposed strategic actions in the water and sewer areas.
Strategic Plan Link	Infrastructure, Water and Waste Cycle
Management Plan Project	Water Supply Services, Wastewater Services

Overview of Report

This report outlines the results of the NSW Performance Monitoring Report for Water and Sewerage 2005/06, and the Triple Bottom Line Reports for Lismore City Council for the same period. The results of an independent audit of performance monitoring data compiled by Council for 2006/07 are also reported including proposed actions recommended by the Auditor.

Background

2005/06 Performance Monitoring Report

In line with the National Water Initiative (NWI), the NSW Government has developed the *Best Practice Management of Water and Sewerage Guidelines* which encourage continuous improvement and requires Local Water Utilities to undertake annual performance monitoring.

The *2005/06 Performance Monitoring Report* discloses the key performance indicators for all Local Water Utilities (LWUs) enabling each utility to monitor trends and improve its performance through benchmarking against similar utilities.

The Executive Summary in the *Report* provides an overall view of the NSW LWUs in relation to Social, Environmental, and Economic indicators, as follows -

Social

- The Typical Residential Bill for water and sewerage has remained relatively constant over the last 11 years.
- A high level of water quality compliance, and a low level of water quality complaints has been maintained.
- Sewage odour complaints and sewerage service complaints have remained low.
- Median water usage charge has risen to 105c/kL.

Environmental

- Average annual residential water consumption has fallen from 330 to 190 kL/property over the

last 15 years.

- 57% of utilities have implemented sound water conservation.
- Reuse of recycled water was carried out by 66% of utilities, mostly for agriculture.
- Compliance with the Department of Environment and Conservation (DEC) sewerage licences was 96% for Biological Oxygen Demand (BOD) and 93% for Suspended Solids (SS).

Economic

- The total revenue for the 107 LWUs was \$870M and the current replacement cost of their assets was \$11,700M. 60 of these utilities (56%) were Category 1 businesses under National Competition Policy, having an annual turnover of over \$2M.
- 82% of LWUs have a sound strategic business plan and long-term financial plan.
- 31% of LWUs complied with the Best Practice Management Guidelines for water supply and 22% of LWUs complied for sewerage. These utilities were eligible to pay a dividend to the council's general revenue.

2005/06 Triple Bottom Line (TBL) Report for Lismore City Council

More specifically, the 2005/06 Triple Bottom Line (TBL) Report for Lismore City Council (LCC) can be summarised as follows –

Social

- The combined Typical Residential Bill, or TRB, for water and sewerage (\$784) was close to the State-wide median of \$790/annum.
- 100% water quality compliance.
- Sewage odour and service complaints less than State-wide median.

Environmental

- Average annual residential water consumption (196kL/annum) was close to the State-wide median of 190kL/annum.
- Compliance with the Department of Environment and Conservation (DEC) sewerage licences was 98%.

Economic

- LCC operating costs for water and sewerage is slightly higher than State-wide median.
- LCC water usage charge (122c/kL) is higher than the State-wide median of 105c/kL.
- LCC has a current strategic and financial plan for water and sewerage.
- LCC complied with all of the six (6) Best Practice Criteria for water, and four (4) Best Practice Criteria for sewerage and therefore eligible to pay a dividend to the general fund.

Performance Monitoring Data for 2006/07 and Audit

Furthermore, Council has provided the DWE with Performance Monitoring data for the 2006/07 financial year.

In accordance with the Inter Governmental Agreement on a National Water Initiative (NWI), independent auditing of performance indicators for water supply and sewerage services has been introduced in New South Wales for the 2006/07 financial year and auditing is to be repeated at three (3) yearly intervals.

Consequently, a comprehensive independent Audit of the performance data collected by Lismore City Council has been undertaken. This audit involved an assessment of the accuracy and reliability of the collated data. Overall, of the 65 performance indicators audited, 22 were fully complying, 28 were substantially complying, and 15 not complying.

The major audit findings are as follows –

- Upgrade the meters and inflow measurement at Nimbin Water Supply and Nimbin Sewage Treatment Plant.
- Adopt more reliable water loss estimation methods by undertaking a water loss management study/leakage study to estimate real losses.
- Improve recording of sewage chokes and blockages.
- Align the definition of connected properties and assessments with NWI reporting standards.
- Align customer service complaint recording with NWI reporting standards.
- Calculate and report energy consumption and greenhouse emissions in future reports.

Staff are considering these recommendations with a view to including appropriate actions in the strategic business plan. In order to achieve full compliance with the recommended level of information for some of these indicators, a significant investment in staff time and administrative processes would be required, for questionable benefit.

Comments

Financial Services

Not required.

Other staff comments

Not required

Public consultation

Not required

Conclusion

Overall, Council's water and sewerage business is considered to be performing slightly above average when compared to other similar utilities across the state. However, there are clearly some areas where improvement is possible and these areas are to be addressed in the formulation of the Strategic Business Plan for Water and Wastewater.

The relevant comments and recommendations of the Reports and Audit will also be taken into account for the 2007/08 performance data report and within the reviews of the Development Service Plans for Water and Wastewater, and the Trade Waste Policy which are currently underway.

Recommendation (IS02)

That the report be received and noted.

Report

Subject	Emergency Management
File No	S676
Prepared by	Manager Environmental Health and Building Services
Reason	To advise Council of the change in the management of its emergency management function within Council
Objective	For Council to endorse the appointment of the Chair of the Emergency Management Committee and the Local Emergency Management Officer
Strategic Plan Link	Quality of Life
Management Plan Project	Traffic, Emergency Services and City Safe operations

Overview of Report

Under the State Emergency Management Act (SERM Act) 1989 (as amended), Local Government is required to undertake specific functions. The establishment of the Local Emergency Management Committee (LEMC) and the provision of support facilities for the LEMC and the Local Emergency Operations Controller (LEOCON) is one such function. Under the SERM Act, each LEMC is to consist of:

- a senior representative of the Council of the relevant Local Government Area nominated by that Council, who is to be the Chairperson of the Committee; and
- a principal executive officer to be known as the Local Emergency Management Officer.

This report advises Council of the change in the emergency management function being administered under the one Directorate, being Infrastructure Services and seeks Council's endorsement for the position of Chairperson and Local Emergency Management Officer.

Background

The SERM Act 1989 (as amended), provides the basis for emergency management in NSW. In particular it specifies the responsibilities to the Minister, the establishment of emergency management committees and the production of Displans.

The SERM Act clearly recognises that the involvement of all Local Government in all stages of an emergency is critical (ie in prevention, preparedness, response and recovery). This requires the establishment of the Local Emergency Management Committee (LEMC).

This committee consists of

- senior representative of Council who is to be the chairperson of the LEMC. The Act requires that the person appointed by Council must have the authority of Council to coordinate the use of Council's resources for emergency management purposes.
- Senior local representatives of each of the emergency services organisations operating in the local area.

Lismore City Council historically has been compliant with its responsibilities under the SERM Act in

establishment of the LEMC and the provision of executive support to the Committee including the provision of Displans.

However, in order for the emergency management responsibilities within Council to be more appropriately managed, it is proposed that this function should be conducted within the same Directorate. The position of Local Emergency Management Officer (LEMO) for the past 12 years has been held by the Manager Environmental Health and Building Services in the Development and Governance Directorate, while the current chair of the committee is the Executive Director - Infrastructure Services.

It is therefore proposed that the Chair of the LEMC be retained by the Executive Director - Infrastructure Services and that the LEMO role be assigned to the Manager Assets and Support Services. This would align the emergency management roles and responsibility within Infrastructure Services.

The Manager Environmental Health and Building Services would retain a position on the LEMC as Council Environmental Health and Public Health representative.

Comments

No comment required.

Financial Services

No comment required.

Other staff comments

Infrastructure Services

A key responsibility of the LEMO role is to coordinate Council resources and response in an emergency situation. The human and physical resources used in Council's response to emergency situations are largely located within the Infrastructure Services Directorate. Having the LEMO role within this directorate would consolidate and strengthen Council's existing response mechanisms.

Conclusion

The alignment of the emergency management function for Council within the Infrastructure Services Directorate is considered to be appropriate for conducting the various task required under the SERM Act.

Recommendation (PLA3)

- 1 That Council endorse the Executive Director - Infrastructure Services as Chair of the Local Emergency Management Committee and Manager Assets and Support Services as the Local Emergency Management Officer.

Report

Subject	ICLEI – Local Governments for Sustainability – Water Campaign
File No.	S752
Prepared by	Strategic Engineer – Water and Sewer and Co-Ordinator Environmental Health - Strategic
Reason	To reduce water consumption, improve water quality and promote best practice for the management of the natural and urban water cycle within the Lismore Local Government area.
Objective	To obtain Council approval to participate in the ICLEI (International Council for Environmental Initiatives) – Local Governments for Sustainability – Water Campaign.
Strategic Plan Link	Water and Waste Cycle, Infrastructure, Natural Environment
Management Plan Project	Environmental Health, Planning Services, Water Supply Services, Wastewater Services

Overview of Report

A pre-requisite to joining the water campaign is for Council to resolve to participate in this program, the following report proposes participation and outlines the benefits of joining the program.

Council has an opportunity to participate in 'The Water Campaign', administered by the ICLEI (International Council for Environmental Initiatives) – Local Governments for Sustainability organisation. The Water Campaign is an international freshwater management programme which aims to build the capacity of local government to reduce water consumption and improve local water quality.

Participation in The Water Campaign would provide benefits to Council in helping to establish best practice management of the urban water cycle. It is also complimentary to Council's current commitment to preparing an Integrated Water Cycle Management Strategy (IWCM) in accordance with Department of Water and Energy Best-Practice Management Guidelines. This program is compatible and complimentary to Rous Water's Demand Management Strategy and staff from both organisations recognises the benefits of the program.

This report recommends that Council make a commitment to participate in ICLEI's 'Water Campaign' similarly to their 'Cities for Climate Protection' program.

Background

Local Governments around the world are responding to the threat of severe water shortages by reducing water consumption and improving their water quality. As a leader in the community, Lismore City Council, by joining the Water Campaign programme has the opportunity to take a leadership role in the region and be a part of a growing network of local governments nationally who have identified integrated water resource management as a priority for financial, environmental and social reasons.

The Water Campaign is an international freshwater management programme, which aims to build the capacity of local government to reduce water consumption and improve local water quality. The Water Campaign is delivered by ICLEI-Australia/New Zealand (ICLEI-A/NZ) in collaboration with local and state governments, water authorities and the Australian Government.

Nature of Programme

The Water Campaign provides councils with a tested program model covering a broad spectrum of water management issues. The programme involves progressing through five milestones, to guide council through a process of local research, policy making, action, planning, implementation and evaluation.

- Milestone 1:** Undertake a water consumption inventory and water quality checklist.
- Milestone 2:** Establish a water consumption reduction goal and water quality improvement goal.
- Milestone 3:** Develop and adopt a local action plan.
- Milestone 4:** Implement policies and actions to work towards integrated freshwater resource management and quantify the benefits.
- Milestone 5:** Monitor and report on water consumption reductions, water quality improvements and water management initiatives.

Benefits

Through participation in the Water Campaign, council can:

- Achieve environmental and economic benefits by reducing water consumption.
- Expand the capacity of council by increasing knowledge in the area of water management.
- Reduce demand on potable water supply and wastewater facilities.
- Demonstrate wiser use of water within council operations and the local government area.
- Increase use of wastewater and on-site detention of stormwater.
- Reduce peak flow levels in urban waterways.

Benefits of reduced water consumption include:

- deferral of, or avoiding the need for, capital works
- reductions in environmental impacts
- reduced operating expenses (eg. bulk water sales)

In financial terms, reduced water consumption can be a mixed blessing in that, as well as reducing capital and operating expenses, it can lead to reductions in revenue. In this regard, positive financial impacts are considered to outweigh any disbenefits. Best-practice management requires an ongoing review of Council's revenue policies and future amendments to these policies can accommodate the impacts of any changes in consumption patterns.

The Water Campaign supports council to:

- Improve environmental performance by using best practice management approaches in the areas of open space, construction and waste collection.
- Save money through the installation of water efficient devices in council buildings.
- Influence the community through the promotion of water sensitive urban design.
- Change community consumption patterns through influence and community education.

- Demonstrate leadership to the community and amongst other councils through the sustainable management of water resources.
- Access an extensive peer network of participants from across Australia.
- Protect local water bodies from contaminants entering through drainage systems.

ICLEI-A/NZ provides the following support for Water Campaign participants:

Promotion and Recognition

Technical and Programme Training

Information and Publications

More detailed information is provided in the attached brochure.

Cost of Participation

Participation in the Water Campaign would require payment of \$1,200 to ICLEI-A/NZ. It is intended to share this cost between Council's existing budgetary allocations for Integrated Water Cycle Management (IWCM) and Catchment Management.

Interrelationship between ICLEI Campaign and IWCM Strategy

Involvement in the ICLEI campaign and preparation of Council's IWCM Strategy will be undertaken parallel with each other and are considered to be complimentary to each other. The focus of the ICLEI campaign on demand management and water quality initiatives also reflect some of the issues which form part of the IWCM process. In many ways involvement in the ICLEI campaign can be considered to facilitate both the completion of the IWCM Strategy and its subsequent implementation and therefore could be considered to be 'part' of the IWCM process.

Comments

Financial Services

Not Required

Public consultation

Implementation of the Water Campaign will include a public consultation process. This may also be able to be combined with public consultation for continuation of Council's IWCM Strategy.

Conclusion

Participation in the Water Campaign would provide benefits to Lismore City Council in helping to establish best practice management of the urban water cycle. It is also considered complimentary to the current project Council has committed to, of preparing an Integrated Water Cycle Management Strategy in accordance with Department of Water and Energy Best-Practice Management Guidelines and Rous Water's Demand Management Strategy.

This report has been generated due to ICLEI requiring a Council resolution to join the water campaign prior to Council participating in the program.

Recommendation (IS71)

That Lismore City Council join the ICLEI Water Campaign and undertake work to achieve the five milestones outlined within this programme.

Report

Subject	December 2007 Quarter Management Plan Review
File No	S952
Prepared by	General Manager
Reason	Requirement of Local Government Act S.407(1)
Objective	Information of Councillors
Strategic Plan Link	Leadership by Innovation
Management Plan Project	This is a report on the progress of the 2007/08 Management Plan.

Overview of Report

This report relates to the performance of programs and activities highlighted in the 2007/2008 Management Plan during the quarter ended December 2007.

Background

The General Manager is required under Section 407(1) of the Local Government Act, 1993 to report quarterly on the performance targets outlined in the Management Plan.

Recommendation

That the report be received and noted.

Report

Subject	December 2007 Quarterly Budget Review Statement
File No	S929
Prepared by	Principal Accountant
Reason	Clause 7, Local Government (Financial Management) Regulations 1993
Objective	To gain Council's approval to amend the 2007/08 Budget to reflect actual or anticipated results
Strategic Plan Link	Leadership by Innovation
Management Plan Activity	Various

Overview of Report

The 2007/08 Budget has moved from an operating surplus of \$2,600 in September to a deficit of \$2,400 in December 2007. The operating deficit for the December 2007 quarter being \$5,000.

A summary of the items impacting the result has been included in the body of the report with the major items being: additional rates revenue due to additional properties and valuations \$44,900, increased Section 356 donations waste facilities to charitable organisations costs \$4,000; increase contribution to the NSW Fire Brigade \$16,600, PAG review costs \$9,500, affordable housing project costs \$10,000 and additional expenses in relation to the Koori Knockout carnival.

There has been additional expenditure recognised for operating expenditure, capital projects and grant projects with funding from grant revenue and reserves. A summary of these items as they impact within individual programs has been included within the body of this report.

Richmond Tweed Regional Library Sunday afternoon openings – in accordance with Council resolution a survey was undertaken in relation the need for extended opening hours. The results are not conclusive and additional information is to be sourced. Additional comments have been provided the Manager Community Services.

Investments - there has been considerable volatility within the investment market since the 30 June 2007 due the liquidity crisis in financial markets and the subsequent market fears of a recession in the US. This has affected all areas of the investment market and subsequently the investment portfolios of all Councils. The object of this report is to quantify for Council the position as at the December Review.

Flood Mitigation Works - Council has been advised of additional grant funding \$280,000 being received from the Department of Climate Change, Environment and Water for works associated with the Lismore Flood Mitigation Works. Council's contribution towards the works is \$140,000, the full impact is to be quantified and reported to Council as part of the March 2008 Quarterly review.

There have been no other major variances to the adopted 2007/08 Budget quantified during this December review.

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 2007/08-10 Management Plan provided for a surplus of \$23,000. The September review reported an accumulated surplus of \$2,600. This review details a deficit of \$5,000 for the December quarter, with the annual accumulated deficit at December 31, 2007 being \$2,400.

A summary of this movement follows:

Budget Movements for Quarter	Amount \$
Opening Surplus Balance at September 30, 2007	2,600
Plus – Additional rates revenue due to additional properties and valuations.	44,900
Less – Section 356 Donations - Waste facility usage by Charity organisations in accordance with Council policy	(4,000)
Less – NSW Fire Levy contribution for 2007/08	(16,600)
Less - PAG implementation for the facilitation of a workshop, the development of the PAG scope and objectives, and the development and delivery of PAG training	(9,500)
Less - Affordable Housing project. This will cover the cost of legal advice and the development of the agreements between Council and the Financial Institutions	(10,000)
Less – additional contribution Koori Rugby league knockout carnival	(9,800)
Closing Deficit Balance at December 31, 2007	(2,400)

For Council's information, details of programs with significant variances other than those reported as impacting on the cash result are listed below. Please refer to the attachment for individual programs for a summary of all budget movements.

