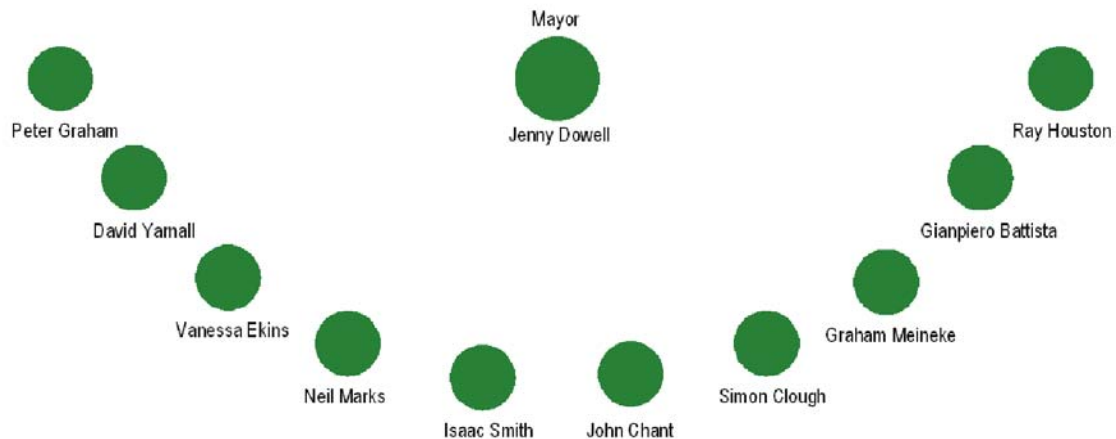


Notice of Council Meeting



Ordinary Meeting

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on **Tuesday, July 14, 2009, 6:00pm** and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager

July 7, 2009



Agenda

Opening of Meeting and Prayer (Mayor)

Apologies and Leave of Absence

Confirmation of Minutes

Ordinary Meeting held on June 9, 2009

Extra Ordinary Meeting held on June 18, 2009

Disclosure of Interest

Public Access Session

Stephen Fletcher – DA08/27 – Subdivision at Whispering Valley Drive, Richmond Hill

Public Question Time

Condolences

Mayoral Minutes

Notice of Rescission Motions

Notice of Motions

Cr Vanessa Ekins - Request for Report on Festival of Cricket

Cr Vanessa Ekins - Request for Report on Rebate Options

Cr Vanessa Ekins - Request for Financial Reserves Workshop

Cr Graham Meineke - Subdivision of Existing Small Rural Allotments

Cr Graham Meineke - Goonellabah Sewer Catchment

Cr Simon Clough – Koala Food Trees

Altering Order of Business

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

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Strategic Plan Summary

Lismore regional city

STRATEGIC PRIORITY	AIMS	INITIATIVES
Economic Development	Build Lismore's reputation as a regional city for residents, businesses, education providers, health services and government.	<ul style="list-style-type: none"> ▶ Champion education ▶ Promote health facilities ▶ Support regional agriculture ▶ Promote cultural life ▶ Promote Lismore as a legal centre ▶ Support for sport
	Increase regional economic development, tourism and job creating investments.	<ul style="list-style-type: none"> ▶ Promote regional development ▶ Develop tourism ▶ Support businesses ▶ Pursue CBD revitalisation ▶ Assist in job creation ▶ Assist in creating new income opportunities
Quality of Life	Make Lismore a safe, healthy and caring community in which to live.	<ul style="list-style-type: none"> ▶ Increase social cohesion ▶ Support villages ▶ Provide community services ▶ Encourage sustainable development ▶ Promote recreation and leisure
Leadership by Innovation	Lead the region by demonstrating innovative practices in governance, customer service, communication, consultation, virtual amalgamation and financial management.	<ul style="list-style-type: none"> ▶ Lead the region ▶ Increase revenue from grants ▶ Improve customer service ▶ Consult the community ▶ Update technology ▶ Provide user pays services ▶ Privatise selected services ▶ Share assets and resources
Natural Environment	Preserve and rehabilitate Lismore's natural environment.	<ul style="list-style-type: none"> ▶ Provide sustainable land use planning ▶ Improve catchment management ▶ Conserve and repair the environment
Infrastructure	Further enhance Lismore's transportation, parking and pedestrian networks.	<ul style="list-style-type: none"> ▶ Improve transport systems ▶ Improve roads, cycleways and footpaths ▶ Assist with public transport ▶ Assist airport operations ▶ Support fleet operations
Water and Waste Cycle	Educate our community and lead the state in water and waste-cycle management.	<ul style="list-style-type: none"> ▶ Manage stormwater drainage systems ▶ Manage water and sewage ▶ Manage the waste stream and reduce waste

Notice of Motion

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

That a report be provided to council on a cost benefit analysis of the festival of cricket, immediately after the event.

Staff Comment

Events Coordinator

It would require around \$4,000 to undertake a professional review through a survey process that will reveal facts such as:

- event spend;
- where attendees came from; and
- how/where they stayed (bed nights generated) etc.

From such detail some economic assumptions can be made and reported to Council in December.

(ED09/8078:EF09/631)

Notice of Motion

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

That Council provide a report on the rebate options (for items 10/13/15 identified in 2009/10 rates and annual charges) for those ratepayers that already have effective stand alone water and sewer systems.

Staff Comment

Executive Director – Infrastructure Services

The items referred to in Cr Ekins' notice of motion appear to correspond with numbered recommendations within a report to Council titled *2009/10 Rates and Annual Charges*, considered by Council at its Extra Ordinary Meeting of 18/06/09.

Specifically, the items referred to are:

- the \$400.00 Clunes Sewer charge
- the \$327.00 Sewer Unconnected Charge
- the Fixed Service Charge applicable to water supply.

Staff are currently in the process of developing a policy regarding Backlog Wastewater Projects. The development of the policy includes engagement with the North Woodburn and Clunes communities. Consultation with North Woodburn has been commenced and consultation with Clunes (will continue over the coming months).

Feedback obtained over the items referred to in the Notice of Motion will be included in a report to Council which will recommend a policy for incorporation into the 2010/11 Fees and Charges schedule.

(ED09/8076:EF09/631)

Notice of Motion

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

That council conduct a workshop on financial reserves and reserve policies as soon as possible.

Staff Comment

Manager Finance

A workshop to review Council's Reserves Policy 1.5.10 can be arranged however, in the context of earlier resolutions relevant to budgeting issues its urgency is a lower order priority.

In addition to completing the 2008/09 financials by October there are already significant demands on Finance through to December 2009. These include:

1. Council resolution - Investment Policy Review (Workshop 28/7/09);
2. Council resolution - Full 2009/10 Budget Review to be completed by December 2009 to explore sources of funds for infrastructure needs. This process will be quite resource intensive in terms of staff and Councillor time; and
3. Possible Special Rate Variation application.

These matters are the priorities for the next six months and Items 2 and 3 must be completed in that timeframe to have any impact in 2010/11.

Councillors might note that the Reserves Policy requires an annual report to be presented to Council. This is submitted to Council at the same meeting as the annual financial reports in October 2009. This opportunity is also used to recommend to Council any working changes to the Policy. It is suggested that the need for a workshop on this topic be reviewed after this October report is considered.

(ED09/8073:EF09/631)

Notice of Motion

Councillor Graham Meineke has given notice of his intention to move at the next meeting of Council:

That Council write to the Department of Planning requesting that the Department permit Lismore to become a pilot project for the subdivision of existing small allotments for rural residential purposes.

Councillor Comment

Councillors recently received a letter from a rural ratepayer suggesting that existing small allotments be permitted to be further subdivided for rural residential purposes. Due to historical reasons (i.e. mainly previous minimum allotment sizes) these lots are normally 'too big to mow and too small to sow', and thus represent a waste of rural land. There is constant demand for smaller rural lots. Permitting existing small lots to be subdivided has numerous benefits i.e. adjacent landowners who are invariably on small lots themselves (small lots allotments are normally grouped in twos or threes) would not be too averse to subdivision and having additional neighbours next to them, S94 road contributions receipts may well increase, and most importantly, pressure to subdivide on large scale greenfield sites such as McLeans Ridges will be reduced.

Staff Comment

Manager Planning Services

For the last twenty years the Department of Planning has required that rural residential development proceed only in accordance with an agreed strategy. This position was taken, and subsequently adhered to, because of the demonstrated conflicts arising from the ad hoc use of rural land for residential purposes and which sought to limit legitimate farming activities.

A strategy for rural residential development is required to consider avoidance of hazards, protection of good agricultural land, current supply and potential demand, proximity to urban services, and sustainability issues, as well as the size and configuration of current landholdings.

The possibility of re-subdivision of existing small lots could be investigated during the review of the Rural Housing Strategy, when this project is resourced.

Executive Director – Development & Governance

Existing smaller scattered rural lots are obviously not generally economic productive units in many cases. On the face of it to allow subdivision of these lots given the limited demand would appear not to result in any significant detrimental impact on productive agricultural land or on infrastructure.

However the numbers of potential lots and impacts ideally needs to be considered as part of the wider Rural Housing Strategy review. Such a review would require some committed resource to complete this background research. The Department of Planning (DOP) would require this research to be undertaken as part of its consideration of the matter. However, writing to the DOP is a good first step.

(ED09/8072:EF09/631)

Notice of Motion

Councillor Graham Meineke has given notice of his intention to move at the next meeting of Council:

1. That Council take immediate action by way of engaging relevant experts to identify sufficient sewerage capacity for currently zoned areas to enable land to continue to be developed in the Goonellabah Sewer Catchment area; and
2. That staff report back to Council at the August workshop on Urban Expansion Options, on the actions taken and progress made to ensure capacity exists in the Goonellabah Catchment.

Councillor Comment

It has recently come to my notice that an initial assessment of sewage system has identified that sewage pump stations at Allambie Drive, Kadina Street and at Wade Park are at or over capacity. Further, that this lack of capacity may be used a reason for refusal of development applications in the Goonellabah sewer catchment area. This situation has to be rectified immediately so that the future development of Lismore is not curtailed and such action must make certain that Lismore's development continues without interruption due to service constraints.

Staff Comment

Executive Directors – Infrastructure Services and Development & Governance

Staff have recently undertaken a fairly rudimentary analysis of the sewerage capacity in the Goonellabah area. It does indicate there are some capacity concerns. More detailed information is required to determine the actual capacity of the system not just this theoretical capacity. A modeling exercise is currently underway to determine the capacity available in the system. A further exercise is also underway to determine the most cost effective manner to increase capacity within the existing system.

The information from the above two studies is required before staff can make recommendations to Council regarding remediation measures or give a guarantee there is sufficient capacity which will not impact future development.

There is currently a Development Application (DA) for the subdivision of 59 residential lots awaiting the outcome of the detailed sewerage modeling exercise. The applicant has agreed to put the DA on hold until the outcome of the sewerage modeling is finalized.

In this respect the workshop will consider the 'land release stock take' as it is known that is currently being completed by a multi-disciplinary staff team considering all infrastructure and other aspects of residential growth. This is being completed as part of the comprehensive LEP workshop series for the new Council.

(ED09/8070:EF09/631)

Notice of Motion

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

That Council agree in principle to:

1. Friends of the Koala planting of 1,000 koala food trees on its land adjacent to Lismore lake (see attached areas below); and
2. Council offering all reasonable assistance in the establishment of the food tree plantation.

Councillor Comment

During the course of the year, Friend of the Koala (FOK) will rescue and care for around 300 koalas from Lismore and surrounding districts. The majority of these animals are housed at the Koala Care Centre in Lismore and require daily feeding of fresh eucalypt leaves. FOK volunteers go out daily to source fresh eucalyptus leaf from surrounding road reserves, private properties with owner approval and from the existing koala food tree plantation at the Wyrallah Road Waste Facility site.

The existing plantation at Wyrallah Road, which was created in partnership with Lismore City Council, has reached capacity and heavy harvesting has meant that the trees are not recovering and producing new leaf as quickly as is needed. The numbers of koalas in care is increasing steadily over the years and there is now a need to establish new koala food tree plantations to provide a ready resource of fresh leaf for harvesting.

Having examined a number of other sites the Lismore Lake site is Friends of the Koala's preferred location for establishing a second Koala Food Tree Plantation in the City because:

1. Its ready vehicular access and flatness would enable our volunteers, many of whom are of mature years, easy access when they cut and load the vegetation that is required on a daily basis to feed the koalas that are in care.
2. It is within reasonable distance from the Koala Care and Education Centre.
3. It supports the findings of the *Lismore Alive* Research Project to focus on the River and provide more activities/experiences in the River precinct.
4. The establishment of a Koala Food Tree Plantation at one of Lismore's gateways, allows for tourism signage to be erected which promotes Lismore as a centre for environmental biodiversity and as the home of an expanding educational facility which is devoted to the care and conservation of one of Australia's iconic species, the koala.
5. This site could not only become an attractive asset for the Council but it could also serve as an eco-tourism experience for visitors to Lismore through the inclusion of signage that identifies the types of trees that are growing in the Plantation and explains why they are so vital to koala survival.
6. Such a Plantation would provide a visible 'Carbon Storage Bank' that also serves to enhance Lismore City Council's 'green credentials'.

Notice of Motion

Assistance from Lismore City Council would be negotiated but could include ripping of planting lines, hole digging, and the provision of mulch. The use of a watering tanker or other device on the planting day would also be of great assistance. Council would be requested to continue the current mowing regime on the site and mow between the rows.

FOK will provide ongoing maintenance of the trees and within the rows with the use of herbicides and other weeding activities.

Staff Comment

Whilst Council could agree in principle to this planting, a number of matters would need to be finalised first. These cover a range of Council responsibilities:

- Property;
- Land Planning;
- Parks Maintenance; and
- Finance.

Plan of Management

There is a Plan of Management established for Gates Lakes and the proposed tree planting activity is not included in the Plan. Whilst only a relatively minor adjustment would be required, this has not been programmed into this years activities and would have to be completed prior to the planting commencing.

Public Consultation

This would be undertaken as part of the amendment of the Plan of Management.

Licence

Council would require the FOK to enter a licence agreement with Council for the area. The licence fee would be minimal but the agreement is necessary to protect Council and would again need to be completed prior to planting commencing

Flooding

Without referring the matter to Council's flood modelling consultant, it is difficult to identify what the impact of the proposed plantings would be upon flooding. However, based on results of recent modelling in that vicinity it is an issue requiring further investigation prior to adoption of such a scheme. This is based on the recent modelling that has been undertaken approximately 800m upstream at the rear of the Quayside Motors site. Modelling at that location has shown that if flood waters are allowed to cut across the bend in the river, then a significant reduction, approximately in the order of 100mm, would be achieved in the CBD. The proposed plantings in the location shown may form an impediment to flood flows that would prevent flows from short cutting the bend in the river at that location. If this was to happen then this may increase upstream flood depths.

Council would normally require the applicant to pay for such modelling. Should after initial consultation with the consultant, this be required, it would cost in the vicinity of \$2,000.

Establishment and Maintenance Costs

These are of course largely dependant upon the actual size of the proposal, but as far as can be determined establishment costs would be in the vicinity of \$2,500, and the annual maintenance cost approximately \$2,400. No budget allocation has been made for these activities and a separate vote from Council would be required.

Alternate Locations

The FOK should be encourage to discuss alternate locations with Council' property section that may be

more suitable and closer to their facility.

