

Ordinary Meeting

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at
the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on
AUGUST 12, 2008 at 6.00p.m.
and members of Council are requested to attend.

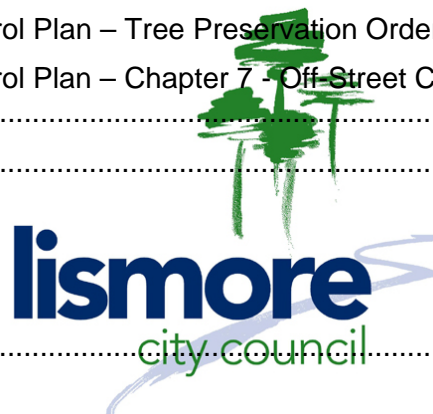
Paul G. O'Sullivan
General Manager

August 6, 2008



Agenda

Opening of Meeting and Prayer (Mayor)	
Apologies and Leave of Absence	
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Strategic Plan Summary

Lismore regional city

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



Mayoral Minute

Subject **Local Government Caretaker Period**

That the Council make a determination as to those matters included in the circulated agenda which should be deferred for consideration by the Council until after September 13, 2008

Background

The General Manager has drawn my attention to the guidance issued to Councils generally by the Department of Local Government regarding matters to be determined by the Council after August 4, 2008.

His report is attached and I have introduced this matter as a Mayoral Minute to ensure that the Council's position regarding the application of the caretaker provisions is established before any substantive business is transacted.

When dealing with this matter I do not intend to allow a debate on the merit of the individual report/s but rather to identify any agenda items which should be deferred until the October 14, 2008 meeting, at the earliest.

Report

Subject	Local Government Caretaker Period
File No	S43
Prepared by	General Manager
Reason	The introduction of caretaker guidelines by the Department of Local Government
Objective	To determine reports to be deferred to the new Council
Strategic Plan Link	Leadership by Innovation
Management Plan Project	Councillors

Overview of Report

The report highlights issues that may be subject to the caretaker provisions and seeks Councillor input as to whether they should be considered by this Council.

Background

The Department of Local Government issued Circular 08-37 of 19 June 2008 (copy attached) to remind Councils that they are expected to assume a “caretaker” role in the lead up to the elections scheduled for 13 September, 2008.

This caretaker period is deemed to commence from 4 August, 2008 and so I have asked all Council staff to consider the following key matters when preparing reports for this and any subsequent Council meeting prior to 13 September, 2008.

Does the report involve:

- i. Determining a controversial or significant development application
- ii. A new or variation to policy
- iii. Entering major contracts or undertakings
- iv. Fast tracking an issue which is not urgent
- v. Expenditure not included in the adopted 2008/09 Budget.

If the answer to any of this criteria is “YES” I have asked the relevant Program Manager to justify including the matter in the meeting agenda. Based on that input I regard all staff reports included in the circulated business paper as not breaching the intent of the “caretaker” convention however Councillors may exercise their own judgement to validate or reject my determinations.

To avoid uncertainty, the matters I have judged as not meeting 100% of the primary criteria for eligibility as routine business, and listed with explanations why Council should deal with them prior to 13 September 2008, are:-

1. Draft Amendment No. 36 to Lismore LEP, Pineapple Road

The report is implying a Council commitment of \$279,000 for a future Council. However, this amount will only be payable should Council agree to the rezoning following the exhibition. This prospect is some time into the future – perhaps months.

As the specific amount will feature in any future Council's deliberations it is considered appropriate that the amendment be put on exhibition for public comment. The landowner has requested that this matter be dealt with at this meeting.

2. Planning Agreement Policy

The draft policy was accepted by Council for exhibition purposes in February 2008 and exhibited in March / April 2008. Council currently has no adopted policy on planning agreements and the policy was prepared in accordance with an ICAC recommendation to all Councils.

3. Amendment No. 4 to Lismore DCP – Tree Preservation Order

This subject has raised some controversy when previously dealt with by this Council however the proposed amendments are considered minor in nature and should be considered.

Should Council be of a mind to reject the Tree Preservation Order in its entirety this would be a matter best left to the new Council.

4. Amendment No. 5 to Lismore DCP – Off Street Car Parking

Council, following a workshop resolved to place Amendment No. 5 on public exhibition.

The amendment does propose a change in policy, however following exhibition of the proposed changes, no public submissions were received regarding the proposed changes. There are a number of development applications which would be disadvantaged if this matter is delayed.

5. Draft Lismore LEP 2009

The draft LEP has been in preparation since October 2006 and has been the subject of several workshops. The recommendation is not for the adoption of the LEP, only to seek an exhibition certificate from the Department of Planning. There will be ample public consultation during the exhibition period, at the conclusion of which it will be open for the new Council to determine its position.

6. Strategic Business Plan and Development Servicing Plans for Water Supply and Wastewater Services

The Strategic Business Plan and Development Servicing Plan's are important documents in the running of Council's water and wastewater business. An extensive process of development and consultation has been undertaken with only one public submission received. Whilst the plans identify higher levels of charging for water and wastewater there is a lack of controversy over what is prudent asset management

7. Commercial and Multiple Unit Dwellings Waste Collection Strategy

Council has endorsed this strategy and placed it on exhibition for public comment. No comments were received. The trial has shown the potential benefits of such a strategy for the community.

8. Annual Remuneration Fee for Mayor and Councillors

Insufficient funds have been should Council adopt the maximum fee. In this case, the unvoted funds would be \$5,200. Council is however required to adopt a fee, should it not, the minimum fees will apply from July this year.

9. Code of Conduct

The policy follows the changes to the Code of Conduct proposed by the State Government, there is little alternative available to Council.

Comments

Financial Services

Not required.

Other staff comments

Comments from staff have been included within the report.

Public consultation

Not required.

Recommendation

That Council make a determination as to those matters included in the circulated agenda which should be deferred for consideration by the Council until after September 13, 2008.

Circular No. 08-37
Date 19 June 2008
Doc ID. A139580

Contact David Alderman
02 4428 4190
david.alderman@dlg.nsw.gov.au

COUNCIL DECISION MAKING PRIOR TO ORDINARY ELECTIONS

The purpose of this Circular is to remind councils that major decisions affecting their areas should not be undertaken during the period leading up to ordinary elections.

Like Commonwealth and State Governments, councils are expected to assume a "caretaker" role during election periods to ensure that major decisions are not made which would limit the actions of an incoming council.

The caretaker period should commence from the date of the close of rolls (40 days before election day) being 4 August 2008 and end on the day the election is declared.

Caretaker government conventions promote transparency and accountability in local government decision making and improve community confidence in councils.

During caretaker periods, councils should exercise due caution in making major policy decisions that would bind an incoming council. In summary, councils should avoid:

- determining controversial or significant development applications
- new or potentially controversial permanent appointments of general managers, and
- entering major contracts or undertakings.

Councils should also avoid active distribution of material during this period if it promotes the current elected council's policies or emphasises the achievements of an elected member or group.

Routine business should proceed as usual. Ultimately, decisions should be made in the public interest and councils should have regard to all the circumstances including the urgency of the issue and whether there may be financial or legal repercussions if the matter is deferred.

Consents, approvals or actions being fast tracked to avoid election deadlines may, in appropriate cases, be subject to referral to the Independent Commission Against Corruption or investigation by the Department.

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General Managers are asked to promptly bring this circular to the attention of all councillors and senior staff.

The Department has previously issued advice to councils on this matter (Circulars 04/06 and 99/64 refer).

A handwritten signature in black ink, appearing to be 'Garry Payne', with a long horizontal line extending to the right.

Garry Payne AM
Director General

Notice of Motion

Councillor V Ekins has given notice of her intention to move at the next meeting of Council::

Notice of motion that council make mandatory the installation of rain water tanks on all new residential, commercial and industrial buildings in the Lismore council area.

Staff Comment

Manager Environmental Health and Building Services

The installation of rainwater tanks in residential, villa, townhouses, units, alterations and additions (in excess of \$100,000) is occurring due to the requirements of BASIX to achieve a water reduction target of 40% in all new constructions. While not being obligatory the installation of rain water tanks is by far the easiest and most utilised method to achieve the water reduction target. Councils Building Services section is able to report that most if not all new residential buildings have a tank installation with various alignments to toilet flushing, laundry, garden and drinking use. It should be noted that Councils in NSW cannot prescribe energy or water savings in excess of the requirements of BASIX.

However, the installation of rainwater tanks on commercial and industrial buildings is not covered by BASIX at this time. BASIX's may be extended in the future to all industrial and commercial operations, however, no time frames have not been established by the NSW government.

In regard to commercial and industrial properties, Council is working towards a Water Sensitive Design (WSD) Development Control Plan in the near future. This document will require potable water consumption reduction. For commercial and industrial developments this reduction may be achieved by various methods eg installing rainwater tanks, cleaner production (i.e. using less water in their production), on site water detention, recycling water, etc. The DCP does not make the installation of tanks obligatory, however, will achieve reduced water consumption. It is most likely as with the residential developments that tanks will be the preferred option.

It should be noted that Council works in partnership with Rous Water to utilise their demand management strategy to reduce water consumption highlighting the point that there are many different ways of reducing water consumption in addition to installing rainwater tanks.

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Report

Subject	Draft Lismore Local Environmental Plan 2009
File No	S946
Prepared by	Strategic Planner
Reason	Preparation of the new draft comprehensive LEP and environmental study for Lismore
Objective	To seek an exhibition certificate for the draft LEP from the Department of Planning
Strategic Plan Link	Economic Development
Management Plan Project	Review and Update of Planning Controls

Declaration of Interest – General Manager

In accordance with the requirements of Council's Code of Conduct for all Council officials to ensure full disclosure in the interests of transparency and probity I need to draw attention to the fact that I am the joint owner of a house property at City Acres – a locality which is referred to in this report. The report includes a proposal to change the zoning of that locality from Rural Residential [1(c)] to General Residential (R1) – refer Page 16. This change is the result of applications by other landowners (refer Page 9). I have no personal interest in their proposals.

Overview of Report

This report gives an overview of the draft LEP for Lismore that has been prepared in response to the State Government's direction to Councils to prepare comprehensive LEPs in accordance with the standard instrument. It describes the various land use zones adopted in the LEP, the proposed new residential and industrial land release areas, the local clauses that have been drafted specifically for Lismore and proposed new heritage provisions. The report recommends that the draft LEP be forwarded to the Department of Planning requesting an exhibition certificate so that the draft plan may be publicly exhibited.

Background

In March 2006 the State Government introduced the Standard Instrument (Local Environmental Plans) Order as an integral component of its broader package of planning reforms. The principal objective of the Standard Instrument Order is to introduce consistency in the format and content of LEPs throughout NSW.

The standard instrument provides a template that Councils must use as the basis for preparing new Local Environmental Plans (LEPs). It contains mandatory clauses and schedules, standard definitions and standard land use zones. Matters that are relevant to the local area, and which are not covered by mandatory provisions in the standard instrument, may be addressed through local provisions drafted by Council. Local provisions cannot be inconsistent with the mandated requirements.

At its meeting of October 10, 2006 Council considered a report on the preparation of a comprehensive LEP for Lismore in accordance with the standard instrument and resolved to:

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

The Department of Planning was advised of Council's decision and the Director-General has issued the specifications for the environmental study. Initial consultations were undertaken with relevant government agencies and other public authorities prior to the preparation of the LEP.

Director-General's specifications

The Director-General has directed Council to comply with sections 57 and 61 of the EP&A Act. Section 57 provides that an environmental study shall be prepared in accordance with such specifications as may be issued by the Director-General. Section 61 provides that Council shall prepare a draft local environmental plan having regard to the environmental study prepared under section 57.

The Director-General's specifications for the preparation of an environmental study to accompany the draft Lismore LEP are as follows:

1. Council should prepare a statement clearly identifying any changes between the existing controls and the proposed draft provisions together with justification for those changes.
2. Council should ensure that there is adequate and suitable land for housing and employment to meet the needs of the LGA for the next 10 years.
3. The environmental study should consist of a collation of all relevant planning documents (updated if necessary) to reflect the current planning situation in the City area, so as to make available for exhibition a document which is easily understood and includes all relevant documentation in one place.
4. The environmental study should consider, if necessary, additional material in regard to the following:
 - Provision of infrastructure to greenfield release areas suggested in the draft Far North Coast Regional Strategy;
 - Strategic analysis of the need for further employment land in the City;
 - Updated agricultural policy in relation to the conclusions of the Regionally Significant Farmland Project;
 - Updated Lismore CBD flood policy in light of the recent construction of the levee;
 - Any necessary update or review of heritage studies; and
 - Any necessary further review of community/operational land.

The draft LEP and accompanying environmental study have now been prepared. The draft LEP consists of the written instrument and zoning maps. The draft written instrument is a separate attachment to this report. Copies of the draft LEP maps and the local environmental study have been placed in the Councillors' room for Councillors to inspect.

The draft written instrument contains black, blue and red coloured text. Mandatory provisions provided by the Department of Planning are in black text. Directions provided by the Department of Planning are in blue text (these will not appear in the final version of the instrument). Local provisions which have been drafted specifically for Lismore are in red text.

Description of the draft LEP

There are significant differences between the new draft LEP and the current LEP 2000. This report outlines the major changes that will be introduced through the new draft LEP.

Land use zones

The draft LEP contains 21 standard land use zones from the standard instrument. A summary of the intent of each of the zones is provided as follows:

Residential Zones

R1 General Residential	This zone is similar to the 2(a) Residential Zone in the current LEP 2000. It permits a range of residential uses as well as other uses that are compatible with residential development.
R2 Low Density Residential	This zone permits single dwelling-houses but not higher density residential development. It applies to existing residential areas with a high flooding risk.
R5 Large Lot Residential	This is a rural residential zone which replaces the current 1(c) Rural Residential Zone as well as rural residential zonings listed in Schedule 4 of the LEP.

Industrial Zones

IN1 General Industrial	This zone is similar to the current 4(a) Industrial Zone and permits a wide range of industrial uses.
IN2 Light Industrial	This zone does not permit industries with a significant impact and is appropriate for areas in proximity to existing residential development.

Business Zones

B1 Neighbourhood Centre	This zone permits a range of retail and commercial uses that are appropriate in a neighbourhood shopping centre.
B3 Commercial Core	This is the primary business zone and permits a wide range of retail and commercial uses as well as residential uses.
B4 Mixed Use	This is a new zone for Lismore and permits a mix of commercial, residential, community and recreational uses.
B6 Enterprise Corridor	This is also a new zone that permits light industrial uses as well as bulky good retail and retail warehousing.

Rural Zones

RU1 Primary Production	The main focus of this zone is to encourage and protect primary production on land that is best suited for this purpose.
RU2 Rural Landscape	This zone is applicable to rural areas that are less suited to primary production but which may have important landscape values.
RU3 Forestry	This zone applies specifically to NSW State Forests.
RU5 Village	This zone is similar to the existing 2(v) Village Zone and permits a range of uses that are appropriate to a village.

Special Purpose Zones

SP2 Infrastructure	This zone applies to areas that support major infrastructure such as airports, sewage treatment plants and waste disposal sites.
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Recreation Zones

RE1 Public Recreation	This zone applies to land set aside for public recreation and is similar to the 6(a) Recreation Zone in the current LEP.
RE2 Private Recreation	This zone applies to land that supports uses such as sporting clubs and is similar to the current 6(b) Private Recreation Zone.

Environment Protection Zones

E1 National Parks & Nature Reserves	This zone applies specifically to National Parks and Nature Reserves.
E2 Environmental Conservation	This zone applies to land that exhibits high conservation values.
E3 Environmental Management	This zone applies to land that has some conservation significance but where a wider range of permissible land uses is appropriate.

Waterway Zones

W1 Natural Waterways	The aim of this zone is to protect the ecological and scenic values of environmentally sensitive waterways.
W2 Recreational Waterways	This zone also aims to protect the ecological and scenic values of waterways but permits a wider range of recreational uses.

Land uses that are proposed as either permissible or prohibited in each of the above zones are identified in a matrix that is separately attached to this report.

Residential zones and proposed residential release areas

The proposed R1 Residential Zone is largely equivalent to the 2(a) General Residential Zone under the current Lismore LEP 2000. It permits a range of residential uses from single dwelling-houses to multi-unit housing including a range of other non-residential uses that are compatible with residential development. The R1 zone will apply to most urban residential areas in Lismore except for existing residential areas subject to a high level of flood risk. The R2 Low Density Residential Zone permits single dwellings only and applies to existing residential areas on the floodplain in North Lismore, South Lismore and parts of East Lismore where the flood hazard is relatively high.

The Lismore Urban Strategy (LUS) identifies land with potential for new residential development. The Department of Planning agreed to increase the lot allocation for the “greenfield” sites identified in the LUS so that Council could comply with the Director-General’s requirements to zone sufficient residential land to meet Lismore’s requirements for the next 10 years. Council subsequently invited land owners whose properties were identified in the strategy to submit rezoning applications that could be considered as part of the draft LEP.

Rezoning applications were received from owners of the three greenfield sites identified in the LUS (Trinity Drive, Invercauld Road and Chilcotts Grass) and one infill site (20 Holland Street). Council’s Planning, Engineering, Environmental Health and Water and Sewer Services staff have assessed the proposals with respect to:

- stormwater management;
- vehicle, pedestrian and bicycle access;
- provision of parks;
- protection of significant vegetation and habitat, including koalas;
- compliance with Lismore DCP requirements;
- contaminated land;
- threatened species;
- bushfire prone land;
- steep and potentially unstable land;
- access to water and sewer;
- potential land use conflict between residential and other uses such as agriculture or industry.

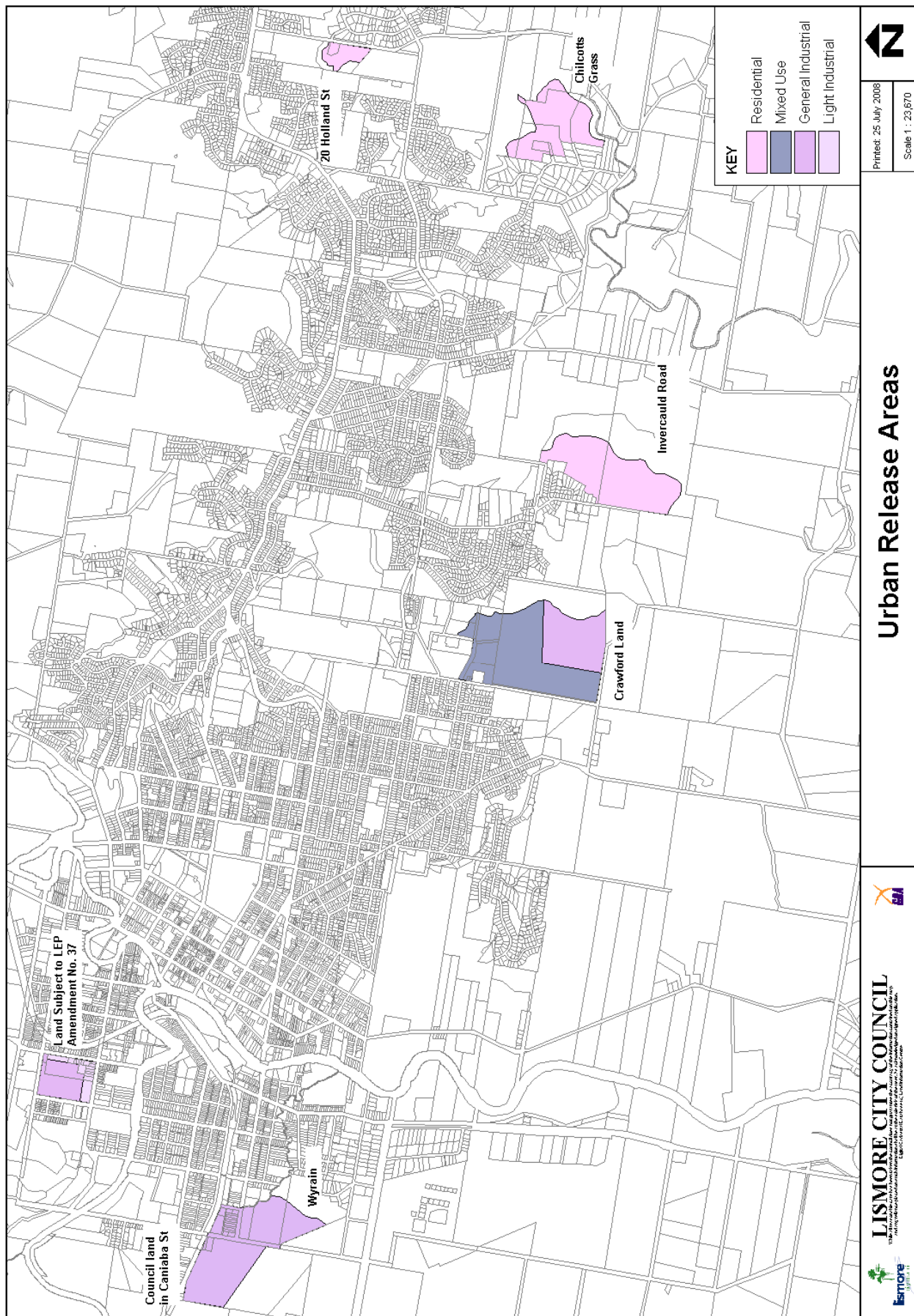
That assessment has concluded that the reports relating to two of the greenfield sites (Invercauld Road and Chilcotts Grass) as well as the Holland Street site, are able to proceed to the public exhibition stage. The Trinity Drive site was found to support a significant number of specimens of a threatened species (Thorny pea) listed in the *Threatened Species Conservation Act 1995* and consequently the proposal is

unable to proceed at this stage. The owners anticipate that this issue can be resolved with the Department of Environment and Climate Change and that the rezoning will be able to proceed at some time in the near future. However the Trinity Drive site will not be included in the draft LEP at this stage.

The draft LEP provides for significant urban residential land release in the following locations:

Site	Developable area	Estimated lot/dwelling yield
Invercauld Road	29ha	265 lots
Chilcotts Grass	19ha	113 lots
Holland Street	4ha	25 lots
Crawford land	15ha	180 dwellings

The following is a description of each of the residential release areas that are proposed to be included in the draft LEP. The location of the above sites is shown on the map of proposed residential and industrial release areas on the following page.



The Invercauld Road site

Site description

The site is located at the southern end of Invercauld Road comprising Lot 1 in DP1103669 and Lot 103 in DP709070 Parish of Lismore, County of Rous. It is 59.7 hectares in area and supports a single dwelling which has access to Invercauld Road. The site is located to the east of Invercauld Road and is bounded by an unnamed creek to the east and a minor escarpment to the west that separates the site from existing residential development in the Julie Crescent/Stevenson Street locality.

The site is mostly cleared with scattered trees. The eastern part of the site adjoining the unnamed creek supports native vegetation of high habitat and conservation value, including an Endangered Ecological Community (Lowland Rainforest) and three (3) threatened flora species listed under the *Threatened Species Conservation Act 1995*.

Description of proposal

An indicative subdivision layout for the site is shown on the following page. The site has an area of approximately 29ha of unconstrained land that is suitable for residential development. This area could accommodate around 265 lots ranging in size from 400m² to 1,500m². A number of lots will be suitable for dual occupancy development and residential flat buildings although it is anticipated that the predominant form of development will be single dwelling-houses on lots varying in size from 400m² to 800m².

Two lots are proposed for neighbourhood parks. The environmentally sensitive land adjoining the unnamed creek is to be included in an E3 Environment Management Zone. A Koala Plan of Management will be required given that this area contains core koala habitat. Significant scattered isolated trees in the developable area will be required to be retained in the subdivision design.

Infrastructure requirements

Vehicular access to the site will be initially provided from the southern end of Invercauld Road. The road network within the subdivision will ultimately link back to Invercauld Road in the north via an existing road reserve north of Stevenson Street. Other road works proposed are as follows:

- Invercauld Road to be upgraded from the development site to the intersection with Cynthia Wilson Drive;
- Traffic lights to be provided at the intersection of Ballina Road and Invercauld Road;
- Construction of Link Road 6 as outlined in the Lismore Contributions Plan 2004 (S94 Plan) to Skyline/Rous Road after the creation of approximately 100 lots;
- Construction of a two lane roundabout at the intersection of Cynthia Wilson Drive and Invercauld Road.

Provision has been made for the servicing of this land with Council's Strategic Business Plan for Water Supply and Wastewater Services. Water supply will be provided by an extension and augmentation of the existing water reticulation network. Wastewater services are to be provided by the proposed southern trunk main.



The Chilcotts Grass/Tucki Creek site

Site description

The site has an area of approximately 22ha and is located south-east of Goonellabah and east of the existing City Acres estate. Tucki Tucki Creek defines the northern and southern boundaries of the site. The site comprises the following lots:

Cadastral Description	Address	Area
Lot 301 DP882629 Parish of Lismore, County of Rous	5 George Drive, Chilcotts Grass	6.57ha
Lot 8 DP262461 Parish of Lismore, County of Rous	9 Willow Tree Drive, Chilcotts Grass	6.11ha
Lot 9 DP262461 Parish of Lismore, County of Rous	8 Willow Tree Drive, Chilcotts Grass	9.10ha
Part Lot 1 DP123272 Parish of Lismore, County of Rous	123 Taylors Road, Chilcotts Grass	1407.1m ²

The site's original vegetation has been cleared for pasture. Regrowth vegetation is dominated by Camphor laurel. No threatened species have been recorded on the site.

Description of proposal

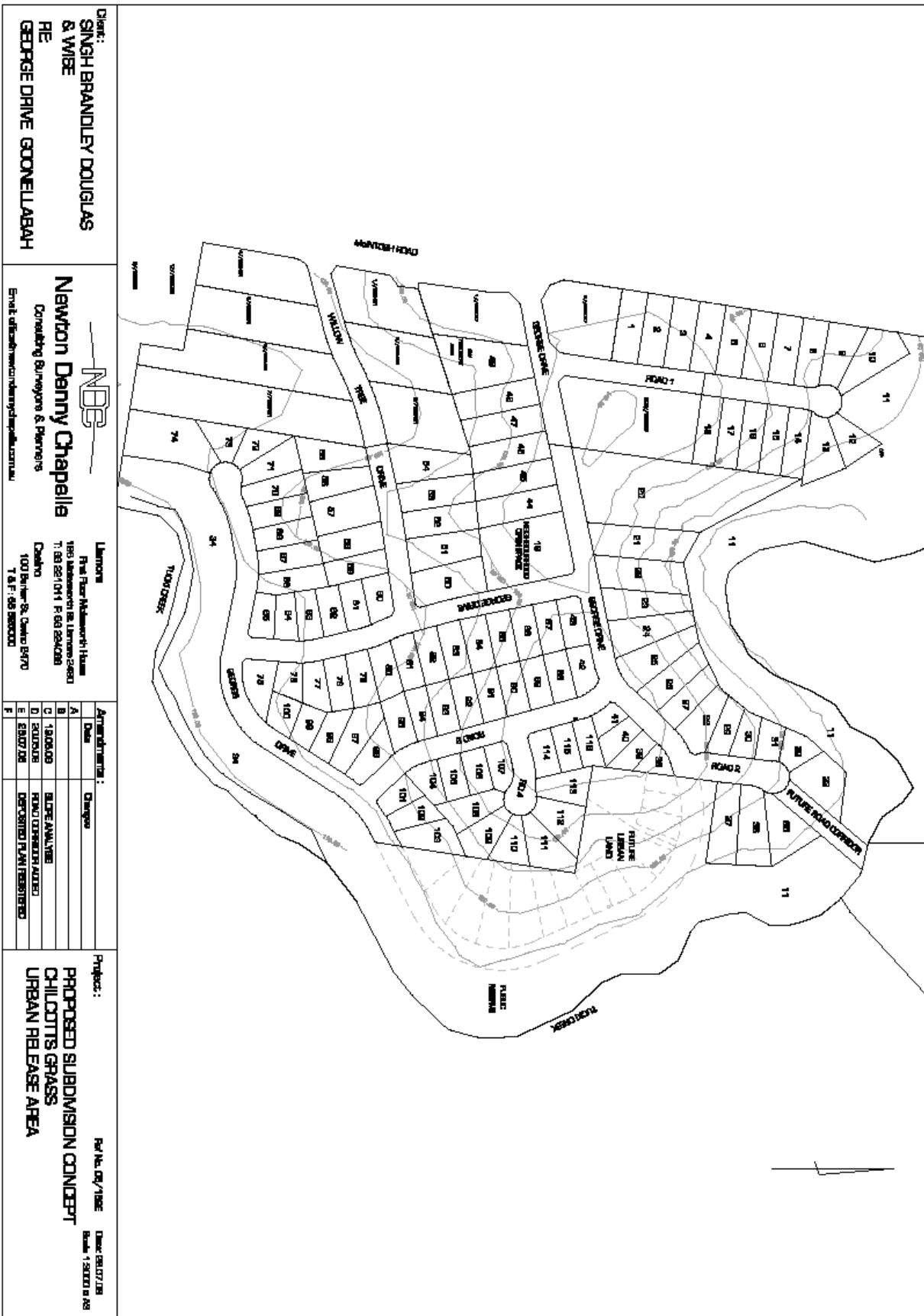
An indicative subdivision layout for the site is shown on the following page. The plan indicates a lot yield of 113 residential lots ranging in size from 600m² to 3625m² with an average lot size of 1290m². No dwelling sites are located on slopes less than 20%. It is proposed that the area with residential capability will be zoned R1 General Residential. The remaining land will be zoned RE1 Public Recreation Zone and comprises a neighbourhood park with an area of 4,633m² and a reserve adjacent to Tucki Tucki Creek with an area of 7.98ha. This reserve corresponds with the alignment of Tucki Tucki Creek and includes a 40m buffer that is proposed to be revegetated to improve the habitat values of the site. The inner 20m of this buffer is to be established in accordance with Council's guidelines for riparian rainforest rehabilitation. Eucalypts will be established in the outer 20m to provide a koala corridor. This area will also contain stormwater management and other infrastructure.

Infrastructure requirements

George Drive and Willow Tree Drive will be extended to provide vehicular access to the development. A possible road connection to the north is also shown. The existing road network external to the site has sufficient capacity for the projected additional traffic, except for the intersection of Rous Road and McIntosh Road, which will require upgrading. Verge parking in McIntosh Road will be required to achieve sufficient carriageway width.

Provision has been made for the servicing of this land with Council's Strategic Business Plan for Water Supply and Wastewater Services. Water supply will be provided by an extension and augmentation of the existing water reticulation network. Wastewater services are to be provided by the proposed southern trunk main.

A 66kV power line that traverses the site from north to south will be relocated to avoid the developable area.



Client:
**SINGH BRANDILEY DOUGLAS
 & WISE**
 RE
GEORGE DRIVE GOONELLABA

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Amendments:	
Date	Change
A	
B	
C	1.02.03.08
D	2.02.08
E	3.02.08
F	

Project:
**PROPOSED SUBMISSION CONCEPT
 CHILCOTTS GRASS
 URBAN RELEASE AREA**
 Ref No: 09/156E Date: 08/07/08
 Scale: 1:5000 or NS

The Holland Street site

Site description

The site is located at 20 Holland Street, Goonellabah and is described as Lot 2 in DP1021834, Parish of Lismore, County of Rous. It is located on the western side of Holland Street north of Hepburn Park and approximately 3km east of the Goonellabah Village Shopping Centre.

The site is 5.6 hectares in area and is currently vacant. Tucki Tucki Creek defines the northern and western boundaries of the site. Vegetation on the site is dominated by Camphor laurel and open pasture. The northern part of the site is identified as being bushfire prone.

Existing industrial development is located on the eastern side of Holland Street in the Centenary Industrial Estate. A storage shed development is located on the opposite side of Tucki Tucki Creek to the north of the site.