Richmond Tweed Regional Library Sunday afternoon openings

Council resolved at the November 13 meeting to consider the request by Richmond Tweed Regional Library for additional funding for Sunday afternoon openings in conjunction with the December Quarterly Budget Review and after reviewing the library survey results.

The survey has been undertaken and the Manager of Community Services has provided the following comments:

The telephone survey (350 persons, 48% non-users, and 52% users - approximately 26% or 91 Lismore residents), and In-House User survey (650 sample, approximately 20% or 130 Lismore residents) provided information regarding library usage. 95% of respondents were satisfied with current opening hours. Regarding the likelihood of visiting the library over the weekend, telephone respondents indicated that 22% were very likely to visit, 30% were somewhat likely to visit, 17% were unlikely to visit, 31% very unlikely to visit and 1.3% didn't know. The preference between Saturday and Sunday was insignificant. In-House users indicated that 19% and 13% were highly likely or somewhat likely respectively to use the library on both days, and 27% were unlikely to use the library on both days. 62.5% of Lismore respondents preferred Sunday afternoons.

Should Lismore Library extend its opening hours on Saturday and / or Sunday afternoons, it should be noted that a minimum of four staff will be required on both days, with penalty rates applying on Saturdays at 25% in addition to the ordinary hourly rate of pay, and 50% penalty rates applying on Sundays in addition to the ordinary hourly rate of pay. These additional costs would be borne by Lismore City Council within its annual contribution, and therefore it is necessary to identify a significant demand prior to extending the current opening hours.

The Lismore City Library currently has extended opening hours from 12.00pm - 1.00pm each Saturday afternoon and from 5.00pm - 7.30pm on Thursday and Friday evenings. Given the current rate of satisfaction with library opening hours (95%), and reasonably similar results for respondents likely to use the library at weekends vs. those unlikely to use the library at weekends, it is recommended that more information from Lismore library users is gathered to identify a significant demand for weekend use prior to extending the opening hours. Such information may comprise an analysis of users during 12.00pm - 1.00pm on Saturdays to determine the need for an extension of hours, if required. It is recommended that an In-House survey/count of Saturday library users be conducted during the next school holiday period (when the toy library is not in use as this would bias the counter results) to determine whether the 12.00pm - 1.00pm period is a high use time. At this point, the survey results do not indicate the need to extend opening hours on either Saturday or Sunday afternoons.

Investments

There has been considerable volatility within the investment market since the 30 June 2007 due the liquidity crisis in financial markets and the subsequent market fears of a recession in the US. This has affected all areas of the investment market and subsequently the investment portfolios of Councils. The object of this report is to quantify for Council the position as at the December Review.

Interest return on investments - At the time of this review Council's interest returns are still in accordance with original estimates provided as part of the 2007/08 Budget, and provided there are no major events occurring prior to June 2008 this is anticipated to be maintained. Despite the volatility in the market, Council is still achieving the nominated coupon returns for its investments.

Capital movement of investments - In addition to interest income Council is required to revalue its investments on a market to market basis once a year in accordance with accounting standards and to recognise these capital movements as income or expense within their operating statement. At the time of this review Council has a market to market negative capital movement in investments of (\$1,353,300). This is indicative and will change over the coming six months depending on the movements with the financial markets. The final movement will impact on the "Change in Net Assets" and the operating funds available to Council.

The recognition of the Capital movement of investments is an accounting requirement and does not reflect actual losses on investments until the investments are realised. All products are still achieving coupon returns and are still expected to return coupon value upon maturity. Advice from Council's investment advisors is being reviewed to determine what action, if any, is required to mitigate this exposure.

Flood Mitigation Works

Council has been advised of additional grant funding \$280,000 being received from the Department of Climate Change, Environment and Water for works associated with the Lismore Flood Mitigation Works, (being works to the Browns Creek pump station \$220,000 and the South Lismore Levy Bank \$190,000). Council's contribution towards these works is \$140,000 with further assessment to be undertaken as to the impact on Council operating result, due to some of the works being included within the Lismore Flood Levy Scheme and therefore already funded. The full impact will be quantified and reported to Council as part of the March 2008 Quarterly review.

Financial Services

Council received \$116,500 as part of insurance claims for damages caused to buildings during recent storms. The funds were used to offset expenses incurred in various programs, there being no impact on the operating deficit.

Unexpended grants of \$590,300 from 2006/07 were applied to various works including; Bus Shelter Hindmarsh Street Lismore \$45,100; Pinchin Road \$203,000; Sustainable Environmental Assessment & Action \$297,000; Restoration of Lowland Rainforest on Floodplain \$38,000. There being no impact on the operating deficit.

Commercial Properties

Insurance refunds received for storm damage to building was offset against expenditure \$41,000. Adjustments to costs in relation to staff allocation was made \$15,000; with funding from existing operations. There being no impact on the operating deficit.

Northern Rivers Quarry and Asphalt

There was some minor reclassification of votes within this program, there was no overall change. There is no impact on the operational deficit.

Properties and Facilities

Insurance refunds received for storm damage to building was offset against expenditure \$41,000.

Parks and Recreation

Works in relation to the Kadina Overpass, Ballina Road Cutting and High Street as outlined within the 2006/07 Management Plan submissions \$150,000 has been included with funding from sales of land. There is no impact on the deficit.

City Safe

The completion of the Bus Shelter Hindmarsh Street Lismore for \$45,100 has been included with funds from Unexpended 2006/07 grants. There is no impact on the deficit.

Roads

RTA funding of \$784,900 was received and applied to roads general maintenance \$476,900 and capital works \$ 308,000 respectively.

Additional capital works were included for \$1,331,000 with funding from road reserves and unexpended grants. There was a transfer to reserves of \$400,000 for works in relation to Winterton Parade (from Woodlawn Road); these works are to be undertaken in 2008/09 year.

Asset Management

Capital expenditure in relation to the demolition of unsafe buildings \$100,000 and the fair value valuation of land and buildings has been included in accordance with the 2007/08 Management Plan, with funding from reserves. There was a transfer to reserves of \$180,000 being the sale of two parcels of land.

Additional expenses were recognised for the Road Safety program of \$26,100, these being funded from reserves.

Lismore Regional Airport

Costs to the value of \$25,000 associated with the fill for the Small Business Incubator building footprint and associated works has been included, with funding from proceeds from the sale of airport hangars. There being no impact on the operating deficit.

Lismore Art Gallery

Unexpended grants have been recognised for Piccini Exhibit \$9,200 and Threaded Connection \$8,500 with additional grant funding being received for the Visions Australia \$43,300 exhibit.

Community Services

Grant funding was received in relation the Lismore Youth Page project \$12,000 and will be applied to associated expenses; there being no impact on the operating deficit.

Information Services

Project costs associated with the completion of the implementation of the Authority project has been included to the value of \$375,000, with funding from reserves and thus there being no impact on the operating deficit.

Public Libraries

Grant funding was received for the Library Management System Replacement project \$100,100 and will be applied to associated expenses; there being no impact on the operating deficit.

Economic Development

Master games income was adjusted to reflect actual receipts in 2007/08, funds were previously received in 2006/07 and carry forward in reserves. This is a reclassification of budgets and has no impact on the operating deficit.

Environmental Health and Building

Grant funding has been received in relation to Tucki Reach Based River (CMA) Project \$17,000 with an associated increase in operating expenses. Unexpended grants for Sustainable Environmental Assessment & Action \$297,000 and Restoration of Lowland Rainforest on Floodplain \$38,000 have been included in operating expenses with no impact on the operating deficit.

Change in Net Assets

The 2007/08 Management Plan showed a surplus in the "Change in Net Assets" of \$10,109,400. The September review increased this by \$226,400 and the December review decreases this by \$6,700 to \$10,329,100.

It should be noted that this 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.

Other staff comments

Not required

Public consultation

Not required

Conclusion

The 2007/08 Budget has moved from an operating surplus of \$2,600 in September to a deficit of \$2,400 in December 2007. The operating deficit for the December 2007 quarter being \$5,000.

There has been additional expenditure recognised for operating expenditure, capital projects and grant projects with funding from grant revenue and reserves. A summary of these items as they impact within individual programs has been included within the body of this report.

There have been no major variances to the adopted 2007/08 Budget quantified during this December review.

Recommendation

- 1 Council adopt the December 2007 Budget Review Statement for General, Water and Sewerage Funds.
- 2 The request for additional funding of \$9,900 from Richmond Tweed Regional Library for Sunday afternoon opening be held over until additional information is gathered from Library users to identify a significant demand for weekend use prior to extending the opening hours and that an In-House survey/count of Saturday library users be conducted during the next school holiday period to determine whether the 12.00pm - 1.00pm period is a high use time.
- 3 This information be submitted to Council's Auditor.

Report

Subject	Investments held by Council – December 2007
File No	S178
Prepared by	Management Accountant
Reason	Required by Local Government Act 1993, Clause 212 Local Government (General) Regulations 2005 and Council's Investment policy.
Objective	To report on Council Investments
Strategic Plan Link	Leadership by Innovation
Management Plan Activity	Financial Services

Overview of Report

Council investments as at 31 December 2007 were \$32,369,408.

The interest rate reported over the period of December 2007 is estimated to be 7.12% in comparison to 6.86% for December 2006. Council's return of 7.12% is below the Bank Bill Swap Rate for the same period of 7.24%.

Volatility continues within the markets, however all rated investments held continue to maintain strong credit ratings and therefore receipt of interest on investments and capital on maturity is anticipated.

Background

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

Report on Investments

- *Confirmation of Investments – 30 November 2007* \$33,404,536
- *Investments – 31 December 2007* \$32,369,408

The current rate of return on investments for December 2007 is estimated to be 7.12% compared to 6.86% for the same period last year. Council's return of 7.12% is below the Bank Bill Swap Rate for the same period of 7.24%. The rate of return reported has been calculated using actual returns where available and estimates based on the previous period balance and interest rates. These estimates appear reasonable in light of discussions with portfolio managers.

Volatility in the investment markets has continued to impact on Council's current market valuation of

investments and interest on investment returns. Council's investment advisors have confirmed the view that the current valuation of the market is not a true reflection of Council's overall position as typically most investments are held to maturity. All rated investments held have a strong credit rating (AAA to AA- for long term investments and A2 for short term investments) indicating the underlying assets supporting the investments are sound. With credit ratings remaining strong, receipt of interest on investments is anticipated to continue.

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

- Summary of Investments including name of institution, lodgement date, maturity date, interest rate and the estimated interest earned in the period.
- Total Investment Portfolio held by month with last year comparison - graphical
- Investment by Type - graphical
- Weighted average interest with last year comparison – graphical
- Investment by Institution as percentage of total portfolio – graphical

Individually Managed Portfolio

Part of Council's investment portfolio has been under advice and management by Grange Securities (Grange). As with other parts of Council's investments, the Individually Managed portfolio (IMP) has been adversely effected by the recent investment market volatility. As previously advised Grange have now written to Council advising that due to their aligning of business practices with owners Lehman Brothers, they are no longer able to offer the IMP service to clients and the service will terminate from December 31, 2007. This means that all investments in the IMP will need to be directly managed by Council. To assist in the future management of these investments, Council is currently seeking advice from Grove Research and Advisory, who already provide independent advice on the remainder of Council's investment portfolio.

Comments

Responsible Accounting Officer

The investments held by Council with various financial institutions, have been made in accordance with the Local Government Act 1993, Local Government (General) Regulation 2005 and Council's investment policy.

Other staff comments

N/A

Public consultation

N/A

Conclusion

A report on investments is required to be submitted to Council monthly. This report meets that requirement. For 31 December 2007, investments total \$32,369,408 and the annualised rate of return was 7.12%.

The investments held by Council with various financial institutions, have been made in accordance with the Local Government Act 1993, Local Government (General) Regulation 2005 and Council's investment policy.

Recommendation

1. The report be received and noted.

Summary of Investments
Investments held as at

31-December-2007

Lodged With	Type	Rated	Lodgement Date	Maturity Date	Last Date Confirmed Valuation Available	Interest Rate of Note-Annualised	Principal (Note 6)	Estimated Current Value (Note 7)	Estimated Interest for Period	Weighted Interest for Period
Cash Based Returns										
CBA - Heritage Building	Floating Rate Note	Not Rated	29/7/2003	29/7/2013	31/12/2007	8.68%	\$ 1,980,000	\$ 1,980,000	\$ 14,597	0.54%
CBA - Shield Series 18	CDO	AA	14/12/2003	4/12/2008	31/12/2007	8.26%	\$ 1,011,700	\$ 1,011,700	\$ 7,093	0.26%
Longreach - Utility Linked note	Equity Linked Note	AA+	2/4/2007	4/4/2014	31/12/2007	7.00%	\$ 1,000,000	\$ 890,300	\$ 5,945	0.22%
Macquarie Bank Income Plus Fund No 1	Managed Fund	A	31/5/2004	30/9/2009	31/12/2007	4.54%	\$ 3,590,718	\$ 3,590,718	\$ 13,845	0.51%
Blackrock Diversified Credit Fund	Managed Fund	A	23/5/2007	30/9/2009	31/12/2007	6.58%	\$ 3,936,718	\$ 3,936,718	\$ 22,000	0.82%
QIC Cash Enhanced Fund	Managed Fund	A	25/5/2007	30/9/2008	31/12/2007	6.09%	\$ 382,587	\$ 382,587	\$ 1,979	0.07%
Aberdeen Income Fund	Managed Fund	A	14/3/2005	30/9/2009	31/12/2007	3.55%	\$ 3,180,387	\$ 3,180,387	\$ 9,589	0.36%
Merrill Lynch	Floating Rate Note	AA-	22/3/2005	8/6/2010	31/12/2007	7.25%	\$ 991,380	\$ 991,380	\$ 6,104	0.23%
Summerland Credit Union	Subordinate Debt	Not Rated	21/5/2004	21/5/2009	12/11/2007	9.62%	\$ 1,000,000	\$ 1,000,000	\$ 8,170	0.30%
Westpac - Wollemi AAA2	Floating Rate Note	AAA	9/6/2004	8/10/2008	9/10/2007	7.73%	\$ 1,000,000	\$ 1,000,000	\$ 6,565	0.24%
ASPRIT III Trust	Wholesale Managed Investment	AAA	13/7/2007	13/7/2013	31/12/2007	6.87%	\$ 2,000,000	\$ 1,962,960	\$ 11,670	0.43%
Grange - Individually Managed Portfolio	Individually Managed Portfolio	AAA to A-	1/9/2006	30/7/2008	31/12/2007	8.79%	\$ 7,522,125	\$ 6,418,111	\$ 56,156	2.08%
Local Government Financial Services	Fixed out-Performance Cash Fund	AA-	12/12/2007	NA	31/12/2007	8.16%	\$ 6,024,548	\$ 6,024,548	\$ 25,590	0.95%
Investment on Hand							\$ 33,620,162	\$ 32,369,408	\$ 189,305	7.02%

Note 4

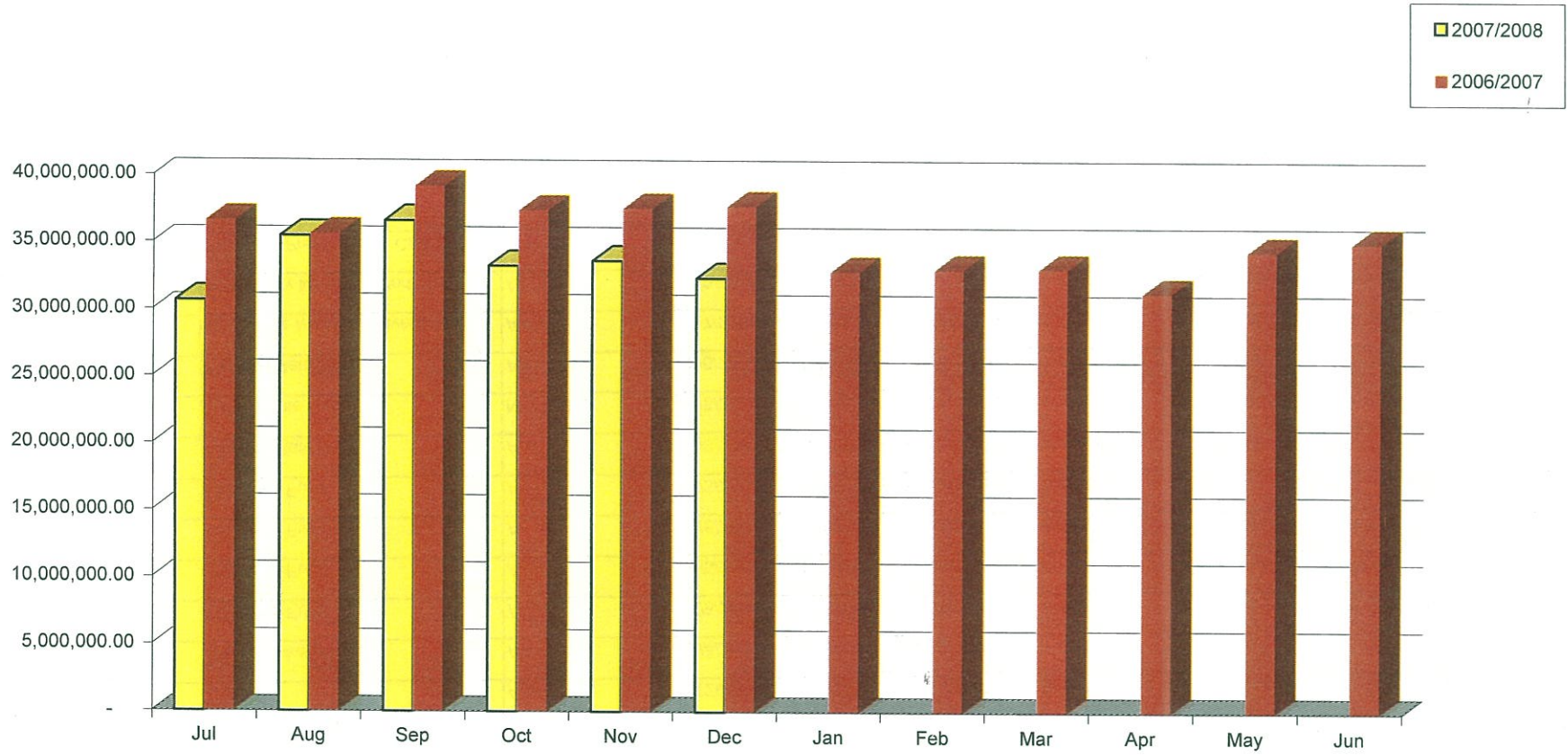
Investments Redeemed during period

Bank of Queensland	Term Deposit	A2	7/11/2007	7/12/2007		6.97%	\$ 2,000,000	\$ 2,000,000	\$ 2,673	0.10%
								\$ -		0.00%