(ED09/8098:EF09/631)

Map 1: Areas cross-hatched show the 2 koala food tree planting sites



Report

Subject	Strategic Companion Animals Management Plan
File No	ED09/7780:EF09/491
Prepared by	Manager Environmental Health and Building Services
Reason	For Council to endorse the Strategic Companion Animals Management Plan.
Objective	To advise Council of the submissions received during the public exhibition period of the Draft Strategic Companion Animals Plan.
Strategic Plan Link	Quality of Life
Management Plan Project	Administration of the Companion Animals Act

Overview of Report

A Strategic Companion Animals Management Plan (SCAMP) in accordance with the New South Wales Department of Local Government guidelines has been drafted. Council at its meeting of May 11, 2009, endorsed the Plan to be placed on public exhibition. This report outlines submissions received and is now placed before Council for adoption after the submissions have been considered.

Background

Overview of Report

In August 2008 Lismore City Council was audited by the Department of Local Government into best practice procedures. As a result of this review it was recommended that Council should produce a SCAMP in accordance with the New South Wales Department of Local Government (DLG) Guidelines which had been in circulation for some time.

The Companion Animals Act (CAA) was gazetted in 1998 and relates to dogs, cats and any other animal prescribed under the Act as a companion animal (CA), however to date it relates only to dogs and cats. Responsibilities for CAA implementation and compliance for Lismore City Council is within the Rangers Management Plan and forms a critical and major component of their day to day operational activities.

Council at its meeting of May 11, 2009 adopted a recommendation that the draft SCAMP be placed on public exhibition for a period of one month. At the conclusion of the exhibition period one submission was received from Friends of the Koalas (FoK).

The submission recommended wording changes to the SCAMP (as per the **bold** writing) and staff comments are as follows:

1. Aim of the SCAMP last bullet point (page 3): To raise awareness of companion animal owners in an effort to minimise the impact that companion animals can have on the environment **and biodiversity degradation** including **native wildlife**, noise and water quality issues.

Comment: Agree and amend SCAMP accordingly.

2. Wildlife rehabilitation groups such as Friends of the Koala also have an animal welfare function

and are certainly committed to public education about matters related to native wildlife in general, and in our case, the koala in particular. For this reason we are of the view that where “Animal Welfare organisations” is referred to in the table on page 5, the statement should be expanded to Animal Welfare **and Wildlife Rehabilitation organisations**.

Comment: Agree and amend SCAMP accordingly.

3. In the section on Sensitive areas and environmental issues (page 13), we recommend that the subheading Biodiversity be amended to **Biodiversity Degradation**.

Comment: Agree and amend SCAMP accordingly.

4. We challenge the statement that the koala populations in the Lismore local government area can be described as healthy. Indeed, koalas generally on the Northern Rivers are acknowledged as having a very high incidence and diversity of disease. Between 65-70% koala mortalities dealt with by Friends of the Koala can be attributed to disease. A more accurate statement would be along the lines of: **Koalas are widely distributed throughout the Lismore local government area. The koala is listed as a vulnerable species under the NSW Threatened Species and Conservation Act 1992 and are brought in for treatment at the Friends of the Koala Care Centre (not a hospital).**

Comment: Agree. The following statement should be substituted for the equivalent words in the SCAMP:

“Koalas are widely distributed throughout the Lismore local government area. The koala is listed as a vulnerable species under the NSW Threatened Species and Conservation Act 1992. Unfortunately, attacks upon koala by domestic companion animals do occur and these attacks account for approximately 3% of the koalas brought in for treatment at the Friends of the Koala Care Centre.”

5. We are of the view that the Strategic Action (page 14) to protect native animals needs to be raised from medium priority to high priority.

Comment: Agree and amend priority from Medium to **High** within SCAMP accordingly.

The medium priority in this instance was based on the information from FoK that less than 3% of injured koalas are from dog attacks (companion animal). However, as stated within the plan *“predation upon other animals such as birds, lizards and marsupials is common and could be avoided by the securing of the CA at night.”*

6. We also believe that the prominence of the koala in the local government area argues for the development of a koala specific-strategic action to improve community understanding of dog attack on koalas.

Comment: Agree and amend Strategic Action table within SCAMP accordingly.

Although koalas are included in the category of native animals, given the unique prevalence within the urban area of the Lismore local government area it is agreed that an additional Strategic Action be included as follows:

Protect koalas from impacts of CA's	High	<ul style="list-style-type: none"> • Promote public awareness of the need to ensure CA are contained and controlled. • Promote awareness as to the potential impacts of CA upon koalas. • Work with other agencies to discourage CA attacks on koalas. 	Reduced instances of attacks upon koalas.
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7. Finally, we refer you to the excellent and still relevant treatment of dog management in Council's Draft Comprehensive Koala Plan of Management for the South Eastern portion of the Lismore Local Government Area (2003): Part A: The Plan, pages 13- 5 and Part B: Background Information, pages 38-39.

Comment: Disagree and not amend the SCAMP.

The Draft Comprehensive Koala Plan of Management 2003 is not relevant to this SCAMP at this time. Council did not adopt the stated plan, however, has resolved to develop a timeline for reviewing and implementing the shelved plan.

The Draft plan required many actions of Council which included:

- Covenants that do not permit the keeping of dogs introduced for all new subdivisions.
- Council Law Enforcement Officers (Rangers) directing additional resources to target and impound dogs in vicinity of koala habitat areas.
- Council to seek funding to enable night patrols to be conducted by Rangers.
- Enforce curfews for dogs.

Many issues/actions such as the above will have far reaching implications and will be reviewed and discussed by Council and the general public with the imminent review of the plan. After this review the SCAMP can be reviewed to reflect Council's future determination of the Koala Plan of Management.

Attached is the amended SCAMP as per the recommendations in the comments on the submission.

Comments

Financial Services

Not required.

Conclusion

The Department of Local Government has recommended that Council produce a SCAMP in accordance with their guidelines. The exhibition of the draft SCAMP has resulted in one submission from Friends of the Koala. As detailed within the report, comments made within the submission have been noted and relevant changes made to the document, including the addition of a strategic action to protect koalas from impacts of Companion Animals.

It is to be noted that comments made in the submission pertaining to the Draft Comprehensive Koala Plan of Management of the South Eastern portion of the Lismore Local Government Area (2003) have not been included in the SCAMP. Council has not adopted the draft Comprehensive Koala Plan, however, has resolved to develop a timeline for reviewing and implementing the shelved plan.

Recommendation (PLA10)

That Council adopt the amended Strategic Companion Animals Management Plan (SCAMP) as attached and incorporating the recommended changes in response to the Friends of the Koalas submission as outlined in the report.

Report

Subject	Community Garden Consultation
File No	ED09/8025:EF09/2184
Prepared by	Manager Community Services
Reason	To report back on the result of community consultation conducted in June 2009.
Objective	To seek endorsement for a Community Garden to be established at the corner of Brewster and Magellan Streets, Lismore.
Strategic Plan Link	Quality of Life
Management Plan Project	Community Services

Overview of Report

The report provides a summary of the feedback received from the community consultation process undertaken through the month of June 2009. All feedback received was positive and a number of issues raised by the neighbouring preschool are addressed in the report.

Background

At the June 9, 2009 Ordinary Council meeting, it was resolved *‘that Council: (1) provide ‘in principle’ approval to establish a community garden in Brewster Street, pending consultation with the community; and (2) Agree that community consultation is undertaken during the June/July 2009 period and the results reported back to the Council for finalisation of the site for the community garden.’*

Accordingly, the following consultation methodology was used to seek feedback from the community.

- A site meeting and information session was advertised in the Northern Rivers Echo inviting people to attend the meeting and/or write submissions on the proposal
- An information sheet and feedback form was letterbox dropped to 370 business and residences in the immediate vicinity of the proposed site
- Media releases were sent to the local radio media, and the Project Officer and Site Manager were interviewed by Radio 2LM/100.9ZZZ and ABC Radio respectively on Friday June 19, 2009
- An information session was conducted on site on Saturday June 20, 2009
- Feedback forms were provided during the information session and people were invited to comment
- Written submissions closed on Friday June 25, 2009
- Presentation to the Bundjalung Elders Council meeting held June 26, 2009.

Approximately 50 – 80 people attended the on site information session and 100% of all communications and feedback was positive. No verbal or written objections were received during the consultation. Thirteen feedback forms were received and all comments were positive and very supportive of the proposal. One respondent lives within 500m of the site, five respondents live within one kilometre of the site and six respondents live more than one kilometre from the site.

Two written submissions have been received from the Lismore Preschool Kindergarten which adjoins the proposed site, one letter and one e-mail. Although very supportive of the proposal, the preschool raised the following concerns regarding management of the site, and potential for the preschool to be involved in the garden.

Question	Response
Will there be a preschool garden for the children to use with preschool sized gardening equipment and funds to provide seeds, fertilizers and mulch?	There will be a preschool garden for children to use and community garden staff and volunteers will be available to help establish and maintain the garden. There are funds available for seeds, mulch and fertilizer and for preschool size gardening equipment.
Could a gate be build from the preschool into the garden so that the children can visit with staff and grow plants and vegetables?	A gate allowing ready access to the preschool is not supported at this stage. Members of the public will have access to the community garden and it is not considered advisable to provide additional access to the preschool and children. Children's safety at all times is considered to be paramount. It is preferable for the children to enter and exit the garden via Brewster Street and thus limit the general public's access to the preschool.
Will the area be a non-smoking, non-drinking zone and how will this be managed?	Council will install regulatory signage at the garden site which includes no-smoking and no-drinking symbols. The regulations can be enforced by Council's Rangers or the police. In addition, the garden will be a non-smoking, alcohol free zone to be implemented through the Community Garden Plan of Management, supervised by the Site Manager. Smokers will be required to leave the garden area whilst smoking and to 'bin their butts' in containers away from the site. Alcohol and other drugs will not be allowed on site.
Will the site be patrolled by security from Lismore City Council that currently manage other areas in the Lismore Park area?	Security patrols currently monitor Oakes Oval and Crozier Field. There are no plans to extend security to other areas of Lismore Park at this stage.
Will there be a Register of Participants (in relation to child protection issues)?	All participants will be required to become registered members of RRCF Inc and to sign into the register book each time they participate in the community garden. A membership file will be kept with names and details of participants. Any staff or volunteers who are working directly with children will need police checks.
Will the site be closed or fenced off with night lighting to prevent vandalism to the garden or surrounding areas (preschool grounds)?	There is evidence to suggest that community gardens are less likely to attract vandalism if they are not fenced. Low hedging will be used to delineate the boundaries of the garden but the lines of natural surveillance will be maintained to discourage anti-social behaviour. Project management is working with community policing to incorporate security features into the design of the garden. A small area around the storage shed will be securely fenced. Night lighting is not planned at this stage but can be considered if necessary. The Site Manager will be contactable on a mobile phone number outside of opening hours to deal with any issues that may arise in relation to the community garden.

<p>Will Brewster Street between Magellan Street and Ballina Road be curbed and guttered to provide parking and manage drainage issues?</p>	<p>Curbing and guttering for this section of road is listed on Council's proposed future works within the next five years (yet to be endorsed by Council). This type of work is considered to be major and would require significant funds to complete. It should be noted a round-about will be constructed at the Brewster Street / Magellan Street intersection in this financial year as part of the Black Spot funding program. There will be some formalisation of curbing at the intersection as part of these works.</p> <p>There are some Community Garden project funds for minor works which include drainage and parking areas. The Site Manager will talk with preschool staff and committee about any concerns regarding drainage and parking so that these can be addressed during the establishment phase of the community garden.</p>
<p>Will there be recurrent funding to maintain the gardens long term?</p>	<p>The Community Garden project is funded until June 2010. The Project Officer will seek recurrent funding opportunities for the community gardens over the next 12 months. Because community gardens contribute to meeting a variety of community needs, they are eligible for a wide range of grants, including environment, community development, health, and arts funding so there are a number of potential sources of funding. Funding for ongoing maintenance will also be generated through sponsorship, membership fees and fees for workshops and classes.</p>
<p>In the event of a flood, will Lismore City Council be prepared to assist with clean-up costs of both sites: Community Garden site and the Lismore Preschool Kindergarten.</p>	<p>Council will provide general assistance in the event of a flood on a priority basis only and will be dependent on the availability of staff and resources. The Lismore Community Garden Draft Management Plan includes a comprehensive flood management strategy to ensure that there are no loose items in the garden if there is a flood threat and that the garden is well prepared by harvesting crops and removing any debris. The Community Garden would take responsibility for any clean-up required resulting from inundation.</p>
<p>The Preschool has ongoing drainage issues particular with respect to the sandpit. Can Council assist with rectifying the problem?</p>	<p>There are existing drainage issues in that precinct due to type of soil and flat terrain. Council staff will investigate the problem and provide advice to the preschool regarding options. Due to financial constraints, Council cannot commit to rectification works, but will look at potential works during the development of the Community Garden.</p>

The land for the Community Garden is situated within Lismore Park which is governed by a Plan of Management. The change of use to Lismore Park in its entirety is not considered to be substantive, however an amendment to the Plan of Management is required to reflect the change of use. Accordingly, the Plan of Management will be amended and advertised as per the requirements of the Local Government Act (1993).

Comments

Financial Services

The recommendations are supported on the basis the licence clearly stipulates that all establishment and ongoing costs associated with the community garden are met by the proponent Rainbow Regional Community Gardens Inc.

Other staff comments

Parks and Recreation Coordinator

The use of any vacant open space by the community is supported. It is important to highlight that the aesthetics in relation to the overall change in the landscape and the screening will be subjective. The use of screening with low hedges will improve the aesthetics of the gardens. Given the requirement for clear sight lines for security the impact and purpose of the amenity screening will be reduced.

Property Officer

If approved, a licence for a term of three years may be offered to the Rainbow Region Community Farm (RRCF) and the Northern Rivers Social Development Council. A certificate of currency for a minimum of \$10 million public liability insurance, noting Council's interest in the policy, is to be provided to Council in the name of the licensee prior to occupation of the site. The licence will include but is not limited to clauses covering use of the land, maintenance, cleanliness, alterations, insurance, signage and termination. The licence fee shall be \$100.00 (including GST) per annum.

If approved, the Plan of Management for Lismore Park will require amendment to include the granting of a licence. Adoption of the amendment to the Plan of Management for Lismore Park is permitted without public exhibition under clause 40 2(b) of the *Local Government Act* 1993 as the amendment is not substantial, and Council has already undertaken public consultation for the project with all feedback being positive. Further, in accordance with clause 40 (2A), public notice of the amended plan is required as soon as practicable after the adoption.

Administration of the licence will be undertaken by Council's Assets Team. Operational matters such as issues with trees and utilities are to be addressed by the Parks Department.

No portion of the community garden is to be located closer than 10m from the boundary fence of the Lismore Pre-School Kindergarten. Low hedging is to be planted to separate the two sites and a gate connecting the sites is not supported from a child safety perspective. Gardening activities, parking or pathways are not to encroach into the root zone of any nearby tree.

Assets Engineer

Further consideration needs to be given to the facility being used by the adjacent preschool if the garden is not completely enclosed by suitable fencing. Children may potentially access the roadway or the open park if no physical barrier exists. It is suggested that the garden not be utilised by the preschool and that if interest is strong a separate garden for exclusive use by the preschool be established within the grounds of the school.