Description of proposal

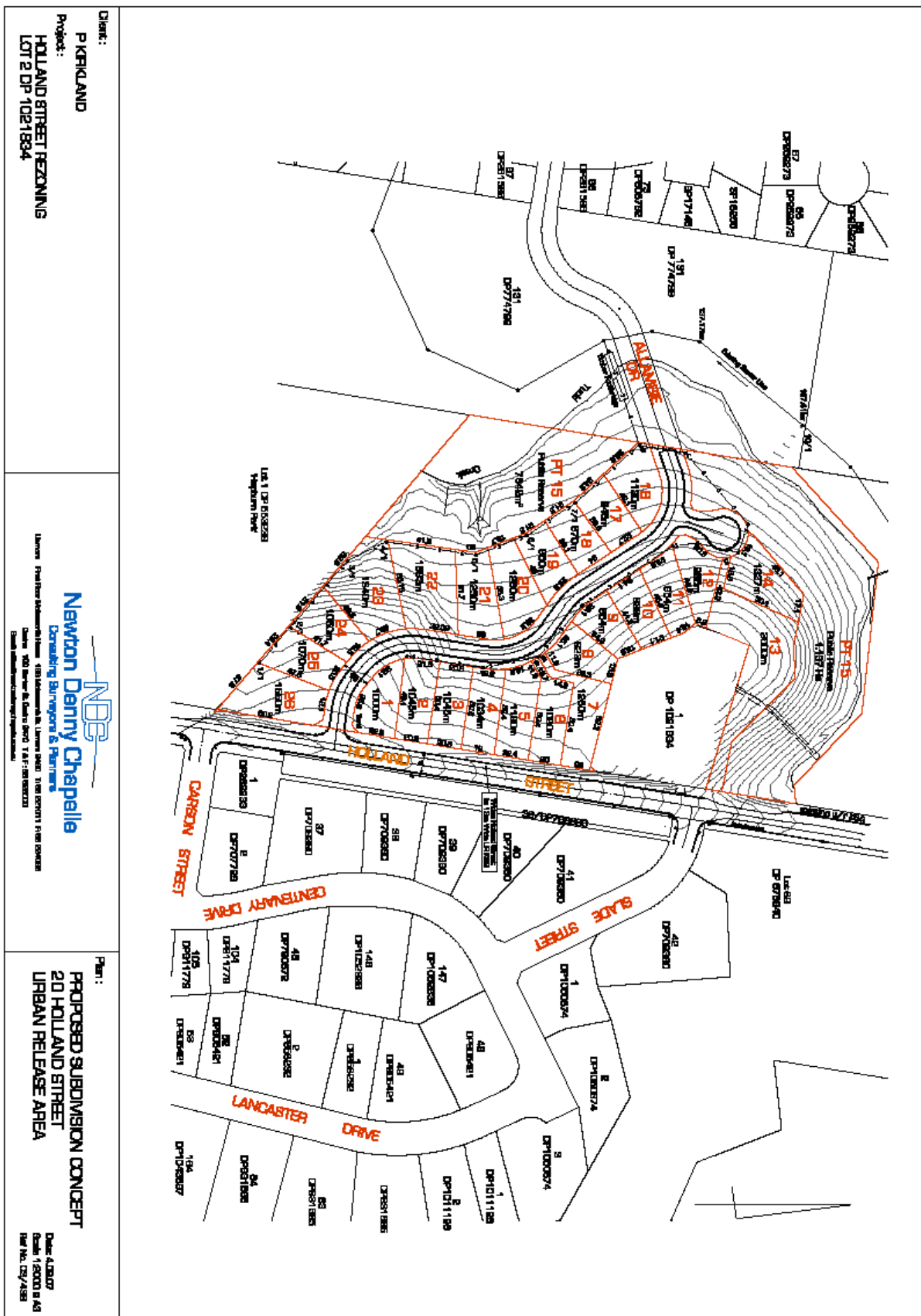
An indicative subdivision layout for the site is shown on the following page. The plan indicates that a lot yield of 25 residential lots can be achieved. All lots exceed 800m² in area. The largest lots are located in the steeper parts of the site. Proposed lots fronting Holland Street have been designed to allow a 7.5 metre wide landscape buffer to be provided for the full length of the eastern boundary of the site. This buffer is proposed to contain a 2.6 metre high acoustic barrier comprising a mixture of landscaped earth mound and timber fencing to mitigate noise impacts from the industrial estate to the east.

The area with residential capability is proposed to be zoned R1 General Residential Zone. The remaining area of 1.9ha will be zoned RE1 Public Recreation Zone. This area follows the alignment of Tucki Tucki Creek and provides a buffer to the creek that will be revegetated. The Recreation Zone will enable pedestrian links to be provided to Platypus Park and Hepburn Park. A weir in the north of the site is to be removed.

Infrastructure requirements

An internal access road from Holland Street will provide vehicular access to development. In the longer term the internal road will connect with Allambie Drive via a bridge or culvert over Tucki Tucki Creek. Capacity will exist within the internal road reserve to provide bus pick up/set down areas and shelters.

The proposed development can readily be serviced by the extension of existing water and wastewater services in the locality.



The Crawford Land site

Site description

Land owned by Southern Cross University bounded by Crawford Road, Military Road and Skyline Road, East Lismore has been identified as a proposed B4 Mixed Use zone under the draft LEP. The site is strategically located close to existing services and transport and in proximity to the university, the Wyrallah Road neighbourhood shopping centre and the Lismore CBD. It is envisaged that this area will be developed to accommodate a mix of residential, commercial and recreational uses.

Description of the proposal

The land to be included in the B4 Mixed Use Zone has an area of approximately 15ha. Part of the site adjoining Military Road is flood prone, however this area would be suitable for a range of recreational uses and facilities. The site has capability for accommodating a range of student and affordable housing and has in principle support from the Northern Rivers Social Development Council for affordable housing projects. In recognition of this, an additional objective has been included in the zone objectives as to encourage a range of housing that is affordable, within a vibrant mixed use environment, which is accessible to community facilities, commercial services and transport.

To ensure that development of the site is planned in a coordinated and orderly manner, and that an appropriate mix of permissible uses is achieved, it is proposed that the site may only be able to be developed in accordance with a future masterplan for the area. Consequently the site will be identified on the Urban Release Areas Map in the LEP. This means that clause 7.1 of the draft LEP will apply which requires that development occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a DCP including specific controls has been prepared for the land.

Infrastructure requirements

It is proposed that the masterplan that is to be developed by the landowner will be adopted as a site specific Development Control Plan for the site. The DCP will outline infrastructure requirements for the site and how these are to be funded.

Industrial zones

Two industrial zones are proposed in the draft LEP - IN1 General Industrial Zone and IN2 Light Industrial Zone. There is currently 165ha of zoned industrial land in Lismore of which approximately 70% has been developed. A further 54.3ha of industrial land is proposed under the draft LEP.

Lismore is constrained by topography, flood prone lands and environmental attributes which impact on the availability of suitable land for new industrial development. The Far North Coast Regional Strategy (FNCRS) identifies potential industrial land over the next 25 years and the draft LEP will result in a significant proportion of this land being zoned to either IN2 or IN1. The proposed industrial zones will incorporate greenfield sites as well as land currently zoned 2(f) Residential (Flood Liable). The following table shows the land proposed to be zoned industrial under the draft LEP.

Rezoned 2(f) land	10.1ha
Crawford Land (Skyline Road)	12ha
Wyrain Estate	11ha
Council land (Caniaba Street)	13ha
North Lismore (Arthur St)	0.7ha
Tuncester	3.5ha

In addition to the land identified above, a separate industrial rezoning proposal has been lodged for the rezoning of 10 ha of land bounded by Terania Street, Tweed Street, Lake Street and the unformed

Bouyon Street at North Lismore to Industrial. This proposal was considered by Council at its meeting of July 10, 2007 and Council has resolved to exhibit the proposal.

The location of the proposed Crawford, Wyrain, Caniaba Street and North Lismore industrial lands are shown on the plan of urban residential and industrial release areas provided previously in this report.

Current 2(f) Residential (Flood Liable) zones

There are several areas at South Lismore, North Lismore and on the southern fringe of the CBD currently zoned 2(f) Residential (Flood Liable) under the Lismore LEP 2000. The 2(f) zone permits a mix of residential and light industrial uses. A thorough assessment of all land currently zoned 2(f) was undertaken as part of the comprehensive review of land use zones.

The standard instrument has no equivalent to the 2(f) zone, and consequently, all land zoned 2(f) must be rezoned. The most appropriate zoning for the existing 2(f) areas has been determined through an assessment of current land uses, surrounding land uses, the degree of flood hazard affecting the land and proximity to flood evacuation routes.

Where land currently zoned 2(f) supports development of a predominantly residential nature and the degree of flood hazard is relatively low (or the area has access to evacuation routes to flood free land), the appropriate zoning would generally be considered to be R2 Low Density Residential. The R2 Zone will secure these areas as residential and prevent further infiltration of development that is non-compatible with residential development. Where existing 2(f) land supports a high proportion of non-residential uses and is subject to high levels of flood hazard, the most appropriate zoning has generally been determined as either IN1 or IN2.

Commercial Zones

The standard instrument provides a range of commercial zones, four (4) of which are used in the draft LEP.

B3 Commercial Core

The B3 Commercial Core Zone will apply to the commercial areas of the CBD. The B3 zone permits a wide range of retail, business, office, entertainment and community uses as well as residential uses. The B3 zone will also apply to areas on the fringe of the CBD that are currently zoned 3(f) Services Business (Flood Liable) Zone. There is no equivalent to the 3(f) zone under the standard instrument and for the most part these areas are considered suitable for the range of business development permissible under the B3 Zone.

There is an estimated 210,000m² of commercial floor space in the CBD. However only 60% of commercially zoned land is currently occupied by commercial development. This indicates that there is significant potential for expansion of commercial development within the CBD. It is estimated that the CBD would have the capacity to accommodate an additional 44,000m² of commercial space. The draft LEP also provides for an expansion of commercially zoned land in the area bounded by Dawson, Conway, Brewster and Ewing Streets.

The Goonellabah shopping centre and surrounding lands are also proposed to be zoned B3 Commercial Core. It is considered that the range of retail and commercial land uses permissible in the B3 zone will be appropriate for the Goonellabah shopping centre site given that it represents the commercial centre for Goonellabah and surrounding catchment.

B1 Neighbourhood Centre Zone

The B1 Neighbourhood Centre Zone is similar to the current 3(b) Neighbourhood Business zone in the Lismore LEP 2000. The zone will apply to smaller scale neighbourhood shopping centres in South Lismore, North Lismore, Wyrallah Road, and Rous Road. Some expansion of neighbourhood shopping centres in North Lismore, South Lismore and Wyrallah Road is proposed in the draft LEP.

B6 Enterprise Corridor

It is proposed that the B6 Enterprise Corridor zone will apply to land on Union Street in South Lismore. The zone is generally intended to apply where commercial or industrial development is to be encouraged along main roads. The B6 zone will allow a mix of light industrial land uses while also accommodating bulky goods and retail warehousing. These uses generally require sites with good vehicular access and high exposure to passing traffic and are often not compatible with commercial and retail development in the CBD. The B6 zone will encourage bulky goods retailing in a restricted location and ensure that the primary retail role of the CBD is not jeopardised.

B4 Mixed Use Zone

The B4 Mixed Use Zone has no equivalent under the current LEP 2000. It permits a range of residential, commercial, community and recreational uses and includes as an objective the provision of affordable housing. It is proposed that the B4 Zone will apply to two areas in Lismore – the Crawford land in East Lismore which has been described previously in this report, and land to the north of the CBD bounded by Zadoc, Keen, Orion and Dawson Streets.

Recreation Zones

An audit and inspection of all Council owned parks and reserves in the Lismore urban area was undertaken as part of investigations for determining appropriate zoning for these lands.

A total of 365 land parcels were investigated and information was recorded on site area, existing uses and the nature of facilities provided (if any). Each site was categorised according to its size, existing land use and provision of facilities and other improvements. The five categories were:

- Regional/City Wide Park
- Sporting Field
- Neighbourhood Park
- Urban Bushland
- Floodplain Management Reserve

Lands identified as regional/city wide parks and sporting fields are proposed to be zoned RE1 Recreation Zone in the draft LEP. Neighbourhood parks are those parks that have a local rather than regional function and are generally less than 1,500m² in area. It is proposed that neighbourhood parks be assigned a zone which matches the zoning of the surrounding land use.

Lands identified as urban bushland are those that have significant environmental attributes and which are generally not suitable for development as neighbourhood or citywide/regional parks. It is proposed that these areas be zoned E3 Environmental Management Zone.

Floodplain reserves are those lands that are subject to a high level of flooding hazard and which have often been acquired by Council because of their high flood risk. Where these areas have not been required for neighbourhood parks or for regional/citywide open space purposes, the proposed zoning is RU2 Rural Landscape.

Large Lot Residential Zones

The standard instrument provides for a single zone (R5 Large Lot Residential) that will apply to all rural residential style development. The R5 zone will include existing 1(c) Rural Residential development as well as rezonings approved under the Rural Housing Strategy 2002 and listed in Schedule 4 of the Lismore LEP 2000. The R5 zone will also include existing rural residential subdivisions created under the former Clause 15 of the Lismore LEP 1992. This will provide for a single zone for rural residential development in Lismore.

Land currently zoned 1(c) Rural Residential at the “City Acres” estate in McIntosh Road is proposed to be rezoned R1 General Residential Zone given that sewerage services are planned to be provided to the area to service the proposed Chilcotts Grass urban release area located to the east of the site.

The R5 zone will permit a range of lot sizes for different rural residential subdivisions, with minimum lot sizes being identified on a Lot Size Map. Varying minimum lot sizes in the R5 zone will allow an appropriate minimum lot size to be applied to each rural residential development on a site specific basis.

In addition to minimum lot size requirements, the draft LEP will enable a maximum lot yield to be applied for various rural residential areas as shown on a lot yield map. Thus rural residential areas will be subject to a minimum lot size and a maximum lot yield based on an approved subdivision design at the rezoning stage.

Rural Zones

The two main rural zones in the standard instrument are the RU1 Primary Production Zone and RU2 Rural Landscape Zone. The RU1 zone is intended to apply to all land that is used, or has potential for, primary production. This includes grazing, cropping, horticulture, intensive livestock industries as well as extractive industries. The RU2 Rural Landscape zone is intended to apply to land with scenic and landscape values where primary production is not the main focus. This is a significant change from the current approach under the 1(a) General Rural and 1(b) Agricultural Zones.

The extent of rural land to be zoned RU1 was determined by creating a composite map of various attributes that implied a suitability for primary production. The composite map comprised:

1. State and regionally significant farmland as identified on the Farmland Protection Map (DoP).
2. Land with low constraints to cropping and grazing, identified on the Soil and Landscape Constraint Map (Comprehensive Coastal Assessment, DoP)
3. Class 2 and 3 agricultural land identified on the Agriculture Classification Map (DPI)
4. Horticulture and private forestry plantations identified on the Lismore Vegetation Map (prepared by GHD)
5. The location of Council approved quarries.

The composite map formed the basis for identifying land that is currently used, or has the potential for primary production. Land that was not identified as having potential for primary production formed the basis for defining the RU2 zone. These lands are generally steeper and/or support larger areas of woody vegetation.

Environmental Protection and Waterway Zones

The draft LEP incorporates three (3) environmental protection zones - E1 National Parks and Nature Reserves, E2 Environmental Conservation and E3 Environmental Management. The E1 Zone covers existing National Parks and Nature Reserves. The E2 Environmental Conservation Zone applies to land that exhibits high conservation values and includes SEPP No.14 wetlands and land supporting endangered ecological communities (EECs). The E3 Environmental Management Zone generally applies to lands of a lesser conservation value than the E2 lands and includes areas such as urban bushland.

The location of E2 and E3 zones has been determined with reference to the vegetation mapping undertaken by GHD as part of the Lismore Vegetation Mapping project. GHD mapped the potential location of EECs by identifying those vegetation communities (based on Keith 2004 classifications)

most likely to occur within EECs and matching these to geographical areas where such EECs are most likely to occur. A similar exercise was undertaken to identify potential “big scrub” remnants.

Site inspections were carried out to confirm the type and conservation value of the vegetation identified through the above process. A list of criteria for high conservation significance was utilised to assess the significance of each area and to determine whether or not they warranted inclusion within an environmental protection zone.

The Richmond and Wilson Rivers are zoned either W1 Natural Waterways or W2 Recreational Waterways. The W2 zone includes the waterway within the Lismore urban area and downstream of the urban area. The W1 zone applies to the area of the river upstream of the urban area.

Local clauses

The draft LEP contains a number of local clauses which relate to local planning issues that are not addressed in the standard instrument. The following is a summary of the local clauses that have been included in the draft LEP:

Cl. 6.1 - Buffer zones to avoid potential land use conflicts

The clause aims to ensure that new development does not have an adverse impact on adjoining land uses. The clause provides for appropriate buffers, or other measures, to be employed in accordance with the buffer provisions of the Lismore DCP to reduce potential land use conflicts.

Cl. 6.2 - Development on Flood Prone Land

This clause maintains similar restrictions on development in floodways and high flood risk areas that apply under clause 22 of the current Lismore Local Environmental Plan 2000.

Worley Parsons (formerly Patterson Britton & Partners) has recalibrated the two dimensional flood model that was developed for the Lismore urban floodplain in 1999. Significant development and other changes to the floodplain have occurred since the model was developed including realignment of the South Lismore levee. Such changes may also have an effect on the original hydraulic categorisation of the flood hazard into floodway, high flood risk and flood fringe areas.

The modelling also takes into account proposed works on the floodplain to improve the hydraulic capacity of existing floodways. These include excavation of the airport floodway and modifications to the river bank near Quayside Motors. Other works such as filling of land inside the levee at South Lismore have been factored into the model.

The updated model has provided the basis for a review of the hydraulic categorisation of the flood hazard on the urban floodplain. The revised flood hazard categories are shown on the Flood Prone Land Map that will be adopted by the draft LEP for the purposes of clause 6.2.

Cl. 6.3 - Acid sulfate soils

The objective of the clause is to ensure that development does not cause environmental damage through the disturbance, exposure or drainage acid sulfate soils. The clause identifies when development consent is required for land affected by acid sulfate soils. An exception for development on sugar cane land is permitted providing criteria outlined in the clause are satisfied.

Cl. 6.4 - Bushfire prone land

The aim of the clause is to ensure that the provisions of Planning for Bushfire Protection are taken into account where development is proposed on bushfire prone land. The clause relates to land identified on the new Lismore Bushfire Prone Land Map (updated in accordance with the vegetation maps prepared by GHD), and ensures that development on bushfire prone land is in accordance with the requirements of Planning for Bushfire Protection (RFS).

Cl. 6.5 – Dwelling-houses in rural zones

The clause provides criteria that must be satisfied before approval can be granted for the erection of a dwelling-house in the RU1 Primary Production, RU2 Rural Landscape, R5 Large Lot Residential and E3 Environmental Management zones.

Cl. 6.6 - Detached rural dual occupancy in Large Lot Residential Zones

This clause outlines the criteria that must be satisfied before consent can be granted for the erection of a detached dual occupancy in the R5 Large Lot Residential zone. A range of considerations must be addressed including access, effluent disposal, distance between dwellings and the physical capability of the land to support two dwellings.

Cl. 6.7 - Subdivision in Large Lot Residential and Village Zones

This clause outlines matters to be considered before granting development consent for the subdivision of land for large lot residential and village development. This includes ensuring that the land is capable of supporting the development and suitable arrangements have been made for water supply and effluent disposal. The clause provides that no additional stock and domestic water rights are created.

Cl. 6.8 – Maximum number of lots

The aim of this clause is to ensure that the maximum number of lots permissible in a rural residential development does not exceed the number shown on the Lot Size Map. This number will generally be determined at the rezoning assessment stage.

Cl. 6.9 - Rural landsharing community development

This clause permits development for the purpose of rural landsharing communities in the RU2 Rural Landscape zone. It provides for the erection of 3 or more dwellings on one parcel of land, providing certain development standards can be achieved.

Cl. 6.10 - Development within urban water supply catchments

The objective of this clause is to protect the quality of surface and groundwater resources in water catchment areas. It provides heads of consideration to ensure that new development does not adversely impact on water catchment values.

Cl. 6.11 - Rural tourist facilities

The objective of this clause is to permit small scale rural tourist development in the RU2 Rural Landscape zone. The clause enables tourist development in the form of camping grounds, cabins and educational facilities.

Cl. 6.12 - Council infrastructure development

The objective of this clause is to remove the need for Council to obtain development consent for commonly undertaken civil works and facilities. The clause specifies the types of development where consent is, or is not, required.

Cl. 6.13 - Development in flight paths

The aim of this clause is to ensure that new development within the flight path of Lismore Airport does not compromise the safe and efficient operation of the airport. The clause ensures that the height of new development does not exceed the obstacle height limit as defined in the Lismore DCP.

Cl. 6.14 - Development in areas subject to potential airport noise

The objective of this clause is to restrict inappropriate development in areas subject to aircraft noise. The clause outlines the maximum ANEF (Australian Noise Exposure Forecast) that is considered to be acceptable for various types of development.

Urban release areas

The draft LEP allows for special provisions to be applied to areas identified on a map as an “urban release area”. The following clauses in particular are significant:

Cl. 7.6 - Public utility infrastructure

The provision of urban infrastructure, especially water, sewerage and roads, is an important consideration when rezoning greenfield sites for urban residential and industrial purposes. To ensure that adequate arrangements are made between the developer and Council for the provision of infrastructure prior to new subdivision in an urban release area proceeding, the clause provides that development consent must not be granted for development on land in an urban release area unless Council is satisfied that any public utility infrastructure that is essential for the proposed development is available, or that adequate arrangements have been made to make that infrastructure available when required.

The clause applies to:

- the supply of water,
- the supply of electricity,
- the management and disposal of sewage, and
- roads

An urban release area is one that is identified on the Urban Release Areas Map attached to the LEP which identifies the major residential and industrial release areas to be rezoned under the LEP.

Suitable arrangements for the provision of infrastructure could include the developer undertaking to carry out certain works, or the payment of contributions as specified in relevant Contributions Plans and Developer Services Plans, or any combination of these. The necessary infrastructure and sequencing requirements may be identified in a DCP for an urban release area and could be incorporated into a local Contributions Plan for that area. Alternatively the developer could enter into a planning agreement with Council for the provision of the necessary infrastructure.

Where certain infrastructure is required to be provided “up front”, or in accordance with sequenced stages of a development, the suitable arrangements referred to in this clause could be satisfied through a combination of planning agreement and local Contributions Plan. A planning agreement could require upfront payment or works in kind while providing a credit for contributions in later stages of the development.

Cl. 7.7 – Development control plan

This clause provides that development consent must not be granted for development of land in an urban release area unless a development control plan (DCP) has been prepared for the land. The DCP must provide for the following:

- (a) a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing,
- (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
- (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
- (d) a network of passive and active recreational areas,
- (e) stormwater and water quality management controls,
- (f) amelioration of natural and environmental hazards, including bushfire, flooding and site contamination,
- (g) detailed urban design controls for significant development sites,
- (h) measures to encourage higher density living around transport, open space and service nodes,
- (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
- (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.

Heritage

Heritage planning controls are tools for managing change to a building or place, ensuring that an additional layer of assessment must be undertaken when considering development applications for alteration or removal of the item. The implications are:

- Heritage listing within an LEP is a management tool for use in the development assessment process; it is not a commemorative record of every historical site or building within a local government area.
- Heritage listing is appropriate for significant buildings or places which are likely to be subject to change, such as areas subject to development pressures for adaptive reuse or demolition;
- Despite heritage listing, a consent authority may still determine to grant consent to demolition, removal or significant alteration of a listed item.
- Heritage planning controls do not require maintenance or management of the item.

Background

In 1994 Lismore City Council obtained grant funding with which to prepare a comprehensive study of the environmental heritage of the City. The outcomes of this work were:

- Historical Context Report (a thematic study providing the context for the rest of the Study)
- Built Heritage Report
- Specialist Landscape Report
- Specialist Archaeological Report
- Heritage Study Final Report
- Supplementary Report – Heritage Inventory System.

The Study was accompanied by an inventory, comprising a description of the property and an analysis of its significance, of around 650 buildings and places. Only a small number were identified as having heritage significance, the great majority being recommended for 'recording only' – ie inventory sheet and photograph to be kept as a record. Based on the advice of its then Heritage Study Steering Committee, Council in 1998 resolved to prepare an amending local environmental plan which would list built items and places recommended by the Study consultants as being of State, regional or high local significance, and include some localities as heritage conservation areas. Council did not resolve to include 'low local heritage' items in the LEP.

Given this substantial body of work, and the unlikelihood of identifying additional historical themes, the Lismore City-wide Heritage Study itself was not reviewed.

Methodology

All 'low local heritage' items identified in 1994 Study were inspected where possible (given some confusion over addressing in the Study). Owners were contacted with an explanation of the purposes and benefits of LEP listing and were provided with a response form and the names of staff members who could provide additional information. However, the great majority of owners objected to listing their properties within the LEP. No further action is proposed for these items, as they are not under threat.

Relevant community groups were identified and received letters of explanation and the Heritage Office Data Sheets for completion. Press releases resulted in television and radio interviews, and newspaper articles. Council's regular newspaper notices carried notices for two months seeking additional nominations.

Council agreed to assist the Ngulingah Local Aboriginal Land Council in liaising with owners of private property containing cultural heritage sites. Due to the sensitive nature of some of the information, and the potential need for lengthy negotiations with some land owners, identification of Aboriginal cultural sites will be undertaken separately to the current LEP preparation process. Upon final agreed identification of Aboriginal cultural heritage sites and advice from the LALC as to the preferred method of identifying these sites, a separate LEP amendment can be undertaken.

Outcomes

An additional 19 items/places were nominated by community groups and individuals and were considered by Council's Heritage Advisor and Council staff. Four proposals were for sites already contained in the current LEP schedule, and four were contained on public land; a Plan of Management is a more appropriate management tool for public land as it can include mechanisms for maintenance and management of buildings and sites not related to a development application.

Of the 'low local heritage' items, only five owners agreed to LEP listing.

The outcomes of the community consultation are shown in the table 'Nominated New Heritage Items/Conservation Areas' within the attachments to this Business Paper. In summary, the following new heritage items are proposed:

- Community nominated items:
 - Heritage Conservation Area over Eltham village
 - Homestead & Outbuilding, Sharefarmers cottage & Dairy , Lot 1, DP 799204 (688 Eltham Rd, Eltham)
 - Queen Victoria Record Reign Fountain, Spinks Park
 - Wyrallah cemetery, Lot 17, DP755746, Wyrallah Rd.
 - Former Barham St Cemetery, Lot 188, DP755718,

- 5 'low local' heritage items agreed for listing by owner
 - Former Bexhill School of Arts, 47-49 Coleman St., Bexhill;
 - 'Ellery House', 6 Pearson Rd., Cowlong;
 - 'Rochdale House', 612 Ballina Rd., Goonellabah
 - House, 207 Ballina Rd., Lismore;
 - House, 29 Hindmarsh St., Lismore

In addition, the existing list of heritage items has been reviewed to correct addresses and remove items which have received consent for removal/demolition.

Exempt and Complying Development

The standard instrument includes compulsory provisions for exempt and complying development. Development that is either exempt or complying is specified in Schedules 2 and 3 of the draft LEP. For development to be exempt or complying it must satisfy the criteria set out in the LEP.

Schedule 2 and 3 of the draft LEP generally incorporate the provisions of Chapters 19 & 20 (Exempt & Complying Development) of the Lismore Development Control Plan. When the draft LEP comes into effect, the exempt and complying provisions of the Lismore DCP will cease to apply.

S 62 consultations

Section 62 of the *EP&A Act* requires that, when preparing an environmental study or a draft local environmental plan, Council shall consult with such public authorities or bodies as, in its opinion, may be affected by that draft local environmental plan. Where the draft local environmental plan applies to land adjoining the boundary of another council's area, the council shall consult with the council of that area. S62 also provides that the council may consult with such other persons as the council determines.

Prior to the preparation of the draft comprehensive LEP, Council invited comment from the following public authorities:

- The Department of Environment and Climate Change
- The Department of Water and Energy
- The Department of Primary Industries (agriculture, fisheries management and mineral resources divisions)
- The Department of Lands
- NSW Roads and Traffic Authority
- Department of Education and Training
- North Coast Area Health Service
- NSW Rural Fire Service
- Country Energy
- Telstra Australia
- Rous Water
- Richmond River County Council

Council also invited comment from the following councils that share common boundaries with Lismore:

- Tweed Shire
- Byron Shire
- Ballina Shire
- Richmond Valley Shire
- Kyogle Shire

Submissions from those agencies that responded are included in the local environmental study. The consultations are preliminary only and further consultations are proposed now that the draft LEP and environmental study have been prepared. It is proposed that these consultations will commence following Council's resolution to seek an exhibition certificate for the draft LEP from the Department of Planning.

Statutory considerations

Consistency of the draft LEP with relevant State Environmental Planning Policies (SEPPs), Ministerial Directions under section 117 of the *EP&A Act* and relevant provisions of the Far North Coast Regional Strategy are addressed in the tables attached to this report.

Comments

Financial Services

Not required.

Other staff comments

Lismore Water, the Environmental Health section and Council's Development Engineer have provided input into the assessment of the proposed urban release areas to be rezoned under this draft LEP.

Public consultation

A draft community consultation strategy for the draft LEP has been developed, a copy of which is contained in the attachments to this Business Paper.

In summary, the consultation strategy proposes a three month exhibition period with the LES, LEP instrument and maps being made available on Council's website and at Council offices. Many landowners in Lismore are substantially unaffected by the new LEP and so it is proposed to advise the following landowners with individual letters:

- those whose land is undergoing significant zoning change (ie more than zone title only), for example removal of the 2(f), 3(f) and 1(d) zones. There are no equivalent zones in the standard instrument, and consequently, all land within these zones has to be rezoned.
- those who are affected by proposed zones that are new for Lismore, such as the B6 Enterprise Corridor and B4 Mixed Use Zone.
- those who own properties which adjoin, or are in proximity to, the proposed major residential and industrial release areas.
- those who do not live in the LGA and so would not be aware of media notifications.

These landowners will be advised of the proposed zone applying to their property, zone objectives and permissible land uses, and provided with staff contact details for further information.

Presentations can be given to Policy Advisory Groups, community groups, Council's contact forums, or at informal information sessions throughout the LGA, should there be sufficient interest.

There is limited resourcing for public consultation within the 2008/09 Management Plan. Should public exhibition be delayed by the Department of Planning into the subsequent financial year, consideration could be given to additional funding for community consultation, if required.

Conclusion

Preparation of the draft comprehensive LEP for Lismore is a major strategic planning project. While the draft LEP has been prepared in accordance with the mandatory provisions of the State Government's standard instrument, it also contains important local provisions which apply specifically to Lismore.

Preparation of the draft comprehensive LEP has afforded an opportunity to carry out a major review of the current LEP maps which largely date back to 1992. As well as the rezoning of more than 70ha of new residential land in Lismore and more than 54ha of new industrial land, it is considered that the draft LEP will deliver other significant benefits for Lismore.

In particular the provisions requiring site specific DCPs as well as suitable arrangements for the provision of infrastructure prior to a development application being considered for nominated urban release areas will assist in achieving the coordinated and orderly development of land in the major release areas. The detailed mapping of vegetation communities throughout the LGA has also facilitated more rigorous assessment with respect to the identification of rural zones, particularly the environmental protection zones.

The draft LEP also provides better outcomes for flood prone residential properties in that the Low

Density Residential Zone will prevent the further infiltration of incompatible industrial activity into predominantly residential areas such as is permitted under the current 2(f) zone.

The original deadline for completion of comprehensive LEP's for Councils on the North Coast was March 2009. It is understood that it could be some time before an exhibition certificate is issued with some Councils experiencing delays of up to twelve months.

It is therefore recommended that Council seek an exhibition certificate from the Department of Planning to permit exhibition of the draft LEP and environmental study. Upon receipt of an exhibition certificate, a further report will be presented to Council prior to the draft LEP and environment study being placed on public exhibition. The report will advise of any charges to the draft LEP required by the Department of Planning and conditions that the Department might apply to the exhibition. It will also provide an opportunity for Council to further refine the public consultation strategy. The draft LEP will have to be exhibited in accordance with the Department's Guidelines for LEPs and Council Owned Land as the draft LEP proposed the rezoning of Council owned land.

Recommendation (PLA17)

That:

1. Council forward the draft Lismore Local Environmental Plan and environmental study to the Department of Planning with a request that the Director-General issue a certificate certifying that the draft plan may be publicly exhibited in accordance with section 66 of the EP&A Act.
2. Council forward copies of the draft LEP and accompanying environmental study to relevant government agencies and public authorities pursuant to section 62 of the *EP&A Act*, inviting them to provide further comment.
3. A further report be presented to Council following receipt of an exhibition certificate from the Department of Planning prior to the draft LEP and environmental study being placed on public exhibition.

Report

Subject	Strategic Business Plan and Development Servicing Plans for Water Supply and Wastewater Services
File No.	RH:VLC:S969
Prepared by	Strategic Engineer
Reason	To ensure the sustainable provision of water supply and wastewater services for the Lismore City local government area in the long term.
Objective	To obtain a resolution from Council to adopt the draft Strategic Business Plan and draft Development Servicing Plans for Water Supply and Wastewater Services and forward the Development Servicing Plans to the Department of Water and Energy for registration.
Strategic Plan Link	Infrastructure
Management Plan Project	Water Supply and Wastewater Services

Overview of Report

Council staff have been undertaking a review of Council's Strategic Business Plan and Development Servicing Plans for Water Supply and Wastewater Services. This review is a requirement of compliance with Department of Water and Energy Best Practice Management Guidelines. It also comprises a critical component in the long-term management of these critical community services.

A report was submitted to Council in May, following which the draft Strategic Business Plan and draft Development Servicing Plans were placed on public exhibition. This report provides an outline of the public exhibition process and a summary of submissions received. Following consideration of the submissions received, no change to draft documents is considered necessary.

This report recommends that the draft Strategic Business Plan for Water Supply and Wastewater Services and the draft Development Servicing Plans for Water and Wastewater respectively be adopted by Council. The report further recommends that the Development Servicing Plans for Water and Wastewater be forwarded to the Department of Water and Energy for registration.

Background

Water and wastewater services are essential services which promote and maintain the health of the community and protection of the environment. They also represent a significant community asset valued at a replacement cost of \$415 million. The long-term management of these important assets and the service they provide is a critical function of Council.