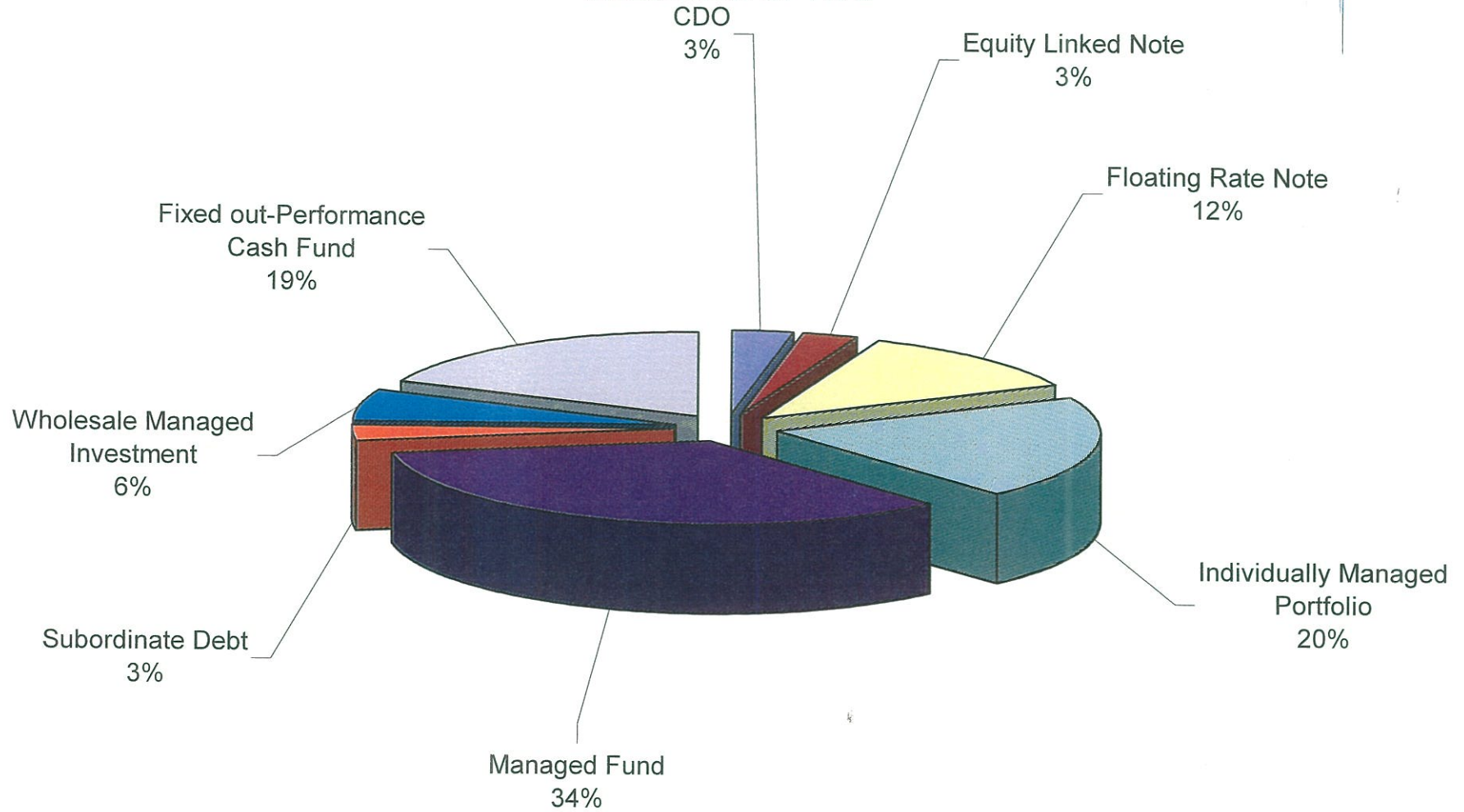
Effective Interest Rate		31/12/2007	7.12%
\$ 35,620,162	\$ 34,369,408	\$ 191,978	

- 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 includes unit price movements valuation plus distributions less fees.
- Note 4: Estimated Interest for Period is calculated by multiplying the annualised rate by the principal and reflects both interest accrued and received.
- Note 5: Return based on Annual Performance, therefore no coupon rate available - BBSW rate used as an estimate. Annual distribution to be paid based on lessor of 50% of performance or 10%.
- Note 6: The Principal value is the estimated value if investments were held to maturity based on current ratings from S&P
- Note 7: Latest estimates based on information provided by investment managers and prior period performance. The Grange IMP reflects the unwind value and is a conservative value.
- Note 8: LGFS - Fixed Out Performance Cash Fund is a liquid cash fund with further investments and withdrawals allowable weekly. Principal and current value therefore always equal.

TOTAL INVESTMENT PORTFOLIO



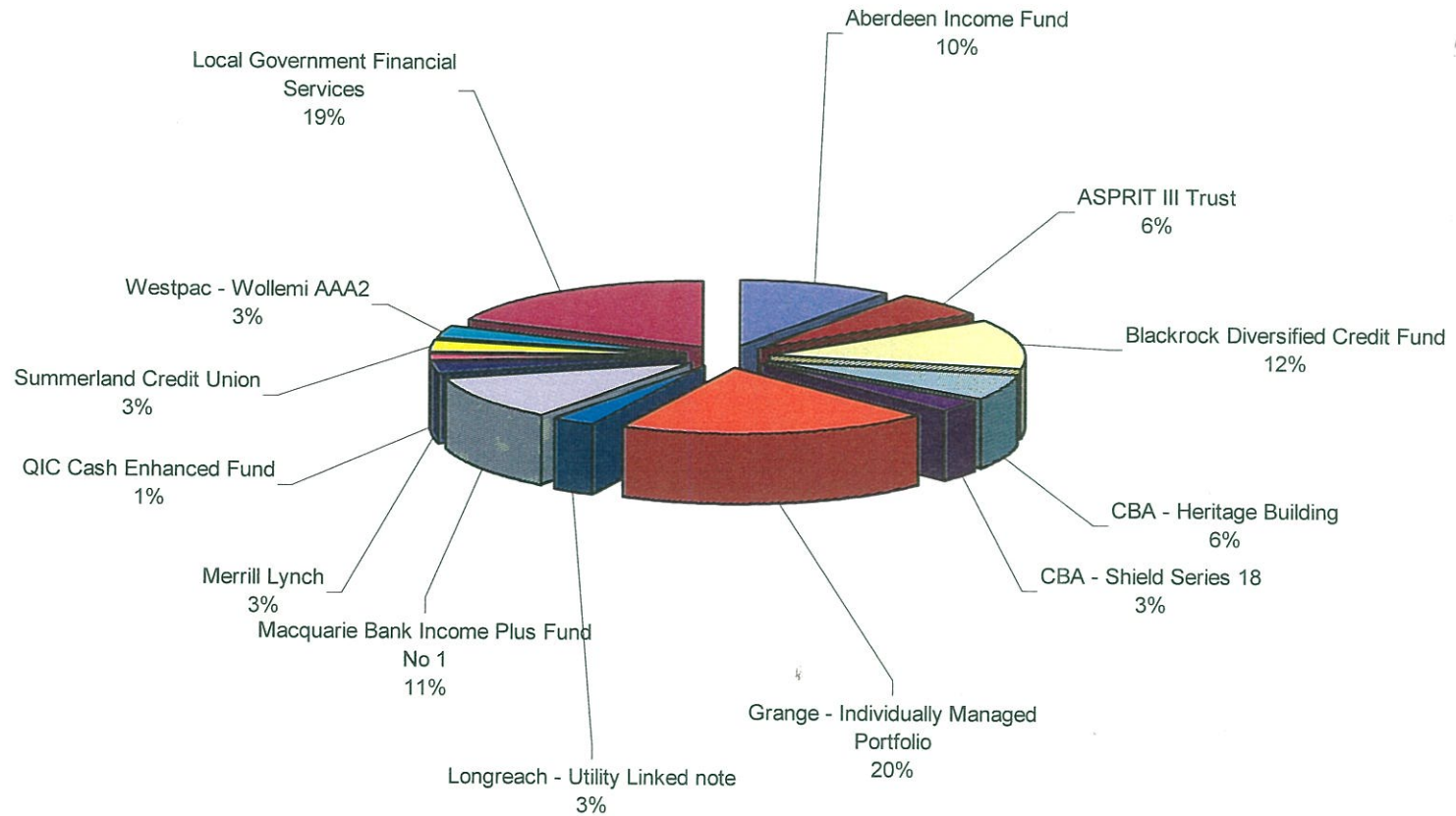
INVESTMENT BY TYPE



WEIGHTED AVERAGE INTEREST RATE



Investment by Institution



Report

Subject	Investments held by Council –January 2008
File No	S178
Prepared by	Management Accountant
Reason	Required by Local Government Act 1993, Clause 212 Local Government (General) Regulations 2005 and Council's Investment policy.
Objective	To report on Council Investments
Strategic Plan Link	Leadership by Innovation
Management Plan Activity	Financial Services

Overview of Report

Council investments as at 31 January 2008 are estimated to be \$32,041,483 subject to final value of funds held under separate management being advised shortly.

The interest rate reported over the period of January 2008 is estimated to be 7.10% in comparison to 6.90% for January 2007. Council's return of 7.10% is below the Bank Bill Swap Rate for the same period of 7.31%. The final interest return may vary due to actual returns achieved in the funds held under separate management.

Volatility continues within the markets, however all rated investments held continue to maintain strong credit ratings and therefore receipt of interest on investments and capital on maturity is anticipated.

Background

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

Report on Investments

- | | |
|---|--------------|
| • <i>Confirmation of Investments – 31 December 2007</i> | \$32,369,408 |
| • <i>Estimated Investments – 31 January 2008</i> | \$32,041,483 |

The current rate of return on investments for January 2008 is estimated to be 7.10% compared to 6.90% for the same period last year. Council's return of 7.10% is below the Bank Bill Swap Rate for the same period of 7.31%. The rate of return reported has been calculated using actual returns where available and estimates based on the previous period balance and interest rates. These estimates appear reasonable in light of discussions with portfolio managers.

Volatility in the investment markets has continued to impact on Council's current market valuation of investments and interest on investment returns. Council's investment advisors have confirmed the view that the current valuation of the market is not a true reflection of Council's overall position as typically most investments are held to maturity. All rated investments held have a strong credit rating (AAA to AA- for long term investments) indicating the underlying assets supporting the investments are sound. With credit ratings remaining strong, receipt of interest on investments is anticipated to continue.

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

- Summary of Investments including name of institution, lodgement date, maturity date, interest rate and the estimated interest earned in the period.
- Total Investment Portfolio held by month with last year comparison - graphical
- Investment by Type - graphical
- Weighted average interest with last year comparison – graphical
- Investment by Institution as percentage of total portfolio – graphical

Individually Managed Portfolio

Part of Council's investment portfolio has been under advice and management by Grange Securities (Grange). As with other parts of Council's investments, the Individually Managed Portfolio (IMP) has been adversely affected by the recent investment market volatility. Grange terminated their IMP services on 31 December, 2007, this means that all investments in the IMP are now under direct management by Council. To assist in the future management of these investments, Council has received advice from Grove Research and Advisory, who already provide independent advice on the remainder of Council's investment portfolio. We are currently reviewing this advice with the intention of reaching an agreement on the management of the IMP as soon as possible.

Comments

Responsible Accounting Officer

The investments held by Council with various financial institutions, have been made in accordance with the Local Government Act 1993, Local Government (General) Regulation 2005 and Council's investment policy.

Other staff comments

N/A

Public consultation

N/A

Conclusion

A report on investments is required to be submitted to Council monthly. This report meets that requirement. For 31 January 2008, investments total \$32,041,483 and the annualised rate of return was 7.10%.

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

The report be received and noted.

Summary of Investments
Investments held as at

31-January-2008

Lodged With	Type	Rated	Lodgement Date	Maturity Date	Last Date Confirmed Valuation Available	Interest Rate of Note-Annualised	Principal (Note 6)	Estimated Current Value (Note 7)	Estimated Interest for Period	Weighted Interest for Period
Cash Based Returns										
CBA - Heritage Building	Floating Rate Note	Not Rated	29/7/2003	29/7/2013	31/12/2007	8.68%	\$ 1,980,000	\$ 1,980,000	\$ 14,597	0.54%
CBA - Shield Series 18	CDO	AA	14/12/2003	4/12/2008	31/12/2007	8.26%	\$ 1,011,700	\$ 1,011,700	\$ 7,093	0.26%
Longreach - Utility Linked note	Equity Linked Note	AA+	2/4/2007	4/4/2014	31/12/2007	7.00%	\$ 1,000,000	\$ 890,300	\$ 5,945	0.22%
Macquarie Bank Income Plus Fund No 1	Managed Fund	A	31/5/2004	30/9/2009	29/01/2008	4.54%	\$ 3,611,784	\$ 3,611,784	\$ 13,927	0.52%
Blackrock Diversified Credit Fund	Managed Fund	A	23/5/2007	30/9/2009	29/01/2008	6.58%	\$ 3,915,252	\$ 3,915,252	\$ 21,880	0.82%
QIC Cash Enhanced Fund	Managed Fund	A	25/5/2007	30/9/2008	29/01/2008	6.09%	\$ 384,224	\$ 384,224	\$ 1,987	0.07%
Aberdeen Income Fund	Managed Fund	A	14/3/2005	30/9/2009	29/01/2008	3.55%	\$ 3,171,223	\$ 3,171,223	\$ 9,561	0.36%
Merrill Lynch	Floating Rate Note	AA-	22/3/2005	8/6/2010	31/12/2007	7.25%	\$ 991,380	\$ 991,380	\$ 6,104	0.23%
Summerland Credit Union	Subordinate Debt	Not Rated	21/5/2004	21/5/2009	12/11/2007	9.62%	\$ 1,000,000	\$ 1,000,000	\$ 8,170	0.30%
Westpac - Wollemi AAA2	Floating Rate Note	AAA	9/6/2004	8/10/2008	9/10/2007	7.73%	\$ 1,000,000	\$ 1,000,000	\$ 6,565	0.24%
Business On Line Banking A/c	Cash Management Account	Cash	1/7/2007	NA	29/01/2008	6.65%	\$ 680,000	\$ 680,000	\$ 3,841	0.14%
ASPRIT III Trust	Wholesale Managed Investment	AAA	13/7/2007	13/7/2013	31/12/2007	6.87%	\$ 2,000,000	\$ 1,962,960	\$ 11,670	0.44%
Individually Managed Portfolio	Individually Managed Portfolio	AAA to A-	1/9/2006	30/7/2008	31/12/2007	8.79%	\$ 7,522,125	\$ 6,418,111	\$ 56,156	2.09%
Local Government Financial Services	Fixed out-Performance Cash Fund	AA-	12/12/2007	NA	29/01/2008	8.16%	\$ 5,024,548	\$ 5,024,548	\$ 21,343	0.80%
Investment on Hand							\$ 33,292,237	\$ 32,041,483	\$ 188,840	7.04%