Co-ordinator Environmental Strategies

The Lismore Community Garden will enhance the current and proposed sustainability programs of Lismore Council including The Northern Rivers Food Links project and Cleaner Waterways program. The recognised drainage issues may be dealt with under the Cleaner Waterways program and could be incorporated into 2009/10 action plan. As well, the Food Links project highlights the increased community expectations and desire for involvement in projects such as community gardens. There is potential for the Lismore Community Garden to gain funding under this project and it is anticipated that other government funding will continue to be available to support such activities.

The underlying principles of the Community Gardens movement integrate well with Council's direction and the site allows for an opportunity to demonstrate innovative technologies which can benefit the wider community. The proposed location enables people the potential to access the site by means other than private vehicle and should enhance the aesthetics and existing assets such as the adjacent remediated section of Browns Creek and proposed concepts for Lismore Park including enhancing Browns Creek.

Public consultation

Detailed within the body of the report.

Conclusion

The proposed Community Garden on the corner of Brewster and Magellan Streets Lismore has generated broad community interest and support. Community feedback identifies strong support for the centrally located site, the proposed garden layout, the provision for community access and potential to improve community health outcomes. Concerns raised by the neighbouring preschool can largely be addressed by the Community Garden's management processes together with support and assistance from Council. No objections to the proposal have been received.

Recommendation

That:

1. Council receive and note the submissions received from the public.
2. Council endorse the use of approximately 4,000m² of Lismore Park located on the corner of Brewster and Magellan Streets for the purposes of a Community Garden.
3. Council staff prepare a licence agreement between Lismore City Council, Rainbow Region Community Farm and the Northern Rivers Social Development Council on an annual review basis.
4. Council resolve to adopt the amended Plan of Management for Lismore Park to include the granting of a licence for the purpose of a community garden.
5. Public notice be undertaken advising of the amended Plan of Management as soon as practicable.

Report

Subject	DA2008/27 Subdivision at Whispering Valley Drive Richmond Hill
File No	ED09/7993:DA 5.2008.27.1
Prepared by	Development Assessment Coordinator
Reason	The application was called in to a Council meeting by members of the previous Council on June 18, 2008.
Objective	Determination of Development Application.
Strategic Plan Link	Natural Environment
Management Plan Project	Efficient assessment of Development Applications

Overview of Report

The development is for a rural residential subdivision to create one additional lot. The report covers the statutory provisions of Section 79C of the *Environmental Planning and Assessment Act 1979* to enable Council to consider the Development Application. Whilst the application is generally compliant with the majority of Council's planning documents, there is a significant non-compliance with the revised On-Site Sewage and Wastewater Management Strategy. This non-compliance warrants refusal of the application.

It is recommended that the Development Application be refused as proposed Lot 7 cannot be provided with an appropriate on site sewerage management system in accordance with Council's revised On Site Sewerage and Wastewater Management Strategy 2007.

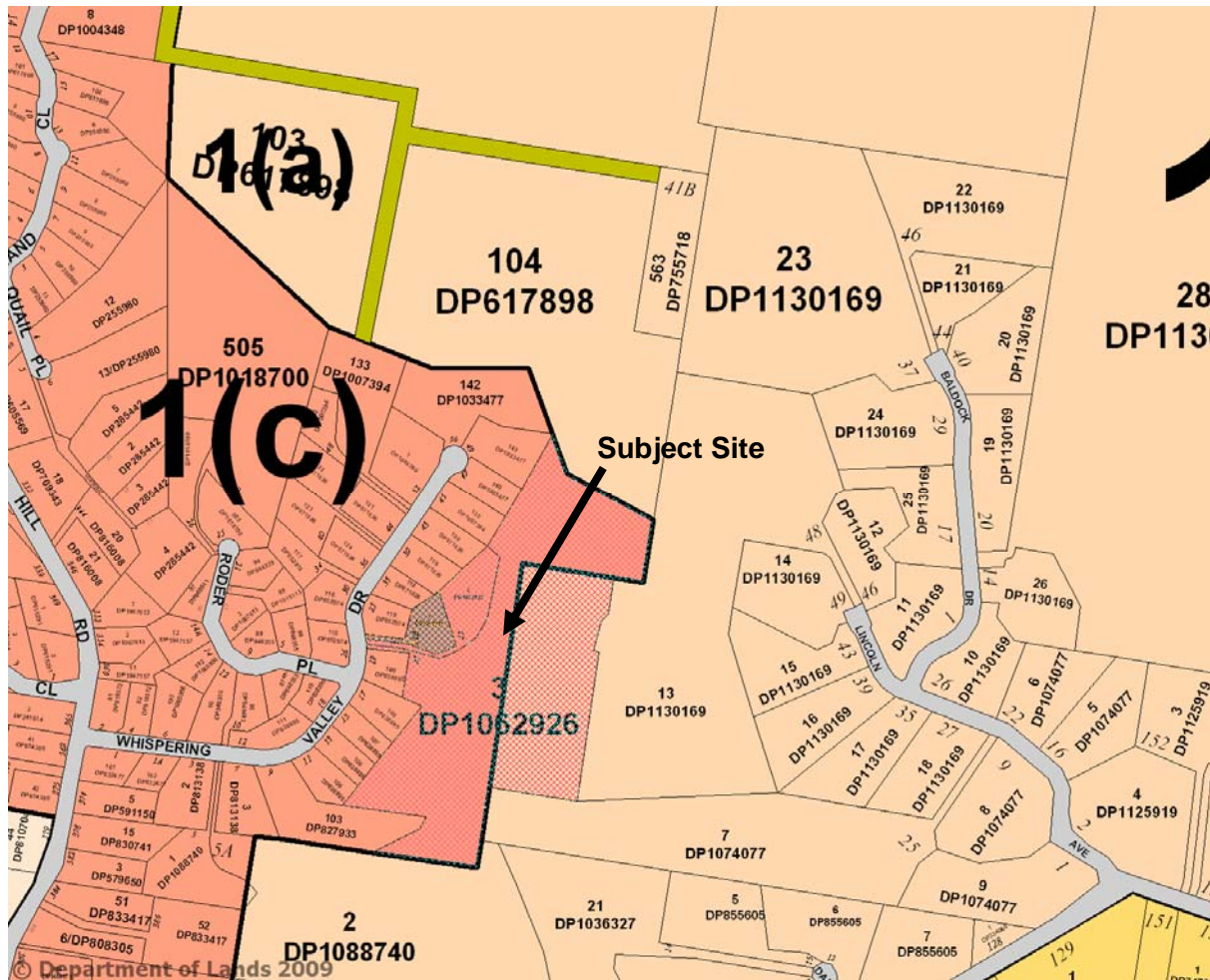
1. Site Description and Locality Plan

The development site is at:

Lot 3 DP 1062926, 21 Whispering Valley Drive, Richmond Hill,
 Lot 2 DP 1062926, 23 Whispering Valley Drive, Richmond Hill, and
 Lot 1 DP 1062926, 23A Whispering Valley Drive, Richmond Hill.

The site has a total area of 9.258ha (Lot 3 = 8.347ha, Lot 2 = 5766m² and Lot 1 = 3358m²) and is zoned part 1(c) Rural Residential and part 1(a) General Rural.

The site is steeply sloping with grades ranging from 21% on lot 2, 35% on proposed lot 7 (new lot to be created) and up to 49% on the large residue parcel. There is extensive vegetation on lot 3 making the site bushfire prone.



Map 1 - Locality Plan showing subject site hatched and the town planning zones.

2. Proposal

The applicant is Mr S J Fletcher, consulting planner on behalf of R E & V L DorrOUGH, P & K Murray and D Townsend & S Lynott and the proposal is to re-subdivide three lots into four to create one additional rural residential lot. A copy of the Statement of Environmental Effects is available for viewing in the Councillors Room.

3. Public Notification

The application was placed on public exhibition from January 23, 2008 to February 6, 2008. No submissions were received as a result of the public exhibition.

4. Key Issues

The key issues with this development application are:

- on site effluent disposal; and
- bushfire hazard.

The lot proposed to be created has significant limitations due to the slope of the land, a drainage easement and remnant vegetation. The applicant has not proposed a system that can comply with Council's Revised On-site Sewage and Wastewater Management Strategy 2007.

Whilst the land is bushfire prone, which is a limiting factor to development, the NSW Rural Fire Service has issued a bushfire safety authority in accordance with section 100B of the Rural Fires Act subject to conditions to minimise the potential impact of the hazard.

5. Assessment under Section 79C of the E.P. & A ACT

5.1 Any Environmental Planning Instruments

5.1.1 State Environmental Planning Policies (SEPPS)

SEPP 44 Koala Habitat Protection applies to the proposal. Clause 7 of SEPP 44 states:

- (1) *Before a Council may grant consent to an application for consent to carry out development on land to which this Part applies, it must satisfy itself whether or not the land is a potential koala habitat.*

The applicant provided an assessment of development in accordance with the provisions of SEPP 44 and Circular B35. A copy of this assessment is provided in the attachments. The applicant's ecologist identified that there is no potential koala habitat on the site.

SEPP 55 Remediation of Land applies to this proposal. Clause 7 of SEPP 55 states:

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
- (a) *it has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Based on an assessment presented by the applicant Council can be satisfied that based on previous land uses the land is unlikely to be contaminated and is suitable for the rural residential use.

SEPP (Rural Lands) 2008 applies to this development. Clause 10 sets out the matters to be considered in determining development applications for rural subdivisions. Clause 10 is set out as follows:

- (1) *This clause applies to land in a rural zone, a rural residential zone or an environment protection zone.*
- (2) *A consent authority must take into account the matters specified in subclause (3) when considering whether to grant consent to development on land to which this clause applies for any of the following purposes:*
- (a) *subdivision of land proposed to be used for the purposes of a dwelling,*
 - (b) *erection of a dwelling.*
- (3) *The following matters are to be taken into account:*
- (a) *the existing uses and approved uses of land in the vicinity of the development,*
 - (b) *whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,*
 - (c) *whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),*
 - (d) *if the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone,*
 - (e) *any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).*

The existing uses and approved uses surrounding the development are rural residential

development and agriculture, predominantly grazing. The proposed subdivision is not likely to have a detrimental impact on any existing activity or use in the locality.

SEPP 1 Development Standards applies to the development. Because the residue parcel will create a lot within the 1(a) General Rural zone that has an area that is smaller than the standard prescribed in clause 36(1) of the Lismore City Local Environmental Plan 2000 a SEPP 1 objection is required. Such a SEPP 1 objection would require the concurrence of the Department of Planning. The residue parcel is already below the minimum lot size and it is self evident that strict application of the standard is unreasonable in the circumstances of this case. The applicant has not submitted a SEPP 1 objection. On this basis Council cannot approve the subdivision at this point in time. If Council wished to approve the application contrary to the recommendation then delegation should be granted to the General Manager to approve the application subject to the submission of a SEPP 1 objection by the applicant and the granting of concurrence by the Department of Planning.

5.1.2 Regional Environmental Plan (REP)

Clause 12 of the North Coast Regional Environmental Plan apply to this proposal.

Clause 12 is set out as follows:

12 Development control—impact of development on agricultural activities

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

The proposed development will not have any impact on adjoining agricultural development.

5.1.3 Lismore Local Environmental Plan (LEP)

Clause 11 of the Lismore City Local Environmental Plan 2000 requires that a person may not subdivide any land to which the plan applies except with development consent. Accordingly the applicant has made a development application to subdivide the land.

Clause 20 requires that consent must not be granted to residential, rural residential or tourism development (including subdivision for those purposes), unless it has been demonstrated, to the satisfaction of the consent authority, that the proposed development will be compatible with any existing specified land uses in the locality and with surrounding established development.

“specified land uses means use of land for the purposes of cattle dips, dairies, cattle feedlots, chicken farms, intensive horticulture, piggeries, refuse disposal areas, sewage treatment works, quarries and other similar land uses.”

There are no specified land uses within the locality that would impact upon this proposal.

Clause 29 of the Lismore City Local Environmental Plan 2000 requires that Council be satisfied that the proposed development is consistent with the objectives of the zone.

The zone objective for the 1(a) and 1(c) zones are set out as follows:

Zone No 1 (a) (General Rural Zone)

The objectives are:

- (a) to maintain and encourage sustainable agricultural activities within the zone, and*
- (b) to enable a range of other uses to occur on rural land providing such uses do not*

- conflict with existing or potential agriculture and do not detract from the scenic amenity and character of the rural environment, and*
- (c) to discourage the fragmentation of rural land, and*
 - (d) to restrict the establishment of inappropriate traffic generating uses along main road frontages, and*
 - (e) to enable the provision of rural tourist accommodation and facilities only where such facilities are compatible with the form and density of the nature of the locality.*

Zone No 1 (c) (Rural Residential Zone)

The objectives are:

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

It is considered that the proposal is generally consistent with the objectives of the 1(a) zone. The proposed development will not affect the potential agricultural use of the land which is minimal in any case. There will not be any significant conflict with agricultural activities nor will the subdivision detract from the scenic quality of the area.

The proposed development is consistent with objectives of the 1(c) rural residential zone.

Clause 36 (1) with respect to minimum allotment sizes applies to the development. The rural residential lots comply with the 0.2ha standard as set out in clause 36 (1) for lots located within the 1(c) zone. The residue lot does not meet the 40ha standard for the portion of that lot that is located within the 1(a) zone. As discussed above a SEPP 1 objection to vary this minimum lot size needs to be submitted.

Clause 40 Rural residential development applies to the development. Clause 40 is set out in its entirety:

- (1) This clause applies to land within Zone No 1 (c).*
- (2) Consent must not be granted to a subdivision of land to which this clause applies if the consent authority is satisfied that the land will be used for rural residential development unless:*
 - (a) the consent authority has had regard to the matters relating to environmental impact specified in Schedule 5, and*
 - (b) the size and shape of each lot to be created and the range of proposed lot sizes are, in the opinion of the consent authority, satisfactory having regard to the land's capability and potential for conflicting uses, and*
 - (c) arrangements satisfactory to the consent authority have been made for the provision of a water supply and the disposal of stormwater and sewage effluent, and*
 - (d) arrangements satisfactory to the consent authority have been made to protect the environment, and*
 - (e) the average area of all allotments to be created by the subdivision is not less than 0.5 hectare.*
- (3) Consent must not be granted to a subdivision of land to which this clause applies if,*

as a result of the subdivision, the total number of allotments:

- (a) that the consent authority is satisfied will be used for the purpose of dwellings, and*
- (b) that will have been created from land to which this clause applies in any of the successive 5-year periods following the commencement of this plan, will exceed the number fixed by the Council in respect of that period for the purposes of this clause.*

With regard to clause 40 (2) (a) Schedule 5 is set out as follows:

(Clauses 10, 40 (2) (a) and 51 (2))

- 1 The objectives of the proposed development and how it relates to the objectives of this plan and the relevant zone.*
- 2 The existing environment, including existing land use, slope, aspect, geology, soils, flood liability, vegetation, fauna and hydrology likely to be affected by the proposed development, if carried out.*
- 3 The interaction between the proposed development and the natural and human made environment (for example, habitat, vegetation, open space, recreational system, drainage system, and road, bicycle and pedestrian movement systems).*
- 4 The likely impact of the proposed development on the surrounding natural and human made environment, such as loss of agricultural land, impact on water resources and any land use conflicts and the means proposed to reduce any adverse impact (for example visual controls, stormwater controls, erosion controls, traffic controls and provision of community facilities).*
- 5 Measures to be taken in conjunction with the proposed development to protect the environment and the assessment of the likely effectiveness of those measures.*
- 6 Any likely increase in demand for facilities or services as a result of the development.*
- 7 An assessment of the likely impact of the proposed development on people occupying the locality within which it will be carried out.*
- 8 The likely effects of the proposed development on any Aboriginal cultural heritage or European heritage matters.*

The applicant has not provided an assessment of the matters set out in schedule 5, however Council can make an assessment of these issues based on the material presented in the Statement of Environmental Effects. It is considered that the proposed subdivision is consistent with the zone objectives.