An important component in the management of these assets is the preparation and regular review of a Strategic Business Plan and Development Servicing Plans for these assets. The Strategic Business Plan requires Council to determine relevant issues affecting the provision of these services, prepare an action plan to address these issues and undertake a financial analysis to determine the level of charges and other sources of funding required to meet these long-term objectives. Development Servicing Plans determines the value of development contributions to be levied from new development. These documents are interlinked with any changes in the value of charges within the Strategic Business Plan affecting the value of development contributions.

The regular review of these documents is a requirement of compliance with Department of Water and Energy Best Practice Management Guidelines.

Over the past year Council staff have been undertaking a review of these important documents with assistance from HydroScience Consulting Pty Ltd. A report on these documents was submitted to Council in May 2008, following which the draft Strategic Business Plan and draft Development Servicing Plans were placed on public exhibition. Copies of the draft Strategic Business Plan and draft Development Servicing Plans for Water Supply and Wastewater Services were previously forwarded to Councillors as an attachment to the May business paper.

This report provides an outline of the public exhibition process and a summary of submissions received. The report includes a recommendation that the draft Strategic Business Plan and draft Development Servicing Plans be adopted and the draft Development Servicing Plans be forwarded to the Department of Water and Energy for registration.

Details of Public Exhibition

Public exhibition of the draft Strategic Business Plan (SBP) and draft Development Servicing Plans (DSPs) for Water and Wastewater included the following:

- Placement of public notices in the *'Northern Rivers Echo'* on consecutive weeks.
- Placement of documents at public locations. The draft SBP was placed at Council's Corporate Centre and CBD Offices, Lismore City Library, Nimbin Visitor Information Centre and The Channon, Clunes, Dunoon and Modanville Stores. The draft DSPs were placed at Council's Corporate Centre and CBD Offices only.
- Placement of documents on Council's website, together with background discussion papers giving further information regarding these documents.
- A media release regarding the draft SBP, and promoting the related public meeting, was issued. This led to an article in the *'Northern Star'* and coverage on ABC radio, in addition to the Mayor making use of a regular spot on commercial radio to advise of the exhibition and public meeting.
- Placement of an article within a regular Council newsletter to builders, advising of the draft DSPs and related public meeting.
- Forwarding of a letter to known developers, consultants and builders; advising of the draft DSPs and related public meeting.
- Telephoning of all local real estate agents; advising of the draft DSPs and related public meeting.
- Two separate public meetings were held with the first providing information on the draft Strategic Business Plan and the latter information on the draft Development Servicing Plans. The first was attended by two residents and three Councillors. The latter was attended by six real estate agents, two consultants and two Councillors.

Summary of Public Submissions Received

A total of one (1) public submission was received in relation to the draft Strategic Business Plan for Water Supply and Wastewater Services and one (1) submission received in relation to the draft Development Servicing Plan for Wastewater. No submissions were received with respect to the draft Development Servicing Plan for Water. Both submissions received were from the same author.

The majority of issues raised within the two (2) submissions received are common to both submissions. This situation has arisen as the majority of the draft DSP for Wastewater is based on material within the draft Strategic Business Plan; so the two documents contain significant amounts of material which is common to both documents.

The issues raised within the submissions received are summarised below, together with relevant comments.

Issue Raised in Submission	Comments
<p>Strongly endorses the inclusion of the Clunes wastewater system within the SBP.</p>	
<p>Queries growth projections of 34% (over 30 years) for villages such as Clunes and Nimbin. [As stated within Table 6 of SBP and Table 1 of the DSP].</p> <p>The submission suggests that this is contrary to current Development Control Plans for these villages and Council's policy of maintaining the village character of these villages.</p> <p>Expresses concerns that in making these growth projections, the SBP and DSP appear to be setting the policy agenda for future Local Environmental Plans for the next 30 years.</p> <p>Adoption of a uniform growth rate across the local government area is unjustified and would lead to inaccuracies in the calculation of the "Weighted Capital Charge".</p>	<p>Growth estimates within the SBP and DSPs are based on an assumption of 1% growth per annum. For the sake of the financial analysis undertaken within the SBP and DSPs, this growth rate has been applied uniformly throughout the local government area.</p> <p>It would be possible to undertake an analysis based on differential growth between Lismore and outlying villages. However, given that projected growth in village areas comprises only 4%-8% of total projected growth (for wastewater and water services respectively), the impact of this change may only be minimal. In general terms, an assumption of slower growth in village areas would lead to a reduction in calculated developer contributions throughout the local government area.</p> <p>In seeking to undertake any analysis over a 30-year period, it is necessary to adopt some arbitrary assumptions. Given the level of uncertainty inherent in making predictions over such a long period, any set of assumptions chosen is likely to be subject to some error. Consequently, adopting more complicated assumptions based on differential growth between different areas may not necessarily produce a more accurate result. The assumption of a uniform growth rate over the whole local government area is considered a reasonable assumption given the level of uncertainty.</p> <p>The suggestion that projected growth in village areas is contrary to existing Council policy documents or development control plans is inaccurate. Council's existing Village Strategies, both the current and proposed new Local Environmental Plan, and current Development Control Plans make provision for growth of existing villages. The projected growth within the SBP and DSPs is considered consistent with future provision for growth contained within these documents, particularly when due allowance is given to the longer time frame of the SBP.</p> <p>As the availability of land suitable for development closer to Lismore becomes constrained, development in village areas may accelerate and more closely match development within Lismore.</p>

Issue Raised in Submission	Comments
<p>Questions the level of service targets set for odour incidents [Table 9 of SBP and Table 2 of DSP], of “not more than 2 incidents per year that result in complaints, and less than 0.2 odour complaints per 1,000 properties” and suggests that this target be set at zero complaints.</p>	<p>As a matter of course, Council’s operational staff aim to minimise odour from wastewater facilities and avoid related complaints. As such, Council staff would currently strive towards an ‘aspirational’ goal of zero complaints within any given year.</p> <p>However, the reality is that achieving a target of zero odour incidents each and every year will often be unachievable. The target set is considered a reasonable compromise between aspirational and achievable goals.</p>
<p>Commends the inclusion of a target for re-use of treated sewage effluent, [as stated within Table 9 of SBP and Table 2 of DSP], but suggests that the adopted target of 25% should be increased to close to 100%.</p>	<p>Council is yet to complete an effluent re-use strategy. [In fact, the completion of such a strategy is one of the actions identified within the Action Plan stated within the SBP]. Until such a strategy is completed, the adoption of a target for effluent re-use is the subject of some conjecture.</p> <p>Following completion of an effluent re-use strategy, effluent re-use targets could be updated within future revisions of the SBP.</p> <p>In the interim, the target stated within the SBP is considered reasonable.</p>
<p>The submissions received also query a comment made within the background discussion papers, placed on Council’s website. These discussion papers had been made available to the public to provide additional information with respect to the SBP and DSPs.</p> <p>In these discussion papers a comment was made that, when land available for future development within Lismore becomes significantly constrained, the pursuit of a decentralised strategy with increased development in outlying villages could be considered.</p> <p>The submission considers such a strategy irresponsible given existing traffic problems, the need to reduce carbon emissions and the economies of centralising services. The submission again queries whether the SBP and DSPs are setting the agenda and changing Council policy without due public consultation.</p>	<p>To a certain extent these issues raised within the submissions are a mute point, given that they relate to a statement within a discussion paper which is not included in either the SBP or the DSPs themselves. In this regard, it is also stressed that the comment in the discussion paper only referred to a possible solution to constraints on the future development of Lismore and was not necessarily advocating a preferred solution.</p> <p>However, the limited supply of land available for development within close proximity of Lismore is a significant issue. If growth targets for the local government area are to be met, significant additional land for urban release will need to be identified within the next 15 to 20 years.</p> <p>The SBP and DSPs do not seek to identify where such land will be located or determine future policy with this regard. However, they help to highlight this as a significant issue which will need to be addressed in the medium term future. Furthermore, they ensure that the cost of servicing this land (as best as this can be estimated), is included in Council’s long term financial plans.</p>

To some extent, concerns raised in the submissions received reflect some confusion as to the role of the Strategic Business Plan (SBP) and Development Servicing Plans (DSPs) and their relationship with Council's Local Environmental Plan (LEP) and other strategic land use planning documents prepared by Council.

In this regard it should be understood that these various planning documents serve different purposes and, in particular, are prepared with vastly different time frames. Council's LEP is generally prepared to match a five to ten year time-frame whereas the SBP and DSPs are required to be prepared using a 30-year time-frame. In this regard, the prime focus of the SBP is to ensure the long term financial viability of water and wastewater services and to flag issues to be addressed. Council's ongoing review of its LEP still remains the instrument which regulates future development. This relationship can be seen in that the SBP projects the costs of servicing future development, even when the location of this development is yet to be determined.

In a similar manner, it is important to understand the relationship between the SBP and Council's annual Management Plan. The SBP is a long term strategic planning document which recommends the charges to be levied and program of works to be undertaken in the short to medium and long term. However, it is Council's Management Plan which actually determines charges and works to be undertaken in any given year.

Following a consideration of submissions received, it is recommended that the Strategic Business Plan and Development Servicing Plans for Water and Wastewater be adopted without change.

Comments

Financial Services

The full implementation of the Strategic Business Plan will require a significant increase in both water (65%) and wastewater (residential 25% and non-residential 56%) charges. This is planned to be introduced progressively over the next two to three years and will be considered and require approval by Council as part of the annual Management Plan process.

In regards to both the Strategic Business Plan and Development Servicing Plans, the recommendations are supported.

Other Staff Comments

Manager - Planning Services

The Strategic Business Plan and Development Servicing Plans are consistent with current land use planning initiatives and will provide a valuable input to longer term land use planning.

Public Consultation

As outlined above, the draft Strategic Business Plan and draft Development Servicing Plans have been the subject of an extensive public consultation and exhibition process.

Conclusion

Water and wastewater services are essential services, which promote and maintain the health of the community and protection of the environment. They also represent a significant community asset valued at a replacement cost of \$415 million. The long-term management of these important assets and the service they provide is a critical function of Council.

The adoption of a credible Strategic Business Plan and Development Servicing Plans for Water Supply and Wastewater Services is a key component in ensuring the sustainable provision of these critical community services.

Draft documents have been placed on public exhibition and consideration has been given to public submissions received.

Recommendation (IS44)

That the following documents be adopted by Council -

1. Draft Lismore City Council Strategic Business Plan for Water Supply and Wastewater Services
2. Draft Lismore City Council Development Servicing Plan for Water
3. Draft Lismore City Council Development Servicing Plan for Wastewater.

Furthermore, that the following documents be forwarded to the Department of Water and Energy for registration –

1. Draft Lismore City Council Development Servicing Plan for Water
2. Draft Lismore City Council Development Servicing Plan for Wastewater.

Report

Subject	Commercial and Multiple Unit Dwellings (MUD) Waste Collection Strategy
File No.	PJK:VLC:S318
Prepared by	Manager - Business Services
Reason	To introduce a new waste service to assist with the recycling program at commercial and multiple unit premises.
Objective	To seek Council approval to proceed with the implementation of a new waste service targeting increased waste diversion from landfill.
Strategic Plan Link	Water and Waste Cycle
Management Plan Project	Waste Services

Overview of Report

At the Council Meeting of March 11, 2008, Council endorsed the trial introduction of the 1,100 litre waste collection service and recommended that the charges for this service be advertised for public comment. The charges were advertised for 28 days and no comments were received from the public. The trial of this new service during the four-month period has shown impressive results and it is recommended that the service be introduced into the range of waste collection services provided by Council.

Background

At the Council Meeting held on March 11, 2008 it was proposed to introduce a new 1,100 litre waste collection service for commercial premises and multiple unit developments (MUDs). The 2007/08 Management Plan for waste services included a review of current systems and alternatives and the carrying out of research into implementation and demand issues. Council resolved to implement the 1,100 litre waste collection service and that the charges for this service be advertised for public comment.

The new charges were advertised in the *'Northern Rivers Echo'* for 28 days, starting on April 10, 2008. During the advertising period no comments were received.

The Trials

A trial of various commercial and unit developments has been undertaken. The results of the trial are as follows:

Private Unit Development

The trial replaced 18 x 240 litre wheelie bins at a block of housing units with:

- 1 x 1,100 litre waste bin
- 1 x 1,100 litre recycling bin
- 2 x 240 litre organic bins.

The trial has significantly reduced the number of wheelie bins required at the unit complex and left on the kerbside, reducing storage requirements and improving the amenity of the building and area significantly. It has also ensured that waste is collected weekly, where previously some residents were not putting their bins out for collection. Although no assessment of recyclable volumes was made prior to the change in bins recyclables, the collection driver attests that volumes from the site have increased. The unit block now also experiences lower levels of recyclable and organics contamination.

The previous waste charge of this unit block was \$1,057.00 and the new service is costing \$1,078.00.

Commercial Business with Kitchen

The customer approached Council to introduce a waste diversion strategy for his business. The trial replaced 11 x 240 litre waste bins with:

- 1 x 1,100 litre recycling bin
- 1 x 1,100 litre organics bin
- 1 x 240 litre waste bin.

Prior to the introduction of the 1,100 litre bins, no recycling was occurring at this premise. Currently the 1,100 litre recycling bin is being collected three (3) times per week. This is resulting in 800 kilograms of recyclables being collected per week.

This business has a large commercial kitchen and so 750 kilograms per week of kitchen organics are also collected.

Public Housing Units

The trial replaced 21 x 240 litre bins at the units with:

- 1 x 1,100 litre waste bin
- 1 x 1,100 litre recycling bin
- 2 x 240 litre organic bins.

The bins are collected at a frequency that results in a similar volume of weekly waste collection to the previous service.

Prior to the trial all the bins from this unit block were collected as waste and no recycling occurred as there were significant problems with recycling and organics contamination at this site. The trial has been linked with an education program funded by the Department of Community Housing. The results are showing that the new service has very limited contamination levels and so the recycling stream from this unit block is now usable.

The trial is resulting in 200 kilograms of recyclables and 40 kilograms of organics being collected per week.

University College 1

The trial replaced 60 x 240 litre waste bins at the units with:

- 4 x 1,100 litre waste bins
- 2 x 1,100 litre recycling bins.

The bins are collected at a frequency that results in a similar volume of weekly waste collection to the previous service.

Prior to the trial all bins from this college were collected as waste and no recycling occurred. As part of this trial the University has supplied all the college units with recycling crates to enable easier recycling.

The trial is resulting in the collection of 1,200 kilograms of recyclables per week.

Government Office Complex

Previous to the trial the office had a standard commercial collection, being 1 x 240 litre waste and 1 x 240 litre organics weekly. No recyclables collection was occurring.

During the period the trial was being discussed, the Government Department moved into a large building with regionalisation of staffing which required significantly larger volumes of waste collection. The situation fitted perfectly for the 1,100 litre bin trial. The new commercial collection was established as a weekly bin service of 1,100 litre waste, a 1,100 litre recycling and a 240 litre organics. Council staff worked with this Department to educate its staff about recycling. This implementation included the introduction of new kitchen recycling bins.

The trial is resulting in 300 kilograms of recyclables being collected per week.

Park Bins

The rear loader truck used in the trial is also being utilised to collect park bins. Previously park bins were manually collected by staff removing plastic bags into a utility. This process was labour intensive with inherent OH&S risks. The new system involves staff taking a wheelie bin from the park to the truck for disposal, which is a safer and more efficient operation.

Benefits of the Service

An evaluation of the 1,100 litre bin trial is as follows:

- **Increased Recycling Diversion** - The trial has resulted in an increase in the volume of recyclables diverted from landfill. Under the trial the few new services are yielding an additional 2.5 tonnes of recyclables being diverted from landfill per week – 130 tonnes per year (an increase of 2% overall). If this service was rolled out across the Council area in similar situations, significant tonnages of waste diversion would be possible.
- **Enhanced Community Education** - The introduction of a reduced number of larger bins has simplified the waste separation and collection process for users of this service. In conjunction with this, an education service delivered to these customers has been a key component to success.
- **Improved Amenity** - The trial has seen a reduction in the number of wheelie bins, particularly in unit developments. A total of 106 small bins have been replaced with 14 bulk bins. This has improved the amenity and space issues associated with the unit developments. The trial has also seen a reduction in wheelie bins left on the kerbside between collections, therefore improving streetscape amenity.
- **Guaranteed Collection** - The trial has seen a guaranteed collection of waste reducing public health issues. At both the unit developments targeted, the trial tenants were having problems with putting their bins out on the correct day and correct week.
- **Price Comparison** - The trial has not cost the unit developments any more funds for waste collection as the trial service has a similar volumetric charge to the previous services. Some businesses have increased their recycling service, resulting in increased fees. However, the fees and charges set for the 1,100 litre collection service has been well received by those customers who are participating in the trial.

Costs of the Trial

- **Costs** – Currently the trial rear loader collection truck is being used for the 1,100 litre bin collection.

The driver spends up to three hours, four days per week completing the 1,100 litre bin collection and park bin collection. (The driver is also the driver of the skip bin truck which empties the Drop-Off Centre and Nimbin transfer station bins). The park bin collection previously took up to two hours per day. The operational cost of the rear loader including the driver is \$100 per hour.

- **Savings** – Savings identified in the trial are made up from replacing other collection services, reduced disposal costs and additional generation of fees. There is also an air space saving at the landfill.

The annualised cost of the service based on the few customers of the trial is set out below -

Trial Service Cost	\$62,400
Previous collection cost included in cost – park bins and wheelie bins	\$21,840
Disposal cost savings	8,570
Additional fees for services	5,024
Total Savings / Revenue	\$35,434
Variance (Additional Cost)	\$26,966
Air space savings	\$21,390

As the major cost of the trial is travel time between the scattered services rather than loading time, it is fair to extrapolate that an increase in service numbers collected will not result in an equivalent increase in time to collect them or cost to do so. That is, the more services to collect the more efficient the collection. It is difficult to work out but a best guess based on the current mix of trial collections so far would suggest that somewhere around the 15 to 20 services mark would see this service pay for itself. A more detailed breakdown of costs is attached to this report. This does not take into account the savings of air space at the landfill which are significant.

With ongoing minor repairs the truck will remain suitable for this part-time service for at least two years. Internal hire rates will generate funds towards future replacement of this vehicle.

The purchase cost of the 1,100 litre bin (around \$600) is factored into the annual fees and charges and is recovered over a five-year pay-back period. Funds are available in the waste operating budgets for initial bin purchases. Any damaged or lost bins are the responsibility of the customer and they will need to pay for a replacement bin.

Estimated Market

The majority of customers looking for this service will be existing customers as it will provide a waste collection system that better suits their needs. Some additional customers may flow from the growing awareness amongst businesses of environmental responsibilities and the lack of a similar service being available in the area.

Interest has already been shown from the local Housing Departments and the University who are keen to roll this service out to their other sites around Lismore. Additionally, a number of businesses have approached Waste staff about the availability of the new 1,100 litre commercial collection, including multiple unit landlords who are looking for solutions to large numbers of wheelie bins at their properties.

It is believed that between 30 and 50 services could be achieved in a short time period.

Comments

Financial Services

In anticipation of the 1,100 litre collection service commencing this year, the 2008/09 Fees and Charges included the following charges -

Description	GST	2007/08	2008/09
Commercial Resource Recovery Collection			
1100 litre Resource Recovery – 1 bin per week.....	T	N/A	880.00
1100 litre Resource Recovery – 1 bin per fortnight.....	T	N/A	440.00
240 litre Resource recovery – 1 bin per week.....	T	N/A	90.00
240 litre Resource Recovery – 1 bin per fortnight.....	T	N/A	45.00

From a financial perspective, it is suggested that if the service is approved, before it commences at least 20 clients are contracted and the target of between 30 to 50 clients is actively pursued.

Other Staff Comments

Manager - Environmental Health

The Environmental Health Section has over time received complaints regarding management of bins at unit complexes and the poor amenity they create for surrounding residence. The trial of the new service appears to have had great success in regard to the problems associated with bin storage, waste collection and amenity. In addition, the increase in recycling rates and organics collection complements Council's Waste Minimisation Strategy in this regard.

Public Consultation

The charges for the new 1,100 litre collection services have been advertised for 28 days. No submissions were received. Feedback from those involved in the trial has been positive.

Conclusion

The establishment of this service provides at least a partial solution to Council and users alike for the problems of:

- Large numbers of bins at multiple unit dwellings creating storage, amenity and waste collection problems.
- Low participation in waste collection services in low socioeconomic areas resulting in public health issues and waste stream contamination issues.
- The lack of suitable recycling services for commercial operations.

The trial has demonstrated the proposal addresses the above problems; it is operationally feasible, and with an expansion of the service, economically viable.

Recommendation (IS45)

That Council approve the introduction of the 1,100 litre bin collection service to the waste collection service alternatives.

Report

Subject	Code of Conduct
File No.	S34
Prepared by	Corporate Compliance Coordinator
Reason	Review of Model of Code of Conduct
Objective	To adopt a Council Code of Conduct
Strategic Plan Link	Leadership by Innovation
Management Plan Project	Councillors

Overview of Report

The Department of Local Government has reviewed the Model Code of Conduct this requires Council to review its own Code of Conduct.

Background

The Department of Local Government has completed a review of the Model Code of Conduct for local Councils which was first endorsed in 2005. The reviewed Model Code was gazetted on June 20, 2008 and is separately enclosed with the Business Paper.

Under Section 440 of the Local Government Act, Council is required to adopt a Code of Conduct which incorporates the Model Code. Council may impose additional or harsher requirements but cannot diminish the intent of the Model Code.

Council previously adopted the Model Code without amendment as its Code of Conduct and this is what is proposed in this case.

Changes to the Code.

There are many changes to the Model Code which aim to improve its readability and ease of implication and these are detailed in the DLG Circular No 08-38 which has been enclosed with the Business Paper. Councillors are urged to make themselves familiar with the changes.

The revised Code of Conduct adopted by the Council will feature in the education of the new Councillors and will be required to be reviewed by the new Council within its first 12 months.

Complaint Handling

This portion of the Model Code (Clause 12-14) is the section which has undergone the most significant change particularly with the requirement for independent conduct reviewers/Review Committee. Currently this includes the General Manager, Mayor and on occasions the Deputy Mayor.

It is proposed that Expressions of Interest will be called for the persons to fill the position for the Review Committee, with the appointments being made by the new Council.

Advice has been sought from the Department as to what should occur in the interim period until

permanent appointments are made. Their advice was that Council could consider the temporary appointment of one or more reviewers pending the decision by the new Council. In this regard it is proposed to appoint the current independent member of the current Conduct Committee (David Wolfe, Solicitor) for this interim period.

Transitional Arrangements

The transitional arrangements provide that Council will continue to deal with any current complaints in accordance with the procedures established in Council's current Code of Conduct.

Comments

Financial Services

Not requested.

Other staff comments

Not requested.

Public consultation

The Code is not required to be advertised prior to adoption by Council. The adopted Code will be placed on Council's web site.

Recommendation

That the report be received and:

1. That Council adopt the Department of Local Government's Model Code of Conduct as its Code of Conduct.
2. That Council call for Expressions of Interest from people interested in being conduct reviewers and members of the Conduct Review Committee.
3. That David Wolfe be appointed as a Interim Conduct Reviewer pending the permanent appointments by Council.

Report

Subject	Annual Remuneration Fee for Mayor and Councillors
File No.	S38
Prepared by	Corporate Compliance Coordinator
Reason	Determination by Local Government Remuneration Tribunal
Objective	Adopt Mayoral and Councillor fees for 2008/09
Strategic Plan Link	Leadership by Innovation
Management Plan Project	Councillors

Overview of Report

The Local Government Remuneration Tribunal each year determines the annual fees to be paid to Mayors and Councillors.

Background

Pursuant to Section 241 of the Local Government Act 1993, the Local Government Remuneration Tribunal has determined the annual fees to be paid to Mayors and Councillors during the period July 1, 2008 to June 30, 2009. The Tribunal has determined that there will be an increase of 4% for all minimum and maximum fees for Councils.

Lismore City Council is a category 3 Council and should now determine the annual fee to be paid within the minimum and maximum range as determined by the Tribunal. If Council does not fix a fee the amount defaults to the minimum.

Councillor Fee

The Councillor fee for category 3 Councils is a minimum fee of \$6,870 and a maximum fee of \$15,120.

Mayoral Fee

The Mayoral fee for category 3 Councils is a minimum fee of \$14,610 and a maximum fee of \$33,010.

Council currently pays the maximum fee for both Councillors and the Mayor.

Comments

Financial Services

The 2008/09 Budget provides for a total of \$161,400 (approximately \$14,700 each) for Councillor Fees and \$32,800 for the Mayoral Fee. For 2007/08, Councillor Fees were \$14,540 each and the Mayoral Fee was \$31,740. If the maximum fee for both Councillors and the Mayor is approved, the 2008/09 Budget deficit will increase by approximately \$5,200 to \$61,700.

Other staff comment

Not required.

Public consultation

Not required.

Recommendation

That Council determine the fee payable for Councillors and the Mayor for 2008/09.

Report

Subject	Draft Amendment No. 36 to Lismore Local Environmental Plan – Pineapple Road
File No	S950
Prepared by	Strategic Planner
Reason	Receipt of valuation report for the dedication of a public road reserve
Objective	Resolution to prepare draft LEP amendment
Strategic Plan Link	Economic Development
Management Plan Project	Implement adopted Council land use strategies

Overview of Report

This report is provided in response to Council's resolution of November 13, 2007 and presents the recommendation of an independent valuation report that was commissioned to determine an appropriate compensation figure for the dedication of a public road reserve over land in Pineapple Road. If the compensation figure is acceptable to Council, Council can proceed with the preparation of a draft LEP amendment and planning agreement to enable future rural residential subdivision of the land.

Background

At its meeting of November 13, 2007 Council considered a report on the proposed rezoning of Lot 2 DP 1064627 and Lot 8 DP 253464 Pineapple Road Goonellabah to enable rural residential development. Each lot is in separate ownership and both parcels are identified in the Lismore Rural Housing Strategy as having potential for rural residential development.

The draft LEP amendment was to be accompanied by a draft planning agreement covering a range of matters including, but not restricted to, the upgrading of Pineapple Road. Pineapple Road is identified as an urban strategic road in the Lismore DCP and Section 94 Contributions Plan, providing a future road link between Ballina Road and Bangalow Road. These matters were outlined in the Council report of November 13, 2007, a copy of which is attached to this report. A copy of the subdivision concept plan is also attached to this report.

An issue connected to the upgrading of Pineapple Road related to the payment of compensation to the owner of Lot 2 DP 1064627 for the dedication of the land as public road reserve to permit the future extension of Pineapple Road. When the proposal was reported to Council in November 2007, agreement had not been reached with the owner of Lot 2 concerning the amount of compensation to be paid for the dedication of the road reserve.

Council resolved that the report be deferred to allow for further negotiations on the issue.

Valuation report

Herron Todd White (property valuers) was engaged by Council to prepare an independent valuation report. The report is based on “before” and “after” scenarios, i.e. it assumes that there would have been rural residential subdivision potential of the land prior to Council’s adoption of the relevant plans and policies that have identified the strategic road corridor. Although the validity of this argument is not necessarily accepted, the valuation proceeded on this basis in an attempt to arrive at a compensation amount that might be acceptable to both parties.

The report’s conclusion is summarised as follows:

Decrease in value of land (15% decrease in value of 11 proposed rural residential lots fronting the proposed urban strategic road)	\$129,256
Decrease in value of existing house due to proximity of urban strategic road (5%)	\$ 28,148
Total	\$157,404
Adopt for practical valuation purposes	\$160,000

In addition to the compensation for dedication of the road reserve, there is a previous compensation agreement between the owners and Council for relocating the existing house to a new location on the property further away from the proposed strategic road. The figure agreed in 2004 was \$30,000 (plus CPI from 1997). This equates to \$41,000 at current 2008 values.

The owners of Lot 2 DP 1064627 have advised that they will accept the recommended valuation in the Herron Todd White report. Should Council agree to the compensation figure recommended by Herron Todd White, the total compensation payable by Council to the owners of Lot 2 DP 1064627 would be \$201,000. By comparison the amount of compensation that has previously been offered was \$160,000 (including compensation for house relocation).

Planning Agreement

The report of November 13, 2007 outlined the matters to be included in a draft planning agreement to accompany draft LEP Amendment No. 36. The planning agreement will address road upgrading requirements as well as ensuring that a future subdivision application is in accordance with the plans submitted with the rezoning submission and that proposed riparian rehabilitation works are carried out in accordance with the submitted plans.

The proposed terms of the Planning Agreement in relation to road upgrading are:

1. The developers to pay a contribution of \$255,000 (\$6,070 per lot) to Council as a contribution towards the upgrading of the section of road from the end of the existing upgraded section of Pineapple Road to the southern most frontage of the land to be rezoned.
2. The section of Pineapple Road fronting the proposed development will be constructed by the developer prior to the release of the first Subdivision Certificate. The road shall be constructed as a 7 metre wide seal on a 13 metre wide formation. Council is to pay a contribution of \$94,000 towards this work. The contribution has been based on the difference in cost from a 7m seal on a 9m gravel formation (required for the development) to a 7m seal on 13m gravel formation (required for the strategic road).
3. Council shall pay to the developer the rural land value (\$5770) of the additional land to widen the road reserve from 20m to what is required to accommodate the strategic road.
4. The developer shall dedicate to Council a public road reserve as indicated on the attached plan. As

compensation for the purchase of this land and for the relocation of the existing dwelling, Council shall pay to the developer, upon dedication of the land, an amount as agreed to by Council. The land dedication shall be incorporated within the first subdivision certificate for the rezoned land and the bulk earthworks shall be undertaken either by or at Council's expense prior to release of the lots.

If Council accepts the Herron Todd White report, the compensation amount referred to in point 4 above would be \$201,000. Points 1 to 4 above will apply to the owners of Lot 2 DP 1064627, however only point 1 will apply to the owner of Lot 8 DP 253464. Therefore it is recommended that separate planning agreements be prepared for each landowner incorporating the relevant requirements as outlined in this report.

Comments

Financial Services

If a planning agreement based on the above information is agreed, Council will receive \$255,000 towards the construction costs of Pineapple Road at a later date, however Council will be required to contribute \$94,000 towards the construction of Pineapple Road and \$201,000 towards land acquisition and house relocation costs.

As only a maximum of 17% (\$16,000) of the \$94,000 contribution towards Pineapple Road can be funded from the current Urban Strategic Roads Section 94 Plan, Council will need to fund approximately \$279,000 from other revenue sources. This amount will need to be factored into future road budgets.

Other staff comments

Council's Environmental Health and Building Section, Development Engineer and Assistant Engineer Contracts have had input into the assessment of the rezoning proposal.

Public consultation

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

Conclusion

The assessment undertaken for the November 2007 Council report concluded that the rezoning proposal complies with the requirements of the Lismore Rural Housing Strategy, NCREP, S117 Directions and relevant Council policies. If Council agrees to the compensation amount recommended in the independent valuation report, draft planning agreements can be prepared for the owners' signatures and it is considered that the rezoning proposal can proceed to the public exhibition stage.

Recommendation

That Council resolve to:

1. prepare a draft amendment to Lismore Local Environmental Plan 2000 Pursuant to Section 54 of the *EP&A Act 1979* to include the subject land in Schedule 4 to allow rural residential subdivision in accordance with concept plan submitted by Newton Denny Chapelle,
2. notify the Director-General of Planning of Council's decision in accordance with Clause 9 of the *EP & A Regulation 2000*,
3. consult with relevant government and other agencies pursuant to section 62 of the *EP&A Act*,
4. prepare two draft planning agreements (one for each landowner) incorporating the proposed requirements as outlined in this report , and
4. advertise the draft LEP amendment and draft planning agreements (when signed by the landowners) for a period of twenty eight days upon receipt of an authorisation to exercise its delegations from the Department of Planning.

Report

Subject	Adoption of Amendment No. 4 to Lismore Development Control Plan – Tree Preservation Order
File No	S924
Prepared by	Senior Planner
Reason	Close of Public Exhibition Period
Objective	Council's adoption of Amendment No. 4 to the Lismore Development Control Plan
Strategic Plan Link	Economic development
Management Plan Activity	Implement adopted Council Land Use Strategies

Overview of Report

This report is to inform Council of the outcomes of the public exhibition of Lismore Development Control Plan - Amendment 4 – Chapter 14 – Tree Preservation Order. The aim of the amendment is to make it easier for invasive, potentially hazardous and generally unsuitable trees in residential areas to be removed or pruned. Council received 12 submissions during the exhibition period, 10 of which support the proposal. A valid issue relating to the need to consider the proximity of a tree to a dwelling was raised by submitters. It is therefore recommended that Council adopt the proposed amendment to the Lismore DCP with the modification detailed in this report.

Background

At its meeting of June 10, 2008 Council resolved to place draft Amendment No. 4 to the Lismore DCP on public exhibition. The proposed amendments to the Lismore DCP are to Chapter 14 – Tree Preservation Order. The draft Amendment was placed on public exhibition for a period of 28 days between 26 June 2008 and 28 July 2008. 12 submissions were received during the exhibition period, 10 of which support retention of the TPO. These are addressed below.