Note 4

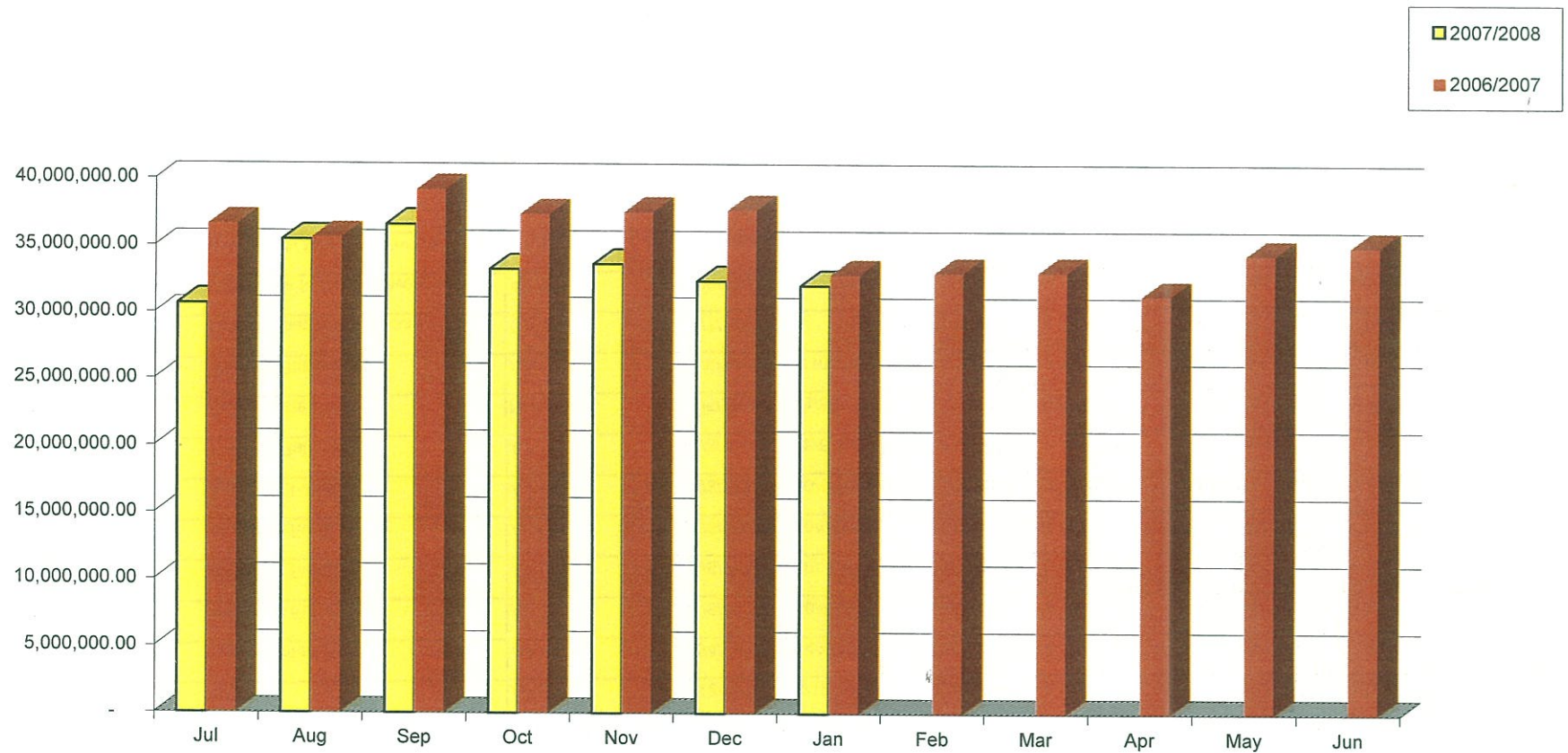
Investments Redeemed during period

Local Government Financial Services	Fixed Out Performance Cash Fund	AA-	12/12/2007	NA		8.16%	\$ 1,000,000	\$ 1,000,000	\$ 1,565	0.06%
									\$ -	0.00%

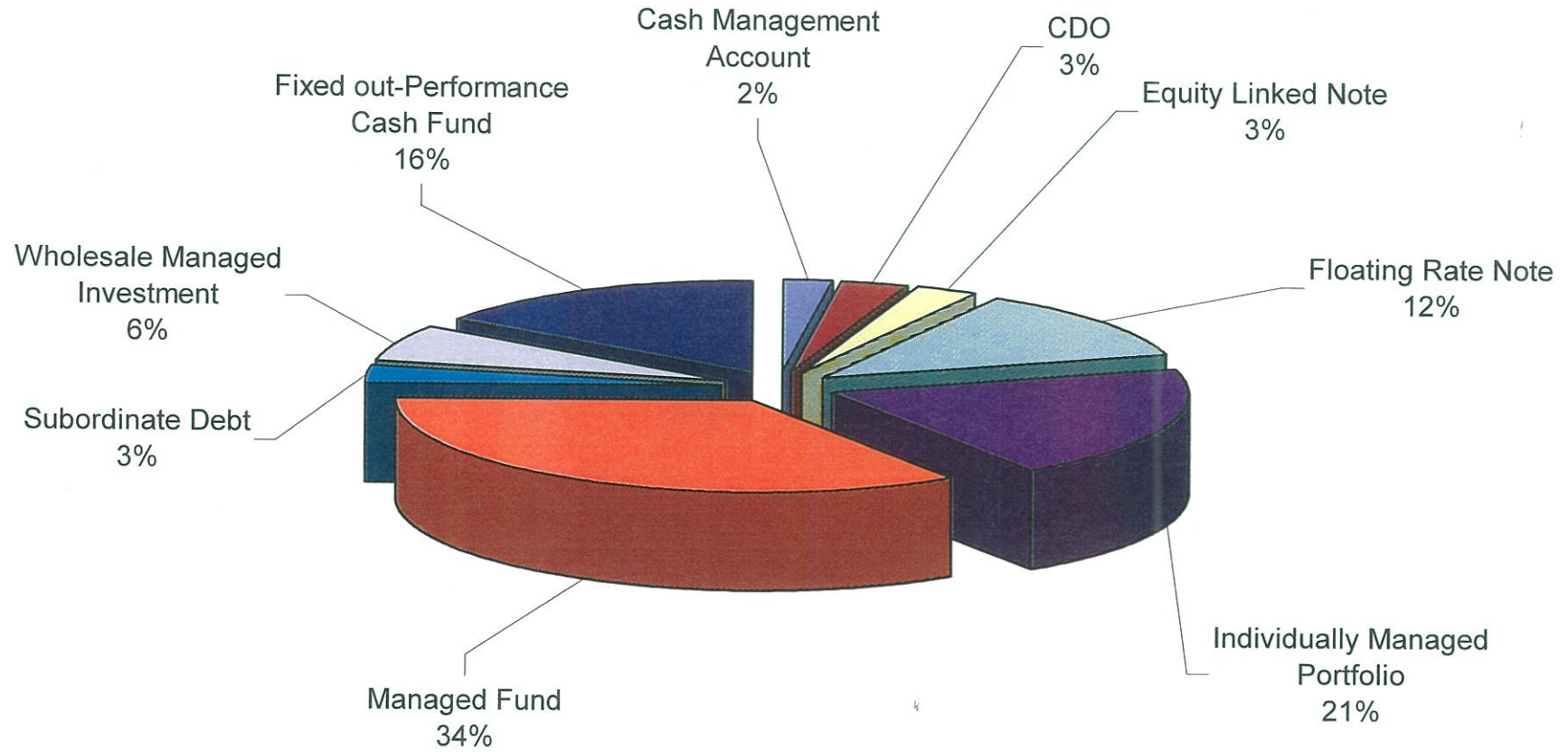
Effective Interest Rate		31/1/2008	7.10%
\$ 34,292,237	\$ 33,041,483	\$ 190,405	

- 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 includes unit price movements valuation plus distributions less fees.
- Note 4: Estimated Interest for Period is calculated by multiplying the annualised rate by the principal and reflects both interest accrued and received.
- Note 5: Return based on Annual Performance, therefore no coupon rate available - BBSW rate used as an estimate. Annual distribution to be paid based on lessor of 50% of performance or 10%.
- Note 6: The Principal value is the estimated value if investments were held to maturity based on current ratings from S&P
- Note 7: Latest estimates based on information provided by investment managers and prior period performance. The Grange IMP reflects the unwind value and is a conservative value.
- Note 8: LGFS - Fixed Out Performance Cash Fund is a liquid cash fund with further investments and withdrawals allowable weekly. Principal and current value therefore always equal.

TOTAL INVESTMENT PORTFOLIO



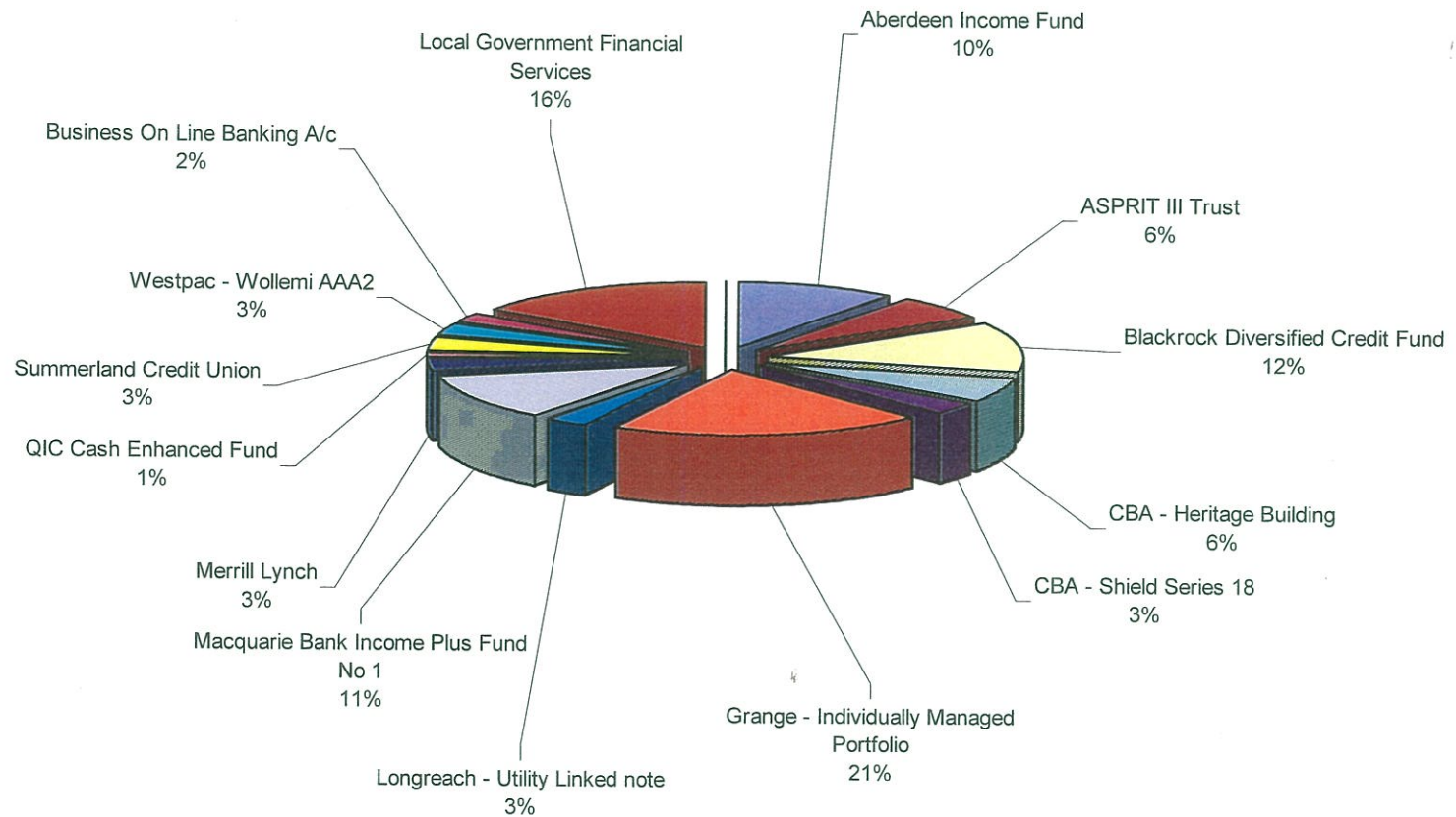
INVESTMENT BY TYPE



WEIGHTED AVERAGE INTEREST RATE



Investment by Institution



Financial Assistance - Section 356

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

Budget: \$10,000 To date: \$5563.02

Contributions for the period of 1/12/07 to 31/12/07

Challenge Foundation	\$60.66
Five Loaves	\$159.38
Friends of the Koala	\$32.73
LifeLine	\$198.00
Saint Vincent De Paul	\$19.85
Westpac Life Saver Rescue Helicopter	\$11.82

In accordance with policy.

\$482.44

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

Budget: \$2,700 To date: \$190.91

Southern Cross University – Northern Rivers Science and Engineering Challenge June 27, 2008 – Bronze Sponsorship	\$100.00
---	----------

Magic Mania's Christmas Spectacular – December 21, 2007	\$100.00
--	----------

Recommendation

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

Documents for Signing & Sealing

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

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

Recommendation

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

Lease to Mark Reynolds - part Lot 45 DP847893 (P25041)

Renewal of lease to Mark Reynolds for former quarry site at 313 Wyrallah Road, Monaltrie for a term of five years with an option to renew for five years.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, DECEMBER 11, 2007 AT 6.00PM.

Present

Mayor, Councillor King; Councillors Chant, Crimmins, Dowell, Ekins, Graham, Hampton, Henry, Irwin, Meineke, Swientek and Tomlinson, together with the General Manager, Executive Director-Development & Governance, Executive Director-Infrastructure Services, Manager-Finance, Communications Co-ordinator, Corporate Compliance Officer, Manager Community Services, Executive Services Co-ordinator, Manager Human Resources and General Manager's Personal Assistant.

517/07

**Apologies/
Leave of
Absence
Minutes**

Nil

518/07

The minutes of the Ordinary Meeting held on November 13, 2007, were confirmed.
(Councillors Swientek/Dowell)

Public Access Session

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

Amber Hall – Notice of Motion – Ban of Circuses

Ms Hall backgrounded her interest in this matter. She supported the proposed motion and urged Council to ban such circuses.

Mark Willoughby – Financial Assistance – Lismore Unlimited Opportunities

Mr Willoughby advised of a change of name of LUO to Lismore Chamber of Commerce Inc.

He sought Council's support to take over the loan to provide a clean break from the past organisation to allow the organisation to move forward.

Tony Davies – Affordable Housing

Mr Davies advised he was the CEO for the Northern Rivers Social Development Council. He spoke in support of the proposal before Council. He outlined the financial problem facing people when trying to purchase or rent dwellings and advised that the proposal has a positive element to solving this issue.

Damian Chapelle – Draft Amendment No 20 to Lismore LEP

S451

Councillor Meineke declared a perceived conflict on interest in this matter and left the Chamber during the discussion.

Mr Chapelle spoke in support of the recommendation. He advised that the developers had responded to Council's concerns, met its requirements and that the matter should now be placed on exhibition. He stressed that all supporting documents would be available to the public at the time of exhibition.

John Mulholland – Draft Amendment No 20 to Lismore LEP

Mr Mulholland advised he spoke on behalf of the McLeans Ridges Community Group. He urged rejection of any proposal to exhibit the rezoning, citing failure to produce an SIA and concerns over issues such as community facilities, needs assessment, road system, footpath/cycleway and a lack of community consultation

At this juncture Councillor Meineke rejoined the meeting.

Disclosure of Interest

S451

Councillor Irwin declared an interest in Lismore Promotions Program – Advisory Group as her husband is recommended as a member.

Councillor Crimmins declared a conflict of interest in the Resource Sharing with Rous Water as his son works for Lismore Water.

Councillor Meineke declared a perceived conflict of interest in Draft Amendment No 20 to Lismore LEP (Cameron Road) as he prepared rezoning material many years ago.

Notice of Motions

New Road Link

519/07

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

- a. Liaise with all its neighbouring Councils with a view to making a concerted effort to furthering the development of a new northeast corridor to provide a safer and more appropriate and direct road linking Lismore to Bangalow and North Ballina.
- b. Seeks the support of the Member for Lismore, Thomas George to make representations to the Minister of Roads to seek urgent discussions for support, commitment and assistance to construct this road as a matter of urgency.
- c. Seek the support, commitment and assistance of local state and federal MPs for support in financing and constructing this road.
- d. Seeks and enlists the support of local transport operators and local businesses to help LCC in its lobbying efforts for a new Northeast corridor.

(Councillors Swientek/Tomlinson) (S516)

Voting Against: Councillor Ekins.

Banning of circuses with wild animals

Formal notice having been given by Councillor Irwin it was **MOVED** that staff prepare a report for Council on the appropriate measures to take to ban circuses with wild animals from occurring in our local government area.
(Councillors Irwin/Dowell)

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

Voting Against: Councillors King, Chant, Crimmins, Graham, Hampton and Meineke.
The voting being tied the Mayor declared the motion **LOST** on his casting vote.

Altering Order of Business

520/07 **RESOLVED** that the order of business be altered to debate the following matters raised during Public Access.

- Draft Amendment No 20 to Lismore LEP (Cameron Road)
 - Request for Financial Assistance – Lismore Unlimited Opportunities
 - Affordable Housing
- (Councillors Dowell/Tomlinson)

Reports

Draft Amendment No 20 to Lismore LEP (Cameron Road)

S451

Councillor Meineke declared a perceived conflict on interest in this matter and left the Chamber during the discussion.

A MOTION WAS MOVED that the report be received and that this matter be deferred to the February 2008 Council meeting pending the receipt of a revised SIA and traffic counts.
(Councillors Dowell/Irwin)(S884)

AN AMENDMENT WAS MOVED that the report be received and that Council:

1. Re-exhibit the amended plans and updated social impact assessment report that have been submitted for Cameron Road for a period of twenty eight (28) days, not commencing before January 29, 2008; and
2. Concurrently exhibit an amended draft Planning Agreement for Cameron Road that includes:
 - an additional \$2,366 per lot to be allocated towards the upgrading Boatharbour Road (being equivalent to the current S 94 contributions for roads that would otherwise be payable),
 - a provision that no other S94 roads contribution will be applicable, and
 - a provision that all monetary contributions are to be adjusted annually to reflect any increase in the Construction Price Index.

(Councillors Hampton/Graham)(S884)

On submission to the meeting the AMENDMENT was DEFEATED.