The development will have an adverse impact on the both the natural and man made environments due to the proposed use of a high tech effluent disposal system. The approval of such a system contrary to Council policy would set and undesirable precedent and the cumulative impacts of energy use and development on land that is too steep to support sustainable development will result in a detrimental impact on the environment.

There will be no significant land use conflicts associated with this proposal. There are no relevant measures being taken to protect the environment. There will be an increase in the demand for facilities. If the development were to be approved this could be catered for by imposition of a condition of consent that required the payment of section 94 contributions. There will be a negligible impact on people in the locality of the development.

There are no identified heritage items in the locality of the development.

With regards to clause 40 (2) (b) the lots are of a suitable size and shape and there is no potential for land use conflict.

Clause 40 (2) (c) requires that arrangements satisfactory to Council be made for water supply and the disposal of stormwater and sewage effluent. Water supply and stormwater disposal are adequate. Council's Environmental Health Coordinator has advised that the proposed system for disposal of sewage effluent is not acceptable. The document used to determine if a system is acceptable is the Revised On-Site Sewage and Wastewater Management Strategy. Section 4 of the Strategy as it relates to rezonings and subdivision applications states:

“Additional requirements for rezoning and subdivision applications include:

- The need to provide “low-tech gravity fed “ systems i.e. septic tank and ETA beds, compost toilet with greywater tank and ETA beds, septic tank, reedbed and ETA beds”.

The applicant has proposed a system that is not low-tech gravity fed. The significant slope constraint on the site means that a low tech system cannot be implemented on the new lot. The applicant has submitted that the requirement for low-tech gravity fed is unduly onerous.

Council has given consideration for high tech solutions on existing lots that are significantly constrained. It is to be noted that these are for existing lots and not new lots. Approval of this development in contravention of the strategy sets a precedent for allowing high tech solutions on constrained land that should not be developed. For this reason it is recommended to refuse the application.

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

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

5.3 Any Development Control Plan

The Lismore Development Control Plan applies to this development. Specifically:

Chapter 4 Subdivision General Requirements
Chapter 6 Rural Subdivision
Chapter 10 Advertising of Development Applications
Chapter 11 Buffers

The development complies with the provisions of chapters 4, 6, 10 and 11. . The development generally complies with the provisions of the DCP.

5.4 Any Matters Prescribed by the Regulations

Clause 92 of the regulation does not apply to this Development Application.

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

Wastewater Management

The initial wastewater feasibility study prepared by Ecotechnology Australia P/L proposed a high tech system that was not consistent with Council's strategy. The applicant was asked for further information to demonstrate that the proposal could comply with Council's strategy. Subsequent correspondence from the applicant (enclosed as Attachment 1) indicated that *'a low tech system could be designed and satisfactorily operated on the site(s) incorporating secondary treatment such as a reed bed system and sub-surface irrigation*. Such a system would require power to run pumps. The applicant proposed the use of solar power to run the system.

Council's Environmental Health Coordinator does not support the abovementioned design as being of a low tech nature in accordance with the nominated strategy standard. Sub-surface drip irrigation technology is considered as a high tech design option incorporating in-line pumps and associated pressure compensating irrigation network. It is not a low tech gravity fed system as required by the strategy.

The applicant was advised that the proposed system did not comply and that there were outstanding matters from Council's original request for further information which have not to date been addressed.

There are no other significant environmental impacts caused by the development.

5.6 The Suitability of the Site for the Development

Due to the slope constraints for effluent disposal the site is not suitable for the proposed development.

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

There were no submissions made regarding this development application.

5.8 The Public Interest

The proposal is considered to be contrary to the public interest in that it will set and undesirable.

6. Referral Comments

6.1 Internal

6.1.1 Manager Finance Comments

Not required for this application.

6.2 External

The application was referred to the NSW Rural Fire Service (RFS) under the integrated development provisions of the Act. The RFS have provided recommended conditions of consent to be imposed on the approval should Council grant consent to the development.

7. Conclusion

The proposal generally complies with the majority of Council's planning controls. However the non compliance with the On-Site Sewage and Wastewater Management Strategy (2007) is a justifiable reason to refuse the application. Should Council wish to approve the application then the applicant should be requested to lodge a SEPP 1 objection and delegation granted to the General Manager to approve the DA subject to conditions.

Recommendation (PLA12)

That Council, as the consent authority, refuse Development Application 5.2008.23.1 for the Rural residential subdivision to create one additional lot because the proposed Lot 7 cannot be provided with an appropriate on site sewerage management system in accordance with Council's On Site Sewerage and Wastewater Management Strategy 2007.

Attachment 1

The General Manager
Lismore City Council
Po Box 23A
Lismore NSW 2480

15th April 2008

Attention: Mr Matt Kelly

Dear Matt

LISMORE CITY COUNCIL	
21 APR 2008	
File No.	2008-27
Letter No.	15-2658
Act. Cn.	M Kelly
Completed:	ACK
File out with:	C. S. S. S.
Comments:	M/S/S
Resub:	

**stephen
fletcher**
& associates
pty ltd

**environmental
planning**

Development Application No. 2008/27-1 – Lots 1, 2 and 3 DP 1062926 Whispering Valley Drive Richmond Hill

Reference is made to our recent meeting to discuss Council's position on the ability for the vacant rural residential lot proposed with the application to accommodate an effluent disposal system in conformity with Council's revised On-Site Sewage and wastewater Management Strategy.

As per our advice I had Jason Winmill from Ecotechnology Australia undertake additional assessment work and to advise on the ability for a suitable on-site disposal system to be installed on the vacant lot in accordance with the Australian Standard AS 1547 (2000) and Council's policy.

Ecotechnology Australia has identified two disposal areas additional to that originally offered in our development application. Incorporation of either of these would require an increase in the area of the proposed vacant lot. Advice from Ecotechnology Australia is that a low tech system could be designed and satisfactorily operated on the site(s) incorporating secondary treatment such as a reed bed system and sub-surface irrigation. I understand that this system would require power which could readily be provided by solar panels should Council not accept reliance on the currently available Country Energy grid supply.

The reason for the preferred option of sub-surface irrigation is that the property does not contain a sufficiently large section of land within the vicinity of the proposed lot with a slope of less than 15 % and clear of other constraints such as native vegetation areas (our clients' objective is to retain the environmental qualities of the site). The issue of slope could be rectified by terracing, our advice from you is that this solution is not acceptable.

We understand Council's strategic objectives for the management of on-site sewage systems and note the provision within Section 4.0 on page 25–Rezoning and Subdivision Applications that "Additional requirements for rezoning and subdivision applications include the need to provide "low-tech gravity fed" systems i.e. septic tank and ETA beds, compost toilet with greywater tank and ETA beds, septic tank, reedbed and ETA beds....".

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ABN: 13 096 838 229

Ecotechnology Australia has advised that 'there are a number of other arguably "low-tech" options that may be considered for the site, including solar pump irrigation coupled with composting toilets and wetland treatment systems, however, verbal discussions with Matt Kelly have demonstrated that this is not an option for the site at the subdivision level. The Australian Standard does not make such mention of any similar requirements pertaining to low-tech systems, and rather gives the purpose of onsite wastewater assessment at the rezoning and subdivision stage to come to conclusions as to the most applicable land application system for the terrain and soil. The most applicable system for the subject, according to both The LCCROWSWMS and AS: 1547, (2000), is subsurface irrigation systems due to the slope and shallow soils".

I would respectfully submit that the current interpretation of the provision within Section 4.0 of Council's strategy being that only gravity fed systems not requiring power (solar or otherwise) are deemed to be compliant and suitable, is in this instance, unduly onerous and prevents the appropriate use of alternate systems fully compliant with the Australian Standard and with the ability to operate with no environmental impact. Within the overall objective of environmental protection, I would suggest that Council's position is unnecessarily more onerous than the Australian Standard.

The purpose of this submission is to formally request your consideration for our proposal for the incorporation of a disposal system meeting the Australian Standard and incorporating sub-surface irrigation. With the incorporation of solar power, I consider that the system is not actually contrary to Council's strategy as it is deemed to be low-tech.

I understand that a revised effluent capability report would be required to be submitted, and subject to your advice I can arrange for this to be provided.

Your favourable consideration of this request and advice would be much appreciated.

Yours faithfully



Stephen Fletcher

Report

Subject	DA2008/652 - Subdivision at Chitticks Access
File No	ED09/7833:DA 5.2008.652.1
Prepared by	Development Assessment Coordinator
Reason	Councillor Clough and Councillor Ekins called the application in to be determined by Council.
Objective	Determination of the development application
Strategic Plan Link	Natural Environment
Management Plan Project	Efficient assessment of development applications

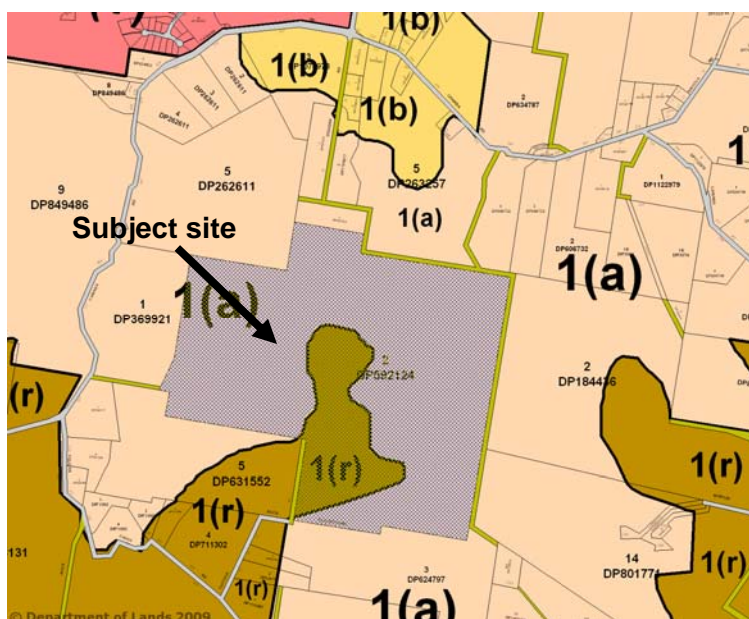
Overview of Report

The development is for a four lot rural subdivision. The report covers the statutory provisions of Section 79C of the *Environmental Planning and Assessment Act 1979* to enable Council to consider the Development Application (DA). There are no significant environmental issues associated with this development.

It is recommended that the application be approved subject to conditions of consent.

1. Site Description and Locality Plan

The development site is at 53 Chitticks Access, Caniaba, Lot 2 DP 592124. The site has a varied topography with flood prone river flats that have been cleared for grazing and vegetated hill slopes. The site has a total area of 158.6ha.



Map 1 - Locality Plan shows subject site hatched and the town planning zones.

The land is zoned 1(a) General Rural Zone and 1(r) Riverlands Zone.

2. Proposal

Landpartners Limited on behalf of Mr B A & Mrs J N Groth have submitted a development application for a four lot rural subdivision. There are three lots of 40ha and one of 38.6ha. The application is integrated development as it requires a bushfire safety authority under section 100B of the Rural Fires Act 1997. A copy of the Statement of Environmental Effects is available for viewing in the Councillors Room.

3. Public Notification

The application was lodged on December 10, 2008 and was placed on public exhibition from December 16, 2008 until January 16, 2009. Additional information was sought from the applicant concerning the impacts on koalas and SEPP 44.

Two submissions were received and are discussed below.

4. Key Issues

There are no issues of significance associated with this development. This development is a standard rural subdivision and is unlikely to have any major adverse impacts on society or the environment.

5. Assessment under Section 79C of the E.P. & A ACT

5.1 Any Environmental Planning Instruments

5.1.1 State Environmental Planning Policies (SEPPS)

SEPP 44 Koala Habitat Protection applies to the proposal. Clause 7 of SEPP 44 states:

- (1) *Before a Council may grant consent to an application for consent to carry out development on land to which this Part applies, it must satisfy itself whether or not the land is a potential koala habitat.*

The applicant provided an assessment of development in accordance with the provisions of SEPP 44 and Circular B35 (SEPP 44 Koala Habitat Protection). A copy of this assessment is provided in the attachments. The applicants ecologist identified that there may be potential koala habitat on the site.

Potential koala habitat means areas of native vegetation where the trees of the types listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.

Forest red gum, a listed schedule 2 tree dominates the upper stratum of the canopy with up to 70% of the canopy of the dry sclerophyll forest composed of this species.

However circular B35 states that “*it is the intention of the policy that investigations for “potential” and “core” koala habitats be limited to those areas in which it is proposed to disturb habitat*”. The proposed development has located the dwelling sites in areas that are clear of habitat. The subdivision will not disturb any areas of potential habitat. On this basis it has been concluded that further investigation into core koala habitat, or an individual koala plan of management, is not required for this development.

SEPP 55 Remediation of Land applies to this proposal. Clause 7 of SEPP 55 states:

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
- (a) *it has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose*

- (c) *for which the development is proposed to be carried out, and if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Based on an assessment presented by the applicant, Council can be satisfied that based on previous land uses the land is unlikely to be contaminated and is suitable for the continued practice of agriculture (grazing).

SEPP 1 Development Standards applies to the proposal. Clause 36 (1) of the Lismore City Local Environmental Plan 2000 sets a development standard of 40ha as the minimum lot size. Because one of the proposed lots is below this standard the applicant has provided an objection to the development standard in accordance with clause 6 of the SEPP. Clause 6 is set out as follows:

- (6) *Where development could, but for any development standard, be carried out under the Act (either with or without the necessity for consent under the Act being obtained therefor) the person intending to carry out that development may make a development application in respect of that development, supported by a written objection that compliance with that development standard is unreasonable or unnecessary in the circumstances of the case, and specifying the grounds of that objection.*

The SEPP 1 objection is contained within the Statement of Environmental Effects, a copy of which is provided in the attachments. The proposal is to vary the standard by 3.5%. This level of variation is within the scope of the delegations granted to Council for assumed concurrence and does not require referral to the Department of Planning.

It is considered that a lot of 38.6ha will achieve the underlying objective of the development standard and that the lot is consistent with the zone objectives. The applicant has demonstrated that strict compliance with the development standard is unnecessary in the circumstances of this case as:

- There will be no conflicting land uses;
- The land will continue to be used for agriculture;
- The rural character of the locality will be maintained;
- The variation is minor and will not set any undesirable precedent.