Overview of Proposed Amendment to Tree Preservation Order

The proposed amendments:

- Exempt the following from the Tree Preservation Order:
 - Trees located within two (2) metres of a Dwelling; and
 - Tree (s) required to be pruned and/or removed in accordance with the *Electricity Supply Act 1995*.
- Insert the words 'and Pruning' to the title of Clause 14.11 so that it reads Criteria for Removal and Pruning.
- Modify the criteria for the removal of trees to allow consideration to be given to:

- The removal of any tree (s) causing structural damage to a dwelling **instead** of whether it is within six (6) metres of a dwelling; and
- The pruning of branches that are overhanging a dwelling.

Public Consultation

12 submissions were received during the public exhibition period, 10 in favour of the retention of the Tree Preservation Order and the proposed amendments. Copies of the submissions are included as an attachment to the Council Business Paper. The comments made and issues raised and the staff response to these issues are summarised in the table below. The submission received after the close of the exhibition period has not been included below. It is noted that it supports the proposed amendment.

Submissions/Issues Raised	Response
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<ul style="list-style-type: none"> • Could a provision be inserted to differentiate between varieties of trees and the zone of influence of roots and branches in the required distance from a dwelling? Two (2) metres may be adequate for a frangipani but six (6) metres would be more appropriate for eucalypts and 20 metres for a fig. • Re the addition of 'pruning' – surely the pruning of branches that are overhanging a dwelling would signify that the tree is taller than the dwelling and could be a possible danger, not only from above, but also structural damage from roots. 	<ul style="list-style-type: none"> • The proposed exemption is intended to allow any tree (as defined by the TPO) within two (2) metres of a dwelling to be removed without any application to Council. This exemption is consistent with other councils' Tree Protection Orders in the area (for example, Ballina and Byron Shire Councils). Extending this exemption to six (6) metres would be contrary to the objectives of the TPO and may result in the removal of trees that do not cause a problem to dwellings. • While it is not appropriate to extend the exemption area to six (6) metres, the submitter's comment about giving consideration to the appropriateness of some trees in proximity to dwellings is valid. The current criteria for considering applications to prune and/or remove a tree(s) include: <ul style="list-style-type: none"> ○ <i>'whether the tree(s) is dead, dying, dangerous or diseased'</i> and ○ <i>'whether the tree(s) is within six metres of a dwelling (dependent on tree(s) species and soil type).'</i> <p>The amendment proposes to replace the second criterion with <i>'whether the tree(s) is causing structural damage to a dwelling. Note that evidence may need to be provided by a suitably qualified person if the damage is not evident.'</i> It is considered that the second criterion should be <u>retained</u> and consideration of structural damage included as an <u>additional</u> criterion. Whether a tree is causing structural damage to a dwelling is an important issue to consider but the location of a tree in proximity to a dwelling is also a relevant consideration. This modification is consistent with the aim of amendment, which is to make it easier for invasive, potentially hazardous and generally unsuitable trees in residential areas to be removed or pruned. It should be noted that these are criteria to consider in the removal or pruning of a tree and may not, on their own, determine the outcome of an application.</p> • The TPO requires applications to be assessed by a qualified arborist, which allows specialised consideration to be given to different tree species and their impacts on dwellings. • Overhanging branches may be dangerous to a dwelling from above but it does not necessarily mean that the tree is causing structural damage to a dwelling. This is site and tree dependant. Pruning individual branches recognises the safety issues for dwellings and allows desirable trees to be retained while not affecting the structural soundness of the tree, which may cause problems.
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<ul style="list-style-type: none">• The CSIRO 'Improving the Building Environment' advises against having huge eucalypts (mature height over 8-9m) on suburban residential blocks. Based on this, the proposed 2m clause is absurd and should be replaced with, 'Tree(s) located within .75 of the eventual mature height of the tree(s) of a dwelling'.• The criterion that states 'Whether the tree(s) is causing structural damage to a dwelling' is tantamount to closing the gate after the horse has bolted. Why not allow people to get rid of the tree before it causes damage? People should be allowed to make their own decision about what trees are dangerous. After all, they are the ones who will have to pay for any damage.	<ul style="list-style-type: none">• The CSIRO brochure is an Information Sheet for home owners. It states that it is intended to <i>'provide guidance to home owners on their responsibilities for the care of clay foundations, and to discuss the performance that can be expected from a footing system'</i>. The current and proposed criteria for removal of trees in the TPO allow consideration of trees that are planted inappropriately, and this may include very large eucalypts.• It may be difficult for many people to make an assessment of the potential for a tree to cause structural damage without specialist assessment. It is appropriate for the removal of trees covered by the TPO to be assessed by Council's arborist.
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<ul style="list-style-type: none"> • Wildlife depends on trees for habitat and loss of habitat results in injured wildlife; • Lismore is lucky to have a vibrant koala colony in its midst and the retention of koala food trees is vital to the long-term survival of the koala in town. Koalas in town move along defined corridors. In many places the remaining food trees are 100 to 200 metres apart and their removal will make the fragile population more vulnerable to dog attack and Chlamydia disease; • If the protection is removed there will be a threat to habitat and inevitably a break in koala corridors; • Kookaburras and other bird life inhabit trees and these must be protected as well; • It is part of Council's responsibility to help safeguard the natural environment; • Allowing the removal of trees that support urban koalas would have an adverse impact on tourism and the environmental quality and beauty of the City; • Revoking the Order would encourage land owners to bulldoze eucalypts in a Koala corridor; • The planet needs all the trees it has and we should be increasing our tree population for environmental benefits; • There are reasonable avenues for people to remove problem trees under the TPO; • Removing the TPO would give developers a clean slate to remove trees without checks; • An increased reduction in tree cover will reduce urban shade, which will lead to increased energy use to cool dwellings and greater impacts on climate change; • Increasing tree removal will increase urban noise and pollution during tree removal; • TPOs are a common legislative tool for Councils to protect the environmental and heritage values that trees provide. The current proposed amendments will provide some additional flexibility in interpretation of the TPO; • The TPO has proven a professional tool that enables a balance between the need to remove dangerous or inappropriate trees and the desire to remove trees without the expertise to assess any impacts of the removal of such trees on the environment. • The reduction in fees seems sensible but there should be an increase in penalties. • The TPO should be extended to include current and future rural residential development areas, such as Richmond Hill, Caniaba, McLeans Ridges, Eltham, Whyrallah and the villages. 	<ul style="list-style-type: none"> • The comments made in support are noted. • The TPO does apply to the Village Zone, which covers Bexhill, Caniaba, Clunes, Dunoon, Goolmangar, Nimbin, The Channon, and Wyrallah. • The removal, pruning or harming of trees in the Rural Residential Zone requires consent from the Northern Rivers Catchment Management Authority under the <i>Native Vegetation Act 2003</i>. Extending the TPO to Rural Residential Zones is outside the scope of this report. However, the TPO will apply to rural residential development when new Standard LEP Template Zones are implemented.
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Conclusion

Amendment No. 4 to the Lismore DCP to amend the Tree Preservation Order was on public exhibition from June 26, 2008 to July 28, 2008. 12 submissions were received during the public exhibition period, 10 in support. The issues raised have been addressed above and it is recommended that Council adopt Amendment No. 4 to the Lismore DCP with the modification detailed in the above section of the report and give public notice that the amendment as modified is adopted.

Recommendation (PLA14)

1. That Council adopt Amendment 4 of the Lismore Development Control Plan with the modification detailed in the report and the attachment to this report.
2. That Council give public notification of the adoption of Amendment No. 4 to the Lismore DCP in accordance with the *Environmental Planning and Assessment Regulation 2000*.

LISMORE DEVELOPMENT CONTROL PLAN**AMENDMENT NO. 4****Citation**

1. This plan may be cited as Lismore Development Control Plan Amendment No. 4.

Land to which this plan applies

2. This plan applies to the partial or total removal of trees within the non-Rural Zones in Lismore.

Objectives

3. This plan aims to amend the Lismore Development Control Plan by:
 - Inserting the following exemptions in Chapter 14 – Tree Preservation Order:
 - Trees located within two (2) metres of a Dwelling; and
 - Tree (s) required to be pruned and/or removed in accordance with the *Electricity Supply Act 1995*.
 - Inserting the words ‘and Pruning’ to the title of Clause 14.11.
 - Modifying the criteria for the removal of trees in Chapter 14 to allow consideration to be given to:
 - The removal of any tree (s) causing structural damage to a dwelling; and
 - The pruning of branches that are overhanging a dwelling.

Amendment of Lismore Development Control Plan No. 4

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

Schedule 1

Part A: Chapter 14 – Tree Preservation Order

1. Clause 14.9 Exemptions to the Tree Preservation Order

Insert additional exemptions as follows:

- Any tree(s) located within two (2) metres of a Dwelling.
- Any tree(s) required to be pruned and/or removed in accordance with the *Electricity Supply Act 1995*

2. Clause 14.11 Criteria for Removal

After the word 'Removal' in the title of the clause, add the words 'and Pruning'.

Insert additional criteria as follows:

- Whether the tree(s) is causing structural damage to a dwelling. Note that evidence may need to be provided by a suitably qualified person if the damage is not evident.
- Branches which are overhanging a dwelling will be considered for pruning.

Report

Subject	Adoption of Amendment No. 5 to Lismore Development Control Plan – Chapter 7 - Off-Street Car Parking
File No	S924
Prepared by	Senior Planner
Reason	Close of Public Exhibition Period
Objective	Council's adoption of Amendment No. 5 to the Lismore Development Control Plan
Strategic Plan Link	Economic development
Management Plan Activity	Implement adopted Council Land Use Strategies

Overview of Report

This report is to inform Council of the close of public exhibition for Lismore Development Control Plan - Amendment 5. The amendment proposes reduced car parking rates in the CBD, adoption of a policy for shared parking and consolidated parking in the CBD, modification of the parking rate for Bulky goods showrooms and changes to the structure of the current Chapter 7 – Off Street Car Parking. The proposed amendments aim largely to provide incentives for redevelopment in the Lismore CBD. The proposed amendment was publicly notified and referred to the Lismore Chamber of Commerce and the Economic Development Policy Advisory Group for review and comment. Council received three (3) submissions during the exhibition period. These submissions raised concerns about matters in Chapter 7 that were not proposed to change in the amendment. However, the issues raised do require a review that is not possible to achieve in the timeframe of the current Council Business Paper. Rather than delay the introduction of the reduced parking rates in the CBD, it is proposed to consider the matters raised by the submitters in a report to the November 2008 Council meeting. It is therefore recommended that Amendment No. 5 be adopted by Council in the form in which it was publicly exhibited.

Background

At its meeting of 19 June, 2008 Council resolved to place draft Amendment No. 5 to the Lismore DCP on public exhibition. The proposed amendment to the Lismore DCP is to replace Chapter 7 – Off-Street Car Parking with a revised Chapter 7 that incorporates the following changes:

- A new map that redefines the boundaries of the Lismore CBD for the purposes of Chapter 7;
- A single rate of car parking in the CBD for non-residential uses of 3.3 spaces per 100m² gross floor area;
- A 25% reduction in the rate of car parking where the parking is “shared” or “consolidated”, subject to satisfying a number of criteria;
- Change the rate for Bulky goods showroom to 3 spaces per 100m² for gross floor area (GFA) under or equal to 400m² and 2 spaces per 100m² for GFA over 400m².

The proposed amendments are attached to this report.

The proposed reduction in parking rates was recommended by TTM on the basis of a current over-supply of parking in the CBD and the way these rates operate as a disincentive to development and redevelopment.

The draft Amendment was placed on public exhibition for a period of 28 days between 26 June 2008 and 28 July 2008. The draft Amendment was also sent to the Lismore Chamber of Commerce and the Economic Development Policy Advisory Group for review and comment. Three (3) submissions were received during the exhibition period. The submissions do not raise any concerns with the proposed amendments.

Public Consultation

Three (3) submissions were received during the public exhibition period. The submissions raise concerns about matters that were not proposed to change in the revised Chapter 7. The issues raised are detailed in the table below. The matters are valid and most require further consideration.

However, the main policy changes proposed to Chapter 7 relate to reducing parking rates in the CBD with the aim of providing incentives for development and redevelopment in the CBD. In recent times Development Assessment staff have had discussions with developers interested in pursuing opportunities in the CBD but who are currently dissuaded by the parking requirements. It is therefore considered that the introduction of incentives for development should not, if possible, be delayed.

Apart from the House Keeping category, as the majority of issues raised by submitters require a review that is not possible to achieve in the timeframe of the current Council Business Paper, it is recommended that they are considered in a separate report to be presented to the November 2008 Council meeting. Prior to this time, these issues can be considered as they arise on individual development applications.

With regard to the items included under House Keeping below, a distinction between the requirements for articulated vehicle turning areas for Boarding Kennels and Individual Shops has been made by the inclusion of a line under Animal Establishment and Shopping Complexes in Column 3 of Table 1. This is not a policy change but aids in the interpretation of the Table.

Submissions/Issues Raised
<p><u>House Keeping</u></p> <p>Animal Establishments and Boarding Kennels are grouped in one 'category' both needing provision for turning articulated vehicles on site. Shopping Complexes and Individual Shops are similarly grouped. In both groupings Boarding Kennels and Individual Shops need to be separated to make it clear that they need not provide turning area for articulated vehicles.</p>
<p><u>Landscaping</u></p> <p>Car parks are for parking vehicles not providing additional landscaping. Landscaping should not be increased to fully screen parks, provide shade, or be a minimum 2 metres wide. Fully screened and shaded car parks become difficult and expensive to maintain, provide an area for crime and the minimum width of 2 metres make it more difficult to provide the required number of spaces in a new development. A reduction to 1 metre would be more suitable.</p>
<p><u>Bulky Goods Showroom</u></p> <p>The different parking rates for large and small 'Bulky Goods Showrooms' are supported but the necessity to provide turning for articulated vehicles on site should also be related to size.</p>

Loading Bays and Manoeuvring Areas

- The requirements for loading bays and manoeuvring areas are very restrictive to some developments. The need to provide for articulated vehicles should be determined by the type of business activity, not its land use. The following businesses all need to provide area for an articulated vehicle to manoeuvre and load/unload but some would never require the services of an articulated vehicle:
 - Boarding Kennel;
 - Bulky Goods Showroom;
 - Shops;
 - Warehouse;
 - Bulk Store;
 - Rural Industry;
 - Storage Sheds.

Many industrial lots in Lismore do not provide enough room for a suitable building, car parking & loading bays/ manoeuvring areas for an articulated vehicle.
- The provision of articulated turning vehicle areas for 'bulk stores', 'bulky goods showrooms' and 'warehouses' should only apply when the floor area is 1000m² or greater for a single use. Floor areas less than this should only provide an area for large rigid vehicles to turn/manoeuvre. The transport industry has changed considerably in the last 5-10 years. On small sites a semi-trailer arrives at a central depot, typically in South Lismore, transfers its load to smaller rigid trucks then delivers the goods to respective small showrooms and/or bulk stores.
- If a bulky goods showroom wants to use an existing building in an existing subdivision but the site is not large enough for an articulated vehicle, will the development be refused? If the DCP differentiates on floor area for vehicle turning requirements, such a development could occur.
- Consideration could also be given on smaller sites to allowing a layby to be constructed off the existing street for articulated vehicles to pull into to offload without interfering with the road's normal functioning. This could only be implemented where the width of kerb permits.
- A distinction should be made in the 'motor showroom' category between new car dealerships that are mostly nationwide dealerships and 'local' second hand car showrooms up to 20-30 vehicles, with the former only needing to provide articulated vehicle turning on site.
- Boarding Kennels should be separated from 'Animal Establishment' and have no requirement.
- Articulated vehicle requirement for a Rural Industry depends on the type and size of its operation e.g. a dairy farm may need an articulated vehicle but a smaller operation such as a coffee or herb farm would not even use a large rigid vehicle.

Conclusion

Amendment No. 5 to the Lismore DCP to replace Chapter 7 – Off Street Car Parking was on public exhibition from 26 June 2008 to 28 July 2008. Three (3) submissions were received. These submissions raised concerns about matters in Chapter 7 that were not proposed to change in the amendment and which require a more detailed review. Rather than delay the introduction of the reduced parking rates in the CBD, it is proposed to consider the matters raised by the submitters in a report to the November 2008 Council meeting. It is therefore recommended that Amendment No. 5 be adopted by Council in the form in which it was publicly exhibited.

Recommendation (PLA12)

1. That Council adopt Amendment 5 of the Lismore Development Control Plan in the form in which it was publicly exhibited.
2. That Council give public notification of the adoption of Amendment No. 5 to the Lismore DCP in accordance with the *Environmental Planning and Assessment Regulation 2000*.

LISMORE DEVELOPMENT CONTROL PLAN**AMENDMENT NO. 5****Citation**

1. This plan may be cited as Lismore Development Control Plan Amendment No. 5.

Land to which this plan applies

2. This plan applies to all development within Lismore that requires the provision of off-street car parking.

Objectives

3. This plan aims to amend the Lismore Development Control Plan by replacing the existing Chapter 7 with a new Chapter 7 that:
 - adopts a single car parking rate for non-residential development in the Lismore CBD;
 - introduces a policy for shared parking and consolidated parking in the Lismore CBD
 - modifies the car parking rate for Bulky goods showroom;
 - removes duplication and reference to a superseded State Environmental Planning Policy; and
 - improves document structure and layout.

Amendment of Lismore Development Control Plan No. 5

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

Schedule 1

Part A: Chapter 7 – Off Street Parking

Delete Chapter 7 – Off Street Parking and insert instead:

Chapter 7 – Off Street Parking

7. Off Street Carparking

7.1 Objectives of this Chapter

1. To ensure that parking supply and management in new developments supports Council policies and objectives for the development of Lismore;
2. To ensure that traffic generating developments make adequate provision for off-street carparking, such that the needs of occupants, users, visitors, employees, service and delivery vehicles are met;
3. To ensure the safe and efficient circulation of vehicles entering, leaving and within carparking and service/delivery areas;
4. To ensure that carparking facilities combine with and embellish subject developments, such that the visual impact of the carparking area is minimised and seen as an integral part of the development;
5. To minimise the detrimental effects (particularly visual and radiated heat effects) associated with off-street carparking areas on the amenity of Lismore;
6. To ensure that entry/exit points to carparking and service/delivery areas are situated in a way that sight distances are maximised, and disruption to the circulation of vehicles on the public road system is minimised.

7.2 Applicability and Definitions

This chapter applies to the provision of off-street carparking only. It assumes a suitable level of on-street carparking exists.

The definitions used in this Chapter are the same as in Schedule 7 of the Lismore Local Environmental Plan 2000.

7.3 Consultation and Pre-lodgement Advice

Applicants are encouraged to consult with Council's Planners prior to the submission of a Development Application or Council's Environmental Health Officers and Building Surveyors prior to the lodgement of a Development Application and/or Construction Certificate.

In relation to SEPP (Infrastructure) 2007, certain classes of development detailed in Schedule 3 must be referred by Council to the Roads and Traffic Authority (RTA) of NSW. Advice in this regard is readily available from Council's town planning staff.

Council's Public Transport Advisory Policy Group can provide pre-lodgement advice regarding the availability of, and infrastructure for, public transport. The Traffic Advisory Committee can provide advice on traffic control facilities within private developments such as shopping centres, upon request. The provision and maintenance of public transport timetable information is the responsibility of the transport operator.

7.4 Information Required with Development Applications

All development applications shall be accompanied by plans, drawn to scale, showing proposed locations and arrangements for:

- Off-street parking;
- Loading and unloading areas (where applicable);
- Circulation of traffic within, in/out of the property or parking area/s;
- Location, gradients and levels of access aisles, entry and exit points;
- Landscaping details (including location and species of shade trees, screening etc);
- Basic engineering design in relation to drainage and cut and fill of carparking area/s;
- Location and design of entry/egress to public roads; and
- Pedestrian travel paths being isolated from vehicle movements.

In the case of major developments (for example, those listed in Schedule 3 of State Environmental Planning Policy (SEPP) (Infrastructure) 2007), the preparation of a traffic study by a suitably qualified person may be required.

7.5 Consideration of Applications

In determining the carparking requirements for any development that requires consent or approval, the Council shall consider:

- The minimum number of spaces required as specified in Schedule 1 (if outside the Lismore CBD) or as specified in clause 7.7.3 of this Chapter (if within the Lismore CBD);
- The size, type and nature of the development and its traffic generating potential;
- Traffic volumes on the public road network servicing the development;
- The probable mode of transport of users to and from the development;
- The characteristics of the streetscape, the site, topography, neighbouring development pattern, street design (road layout, width, street tree planting, on-street parking, existing loading spaces and existing access arrangements);
- The time of peak demand for parking (eg evening versus normal retail use may allow the possibility of shared use of facilities).

7.6 Design and Layout

7.6.1 General Criteria

The careful siting and planning of carparking areas is a key element in reducing the visual impact of the carparking area, improving its functional performance and enhancing the overall aesthetics of a development.

In assessing proposals for the design of carparking and manoeuvring areas, Council will accept the standards specified in Australian Standard AS 2890.1 and AS2890.2 and the Road and Traffic Authority's (RTA) "Guide to Traffic Generating Developments". All car parking qualifying as shared or consolidated parking within the Lismore CBD (refer to section 7.8 of this Chapter) shall be designed to a standard equal to or exceeding standards described for User Class 3 in AS2890.1.

The following matters are to be addressed when designing carparking areas:

- The provision of the required number of carparking spaces as detailed in section 7.7 and Schedule 1 of this Chapter;
- Design of driveways, manoeuvring areas, carparking spaces and aisles in accordance with AS 2890.1 and the RTA's "Guide to Traffic Generating Developments";
- Adequate provision of loading bays and manoeuvring areas within the site boundaries in accordance with AS2890.2;
- Ready access from carparking areas to both the development being served and the public road network;
- The movement of all vehicles entering or leaving the site in a forward direction;
- The adoption of a logical and efficient internal circulation network, thereby making access easier for patrons and reducing conflict/confusion for users of the carpark;
- The provision of adequate landscaped areas in accordance with section 7.6.5 of this chapter;
- Provision of suitable pedestrian paths of travel to, from and through the parking facility;
- Separation of vehicular and pedestrian traffic;
- Separation of loading areas from parking areas;
- Crime prevention by design principles.

7.6.2 Minimum Car Parking Bay Dimensions

Car parking dimensions shall be as specified in AS 2890.1. Below is an extract from the Australian Standard. Should the Standards be modified, the requirements in AS2890.1 at the time the development application is made shall apply.

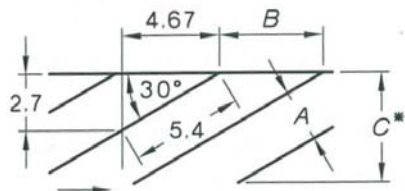
For people with disability the minimum dimensions of parking spaces shall also be as specified in AS 2890.1 and reference should be made to AS2890.6. Spaces designated for people with disability must be located close to an entrance to a building or facility with access from the car space by ramps or lifts in accordance with AS 2890.6 and Part D of the Building Code of Australia.

CLASSIFICATION OF OFF-STREET CAR PARKING FACILITIES

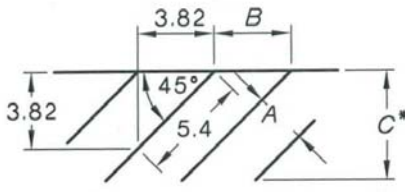
User class	Required door opening	Required aisle width	Examples of uses (Note 1)
1	Front door, first stop	Minimum for single manoeuvre entry and exit	Employee and commuter parking (generally, all-day parking)
1A	Front door, first stop	Three-point turn entry and exit into 90° parking spaces only, otherwise as for User Class 1	Residential, domestic and employee parking
2	Full opening, all doors	Minimum for single manoeuvre entry and exit	Long-term city and town centre parking, sports facilities, entertainment centres, hotels, motels, airport visitors (generally medium-term parking)
3	Full opening, all doors	Minimum for single manoeuvre entry and exit	Short-term city and town centre parking, parking stations, hospital and medical centres
3A	Full opening, all doors	Additional allowance above minimum single manoeuvre width to facilitate entry and exit	Short term, high turnover parking at shopping centres
4	Size requirements are specified in AS/NZS 2890.6 (Note 2)		Parking for people with disabilities

NOTES:

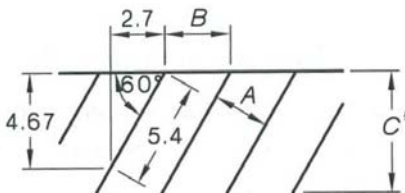
- 1 Except for the requirements specified in Clause 1.4 relating to User Classes 1A and 4, the examples of uses are intended to be flexible and allow for progressive improvement both in the ease of manoeuvring into and out of parking spaces, and in leaving and re-entering the vehicle as one progresses up the user class scale from 1 to 3A. The modelling of vehicle manoeuvring into Class 1A spaces shows however, that many drivers may have difficulty driving into and out of such spaces, especially those with vehicles larger than the B85 vehicle. Furthermore, they may have difficulty entering and leaving the vehicle in the narrower spaces. Safety issues associated with delays and congestion caused by manoeuvres into and out of Class 1A spaces in large parking areas should also be taken into account. See also Appendix B, Paragraph B4.8.
- 2 In preparation, see footnote to Clause 1.2.



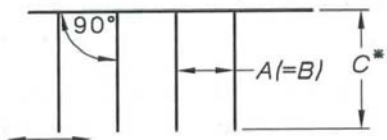
(a) Bays at 30°



(b) Bays at 45°



(c) Bays at 60°



(d) Bays at 90°

User class (Note 1)	A (Notes 2 & 3)	B	C ₁	C ₂	C ₃	Aisle width
1,1A	2.1	4.2	4.4	4.1	4.5	3.1
2	2.3	4.6	4.4	4.1	4.7	3.0
3	2.5	5.0	4.4	4.1	4.9	2.9
3A	2.5	5.0	4.4	4.1	4.9	3.45

User class (Note 1)	A (Note 3)	B	C ₁	C ₂	C ₃	Aisle width
1,1A	2.4	3.4	5.2	4.8	5.5	3.9
2	2.5	3.5	5.2	4.8	5.6	3.7
3	2.6	3.7	5.2	4.8	5.7	3.5
3A	2.6	3.7	5.2	4.8	5.7	4.2
4	(See Note 5)					

User class (Note 1)	A (Note 3)	B	C ₁	C ₂	C ₃	Aisle width
1,1A	2.4	2.75	5.7	5.1	5.9	4.9
2	2.5	2.90	5.7	5.1	6.0	4.6
3	2.6	3.00	5.7	5.1	6.0	4.3
3A	2.6	3.00	5.7	5.1	6.0	5.1
4	(See Note 5)					

User class (Note 1)	A (Note 3)	B	C ₁	C ₂	C ₃	Aisle width (Note 4)
1	2.4	2.4	5.4	4.8	5.4	6.2
1A	2.4	2.4	5.4	4.8	5.4	5.8
2	2.5	2.5	5.4	4.8	5.4	5.8
3	2.6	2.6	5.4	4.8	5.4	5.8
3A	2.6	2.6	5.4	4.8	5.4	6.6
3A	2.7	2.7	5.4	4.8	5.4	6.2
4	(See Note 5)					

*Dimension C is selected as follows (see Note 6):

C1—where parking is to a wall or high kerb not allowing any overhang.

C2—where parking is to a low kerb which allows 600 mm overhang in accordance with Clause 2.4.1(a)(i).

C3—where parking is controlled by wheelstops installed at right angles to the direction of parking, or where the ends of parking spaces form a sawtooth pattern, e.g. as shown in the upper half of Figure 2.4(b).

For Notes—see over.

DIMENSIONS IN METRES

NOTES TO FIGURE 2.2:

- 1 User class is defined in Table 1.1. The two Class 3A options given for 90 degree parking are alternatives of equal standing.
- 2 30 degree parking spaces can be made narrower than spaces at other angles because of the reduced chance of open doors hitting adjacent vehicles.
- 3 The design envelope around each parking space, to be kept clear of obstructions, is shown in Figure 5.2.
- 4 Dimensions for 90 degree parking aisles are for two-way aisles. These dimensions are required to be observed even though one-way movement along aisles is imposed for other purposes, see Clause 2.3.2(a).
- 5 Space dimensions for User Class 4 spaces (for people with disabilities) are specified in AS/NZS 2890.6*. Aisle widths shall be the same as applicable to adjacent other-user spaces or in the absence of such spaces, 5.8 m minimum.

7.6.3 Driveways and Access Points

The following requirements will be applied to the siting of driveways and access points:

- (i) The design of driveways and access points is to be such that vehicular entry and exit from a site is in a forward direction. This requirement will generally not apply to single dwelling houses; and
- (ii) All driveways servicing car parks shall be signposted indicating parking is available and, where separated driveways are to be provided, "In/Entrance", "Out/Exit" and "Keep Left" signs shall be provided as appropriate; and
- (iii) Driveways shall be situated such that any vehicle turning from or into a street can readily be seen by the driver of an approaching vehicle or by an approaching pedestrian. Clear pedestrian sight lines in accordance with AS 2890.1 shall be provided at all access points; and
- (iv) Driveways shall be located with suitable clearance from road intersections as required by AS2890.1. This will generally be six (6) metres clear of the kerb return of the intersection.

7.6.4 Pavement Thickness and Surfaces

Pavement thicknesses for carparking areas shall be designed on a site specific basis. Carparking areas will be required to be suitably line-marked and have a minimum surface treatment of a two coat finish or similar. Information in this regard may be obtained from Council.

7.6.5 Landscaping

All carparking areas must be suitably landscaped to Council's satisfaction. Landscaping of carparking areas is important as it provides:

- screening from view of the carpark from adjoining development and public areas,
- provision of shade for patron's vehicles, and
- reduction of radiant heat (ie large expanses of hard paved areas are to be avoided).

Shade trees should be provided at a rate of approximately 1 per 5 carparking spaces. In addition to this, landscaped areas are to have a width of not less than two (2) metres, thus providing a viable area for gardens and screening. The needs of pedestrians within the carparking area must also be considered and suitable access, paths etc. incorporated within landscaped areas.

A detailed landscaping plan of carparking areas is to be submitted with any development application. Such landscaping plans will show the location and species of shade trees and ornamentals, height and crown dimensions of mature shade trees, other landscaped areas (including species list) and details of pedestrian access and circulation. Appropriate plant species for landscaping purposes are detailed in Council's *Landscaping Guidelines*. Advice from a landscape architect may be required, particularly for larger carparks.

7.6.6 Shopping Centre Car Parks – Pedestrian and Public Transport Access

The development or redevelopment of shopping centres should have particular regard to the safety of pedestrians accessing the centre from its car park and public transport, and should ensure safe, all weather access by public transport. In this section the term 'shopping centres' refers to regional, subregional, district or neighbourhood sized centres, comprising 1,000 square metres or more, of gross leasable floor space. The term does not refer to individual shops located either singly or in a 'strip' in Lismore or villages. The term 'redevelopment' means the further development of an existing shopping centre that requires the reconfiguration of the car park.

The development or redevelopment of shopping centres containing 1,000 square metres or more, gross leasable floor space must include:

- (i) Clearly identifiable and safe pedestrian routes to the entrance of the shopping centre through the car park and from the closest bus stop. The pedestrian route/s is to be indicated on plans submitted with the development application and, should the development be approved, these routes must be clearly identified on the ground, with the aim of discouraging the random wandering of pedestrians throughout the car park, thereby reducing potential conflict with vehicles. The path from the entrance to the nearest bus stop is to be suitable for use by people with disability. Supporting information should also describe the control of vehicle manoeuvres and speeds to enhance safety. Such control can include speed limits, speed humps, physical barriers between vehicle and pedestrian flows, surface marking, etc..
- (ii) Secure and well lit bicycle locking points that are located where there is natural surveillance from adjacent users.

The development or redevelopment of shopping centres comprising 10,000 square metres or more, gross leasable floor space must, in addition to the above requirements, include:

- (i) A well lit taxi rank close to the entrance to the centre and to the bus stop/shelter, and which allows:
 - a) Entrance and exit by taxis in a forward direction;
 - b) Passengers to manoeuvre shopping trolleys to the taxi to allow easy loading of shopping into the taxi; and
 - c) Natural surveillance from adjacent users.
- (ii) A well lit bus stop/shelter located as close as possible to the entrance to the centre, and linked to that entrance by a walkway. (Note: it is not required that this walkway extend across the road to a bus shelter for buses travelling in the opposite direction)
- (iii) A loading/unloading bay close to the entrance to the centre, or near access facilities, for use by the maximum size 25 seat community buses transporting the aged or people with disability.
- (iv) Clear signage to direct patrons to the bus stop and taxi rank, and to pedestrian ways.

7.7 Car Parking Spaces Required

The following sections describe the minimum number of parking spaces required for developments outside and within the Lismore CBD. It must be noted that these numbers are minimums and where a merit based assessment indicates additional car parking is necessary Council may require additional car parking spaces to be provided based on the criteria specified in 7.5. Where no parking requirement is specified, Council will assess the number of spaces based upon the merits of each case and an assessment of the traffic generating potential of the development.

7.7.1 Parking for People With Disability

Regardless of the location of the development, parking for people with disability shall be provided at a rate of no less than 1 space for every 100 spaces provided by a development.