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

521/07 **RESOLVED** that the report be received and that this matter be deferred to the February 2008 Council meeting pending the receipt of a revised SIA and traffic counts.
(Councillors Dowell/Irwin)(S884)

Voting against: Councillors Chant and Hampton

At this juncture Councillor Meineke rejoined the meeting.

Request for Financial Assistance – Lismore Unlimited Opportunities

A MOTION WAS MOVED that the report be received and noted.
(Councillor Tomlinson/Irwin)(S124)

AN AMENDMENT WAS MOVED that the report be received and that Council provide in principle support to the request from Lismore Unlimited Opportunities on the basis that it be advertised for 28 days and a report on any submissions received and final recommendations be submitted to the February 2008 Council meeting.
(Councillors Swientek/Dowell)(S124)

On submission to the meeting the AMENDMENT was APPROVED and became the MOTION.

Voting against: Councillors Tomlinson, Irwin, Chant, Hampton, Graham and Ekins.
The voting being tied the Mayor declared – the amendment APPROVED on his casting vote.

522/07 **RESOLVED** that the report be received and that Council provide in principle support to the request from Lismore Unlimited Opportunities on the basis that it be advertised for 28 days and a report on any submissions received and final recommendations be submitted to the February 2008 Council meeting.
(Councillors Swientek/Dowell)(S124)

Voting against: Councillors Tomlinson, Irwin, Chant, Hampton and Ekins.

Affordable Housing

523/07 **RESOLVED** that the report be received and that Council:-
1. Endorse the proof of concept plan for the provision of affordable housing in Lismore and authorise the General Manager to negotiate with Lismore Financial Institutions to partner with Council in implementing the scheme.
2. Further investigate other options in the affordable housing arena including options to increase the housing stock.
(Councillor Dowell/Henry)(S116)

Voting Against: Councillors Irwin, Ekins, Crimmins, Hampton, and Meineke.

Resumption Standing orders

524/07 **RESOLVED** that Standing Orders be resumed.
(Councillors Irwin/Chant)

Draft Amendment No 29 to LEP – 296 Stony Chute Road, Nimbin

525/07

RESOLVED that the report be received and that Council resolve to:

1. Adopt Amendment No 29 to the Lismore Local Environmental Plan 2000 as attached to this report,
2. Use its delegations under s69 of the *Environmental Planning and Assessment Act 1979* to forward Amendment No 29 to the Minister for Planning with a request that he make the Plan, and
3. Execute the Planning Agreement under the common seal of Council.

(Councillors Irwin/Meineke)(S928)

Voting against: Councillors Ekins and Swientek

Goonellabah Recreation Centre

526/07

RESOLVED that the report be received and:

- A That Council grant delegated authority to the General Manager - subject to the concurrence of the Development Assessment Panel, to approve variations of a minor nature and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.
- B That Council, as the consent authority, approve Development Application 2007/507 to undertake the erection of the Goonellabah Recreation Centre & associated access road, car parking, landscaping & civil works” subject to the following conditions.

STANDARD

1 In granting this development consent, Council requires:

- All proposed buildings be constructed in accordance with any amendment or modification outlined in these conditions
- All proposed works be carried out in accordance with any amendment or modification outlined in these conditions
- Any proposed use of buildings or land be in accordance with any amendment or modification outlined in these conditions

and be substantially in accordance with the stamped approved plan(s) Drawing No:

- Job No. W.108CC02 dated 27.7.07
- Job No. W.108CC03 dated 27.7.07
- Job No. W.108CC04 dated 27.7.07
- Job No. W.108CC05 dated 27.7.07
- Job No. W.108CC06 dated 27.7.07
- Job No. W.108CC07 dated 27.7.07
- Job No. W.108CC08 dated 27.7.07
- Job No. W.108CC09 dated 27.7.07
- LM060218-RD3 Revision B December 2007
- LM060218-RD4 Revision B December 2007
- LM060218-RD5 Revision B December 2007
- LM060218-RD6 Revision B December 2007
- LM060218-RD13 Revision A December 2007
- LM060218-RD14 Revision B December 2007
- Concept – Intersection Treatment Gordon Blair Drive & Simeoni Drive, Detail 1C
- Concept – Intersection Treatment Gordon Blair & Oliver Avenue, Detail 4

- Concept – Intersection Treatment – Adjustment to Existing Roundabout Oliver Avenue & Simeoni Drive, Detail 3.

as amended in red, and/or supporting documents submitted with the application. A copy/copies of the approved plan is/are attached to this consent.

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

BUILDING

2 The following building works are to be **inspected** by Council or by an Accredited Certifier.

- (a) **Commencement of Building Work.**
- (b) **Footings** - the foundation trenches are open and the steel reinforcement is in position, prior to concrete being placed.
- (c) **In-situ reinforced concrete** building element prior to pouring.
- (d) **Slab** - the slab reinforcement is in position, prior to concrete being placed.
- (e) **Framework** - the framework is completed, wet area flashing in place, waterpiping and electrical wiring in place, external brickwork erected (where applicable) and the roof covering in position, prior to fixing the internal linings.
- (f) **Waterproofing in any wet areas** prior to covering.
- (g) **Stormwater drainage connection** prior to covering.
- (h) **Occupation** - the building is completed or an Occupation Certificate is required.
- (i) **Vehicular Access** - formwork and reinforcement is in position, prior to concrete being placed.

In the event that Council is the Principal Certifying Authority, you are required to notify Council at least 24 hours prior to the inspection.

Reason: *To assess compliance with this approval.*

2 The building is not to be occupied until an Occupation Certificate is issued by the Principal Certifying Authority and in this regard all matters relating to this Development Consent are to be completed prior to the issue of the Occupation Certificate.

Reason: *To meet statutory requirements and to ensure compliance with this approval.*

3 Provide an on-site sign, in prominent visible position, stating:

- (a) That unauthorised access to the site is not permitted, and
- (b) Showing the name of the builder or person responsible for the site and a telephone number at which such person can be contacted outside working hours.

Reason: *Required by Clause 78H of the Environmental Planning and Assessment Regulation.*

4 Provide a fence, hoarding or other measure to restrict public access to the site, when work is not in progress or the site is otherwise unoccupied. The fence is to be provided prior to any work commencing on site.

Reason: *Required by Clause 78H of the Environmental Planning and Assessment Regulation.*

5 Temporary toilet facilities must be provided on the site, prior to commencement of building work and must be maintained until permanent facilities are provided.

Reason: *To ensure the provision of minimum amenities to the site.*

6 Glazing to doors and windows must comply with AS 1288-1994 "Glass in Buildings". For external glazing the design wind speed must be provided to the glazier.

Reason: *To ensure compliance with glazing and wind loading standards.*

7 The location of the building on the site must be established by a Registered Surveyor and must comply with this approval.

Reason: *To ensure the building is located on site in accordance with this approval.*

Council Minutes

December 11, 2007

- 8 Structural Engineering details for footings, reinforced concrete components and structural steelwork are to be submitted to and approved by the principal certifying authority prior to commencement of the work.
- Reason:** *To ensure the adequate structural design of the building components.*
- 9 Prior to the commencement of work, the Principal Certifying Authority must be provided with a Certificate from a Structural Engineer, that the concrete external wall panels are designed to avoid collapsing outwards in the event of fire.
- Reason:** *To ensure compliance with Clause C1.11 of the Building Code of Australia.*
- 10 A certificate from the Consulting Engineer must be submitted to Council upon completion of the work certifying the structural adequacy of the building.
- Reason:** *To ensure compliance with this building approval and relevant standards.*
- 11 All excavations and backfilling are to be executed safely and in accordance with appropriate professional standards and to be properly guarded and protected to preserve life and property.
- Reason:** *Required by the Environmental Planning and Assessment Act 1979.*
- 12 At completion of the development and prior to occupation of the premises, a certificate must be submitted to Council from the Hydraulic Consultant, certifying that the stormwater and subsoil drainage has had appropriate supervision and has been completed in accordance with the submitted plans.
- Reason:** *To ensure that the completed drainage installation complies with the design details. To ensure that the subject premises, as well as adjoining properties, are protection from surface run-off.*
- 13 The primary building elements must be protected against attack by subterranean termites in accordance with AS 3660.1-1995 "Protection of Buildings from Subterranean Termites".
- Reason:** *Required by Clause B1.1 of the Building Code of Australia.*
- 14 Provide vacuum breaker devices to all external taps.
- Reason:** *To prevent the contamination of the water supply by cross connection.*
- 15 Provide 6/3 litre dual flush toilet suites to all water closets.
- Reason:** *To conserve water.*
- 16 A tempering valve shall be installed so as to deliver hot water at the outlet of all sanitary fixtures, such as baths, basins and showers, at a temperature not exceeding 43.5°C for all childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick persons or persons with disabilities; and 50°C in all other classes of buildings.
- Reason:** *required by Cl. NSW 1.10.2 of the NSW Code of Practice Plumbing and Drainage.*
- 17 Facilities for the use of people with disabilities must be provided as specified in Clause F2.4 Building Code of Australia and shall be constructed to the requirements of AS 1428.1-1998 "Design for Access and Mobility".
- Reason:** *Required by Clause F2.4 of the Building Code of Australia.*
- 18 Every passenger lift must comply with Clause E3.6 (Facilities for people with disabilities) of the Building Code of Australia.
- Reason:** *Required by Clause 3.3(a)(iii) of the Building Code of Australia.*
- 19 Provide signs to facilities for people with disabilities in accordance with AS 1428.1-1998 "Design for Access and Mobility".

Reason: To highlight the availability of facilities for people with disabilities.

- 20 Provide signs, incorporating the disabled access symbol to people with disabilities, identifying the location of each accessible entrance to the building, lift and sanitary facility.

Reason: Required by Clause D3.6 of the Building Code of Australia.

- 21 Approved baby change facilities must be provided within toilet facilities for people with disabilities and the facility must be provided with appropriate signage.

Reason: Required by Policy 05.02.10 of the Lismore City Council.

- 22 All non-loadbearing parts are to be adequately held against overturning in the event of fire.

Reason: Required by Specification C1.11 of the Building Code of Australia.

- 23 All materials used in the building must comply with the smoke developed and spread of flame indices specified in Specification C1.10, Building Code of Australia.

Reason: Required by Clause C1.10 of the Building Code of Australia.

- 24 All materials used in the building must comply with the smoke developed and spread of flame indices specified in Specification C1.10, Building Code of Australia.

Reason: Required by Clause C1.10 of the Building Code of Australia.

- 25 Details of floor coverings to be used in public places must be submitted to Council for approval prior to installation.

Reason: To ensure compliance with clause C1.10 of the Building Code of Australia.

- 26 All fire door frames and doors must be installed and labelled in accordance with AS 1905.1-1990 "Fire Door Code".

Reason: Required by Clause 2, Specification C3.4 of the Building Code of Australia.

- 27 Services, including plumbing, associated with the functioning of the building must comply with the relevant portions of Specification C3.15 Building Code of Australia by providing minimum size openings in fire resistant construction and approved fire stopping where necessary.

Reason: Required by Clause C3.15 of the Building Code of Australia.

- 28 Wires or cables for electrical, telephone or other services must be installed to comply with the provisions of Specification C3.15 Building Code of Australia by the provision of necessary openings, of a minimum size, in fire resistant construction.

Reason: Required by Clause C3.15 of the Building Code of Australia.

- 29 The construction of the building is to meet the FRL requirements of Specification C1.1 of the Building Code of Australia. Details of the materials and their compliance shall be provided to Council prior to issue of a Construction Certificate.

Reason: To ensure compliance with Specification C1.1 of the Building Code of Australia.

- 30 The entrance doorways to the lift shaft to be protected by 60/60/- fire doors that comply with AS 1735.11 "Fire-rated Landing Doors" and the lift call panels must comply with Clause C3.10(b) Building Code of Australia.

Reason: Required by Clause C3.10 of the Building Code of Australia.

- 31 There must be displayed near all lift call buttons a sign "In Case of Fire Do Not Use Lifts" in accordance with Clause E3.3 Building Code of Australia.

Reason: Required by Clause E3.3 of the Building Code of Australia.

- 32 Provide interconnected, automatic smoke alarms wired into the electrical mains and having a stand-by battery power supply, in accordance with Clause E2.2 of the Building Code of Australia.
- Reason:** *To comply with Clause E2.2 of the Building Code of Australia.*
- 33 A certificate from a licensed electrician must be provided upon completion of the installation of the smoke alarms, certifying that the smoke alarm installation complies with AS 3786 "Smoke Alarms".
- Reason:** *To ensure compliance with this building approval.*
- 34 The space beneath non-fire isolated stairways when enclosed must have walls and ceilings of a minimum fire resistance level of 60/60/60 and have a self-closing access door having a fire resistance level of not less than -/60/30.
- Reason:** *Required by Clause D2.8 of the Building Code of Australia.*
- 35 The main switchboard within the building, if it sustains emergency equipment, must be separated from other parts of the building by construction having an FRL of 120/120/120 and any doorway must be fitted with a self closing fire door having an FRL of -/120/30.
- Reason:** *Required by Clause C2.13 of the Building Code of Australia.*
- 36 Electrical meters, distribution boards or ducts, installed in a required non-fire isolated exit, or any corridor, hallway or lobby, leading to a required exit, are to be enclosed by non-combustible construction or a fire-protective covering, so as to prevent smoke spreading from the enclosure.
- Reason:** *Required by Clause D2.7 of the Building Code of Australia.*
- 37 The mechanical ventilation system must comply with AS1668.2-2002 "Mechanical Ventilation for Acceptable Indoor Air Quality". Full details from the mechanical services engineer must be submitted to the Principal Certifying Authority for approval together with a certificate stating that the whole system complies with the relevant standards, and the provision of the required air changes.
- Reason:** *Required by Clause F4.5 of the Building Code of Australia.*
- 38 A certificate from the mechanical services engineer certifying that the mechanical ventilation system as installed complies with AS 1668.1 - 1991 "Fire & Smoke Control" or AS 1668.2-1980 "Mechanical Ventilation for Acceptable Indoor Air Quality" must be submitted to Council at the time of a final inspection.
- Reason:** *To ensure compliance with conditions of this building approval.*
- 39 Fire hose reels must be provided in accordance with Clause E1.4 Building Code of Australia and the following:-
- (a) Must comply with Australian Standard 1221 "Fire Hose Reels" and be installed in accordance with Australian Standard 2441, "Installation of Fire Hose Reels".
 - (b) At the connection of the most hydraulically disadvantaged hose reel to the fire main or water service pipe, provide a water flow rate of 0.33 L/s.
 - (c) Must not be installed in fire-isolated stairways, fire-isolated ramps or fire-isolated passageways.
 - (d) At least one hose reel must be accessible to all occupants of the storey served by it.
 - (e) No part of the storey must be beyond the reach of the nozzle end of a fully extended hose reel installed on that storey.
- Reason:** *Required by Clause E1.4 of the Building Code of Australia.*
- 40 During construction provide not less than one fire extinguisher to suit Class A, B and C fires and electrical fires, on each storey adjacent to each required exit or temporary stair or exit.
- Reason:** *Required by Clause E1.9 of the Building Code of Australia.*

- 41 Fire hydrants are to be provided within the building so no point on the floor of the building is more than 6 m from the nozzle end of a fully extended 30 m length of hose. The hydrant is to be within 4 m of a required exit and installed in accordance with AS 2419.1 "Fire Hydrant Installations". Details of the proposed Fire Hydrant System designed by a suitably qualified consultant in accordance with the requirements of E1.3 of the Building Code of Australia and AS2419.11 shall be submitted to Council for approval prior to issue of the Construction Certificate

Reason: Required by Clause E1.3 of the Building Code of Australia.

- 41 Where an external hydrant serves a building the maximum length of hose shall be 60 metres, providing a maximum 10 metres horizontal jet of water.

Reason: Required by Clause E1.3(b) of the Building Code of Australia.

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

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

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

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

- 44 The proposed building does not appear to comply with the "deemed to satisfy" provisions of Clause D1.10 of the Building Code of Australia, for the "Youth Courtyard", and therefore will require modification and/or a performance based solution **prior to issue of the Construction Certificate.**

Reason: To ensure compliance with the Building Code of Australia.

- 45 Access to the building and facilities for people with disabilities must be provided and constructed in accordance with the requirements of Technical Bulletin No. 17, Department of Environment & Planning, AS 1428.1-1998 "Design for Access and Mobility" and Clauses D3.2 and D3.3 Building Code of Australia. In regard to the 'water slide', a report from a suitably qualified consultant shall be provided to Council for consideration for any proposed exemption to comply with this condition, **prior to issue of a Construction Certificate.**

Reason: To ensure compliance with the Building Code of Australia.

- 46 Access to the development shall meet the following requirements:

- a) Paths and steps to have even non-slip surfaces.
- b) Paths to be a minimum of 1350 mm wide, with a maximum camber of 1:100.
- c) Provide fixed, rigid, continuous handrails 900 mm above steps and paths, where the ground level falls away close to the path. Handrails are to be provided on both sides of steps and to extend a minimum of 300 mm past the first and last step. A change in surface texture is recommended between steps and a path, and a contrasting surface is required at the edge of paths and steps to assist the visually impaired.
- d) The first and last step in a flight of stairs are to have the tread painted or constructed of white or a light colour.
- e) Changes in levels of less than 150 mm and single steps are to be avoided.
- f) Stairs must not have open risers.

Reason: To provide equality of access.

- 47 An emergency lighting system is to be provided throughout the building to comply with Clause E4.2 Building Code of Australia. Details of the emergency lighting system and a certificate from an electrical engineer certifying the level of illumination required is provided and that the circuits are designed as required, is to be submitted to Council prior to installation.

Reason: Required by Clause E4.2 of the Building Code of Australia.