SEPP (Rural Lands) 2008 applies to this development. Clause 10 sets out the matters to be considered in determining development applications for rural subdivisions. Clause 10 is set out as follows:

- (1) *This clause applies to land in a rural zone, a rural residential zone or an environment protection zone.*
- (2) *A consent authority must take into account the matters specified in subclause (3) when considering whether to grant consent to development on land to which this clause applies for any of the following purposes:*
- (a) *subdivision of land proposed to be used for the purposes of a dwelling,*
- (b) *erection of a dwelling.*
- (3) *The following matters are to be taken into account:*
- (a) *the existing uses and approved uses of land in the vicinity of the development,*
- (b) *whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,*
- (c) *whether or not the development is likely to be incompatible with a use*

- referred to in paragraph (a) or (b),*
- (d) if the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone,*
 - (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).*

The existing uses and approved uses surrounding the development are agriculture, predominantly grazing with some cropping within 2km of the site. There is some rural residential and village use to the north at Caniaba, 1km from the northern boundary of the property. The proposed subdivision is not likely to have a detrimental impact on any existing activity or use in the locality.

5.1.2 Regional Environmental Plan (REP)

Clause 12 of the North Coast Regional Environmental Plan apply to this proposal. Clause 12 is set out as follows:

12 Development control—impact of development on agricultural activities

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

The proposed development will not have any impact on adjoining agricultural development.

5.1.3 Lismore Local Environmental Plan (LEP)

Clause 11 of the Lismore City Local Environmental Plan 2000 requires that a person may not subdivide any land to which the plan applies except with development consent. Accordingly the applicant has made a development application to subdivide the land.

Clause 20 requires that consent must not be granted to residential, rural residential or tourism development (including subdivision for those purposes), unless it has been demonstrated, to the satisfaction of the consent authority, that the proposed development will be compatible with any existing specified land uses in the locality and with surrounding established development.

“specified land uses means use of land for the purposes of cattle dips, dairies, cattle feedlots, chicken farms, intensive horticulture, piggeries, refuse disposal areas, sewage treatment works, quarries and other similar land uses.”

There are no specified land uses within the locality that would impact upon this proposal.

Clause 29 of the Lismore City Local Environmental Plan 2000 requires that Council be satisfied that the proposed development is consistent with the objectives of the zone.

The zone objective for the 1(a) and 1(r) zones are set out as follows:

Zone No 1 (a) (General Rural Zone)

The objectives are:

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

Zone No 1 (r) (Riverlands Zone)

The objectives are:

- (a) to encourage the use of the land for its optimum productive potential, and
- (b) to permit a range of activities that support the agricultural industries being conducted on the land and limit development that may, in the opinion of the Council, reduce the agricultural production potential of the land, and
- (c) to discourage the fragmentation of rural land, and
- (d) to control development that may restrict the function of, or create a traffic hazard along, classified and other formed roads, and
- (e) to limit the development of non-agricultural uses, except those which will not be adversely affected by flooding.

A subdivision of land into three 40ha lots and one 38.6ha lot will maintain sustainable agricultural activities within the locality. Subdivision into lots of this size will not create conflict, nor will it detract from the scenic quality of the area. Creation of lots at the minimum size, or just below the minimum is not considered to be fragmentation of rural land. Objectives (d) and (e) are not relevant to this application. This application is broadly consistent with the zone objectives.

Clause 36 sets out the development standards for minimum lot sizes for rural subdivisions in the 1(a) and 1(r) zones. This development complies subject to the acceptance of the SEPP 1 objection to the minor variation of the 40ha standard.

Clause 37 (4) relates to dwelling entitlements. Each of the lots that are 40ha will have a dwelling entitlement in accordance with clause 37(4)(a). The 38.6ha lot will not automatically have a dwelling entitlement, however a dwelling may be erected on this lot through the use of SEPP 1 based on clause 37(5).

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

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

5.3 Any Development Control Plan

The Lismore Development Control Plan applies to this development. Specifically:

Chapter 4 Subdivision General Requirements
 Chapter 6 Rural Subdivision
 Chapter 10 Advertising of Development Applications
 Chapter 11 Buffers

The development complies with the provisions of chapters 4, 10 and 11. A condition of consent concerning road upgrading is proposed to meet the standards set out in Chapter 6. The development generally complies with other provisions of the DCP.

5.4 Any Matters Prescribed by the Regulations

Clause 92 of the regulation does not apply to this Development Application.

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

The subdivision of rural land into large lots is unlikely to have any significant detrimental impacts on the natural environment. No vegetation is proposed to be removed as a result of this development that is not otherwise exempted under the terms of the Native Vegetation Act 2003. Routine agricultural management activities are permitted under section 22 of that Act.

“routine agricultural management activities mean any of the following activities on land carried out by or on behalf of the landholder:

- (a) *the construction, operation and maintenance of rural infrastructure:*
 - (i) *including (subject to the regulations) dams, permanent fences, buildings, windmills, bores, air strips (in the Western Division), stockyards, and farm roads, but*
 - (ii) *not including rural infrastructure in areas zoned as rural-residential under environmental planning instruments or on small holdings (as defined in the regulations),*
- (b) *the removal of noxious weeds under the Noxious Weeds Act 1993,*
- (c) *the control of noxious animals under the Rural Lands Protection Act 1998,*
- (d) *the collection of firewood (except for commercial purposes),*
- (e) *the harvesting or other clearing of native vegetation planted for commercial purposes,*
- (f) *the lopping of native vegetation for stock fodder (including uprooting mulga in the Western Division in areas officially declared to be drought affected),*
- (g) *traditional Aboriginal cultural activities (except commercial activities),*
- (h) *the maintenance of public utilities (such as those associated with the transmission of electricity, the supply of water, the supply of gas and electronic communication),*
- (i) *any activity reasonably considered necessary to remove or reduce an imminent risk of serious personal injury or damage to property.”*

There has been an issue raised with respect to the impacts of dogs that may be associated with agricultural use or with dwelling houses on the new lots. It is acknowledged that dogs do have an adverse impact on koalas. Whilst there may be no requirement to prepare a koala plan of management consideration needs to be given to the impacts of dogs on koala under the terms of the Threatened Species Conservation Act and subsection 78A (8) (b) of the Environmental Planning and Assessment Act. The simplest mechanism to prevent predation by dogs associated with dwellings or agricultural use on the lots created by this development is to impose a condition that prevents the keeping of dogs on the property. Such a condition is difficult to enforce and may impact upon legitimate agricultural use of the property. The imposition of a condition would also need to involve a restriction as to user imposed on the title to give affect to the condition and advise prospective purchasers of the condition.

There is adequate area within the lots to site a dwelling with appropriate asset protection zones without the need to clear any vegetation. There is sufficient area to enable the appropriate siting of low technology gravity fed on-site wastewater management systems for the future dwellings that may occur on the site.

The subdivision will not have any significant detrimental impact on:

- social issues;
- water quality;
- visual amenity;
- the local economy.

This development is unlikely to create a risk of silicosis for the surrounding residents or koalas.

The development will require upgrading of road infrastructure and conditions are proposed requiring the upgrading of Chitticks Access and the payment of section 94 contributions for upgrading of the rural road network.

5.6 The Suitability of the Site for the Development

The site is suitable for the development.

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

There were two submissions received as a result of the exhibition and notification process. Copies of both these submissions are attached. The first submission was from a landowner on Dougan Road whose property does not adjoin the subject land and the other submission was from Friends of the koala. A précis of the main points of objection is as follows:

Submission 1

- The plans only provide an approximate lot size and these lots may be below the 40ha minimum;
- The justification of the variation to the 40ha standard is questionable and these are large rural residential lots;
- The existing road network is not adequate in terms of width to service the development;
- The development will have an adverse impact on koalas due to predation by dogs;
- The vegetation assessment is inadequate;
- Remnant rainforest and sclerophyll forest needs to be preserved and regenerated. Council should require a suitably qualified consultant to prepare a Vegetation Management Plan including removal of weed species and this should be implemented prior to the release of the linen plan as happened with the subdivision at Dougan Road.
- No objection in principle to the subdivision provided the concerns are addressed.

Submission 2 - Friends of the Koala

- Forest redgum occurs on the site and forms more than 15% of the canopy;
- The assessment is not adequate to determine if core koala habitat exists on the site;
- There are koalas in the locality;
- Council is risking a legal challenge if it approves the DA without a koala plan of management.

Planner's comments on the submissions

The plans are adequately dimensioned to determine that the lots will meet the 40ha standard.

The issue of the variation to the 40ha standard has been discussed above in the SEPP 1 assessment. The variation is both minor, reasonable and consistent with current Council practice. It is not considered that these are large rural residential lots. These lots meet the minimum lot size for agricultural lots as set out in the LEP.

Conditions requiring the road to be upgraded are proposed to ensure a suitable standard of access is provided. The objectors request that the road be upgraded to a sealed road is not required by Council policy for this type of subdivision. Rural residential subdivision requires a sealed road as per pp 25 of the Rural Housing Strategy and Table 6-12 of Chapter 6 Lismore Development Control Plan. General rural subdivision does not require a sealed access. A gravel road is acceptable in accordance with Table 6-16 of Chapter 6 Lismore Development Control Plan.

A condition of consent has been recommended that prevents dogs from being brought onto the property.

The vegetation assessment and the initial SEPP 44 assessment was considered to be inadequate and further information was requested from the applicant. This additional information is sufficient to enable Council to make a determination on the development application.

Council has no policy on requiring general rural subdivisions to undertake vegetation management. The requirements for vegetation restoration on the Dougan Road subdivision came from Council's Rural Housing Strategy (p. 52). As this is not a rezoning and is not being done under the Rural Housing Strategy then there is no policy basis on which to require a vegetation management plan. The objector requesting that the standards for rural residential development be applied to general rural subdivision. This is not appropriate and is contrary to the provisions of the DCP.

The issue of vegetation and the requirement of koala plan of management as raised by Friends of the Koala have been addressed in the section on SEPP 44 above. The only potential for a legal challenge would be a judicial review. Such a review would not be on the merits of the case but on the process undertaken by Council. An applicant would have to prove that Council did any of the following:

- Did not consider a relevant matter i.e. SEPP 44 and circular B35 Koala Habitat;
- Considered irrelevant matters;
- Did not follow the correct process i.e. advertising or reporting to Council;
- Was manifestly unreasonable in the determination.

Council staff do not consider that there are grounds for a successful appeal.

5.8 The Public Interest

The proposed development is not considered to be contrary to the public interest.

6. External Referrals

The application was referred to the NSW Rural Fire Service (RFS) under the integrated development provisions of the Act. The RFS have provided recommended conditions of consent to be imposed on the approval should Council grant consent to the development.

7. Conclusion

The development will have minimal impact on the environment and it complies with Council's standards for rural development. On this basis the application should be approved.

Comments

Financial Services

Not required for this application.

Other staff comments

The Development Application was referred internally as per normal procedure and the recommended conditions of consent are included in Schedule 1.

Recommendation (PLA11)

That Council:

- 1 As the Consent Authority, approve Development Application 5.2008.652.1 for the subdivision of rural land into three 40ha lots and one lot of 38.6ha.
- 2 Grant delegated authority to the General Manager - subject to the concurrence of the Development Assessment Panel, to approve variations of a minor nature and/or arithmetic

nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied.

Schedule 1

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. LM080101-EV4D dated 08/12/08 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)*

ROADS

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

Construction of Chittick Access to a 3.5 m wide gravel pavement with a minimum gravel depth of 300mm on a 7m wide gravel formation with a minimum gravel depth of 150mm, from the intersection with Pelican Creek Road to the southern boundary of the proposed lots and terminating in a 12m radius turning circle.

The existing concrete bridge on Chittick Access shall be upgraded by the provision of guide posts and flood height marker posts.

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

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

3 **Prior to commencement of any works** upon the site the proponent shall obtain a Construction Certificate for the proposed works. The construction certificate application shall include full design details of the proposed engineering works to satisfy condition(s) RD1. Such application shall be accompanied with the relevant fee, as adopted at the time of the relevant payment, as indicated in Council's Fees and Charges.

Reason: *To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a)) and to comply with requirements of EPA Act Sec 81A(4).*

SUBDIVISION

4 **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)).*

5 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)).*

6 **Prior to the issue of a Subdivision Certificate**, the proponent shall apply for the closure of the unformed road reserve at the end of the formed section of Chittick's Access and in the event that the application is successful incorporate the closed road into the subject blocks.

Reason: *To eliminate redundant road reserves and limit the creation of severed parcels of land.*

KOALA PROTECTION

- 7 No dogs shall be kept on any lot within this subdivision.

Reason: *To minimise the potential for dogs to prey on koalas.*

- 8 A restriction as to user in accordance with section 88B of the Conveyancing Act 1919 shall be imposed on each allotment in this subdivision to give affect to condition 7.

Reason: *To ensure that prospective purchasers are aware of the conditions.*

CONTRIBUTION

- 8 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 **\$21,395**, are set out in the schedule for your information. Where the total contribution payable exceeds \$20,000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc. shall be paid prior to the release of the Subdivision Certificate.

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

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

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

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

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

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

INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL

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

- 1 At the issue of Subdivision Certificate and in perpetuity the land surrounding the existing dwelling on proposed Lot 1 to a distance of 10 metres (or to the boundary), shall be maintained as an inner protection area (IPA) as outlined within Section 4.1.3 and Appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.

Reason: *To provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.*

INFORMATION TO APPLICANTS**ADVISORY NOTES**

NOTE 1: In regard to any enquiries in relation to compliance with the above General Terms of Approval imposed by the NSW Rural Fire Service, please contact Jason Hulston on 02 8741 5555.

NOTE 2: The Subdivision Certificate shall not be released by Council until all conditions of Development Consent Notice 2008/652 as imposed by Lismore City Council have been complied with to the satisfaction of Council.

NOTE 3: If the provision of services or the construction of any infrastructure or any other thing required by this consent occurs, and a GST is payable by Council, the applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of this consent.

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

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

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

Report

Subject	Bangalow Southern Bypass
File No.	ED09/8087:EF09/1440, GJH:VLC:
Prepared by	Executive Director – Infrastructure Services
Reason	To inform Council of the implications to Lismore regarding the proposed southern bypass of Bangalow and upgrade of the Pacific Highway and Alstonville Bypass.
Objective	To gain Council's support for a submission to the RTA on the Bangalow Southern Bypass proposal.
Strategic Plan Link	Infrastructure
Management Plan Activity	Urban & Rural Roads

Overview of Report

This report outlines the findings of the RTA's investigation into the viability of a southern bypass of Bangalow. It examines the investigation from a Lismore City Council perspective and discusses some of the issues which may arise as a result of the upgrade of the Pacific Highway and Alstonville Bypass. The importance of Bangalow Road to Lismore is also discussed.

A recommendation regarding the southern bypass of Bangalow is also made. It is considered a bypass to be justified in the medium to long term and that the RTA should make provision for a future interchange in the design of the Pacific Highway upgrade and monitor traffic effects when the upgrade works are complete.

Background

The Roads & Traffic Authority NSW (RTA) is continuing to upgrade the Pacific Highway in the Northern Rivers area. The Ballina Bypass (Bruxner Highway to Tintenbar) is currently under construction. The Tintenbar to Ewingsdale section is still at the environmental assessment stage.

Council last considered the matter of a southern bypass of Bangalow through a Notice of Motion at the ordinary meeting on October 14, 2008. It was resolved:

“That Council defer full endorsement of the concept of a southern Bangalow bypass as an integral part of the Ewingsdale to Tintenbar Pacific Highway upgrade pending a full briefing of newly elected Councillors.”