7.7.2 Requirements Outside the Lismore CBD

The minimum number of spaces for developments located outside the Lismore CBD, as defined on Map 1, shall be the number contained in Schedule 1, rounded up to the next whole number. The numbers in Schedule 1 are a minimum.

Where combinations of uses are incorporated in the one development, for example, restaurant and shop, the parking provision shall be the combined total of the requirements specified in Schedule 1. However, where one of the uses will operate exclusively outside the hours of the other, the car parking rate will be based on the higher land use parking requirement.

On-street car parking spaces lost as a result of a development, for example, through construction of an additional driveway entrance, will be required to be provided off-street by the development, unless a variation can be justified under this chapter.

7.7.3 Requirements Within the Lismore CBD

This section applies to the area defined on Map 1 as the Lismore CBD. A traffic and parking study prepared in 2007 for Lismore City Council showed that, at the time, the CBD had an over supply of car parking spaces in relation to parking demand, and that a single fixed parking rate (for non-residential uses) in the CBD and a policy for encouraging shared and consolidated parking could provide an incentive to development and redevelopment in the CBD. These incentives were developed on the basis of surveyed demand and car parking supply and will therefore need to be periodically monitored and reviewed to ensure that parking demand does not exceed overall parking supply.

7.7.3.1 Fixed Car Parking Rate

With the exception of the residential uses listed below, a fixed rate of no less than 3.3 car spaces/100m² of gross floor area shall be required for development within the CBD. Where the development is (or includes) a residential use listed below, the minimum number of spaces required for the residential component shall be as described in Schedule 1 rounded up to the next whole number:

- Bed and Breakfast Establishment
- Boarding House
- Dwelling House
- Dual Occupancy
- Motel
- Residential Flat Building.

7.7.3.2 Shared Parking

A reduction in the fixed rate of 3.3 car spaces/100m² GFA may be applied where developments supply "shared" parking. This is parking provided in such a way that allows the public unrestricted use of the

parking spaces on a development site regardless of whether they are attending the development on which the spaces are located.

Where part or the whole of the parking required for a new development (apart from the Residential uses listed above) is shared parking the minimum requirement for the component of parking that is shared will be reduced by 25%. However, the reduction only applies where the following criteria are satisfied:

1. A minimum of:
 - a) six (6) spaces are provided if the parking is visible from a vehicle travelling on a public road, for example, at the front of the site or on a corner etc;
 - OR**
 - b) 15 spaces are provided if the parking is not partly or wholly visible by the occupants of a vehicle travelling on a public road;

AND

2. The shared parking:
 - a) is provided within the development site; and
 - b) is available to the general public, at a minimum, between the hours of 9am and 11pm, Monday to Saturday; and
 - c) is not reserved for the users of the subject development (for example, spaces cannot be marked "For the Use of Employees or Customers of XYZ Shop"); and
 - d) is provided with clearly visible signage stating that the shared parking is available to the public (refer to b) and c) above); and
 - e) is designed in accordance with the Crime Prevention by Design principles.

Note: The reduction in car parking required will be calculated after any parking credit is applied (refer to section 7.7.3.4 below).

7.7.3.3 Consolidated Parking (Monetary Contributions in Lieu of Parking Space(s))

Where an applicant considers it impractical, impossible or undesirable to physically provide the required parking spaces on site in the CBD, a cash contribution for each parking space not provided may be accepted by Council under Section 94 of the *Environmental Planning and Assessment Act 1979* to provide "consolidated" parking elsewhere. Where part or the whole of the parking for a new development (apart from the Residential uses listed in section 7.7.3.1 above) is consolidated the minimum requirement for the component of parking that is consolidated will be reduced by 25%. The amount of the contribution will be at the current rate at the time the monies are paid in accordance with Council's Contributions Plan prepared pursuant to Section 94 of the *Environmental Planning and Assessment Act 1979*. It should be noted that contribution rates are subject to annual adjustment.

7.7.3.4 Redevelopment of Sites – Car Parking Credit

Where an existing site within the Lismore CBD is to be redeveloped, the existing site will be deemed to have provided parking to the CBD and a parking credit will be applied to the overall requirement for car parking for the proposed redevelopment. This deemed parking credit will be calculated in accordance with the following formula and the parking requirement for the proposed new development reduced by the deemed amount.

Deemed Parking Credit = parking requirement for existing development @ 2.5 spaces/100m² gross floor area less the number of parking spaces physically provided on the existing development site.

Where evidence can be provided that the development site has, through cash in lieu payment, provided a greater number of parking spaces to the CBD than that given by the above formula, the greater number of parking spaces shall be taken to be the allowable reduction applied to the proposed

development parking requirement. The onus is on the developer to prove the existence of any such payments.

7.7.3.5 Removal of On-Street Car Parking

Where on-street car parking spaces in the CBD are lost as a result of a development taking place, for example, through construction of an additional driveway entrance, a “debit” may occur.

Schedule 1 Carparking Requirements for Specific Land Uses

LAND USE	CARPARKING REQUIREMENTS	LOADING BAYS AND MANOEUVRING AREAS
Abattoir	1 per employee	Loading bays and manoeuvring area for articulated vehicles
Amusement Parlour	4 per 100m ² GFA, plus 1 per 2 employees	
Animal Establishment:	1 per 2 employees	Loading bays and manoeuvring area for articulated vehicles
Boarding Kennels:	1 per 2 employees plus 2 set down/ pick up area	
Art and Craft Gallery	1 per 2 employees, plus 2 per 100m ² display area	
Bed and Breakfast Establishment	1 per bedroom offered for public accommodation, plus 1 per residence	
Boarding House: (includes a house let in lodgings or a hostel)	1 per 3 beds plus 1 per 5 beds visitor space or 1 per room plus 1 per 5 rooms visitor space (whichever the greater).	
Brothel	1 per employee, plus 2 per consultation room	
Bulk Store	1 per employee	Loading bays and manoeuvring area for articulated vehicles
Bulky Goods Showroom	Less than or equal to 400m ² GFA – 3 per 100m ² GFA; >400m ² GFA – 2 per 100m ² GFA	Loading bays and manoeuvring area for articulated vehicles
Caravan Park:	1 per serviced caravan/camp site, plus 1 per manager/owner residence, plus 1 per 2 employees, plus 1 per 10 sites for visitors	
Manufactured home estate:	Refer to SEPP No. 36	
Car Repair Stations:	4 per work bay, plus 1 per employee	
Child Care Establishments (Pre-Schools and Kindergartens):	1 per employee, plus 1 per 15 children (if provision of 3 set down/pick up areas) or 1 per 10 children	
Club:		
Staff	1 per 3 employees, plus	Loading bays and manoeuvring area for large rigid vehicles, plus a minimum of 1 coach parking space
Auditorium/beer garden/function room	1 per 15m ² , plus	
Dining	1 per 7m ² floor area, plus	
Bar/Lounge	1 per 4m ² bar area, plus	
Gaming	1 per 4m ² gaming area	
Commercial Premises: (Banks/ Offices)	1 per 30m ² GFA for ground or 1 st floor level and 1 per 40m ² GFA at subsequent upper levels. Minimum number of 2 spaces per office.	
Communication Facility	1 space	Manoeuvring area for a small rigid vehicle
Community Facility	Carparking requirements will be assessed on its merits and in accordance with RTA Guidelines.	
Convenience Shop (General Store)	5 per 100m ² GFA	Loading bays and manoeuvring area for large rigid vehicles
Craft Studio	1 per occupant, plus 1 per 40m ² GFA retail area (minimum of 2 spaces)	
Dwelling House	2 per dwelling (1 undercover)	
Dual Occupancy:	1 per dwelling if area is <125m ² or 2 per dwelling if area is >125m ²	

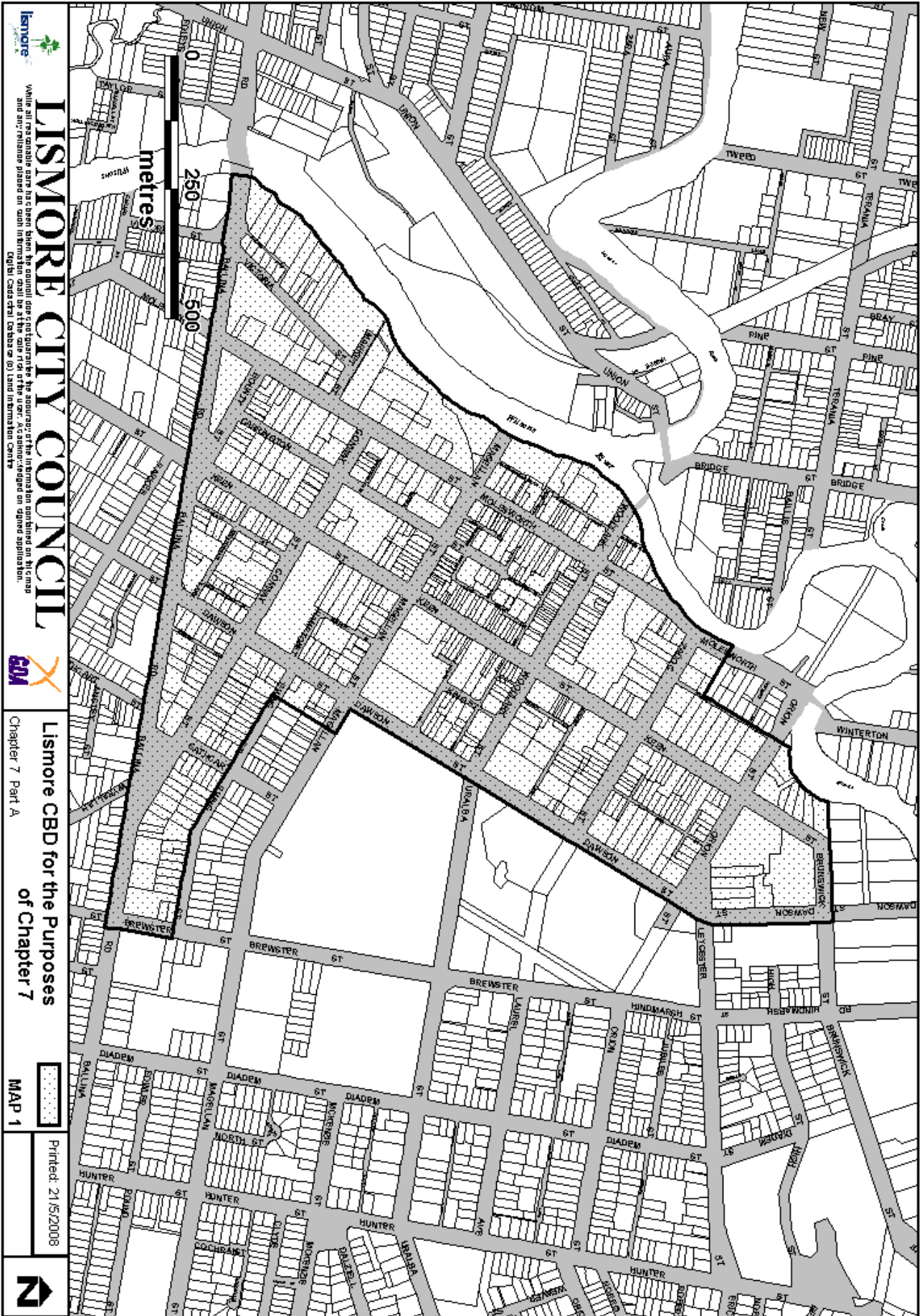
LAND USE	CARPARKING REQUIREMENTS	LOADING BAYS AND MANOEUVRING AREAS
Educational Establishments: Tertiary	1 per 2 employees, plus 1 per 5 students	
Secondary	1 per 2 employees, plus 1 per 10 students	
Primary	1 per 2 employees, plus 1 per 12 students	
Environmental Facilities	Carparking requirements will be assessed on its merits and in accordance with RTA Guidelines.	
Exhibition Dwelling	2 per dwelling (1 undercover)	
Extractive Industry	1 per employee	Loading Bays and manoeuvring area for articulated vehicles
Generating Works:	1 per 2 employees	
Goods Transport Terminal:	1 per vehicle associated with the development, plus 1 per 2 employees	Loading bays and manoeuvring area for articulated vehicles
Health Care Professional	4 per practitioner, plus 1 per 2 employees	
Home Industry	1 per employee other than the residents of the dwelling	Loading bays and manoeuvring area for small rigid vehicles
Hospitals/Convalescence Homes/Institutions:	Carparking will be assessed in accordance with RTA Guidelines	Loading bays and manoeuvring area for small rigid vehicles
Industry (General and Light):	1 per 100 m ² GFA or part thereof. Minimum of 2 spaces per unit or separate leased area	Loading bays and manoeuvring area for large rigid vehicles
Institution	Carparking requirements will be assessed on its merits and in accordance with RTA Guidelines.	
Licensed Premises (incl Clubs): Staff	1 per 3 employees, plus	Loading bays and manoeuvring area for large rigid vehicles, plus a minimum of 1 coach parking space
Auditorium/beer garden/function room	1 per 15m ² , plus	
Dining	1 per 7m ² floor area, plus	
Bar/Lounge	1 per 4m ² bar area, plus	
Gaming	1 per 4m ² gaming area	
Light Industry	1 per 100 m ² GFA or part thereof. Minimum of 2 spaces per unit or separate leased area	Loading bays and manoeuvring area for large rigid vehicles
Liquid Fuel Depot	1 per employee	Manoeuvring area for articulated vehicles
Liquor Outlet:	4.4 per 100m ² GFA	Loading bays and manoeuvring area for large rigid vehicles
Market:	Carparking requirements will be assessed on its merits and in accordance with RTA Guidelines.	
Marina:	Carparking requirements will be assessed on its merits and in accordance with RTA Guidelines.	
Materials Recycling Yard:	1 per 2 employees, plus 1 per 200 m ² site area	Loading bays and manoeuvring area for large rigid vehicles
Medical Centre:	4 per practitioner, plus 1 per employees	
Mine:	1 per 2 employees	Loading bays and manoeuvring area for articulated vehicles
Mortuary/Funeral Parlour:	Carparking requirements will be assessed on merits and in accordance with RTA Guidelines	Loading bays and manoeuvring area for small rigid vehicles
Motel:	1 per accommodation unit, plus 1 per managers/owners residence, plus 1 per 2 employees, plus 1 per 30m ² public area (if a restaurant is included in the motel), plus 1 per	Loading bays and manoeuvring area for small rigid vehicles

LAND USE	CARPARKING REQUIREMENTS	LOADING BAYS AND MANOEUVRING AREAS
	15m ² function room area	
Motor Showroom:	1.5 spaces per 200 m ² display area (indoor and outdoor), plus 1 per 2 employees, plus 4 per workbay	Loading bays and manoeuvring area for articulated vehicles
Offensive or Hazardous Industry:	1 per 100 m ² GFA or part thereof. Minimum of 2 spaces per unit or separate leased area	Loading bays and manoeuvring area for articulated vehicles
Passenger Transport Terminal:	Carparking requirements will be assessed on its merits and in accordance with RTA Guidelines	Manoeuvring area for large rigid vehicles
Places of Public Assembly:	1 per 10 seats or 1 per 10 m ² of public floor space, whichever is greater	Manoeuvring area for large rigid vehicles
Places of Public Worship:	10 m ² of public floor space	
Public Building:	1 per 40m ² GFA	
Recreation Area: Regional Complex	1 per 2 employees, plus 1 per participant and spectator capacity (with a minimum of 125 spaces per playing field)	Manoeuvring area for and parking for coaches will be assessed on merits in accordance with RTA Guidelines
Local Playing Field	30 per playing field	
Swimming Pool	1 per 2 employees, plus 1 per 50m ² of water surface	
Golf Course	1 per 2 employees, plus 4 per hole, plus 1 per driving bay or tee	
Recreation Establishment	1 per 10m ² public floor area, plus 1 per 3 beds or 2 per room or unit (whichever is greater), plus 1 per manager/owner, plus 1 per 2 employees	Loading bays and manoeuvring area for small rigid vehicles
Recreation Facility: Squash/Tennis Courts:	3 per court + 1 per 2 employees	Loading bays and manoeuvring area for small rigid vehicles
Gymnasium/Fitness Centre:	1/25 m ² GFA + 1 per 2 employees	
Indoor Cricket Centre	15 per pitch	
Indoor Bowling Alley	3 per bowling lane	
Recycling Drop-off Centre	Carparking requirements will be assessed on its merits and in accordance with RTA Guidelines	Provision of adequate manoeuvring and turning area for vehicles will be assessed on merits
Refreshment Room	1 per 3 seats + 1 per 2 employees or 15 per 100m ² GFA (whichever is greater)	
Residential Flat Building	1 per 1 bedroom unit, plus 1.5 per 2 bedroom unit, plus 2 per 3 bedroom unit, plus 1 per 5 units visitor parking	
Restricted Premises	4.4 per 100m ² GFA	
Retail Plant Nursery	1/100 m ² display area (indoor & outdoor), plus 1 per 2 employees (with a minimum of 5 spaces)	Loading bays and manoeuvring area for large rigid vehicles
Rural Industry	1 per 2 employees or 1 per 100 m ² GFA (whichever is greater)	Loading bays and manoeuvring area for articulated vehicles
Rural Tourist Facility	1 per cabin/unit 1 per 2 employees	
Rural Workers Dwelling	2 per dwelling (1 undercover)	
Sawmill	1 per 2 employees	Loading bays and manoeuvring area for articulated vehicles
Service Station	1 per employee, plus 4 per workbay, plus a	Manoeuvring area for articulated

LAND USE	CARPARKING REQUIREMENTS	LOADING BAYS AND MANOEUVRING AREAS
	minimum of 1 articulated vehicle parking space	vehicles
Shops Shopping Complex (incorporating department store)	4.4 per 100 m ² GLFA (Dept Stores), plus 1 per 35 m ² GFA (speciality shops)	Loading bays and manoeuvring area for articulated vehicles
Individual Shop	4.4 per 100 m ² GFA	
Stock and Saleyard	Carparking requirements will be assessed on its merits and in accordance with RTA Guidelines	Loading bays and manoeuvring area for articulated vehicles
Storage Shed	1 per 20 sheds, plus 1 per 2 employees	Manoeuvring area for articulated vehicles
Take Away Food Store (Drive-In):	1 per employee, plus 12 per 100m ² GFA or 1 per 4 seats (whichever is greater), plus queuing area for a minimum of 6 cars.	Loading bays and manoeuvring area for large rigid vehicles
Temporary Event	Carparking requirements will be assessed on its merits and in accordance with RTA Guidelines	
Tourist Facility	1 per accommodation unit or similar, plus 1 per 4 units visitor parking, plus 1 per managers/owners residence, plus 1 per 2 employees, plus 1 per 4 units for trailer/caravan/boat parking	
Transport Depot	1 truck space for each truck associated with the development, plus 1 per driver, plus 1 per 2 onsite employees	Loading bays and manoeuvring area for articulated vehicles
Veterinary Hospital	3 spaces per surgery, plus 1 per 2 employees	Loading bays and manoeuvring area for small rigid vehicles
Warehouse	1 per 300m ²	Loading bays and manoeuvring area for articulated vehicles
Wholesale Plant Nursery	1 per 2 employees	Loading bays and manoeuvring area for large rigid

GFA = Gross Floor Area

GLFA = Gross Leasable Floor Area



Report

Subject	Lismore Homeless Shelter
File No	S965
Prepared by	Acting Manager Community Services
Reason	To provide Council with feedback on alternate site investigations.
Objective	To provide Council with updated information about the Homeless Shelter Development Application.
Strategic Plan Link	Quality of Life
Management Plan Project	Social Plan Implementation

Overview of Report

This report provides:

- feedback on the investigation of alternate sites for the Lismore Homeless Shelter
- an update of Homeless Shelter Working Party developments.

Background

Following a Notice of Motion at the 13 May 2008 Council meeting it was resolved: *“that Council investigate any land it owns that could be considered suitable for a Homeless Shelter, as part of the Development Application process for the Shelter”*. Accordingly, investigations were undertaken by Council staff to identify suitable parcels of community land.

A comprehensive search was undertaken which identified nine possible sites all in relative proximity to services. Upon review of these sites all were judged to be unsuitable due to the severity of flood waters which may impact the sites. None were judged to be better than the site adjacent to the Soup Kitchen off Union Street, South Lismore.

During the past month, the Homeless Shelter Working Party met and were informed of two matters which are critical to the successful establishment of a homeless shelter.

Firstly, the Department of Family and Community Services, Housing and Indigenous Affairs has advised that the \$200,000 grant offered for the construction of a homeless shelter is not available unless the site selected is flood free.

Secondly, St. Vincent de Paul Society has advised that it is unable to support the short-term stay model developed by the Working Party on the grounds that it is contrary to their normal standard of service to the homeless. The Society’s preferred model provides 24 hour access, is fully self-contained and allows shelter for homeless men for up to 3 months continuous.

This new information clearly places the Working Party's proposal in jeopardy and at its last meeting the recommendation was for Council to continue dialogue with the St. Vincent de Paul Society and the Department of Family and Community Services, Housing and Indigenous Affairs with a view to establishing at the earliest opportunity a suitable shelter for the homeless in Lismore.

Comments

Financial Services

Council's commitment to provide \$100,000 toward the construction of a homeless shelter and \$20,000 as an annual contribution to operating expenses has been factored into the forward budget and thus, remains available.

Other staff comments

Not required.

Public consultation

Not required.

Recommendation

That no action be taken by Council to progress the concepts of a homeless shelter on railway land at South Lismore until a conclusive investigation of the alternative model preferred by the St. Vincent de Paul Society has been completed.

Report

Subject	Planning Agreements Policy
File No	S9
Prepared by	Strategic Planner
Reason	Completion of exhibition period
Objective	Council's adoption of a Planning Agreements Policy
Strategic Plan Link	Leadership by innovation
Management Plan Project	Customer service in land use planning matters

Overview of Report

This report advises of the outcome of the public exhibition of the draft Planning Agreements Policy and recommends that Council now adopt the policy subject to a number of amendments.

Background

At its meeting of February 12, 2008 Council considered a report on a draft policy on Council procedures relating to planning agreements made pursuant to section 93F of the *Environmental Planning and Assessment Act 1979*. Council resolved to:

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

The draft policy was prepared in response to a recommendation in the ICAC position paper "Corruption Risks in NSW Development Approval Processes" which stated that Councils should consider preparing and publicly exhibiting a policy to clarify the processes they will follow in relation to planning agreements.

The draft Planning Agreements Policy was placed on public exhibition from March 3, 2008 to April 4, 2008.

Comments

Financial Services

Not required

Other staff comments

Not required

Public consultation

One submission was received in response to the exhibition. A copy of the submission is included in the separate attachments. The submission suggests a number of wording changes to the draft policy as follows:

1. *Cl. 2.6 - Council should adopt a policy ensuring that all development has set guidelines for process with respect to s94 and s94A.*

Comment:

The exemption or otherwise of the application of s94 (or s94A) is not something that can be applied universally to all planning agreements. This will vary in every instance depending on the circumstances of the case. In some instances s94 will be exempted where the developer is undertaking works equivalent to, or greater than, that which is identified in Council's Contributions Plan. In other instances there may be a part exemption for s94. In yet other instances there will be no exemption to s94 as the works to be undertaken may have no relationship to the works identified in the Contribution Plan. This is a matter which needs to be negotiated with the developer and not constrained by an inflexible policy position.

2. *That "may" be changed to "will" in the wording of Cl. 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.*

Comment:

Not all rezonings or development applications have a Planning Agreement, in fact only some rezonings (mostly for rural residential) and virtually no development applications have planning agreements. The suggestion is unworkable and contrary to the provisions of the Act which prescribes that planning agreements are a voluntary agreement between a Council and a developer.

3. *That "may" be changed to "will" in the wording of Cl. 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*

Comment:

Cl. 2.4 sets out certain matters that Council may consider in negotiating a planning agreement with a developer. Not all matters will be appropriate or relevant to every circumstance and the suggested change is not supported.

4. *That "may" be changed to "will" in the wording of Cl. 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.

Comment:

It is neither appropriate nor necessary that all Planning Agreements must make provision for recurrent funding of public facilities. The suggestion is unworkable and contrary to the provisions of the Act which prescribes that planning agreements are a voluntary agreement between a Council and a developer.

5. That “may” be changed to “will” in the wording of Cl. 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.

Comment:

Pooling of money paid under one Planning Agreement with that paid under another Planning Agreement may not be desirable or even possible in many instances. The suggested change is not supported.

6. That the phrase “use their best endeavours to” be deleted from Cl. 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.

Comment:

Council has no power under the EP&A Act to make another party to a Planning Agreement modify that agreement as a consequence of a review undertaken by Council. The suggested change is not supported.

7. That “generally” be deleted from Cl. 2.15 and that subclauses (d) and (e) also be deleted:

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.**

Comment:

Council needs to have some flexibility when negotiating such matters in a Planning Agreement and therefore it is recommended that the word “generally” be retained. The submission provides no reason

as to why subclauses (d) and (e) should be deleted. They are considered to be reasonable matters that might be relevant considerations by Council for modification or discharge of a developer's obligations under a planning agreement.

8. That "generally" be deleted from Cl. 2.17:

Notations on Certificates under s149(5) of the Act

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.

Comment:

Council may already include advice on relevant matters that it considers affect the land under s149(5). A planning agreement is a matter that would be considered to relevantly affect the land and would be noted on a s149(5). The problem arises where applications made under s149(2) and Council is limited to such matters as are prescribed under the EP&A Regulation 2000. Council may issue a s149(5) Certificate instead of a s149(2) when an application is made for a s149(2), but it would obviously not want to do this in every instance. However it could do so for particular land, eg. land to which a planning agreement applies and where this is consistent with an adopted policy of Council. It is recommended that Clause 2.17 be replaced with the following clause:

"Notations on Certificates under s149 of the Act

Where an application is received for a Certificate under s149(2) of the Act and a planning agreement applies to the land for which the certificate is being sought, Council will issue a s149(5) Certificate at no additional cost to the applicant which identifies that a planning agreement is applicable to the land.

9. That "generally" be deleted from Cl. 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.

Comment:

Provision of security is a mandatory requirement that must be included in all planning agreements that are made pursuant to section 93F(3) of the *Environmental Planning and Assessment Act 1979*. It is therefore recommended that the word "generally" be deleted from Cl. 2.18.

The purpose of a security provision is to ensure the enforcement of an agreement by a suitable means in the event of a breach of the agreement by the developer. For example a landowner who has entered into a planning agreement with Council might sell the land to another party and fail to fulfil his/her obligations under the agreement by not procuring the purchaser's agreement to enter into a deed whereby the purchaser is bound by the agreement in the same manner as the original owner. Consequently the amount of the security needs to be sufficient to cover the cost of the developer's obligations under the agreement (over and above what might otherwise be payable under s94 or normal s79C works). It should also be lodged with Council prior to Council executing the agreement under its common seal and prior to Council forwarding the LEP Amendment to the Minister when an instrument change is sought. It is recommend that advice to this effect be included in Clause 2.18 of the Planning Agreement Policy.

10. That “generally” be deleted from Cl. 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.*

Comment:

There are forms of security, other than an unconditional bank guarantee, that are available to the developer which would be acceptable to Council. These could include a mortgage, registered charge or cash payment. It is recommended that the clause be modified to include these options.

11. That Cl. 3.9 require that a qualified third party be employed to negotiate the terms of a Planning Agreement where Council is both the proponent and the assessing authority.

Comment:

Council has a corporate procedure (No. 3.2.4) for dealing with the preparation and assessment of development applications where Council is the proponent. Council DAs that are determined to be significant by the General Manager must be prepared, and assessed by, separate external consultants. The same procedure will apply to any Council development application that is accompanied by a planning agreement. It is recommended that the policy be amended to state that the preparation and assessment of any planning agreement by Council will be in accordance with Council’s corporate procedure for the preparation and assessment of Council development applications.

Other issues

Public notification of planning agreements

Clauses 3.10 to 3.13 of the draft policy set out public notification procedures for planning agreements. Public notification procedures for planning agreements are prescribed under the *EP&A Act* and the *EP&A Regulation*. Such requirements may change from time to time and therefore Council’s policy should be silent on these matters.

Re-notification of planning agreements

Clause 3.14 of the draft policy states that Council will publicly re-notify a planning agreement if a material change is made to the planning agreement following its original notification. It is considered that similar provisions that apply to the re-notification of draft LEPs should apply to the re-notification of planning agreements. Section 68 (3B) of the Act provides that Council may (but need not) publicly exhibit a draft local environmental plan that has been altered following consideration of submissions. It is considered that where Council decides to re-exhibit a draft LEP Amendment in accordance with s68(3B) of the EP&A Act, and that draft LEP Amendment is accompanied by a planning agreement, then the planning agreement should be re-exhibited concurrently with the draft LEP Amendment, whether or not the planning agreement has been amended.

Notification of proposed modification of a planning agreement

A planning agreement may be modified but only with the agreement of all parties to the agreement. Section 93G(1) of the Act provides that a planning agreement cannot be amended or revoked, unless public notice has been given of the proposed amendment or revocation, and a copy of the proposed amendment or revocation has been available for inspection by the public for a period of not less than 28 days. It is recommended that when any proposed amendment to, or revocation of, a planning agreement is notified, all persons who made submissions to either the original planning agreement or draft LEP Amendment to which it applied be also notified in writing.

Conclusion

Several amendments to the exhibited policy are recommended as outlined below:

1. That clause 2.17 be replaced by the following:

“Notations on Certificates under s149 of the Act

Where an application is received for a Certificate under s149(2) of the Act and a planning agreement applies to the land for which the certificate is being sought, Council will issue a s149(5) Certificate at no additional cost to the applicant which identifies that a planning agreement is applicable to the land and which outlines the principal matters addressed in the planning agreement.

2. That clause 2.18 be amended as follows:

The Council will require a planning agreement to make provision for security by the developer of the developer’s obligations under the agreement. The security is to be lodged with Council prior to Council executing the agreement under its common seal and prior to Council forwarding the LEP Amendment to the Minister when an instrument change is sought.

3. That clause 3.9 be amended as follows:

If the Council has a commercial interest in the subject matter of a planning agreement as a landowner, developer or financier, the preparation and assessment of the planning agreement will be in accordance with Council’s corporate procedure for the preparation and assessment of development applications where Council is the proponent.

4. That clauses 3.10 to 3.14 be deleted and replaced by the following clauses:

3.10 Where Council decides to re-exhibit a draft LEP Amendment in accordance with s68(3B) of the EP&A Act, and the draft LEP Amendment is accompanied by a draft planning agreement, then the draft planning agreement will be re-exhibited concurrently with the draft LEP Amendment whether or not the planning agreement has been amended.

3.11 Where Council gives notice, pursuant to section 93G(1) of the Environmental Planning and Assessment Act, of a proposal to amend or revoke an existing planning agreement, Council will notify in writing all persons who made submissions to the original planning agreement or to the draft LEP Amendment or development application to which the planning agreement applied.

A copy of the Planning Agreements Policy incorporating the amendments as recommended in this report is attached to this report.

Recommendation (PLA15)

That Council:

- 1 Adopt the Planning Agreements Policy as attached to this report, and
- 2 Publicly notify its decision to adopt the Planning Agreements Policy and advise that a copy of the policy may be inspected at Council’s Corporate Centre or on Council’s web site.



POLICY MANUAL

POLICY NO: Draft	Planning Agreements Policy
FUNCTION:	
ACTIVITY:	
OBJECTIVE:	
SECTION RESPONSIBLE:	Planning Services
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 out 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 Where an application is received for a Certificate under s149(2) of the Act and a planning agreement applies to the land for which the certificate is being sought, Council will issue a s149(5) Certificate at no additional cost to the applicant which identifies that a planning agreement is applicable to the land and which outlines the principal matters addressed in the planning agreement.

Provision of security under a planning agreement

2.18 The Council will require a planning agreement to make provision for security by the developer of the developer's obligations under the agreement. The security is to be lodged with Council prior to Council executing the agreement under its common seal and prior to Council forwarding the LEP Amendment to the Minister when an instrument change is sought.

- 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 Council's 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 preparation and assessment of the planning agreement will be in accordance with Council's corporate procedure for the preparation and assessment of development applications where Council is the proponent.

Public notification of planning agreements

- 3.10 Where Council decides to re-exhibit a draft LEP Amendment in accordance with s68(3B) of the EP&A Act, and the draft LEP Amendment is accompanied by a draft planning agreement, then the draft planning agreement will be re-exhibited concurrently with the draft LEP Amendment whether or not the planning agreement has been amended.
- 3.11 Where Council gives notice, pursuant to section 93G(1) of the Environmental Planning and Assessment Act, of a proposal to amend or revoke an existing planning agreement, Council will notify in writing all persons who made submissions to the original planning agreement or to the draft LEP Amendment or development application to which the planning agreement applied.

Report

Subject	Development Application 2008/313 for proposed removal of two fig trees located in Memorial Park, Lismore
File No	DA2008/313
Prepared by	Planning Assistant
Reason	Request from Councillors Dowell and Ekins to determine Development Application 2008/313
Objective	Provide adequate information to allow determination of the matter by Council
Strategic Plan Link	Natural Environment
Management Plan Project	Efficient Processing of Development Applications

Overview of Report

Council's Parks Co-ordinator has submitted a Development Application for the removal of two fig trees from Memorial Park, within the Spinks Park Heritage Precinct. Both trees are in poor health with Tree No. 1 affected by a fungal disease and Tree No. 2 displaying a codominant stem shear crack. Approval is recommended subject to the imposition of appropriate conditions on consent.