- 48 Provide emergency light exit signs on or near every door affording direct access from a storey to:-
- (a) An enclosed stairway or ramp serving as a required exit:
 - (b) An external stairway servicing as a required exit:
 - (c) An external access balcony leading to a required exit:
 - (d) On or near every door discharging from an enclosed stairway or ramp at every level of access to a road or open space.
 - (e) A door forming part of a required exit in a storey required to be provided with emergency lighting.

Reason: Required by Clause E4.5 of the Building Code of Australia.

- 49 Electrical plans to indicate the position of all emergency lighting must be submitted to Council for approval prior to any work being commenced on the site.

Reason: To ensure compliance with this approval.

- 50 Details of the proposed fire wall construction, including protection of openings being submitted to Council for approval **prior to issue of the Construction Certificate.**

Reason: To comply with the BCA 2004

- 51 Provide an EWIS system in accordance with Clause E4.9 of the Building Code of Australia. Details being submitted to Council for approval **prior to issue of the Construction Certificate.**

Reason: To comply with the BCA 2004

- 52 Provide a smoke hazard management system in accordance with Part E2 of the Building Code of Australia and in particular Table E2.2b and Spec E2.2b of the BCA 2004. Details being submitted to Council **prior to issue of the Construction Certificate.**

Reason: To comply with the BCA 2004

- 53 Provide details of the proposed population numbers in the sports hall, assembly hall and pool hall in order to determine required exit widths in accordance with Clause D1.6 of the BCA 2004, **prior to issue of the Construction Certificate.**

Reason: To comply with the BCA 2004

- 54 **Prior to issue of a Construction Certificate**, submit to Council a report for approval from a suitably qualified consultant confirming the building complies with Part J of the Building Code of Australia. The report and any recommendations within shall form part of this consent.

Reason: To ensure compliance with Part J of the Building Code of Australia.

- 55 Clear and legible Braille and Tactile signage and a hearing augmentation system complying with AS1428.1, and tactile indicators, in accordance with AS1428.4, shall be installed in the building, **prior to issue of an Occupation Certificate.**

Reason: Required by Clause D3.6, D3.7 and D3.8 of the Building Code of Australia.

- 56 Visually impaired entry to public access buildings shall be provided in accordance with the following guidelines that require:

- a. even, non-slip surface paths and steps
- b. 1350mm wide (minimum) paths
- c. path camber less than 1:100
- d. fixed, rigid, continuous handrails at 900mm above the path where the ground level falls away close to the path
- e. fixed, rigid, continuous handrails at 900mm above the treads on both sides of steps to extend 300mm past the first and last step with textured surface material applied to define the change between steps and paths
- f. surface contrasts on the edge of paths and steps

- g. at least the first and last step in a flight of steps be painted in white or a similar light colour, or have light coloured material applied
- h. uniform rise and going of steps with each step rise (R) measuring 150 - 165 mm and each step going (G) measuring 260 - 300 mm. 1000mm wide (minimum) distance inside required handrails
- i. step rise and step going be calculated according to the formula: $2 R + G =$ minimum 585 and maximum 630
- j. signs be clear and legible.
- k. single steps and level changes of less than 150 mm be avoided.

Reason: To ensure that adequate provision is made for access to and from the development for disabled people. (EPA Act Sec 79C(b))

PLACE OF PUBLIC ENTERTAINMENT

- 57 If the proposed building is to be used as a Place of Public Entertainment, in part or whole, then a separate Development Application is required to be lodged with Council, in accordance with the relevant requirements of the State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007, to obtain approval for such use.

Reason: To ensure compliance with this consent and the requirements of the State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007.

SWIMMING POOL

- 58 All doors and gates providing access to the swimming pool are to be kept securely closed at all times when they are not in actual use.

Reason: Required by Section 16 of the Swimming Pools Act, 1992.

- 59 A temporary child resistant barrier, in accordance with the Swimming Pools Act 1992, a minimum of 1.2 m. high must be erected during construction of the pool if it requires water being added during construction. Temporary fence (pre-fabricated) may have to be hired/leased for this purpose.

Reason: Required by Section 7 of the Swimming Pools Act, 1992.

- 60 A warning notice meeting the requirements of the Swimming Pools Act, 1992, shall at all times be maintained in a prominent position in the immediate vicinity of the swimming pool.

Note: The notices are for sale at Council's Enquiry desk).

Reason: Required by Section 17 of the Swimming Pools Act, 1992.

ROADS / TRAFFIC / VEHICULAR ACCESS

- 61 The proponent shall provide the following roadworks with associated stormwater drainage structures, linemarking and signage that has 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:

- Reconstruction of Simeoni Drive/Gordon Blair drive generally in accordance with the plan "Concept – Intersection Treatment Gordon Blair Drive and Simeoni Drive" Detail 1C;
- Reconstruction of Simeoni Drive at the existing slow point to remove the slow point and replace it with a pedestrian refuge; and
- Provision of a dedicated right turn lane upon Oliver Avenue generally in accordance with the plan "Concept – Intersection Treatment Gordon Blair Drive and Oliver Avenue" Detail 4.

Upon completion of the works a practising qualified surveyor or engineer shall submit to Council for approval, a "works-as-executed" set of plans and construction certification. The certification shall 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). Prior to the release of the Interim or Final Occupation Certificate the applicant shall obtain a compliance certificate for the above works from Council.

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.*

- 62 **Prior to the issue of the Construction Certificate** the applicant shall obtain approval under section 138 of the Roads Act for the all works upon the public road. For this approval full design plans of the proposed engineering works to satisfy condition(s) 61, 76, 77 and 78 shall be submitted to and approved by Council. Such plans shall be accompanied with the fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges.

Reason: *To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a))*

- 63 The proponent shall provide 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 and comply with the requirements of the Occupation Health and Safety Act. This plan of management shall be lodged with Council **prior to the Commencement of Works.**

Reason: *To ensure no conflict occurs between civil works and general public during construction.*

- 64 **Prior to the issue of an interim or final Occupation Certificate** the land area required as road widening to accommodate the realignment of Simeoni Drive as shown on the plan "Concept – Intersection Treatment – Adjustment to Existing Roundabout Oliver Avenue and Simeoni Drive" Detail 3 shall be dedicated as road widening.

Reason: *To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a))*

- 65 **Prior to the issue of an interim or final Occupation Certificate** redundant road pavement, kerb and gutter or foot paving, including any existing entrances or other special provisions or damage arising from construction activities shall be reinstated in accordance with Council's Development, Design and Construction Manuals (as amended).

Reason: *To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a))*

- 66 Driveways, access aisles and parking areas shall be provided with a bitumen sealed or other approved surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).

Reason: *To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 79C(a))*

- 67 During construction all vehicular access to the site shall be via the proposed site access at the intersection of Simeoni Drive and Gordon Blair Drive.

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

- 68 During construction all loading and unloading shall take place within either the designated loading area as identified within the designated loading area on Gordon Blair Drive, or within the property boundaries, as will the parking of construction and private vehicles associated with the development. No street parking of construction vehicles or storage of materials or barricading of footpaths shall occur without the written consent of Council.

Reason: *To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 79C(a))*

- 69 Vehicles using any loading/unloading and/or parking area must enter and leave in a forward direction, in accordance with Council's Lismore Development Control Plan, Part A, Chapter 7 - Off Street Carparking Requirements. All driveways and turning areas shall be kept clear of obstructions that prevent compliance with this condition.

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

- 70 The design of the vehicular access and carpark shall incorporate traffic calming measures to slow the movement of vehicles through the development and to deter vehicles travelling between Gordon Blair Drive and Oliver Avenue from short cutting through the development.

Reason: *To ensure adequate access to and from the development. (EPA Act Sec*

- 71 The access road from the southern carparking area to the main through access road shall be provided as a one-way exit only to prevent vehicles entering from Oliver Avenue.

Reason: *To ensure adequate access to and from the development. (EPA Act Sec*

CARPARKING

- 72 Provision shall be made for one hundred and thirty three (133) car parking spaces, two (2) bus parking spaces, a five (5) car space passenger set-down area and one (1) designated taxi set-down space located contiguous with and to the north of the previously mentioned *passenger set-down area* with a bitumen sealed/paved or equivalent surface constructed and landscaped in accordance with the requirements of Council's Lismore Development Control Plan, Part A, Chapter 7 - Off Street Carparking Requirements, Australian Standard AS2890.1 Parking Facilities – Offstreet Parking and Council's Development, Design and Construction Manuals (as amended). Design plans are to be submitted to and approved by the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

Reason: *To provide adequate off street parking space for the anticipated traffic that will be generated by the development. (EPA Act Sec 79C(a))*

- 73 Provide car parking spaces for people with disabilities, including signage, in accordance with the requirements of AS 2890.1 - 1993 "Off-Street Car Parking" CI 2.4.5(b).

Reason: *Required by Clause D3.5 of the Building Code of Australia.*

- 74 Seven (7) of the proposed car spaces are to be converted to landscaping bays as shown overdrawn on the approved plans in red.

Reason: *To ensure the car park is appropriately landscaped.*

- 75 Carparking, as shown on the approved plan, shall be clearly marked on the ground and signage erected to clearly indicate off-street parking is available **prior to the issue of an Interim or Final Occupation Certificate.**

Reason: *To ensure the free flow of traffic and comply with traffic regulations. (EPA Act Sec 79C(c))*

PUBLIC TRANSPORT

- 76 The proponent shall provide bus bays including bus shelters, in accordance with Council's standard requirements at the following locations:

- On both sides of Simeoni Drive in the vicinity of the entrance to the development from Simeoni Drive; and
- On the northern side of Oliver Avenue in the vicinity of the entrance to the development from Oliver Avenue.

Reason: *To provide for adequate public transport infrastructure (EPA Sec 79C(e))*

PEDESTRIAN ACCESS

- 77 The proponent shall construct a 2m wide reinforced concrete or equivalent footpath in accordance with Council's Development, Design and Construction Manuals (as amended). At the following locations:
- Leading from the entrance to the development along the eastern side of Gordon Blair Drive to Ballina Street;
 - Leading from the entrance to the development along the eastern side of Gordon Blair Drive to the required pedestrian refuge south of the entrance to the development; and
 - From the existing pedestrian refuge in Oliver Avenue west of the proposed development to the required pedestrian refuge east of the development.

Reason: To provide for adequate pedestrian infrastructure (EPA Sec 79C(e))

- 78 The proponent shall provide pedestrian refuges, in accordance with Council's adopted standard and Council's Development, Design and Construction Manuals (as amended) at the following locations:
- Simeoni Drive in the vicinity of Allingham Place; and
 - Oliver Avenue east of the entrance to the development from Oliver Avenue.

Reason: To provide for adequate pedestrian infrastructure (EPA Sec 79C(e)) PA2

- 79 Provision shall be made within the design of the car parking area and vehicular accesses for the safe movement of pedestrians through these areas. Details addressing pedestrian travel paths within the site providing appropriate measures to limit conflicts between pedestrians and vehicles shall be submitted with the carpark design plans.

Reason: To ensure the provision of an adequate pedestrian network within the development. (EPA Act Sec

DRAINAGE

- 80 **Prior to the issue of an interim or final Occupation Certificate** the existing easement to drain water variable width burdening the lot, created by DP1011282, shall be extinguished and a replacement easement created over any allotment, the stormwater infrastructure /drainage line on the site.

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

- 81 Hard surface areas, landscaped areas, roof water and subsoil drainage systems shall be designed by a suitably qualified person experienced in hydraulic design and submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**. Drainage is to direct all water to a Council approved drainage system to prevent intensification of discharge runoff onto adjoining land. This system shall be constructed in accordance with Council's Development, Design and Construction Manuals (as amended). All piped drainage lines are to be located within drainage easements. All costs shall be the responsibility of the proponent.

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

- 82 **Prior to the issue of an Occupation Certificate** a suitably qualified person is required to certify that:

- all drainage lines have been located within the respective easements;
- roadworks are in accordance with the approved design plan;
- any other structures like retaining walls are located in accordance with the Construction Certificate;
- all stormwater has been directed to a Council approved drainage system; and
- all conditions of consent/approval have been complied with.

Reason: To ensure the development is completed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 79C(b))

ENVIRONMENTAL

83 The applicant shall install stormwater control and treatment measures to ensure stormwater discharges satisfy the qualitative and quantitative objectives of Council's Stormwater Management Plan during the construction sequence. Control measures shall be in place **prior to the commencement of nominated works** and shall prevent soil erosion and the transport of sediment from the development site into either:

- adjoining land
- natural drainage courses
- constructed drainage systems, or
- waterways.

All disturbed areas shall be stabilised and revegetated. Turfing or another approved seeding method shall be undertaken in each part of the development within 14 days of completion of earthworks. Topsoil shall be preserved for site revegetation. Appropriate signage shall be erected on-site identifying the requirement for the maintenance of these measures.

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

84 The amended "Environmental Protection Plan" as approved under Development Application 2007/425 shall be implemented **prior to the commencement of construction works** upon the site. The purpose of the plan is to support:

- Erosion and sediment control;
- Dust control;
- Water quality monitoring;
- Noise and vibration management;
- Waste minimisation management; and
- Storage and handling of hazardous materials.

by providing the necessary management framework for implementation and monitoring of control measures through the construction sequence of the proposed development. The plan must be implemented by site managers, operators and nominated responsible person/s. Responsible person/s must be nominated to Council in writing together with full 24 hour per day contact details for the purposes of the plan.

Reason: *To ensure the proper management of the site with regard to soil erosion and sedimentation.*

85 **Within three (3) months of the issue of the Construction Certificate** the applicant shall submit detailed design/construction plans for the proposed water sensitive urban design strategy (WSUD) for the proposed development. The Design/construction plans shall reflect the WSUD strategy as presented by GeoLink, Environmental Management and Design Consultants, dated 22/10/07 Reference No.822467.

Reason: *To manage stormwater in an environmentally sustainable manner.*

86 The components of the water sensitive urban design strategy (treatment system) shall be registered annually on Council's Stormwater Treatment Device Register. Registration shall be by submission of a completed Stormwater Treatment Device registration form together with the prescribed fee in accordance with Council's Management Plan.

Reason: *To ensure satisfactory implementation of stormwater quality initiatives and ongoing maintenance of devices.*

87 Runoff water from any cleaning and washing activity must not enter stormwater drainage systems. In this respect, outdoor washing activities should be carried out in a manner that prevents wastewater flow to gutters and drains. Hosing of the outdoor area is not permitted unless runoff water is prevented from flowing to gutters and drains.

Reason: *To prevent water pollution (POEO Act 1997).*

- 88 A waste management plan, in accordance with the provisions of Lismore Development Control Plan, Part 1, Chapter 18 - Waste Minimisation must be submitted to and be approved by Council **prior to issue of the Construction Certificate**.

Reason: To comply with the requirements of Council's Development Control Plan.

AMENITY

- 89 Operating hours of the recreation facility shall be between 6am to 9.30pm, Monday to Friday and 9am to 8pm on Saturdays, Sunday and Public Holidays.

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

- 90 A schedule of proposed colours are to be submitted to Council's Town Planner for approval **prior to the issue of the Construction Certificate**.

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

- 91 The hours of work for any potentially offensive noise generating construction activity shall be limited to the following time restrictions:

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

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

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

- 92 Where site excavation activities require the break-up and removal of rock material through the utilisation of percussion equipment or the like then such works shall be guided by an acoustic report prepared by a suitably qualified acoustic consultant detailing:

- noise and vibration performance criteria to be applied to the construction activity, and
- discussion of proposed mitigation measures for the construction activity to control potential "offensive noise and vibration" received at nearby non-associated properties.

The report shall be submitted to and be approved by Council **prior to the commencement of earthworks requiring the break-up and removal of rock material**.

Reason: To ensure the conditions of consent are satisfied and to reduce the likelihood of "offensive noise and vibration" from the development.

- 93 Where site excavation activities require the break-up and removal of rock material through the utilisation of percussion equipment or the like then the applicant shall engage an appropriately qualified person to undertake a Dilapidation Survey of properties within the anticipated 'impact zone' of the proposed construction works. The survey 'impact zone' shall be as determined by the acoustic report required by Condition 92 of this consent notice.

Reason: To protect adjoining properties from potential construction activity impacts

- 94 The burning off of vegetative and other wastes arising from the development or use of the land is prohibited. Suitable arrangements for processing and re-use is encouraged for all waste materials generated. Details are to be incorporated into the landscaping plan required by Condition No. 124.

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

95 The applicant shall ensure that the generation of dust is appropriately managed on-site so as not to adversely impact upon adjoining properties. The following dust control procedures may be employed to assist in complying with this requirement:

- The erection of dust screens around the perimeter of the site;
- Securely covering all loads entering or exiting the site;
- Use of water sprays across the site to suppress dust;
- Covering of all stockpiles of soil remaining more than 24 hours; and
- Keeping excavation surfaces moist.

Reason: *To ensure the proper management of dust on the development and to protect the amenity of the neighbourhood.*

96 The proposed land use 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. (EPA Act Sec 79C(b))*

97 **Prior to the issue of the Construction Certificate** the applicant shall engage an acoustic consultant to undertake predictive modelling to assess noise emissions generated from the active operation of the indoor sports hall. The report shall determine whether predicted noise levels satisfy the project specific noise performance goal and/or whether attenuation or noise management planning is required.

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

98 The land use shall not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise.

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

99 The recreation centre and associated parking areas are to be managed to ensure their functional and efficient operation and without causing adverse impacts upon the surrounding land uses.