The current Tintenbar to Ewingsdale proposal maintains the existing route to Lismore, access to and from the north is via Granuaille Road at Bangalow and the existing Pacific Highway over St Helena Hill. This proposal does very little to remove traffic from the village area of Bangalow, nor does it address considerable traffic still using the unsafe section over St Helena Hill.

Therefore questions were asked about a southern bypass of Bangalow which would allow traffic to and from Lismore to access the upgraded Pacific Highway without travelling through Bangalow or using the St Helena Hill section of the existing Highway.

The environmental assessment for Tintenbar to Ewingsdale was displayed for public comment closing on October 31, 2008. A total of 370 submissions were received by the NSW Department of Planning.

In August 2008 the Minister for Roads asked the RTA to undertake preliminary investigations into the costs of a southern bypass of Bangalow and what benefit this new road would create.

The discussion paper was released in June 2009. A decision on the need for a southern bypass will be made by the Minister for Roads following consideration of the results of the investigations and feedback from the community and councils.

Bangalow Southern Bypass – Discussion Paper June 2009

The discussion paper is currently on public exhibition. Submissions close on July 13, 2009, however the RTA has confirmed a late submission considered at the July Council meeting will be accepted. RTA staff provided a briefing to Council and staff on the discussion paper on June 29, 2009.

Purpose of the Investigations

The investigations will help the RTA determine;

- Whether the construction of a southern bypass is currently justified
- Whether further development and planning studies should be undertaken.

Road Networks Considered in the Investigations

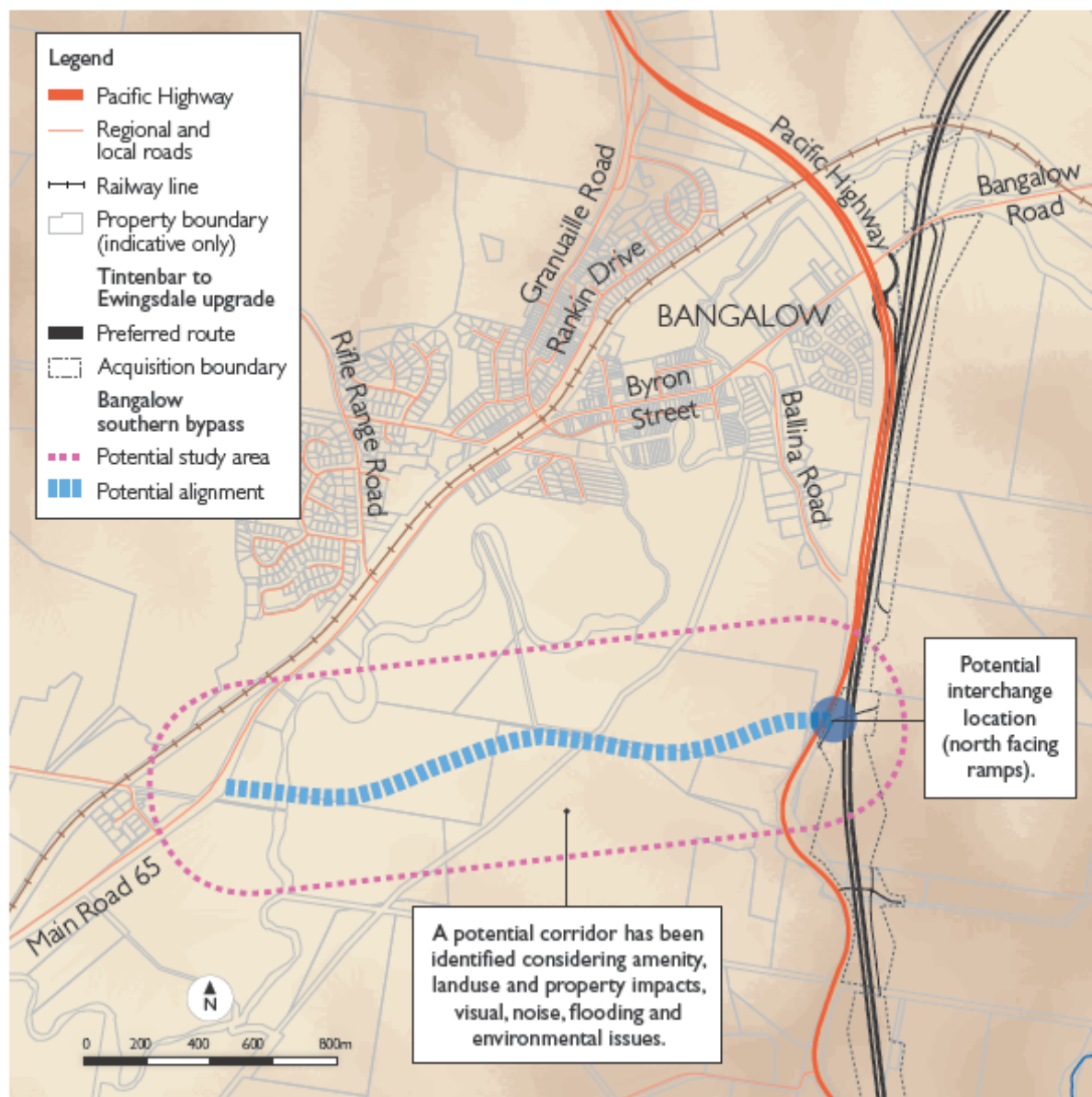
The RTA considered the road network roughly bound by Ewingsdale, Ballina and Lismore taking into account the committed upgrades of the Pacific Highway and the Alstonville Bypass on the Bruxner Highway to gauge the need and justification for a southern bypass of Bangalow. The upgrades are shown in Figure 1.

Figure 1 Existing and future road network



The RTA has identified a possible corridor for the bypass which is approximately 2km long as shown in Figure 2.

Figure 2 Bangalow southern bypass - potential alignment



Regional Effects

The RTA has investigated the reduced distance and travel time the upgrades on the Pacific Highway and Bruxner Highway will have. The details are shown in Table 1.

Table 1 Predicted change in travel distance and travel time as a result of the committed upgrades and a southern bypass of Bangalow

ROUTE BETWEEN EWINGSDALE AND LISMORE	WITH COMMITTED UPGRADES AND BYPASS OF BANGALOW			WITHOUT COMMITTED UPGRADES AND BYPASS OF BANGALOW		
	Distance	Travel time cars	Travel time trucks	Distance	Travel time cars	Travel time trucks
Route via Pacific and Bruxner highways	54.1km	39 mins	43 mins	63.3km	54.3 mins	62.8 mins
Route via Main Road 65	40km	32 mins	36 mins	39.7km	33 mins	38.5 mins

In addition it is claimed the Pacific/ Bruxner Highways route will be safer and more reliable than the MR65 Bangalow Road route and will attract traffic away from Bangalow Road.

Cost and Financial Analysis

A southern bypass of Bangalow will cost about \$53 million (\$2008). An economic analysis was undertaken based on the strategic alignment, cost estimate and forecast traffic patterns. The results for no diversion from Bangalow Road are shown in Table 2. A benefit cost ratio of less than 1 demonstrates a relatively low economic benefit compared to the cost.

Table 2 Economic evaluation results

	RESULTS
BENEFIT-COST RATIO	0.61
NET PRESENT VALUE	-\$14.5 million
	Based on no traffic diverting from Main Road 65 to the upgraded Pacific and Bruxner highways.

Local Effects

The potential benefits of a southern bypass of Bangalow include;

- ✓ Time savings between Lismore and Ewingsdale via Bangalow Road of about 2.5 minutes for cars and 3.5 minutes for trucks
- ✓ Reduced road noise levels for a number of homes in Bangalow, particularly around Granuaille Road
- ✓ Improved amenity within Bangalow
- ✓ Reduction in number of vehicle crashes.

The potential adverse impacts of a southern bypass;

- × Impacts on about 19.7 hectares of agricultural land
- × The economic viability of a number of farms would become marginal
- × Impacts on a number of areas of native vegetation
- × Increased road noise levels at a number of residences
- × Relatively low level of benefit compared to the cost of building bypass.

Issues for Lismore City Council

The above outlines the RTA's findings from the investigation. There are several issues which require further discussion from a Lismore City Council perspective.

One of the main findings of the investigation is that travel times on the Pacific /Bruxner Highways route are significantly reduced; approximately 15 minutes for cars and 20 minutes for trucks. The travel time will only be 6 minutes longer than the route via Bangalow Road. This implies the majority of traffic will follow the Pacific/ Bruxner Highways route and there is no need to upgrade any bypass of Bangalow.

This assumption is questionable as 6 minutes still represents an 18% increase in travel time and an additional 14km in distance between the two routes. Cars will continue to use Bangalow Road, which account for 92% of 8,000 vehicles per day or there may be some traffic diverted to the Pacific/ Bruxner Highways route for destinations in Goonellabah.

The RTA analysis was undertaken assuming free flow conditions; that is, assuming there is no queuing or traffic congestion. If Bangalow Road traffic is diverted onto the Bruxner Highway there will be queuing in the Goonellabah area. The recent closure of Oliver Avenue has diverted approximately 4,000 vehicles per day onto Ballina Road (Bruxner Highway) resulting in delays between Holland Street and Kadina Street during morning peaks. Lismore City Council's traffic models demonstrate there are capacity problems with Ballina Road (Bruxner Highway) under normal growth and future release of identified housing areas. Additional traffic from Bangalow Road will add to the problem and bring forward remedial works. Much of the remedial works identified for the future are funded through developer contributions. If they are required earlier developer funds may not be available and Council would be looking for the RTA to fund the works.

It is also evident that two arterial roads feeding into Lismore from the east make future traffic management much easier than if Bangalow Road is not used and all traffic uses the Bruxner Highway.

Bangalow Road is currently classified as a State Road, therefore the RTA is the road authority and is totally responsible for maintenance and upgrade works. If the assumption in this current investigation is correct, that the majority of traffic will divert to the Pacific Highway/ Bruxner Highway, then the classification of Bangalow Road must be questioned. If it is downgraded to a Regional Road status, Lismore City Council will be responsible for funding 50% of any future upgrade works. The recent review of road classifications undertaken by the State Government resulted in a net reduction of State Roads. Any future review would make Bangalow Road vulnerable to down grading.

Importance of Bangalow Road

Although the RTA investigation implies traffic will divert from Bangalow Road and its importance will diminish, there are many facts and figures provided in the report when viewed in a more positive light that reinforce the importance of Bangalow Road.

- Despite huge investment on the alternate routes (Pacific Highway Upgrade and Alstonville Bypass), Bangalow Road is still the quickest and shortest route to the north from Lismore.
- Lismore needs two arterial routes feeding from the east to make traffic management within the Lismore urban area viable in the future.
- Bangalow Road carries 'State' significant volumes of traffic, approximately 8,000 vehicles per day. It has a crash rate in the order of 66 crashes per 100 million vehicle kilometres travelled, which is approximately double the State wide average for this type of road. It is argued therefore the State Government has a responsibility to improve the safety of Bangalow Road as a priority.
- The crash data implies that any upgrade work should be financially viable as the benefits to be gained by reducing vehicle crashes is significant.

- Any upgrade work will improve travel times and benefit road users. This will make Bangalow Road even more attractive compared to the alternate route of the Pacific Highway/ Bruxner Highway.
- Hopefully the Integrated Regional Transport Plan currently being developed by NOROC will provide a basis to evaluate the regional significance of alternate transport routes in the future.
- In 2005 the NRMA commissioned a rural route performance audit of Bangalow Road. It recommended; increased overtaking opportunities, localised treatment of curves with high accident histories, localised intersection treatments which have high accident histories.

Lismore City Council has been lobbying the RTA for many years to upgrade Bangalow Road. This has included encouraging the RTA to examine alternate routes for long term planning and representations from local members to the Minister for Roads. To date only minor localised improvements have been undertaken. Discussions with senior staff from the RTA regional office confirm due to funding and other resource constraints, major improvements to Bangalow Road are not currently a high priority.

Possible Outcomes from RTA Investigation

The RTA discussion paper identifies four possible outcomes:

Outcome 1

A southern bypass of Bangalow is not considered to be justified in the medium to long term. If this outcome was adopted the RTA would:

- Not proceed with any further investigations into a southern bypass of Bangalow at this time
- Continue to finalise the environmental assessment and seek project approval for the proposed Tintenbar to Ewingsdale upgrade.

Outcome 2

A southern bypass of Bangalow is considered to be justified in the medium to long term. This would depend on the effect on the local and regional traffic network following completion of the Alstonville Bypass, Ballina Bypass and the Tintenbar to Ewingsdale upgrade. If this outcome was adopted the RTA would:

- Make provision for a future interchange in the design of the Tintenbar to Ewingsdale upgrade
- Reassess the justification of a southern bypass of Bangalow once the traffic effects of the committed upgrades have been established
- Continue to finalise the environmental assessment and seek project approval for the proposed Tintenbar to Ewingsdale upgrade.

Outcome 3

A southern bypass of Bangalow is considered to be justified in the short term. If this outcome was adopted the RTA would:

- Start development of a southern bypass with a view to completing construction of a bypass around the same time as the Tintenbar to Ewingsdale upgrade is completed and opened to traffic
- Continue to finalise the environmental assessment and seek project approval for the proposed Tintenbar to Ewingsdale upgrade.

Outcome 4

There is a fourth outcome – construct the Bangalow Bypass as part of the Tintenbar to Ewingsdale upgrade, however this cannot be achieved given State and Federal priorities and commitments.

Comments

Financial Services

If an outcome was adopted by the RTA that resulted in Bangalow Road being downgraded to a Regional Road, Council would need to find approximately 50% of the ongoing funding required for both its maintenance and reconstruction. While this is possible, it would require the significant reallocation of existing funds away from other existing priorities such as the local road network.

Other staff comments

Executive Director – Development & Governance

Council Planners, Engineers and other technical staff are currently completing a land release “stocktake” in preparation for considering the draft comprehensive Local Environmental Plan (LEP). A critical component of that is the fact that the Bruxner Highway in Lismore City is nearing capacity and its importance to the land release strategy. Proposals that will increase the traffic flow on the Bruxner Highway could significantly adversely impact Lismore’s land release strategy.

Public consultation

The RTA discussion paper is currently on public exhibition inviting input from the community.

Conclusion

It is recommended Council make a submission in response to the RTA Bangalow Southern Bypass – Discussion Paper. The submission should include the following:

- That Lismore City Council sees the southern bypass of Bangalow as one of many projects which are required to bring Bangalow Road up to a satisfactory standard and Council supports Outcome 2 as outlined above.
- That should significant traffic divert from Bangalow Road to the Bruxner Highway, due to upgrade works, it may have significant impact on traffic flows within Lismore and Council would look to the RTA to mitigate any impacts that may arise. This could also adversely impact Lismore’s long term land release strategy given our dependence upon the Bruxner Highway.
- Council also express its concern that any diversion of traffic from Bangalow Road could lead to a downgrading of its classification from a State Road which will have financial implications for Council.
- Council believes it is essential that the Lismore urban area has two arterial (State Roads) servicing it from the east to ensure sufficient capacity for satisfactory local traffic management.
- That Council urge the RTA to take urgent action to improve safety on Bangalow Road by committing to an ongoing program of upgrade works.