Background

Development Application No. 2008/313 proposes removal of two fig trees on the Molesworth Street frontage of Memorial Park, Molesworth Street, Lismore. The removal is requested due to a fungal disease affecting Tree No. 1 and a codominant stem shear crack affecting Tree No. 2 leading to an associated loss of structural strength. The poor health of the trees and diminished structural stability is critical and their removal is necessary to eliminate risk of complete failure.

Proposal

The Development Application proposes the removal of two fig trees on the Molesworth Street frontage of Memorial Park, Molesworth Street Lismore. The proposal is supported by an Arborist's Report, which, in summary, states that severe damage has been caused to the structural integrity of the investigated trees by inappropriate arboricultural practices and that the trees are unlikely to recover from serious health problems. Observations of the damage sustained by the trees are listed as follows:

Tree No. 1

- Poor past maintenance practices.
- Poor health and vitality, evident by the non-existent callous formation on past wounding.
- Tall asymmetrical canopy distribution and large basal cavities and/or hollows (of concern when excessive canopy end weight is present eg potential basal bell fracture formation).
- Presence of large external *Ganoderma* spp fungal fruiting bodies on codominant stem unions and at root collar.
- Visible primary scaffolding root death.
- Advancing crown decline.

Tree No. 2

- Poor past maintenance practices, eg above and below ground.
- Poor health and vitality, evident by the non-existent callous formation on past wounding.
- Tall, asymmetrical canopy distribution and large basal cavities and/or hollows (of concern when excessive canopy end weight is present eg potential basal bell fracture formation).
- Cracked bark indicating senescence of plant tissues.
- Basal hollow (of concern when excessive canopy end weight is present or created).
- Codominant stem shear crack and potential for delamination of plant tissues.
- Significant levels of decay (generally an indication of very defective trees).
- Advancing crown decline.

A copy of the Arborist's Report and a plan of the proposed replacement planting is included in the Attachments.

Zoning:

The property is zoned 6(a) Recreation and the objectives of the zone are:

- (a) to ensure access by the general public to adequate open space to meet the needs of all residents and provide opportunities to enhance the quality of the total environment of the City of Lismore, and
- (b) to allocate land which will adequately provide both active and passive open space to service the present and future recreational needs of residents and visitors, and
- (c) to manage flora and fauna on public open space.

The proposal is considered consistent with the objectives of the zone to allow for users of Memorial Park to enjoy passive recreation space without fear of injury from falling trees and to preserve the amenity of the Park. The development is permissible subject to lodgement and approval of a Development Application.

Key Issues:

1. The effect on the heritage significance of Memorial Park by the removal of two prominent trees in a Heritage Conservation Area.
2. Public liability issues identified as a result of diseased trees falling and causing damage to people or property.

Applicant:

Lismore City Council

Site/Site History

The two trees proposed for removal are located on Lot 576 DP 729276, known as 115 Molesworth Street, Lismore, and are two of five fig trees that were planted in 1935 to commemorate the silver jubilee of King George V. One of the original five trees has been removed and no records of its removal have been located.

Surrounding Properties and Environs

The property is surrounded by the Spinks Park Heritage Precinct and includes on the northern end the former Lismore Council Municipal Building, to the west the Lismore City Bowling Club and associated bowling greens and to the south the Lismore Memorial Baths

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

Any Environmental Planning Instruments

State Environmental Planning Policies (SEPPS)

None relevant to this application

Regional Environmental Plan (REP)

Part 3 Division 3 – Heritage

Proposal is consistent with the objectives

Lismore Local Environmental Plan (LEP)

Clauses 12 – 15 of Lismore Local Environmental Plan relate to heritage matters. The heritage significance of the trees and the loss of the trees to the amenity of Lismore Memorial Park is acknowledged. It is submitted that the streetscape will be affected by the removal of the trees but will be mitigated by the replanting of suitable species and the remaining large trees in the background reducing the impact on the aesthetic value of the Park.

Any Draft EPI that is or has been placed on Exhibition

There are none relevant to this application.

Any Development Control Plan

Lismore Development Control Plan

Chapter 8 – Flood Prone Lands

Replacement plantings should be suitable species that tolerate floods from time to time.

Chapter 10 – Notification & Advertising of Development Applications

Notification and advertising of the Development Application was carried out in accordance with this Chapter.

Chapter 12 – Heritage Conservation

The trees proposed to be removed form part of the Spinks Park and Civic Precinct Conservation Area that is noted as a Pre-First World War urban park located at the centre of town on the eastern bank of Wilsons River. The site incorporates a number of notable period buildings, monuments, street furniture and recreational facilities (bowls, croquet and baths) that is enhanced by tree planting.

The Chapter acknowledges that original planting in this precinct should be maintained as long as possible and that replacement planting should be with the same species if and when required. It is proposed that replacement planting will be with the same species of Ficus trees that are removed.

Chapter 14 – Tree Preservation

This Chapter is currently being reviewed by Council and is on public exhibition until Monday 28 July 2008. However, in accordance with the previous Chapter and the provisions of Lismore Local Environmental Plan 2000, a Development Application has been lodged for the proposed removal of the two fig trees.

Any Matters Prescribed By The Regulations

None relevant to this application.

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

The proposed removal of mature trees is considered detrimental to the aesthetics of the site as well as having a social impact through removing shade trees and possible habitat for birds. The positive aspect of the proposal is the improved safety of property and park users by removal of a potential source of damage caused by falling limbs or trees.

The Suitability of the Site for the Development

The site is an appropriate location for the growing of trees to enhance the streetscape and passive recreation enjoyment. The removal of the trees will detract from the amenity of the streetscape in the short term and will recover upon maturity of the replacement tree plantings.

The Public Interest

Whilst the removal will have historic and heritage significance loss from Memorial Park this can be ameliorated by planting of suitable replacement trees and is outweighed by concern for the safety of park users and existing memorials located in the Park. The proposal is therefore considered to be in the public interest.

Public Consultation

The Development Application was advertised in The Echo from 19 June and notified to adjoining owners by post from 10 June until 4 July 2008. Three submissions have been received and are summarised in the table below:

Issue	Response
Historic significance of the trees	The trees are considered to have important historic significance.
Seek second Arborist opinion prior to decision on removal of trees	Given the overwhelming evidence recommending removal of the trees and the possibility of risk of injury to people and property, including historic war memorials, it is considered that time is of the essence for removal of the trees.
Re-planting with fig trees	The proposal includes replacement planting with Ficus species trees with a minimum height of 1.5 – 2 metres. This will be incorporated in the conditions of Development Consent.
Replacement planting not to interfere with the amenity of the nearby Bowling Green	Any replacement planting in the vicinity of the Bowling Green to take account of the Bowling Green and not to overshadow or allow encroachment from tree roots.

Copies of the original submissions are included in the Attachments.

Comments

Council's Heritage Advisor, Ken Young

"After having visited Memorial Park, viewed and photographed Fig Trees in senescence with invasive rot (fungi) and reading the re-planting proposals I do not have a concern. The proposal to replace the trees in a slightly relocated position with Ficus Microcarpa (small fruited figs) is more appropriate than planting with alternative species as these are the trees that have occupied spaces in parks since the 1930's."

Financial Services

All costs associated with the development application will be met from the recurrent Parks maintenance budget.

Other staff comments

Parks & Reserves

Concur with the Arborist's Report to remove the two Fig Trees subject to the imposition of appropriate conditions on the consent.

Corporate Compliance Co-ordinator

From the Arborist's Report it would appear that the trees represent a current and increasing danger to the public. Having been alerted to this danger, Council has a duty of care to mitigate this danger. The options available to Council would appear to be to remove the danger or exclude the public from the fall area of the trees.

Conclusion

The evidence contained in the Arborist's report is that the two (2) *Ficus Microcarpa* (small fruited figs) are diseased and lack structural integrity and are consequently not worthy of retaining. Given also the public liability risk caused by the poor health of the trees it is considered that removal is essential. Whilst the loss of the trees will impact on the heritage significance of the Precinct it is acknowledged that the trees have a limited life and appropriate re-planting can mitigate the impact on the Heritage Precinct. Consent can be granted to the removal of the trees subject to the imposition of conditions on the consent. The conditions imposed aim to minimise the impact of the tree removal and ensure that it is carried out in a manner that ensures the safety of park users and no damage to property in the park. It is therefore recommended that consent be granted to removal of the two fig trees subject to appropriate conditions on development consent.

Recommendation (PLA13)

- 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 DA2008/313 for the removal of two (2) *Ficus macrocarpa* (Small fruited fig) trees (located closest to Molesworth Street) within Memorial Park, Molesworth Street, Lismore subject to the following conditions:

STANDARD

1 In granting this development consent, Council requires:

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

and be substantially in accordance with the stamped approved plan(s) No. DA08/313 page 1 and/or supporting documents submitted with the application. A copy of the approved plan is attached to this consent.

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

TREE REMOVAL

- 2 The trees must be removed by an appropriately qualified and insured tree removal company and carried out under the direction and instruction of a Certificate IV or V (AQF) Consultant Horticulturalist or Arborist.

Reason: *To ensure that no damage is caused to any surrounding vegetation or structures on the same or adjoining lots, including any boundary fence.*

- 3 Replacement plantings are to be undertaken at the rate of two (2) advanced trees (or one (1) advanced tree and two (2) shrubs) for each tree to be removed within **one (1) month** of removal of the two (2) trees in accordance with Plan DA08/313 page 2. Replacement trees to be in a suitable location that minimises potential damage to tree roots and incorporates tree protection zones (where necessary) to ensure longevity of life of replacement plantings.

Reason: *To comply with the Tree Preservation Order condition to replace removed trees with an appropriate number of new trees.*

- 4 During the removal of the trees signage and traffic control personnel shall be provided to ensure adequate direction is provided for both vehicular and pedestrian traffic. All signage and traffic control personnel shall comply with relevant standards in regard to traffic control, signage and occupational health and safety.

Reason: *to ensure activities relating to the development do not interfere with the movement of traffic along the public road. (EPA Act Sec 79C(b)).*

- 5 Upon completion of the tree removal the proponent shall repair any damage to infrastructure within the road reserve and park arising during the works. Any repairs 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))*

- 6 Tree removal is to incorporate an industry 'Best Management Practice' programme that incorporates standard hygiene practices for all personnel and equipment utilised.

Reason: *To minimise the possibility of contagious disease spread of "Ganoderma".*

- 7 Mulching and/or recycling of green wastes resulting from the removal of the trees shall not be disposed of to any vegetative wastes.

Reason: *To reduce the potential for spread of "Ganoderma" spores.*

Report

Subject	Swimming Home Club Status
File No	P6768
Prepared by	Sport and Recreation Project Officer
Reason	Request from Council
Objective	To determine which club/s are granted “home status” at the Lismore Memorial Baths
Strategic Plan Link	Quality of Life
Management Plan Project	Fees and Charges

Overview of Report

The report outlines the issues involved in granting “home club” status to a swimming club or clubs in Lismore. It defines the meaning of “home club” and reviews the existing arrangements and the impact of granting “home club” status to more than one club.

Background

Two local swimming clubs, the Lismore Workers Swim Team Inc and the Lismore Indoor Swim Team made submissions to Council during the 2008-2009 budget process, requesting home club status at the Lismore Memorial Baths. It was resolved that staff would prepare a report to be brought back to Council outlining the main issues associated with these requests.

Home Club status

Traditionally, home club status has been given to a club that operates solely from that venue, including club training and competition. Other clubs are able to use the facility, however lane hire fees apply for that use. Home club status has applied to the Lismore Workers Swimming Team for many years. The primary privileges associated with that status are as follows:

- Free lane hire of up to 3 lanes for club training, currently twice per day, weekdays
- Free lane hire for Club night (competition), currently Friday nights
- Storage space for equipment

Existing arrangements

The Lismore Workers Swim Team (LWST) currently has home club status at the Lismore Memorial Baths and therefore receives the above benefits to which other similar clubs in Lismore are not entitled. The Lismore RSL Swimming Club has a free lane hire arrangement on Sunday mornings. This arrangement was reaffirmed by the Council in 2005. Members of both clubs are subject to admission fees upon entry to the Baths, payable on a casual or membership basis.

The Lismore Indoor Swim Team is based at The Summit Sports and Fitness Centre. The Lismore Indoor Swim Team is an amateur not-for-profit local organisation. The majority of parents involved with the club are Lismore ratepayers. The Lismore Indoor Swim Team is requesting home club status to enable its swimmers to train in a 50m outdoor facility without paying additional lane hire fees. Moreover, the club claims it is already a home club given that it operates out of Lismore and that there is therefore

no difference between the Lismore Indoor Swim Team and the LWST. Should home status be approved, the club has indicated that most of its summer training sessions will take place at the Memorial Baths in addition to holding club nights and other competitions, and they would revert to their indoor facility at The Summit during the winter season.

Impact of providing home status to more than one club

The Memorial Baths is the only 50m competition pool in Lismore. Home status provides the unique attraction of offering a first class outdoor 50 metre pool to its members, thus increasing the chances of the club retaining and attracting more members because of the facility. A larger club membership increases the prospect of providing volunteers to act as officials during competition nights and club meets. The size and capacity of the club, together with the quality of venue has enabled the LWST to bid for and secure significant championship meets.

Allowing more than one club access to home club status will potentially allow rival clubs to train in the same venue at the same time. Of primary concern to the existing home club is the potential for other clubs and coaches to “poach” swimmers. This can lead to disharmony and acrimony between clubs.

A club with “home status” is also given the privilege of being able to store its own equipment at the facility. In the case of the LWST this includes a \$15,000 semi-automatic timing system, tables and chairs, shade structures and barbeque facilities. Inadequate storage space and unnecessary duplication would result if more than one club operated from the Memorial Baths.

A “home” club has an official home and provided winter training facilities are adequate, allows the club to operate effectively from one base.

Club Statistics

Three Lismore swimming clubs are registered with Swimming New South Wales. The clubs are:

- Lismore Workers Swim Team
- Lismore Indoor Swim Team
- Trinity Lismore

The Annual Report of Swimming NSW for 07/08 provides the following membership statistics for these clubs:

	04/05	05/06	06/07	07/08
Lismore Workers Swim Team	57	71	66	72
Lismore Indoor Swim Team	213	136	6	36
Trinity Lismore	0	0	191	230

The figures show that the membership numbers for LWST have remained reasonably stable whereas there was a significant decline Lismore Indoor Swim Team numbers when Trinity Catholic College built its indoor pool. It is believed this was the result of coaches changing their operating base.

Swimming NSW

Swimming NSW, the official swimming representative body in NSW, has advised that there are a few cases in NSW where two or more “home” clubs operate from the same pool. This appears to be the exception rather than the norm. However, Swimming NSW strongly advocates that pools only have one “home” club. This is seen to be a better utilisation of resources, and a stronger base on which to bid for major events. Swimming NSW is aware of the situation at the Memorial Baths, and would prefer only one club to have home club status.

Capacity for attracting major events

In a recent audit of Lismore sports infrastructure conducted by an independent external auditor, it was considered doubtful that Lismore would secure any kind of high level swimming event whilst existing clubs clash and do not work cooperatively together. He rated the facility as excellent but concluded that its promise would not be realised by any major accredited event organiser whilst the current situation in Lismore prevailed. This situation is likely to be exacerbated by the provision of home club status to more than one major club.

Options

There are several options that could be possible outcomes to this issue.

1. The Lismore Workers Swim Team is given sole “home club” status.
Comment: This is a continuation of the existing arrangements and provides the opportunity for one major club to develop by using the facility to train and compete, and to secure major swimming meets to be held at the Memorial Baths. Other clubs who wish to use the Memorial Baths would be required to pay lane hire fees as per the Fees and Charges schedule (\$15 per lane per hour).
2. That both Clubs be given “home club” status.
Comment: This option may provide some additional revenue for the Memorial Baths, however it might also destabilise the operations of the LWST. Given the Lismore Indoor Swim Team has an existing home base at The Summit, this option is not recommended.
3. That the clubs be encouraged to amalgamate into one club with a common purpose and direction.
Comment: this solution would appear to have a lot of merit on the surface, however the existence of underlying issues could make this prospect unachievable. Lismore City Council could play an active role in facilitating such a direction.

Comments

Financial Services

The Lismore Memorial Baths 2008/09 Fees and Charges includes the various facility hire charges (lane hire, pool or part pool hire and facility or part facility hire). The charge for lane hire in 2008/09 is \$15 per lane per hour.

The Fees and Charges provide that for schools and ‘home swimming/water polo clubs, facility hire charges are not applicable.’ They also state that for other users, requests to reduce or waive facility hire charges must be determined by Council. The ‘home swimming club’ status has been given to both the Lismore Workers Swim Team and the Lismore RSL Swimming Club by Council when the Lismore Memorial Baths was redeveloped and reopened in August 2005.

From a long term financial perspective, it is important for the Lismore Memorial Baths to have at least one financially viable swimming club operating permanently from the facility. As such, if the request from the Lismore Indoor Swim Team was approved, there would be concerns about the long term viability of the Lismore Workers Swim Team.

Other staff comments

Aquatics Manager, Lismore Memorial Baths

LMB has the capacity to service an additional club with respect to lane availability and any initiatives that would increase the visitation rate of the centre should be seriously considered. LWST, if allowed to retain sole “Home Team” status with respect to swimming, need to adopt a more inclusive policy to swimmers from existing external clubs with a view to possible amalgamation in the future.

Public consultation

Written submissions were received from both the Lismore Workers Swim Team and the Lismore Indoor Swim Team. Council staff have had several discussions and meetings with representatives from both swimming clubs. Swimming NSW and a number of pools in NSW have been contacted in relation to home club status. Officials from both clubs have also been given the opportunity to speak at public access.

Conclusion

Taking into account the views of Swimming NSW and the external consultant undertaking a review of Council's sporting facilities, it is considered most desirable for the Memorial Baths to provide one major club with "home status" in order to facilitate the development of swimming in Lismore, and to bring major swimming events to the city. It is vital that Lismore continues to foster the development of swimming and related aquatic sports, and the existence of a club with strengths in membership, administration, and volunteers should provide the basis to grow the sport and to attract major events to the region. This position of strength is likely to be eroded should another club be given 'home status' at the same venue.

Note: It is the understanding of Council staff that the plural "clubs" was inserted into the Fees and Charges to mean the Workers Swim Team and the Water Polo Club.

Recommendation

That Council:

1. Refuse the request from the Lismore Indoor Swim Team for "home club" status at the Memorial Baths.
2. Encourage the potential amalgamation of the Lismore Indoor Team and the Lismore Workers Swim Team.

Report

Subject	Solar Heating at Lismore Memorial Baths
File No	P6768
Prepared by	Aquatics Manager
Reason	Response to Councillor request
Objective	Examine the viability of introducing solar heating to the Lismore Memorial Baths
Strategic Plan Link	Quality of Life
Management Plan Project	Community Services

Overview of Report

This report examines the costs, benefits and shortcomings associated with installing solar heating at Lismore Memorial Baths.

Background

Lismore Memorial Baths (LMB) is heated using electric heat pumps. These pumps essentially work in reverse to a refrigerated air conditioner, in that they extract heat from the air and utilise the heated water to raise the overall water temperature. LMB currently runs seven heat pumps, five of which are directed to the 50 metre pool with an output of 275 kW. The pumps heat the pool to 26°C by taking a sample of the 1.5 million litres of water from the pool, overheating it, and then reintroducing it back into the main pool body.

The electricity budget allocation for the entire LMB complex is \$74,200 for 2008/2009. It is difficult to estimate the precise percentage attributable to the heat pumps as weather conditions dictate actual running times and the pumps are not separately metered. For the purpose of this investigation the power usage for the 50 metre pool has been estimated at 65% – 75% of total electricity costs, or \$48,230 - \$55,650. This figure has been calculated by extrapolating from the reduction in power costs to LMB for June, July, and August 2007 when the 50 metre pool was not operational.

Solar Heating Overview

The introduction of solar heating will not replace the need for the use of the electric heat pumps. Solar heating would work in concert with the existing system, effectively augmenting the current system and resulting in a reduction to heating costs. However, given unpredictable climate patterns, solar heating would not allow an extension to the swimming season with respect to the 50 metre pool. For this reason the installation costs and projected savings are limited to the running of the 50 metre pool each season, i.e. from September to May. The effect on the 25 metre pool would be negligible, given the area available for heating panels is limited to the existing roof area. The use of solar heating on the 25 metre pool during the winter period is hard to quantify due to the reduced sunlight available in the winter months.

Financial impact

A quote for the installation of solar heating has been obtained from QIS Energy Conservation Systems (\$50,000). Additional quotes would be obtained if the project was considered to be viable. The

estimated savings have been calculated using a program designed by Professor Morrison from the University of New South Wales. This program evaluates the effectiveness of solar heating using site and climate data.

Overall, a saving on existing running costs of up to 28% per annum is possible. The use of solar heating could result in a reduction in energy cost of approximately \$13,505 - \$15,580 pa (28% of electricity costs) against installation costs of \$50,000 + GST.

Comments

Financial Services

The preliminary assessment is encouraging and this project has potential to be funded from the CCP Implementation Fund due to savings in electricity consumption and reasonable payback period. The recommendations are supported on the basis the submission to the 2009/10 Management plan is accompanied by a cost/benefit analysis completed by a suitably qualified independent consultant.

Other staff comments

Environmental Health

The proposal to provide solar heating to the LMB is supported in the scheduled Actions within the CCP Local Action Plan. Although the installation of solar heating at LMB is not an identified separate action, it does fit within the following LAP Actions; - Action 14 - *Investigate Solar Power Options*, Action 71- *Solar Hot Water Rebates*, and Action 96 – *Promote the Use of Solar Power*. On this basis the utilisation of funding from the CCP Implementation Fund would appear appropriate. However, it is recommended that a cost benefit analysis of the proposal be undertaken by a recognised consultant in this technical area.

Public consultation

Not required.

Conclusion

Solar heating of the pool could result in significant savings in energy costs and a similar saving in CO² emissions. However, the introduction of a solar heating system will not allow the extension of the current 50 metre pool swimming season beyond May as it is unlikely weather patterns will produce sufficient sunlight during the winter months.

Water from the solar system may be directed to the 25 metre pool during the winter period, however, it would be unwise to rely on any savings. The implementation of such a system would also increase installation costs.

The introduction of a solar system does have some distinct advantages with a payback period of approximately four years providing the 50 metre pool remains closed during the winter months.

Recommendation

1. That Council receive and note the report.
2. That staff explore avenues to fund the introduction of solar heating at the Lismore Memorial Baths, including a budget submission to the 2009-2010 budget from the CCP Implementation Fund.
3. That an independent cost benefit analysis of the proposal be undertaken to support the 2009-2010 budget submission.

Report

Subject	Pavilion No. 2 at Blair Oval
File No.	CL:VLC:P25336
Prepared by	Assets Engineer
Reason	In response to a request from Council for a report to be prepared advising of alternate uses for the property known as Pavilion No. 2, Lismore.
Objective	To gain Council's endorsement to preserve Pavilion No. 2 until investigations into relocating and utilising this building as part of the Master Plan for Precinct One or alternative opportunities have been concluded.
Strategic Plan Link	Infrastructure
Management Plan Project	Parks and Recreation, Asset Management, Properties

Overview of Report

This report recommends the retention of a building known as Pavilion No. 2 and that the relocation and utilisation of this building (or part thereof), be investigated as part of the Master Plan for Precinct One. This building is currently located adjacent to Blair Oval, part of Precinct One, Lismore.

Background

The building known as Pavilion No. 2 was originally constructed in 1941 and used as a fighting services hostel. Pavilion No. 2 is a two-storey timber framed structure with weatherboard cladding and a corrugated iron roof. The building occupies part of Council property being Lot 1, DP709802, (No. 144 Magellan Street), and has been passed on to Council for ownership. The building has had a number of occupants and facilitated various activities both cultural and sporting in its lifetime. The building has been subject to flooding on numerous occasions and the site remains flood prone.

GHD were engaged in 2004 following concerns regarding the building's lean which had been observed over a five to ten year period. The GHD report advised that based on observations, the reasons for the building's lean were insufficient lateral bracing, self loading, and deteriorating ends of the timber posts to the eastern wall.

The report recommended, "Immediately close and secure the building to prevent any further activity and occupation on the first floor and install temporary bracing to enable continued use of the lower storey for storage purposes only." Other deficiencies observed by the GHD Engineer during an inspection are outlined in the report, refer Attachment 1 enclosed separately.

Alternate uses of the property considered in this report are:

- Historical restoration
- Restoration of the existing building
- Relocation/ Integration with Lismore Park Precinct One Master Plan
- Relocation to another location
- Demolition.

Historical Restoration

Pavilion No. 2 is over 60 years old and therefore has some historical significance. It appears, however, that the building has been significantly modified since originally constructed, mainly the removal of walls on both floors and the relining of walls on the top floor. Given that the original use of the building was as a hostel, it is likely that there were individual rooms within the building to house its tenants.

The GHD report states that, "Considering the original use and function of the building and observing the different ceiling lining boards to part of the upper storey, it would suggest that there were additional walls in the original structure that were later removed when the facility was changed to a hall." These modifications have reduced the historical significance of the building, increased the costs required if the building is to be restored to the original layout and have very likely contributed to the structural deficiencies the building has in its current state.

Council's Heritage Advisor concurs with the observed modifications describing the building as "...very much modified". The Advisor recommends that the building "...be recorded for historical reference. However, works required to render building safe for public use could not be justified due to large capital injection required."

To restore the building to its historical or original state would potentially reduce the functionality of the building (i.e. the building would no longer be suitable for use as a band hall or dance studio). A suitable use for the building would need to be identified prior to further consideration of historical restoration.

Restoration of Existing Building

Restoration of the existing building to make it safe for use in its current layout would cost less than a historical restoration. Aside from the structural work required to make the building safe for occupation, substantial costs would be required for the following:

- Provision of site drainage
- Footpaths and safe access
- Provision for mobility impaired access
- Repairs to the building fabric and painting
- Electrical and telecommunications rewiring
- Plumbing for the provision of amenities
- Air conditioning
- Security and fire safety measures
- Removal of asbestos.

Whilst it is not possible to accurately estimate the likely cost of such a restoration without detailed assessment and recommendations from a Structural Engineer on a method to stabilise the building, it is likely that a system of portal frames around the outside of the building would be needed. The building itself could then be secured to these frames. Such measures would potentially cost \$250,000 or more. The costs of other required works as outlined above would be additional to this. Total costs for this could be in the vicinity of \$750,000, depending on exactly what is determined to be required or desirable at the time.

Relocation/ Integration with Lismore Park Precinct One Master Plan

Council has recently engaged PDT Architects to prepare a Strategic Master Plan for Precinct One of Lismore Park. This is the area bounded by Brewster, Uralba, Dawson and Magellan Streets. The Master Plan is looking at the full range of potential uses of the area and seeks to identify capital works to be undertaken in order to meet the future demands of the local community.

Consultation with user groups and relevant staff has been completed and the preliminary assessment has identified a need for a multi-purpose building for use by sporting and community groups to be constructed adjacent to Crozier Field or Blair Oval. In lieu of the development and construction of a new building, Pavilion No. 2 (entire or in part), could be relocated to a new location, probably within 100m of its current position.

The building in its current position also contributes to some issues regarding safety and use of Blair Oval. Its proximity and orientation to both the adjacent Girl Guides and Scouts buildings, creates spaces where people can hide, particularly at night.

The condition of the building would make relocation of the whole structure difficult and potentially hazardous. A more practical option would be to potentially remove, brace and relocate the top floor of the building which appears to be in relatively good condition. The relocated structure could then be set down on new foundations and refurbished. Additions or modifications to the building could also be undertaken as required to accommodate the desired uses for the facility. The commemorative plaque set into the existing building foundations, celebrating the building's opening, could be protected during relocation works and remain on the original site for historical reference.

Advice has been sought from an experienced building removals contractor and an indicative quotation has been provided. The contractor has advised that they can move the building in one piece approximately 100 metres from its existing location for \$80,000 (including GST).

It is not possible at this stage, however, to determine the extent and cost of any additions and/or other renovations required if the building were to be utilised as the proposed multi-purpose building for sporting and community groups adjacent to Crozier Field and Blair Oval. It is therefore considered appropriate that options and associated costs for using a renovated Pavilion No. 2 in some part of the redevelopment of Precinct One be investigated as planning progresses.

Relocation to Another Location

If the investigation referred to above finds that Pavilion No. 2 is not required in the redevelopment of Precinct One then relocation of the building to another location may be considered. In the first instance, 'Expressions of Interest' could be sought from community organisations and sporting groups with the objective of delivering and gifting the building to the successful applicant. Council would likely contribute the relocation of the building, or part thereof including the setting down and restumping of the building in a structurally sound condition. It would then be the responsibility of the successful applicant to re-establish services and refurbish the building to a habitable standard.

Initial discussions with a building removals contractor have raised doubts about the feasibility of moving the building off site and the contractor has declined to quote on this basis. The contractor advises that the building could not be moved off site in one piece and would need to be cut into at least two pieces. Due to the raked ceilings of the upper story and large open structure (lack of internal walls/ bracing), significant temporary internal bracing would need to be installed to prevent collapse, dramatically increasing the cost of the operation. Additionally, the contractor advised that even in cut down form the RTA may not allow the operation to proceed due to the height of the structures. If permissible by the RTA, the costs to move the building would be similar to those to dismantle and reconstruct the top part of the building (author estimates \$150,000 including GST).

Demolition

Council could demolish the building and initially provided funds in the 2007/2008 budget to do so. These funds have subsequently been allocated to the demolition of the building that Council purchased in King Street. No further consideration will be given to demolishing the building whilst there is potential to relocate and restore it, or part thereof.

Comments

Financial Services

The recommendations are supported as they progressively consider all known alternatives for this facility.

From a financial perspective, none of the restoration or relocation alternatives are included in Council's current major capital works program or recurrent budget. Therefore, to undertake any restoration or relocation works, new funding would need to be provided.

Other Staff Comments

Manager - Planning Services

Council's Heritage Advisor has advised that the building has been substantially modified and works required to render it safe for public use could not be justified due to large capital injection required. Identification of the building as a heritage item is not recommended, but it should be recorded (ie, photographed according to Heritage Office guidelines and this record placed on the property file).

Public Consultation

Not applicable at this stage. A public consultation process has been undertaken in the preparation of the Strategic Master Plan for Precinct One of Lismore Park.

Conclusion

The building known as Pavilion No. 2 is currently closed and unoccupied due to identified structural deficiencies. Immediate action by Council to restore the building for historical or existing use is not considered feasible based on the unbudgeted financial commitment required.

The building has a reduced historical value due to modifications that have been made over time to the internal layout of the building. Council's Heritage Advisor has not recommended listing of the building as a heritage item.

Council is developing a Master Plan for Precinct One of Lismore Park. This plan identifies a need for construction of a multi-purpose building to cater for community and sporting groups between Crozier Oval and Blair Oval. The top floor of Pavilion No. 2 could be relocated, restored and extended to meet this need, subject to formal determination of its suitability and the financial viability of such a proposal. It is considered prudent to further investigate this possibility.

It is emphasised that there is no guarantee that relocation of the building either within Precinct One or to another location will be practically or financially feasible. Should the proposed detailed investigations reach this conclusion, the matter will be reported back to Council to further consider the future of the building.

Recommendation (IS39)

That:

1. Given the identified need in the draft Master Plan for Precinct One of Lismore Park for a multi-purpose building to be provided between Crozier Oval and Blair Oval, Council investigate in detail the possibility of relocating and refurbishing the top floor of the building referred to as Pavilion No. 2 at Blair Oval.
2. The investigation referred to in Point 1. be conducted after finalisation of the Master Plan for Precinct One of Lismore Park and following determination of the needs/ configuration of the proposed multi-purpose building.
3. If the investigation referred to in Point 1. finds that the Pavilion cannot meet the needs, is of inappropriate configuration or that it is not financially viable to relocate and refurbish, then the option of relocating the building to an alternative location be investigated.
4. The building remain closed and secure until the above investigations have been completed.
5. If on completion of the investigations, it is determined that neither option involving relocation of the building is practical or financially viable, the matter be reported back to Council to determine the future of the building.

Report

Subject	June 2008 Quarter Management Plan Review
File No	S952
Prepared by	Executive Services Coordinator
Reason	Requirement of Local Government Act S.407(1)
Objective	Information for Councillors
Strategic Plan Link	Leadership by Innovation
Management Plan Project	This is a report on the implementation of the 2007/2008 Management Plan

Overview of Report

This report relates to the performance of programmes and activities highlighted in the 2007/2008 Management Plan During the quarter ended June 2008.

Background

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

Recommendation

That the report be received and noted.