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

SWIMMING POOL HEALTH

100 The applicant shall ensure that the public pool areas are operated to satisfy the performance objectives of the 'Public Health (Swimming Pools and Spa Pools) Regulation 2000.

Notes: 1. It is a defence to a prosecution for an offence against this Regulation if the defendant satisfies the court that the act or omission constituting the offence was done in compliance with the *Guidelines for Disinfecting Public*

Swimming Pools and Spa Pools published by the Department of Health as in force from time to time; and

2. It is recommended that pool water quality be managed by an automatic control and dosing system as it optimises the control of disinfectant and pH to maintain water quality during varying loading rates.

Reason: *To protect public health.*

- 101 The pool chemical storage and decanting areas shall be provided with bunding to contain all liquid contaminants. The bunded area shall have a holding capacity of 110% of the largest container. (Where flammable and combustible liquids are stored, compliance standards relating to flammable and combustible liquids as specified in Australian Standard 1940-1993 - "The Storage and Handling of Flammable and Combustible Liquids" shall be implemented).

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

FOOD PREMISES

- 102 **Prior to issue of the Construction Certificate**, plans are to be submitted to and be approved by Council showing details (including proposed location and installation) of all fittings and equipment; materials and finishes to walls, floors, ceilings, benches etc; location of washing facilities, cleaners sink, including a hand wash facility; floor drainage position; lighting and ventilation details.

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

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

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

- 104 The outdoor dining area must be kept free from litter, food waste and other items. Litter and waste materials are not permitted to enter stormwater drains therefore hosing of the dining area is not permitted unless runoff water is prevented from flowing to gutters and drains.

Reason: *To preserve the environment and to prevent environmental pollution (POEO Act 1997).*

- 105 **Prior to operation and at the completion of works** an inspection by Council's Environmental Health Regulatory Section is required to assess suitability of the premises to operate as a commercial food premise.

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

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

Reason: *To comply with Council's statutory requirements.*

WATER AND SEWER

- 107 Relocation or replacement of the gravity sewer main and two rising mains that traverses the land is the responsibility of the proponent. Any relocation or replacement work shall be undertaken to the satisfaction of the Lismore City Council's Manager Operations. Any costs associated with these works shall be the responsibility of the proponent.

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

- 108 The proponent shall provide water works to service the development.

Water reticulation works shall be designed and constructed in accordance with Lismore City Council's adopted standards. Any costs shall be the responsibility of the proponent. The proponent shall be responsible for the full cost of any associated water maintenance considered necessary by Lismore City Council's Manager Operations for a period of twelve months from the date of approval of the works. After satisfactory completion of this work, a practising qualified surveyor shall submit a "works-as-executed" set of 1:1000 transparency plans and plans in digital format (Autocad or similar) showing these works.

Reason: To provide adequate services for the development (EPA Act Sec 79C(c))

- 109 The proponent shall provide sewerage reticulation to service the development. The works shall include:

A conventional gravity sewer reticulation that comprises a sewer junction to service the lowest ground level of the development. Sewerage works shall be designed and constructed in accordance with Lismore City Council's adopted standards. Any costs shall be the responsibility of the proponent. The proponent shall be responsible for the full cost of any associated sewerage maintenance considered necessary by Lismore City Council's Manager Operations for a period of twelve months from the date of approval of the work. After satisfactory completion of this work, a practising qualified surveyor shall submit a "works-as-executed" set of 1:1000 transparency plans and plans in digital format (Autocad or similar) showing these works.

Reason: To provide adequate services for the development (EPA Act Sec 79C(c))

- 110 The water supply connection shall be designed, installed and maintained to prevent contaminants from being introduced into Lismore City Council's potable water supply system.

Full details of the proposed backflow method and cross connection controls shall be designed and installed in accordance with Australian Standard 3500.1 and submitted and approved prior to the release of the Construction Certificate.

Reason: Required by NSW Code of Practice "Plumbing and Drainage".

- 111 The water supply service shall be sized in accordance with Australian Standard 3500.1 to service the whole development.

Reason: Required by NSW Code of Practice "Plumbing and Drainage".

- 112 An application to discharge trade waste, including a plan that contains all details of the proposed trade waste installation, shall be submitted to Lismore City Council. This shall include disposal of all swimming pool wastewater.

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

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

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

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

- 114 No retaining wall structures shall be constructed on land within any water, sewerage or drainage easement/s over that land or above any water, sewerage or drainage pipes on the land.

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

- 115 The proponent is responsible for ensuring that the existing sewer pipe in the easement is not damaged while performing the works. If the existing sewer pipe is damaged during the course of performing the works, the proponent will:

- notify Lismore City Council immediately when the breakage occurs, and
- repair the damage at no cost to Lismore City Council.

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

- 116 Full design plans of the proposed engineering works to satisfy condition(s) 107, 108, 109, 110, 111 and 112 shall be submitted to Lismore City Council. Such plans must be approved by Council before the issue of the Construction Certificate. Construction of these works will need to be completed before a Certificate of Compliance is issued by Lismore City Council under Section 307 of the Water Management Act 2000.

Reason: To provide adequate services for the development (EPA Act Sec 79C(c))

- 117 The proponent, at no cost to Council, is to dedicate an easement at least 4m wide centred over the relocated sewer main and rising mains as directed by Council. The existing easement over the mains to be relocated shall be extinguished after construction of the relocated sewer mains.

Reason: To provide adequate protection of utility services (EPA Act Sec79C (b))

- 118 **Prior to issue of a Final Occupation Certificate** by the Principal Certifying Authority, Council's Water and Wastewater inspector shall be contacted by the Principal Certifying Authority to carry out an inspection of the development to confirm that all water and sewer conditions associated with this development have been met.

Reason: To provide adequate protection of utility services (EPA Act Sec79C (b))

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

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

WATER & SEWER LEVIES (S64)

- 120 The proponent shall pay to Council all Water and Sewerage Headworks Levies deemed necessary by Council and in accordance with Section 64 of the Local Government Act 1993. The rates and amounts applying at the date of this notice, are set out in the schedule for your information. Such levies shall be paid as required by Council, **prior to release of the Construction Certificate**. The rates and amounts applying at the date of this notice, totalling **\$145,740**, are set out in the schedule for your information.

The levies are those applicable as at date of original consent. If these levies are not paid within twelve (12) months of the date of original consent, the rates shall then be

increased on an annual basis in accordance with the prevailing Australian Bureau of Statistics Consumer Price Index (Sydney), as applicable at the time of payment.

***Reason:** To provide funds for the provision of services and facilities identified in Lismore City Council's Section 64 Contributions Plan as required by the increased population or activity. (Water Management Act 2000, Sec 306)*

BUSHFIRE

121 Landscaping associated with the approved development shall comply with the following principals/requirements:

- The creation of minimal fine fuel at ground level;
- Vegetation that does not provide a continuous path to the building for the transfer of fire;
- Shrubs and trees that do not form a continuous canopy and vegetation that is planted into clumps rather than continuous rows;
- Species that retain dead material or deposit excessive quantities of ground fuel are to be avoided;
- Shrubs and trees are to be pruned or removed so they do not touch or overhang the building; and
- Vegetation is to be located far enough away from the building so that plants will not ignite the building by direct flame contact or radiant heat emission.

***Reason:** To provide bushfire protection to the development.*

122 A Fire Management Plan is to be prepared for the approved development to evacuate and secure the building in the case of threat of bushfire and ember attack. The Fire Management Plan should include shutdown procedures for any ventilation systems (excluding essential services, such as smoke ventilation) and the sealing of openings from ember intrusion. Details are to be submitted to and approve by Council **prior to the issue of the Construction Certificate.**

***Reason:** To provide bushfire protection to the development.*

123 Fencing approved as part of the development is to be constructed from non-combustible materials.

***Reason:** To provide bushfire protection to the development.*

LANDSCAPING & FENCING

124 A revised landscaping plan (in duplicate) shall be submitted to the Principal Certifying Authority and approved **prior to issue of the Construction Certificate.** The revised Landscaping plan is to address the requirements of Condition 121 relating to bushfire protection, Crime Prevention through Environmental Design Principles (Condition 130) and the relevant landscaping provisions of Chapter 7 – Off-Street Parking of the Lismore Development Control Plan (Condition 74). The revised landscape plan is shall also be in accordance with Council's Landscape Guideline and relevant Development Control Plans. Species identified in Council's Landscape Guideline shall be planted wherever possible. Landscaping plans shall indicate:

- location of Council's sewer;
- proposed location for planted shrubs and trees;
- botanical name of shrubs and trees to be planted;
- mature height of trees to be planted;
- location of grassed areas;
- location of paved areas; and
- location of trees identified for retention in the development application plans.

Principal Certifying Authority approved landscaping shall be completed **prior to the issue of the Occupation Certificate** and maintained at all times to the satisfaction of Council. Trees identified for retention in the Development Application plans shall not be removed without separate Council approval.

Reason: To ensure that appropriate landscaping is provided. (EPA Act Sec 79C(c))

- 125 The approved landscaping provided on the site is to be maintained at all times during the life of the Development Consent.

Reason: To ensure the approved landscaping is maintained.

- 126 Details of the proposed fencing are to be submitted to and approved by Council **prior to the issue of the Construction Certificate.**

CRIME PREVENTION

- 127 The screen/wall outside the toilet facilities located on the first floor is to be redesigned to allow increased casual surveillance of the area. Details are to be submitted to and approved by Council **prior to the issue of the Construction Certificate.**

Reason: To increase the safety and security of the development.

- 128 The drink fountain located adjacent to the entry of the female toilet facilities on the first floor is to be relocated away from the entry to the female toilet facilities.

Reason: To increase the safety and security of the development.

- 129 Public, security and other external lighting is to be provided for the proposed development, particularly the car parking areas. The lighting is to comply with the requirements of Australian Standards 4282 Control of Obtrusive effects of Outdoor Lighting. In this regard, a lighting design or scheme from a suitably qualified designer must be submitted to and approved by Council **prior to the issue of the Construction Certificate.**

Reason: To increase the safety and security of the development.

- 130 The revised landscaping plan as required by Condition 124 is to demonstrate consideration of Crime Prevention through Environmental Design (CPTED) principles as they relate to landscaping. In particular, consideration is to be given to landscaping that does not create concealment areas and allows good casual surveillance.

Reason: To increase the safety and security of the development.

- 131 A security fence is to be provided around the external components of the water slide facility. Details are to be submitted to and approved by Council **prior to the issue of the Construction Certificate.**

Reason: To increase the safety and security of the development.

SIGNAGE

- 132 Signs that interfere with the amenity of the area, by reason of glare or excessive illumination or any interference to radio, television or communication equipment and/or transmission signals in the locality, shall not be used or installed.

Reason: To preserve the amenity of the area and traffic safety. (EPA Act Sec 79C(b))

CONTRIBUTIONS

- 133 Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and Lismore Contributions Plan 1999 (as amended) are required. Such levies shall contribute towards the provision of public services and/or amenities identified in the attached schedule. Such levies shall be calculated at the rate(s) in effect on the date of the **Construction Certificate**. The rates and amounts applying at the date of this notice, totalling **\$85,787**, are set out in the schedule for your information. Where the total contribution payable exceeds \$20,000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc. shall be paid **prior to the Construction Certificate being granted.**

Council Minutes

December 11, 2007

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

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

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

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

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

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

INFORMATION TO APPLICANTS

ADVISORY NOTES

NOTE 1: Prior to operation, the food business must notify the NSW Food Authority of their business details at www.foodnotify.nsw.gov.au.

NOTE 2: In relation to Condition No. 112, approval from the Department of Water and Energy (DWE) and Lismore City Council is required prior to discharging Trade Waste into the sewerage system. This approval from DWE can take up to two (2) months to grant. Application forms will be forwarded by Council to the DWE and are available from Lismore City Council. An application fee is payable on the submission of a Trade Waste Application. The current application fee can be obtained by contacting Council.

NOTE 3: On completion of works and prior to issue of a compliance certificate under Section 307 of the Water Management Act 2000, Council will require a maintenance bond to be paid to Council.

NOTE 4: The proponent is advised to consult Rous County Council regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public road(s).

NOTE 5: The current Trade Waste and Headwork evaluations relate to the current Development Application. All future change of use within this development would require the re-assessment of both the Trade Waste and Headwork requirements and implementation of same where applicable.

NOTE 6: Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment act, 1979, are to be complied with:

- (i) A Construction Certificate is to be obtained from the Consent Authority or an Accredited Certifier in accordance with Section 81A(2)(a) of the Act.
- (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
- (iii) Council is to be given at least two (2) days notice of the persons intention to commence building works, in accordance with Section 81A(2)(c) of the Act.

NOTE 7: The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue any relevant documentary evidence or certificates.

NOTE 8: 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).

NOTE 9: 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.

NOTE 10: Consideration is to be given to Crime Prevention through Environmental Design (CPTED) principles in any future siting and design of public phones, ATM's and public seating.

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.

(Councillors Swientek/Graham)(P27380)

Voting Against: Councillors Irwin and Hampton.

Draft Development Control Plan for Public Art

527/07

RESOLVED that the report be received and that Council place the draft Development Control Plan for Public Art on public exhibition for a period of twenty eight days.

(Councillors Irwin/Dowell)(S86)

Voting Against: Councillors Chant, Graham and Hampton,

Lismore Homeless Shelter

A MOTION WAS MOVED that the report be received and that Council:

1. Receive and note progress made to date,
2. Commit up to \$100,000 towards the construction of the Shelter in the 2007-2008 financial year,
3. Express a willingness to commit up to \$20,000 per annum towards the ongoing operational cost of running the Shelter,
4. Make an application to the Department of Local Government to borrow \$100,000 for the construction of the Shelter,
5. Sign the Memorandum of Understanding which commits all signatories to an ongoing shared responsibility for management of the proposed shelter.
6. A detailed report be returned to Council which details
 - a. the total capital and operational costs of the shelter,
 - b. confirmation from the Federal Government of it's financial commitment,
 - c. confirmation from the SRA in regard to approval of the use of its land and any cost, terms and conditions that would be applied to it,
 - d. details of the financial commitments, both capital and operational, that other organisations will be making,
 - e. clarifies possible financial liabilities proposed for Council.
 - f. discussion with the Community on this issue.

(Councillors Irwin/Chant)(P25928)

AN AMENDMENT WAS MOVED that the report be received and that Council receives and notes the progress made to date and approves the concept of a homeless refuge in principle but before making any financial commitment requires a detailed report which would include the following:

1. The total capital and operational costs of the shelter,
2. Confirmation from the Federal Government of it's financial commitment,
3. Confirmation from the SRA in regard to approval of the use of its land and any cost, terms and conditions that would be applied to it,
4. Details of the financial commitments, both capital and operational, that other organisations will be making,
5. A draft Memorandum of Understanding which clarifies possible financial liabilities proposed for Council.
6. Discussion with the Community on this issue.

(Councillor Irwin/Chant)(P25928)

Motion Be Put

528/07 **RESOLVED** that the MOTION be put.

Voting Against: Councillor Swientek.

Voting Against: Councillors Chant, Hampton, Ekins, Meineke, Graham and Irwin.
The voting being tied the Mayor declared the amendment LOST on his casting vote.

529/07 **RESOLVED** that Council:

1. Receive and note progress made to date,
2. Commit up to \$100,000 towards the construction of the Shelter in the 2007-2008 financial year,
3. Express a willingness to commit up to \$20,000 per annum towards the ongoing operational cost of running the Shelter,
4. Make an application to the Department of Local Government to borrow \$100,000 for the construction of the Shelter,
5. Sign the Memorandum of Understanding which commits all signatories to an ongoing shared responsibility for management of the proposed shelter.
6. A detailed report be returned to Council which details
 - a. the total capital and operational costs of the shelter,
 - b. confirmation from the Federal Government of it's financial commitment,
 - c. confirmation from the SRA in regard to approval of the use of its land and any cost, terms and conditions that would be applied to it,
 - d. details of the financial commitments, both capital and operational, that other organisations will be making,
 - e. clarifies possible financial liabilities proposed for Council.
 - f. discussion with the Community on this issue.

(Councillors Irwin/Chant)(P25928)

Voting Against: Councillors Chant, Hampton, Ekins, Meineke and Irwin.

Resource Sharing with Rous Water

530/07 **RESOLVED** that the report be received and that:

1. Council endorse moving to the next stage of resource sharing with Rous Water which will involve the development of Service Level Agreements.
2. That priority be given to negotiating clear outcomes for all staff affected by this proposal.
3. The Mayor and General Manager be authorised to sign the Water Services Resource Sharing - Memorandum of Understanding, on behalf of Lismore City Council.

(Councillors Irwin/Dowell)(S949)

Voting Against: Councillors Ekins.

Lismore Promotion Program – Advisory Group

S451

Councillor Irwin declared a conflict on interest in this matter and left the Chamber during the discussion.

531/07 **RESOLVED** that the report be received and

1. That Council invite two (2) representatives of LUO, plus nine (9) business community representatives to join the Manager - Economic Development and the two (2) Economic Development Policy Advisory Group (EDPAG) Councillors, in forming the SBRVL *Lismore Promotion Program* Advisory Group.
2. That the following nine (9) business community candidates:
 - a) Bill Sheaffe
 - b) Lexie Hurford
 - c) Julie Dickson
 - d) Geoffrey Gooch
 - e) Michael Timbrell
 - f) Andrew Tucker
 - g) Alister Somerville
 - h) Jon Paterson
 - i) David Martin

be endorsed as the business community representatives for the initial year of the *Lismore Promotion Program* Advisory Group.