Recommendation (IS39)

That:

1. Council authorise the General Manager to make a submission in response to the Bangalow Southern Bypass – Discussion Paper.
2. The submission include support for Outcome 2 as detailed in the discussion paper and include the issues outlined in the conclusion to this report.

Report

Subject	Community Engagement Policy
File No	ED09/8160:EF09/1940
Prepared by	Communications Coordinator
Reason	To gain endorsement for a draft Community Engagement Policy that outlines the principles that underpin Council's consultation with the community.
Objective	To define Lismore City Council's approach to community engagement.
Strategic Plan Link	Engage with the Community
Management Plan Project	Communication and Corporate Management

Overview of Report

Lismore City Council wishes to introduce a comprehensive policy on community engagement that is effective for both the Council and the community. This report presents a 'draft' policy outlining the overarching aims and principles that will underpin all aspects of Council's contact with the community.

Background

Lismore City Council's current Community Consultation Policy was first prepared in 1997.

Generally Council's level of engagement with the community has been very good however survey results from the LCC Customer Satisfaction Survey 2007 showed that only 58% of respondents were satisfied with the level of community consultation.

This dissatisfaction has mainly arisen within communities where rezoning and development applications under Council's consideration have not resulted in the outcome that sections of the community had hoped for, and so Council's consultation processes have been questioned.

Following the September 2008 Local Government elections, the new Council was advised that that current Community Engagement policy was under review and that a revised policy was being developed, based on the international best practice framework of the International Association for Public Participation (IAP2).

IAP2 views public participation as any process that involves the public in problem solving or decision-making and uses public input to make decisions. It uses tools and techniques that are common to a number of dispute resolution and communication fields (2006, *International Association for Public Participation*).

The draft policy would promote core values for the practice of public participation and works within the spectrum to **Inform, Consult, Involve, Collaborate** and **Empower**.

Review Process

Council requested a workshop on the issue of community engagement prior to presentation of the policy so they could fully understand the IAP2 model and contribute in a meaningful way to the development of the policy.

- Two workshops and a community survey were planned and implemented.
- A practical workshop for Councillors, Executive Staff and Program Managers to define core values, principles for the Policy was conducted in February.
- This information then formed the basis of a survey which sought the community's input into the development of the Community Engagement Policy to define the principles and determine how and when engagement should occur with the Lismore community.
- Another meeting with staff was held to work through the policy development and how it would fit with different areas of the organisation.

Community Survey

A survey was conducted from March 19 until April 23, 2009 with extensive advertising to encourage community participation. Specifically, members of local community (seniors/youth/ cultural) groups, Council's Policy Advisory Groups and the Nimbin community were encouraged to participate in the survey. It could be completed on-line, or in hard-copy (on request) and sent back to Council in a reply paid envelope. One hundred and seventy-three valid responses were received.

Key themes which emerged from the survey:

- Clear demand for more transparency in Council activities and processes. Council must be honest and open.
- General awareness of Council's engagement activities is low. Opportunities for the community to get involved must be promoted through timely information sharing.
- Conducting engagement activities is not enough, the outcomes and the circular process is what people want to see. Engagement must be meaningful and responsive.
- Clear scepticism of Council's sincerity towards engagement. Council must be genuine and provide a feedback loop for all activity.
- Honesty and trust are very important to the community.
- Stakeholders want to feel that their opinions and contributions are valued.

The information gathered from the survey added another layer of integrity to the development of the policy as both the Councillors and management, through their workshops, and the community were agreed on the principles which are now included in the draft Community Engagement Policy.

Further, the survey results will inform the preparation of the practical guide to be developed for use by staff to implement the policy. The guide will include a list of techniques appropriate to the levels of the IAP2 Spectrum as outlined in the CE Policy.

This policy sets the scope, framework and principles for engaging with the Lismore community.

The development of this policy demonstrates to the community the way forward, in terms of consultation, in the future.

Implementation

The aims and principles of this policy will be implemented in a number of ways:

- Council will work with staff to ensure that there is clear understanding of the policy aims and

principles.

- Council will develop a practical guide to assist staff to effectively plan and conduct community consultation, consistent with the aims and principles of this policy.
- Council will use the policy in its future consideration of matters that may warrant community consultation.
- Over time, Council's consultative processes will be reviewed and assessed against the community engagement policy and, if required, updated.

Comments

Financial Services

Not required.

Other staff comments

Not required.

Public consultation

The community has contributed to the development so far, and it is now time to seek their comments on the 'draft policy' and report back to Council at its September meeting.

Council has also received a submission from the Nimbin Chamber of Commerce and the Nimbin Community Centre Inc. Recommendations contained in the submission will inform the preparation of the practical implementation guide.

Conclusion

The draft Community Engagement Policy is the culmination of two Councillor workshops, three staff workshops and a community survey.

It sets the principles and framework for Council to guide the implementation of community engagement activities that are effective for both the Council and the community.

The policy follows the principles of the IAP2 Public Participation model. This model provides opportunities for public input into the decision making processes across the spectrum of **Inform, Consult, Involve, Collaborate** and **Empower**. Lismore City Council has received permission from the International Association of Public Participation (IAP2) to qualify the description of empower in its application in the Australian local government context.

Recommendation

1. That the draft community engagement policy presented within the report be endorsed.
2. That the draft community engagement policy be placed on public exhibition for 28 days.
3. That a report incorporating community feedback be presented to the Council at its September 2009 meeting with the intent to formally adopt the Community Engagement Policy.



POLICY MANUAL

POLICY NO: 1.2.15	COMMUNITY ENGAGEMENT POLICY
OBJECTIVE:	To broadly define Lismore City Council's approach to community engagement.
STRATEGIC PLAN LINK:	Engage With the Community
PROGRAM:	Communications
AUTHORISED: 5/8/97	REVIEWED:23/6/2009

PURPOSE

The aim of this policy is to:

- » demonstrate Lismore City Council's commitment to the values and principles of best practice community engagement
- » define Council's approach to community engagement
- » provide a framework to Council to guide the implementation of community engagement activities.

SCOPE

This policy applies to all community engagement activities undertaken in the name of Lismore City Council.

FRAMEWORK

Lismore City Council uses a framework developed by the International Association for Public Participation (IAP2). The levels of community engagement range from inform to empower.

- » **Inform** - to provide the public with balanced and objective information to assist them in understanding the problem, alternatives, benefits and/or solutions
- » **Consult** - to obtain public feedback on alternatives, projects and/or designs
- » **Involve** - to work directly with the public throughout the decision-making process to ensure that community concerns and aspirations are consistently understood and considered
- » **Collaborate** - to partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
- » **Empower** - where the public makes the final decision*.

**Please Note - In the local government context elected representatives are empowered by the community through the democratic process to make decisions following input from the community and Council officers.*

PRINCIPLES

Lismore City Council will use the following principles for engagement with the community.

Council will:

- » Be open and transparent about the intent and nature of any community engagement activity.
- » Be clear about the level of influence the community has in any decision-making process.
- » Communicate the values underpinning Council's engagement processes where individuals:
 - . are respectful of each other
 - . act fairly and with integrity with each other
 - . actively listen to each other, and
 - . are each accountable for their actions.
- » Recognise that varying levels of engagement are required at different times across the range of Council planning services and operations.
- » Develop inclusive community engagement plans that reflect diversity across the community.
- » Provide the community with timely, clear, quality information that is accessible.
- » Work with the community to understand their issues and interests to enable informed decisions to be made.
- » Be open to practical and innovative ideas
- » Work within agreed timeframes for all community engagement activities
- » Demonstrate and explain to the community how their feedback has been considered in the decision-making process.
- » Forward all relevant information arising from community engagement to other areas of Council for further action.
- » Continually evaluate engagement activities and learn from past performance to improve future community engagement.

POLICY CONTEXT

This Community Engagement Policy is informed and underpinned by a number of Council policies and procedures including:

- Lismore City Council draft Aboriginal and Torres Strait Islander Consultation Guidelines
- Lismore City Council Policy on the Notification and Advertising of Development Applications, Chapter 10, Part A of the Lismore Development Control Plan. (This policy reflects the requirements of the *Environmental Planning and Assessment Act 1979*.)

TERMINOLOGY AND DEFINITIONS

The following terms and definitions are used in this policy and in the planning and delivery of community engagement activities by Council.

Community - people who live, work, study, visit, or use facilities and services in the Lismore local government area.

Community engagement - community engagement provides opportunities for people who are affected by, or interested in, a Council decision or project to participate in the decision-making process and contribute to the outcome.

Project - refers to any Council project, program, plan or scheme.

DRAFT

Report

Subject	Organisation Structure
File No	ED09/8202:EF09/1719
Prepared by	General Manager
Reason	To meet the requirements of <i>Section 333</i> of the <i>Local Government Act</i>
Objective	To place this matter on the meeting agenda
Strategic Plan Link	Leadership by Innovation
Management Plan Project	General Manager

Overview of Report

This report introduces a review of the organisation structure, subject to a confidential briefing to Councillors scheduled for July 7, 2009.

Council is required within its first twelve months to review its structure. This requirement is found in Section 333 of the *Local Government Act, 1993* which states:-

Re-determination of structure

333. The organisation structure may be re-determined by the Council from time to time. It must be re-determined within 12 months after any ordinary election of the Council.

The requirement imposed on the Council to re-determine the structure is arguably tied to the reasonable assumption that with the advent of a newly elected Council, the strategic priorities may not be the same as the preceding group. If that is so, the discretionary activities of the Council and how they are resourced are matters for the Council to determine. To that end, it is my responsibility to provide the Council with appropriate advice.

A comprehensive draft report has been prepared however, it would be imprudent to present that publicly without briefing the Councillors over the detail, prior to a formal debate. Additionally, it would be undesirable to conduct that briefing in the public forum for the reason that the report deals with matters which can be linked to particular staff. Accordingly, it is appropriate to rely on the intent of Section 10A (2) regarding personnel matters, for the purposes of the Councillor briefing scheduled for Tuesday, July 7, 2009. Subsequent to that briefing, the draft report will be updated as appropriate and circulated to Councillors as a public document. This should be achieved by Thursday, July 9, 2009.

Recommendation

That the Council consider the circulated report prepared by the General Manager.

Report

Subject	Community Strategic Plan 2008-2018
File No	ED09/8053:EF09/1929
Prepared by	Executive Services Coordinator
Reason	To present the Community Strategic Plan to Council with the submissions received during the exhibition period.
Objective	To adopt the Community Strategic Plan.
Strategic Plan Link	Whole of Council Corporate Planning.
Management Plan Project	Development of the Strategic Plan

Overview of Report

This report presents the Community Strategic Plan along with the submissions received during the exhibition period. The report recommends that the Community Strategic Plan be adopted by Council.

Background

The process to develop the Community Strategic Plan commenced in November 2008 when Councillors outlined their vision for the future of Lismore. This vision, with an increased focus on sustainability, social inclusion, the revitalisation of the Central Business District and our corporate foundations, highlights the broad direction that Council will take over the next decade.

Public Exhibition

The Community Strategic Plan was placed on exhibition for 28 days from Thursday June 4 until Thursday July 2, 2009. The exhibition was advertised on three consecutive weeks in the Northern Rivers Echo, once in the Nimbin Good Times and prominently on Council's website. All Policy Advisory Groups (PAGs) were advised by their support officer.

Public Submissions

Three public submissions were received, one from the Sustainable Environment PAG and two from local residents.

SEPAG Submission

This extensive submission is clearly the result of considerable time and thought. In general it asks for more specifics on a number of strategic priorities, and this lack of detail is an acknowledged feature of the Community Strategic Plan. Extensive scoping, budgeting and rationalisation exercises would be required in order to gain high levels of detail for all strategic priorities over a 10 year period. Financial models predicting income, expenditure and economic conditions would need to be produced and considerable assumptions and estimations would need to be made. All this could take place with potential for a change in direction following the next election to render this work obsolete. It is for these reasons that the Community Strategic

Plan only seeks to set the general direction for Council and the four year Delivery Plan defines the details of how this vision is achieved.

Far from being in conflict with the Community Strategic Plan the submission will assist its implementation with the majority of the suggested alterations being valuable additions to the Delivery Plan process, due to commence once the Community Strategic Plan is endorsed. In this Delivery Plan process, detailed recommendations will be drafted, prioritised by Council and subject to available resources, accepted into the four year budget.

It is recommended that the following changes suggested in the submission be made.

1. There is a number of growth statistics provided by the Bureau of Statistics, this figure will be reviewed to ensure the most appropriate figure is used.
2. The issue of the increasing cost of natural resources should be covered in future trends and issues.
3. The Integrated Regional Transport Plan should be included as part of Improve Roads, Cycleways and Footpaths.
4. Mitigate Climate Change at a Local Level should be amended to Mitigate and Adapt to Climate Change at a Local Level.

Resident Submission (A)

It is predicted that at the current usage levels the worlds oil reserves will not be able to support the provision of cheap energy in the long term, however peak oil is an issue that can only be dealt with at a national or international level. This is emphasised by a number of points being made in this submission being outside the remit of Council. A number of the other points raised in the submission are more suitable for inclusion at the Delivery Plan level.

The point regarding the decrease in roads expenditure would seem counterproductive to the crux of the submission, with poor quality roads simply encouraging larger heavier vehicles, at the expense of smaller lighter more fuel efficient options, including the use of bicycles.

This submission does raise a number of strong points relating to transport. To address this, a regional integrated transport plan should be included within Improve Roads, Cycleways and Footpaths.

Resident Submission (B)

The points raised in this submission should be considered as part of the Delivery Plan process.

Conclusion

A number of points for improvement were received via the public submissions. The vast majority of these are most appropriate as Delivery Plan activities. A number of changes to the Community Strategic Plan have been recommended.

Recommendation

That the Community Strategic Plan 2008-2018 be amended with the changes outlined in this report and adopted in its revised form.

Sustainable Environment Policy Advisory Group

Response to Draft Community Strategic Plan 2008-2018

“The supreme reality of our time.. is the vulnerability of this planet.”- [John F Kennedy \(1963\)](#)

This response to the Draft Community Strategic Plan is presented on behalf of Council's Sustainable Environment Policy Advisory Group (SEPAG)

Introduction

Members of SEPAG commend Council on the development of the Strategic Plan, and acknowledge that given the range of activities Council undertakes and the breadth of policy fields involved, developing such a Plan is a complex undertaking. We commend Council for opening the Plan for comment and input at such an early stage.

The current draft plan articulates the vision as “*Lismore: a great place to live and work*”, the mission as maintaining Lismore's supremacy as “*the regional centre in a healthy rural setting*” and our values with respect to the environment as “*custodians for future generations*”. Given this stated commitment to future generations, we need to acknowledge that the results of initiatives triggered by the Plan will resonate well beyond the next decade.

The aim of this submission is to propose a number of additions and amendments to the current Draft Strategic Plan together with sufficient background information to give these recommendations meaningful context. We believe that the adoption of these recommendations will enhance Council's capacity to make decisions that will benefit the long term viability of the natural environment, the welfare of this and future generations, and the conservation and regeneration of the resources on which we all depend in an era of increasing uncertainty.