Report

Subject	Cities for Climate Protection Program
File No	S232
Prepared by	Environmental Health Section
Reason	To provide Council with an annual update on the CCP program
Objective	To provide an update of Council's progression through CCP Milestone 4 - Implementation of Local Action Plan, to reach the goal of a 20% reduction of greenhouse gas emissions by 2012.
Strategic Plan Link	Natural Environment
Management Plan Project	Cities for Climate Protection Program

Overview of Report

This report provides an update on **Milestone 4** of the Cities for Climate Protection (CCP) Program regarding implementation of Lismore City Council's Local Action Plan (LAP), and provides preliminary data on greenhouse gas emissions savings to date from Council operations and the community, where measurable.

Council will commence **Milestone 5** in 2008 which involves conducting a comprehensive reinventory which will provide an absolute measure of the trends in Council and the community's emissions and will assist in providing a direction for our future goal of a 20% reduction by 2012.

Background

In July 2004 Council resolved to participate in the Cities for Climate Protection (CCP) Program and endorsed the Program's **5 Milestones**.

Milestone 1 was completed in June 2005 which involved conducting an extensive inventory and forecast to evaluate current and future Greenhouse Gas Emissions of the Lismore Local Government Area. This included Council's corporate operations and the community.

Milestone 2 was completed in November 2005 by adopting an emissions reduction goal of a 20% reduction in emissions by 2012.

Milestone 3 was completed in 2006 when Council endorsed the Lismore City Council '*Local Action Plan (LAP)*'

Milestone 4 was achieved in 2008 when Council began implementing greenhouse gas reduction projects and reducing local greenhouse gas emissions. Council was required to demonstrate an ability to monitor and calculate emissions reduction through the Measure Reporting Program administered by the *International Council for Environmental Initiatives (ICLEI)*. For the period 06/07 a greenhouse gas emission saving of 5 tonnes in the Corporate Sector and a 12,200 tonnes in the Community Sector was measured. The next Measures Report is due on August 22, 2008.

Milestone 5 will commence in 2008 which involves conducting a comprehensive re-inventory of Council's and the community's emissions. Milestone 5 brings together results in a report of quantitative and qualitative assessments of actions implemented. This will provide an absolute measure of the trends in Council's corporate emissions. The Milestone 5 report, which is submitted to ICLEI, will add meaning to the data and will assist in providing a direction for the future achievement of our emissions reduction goal.

Local Action Plan Implementation

The effective implementation of the LAP is the key to the success of the CCP Program that results in emission reductions. The objective of the LAP is to provide a detailed list of steps (actions) that Council and the Community can undertake to reduce their greenhouse gas emissions with the aim to achieve our reduction goal. Actions were recommended based on input from all Council Directorates, Councillors, and the Community.

The LAP remains a dynamic guide to be used to trigger continual consideration, prioritisation and implementation of greenhouse gas emission reduction actions. This allows for continuous improvement of the plan and ensures that it is consistent with and responsive to Council's Corporate Management Programs, State of the Environment Reporting, and other relevant plans/programs.

Effective implementation of actions within the LAP has required participation, cooperation and commitment from all Council staff, particularly management. The recently established 'Sustainability Working Group' comprising all Program Managers has been effective in reporting on their relevant Section's progress towards Council's emission reduction goal.

The following summarises Council's progress over the last nine months in implementing actions of the LAP:

Office lighting upgrade - Action 4 & 7

Stage one of the office lighting upgrade replaced and upgraded 21 fittings located in the Environmental Health and Building Services Section. Stage one was completed to allow time to trial the new technology as well as a transitions and question time for staff. Stage two is anticipated to commence in August 2008, which will involve the upgrade of all office lighting throughout the Corporate Centre.

The office lighting upgrade was chosen as a viable action for many reasons which included:

- the large gap between existing infrastructure and current best practice technology,
- the large potential for both financial and energy savings,
- the minimal changes necessary to Council infrastructure, and
- the minimal disruption to Council operations.

Anticipated Savings

1. By replacing the existing fittings with a single 36W High Performance Luminaire and KW/2 Reflector, Council can realise a 58% energy saving on internal office lighting and save \$5,881 per annum.
2. In addition to the immediate energy savings costs the new light fittings are rated at 18 000 hour lamp life compared to the current T8 tubes which are rated at 12,000 hour lamp life. In the context of the Council Corporate Centre this means that a new fitting will last 6.54 years compared to the current 4.36 years. The extended lamp life of the tubes, coupled with a 50% reduction in number of tubes will greatly reduce the maintenance cost related to our existing lighting system. This saving has been calculated at \$3,750 per year.
3. Furthermore the new light fittings run at a much cooler temperature than the existing T8 tubes which reduces the heat load placed on the air-conditioning system. This has been estimated at 7620 kWh and a savings of \$1,135 per year.

Building Condition Assessment and Compliance Report – Action 55

As reported in the September 2007 Councillor Memo, a tendering process was undertaken for the completion of energy and water audits on the 10 largest Council facilities in conjunction with the scheduled Building Condition Assessment and Compliance Report. Unfortunately due to the high cost of the quotes these audits were not able to be included in the allocated funding for the Building Condition Assessment, nor could they be funded through the “*CCP Implementation Fund*” because a pay back period cannot be calculated for the cost of the audit (a payback period is a stipulation for accessing the Funds).

Air Conditioner Upgrade Corporate Centre – Action 10

All works have now been completed on the upgrade to the air-conditioning system in the Corporate Centre. Energy savings will be able to be estimated through the use of the *Web Graphs Program* (details below). Please refer to Appendix A for graph of energy consumption since the period of change over.

Water Tank at Depot – Action 12

The 246 000 Litre water tank has been successfully installed at the Brunswick Street Depot which will save considerable potable water through rainwater harvesting. With the success of this installation it will be important to identify future infrastructure that could similarly benefit from water tanks.

Methane Adsorption at Landfill Site – Action 43

Two cells of 10m x 20m have been planted out with native vegetation at the Lismore Council landfill as a trial for alternative capping methods by the company A-ACAP. This trial will aim to test the viability of native plants adsorbing methane gas (a potent green house gas emission) before it enters the atmosphere from the landfill site.

Tree Planting for Offsets – Action 24 & 72

Council’s Executive Committee has recently approved a procedure “*Tree Planting to Off-set Carbon Emissions of Councils Light Vehicle Fleet*”. The objective of the policy is to plant trees in order to off-set the carbon emissions attributed to the average fuel usage of Lismore City Council’s light fleet vehicles. Plantings are in addition to existing operations and legislative requirements.

Web Graphs – Action 17

An internet based live monitoring system was established to monitor the energy consumption at the Corporate Centre, which will allow instantaneous calculation of energy savings as actions from the LAP are implemented. For example this program allowed for the calculation of energy savings related to the recent staff education “Switch Off” campaign and “Earth Hour”.

Switch Off Campaign (Earth Hour) – Action 22

In conjunction with this year’s Earth Hour, Council launched its staff education “*Switch Off*” campaign. This program encouraged staff to turn off their personal monitors and computers as well printers, photocopiers and lights at the end of the day. Web graphs showed that staff were able to save 130 kWh of electricity just over the Earth Hour weekend through these efforts. Further saving will be made as the energy saving actions are continued through the Switch Off Campaign.

Hibernation Mode Investigation – Action 2

Council's IT Section has recently completed testing of hibernation and energy star mode for Council computers. This testing showed that neither of these two options were appropriate for Council's networked system and as a result an option for monitors to "power down" after inactivity of 5 minutes is now being implemented.

Energy Efficient Staff Induction Program – Action 18

The new *Corporate Staff Induction Procedure* uses an interactive program (The Learning Seat) to educate incoming staff on a variety of sustainability issues. There are specific references to energy efficiency which will ensure that all new staff will have the necessary information to continue the energy savings actions currently in place.

Planet Foot Print - Action 55

Council's ongoing partnership with the data management firm Planet Footprint has recently expanded to include water consumption monitoring as well as the original electricity consumption monitoring. In an effort to maximise the benefit from this information resource, an information dissemination procedure has been established to directly involve the Managers of Council's 10 largest buildings to receive water and electricity consumption information specific to the building they manage.

"*Building Champions*" as they have been named, will undergo training in reading and interpreting the data and then will be required to report quarterly a summary of changes to water and energy consumption. The aim is to create awareness of energy usage and the easy monitoring of energy efficiency when actions are implemented. This will also assist in identifying any anomalies in consumption which can then be investigated. The quarterly reports will be reported to the Executive Committee and Program Managers.

Regional Carpooling Network – Action 87

An internet based *Regional Carpooling Network* has been identified as a viable avenue for reducing the number of cars on the road, increasing the availability of public transport options, and significantly reducing the amount of greenhouse gas emissions attributed to commuter transport.

This network would enable commuters travelling similar routes within the Northern Rivers to link up and share the driving. Environmental Health has been working collaboratively with the Transport Policy Advisory Group (TPAG), Council's Road Safety Officer and neighboring Councils through the Northern Rivers Group on Energy (NRGe) to develop this Regional Carpooling Network.

Rebates Promotion – Action 71 & 96

As part of the new Department of Environment and Climate Change (DECC) *Rebates Promotion Fund*, Lismore Council will be working together with Tweed, Byron, Ballina and Clarence Valley Councils to deliver a regional campaign to encourage the take up of Federal, State and Local Government rebates. This campaign will include information on all levels of rebates available for solar hot water, solar power, water tanks, insulation and mulch.

SUSS Forum and World Environment Day – Action 69

Both the high school's *Students Forum - Using Sustainable Strategies (SUSS)* and the primary schools *World Environment Day* were a raring success this year. Council's Climate Change involvement in each event helped to achieve the community education components identified in the LAP.

Envirosaver Program- Community Light Globe and Shower Head Campaign – Action 69

Lismore City Council continues to partner with the *Envirosaver Program* helping to promote the uptake of energy efficient light globes and water saving devices by the community. This program has proved so effective that Rous Water has since joined with Lismore Council to deliver parts of their demand management strategy. In total 2769 tonnes of greenhouse gas emissions have been saved through this program.

Cent-a-meter Program – Action 93

The *Cent-a-meter Program* (funded by the Easy Being Green program) has progressed regionally and is now underway in Lismore, Tweed, Byron, Ballina, Kyogle, Richmond Valley and Clarence Valley Councils. This program has enabled each high school to receive free of charge two energy monitors and an education pack for conducting an energy audit at their school.

Recycling Florescent Globes and Tubes – 90 & 91

The recycling of florescent globes has been expanded to include more drop off points for our community. Lighting shops and hardware stores have been invited to receive used globes which will in turn be recycled by Council and divert the mercury contained away from landfill.

The Southern Cross University Sustainable Living Expo – 69 & 78

The Economic Development Unit will be running a Sustainable Living Expo in conjunction with North Coast National Show. The Sustainable Living Expo will feature:

- Interactive and static displays
- Workshops
- Talks / presentations
- Strong NSW Schools engagement and presence

The Expo will highlight practical ways to work, live and play with the environment, not against it. The Expo will showcase Australia's finest thinking in:

- Renewable Energy
- Sustainable Building - design and building materials
- Sustainable Resource Management – including farming practices
- Recycling and Waste Management
- Food Self Sufficiency and "Food Miles"
- Carbon Neutral Living

CCP Implementation Fund of \$1million – Action 49

Council's commitment in the 2007/08 budget towards a '*CCP Implementation Fund*' of \$1million is expected to allow progression on issues that would not normally have been pursued. While this is a positive step, at this stage the fund is only capable of funding projects that can repay the initial investment to Council over an appropriate payback period. Generally a project will require a professional audit/assessment to determine the payback period so it can be considered for the fund, however, the cost of having the audit conducted for a project is not able to be funded by the Implementation Fund.

The Future – Adaptation Plan

Council's future in addressing climate change must include a strong investment and commitment to continuing implementation of emissions reduction actions.

In addition to emission reduction a focus on climate change *adaptation* is required. Adaptation is a critical component of climate change which requires responding to changes that are already occurring and will continue to occur even with emission reductions.

An *Adaptation Plan* is a control strategy to minimise risk which will involve assessment of the implications of climate change relevant to the LGA and identification of vulnerabilities. The plan will assist in enabling subsequent planning and management polices required to adequately adapt to climate change.

Grant opportunities for funding for the plan are being investigated within Council.

Comments

Financial Services

Not required.

Other staff comments

Not required.

Public consultation

Not required.

Conclusion

This report updates Councillors with Council’s progress in the CCP Program and our efforts to achieve the goal of 20% reduction in greenhouse gas emissions by 2012.

Milestone 4 implementation of Council’s LAP is broad and extensive with implementation occurring within Council and the Community sectors. Implementation of Milestone 4 is ongoing.

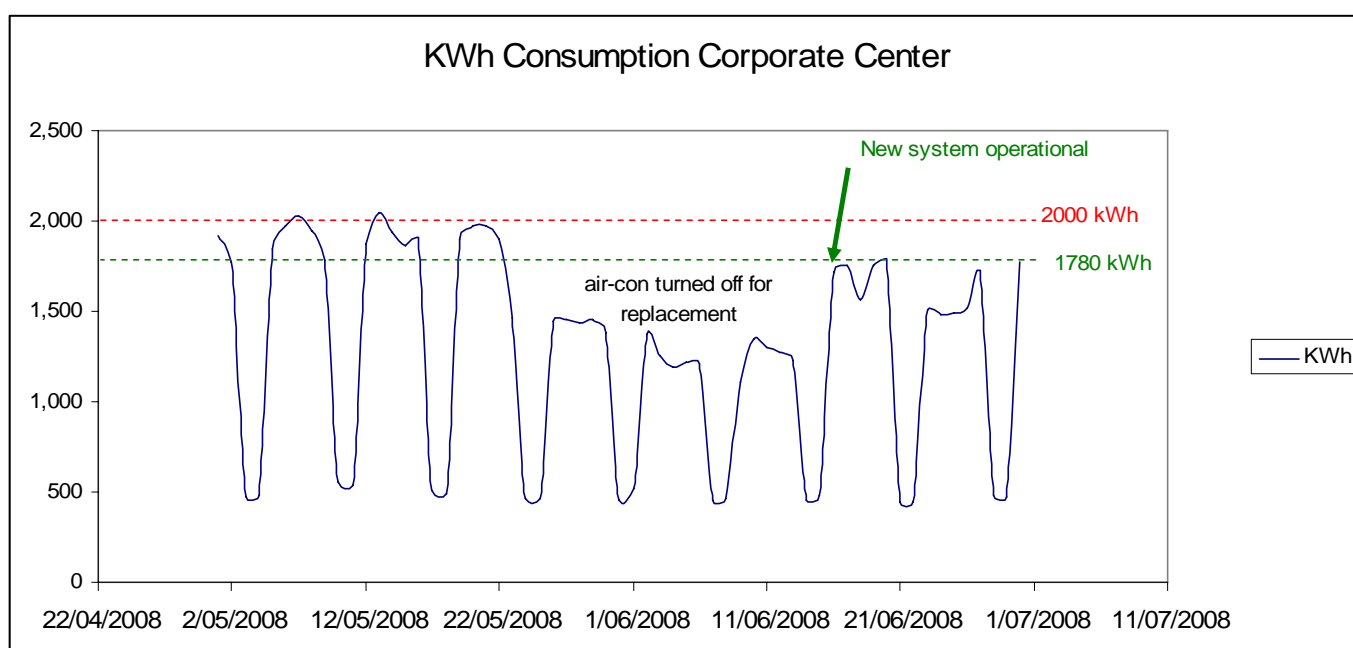
The implementation of Milestone 5 is intended to occur in 2009, which will quantify in percentage terms Councils progress to achieving our 20% reduction goal.

It is to be noted that the implementation of the LAP is being driven by Environmental Health as the Program owner, however, it is the responsibility of all Sections within Council to contribute to the implementation of the plan and the effort to date has been outstanding.

Recommendation (PLA11)

That Council note the report on Council’s progress in implementing Milestone 4 of the CCP Program as presented from Environmental Health.

Appendix A – Change in electricity consumption due to air-conditioner retrofit.



Report

Subject	June 2008 Quarterly Budget Review Statement
File No	S952
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 purpose of this report is to give Council an indication of the final result for 2007/08 and to comply with the requirements of the Local Government Act 1993 (LGA) which requires the annual budget to be reviewed on a quarterly basis and reported to Council.

Council's 2007/08 Budget has moved from an accumulated deficit of \$46,500 in March 2008 to an accumulated deficit of \$43,700 in June 2008. The operating surplus for the June 2008 quarter was \$2,800. The report can only provide an indicative position as the actual result will change during the completion of the 2008 Financial Reports due to items such as the accruals of revenues and expenses, and the treatment of assets and liabilities.

A summary of the items impacting the result has been included in the body of the report with the major items being:

(expenses): reduction in principal and interest due to the borrowing program being delayed \$314,600, Microsoft licences (\$89,500), corporate system licences (\$88,800), additional net operating costs across all programs of (\$68,500) and the construction of garage for pool vehicles (\$16,400);

(revenues): reduction in interest income (\$306,000) associated with the lower investment base resulting from Council's delayed borrowing program and lower than expected returns due to the financial market turmoil; additional revenues generated \$224,100 due to increased activity (this is offset by the increased operating costs within programs).

There have also been other operating items and capital projects recognised with offset funding from grants and reserves. A summary of these items as they impact within individual programs has been included within the body of this report.

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, the December review reporting an accumulated deficit of \$2,400 and the March an accumulated deficit of \$46,500. The June review details a surplus of \$2,800 with the annual accumulated deficit at June 30, 2008 being \$43,700.

A summary of the movement follows:

Budget Movements for Quarter	Amount \$
Opening Deficit Balance at March 31, 2008	(46,500)
Plus – reduced principal and interest repayments resulting from Councils' delayed borrowing program	314,600
Less – net additional revenues and operating costs across all programs	(18,200)
Less – reduction in interest revenues generated due to a lower investment base as a result of the delayed borrowing program and lower returns on investments resulting from the financial market turmoil.	(277,200)
Less – costs associated with the construction of a garage for cars within Council's car pool.	(16,400)
Closing deficit balance as at June 30, 2008	(43,700)

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.

Interest on Loans

Council finalised the 2007/08 loan borrowing program recently with the total funds borrowed being \$8,519,000, this is lower than the reported amount in the 2007/08 Management Plan. Total savings in principal and interest repayments are \$742,000 with \$314,600 directly impacting the operating result with the balance relating to self funding programs.

Interest on Investments

The potential impact on interest returns was identified in previous reviews with the final amount to be quantified. The interest on investments has been adjusted to reflect the impact of a lower investment base resulting from the delayed borrowing program (offset by a reduction in interest and principal repayments) and the current turmoil within financial markets.

In accordance with Accounting Standards, Council is also required to reflect the movement in the market valuation of each investment. This adjustment will have a negative impact on Council's financial position. The amount is being quantified and will be reported as part of the 2008 Financial Reports.

Asset Management

An amount of \$150,400 has been transferred to Asset Management reserves and represents the net funds associated with a recent land sale. The reserve is being held for use in relation to the development of Council assets, there being no impact on the operating surplus.

Bushfire Services

Grant funding was received for a Hazard Reduction program and for the extension to Blue Knob Fire Station. These funds have been directly assigned to capital and operating budgets with there being no impact on the operating result.

Community Services

Grant funding has been received in relation to the Living Library Project currently being developed by Council \$100,000. In addition, funds from Unexpended Grants for Bunjalung Elders Stories \$11,000, Closing the Gap \$64,600, Building Active Communities \$17,800 have been recognised in the budget. The funds were allocated to operating budgets with no impact on the operating result.

Environmental Health

Additional grant funding has been received in relation to the Koala Habitat and has been assigned to operating budgets with no impact on the operating result.

Financial Services

Insurance income of \$422,600 has been recognised in relation to three progress claims for storm damage. This has been offset against expenditure within Miscellaneous Properties with no impact on the operating surplus.

Miscellaneous Properties

Council lodged three progress claims in relation the hail storm and the subsequent costs of repairs to Council buildings. The total of these claims was \$422,600, with corresponding expense budgets being increased to reflect the additional maintenance costs. The claims have not recouped the full costs associated with the repairs at this stage, with these costs being included within the increased operating expenses component.

Roads

Works on Rotary Drive and Orion Street cycleway have been included with funding sourced from capital grants. There is no impact on operational budgets.

Caravan Parks

A fire services upgrade was undertaken at the Nimbin Caravan Park \$44,000 with funding being sourced from reserves, the reduction in other operating expenses and additional operating income.

Emergency Services

Additional contribution has been recognised in relation the Lismore Levee \$170,400 with funding being sourced from reserves and there being no impact on the operating result.

Water and Wastewater Funds

There has been realignment of budgets within these programs to reflect additional works being undertaken, the removal of works included in the original management plan and movements in the operational budgets. The movements in the operational budgets include savings in interest on loans for Wastewater due to Council's revised borrowing program and adjustments to the anticipated interest on investments both in Water and Wastewater.

These programs are self funding and there is no impact on the operating result.

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, the December review decreases this by \$6,700 and the March review decreased this by \$60,500. The June review shows a decrease of \$337,100 to \$9,931,500.

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.

Comments

Responsible Accounting Officer

The Council's financial position is considered to be satisfactory based on the revised estimates of income and expenditure reported in this review and the adopted 2008/09 - 2011 Management Plan

Other staff comments

Not required

Public consultation

Not required

Conclusion

The 2007/08 Budget has moved from an accumulated surplus of \$2,600 in September 2007, an accumulated deficit of \$2,400 in December 2007, accumulated deficit of \$46,500 in March 2008 and a accumulated deficit of \$43,700 in June 2008. The operating surplus for the June 2008 quarter is \$2,800.

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.

This is an interim result with adjustments still required as part of completing the 2008 Financial Reports.

Recommendation

- 1 Council adopt the June 2008 Budget Review Statement for General, Water and Wastewater Funds.
- 2 This information is submitted to Council's Auditor.

Report

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

Overview of Report

Council investments as at 31 July 2008 are estimated to be \$28,062,347 subject to final value of funds held under separate management being advised shortly.

The interest rate reported over the period of July 2008 is estimated to be 7.74% in comparison to 5.97% for July 2007. Council's return of 7.74% is below the Bank Bill Swap Rate for the same period of 7.76%. The final interest return may vary due to actual returns achieved in the funds held under separate management.

There are now two investments that have fallen below the acceptable credit ratings, Herald Limited (Quartz) as reported last month and Corsair (Kakadu) this month. The acceptable credit rating is set by the Minister for Local Government and would typically indicate that capital on maturity and interest on investment receipts will be received. In relation to this new investment that no longer meets the acceptable credit rating, advice has been received from Council's investment advisor, Grove Research and Advisory. They, once again, recommend that after taking into account the considerations listed in the Department of Local Government's Circular 08-10, it is not in Council's interests to sell this investment.

As previously reported, interest receipts from two investments have ceased until such time the investments reach a trigger which provides for these to recommence. This trigger has still not been achieved.

Background

The Local Government Act 1993 (Section 625), Local Government (General) Regulations 2005 (Regulation 212) and Council's Investment policy requires a monthly report be provided to Council on investments. The report is to include the source and amount of funds invested, terms of performance of the investment portfolio over the preceding period and a statement of compliance in relation to the requirements of the Local Government Act 1993.

Report on Investments

• <i>Confirmation of Investments – at Market Value – 30 June 2008</i>	\$31,834,989
• <i>Estimated Investments – at Market Value – 31 July 2008</i>	\$28,062,347

The current rate of return on investments for July 2008 is estimated to be 7.74% compared to 5.97% for July 2007. Council's return of 7.74% is below the Bank Bill Swap Rate for the same period of 7.76%. The rate of return reported has been calculated using actual returns where available and estimates based on the previous period balance and interest rates. The methodology used to calculate estimates appears reasonable in light of discussion with the portfolio advisor.

Uncertainty in the investment markets has continued to impact on Council's current market valuation of investments and interest on investment returns. Council's investment advisor has confirmed the view that the current valuation of the market is not a true reflection of Council's overall position as typically most investments are held to maturity. Most rated investments held have a credit rating (AAA to A- for long term investments, A1 to AA for short term investments) indicating the underlying assets supporting the investments are sound. With most credit ratings acceptable, receipt of interest on investments are anticipated in all cases except on the two investments previously advised (Longreach Series 25 and ANZ ASPRIT III).

Investment outside Minister's Order

During July, another investment has been downgraded to a rating that falls outside the Minister's Order. This investment, Corsair (Kakadu) has been downgraded from AA- to B+. Council has \$500,000 invested in Corsair (Kakadu) with a maturity date of 20 March 2014. As previously advised, DLG Circular 08-10 laid down guidelines as to processes for assessing whether it is in fact practicable to sell securities once they fall outside the Minister's Order. Grove Research & Advisory, after considering these guidelines, have advised in relation to Corsair (Kakadu) that it is not in investors' interests to sell, primarily due to the extremely low bid offer.

Grove Research & Advisory have advised that the downgrade to B+ should be regarded as permanent and it should be assumed that nothing can restore a complying rating. Circular 08-10 does permit the retention of the investment in cases of permanent downgrade. Comparing the available price to the projected income, it appears extremely unlikely that investors could be better off selling the security – even if they expect it to eventually default. A sale would reflect an approximate capital loss of 85%. There is no indication that coupons will fail to be paid when due in the near future.

Attachments

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

- Summary of Capital Value Movements on Investments including name of institution, lodgement date and maturity date.
- Schedule of Estimated Interest showing interest rate and estimated interest earned for the period.
- Total Investment Portfolio held by month with last year comparison - graphical
- Investment by Type - graphical
- Weighted average interest with last year comparison – graphical
- Investment by Institution as percentage of total portfolio – graphical

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 July 31, 2008, investments total \$28,062,347 and the annualised rate of return was 7.74%.

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

Recommendation

That

1. The report be received and noted.
2. After considering the Department of Local Government's Circular 08/10 and advice from Council's investment advisor, the investment in Corsair (Kakadu) is to be maintained.

**MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING
HELD ON JULY 23, 2008, AT 10.00 AM.**

	Present	Councillor Merv King (<i>Chairperson</i>), Ms Bronwyn Mitchell (<i>on behalf of Thomas George, MP</i>), Stefan Wielebinski (<i>RTA</i>), Snr Const Rob Clarke (<i>Lismore Police</i>).
	In Attendance	Garry Hemsworth (<i>Executive Director-Infrastructure Services</i>), Scott Turner (<i>Manager-Assets & Support Services</i>), Salina Runge (<i>Road Safety Officer</i>), and Bill MacDonald (<i>Traffic & Emergency Services Coordinator</i>).
TAC32/08	Apologies	An apology for non-attendance on behalf of Thomas George, MP, was received and accepted.
TAC33/08	Minutes	The Committee was advised that the minutes of the Traffic Advisory Committee meeting held on June 18, 2008, were confirmed by Council on July 8, 2008.

Disclosure of Interest

Nil

Part 'A' – Committee Recommendations

Attorney General's Department – Zadoc Street, Lismore

Requesting consideration of introducing a Loading Zone on the southern side of Zadoc Street to cater for deliveries to the Court House, Police Station and the Harvey Norman store, and also raising concerns regarding safety at the intersection of Keen and Zadoc Streets.

There is now considerable pressure on parking within Zadoc Street and there is a need for an area to be set aside for unloading court documents, deliveries to the Court House, Police Station and Harvey Norman, etc, to eliminate the need for drivers to double-park. An on-site meeting with the Senior Registrar, Michael Knock, revealed the most appropriate location would be a single space on the southern side of Zadoc Street, immediately west of the driveway running down beside Harvey Norman.

With the completion of the new Police Station and Department of Community Services building, as well as the Court House, Harvey Norman and the Cinema complex, the intersection of Keen and Zadoc Streets is becoming increasingly busy. Lismore Police have reported issuing a number of infringements to motorists driving straight through the existing Give Way signs and there have been many reports of 'near misses'. In the short-term, Stop signs may be more appropriate and longer term, a roundabout. Two concept plans were developed by Council's Design Services Section some time ago when it was suggested that should the proposal proceed then the pedestrian refuges as shown on the first plan should be retained and the greater deflection due to an increase in the size of the centre portion of the roundabout as shown on the second plan should also be retained.

TAC34/08 Recommendation: That a one car space No Parking zone be introduced on the southern side of Zadoc Street, immediately west of the driveway beside the Harvey Norman store. Further, that the matter of replacing the existing Give Way signs with Stop signs be referred back to the next meeting of the Committee to allow time for the RTA to further assess their warrant and that the matter of a roundabout be referred to Council's Design Services Section to provide a plan and estimate for a roundabout, with the above comments included with this being referred back to the Committee for further consideration. (08-5958:R7330,R7313)

ACON – Uralba Street, Lismore

Requesting consideration of introducing a disabled parking bay on the southern side of Uralba Street in front of their premises located at No. 27 Uralba Street, Lismore.

Being one of the longer term tenancies in this area, there was no requirement at the time to provide adequate off-street parking for their clients. Whilst there is some on-site parking, negotiating to and from for motorists is difficult and due to site restrictions it is not likely to improve in the short-term. The introduction of an on-street mobility parking bay would be used by a number of agencies in a similar predicament in the immediate area.

TAC35/08 Recommendation: That a mobility parking space be introduced on the southern side of Uralba Street immediately east of the driveway to No. 27 Uralba Street. (08-7156:R6058)

Lismore Taxi Co-Operative – Conway Street, Lismore

Requesting consideration of providing a two-car taxi rank in Conway Street, in front of the new Aldi development.

It would appear from feedback from Taxi Co-Operative clients, that there will be significant patronage of the new Aldi development and it would be reasonable to provide a taxi rank within the vicinity. As part of the development there is a centre median, right-turn lane and pedestrian refuge to be constructed on Conway Street. This may make it difficult to locate a rank immediately in front, however in principal, support could be given with the precise location to be determined once all identified works had been completed. If there is insufficient room for a two-car rank then consideration could be given to one space initially.

TAC36/08 Recommendation: That a taxi rank be provided on Conway Street, in the vicinity of the Aldi development with the exact size and location to be determined once all identified works are completed and further consultation with the Co-Operative. (08-7576:R7307)

North Coast Radiology – Keen Street, Lismore

Submitting a proposal for an ambulance passenger set down area in front of their premises located at No. 16 Keen Street.

Currently ambulances transporting patients to North Coast Radiology park in the driveway of the Doctor's Surgery next door as this is the easiest access to the premises. Obviously with the increase of clients to both facilities this is unsustainable into the future. Due to the elevated nature of the building at the rear, a ramp is not practical in this location. The proposed drop-off area would be at a lower level and parallel to the kerb line to offer a suitable grade into the front of the premises. This would require the removal of at least one of the trees in front or possibly both and the loss of three (3) on-street parking spaces. The lower drop-off area would need to be retained and would include a covered walkway from the drop-off point to the front of the building. Several concerns have been raised which include:

- The need for protection of the drop between the through traffic and the lower drop-off area which is estimated to be in excess of 1.0m.
- Ingress and egress of pedestrians to the radiology service needs to be addressed.
- The proposed roof area would need to be set back to ensure it did not conflict with through traffic considering the camber of the road.
- That a drop-off area be signposted as a No Parking zone to allow use by the general public who would be dropping off someone using the radiology services as well.
- Consideration would need to be given to providing signage at the front of the premises advising clients that parking was available at the rear.

TAC37/08 Recommendation: That in principle, support be given to the proposed ambulance drop-off area provided the above points are addressed as part of any DA process. (P26616,R7313)

Peter Deegan – Elliott Road, South Lismore

Requesting consideration of installing No Stopping signs on the northern side of Elliott Road in front of the former Mobil Service Station site on the corner of Union Street.

The area in question includes the two old driveways to the service station in which motorists pull up for various reasons. This section of road is the heavy vehicle access to Norco that runs down beside the Ballina Road Bridge. Motorists parking in this area are creating a hazard for truck drivers exiting the roundabout on the corner of Union Street and Elliott Road and wanting to negotiate the access road.

TAC38/08 Recommendation: That a No Stopping zone be introduced on the northern side of Elliott Road from Union Street to a point 39m east. (R6917,R6938)

Part 'B' – Determined by Committee

Blushprint – Casino Street, South Lismore

Requesting consideration of introducing 45° angle parking on the southern side of Casino Street in front of their business located at No. 130 Casino Street.

The area between the kerb and gutter and the through road has been sealed as part of the development requirements and there is sufficient room for this area to be line marked as 45° angle parking. The inclusion of signage is not considered warranted.

B-08-07:1 It was agreed: That the sealed area in front of No. 130 Casino Street be line marked as 45° angle parking. (08-5952;R6907)

Caniaba Public School Council – Union Street, South Lismore

Raising safety concerns when approaching Hollingworth Bridge, where two lanes merge into one and also when driving in the right-turn lane southbound towards the Three Chain Road roundabout.

The Hollingworth Creek Bridge approach from the south has been the subject of investigation in the past and whilst it was acknowledged that the bridge did contribute to traffic backing up, much of the problem existed at the roundabout at the intersection of Union Street and Elliott Road. This intersection has been identified as requiring traffic lights in the future, which should address current problems to some extent. It was noted that the widening of the bridge had been identified in the Road Safety Strategic Plan that was currently on exhibition for investigation. The need for the bridge to be widened and its funding is a project for the RTA to determine in consultation with Council's Operations Manager. "Form One Lane" and "Merge Right" signage does exist for northbound traffic prior to the bridge and this is in the appropriate location. Right-turn arrows do exist on the inside lane on the southbound approach to the roundabout at the intersection of Union Street and Three Chain Road. Additional arrows would assist in providing motorists with time to make the decision as to the appropriate lane for them to be in.