3. That the Advisory Group develop a strategically focussed Promotion Program for the balance of the 2007/08 period and report its recommendations to Council in February 2008.
4. That the Advisory Group recommend a suitable Promotion Program for 2008/09 and submit those proposals for consideration during the forthcoming Budget development period.

(Councillors Henry/Graham)(S740)

At this juncture Councillor Irwin rejoined the meeting.

PAG Review Implementation Plan

A MOTION WAS MOVED that the report be received and

1. That Council endorse the PAG review implementation plan outlined in this report.
2. That the Strategic Plan Steering Committee be retired.
3. Council endorse the recommendations of the Roads PAG at its meeting on November 21, 2007 and immediately create an Infrastructure Assets PAG incorporating the former Roads PAG.
4. Membership of the new Infrastructure Assets PAG be the same as that of the former Roads PAG for the remainder of the term of the current Council.
5. Council investigate a model based on population rather than Section 94 catchments for membership of the Infrastructure Assets PAG beyond the Council elections in 2008.
6. That a PAG event be organised in early 2008 to recognise current PAG members (Councillors Dowell/Henry)(S36)

AN AMENDMENT WAS MOVED that the report be received and

1. That Council endorse the PAG review implementation plan outlined in this report.
2. That the Strategic Plan Steering Committee be retired.
3. Council endorse the recommendations of the Roads PAG at its meeting on November 21, 2007 and immediately create an Infrastructure Assets PAG incorporating the former Roads PAG and that a Roads reference group be established if required.
4. Membership of the new Infrastructure Assets PAG be the same as that of the former Roads PAG for the remainder of the term of the current Council.
5. Council investigate a model based on population rather than Section 94 catchments for membership of the Infrastructure Assets PAG beyond the Council elections in 2008.
6. That a PAG event be organised in early 2008 to recognise current PAG members (Councillors Tomlinson/Irwin)

On submission to the meeting the AMENDMENT was DEFEATED.

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

532/07

RESOLVED that the report be received and

1. That Council endorse the PAG review implementation plan outlined in this report.
2. That the Strategic Plan Steering Committee be retired.
3. Council endorse the recommendations of the Roads PAG at its meeting on November 21, 2007 and immediately create an Infrastructure Assets PAG incorporating the former Roads PAG.
4. Membership of the new Infrastructure Assets PAG be the same as that of the former Roads PAG for the remainder of the term of the current Council.
5. Council investigate a model based on population rather than Section 94 catchments for membership of the Infrastructure Assets PAG beyond the Council elections in 2008.
6. That a PAG event be organised in early 2008 to recognise current PAG members (Councillors Dowell/Henry)(S36)

Voting against: Councillors Ekins Irwin and Tomlinson

September Quarter Management Plan Review

533/07

RESOLVED that the report be received and noted.
(Councillors Hampton/Chant)(S952)

Councillors Expenses and Facilities Policy

- 534/07 **RESOLVED** that Council amend without public notice its Councillor Expenses and Facilities Policy by the addition of sub clause 4.2(m) as follows:
- Capacity to have part or all of their Councillor fees paid direct to third parties such as superannuation funds, charities or the like.
(Councillors Irwin/Meineke)(S45)

Council Meetings and Public Contact Forums for 2008

- 535/07 **RESOLVED** that the report be received and noted and:
1. That the first meeting for 2008 be held on February 12, 2008.
 2. That Rural Contact Forums be held at:

Dunoon Public Hall	March 17, 2008
Corndale Public Hall	June 16, 2008
Ruthven Public Hall	August 18, 2008
Nimbin School of Arts	November 17, 2008
 3. That City Contact Forums be held at:

South Lismore Bowling Club	April 21, 2008
Lismore Heights Bowling Club	July 21, 2008

(Councillors Irwin/Dowell)(S43)

Air-Cooled Chiller Replacement – Corporate Centre, Goonellabah

- 536/07 **RESOLVED** that the report be received and noted and that:
1. Council accept the tender from Northernair Pty Limited for the replacement of the air-cooled chiller for the air-conditioning system at Council's Corporate Centre, Goonellabah, on the basis of Option 1, being the PowerPax unit, for the estimated cost of \$200,480.00 plus GST.
 2. The funding for this project come from the Asset Management reserve (\$150,000) and CCP Implementation Fund reserve (\$50,480).
 3. The Mayor and General Manager be authorised to execute the Contracts on Council's behalf and attach the common seal.
(Councillors Hampton/Graham)(T200809)

Voting against: Councillor Ekins

Richmond Tweed Regional Library – Audit Tender

- 537/07 **RESOLVED** that the report be received and noted and:
1. That Council on behalf of Richmond Tweed Regional Library accept the tender from Thomas Noble and Russell to provide audit services to the Regional Library for the period July 1, 2007 to June 30, 2013.
 2. The Mayor and General Manager be delegated authority to execute the contract and attach the Common Seal of the Council.
(Councillors Dowell/Irwin)(S120)

Investments held by Council – November 2007

- 538/07 **RESOLVED** that the Report be received and noted.
(Councillors Graham/Meineke)(S178)

Committee Recommendations

Traffic Advisory Committee September 21, 2007

- 539/07 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted,
(Councillors Hampton/Dowell) (S352)

Documents for Signing and Sealing

- 540/07 **RESOLVED** that the following documents be executed under the Common Seal of Council:

Linen Plan: subdivision of Lot 202 DP 1076367 – 40 Three Chain Road, South Lismore (P28928)

Lismore City Council recognised some time ago the need to upgrade the city's airport. This led to the construction of the passenger terminal and taxiway at the southern end of the existing runway.

Coupled with this was the recognition that the relocation of this terminal would allow an expansion of light aircraft movements associated with the General Aviation (GA) operations conducted at the northern end of the airport. To support this increase in light aircraft activity, Council gained consent for and constructed a service road to the aircraft hangars. Demand for hangars, both for commercial and private use, has continued to grow resulting in an undersupply of GA hangar space.

Council endorsed future investigations and feasibilities into development of the GA area, subject to the sale of airport land in this year's and last year's Management Plan.

Lot 21 is the newly created hangar lot in the GA area (being a subdivision of Lot 202 in DP1076367), currently being prepared for sale or lease, as per the Management Plan.

Lease to Basketball Association Inc – part Lot 237 DP 755718 (P16914)

Lease to Lismore Basketball Association Inc for a term of three years for part Crown Reserve No. 89503 (Albert Park). Lease is also to be signed by the Crown.

Lease to Lismore Racing Pigeon Club Inc – part Lot 237 DP 755718 (P16984)

Lease to Lismore Racing Pigeon Club Inc for a term of three years for part Crown Reserve No. 89503 (Albert Park). Lease is also to be signed by the Crown.

ACE North Coast – part Lot 1 DP 776471 (P28293)

A lease to ACE North Coast Inc for a period of two years with a two year option.

Open Air Cathedral – Bexhill – part Lot 204 DP 755686 (P22062/P11133)

Licence for a period of three years to the Uniting Church in Australia for Crown land to be used as an entrance to the Open Air Cathedral at Bexhill. The licence is also to be signed by the Crown.

(Councillors Irwin Graham)

Financial Assistance - Section 356

A MOTION WAS MOVED that in accordance with Section 356(1) of the Local Government Act 1993, the assistance to persons as listed is hereby approved.

a. Development & Other Application Fees – Policy 1.4.7 (GL390.200.15)

Budget: \$300 To date: \$0

Interchange Respite Care Inc, Lismore – installation of external life and disabled shower/bath

In accordance with policy.

\$567.15

b. Council Contributions to Charitable Organisations

Waste Facility – Policy 5.6.1 (GL390.965.15)

Budget:\$10,000 To date:\$4,004.65

Animal Right & Rescue	\$35.45
Challenge Foundation	\$62.29
Five Loaves	\$84.95
Friends of the Koala	\$43.64
LifeLine	\$198.00
Salvation Army	\$57.60

In accordance with policy.

\$481.93

c. Miscellaneous Donations

The Lismore & District Junior Cricket Association requesting a donation to the sum of \$1,998.90 being for 90% of the normal fee for hiring of 5 sporting fields over a four day period in early 2008 for the U12 Junior Cricket Carnival. The sum they will be requested to pay should this 356 Donation not be approved is \$2,221.00. This donation has been a traditional annual donation to the organisers of the event in recognition of the important regional significance and income from the families that come from all areas of NSW to participate (S164 & S157:07-9923)

Comment: Council has supported this event for many years with the cost of the donation has been absorbed within the Parks & Recreation Budget. Given the relatively large cost of \$1,998.90, it is suggested that it be treated the same as most other Section 356 Donations with the cost coming directly from General Fund, not the Parks & Recreation Budget.

If approved, this would reduce the 2007/08 General Fund surplus to \$600.

Recommendation: Support the request for a donation of 90% of the normal hiring costs for this event with the donation of \$2,000 to come from the 2007/08 General Fund surplus.

Bexhill Public School P&C Association Inc requesting Council donate towards a plaque and resting stone to commemorate the generous donation of the land for the school by local pioneer, Daniel Withers. The total cost including DA fees is estimated at \$1,300.

(S164 & P22062:07-10243).

Comment: The commemorative stone would be placed at the grave site of Daniel Withers. The original stone was damaged by vandals in the 1980's. The Bexhill School community and Withers family descendents are contributing towards these costs. The Mayor is also recommending separately a \$100 donation from the Mayors Discretionary Fund.

Recommendation: Council contribute \$550 towards the commemorative stone with the donation to come from within existing budgets. \$550

2007 Lismore Residential Christmas Light Up Committee requesting Council become a major sponsor and donate \$250 towards the 2007 promotion. Sponsorship money will be converted into food vouchers which the winners then use towards street parties. These parties provide an excellent opportunity for neighbours to get together and celebrate friendships, Christmas and working together.

Comment: The request is supported as it an in expensive extension of Council's Christmas Decoration program. The Mayor is also recommending separately a \$50 donation from the Mayors Discretionary Fund.

Recommendation: Council contribute \$200 towards the 2007 Lismore Residential Christmas Light Up promotion to come from within existing budgets. \$200

d. Mayors Discretionary Fund (GL390.485.15)

Budget:\$2,700 To date: \$740

Bexhill Public School P&C Association Inc requesting Council donate towards a plaque and resting stone to commemorate the generous donation of the land for the school by local pioneer, Daniel Withers. The total cost including DA fees is estimated at \$1,300

(S164 & P22062:07-10243).

Recommendation: Council contribute \$100 towards the commemorative stone \$100

2007 Lismore Residential Christmas Light Up Committee requesting Council become a major sponsor and donate \$250 towards the 2007 promotion. Sponsorship money will be converted into food vouchers which the winners then use towards street parties. These parties provide an excellent opportunity for neighbours to get together and celebrate friendships, Christmas and working together.

Recommendation: Council contribute \$50 towards the 2007 Lismore Residential Christmas Light Up promotion \$50

(Councillors Graham/Dowell)

AN AMENDMENT WAS MOVED that in accordance with Section 356(1) of the Local Government Act 1993, the assistance to persons as listed is hereby approved.

a. Development & Other Application Fees – Policy 1.4.7 (GL390.200.15)

Budget: \$300 To date: \$0

Interchange Respite Care Inc, Lismore – installation of external life and disabled shower/bath

In accordance with policy. \$567.15

b. Council Contributions to Charitable Organisations

Waste Facility – Policy 5.6.1 (GL390.965.15)

Budget:\$10,000 To date:\$4,004.65

Animal Right & Rescue	\$35.45
Challenge Foundation	\$62.29

Five Loaves	\$84.95	
Friends of the Koala	\$43.64	
LifeLine	\$198.00	
Salvation Army	\$57.60	
<i>In accordance with policy.</i>		\$481.93

c. **Miscellaneous Donations**

The Lismore & District Junior Cricket Association requesting a donation to the sum of \$1,998.90 being for 90% of the normal fee for hiring of 5 sporting fields over a four day period in early 2008 for the U12 Junior Cricket Carnival. The sum they will be requested to pay should this 356 Donation not be approved is \$2,221.00. This donation has been a traditional annual donation to the organisers of the event in recognition of the important regional significance and income from the families that come from all areas of NSW to participate (S164 & S157:07-9923)

Comment: Council has supported this event for many years with the cost of the donation has been absorbed within the Parks & Recreation Budget. Given the relatively large cost of \$1,998.90, it is suggested that it be treated the same as most other Section 356 Donations with the cost coming directly from General Fund, not the Parks & Recreation Budget.

If approved, this would reduce the 2007/08 General Fund surplus to \$600.

Recommendation: Support the request for a donation of 90% of the normal hiring costs for this event with the donation of \$2,000 to come from the 2007/08 General Fund surplus.

Bexhill Public School P&C Association Inc requesting Council donate towards a plaque and resting stone to commemorate the generous donation of the land for the school by local pioneer, Daniel Withers. The total cost including DA fees is estimated at \$1,300.

(S164 & P22062:07-10243).

Comment: The commemorative stone would be placed at the grave site of Daniel Withers. The original stone was damaged by vandals in the 1980's. The Bexhill School community and Withers family descendents are contributing towards these costs. The Mayor is also recommending separately a \$100 donation from the Mayors Discretionary Fund.

Recommendation: Council contribute \$550 towards the commemorative stone with the donation to come from within existing budgets. \$550

d. **Mayors Discretionary Fund (GL390.485.15)**

Budget:\$2,700 To date: \$740

Bexhill Public School P&C Association Inc requesting Council donate towards a plaque and resting stone to commemorate the generous donation of the land for the school by local pioneer, Daniel Withers. The total cost including DA fees is estimated at \$1,300

(S164 & P22062:07-10243).

Recommendation: Council contribute \$100 towards the commemorative stone \$100

2007 Lismore Residential Christmas Light Up Committee requesting Council become a major sponsor and donate \$250 towards the 2007 promotion. Sponsorship money will

Council Minutes

December 11, 2007

be converted into food vouchers which the winners then use towards street parties. These parties provide an excellent opportunity for neighbours to get together and celebrate friendships, Christmas and working together.

Recommendation: Council contribute \$50 towards the 2007 Lismore Residential Christmas Light Up promotion . \$50

(Councillor Tomlinson/Irwin)

On submission to the meeting the AMENDMENT was APPROVED became the MOTION.

Voting against: Councillors Swientek, King

541/07 **RESOLVED** that in accordance with Section 356(1) of the Local Government Act 1993, the assistance to persons as listed is hereby approved.

a. Development & Other Application Fees – Policy 1.4.7 (GL390.200.15)

Budget: \$300 To date: \$0

Interchange Respite Care Inc, Lismore – installation of external life and disabled shower/bath

In accordance with policy.

\$567.15

b. Council Contributions to Charitable Organisations

Waste Facility – Policy 5.6.1 (GL390.965.15)

Budget:\$10,000 To date:\$4,004.65

Animal Right & Rescue	\$35.45
Challenge Foundation	\$62.29
Five Loaves	\$84.95
Friends of the Koala	\$43.64
LifeLine	\$198.00
Salvation Army	\$57.60

In accordance with policy.

\$481.93

c. Miscellaneous Donations

The Lismore & District Junior Cricket Association requesting a donation to the sum of \$1,998.90 being for 90% of the normal fee for hiring of 5 sporting fields over a four day period in early 2008 for the U12 Junior Cricket Carnival. The sum they will be requested to pay should this 356 Donation not be approved is \$2,221.00. This donation has been a traditional annual donation to the organisers of the event in recognition of the important regional significance and income from the families that come from all areas of NSW to participate (S164 & S157:07-9923)

Comment: Council has supported this event for many years with the cost of the donation has been absorbed within the Parks & Recreation Budget. Given the relatively large cost of \$1,998.90, it is suggested that it be treated the same as most other Section 356 Donations with the cost coming directly from General Fund, not the Parks & Recreation Budget.

If approved, this would reduce the 2007/08 General Fund surplus to \$600.

Recommendation: Support the request for a donation of 90% of the normal hiring costs for this event with the donation of \$2,000 to come from the 2007/08 General Fund surplus.

Bexhill Public School P&C Association Inc requesting Council donate towards a plaque and resting stone to commemorate the generous donation of the land for the school by local pioneer, Daniel Withers. The total cost including DA fees is estimated at \$1,300.

(S164 & P22062:07-10243).

Comment: The commemorative stone would be placed at the grave site of Daniel Withers. The original stone was damaged by vandals in the 1980's. The Bexhill School community and Withers family descendents are contributing towards these costs. The Mayor is also recommending separately a \$100 donation from the Mayors Discretionary Fund.

Recommendation: Council contribute \$550 towards the commemorative stone with the donation to come from within existing budgets. \$550

d. Mayors Discretionary Fund (GL390.485.15)

Budget:\$2,700 To date: \$740

Bexhill Public School P&C Association Inc requesting Council donate towards a plaque and resting stone to commemorate the generous donation of the land for the school by local pioneer, Daniel Withers. The total cost including DA fees is estimated at \$1,300

(S164 & P22062:07-10243).

Recommendation: Council contribute \$100 towards the commemorative stone \$100

2007 Lismore Residential Christmas Light Up Committee requesting Council become a major sponsor and donate \$250 towards the 2007 promotion. Sponsorship money will be converted into food vouchers which the winners then use towards street parties. These parties provide an excellent opportunity for neighbours to get together and celebrate friendships, Christmas and working together.

Recommendation: Council contribute \$50 towards the 2007 Lismore Residential Christmas Light Up promotion \$50

(Councillor Tomlinson/Irwin)

Closure

This concluded the business and the meeting terminated at 10.30 pm.

CONFIRMED this 12th day of February 2008 at which meeting the signature herein was subscribed.

MAYOR