B-08-07:2 It was agreed: That the writer be advised of the proposed upgrade of the intersection of Union Street and Elliott Road and the RTA's position in determining funding for the widening of Hollingworth Creek Bridge. Further, that an additional three (3) right-turn arrows be painted on the inside lane of Union Street for southbound traffic prior to Three Chain Road. (08-6935;S352)

Dr Geoffrey Boyce – Skyline Road

Requesting consideration of extending the centre line marking on Skyline Road for the length of the 50kph zone and for a reduction in speed limit on Skyline Road from the first grid north of Skyline Road East, down to the intersection of Skyline and Durham Roads.

The need for centre line marking is generally one determined by Council's Roads Section and it may be that guide posts would be a more cost-effective way of providing guidance to motorists in locations where lighting is inadequate. It is considered that the majority of Skyline Road beyond the 50kph urban limit is appropriately signposted in terms of speed limit. However, approaches to the curve on which Skyline Road East exists would benefit from additional 'curve' warning signage and appropriate speed advisory plate. The inclusion on the left-hand curve warning sign of an intersecting leg (Skyline Road East), would also assist in warning uphill motorists of the intersection's existence.

- B-08-07:3 **It was agreed:** That the issue of extending the centre line marking on Skyline Road within the 50kph section be referred to Council's Roads Section for determination. Further, that a 'curve' warning sign with accompanying 55kph speed plate be installed on Skyline Road both sides of Skyline Road East with the inclusion of an intersecting leg on the right-hand curve sign for uphill motorists. (08-7188:R5102)

Mr G Urbaszek – Standing Street, The Channon

Raising concerns of excessive speeds in Standing Street, The Channon, and suggesting speed bumps be installed both sides of Nimbin Street.

Standing Street is a 'dead end' street with The Channon Public School located at the end of the street. Sight lines and road grades would make it difficult to install speed bumps on Standing Street, however it will be possible to ascertain vehicle speeds with the installation of a classifier. If significant speeds are detected from the survey then the results will be passed on to the Lismore Police for their attention.

- B-08-07:4 **It was agreed:** That a classifier be installed on Standing Street, The Channon, just above Nimbin Street, with the results being referred to the Lismore Police should significant speeds be detected. (08-7236:R1602)

Road Safety Strategic Plan

- B-08-07:5 Salina Runge advised the Committee that the Road Safety Strategic Plan is now on exhibition. (S596)

Richmond Hill Road – 60kph Speed Limit

Query received as to why Richmond Hill Road had not been included in the recent 50kph speed limit programme.

The RTA representative advised that Richmond Hill Road was different in that it was not a village but a significant length of road where motorists would not necessarily identify that they were in a built-up area. Properties were generally of a larger size and houses set well back from the road. For this reason, historically, compliance by motorists to the prevailing speed limit of 60kph had been relatively low. With this in mind, there would be even less chance of compliance to a lower limit. The speed limit needed to be logical to motorists given the roadside development.

B-08-07:6 **It was agreed:** That the resident be advised accordingly. (R1012)

Intersection of Ballina Road and Molesworth Street – Traffic Conflict

Suggestion that investigations be carried out into the current traffic movements at this roundabout, particularly for westbound traffic on Ballina Road.

At present westbound traffic on Ballina Road have the option of using either lane to gain access to the Ballina Road Bridge. This creates problems at the short merge lane on the western side of the roundabout. It was suggested that it may be more appropriate to make the outside lane the through traffic lane and the inside lane, right-turn only.

B-08-07:7 **It was agreed:** That this matter be further investigated and brought back to the next meeting for further discussion. (R6408,R7322)

Closure

This concluded the business and the meeting terminated at 11.10 am.

Chairperson

**Traffic and Emergency
Services Coordinator**

Financial Assistance - Section 356

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

Budget:	\$12,000	To date:	\$0
Animal Right & Rescue			\$6.36
Challenge Foundation			\$140.55
Five Loaves			\$180.82
Friends of the Koala			\$25.45
LifeLine			\$210.00
Westpac Life Saver Rescue Helicopter			\$13.64

In accordance with policy.

\$576.82

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

Budget: \$2,700 To date: \$100

Australian Paralympic Athletes - assist in participating in Beijing 2008 Olympic Games

\$250.00

Vikings Futsal Association – assistance for Jessie New who has been selected to represent the NSW 15 years Girls Futsal team in National Schools Championships during September and October.

\$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:

Assignment of Kerbside Dining Licence Agreement - La Baracca (P5593)

Assignment of Licence Agreement for La Baracca at 29 Keen Street, Lismore. Council has received financial and business references for the new business owners.

Confidential Matters–Committee of the Whole

A Council may close to the public only so much of its meeting as comprises the receipt or discussion of any of the following:

Section 10A(2) – Local Government Act 1993:

- a) personnel matters concerning particular individuals;
- b) the personal hardship of any resident or ratepayer;
- c) information that would, if disclosed, confer a commercial advantage of a person with whom the Council is conducting (or proposes to conduct) business;
- d) commercial information of a confidential nature that would, if disclosed:
 - i) prejudice the commercial position of the person who supplied it, or
 - ii) confer a commercial advantage on a competitor of the Council, or
 - iii) reveal a trade secret;
- e) information that would, if disclosed, prejudice the maintenance of law;
- f) matters affecting security of the Council, Councillors, Council staff or Council property;
- g) advice concerning litigation, or advice, that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege;
- h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

Clause 34 of Council Code of Meeting Practice

Representations from the public as to whether part of the meeting should be closed to the public can be made after the motion to close the meeting has been moved and seconded for a period of 10 minutes.

Recommendation

That the Council exclude members of the press and public from the meeting and move into Committee-of-the-Whole to consider the following matters:

Item	<i>Formal Performance Review 2007/2008 – General Manager</i>
Grounds for Closure	Section 10A(2) (a):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it contains personnel matters concerning particular individuals;

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, JULY 8, 2008 AT 6.00PM.

Present Mayor, Councillor King; Councillors Chant, Crimmins, Dowell, Ekins, Graham, Hampton, Henry, Irwin, Meineke, and Tomlinson, together with the General Manager, Acting Executive Director-Development & Governance, Executive Director-Infrastructure Services, Communications Co-ordinator, Manager Assets and Support Services, Manager Planning Services, Senior Strategic Planner, Executive Services Co-ordinator and General Manager's Personal Assistant.

126/08 **Apologies/
Leave of
Absence** An apology has been received on behalf of Cr Swientek. Approved at the meeting of June 19, 2008.
A leave of absence was granted for Councillor Meineke July 9-25, 2008.
A leave of absence was granted for Councillor Tomlinson July 9 –August 4, 2008.
(Councillors Irwin/Chant)

127/08 **Minutes** The minutes of the Ordinary Meeting held on June 10, 2008, were confirmed.
(Councillors Hampton/Irwin)
The minutes of the Extra-Ordinary Meeting held on June 19, 2008, were confirmed.
(Councillors Graham/Dowell)
The minutes of the Adjourned Meeting held on June 19, 2008, were confirmed.
(Councillors Irwin/Chant)

Disclosure of Interest

S451

Councillor Meineke declared a perceived conflict of interest in Draft Amendment No 20 – Cameron Road, McLeans Ridges as he prepared some work on rezoning.

Councillor Dowell declared a perceived conflict of interest in S356 Community Donations as she was MC for the Lismore Symphony Orchestra Event

The Mayor, Councillor King declared a conflict of interest in Lismore Showgrounds as he is a member of the Show Society Management Committee and Trust.

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:

John Gibson – Lismore Showgrounds

S451

The Mayor, Councillor King declared an interest in this matter vacated the chair and left the chamber during the discussion.

In his absence the Deputy Mayor, Councillor Chant chaired the meeting.

Mr Gibson commented on the condition of the showground's assets and stated that a number of buildings had been renovated after receiving damage in the hailstorm last year.

Mr Gibson went on to detail the coming events at the showground and commended the report to Council.

At this juncture Councillor King rejoined the meeting and resumed the chair.

Les Gilleard – DA 2008/172 subdivision one additional lot at Satinwood Drive

Mr Gilleard talked in support of the proposal for the subdivision at Satinwood Drive and he advised Council that the application had followed due process and had involvement from Department Industry and Department Planning. He understands the concerns with drainage but believes these have been mitigated.

Janet Allen – Amendment No 20 – Cameron Road, McLeans Ridges

S451

Councillor Meineke declared a perceived conflict of interest and left the meeting during the discussion.

Ms Allen advises that the McLeans Ridges community is not apposed to development as long as it is sustainable and in the Communities best interest. Ms Allen believes that in the case of this subdivision that Council policy has not been followed. She objected to the way the consultation process was conducted and feels submissions have been ignored.

Damian Chapelle – Amendment No 20 – Cameron Road, McLeans Ridges

Mr Chapelle supports the strategic planners report and states that the application has gone through a robust process and commends the recommendation to Council.

At this juncture Councillor Meineke rejoined the meeting (6.25pm)

Notice of Motions

Nimbin Community Centre Incorporated

Formal notice having been given by Councillor Dowell it was MOVED that Council:

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

(Councillors Dowell/) (P27399:P20198)

At the request of the mover the Notice of Motion was WITHDRAWN.

Reports

Draft Amendment No 20 to Lismore LEP (Cameron Road)

S451

Councillor Meineke declared a perceived conflict of interest and left the meeting during the discussion and determination.

A MOTION WAS MOVED that the report be received and:

1. That Council adopt Amendment No 20 to the Lismore Local Environmental Plan 2000 (as attached to this report),
2. That upon receipt of bank guarantees for the amounts specified in Schedule 3 of the Planning Agreement:-
 - a. Council execute the Planning Agreement (as attached to this report) under the common seal of Council ,
 - b. Council use its delegations under s69 of the *Environmental Planning and Assessment Act 1979* to forward Amendment No 20 to the Minister for Planning with a request that he make the plan, and
 - c. Council forward a copy of the Planning Agreement to the Minister for Planning within 14 days of the Agreement being entered into by Council, and
 - d. Council prepare a draft Section 94 Contributions Plan for the proposed community lot that distributes the cost of land and embellishments equitably across anticipated future rural residential development in the McLeans Ridges strategy area, and
 - e. A report be presented to Council on the draft Contributions Plan prior to it being placed on public exhibition.

(Councillors Hampton/Graham)(S884)

AMENDMENT was MOVED that the report be received and:

1. That Council adopt Amendment No 20 to the Lismore Local Environmental Plan 2000 (as attached to this report),
2. That upon receipt of bank guarantees for the amounts specified in Schedule 3 of the Planning Agreement:-
 - a. Planning Agreement (as amended cycleway, vegetation and no driveways) be updated to reflect the current cost of road building under the road construction index.
 - b. Council use its delegations under s69 of the *Environmental Planning and Assessment Act 1979* to forward Amendment No 20 to the Minister for Planning with a request that he make the plan, and
 - c. Council forward a copy of the Planning Agreement to the Minister for Planning within 14 days of the Agreement being entered into by Council, and
 - d. Council prepare a draft Section 94 Contributions Plan for the proposed community lot that distributes the cost of land and embellishments equitably

across anticipated future rural residential development in the McLeans Ridges strategy area, and

- e. A report be presented to Council on the draft Contributions Plan prior to it being placed on public exhibition.
(Councillor Tomlinson/Dowell)(S884)

On SUBMISSION to the meeting the AMENDMENT was DEFEATED.

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

128/08 **RESOLVED** that the report be received and:

1. That Council adopt Amendment No 20 to the Lismore Local Environmental Plan 2000 (as attached to this report),
2. That upon receipt of bank guarantees for the amounts specified in Schedule 3 of the Planning Agreement:-
 - a. Council execute the Planning Agreement (as attached to this report) under the common seal of Council ,
 - b. Council use its delegations under s69 of the *Environmental Planning and Assessment Act 1979* to forward Amendment No 20 to the Minister for Planning with a request that he make the plan, and
 - c. Council forward a copy of the Planning Agreement to the Minister for Planning within 14 days of the Agreement being entered into by Council, and
 - d. Council prepare a draft Section 94 Contributions Plan for the proposed community lot that distributes the cost of land and embellishments equitably across anticipated future rural residential development in the McLeans Ridges strategy area, and
 - e. A report be presented to Council on the draft Contributions Plan prior to it being placed on public exhibition.

(Councillors Hampton/Graham)(S884)

Voting against: Councillors Tomlinson, Irwin, Dowell and Ekins

Amendment No 27 to Lismore Local Environmental Plan – 96 Breckenridge Street, Wyrallah

129/08 **RESOLVED** that the report be received and that Council resolve to:

- 1 Adopt Amendment No 27 to the Lismore Local Environmental Plan 2000 as attached to this report,
- 2 Use its delegations under s69 of the *Environmental Planning and Assessment Act 1979* to forward Amendment No 27 to the Minister for Planning with a request that he make the Plan, and
- 3 Execute the Planning Agreement under the common seal of Council, subject to the following amendments:

Replace clause 5.2, clause 8.1, clause 9.2 and clause 14.1 respectively with the following clauses:

- 5.2 This Agreement does not exclude the application of s94 of the Act to the Development except in respect of City Wide Recreation and Community Facilities.
- 8.1 A Landowner is not to apply for a Subdivision Certificate in respect of the creation of a Final Lot in the Development unless the Landowner has paid a Monetary Contribution to the Council of \$672 per each Final Lot towards the cost of the upgrading of Wyrallah Park.
- 9.2 The Council is to return 20% of the bond referred to in clause 9.1.3 to the Landowner upon completion of the rehabilitation works and the remaining amount of the bond is to be returned upon satisfactory establishment of the rehabilitation works three (3) years after completion.
- 14.1 Prior to the Council entering into this agreement, the Landowner is to have provided the Council with a bank guarantee in an amount specified in Schedule 2 in relation to that Landowner.
(Councillors Graham/Hampton)(S919)

Nimbin Community Centre Incorporated – Transfer of Assets

130/08

RESOLVED that the report be received and that:

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

4. The cost of preparing the amended documentation be met by Council.
5. It be noted that the Nimbin Community Development Association is in the process of changing its name to Nimbin Community Centre Incorporated and that this will be reflected in any documentation related to this matter.
6. The Mayor and General Manager be authorised to execute and affix Council's seal to any documentation necessary to implement this resolution.
(Councillors Dowell/Irwin)(P27399:P20198)

Development Application No 2008/172 for a subdivision to create one additional lot at Satinwood Drive, McLeans Ridges

131/08

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 No. 2008/172.

Standard

1 In granting this development consent, Council requires:

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

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

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

Environmental Health

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

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

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

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

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

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

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

Drainage

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

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

Vehicle Access

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

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

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

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

Subdivision

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

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

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

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

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

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

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

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

Contributions

- 11 Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and Lismore Contributions Plan 1999 (as amended) are required. Such levies shall contribute towards the provision of public services and/or amenities identified in the attached schedule. Such levies shall be calculated at the rate(s) in effect on the date the Subdivision Certificate is released. The rates and amounts applying at the date of this notice, totalling **\$6,527.00**, are set out in the schedule for your information. Personal cheques are not acceptable. All contributions, bonds etc. shall be paid prior to the release of the Subdivision Certificate.

The levies are those applicable as at date of original consent. If these levies are not paid within twelve (12) months of the date of original consent, the rates shall then be

increased on an annual basis in accordance with the prevailing Australian Bureau of Statistics Consumer Price Index (Sydney), as applicable at the time of payment.

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

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

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

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

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

INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL

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

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

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

(Councillors Meineke/Hampton)(DA 2008/172)

Voting against: Councillors Ekins, Irwin Dowell and Tomlinson

Lismore Showgrounds

S451

The Mayor, Councillor King declared an interest in this matter vacated the chair and left the meeting during the discussion and determination.

- 132/08 **RESOLVED** that the report be received and that consistent with Minute 491/07 a joint submission be prepared where Council formally applies to the Minister for Lands to be appointed Trust Manager of the Lismore Showgrounds in substitution for the North Coast National Agricultural and Industrial Society.
(Councillors Graham/Hampton)(P331)

Voting against: Councillor Tomlinson, Irwin and Ekins.

At this juncture Councillor King rejoined the meeting and resumed the Chair.

2008/2009 Lismore Promotion Plan

- 133/08 **RESOLVED** that Council adopts the attached 2008/09 Lismore Promotion Plan.
(Councillors Meineke/Henry)(S740)

Voting against: Councillors Ekins and Irwin

Growth Vision for Lismore's CBD – 2007 to 2032

134/08

RESOLVED that:

1. That Council receive the Report and place the *Growth Vision for the CBD – 2007 to 2032* on advertised public exhibition for 40 days.
2. That Council staff and the EDPAG undertake consultation with the Lismore Chamber of Commerce the business community and broader community for review and comment.
3. That the findings of this consultation be reported back to Council with a view to ratifying the *Growth Vision for the CBD – 2007 to 2032*.
(Councillors Henry/Meineke)(S653)

Voting against: Councillor Irwin

Lismore City Council Road Safety Strategic Plan 2009-2013

135/08

RESOLVED that the report be received and that:

1. The draft Lismore City Council Road Safety Strategic Plan be placed on public exhibition for 28 days.
2. Following the exhibition period, the matter be reported back to Council for consideration of any submissions made and adoption of the plan.
(Councillors Irwin/Chant)(S596)

Procurement Policy and Statement of Business Ethics

136/08

RESOLVED that the report be received and that:

1. Council adopt the Statement of Business Ethics as attached to this report.
2. The Draft Procurement Policy as attached to this report be adopted and Council's policy register be updated accordingly.
(Councillors Dowell/Meineke)(S951:S9)

Purchase of an Integrated Library Management Software System for Richmond Tweed Regional Library

137/08

RESOLVED that the report be received and that the contract for a new Integrated Library Management Software System for the Richmond Tweed Regional Library be awarded to Civica Pty Ltd for the provision of a 'Spydus' integrated library management software system, including implementation and training, as outlined in their response to Lismore City Council Tender No T2008-23 for a total cost of \$161,198.
(Councillors Dowell/Graham)(T2008/23:S120)

Nesbitt Park Master Plan

139/08

RESOLVED that the report be received and that Council endorse Nesbitt Park masterplan including a BMX Track.

(Councillor Chant/Irwin)(P1729:P19781)

Reconciliation Action Plan

- 140/08 **RESOLVED** that the report be received and that Council support the development of a Reconciliation Action Plan.
(Councillors Irwin/Dowell)(S136)

Donations of Council computers

- 141/08 **RESOLVED** that the report be received and that Council approve the donation of fifty surplus computers, under Section 356, to the following list of recommended community organisations and discussions be held with Nimbin Aged Care to ascertain how best their needs can be met.

RECOMMENDED COMPUTER APPLICANTS 2008/09

Organisation	Desktop	Laptop
Bentley Community Pre-School (serves Lismore LGA)	1	-
CanTeen (Fundraising Co-ordinator)	1	-
Community Connections North Coast Inc.	3	-
CTC @ Nimbin Inc.	1	-
Debt of Ageing Disability and home Care (Group home)	1	-
Filipino Community Organisation Inc.	1	-
Goolmangar Rural Fire Service	1	-
Italo Stars Football Club	1	-
Jarjum Centre Inc	1	1
Lifeline Northern Rivers	-	1
LinC	1	-
Lismore & District Women's Health Centre Inc.	1	-
Lismore Budget Counselling Service	1	-
Lismore City Pipe Band Inc	1	-
Lismore City Rugby Union Club	1	-
Lismore Lung Support Group	1	-
Lismore Neighbourhood Centre	3	-
Lismore PCYC	3	-
Lismore Scout Group	1	-
Lismore Toy Library	-	1
Lismore Women's and Children's Refuge	1	-
Lismore Worker's Football Club Inc.	1	-
Lismore Worker's Swim Team	1	-
Natural Birth Education and Research Centre	1	-
Ngulingah Local Aboriginal Land Council	1	-
Nimbin Aquarius Foundation Inc.	1	-
Nimbin Central School P&C	1	-
Northern Rivers Vintage and Veteran Car Club	1	-
Northern Rivers Wildlife Carers Inc.	1	-
On Track Community Programs	-	1
On-Focus Inc. (Lincs Community Participation Program)	1	-
Out of School Hours Child Care Goonellabah Inc.	-	1

Pay the Rent	1	-
Rainbow Region Community Farms Inc.	1	-
Richmond River Historical Society Inc.	1	-
St John Ambulance Lismore Division	1	-
Sudanese Community Development Association	-	1
Summerland Amateur Radio Club	1	-
The Beginning Experience, Lismore Inc.	1	-
The Neighbourhood Club	1	-
Women Up North Housing Inc.	1	-
Wyrallah Rural Fire Brigade	1	-
YWCA NSW	1	-
TOTAL	44	6

(Councillors Hampton/Graham)(S813)

New charge for Lismore vegetation maps

142/08 **RESOLVED** that the report be received and that

1. The proposed charge of \$300 per tile and a 50% discount when all 71 tiles are purchased for digital vegetation mapping data for the Lismore vegetation maps be advertised for a period of 28 days.
2. A report on submissions received is submitted to Council before the new charge is implemented.
3. That the Lismore Vegetation Maps be presented to the SEPAG meeting.
(Councillors Chant/Irwin)(S960)

Miscellaneous Section 356 Community Donations Funding

143/08 **RESOLVED** that the report be received and that Council endorse the 2008/09 miscellaneous Section 356 donations to the following projects, as per Councillor ranking:-

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

Sub total \$30,500
(Councillors Hampton / Graham)(S164)

Voting against: Councillor Irwin

Investments held by Council – June 2008

- 144/08 **RESOLVED** that the report be received and that after considering the Department of Local Government's Circular 08/10 and advice from Council's investment advisor, the investment in Herald Ltd (Quartz) is to be maintained.
(Councillors Irwin/Meineke)(S178)

Committee Recommendations

Traffic Advisory Committee June 18, 2008

- 145/08 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.
(Councillors Dowell/Irwin) (S352)

Financial Assistance - Section 356

- 146/08 **RESOLVED** that in accordance with Section 356(1) of the Local Government Act 1993, the assistance to persons as listed is hereby approved.

a. Representative Selection – Policy 1.4.10 (GL390.735.15)

Budget: \$1,100 To date: \$0

I write to advise that my daughter **Danielle Creighton** has been selected to represent Australia with the Vikings 14/15 Girl's FUTSAL team to tour the United Kingdom for 20 days in October/November 2008

In accordance with policy. \$356.00

I write to advise that my daughter **Josie Bancroft** has been selected to represent Australia with the Vikings 14/15 Girl's FUTSAL team to tour the United Kingdom for 20 days in October/November 2008.

In accordance with policy. \$356.00

b. City Hall Reductions in Rental – Policy 8.4.2 (GL390.125.15)

Budget: \$11,700 To date: \$0

Lismore Symphony Orchestra Inc. requesting Council consider discounting the hire charges (\$215 per session) for the City Hall on June 14 and 15, 2008 (4 sessions) and November 22 and 23, 2008 (4 sessions) for performances. An entrance fee is to be charged.

Council previously considered this request at its June 10, 2008 meeting, but not all sessions and dates were included (S164&P6816:08-5176).

Recommendation: In accordance with Clause 5 of the policy, a donation of 20% of the hire fee applies \$344.00

Josh Paish requesting Council consider waiving all fees (\$725) instead of the approved discount of 20% (\$181.25) for use of the City Hall on October 11, 2008 for a fundraising event for the Children's Ward at the Lismore Base Hospital. An entrance fee is to be charged (S164:08-4633).

Comment: Council previously considered this request at its June 19, 2008 meeting and resolved to support a 20% discount in accordance with Clause 5 of the policy. The recommendation was based on the fact an entrance fee was proposed hence the request be treated similarly to other community based hirers, all worthy of support, who charge an entrance fee.

Recommendation: In accordance with Clause 5 of the policy, Council reconfirms the maximum donation to this event of 20% of the hire fee applies \$181.25

c. Council Contributions to Charitable Organisations

a) Waste Facility – Policy 5.6.1 (GL390.965.15)

Budget: \$12,000.00 Expenditure: \$10,962.90 (June 2008)

Challenge Foundation	\$92.99
Five Loaves	\$158.87
Friends of the Koala	\$32.73
LifeLine	\$198.00
Westpac Life Saver Rescue Helicopter	\$35.45

In accordance with policy. \$518.04

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

Budget: \$2,700 To date: \$0

Care Flight Helicopter sponsoring a child and carer to attend their local charity fundraiser
Movie Mania \$100

Lions Club of Ballina sponsoring a child and carer to attend the annual community project for Special Need and Disadvantaged Children called *The World Festival of Magic.* \$100

e. Development and other Application Fees – Policy 1.4.7 (GL390.200.15)

Budget: \$300 To date: \$0

Far North Coast Zone of Playgroup NSW requesting Council waive Section 68 application fees (\$169) applicable to a Fun Day at Wade Park, Lismore, in conjunction with National Playgroup Week held on April 30, 2008 (P6689&S164:08-1387).

Recommendation: In accordance with Clause B, a donation of 30% of the fee applies \$50.70

f. Miscellaneous

Westpac Lifesaver Rescue Helicopter requesting Council change the dates on three signs, erect and dismantle them, free of charge, in support of the Lismore 4WD Caravan, Camping and Marine Show to be held July 11-13, 2008 (S164, P331:08/6426)

Comment: Council has previously assisted this event by providing the support requested. It is estimated to cost \$350 to erect and dismantle the signs and \$90 for sign writing. The costs are funded from the signs maintenance allocations.

Recommendation: That Council provide the support as requested to a maximum value of \$440.

(Councillors Irwin/Graham)

Closure

This concluded the business and the meeting terminated at 9.11pm.

CONFIRMED this 12th day of August 2008 at which meeting the signature herein was subscribed.

MAYOR

**MINUTES OF THE EXTRA-ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE
HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, JULY 15, 2008 AT 6.00PM.**

Present Mayor, Councillor King; Councillors Chant, Crimmins, Graham, Hampton, Henry, together with the General Manager, Acting Executive Director-Development & Governance, Executive Director-Infrastructure Services and Communications Co-ordinator.

**Apologies/
Leave of
Absence** Approved leave of absence for Councillors Meineke and Tomlinson was noted.
Apologies for non-attendance were submitted by Councillors Dowell, Irwin, Ekins and Swientek.

Public Access Session

Prior to dealing with the circulated Notice of Rescission, a Public Access Session was held at which Council was addressed by the following:

John Mulholland

Mr Mulholland spoke against the proposal.
(S884)

Damian Chapelle

Mr Chapelle reserved the right to speak at the August meeting.
(S884)

Recess

A recess was called at 6.12pm due to absence of quorum.

Resume

The meeting resumed at 6.30p.m.

Quorum

Due to the absence of a quorum with Councillors Irwin, Dowell, Ekins, Swientek, Tomlinson and Meineke not present the meeting was adjourned at 6.35pm until Tuesday, July 22, 2007 at 6.00pm.

Councillors present Councillors King, Chant, Hampton, Graham, Henry and Crimmins

CONFIRMED this 12th day of August, 2008 at which meeting the signature herein was subscribed.

MAYOR

MINUTES OF THE ADJOURNED EXTRA-ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, JULY 22, 2008 AT 6.15PM.

Present Mayor, Councillor King; Councillors Chant, Crimmins, Graham, Hampton, Henry and Swientek, together with the General Manager, Acting Executive Director-Development & Governance, Executive Director-Infrastructure Services and Corporate Compliance Co-ordinator.

147/08 **Apologies/
Leave of
Absence** Approved leave of absence for Councillors Meineke and Tomlinson was noted.
An apology for non-attendance on behalf of Councillors Dowell, Irwin and Ekins was received and accepted and a leave of absence granted.
(Councillors Swientek/Graham)

Procedural Motion

Draft Amendment No 20 to Lismore LEP (Cameron Road)

A MOTION was MOVED that given the Director General's unequivocal advice to Councils re: decisions on controversial matter that this Council not proceed with further deliberation in the McLeans Ridges rezoning proposal till after the local government election on September 13, 2008.

(Councillors Swientek/) (S884)

The MOTION lapsed for want of a seconder.

At this juncture (6.20pm) Councillor Swientek left the meeting.

Quorum

Due to the absence of a quorum with Councillors Irwin, Dowell, Ekins, Swientek, Tomlinson and Meineke not present the meeting was adjourned at 6.22pm until Tuesday, July 29, 2008.

Councillors present Councillors King, Chant, Hampton, Graham, Henry and Crimmins.

CONFIRMED this 12th of day of August 2008 at which meeting the signature herein was subscribed.

MAYOR

MINUTES OF THE FURTHER ADJOURNED EXTRA-ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, JULY 29, 2008 AT 6.00PM.

Present Mayor, Councillor King; Councillors Chant, Crimmins, Graham, Hampton, Henry, Meineke and Swientek, together with the General Manager, Acting Executive Director-Development & Governance, Executive Director-Infrastructure Services, Acting Communications Co-ordinator and Corporate Compliance Co-ordinator.

**Apologies/
Leave of
Absence** A MOTION was MOVED that an apology for non-attendance on behalf of Councillors Dowell, Tomlinson, Irwin and Ekins be received and accepted and leave of absence granted.
(Councillors Swientek/)
The MOTION lapsed for want of a seconder.

Disclosure of Interest

S451

Cr Meineke asked the Mayor's permission to make a statement explaining why he was not declaring an interest in respect to the Rescission Motion.

The Mayor advised Councillor Meineke that he would allow him to make a statement but before doing so consulted the General Manager.

At the request of the Mayor the General Manager drew the Council's attention to clause 6.3 of the Council's Code of Meeting Practice that read in part;
"Any conflict between your interests and those of the Council must be resolved to the satisfaction of the Council".

Statement by Councillor Meineke:

About 20 months ago the rezoning of land in McLeans Ridges was to become before Council. At that stage the joint rezoning consisted of two distinct areas of land – one in Cameron Road and one in the Roseview Estate.

Due to complaints by residents of McLeans Ridges I sought legal advice to clarify any conflict of interest I may have had in the rezonings. The advice I received clearly said I did not have a pecuniary interest in the rezonings. However the advice said I needed to address the perception that I may have a 'conflict of interest'.

Since receiving that advice I have erred on the side of caution and have declared 'a perceived conflict of interest' and not taken part in the debate on the rezonings when a quorum existed in the Chamber. My 'perceived conflict of interest' relates to the rezoning of land in the Roseview Estate and not the Cameron Road estate. These two rezonings are now being considered separately by Council.

I have viewed the documentation lodged with the current Cameron Road rezoning. The proposal has been reconfigured from that originally submitted jointly with my previous company (ASPECT North). Further, very little, if any, of the information prepared by my previous company is included in the current rezoning before Council.

I have been away from Council on approved leave since 9 July. Upon my return to Lismore I was alarmed to read that the two Extra-Ordinary Meetings held in order to deal with the rescission motion of 8 July had to be adjourned because of a lack of a quorum. The repeated non-attendance of the Councillors who submitted the rescission motion (ie Councillors Dowell, Tomlinson and Ekins) borders on recalcitrance and is probably a breach of Council's Code of Conduct.

I was elected to Council to represent the entire community of Lismore. I cannot sit idly by and watch the antics of a few Councillors undermine the proper functioning of the Council.

I have a responsibility, unless I am disqualified, to be in the Chamber whenever Council is sitting. It is my duty as a Councillor to permit Council to govern. It is only right and proper that this matter be debated in the Chamber to facilitate the functioning of Council.

Given my lack of an actual conflict of interest in this matter I will stay in the Chamber tonight to ensure a quorum exists to permit debate.

At the conclusion of the statement, the Mayor invited Councillors to question Councillor Meineke and/or make a comment on their level of satisfaction with Councillor Meineke's explanation.

At the conclusion of this period, the Mayor ruled that Councillor Meineke had resolved the matter of a conflict of interest, to the satisfaction of Council

Procedural Motion

Draft Amendment No 20 to Lismore LEP (Cameron Road)

A MOTION was MOVED that in view of the extraordinary circumstances Council defer discussion on this matter to the August Ordinary Meeting.
(Councillors Swientek/)

The MOTION lapsed for want of a seconder.

Rescission Motion

Draft Amendment No 20 to Lismore LEP (Cameron Road)

A MOTION was MOVED that Council's decision (Minute No 128/08 at the Ordinary Meeting of July 8, 2008) in regard to Draft Amendment No 20 to Lismore LEP (Cameron Road)

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

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- c. Council forward a copy of the Planning Agreement to the Minister for Planning within 14 days of the Agreement being entered into by Council, and
- d. Council prepare a draft Section 94 Contributions Plan for the proposed community lot that distributes the cost of land and embellishments equitably across anticipated future rural residential development in the McLeans Ridges strategy area, and
- e. A report be presented to Council on the draft Contributions Plan prior to it being placed on public exhibition. “
be rescinded.
(Councillors Hampton/Crimmins)(S884)

On SUBMISSION to the meeting the MOTION was DEFEATED.
Councillor Meineke did not vote.

Voting against: Councillors King, Chant, Crimmins, Graham, Henry and Meineke. (Deemed Against)

Closure

This concluded the business and the meeting terminated at 7.44 pm.

CONFIRMED this 12th of August, 2008 at which meeting the signature herein was subscribed.

MAYOR