1. Where are we now and where are we going?

1.1 The draft Plan describes our current position (*Lismore Today*, p 7) and what we can extrapolate to predict a trajectory (*Lismore Today and Tomorrow*, pp 7-8). There is a discrepancy between the draft Plan's statement on recent population growth (0.5% between 2001 and 2006 censuses) and the figures provided in 2008 State of the Environment Report. The SoE report gives shire wide populations as 43,384 in 2001 and 44,225 in 2006, an increase of approx. 2%.

1.2 The SoE report estimates population growth in 2007/8 at 1%, indicating a possible acceleration in population growth with concomitant increase in pressure on the environment. This 1% pa is less than the nation's current population growth rate of 1.84% pa (doubling time of 39 years) and we can reasonably expect a continued influx of people from less desirable locations. With respect to accommodation we see that, although 84% of houses are single detached (presumably 3 or more bedrooms), only 25% of households are couples with children.

1.3 In the section on *Future Trends and Issues* (p 10) we see that Lismore has a few problems. We need to resuscitate the ailing CBD, our population is aging, and we need to do a lot more in the areas of greenhouse gas amelioration and addressing biodiversity destruction.

1.4 We agree that “Protecting and enhancing our environment is now more critical than ever” (p 11). Nevertheless, the section on *Protect, Conserve and Enhance the Environment and Biodiversity* (p 15) is very weak on detail in terms of the Strategic Directions outlined. For example, in what way will land use planning be used to address these issues? How will the commitment to improve catchment management be made real? What other demands are competing for the necessary resources?

1.5 A major omission from the draft in the sub-section “*A Sustainable City*” (p 10) is the failure to mention the third factor in the big three (population, environment and resources) namely resource depletion. The effects of resource depletion are likely to be felt well before any major climate change impacts and there should at least be a sub-section on the expected impacts of: (i) petrol availability and price (many experts are suggesting that global oil production has already peaked) and; (ii) the predicted increase in the price of goods and services, particularly the price of food. The latter will be a huge issue for lower income families and individuals. A recent paper by CSIRO scientist, Graham Turner (2008) suggests that predictions made in the Limits to Growth Report (Meadows et al. 1972) of a resource crash in the mid 21st Century are in fact borne out by the experience of the last 35 years. We need to create an urban structure that will be able to ‘survive and thrive’ in an era of diminished resources. Turner’s paper should be compulsory reading for strategic planners. On a finite planet the term “*(long term) sustainable growth*” is an oxymoron.

2. Where do we want to be?

2.1 It is axiomatic that we would all like Lismore in the future to still be: “*a great place to live and work*”, “*in a healthy rural setting*”, yet with (i) a sufficiently large population and (ii) sufficient beauty and charisma to retain its cherished position as “*the regional centre*”. But how do we harness the potential energy and wealth associated with the unavoidable population growth of the coming decade while minimising its impacts?

2.2 One approach would be to funnel this wealth/energy into the densification of selected areas within the *existing urban footprint*. While the word “density” gets a mention in Strategic Directions for *Sustainable Economic Growth and Development* (p 14) there is no mention of where that densification should occur. Clearly if the CBD is to get a soul it needs to have people (and lots of them) living in high and medium density developments within walking distance (ie. a few hundred metres) of the centre. If the aging population’s needs for access to the necessities of life are to be met there needs to be easy access between appropriate housing and retail outlets for those without automobiles. The creation of medium density developments including a majority of one and two bedroom residences adjacent to existing commercial centres (eg East Lismore, Goonellabah, etc. as well as in the villages) would be one way of achieving this.

2.3 With 84% of the housing stock in the form of single detached houses we clearly have enough of that form of residence already. Low density developments on the urban periphery will become increasingly unliveable as petrol prices increase. In addition these developments are inefficient users of increasingly scarce resources (asphalt, steel and plastic pipes, etc) a situation that will worsen with time. Efficient and economical public transport can only exist in relatively densely populated areas (Newman and Jennings 2008).

2.4 The section on *Sustainable Economic Growth and Development* (p 14) also makes the point that facilitating growth and protecting the environment “is a difficult balancing act”. Experience would suggest that, in fact, it is an impossible act. The Plan should note that rather than trying to attract and retain large outside businesses that repatriate profits elsewhere the major focus of economic development should be on supporting and developing local sustainable businesses, given their greater contribution to the local economy. In addition, the synergies between the natural environment and sustainable business (eg. eco-tourism) should be encouraged. Lismore has the potential to become a crucible for the development of case studies that reflect our aspiration to have a **steady state economy** functioning within a **less carbon dependent society**.

2.5 Within the next decade (and more so thereafter) the food bill will consume an increasingly large proportion of the average household’s budget. In addition, the high price of petrol will create the need for a more localised food production and distribution system. Therefore, it will be important to identify and preserve fertile land within, and adjacent to, population centres for both

commercial and community level food production. Ideally this land would have access to locally harvestable water of suitable quality for irrigation.

2.6 The vision is one of urban Lismore as a city of eco-villages. Newman and Jennings (2008) point out that only 15% of food consumed in cities globally is produced within boundaries of those cities. There will be a need to integrate community and market gardening areas into the existing passive recreation areas as well as on the existing urban periphery. This is another reason why development on the urban fringe is undesirable and should be wound down. A further reason is the impact on native fauna such as koalas.

2.7 Because of the greater dependency on locally grown food in coming years there will be a need to provide space in the CBD for daily local farmers' markets. The promotion of community gardening in particular will help Council address a number of Key Issues listed in the draft Plan under the Community Priorities *Foster Youth Development, Support an Ageing Population, Revitalise the CBD, Mitigate Climate Change at a Local Level* as well as *Improve Passive and Active Recreational Facilities*.

2.8 While almost 40% of citizens live outside the urban area there is little mention of rural Lismore in the draft plan. The outlying villages and countryside are an essential source of sustainable resources which can complement the availability of resources in the future. The Plan should mention the importance of enhancing the urban/rural relationship and its potential for assisting in the revitalisation of the CBD.

How do we get there?

The current ten year Strategic Plan offers a unique opportunity for Lismore City Council to commence the process of 'survive and thrive' - adapting to a carbon-constrained and resource-depleted future in manner that protects even revitalises our community.

The following modifications and additions to the draft Plan are suggested:

For the Plan as a whole, SEPAG strongly recommends...

- That the **Principles of Sustainability** (not just the word) be specifically committed to (see appendix) and outlined in the introductory material (attached is a DEHWA summary of widely accepted Principles of Sustainability with a local government focus), and that it be made clear in each section how the Strategic Directions listed will be guided by them;
- That in each section of the Plan, the Key Issues include the introductory/background material and then a **dot-point list of the issues**;
- That the Strategic Directions also be presented in **dot-point form where possible** (as they are in the *Corporate Culture* and *Customer Service* sections). This would greatly improve readability and **clarify where there is further work required** to formulate strategies to address the issues. The draft often mentions specific instrument(s) as the vehicle(s) for realising Council's strategic direction - it would be helpful if this were made consistent throughout.
- The ethos of '**plan, act, review, improve**' (specifically mentioned in this draft only in relation to *Use of Council Resources*) needs to be overtly applied to all sections of the Plan.

In the detailed sections, SEPAG recommends the following alterations and additions:

1. Population growth 2001-06 should be amended to be consistent with other Council documents (p 7) (**see 1.1**)

2. A full sub-section on the potential impacts of price increases in petrol and other non-renewable resources should be included in *Future Trends and Issues*. This sub-section would ideally refer to the fact that in order to plan realistically we need to start thinking in terms of limits on these resources.
3. The Plan needs to acknowledge that economic and population “growth”, are not sustainable in the long term. Lismore has the potential to become an exemplar of the principles of the conservator society in a steady state economy. Let’s acknowledge this as one of our potential strengths and take advantage of it for the benefit of the whole community. **(see 1.5)**
4. Given these real constraints, the section *Sustainable Economic Growth* should be titled *Sustainable Economy* and include the following directions:
 - attract enterprises/ partnerships likely to do well in a carbon constrained future,
 - relocalise the supply of goods and services
 - encourage development that actively *enhances* the region’s reputation for environmental leadership,
 - acknowledge that it is local, sustainable business enterprises (as opposed to large external corporations) that keep wealth circulating within the community. **(see 2.4)**
5. The potential for community gardens and farmers markets to provide nutritious fresh food and enhance community cohesion should be acknowledged in the plan. Mention should be made of the need to preserve land suitable for market and community gardening within and adjacent to settlement areas. The need for a farmers market site within the CBD should be noted and the Plan should commit to a process for realising this. **(see 2.5, 2.6)**
6. References to residential density need to be more specific. The Plan needs to identify the actual foci for densification as discussed above. This is crucial to the realisation of the aspirations for (i) affordable, regular public transport, (ii) a revitalised CBD and (iii) walkable/ cyclable commercial and residential foci that meet the needs of the aging population cohort. **(see 2.2)**
7. The section on Roads, Cycleways and Footpaths (p 24) is very weak on cycleways and footpaths. This needs development.
8. Key issues should contain the fact that 60% of Council’s carbon footprint comes from electricity and 40% from transport. “Strategic Directions” should include moving Council from carbon dependent energy to that derived from alternative sources. Under *Mitigate Climate Change at a Local Level* a key issue that should be included is *the creation of “ghettos” where housing is most affected by extreme weather events*. The section on climate change (p25) focuses solely on mitigation. It is clear that climate change is already occurring and is affecting all aspects of the environment including changing the habitat of flora and fauna. Therefore the plan should mention the need to focus on **adaptation** to the inevitable impacts.
9. “Place Making” should involve the identification and promotion of the qualities of our villages - where they display the sustainable use of renewable resources into the future and Council should actively encourage these sustainable processes which can in turn benefit all of Lismore not just the CBD. (Encourage ‘Sustainable Pioneers of the Future’ scholarships?) **(see 2.8)**

10. The plan should note that for true sustainability to be achieved there must be a healthy, holistic relationship between urban Lismore and its rural hinterland. In relation to this, the number of single dwellings on rural properties needs attention. **(see 2.8)**
11. Under *Social Inclusion and Participation* (p 13) it needs to be noted that a sustainable community cannot allow any part of its population to live in poverty. It must embrace concepts of social justice and equity. Under Strategic Directions in this section the need for development of facilities for homeless people in our community should be noted.
12. The Strategic Directions to *Protect, Conserve and Enhance the Environment and Biodiversity* (p 15) need considerable development as noted above (p2 of this submission). This is a very significant Community Priority and Strategic Directions are needed that directly address each of the Key Issues identified. Members of SEPAG are available to assist with this. **(see 2.4 SEPAG has a comprehensive suite of environmental policies)**

REFERENCES

- Meadows, D., Meadows, D.H. and Randers, J. 1972 *The Limits to Growth*, Earth Island, London.
- Newman, P. and Jennings, I. 2008 *Cities as Sustainable Ecosystems: principles and practices*, Island Press, Washington.
- Turner, G. 2008 *A comparison of the limits to growth with thirty years of reality*, CSIRO Working Paper, ISSN 1834 5638, www.csiro.au/files/files/plje.pd, accessed 26-6-09.

APPENDIX

What is Sustainability?

Sustainability is just one word and yet there exists over 300 definitions.

The best-known definition of sustainability or sustainable development is the definition by the World Commission on Environment and Development. This suggests that sustainability is defined as "forms of progress that meet the needs of the present without compromising the ability of future generations to meet their needs."



The diagram (right) is a template for reporting on sustainability.

http://www.griffith.edu.au/ofm/sustainability/content_definition.htm

Accessed 2/7/09

Then, no generation can contract debts greater than may be paid during the course of it's own existence.

Thomas Jefferson Sept. 6, 1789

Some key principles of Sustainability

Source: <http://www.environment.gov.au/esd/la21/guide/pubs/appendix3.pdf>,
(accessed 27/6/09)

There is no one set of principles of sustainable development. The Rio Declaration (see Appendix 4) contains a series of 27 “principles”. Chapter 28 of Agenda 21 implies certain principles for action. The following list of principles are based on our research, literature and experience of what is most applicable to local councils.

Integration — *the effective integration of environmental, social and economic considerations in decision making.* An integrated approach means that decision making processes at all levels should include consideration of a broad range of environmental, social and economic impacts. The separation of functions within council can result in a decision-maker in one area overlooking impacts that would be readily apparent to people in other areas. Integration involves developing organisational processes that allow such impacts to be easily viewed and considered across council departments before decision making occurs. Integration also suggests the effectiveness of working more closely and cooperatively with other organisations, including neighbouring councils, other levels of government and most significantly, all sectors of the local community.

Community involvement — *recognition that Sustainability cannot be achieved, nor significant progress made toward it, without the support and involvement of the whole community.* A cooperative council–community approach from the early stages through to implementation of a project allows for resource sharing, and a supportive and active community that perceives itself as owning both the problems and the solutions. The effectiveness of this approach is already recognised in many local authority programs such as waste minimisation and greenhouse gas emission reduction. Community involvement is also vital to monitoring the state of the environment.

Precautionary behaviour — where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation, such as measures to reduce greenhouse gas emissions. Precautionary behaviour requires the careful consideration of possible adverse environmental effects of planning, policy and practice. Where a threat of serious or irreversible environmental damage exists, it would be imprudent and inadequate to wait for scientific certainty before acting. Precautionary behaviour implies a conservation ethic within councils' environmental planning and management frameworks to guard against environmental degradation.

Equity within and between generations — fairness and equal access to opportunities both in our lifetimes, as well as for future generations. This notion of equity implies the importance of maintaining both ecological integrity and the Earth's resources in order to provide for a certain quality of life, both in the short and long term. As such, present activities should not compromise the right of the present generation or of future generations to healthy and dynamic environments or foreclose on opportunities. It involves asking, 'is our quality of life at the expense of others or of generations to come?'

Continual improvement — the declining environmental situation means there is an imperative to take immediate action to become more sustainable and to make continual improvement. Change will not occur all at once; however, it is important to make continual improvements, making the most of advances in technology and scientific understanding about what is sustainable, and of increases in community awareness of Sustainability issues.

Ecological integrity — to protect biological diversity and maintain essential ecological processes and life-support systems. Recognising that we are part of the natural environment, not separate from it, the protection of the natural environment in its many diverse forms is essential as we depend so heavily on it. Each region has a unique climate, geomorphology, biota and habitat qualities and patterns that determine the issues and responses to maintaining ecological integrity. As such, urban, rural and coastal councils may have significantly different perspectives in preserving ecological integrity in their region. These could include maintenance and enhancement of vegetation, waterways, coasts and wildlife corridors as well as soil, water and air quality.

Resident Submission (A)

Submission on the Draft Community Strategic Plan 2008 – 18

There is a glaring omission from the Strategic Plan; Peak Oil. This will have a dramatic effect on our community as we are heavily dependent on motorised transportation for people and goods. While we are on a production plateau at present, in the near future we will experience declines of between 3 and 7 percent per year.

There is now a growing awareness that we have passed peak oil. This will have great ramifications to the way we live and how we do business. If we are to avoid social disruption and worse it is imperative that we plan for this and implement strategies to mitigate the effects of cyclical high fuel prices and fuel shortages.

We have recently seen the initial consequences of Peak Oil in the global financial crisis. This was triggered by high oil prices which strained an already overextended financial system to breaking point. Governments around the world have taken action to stimulate the economy by nationalising some of our huge private debt and borrowing or printing more money. This has not addressed the fundamental problem; our economy is geared to growth fuelled by cheap and abundant sources of energy.

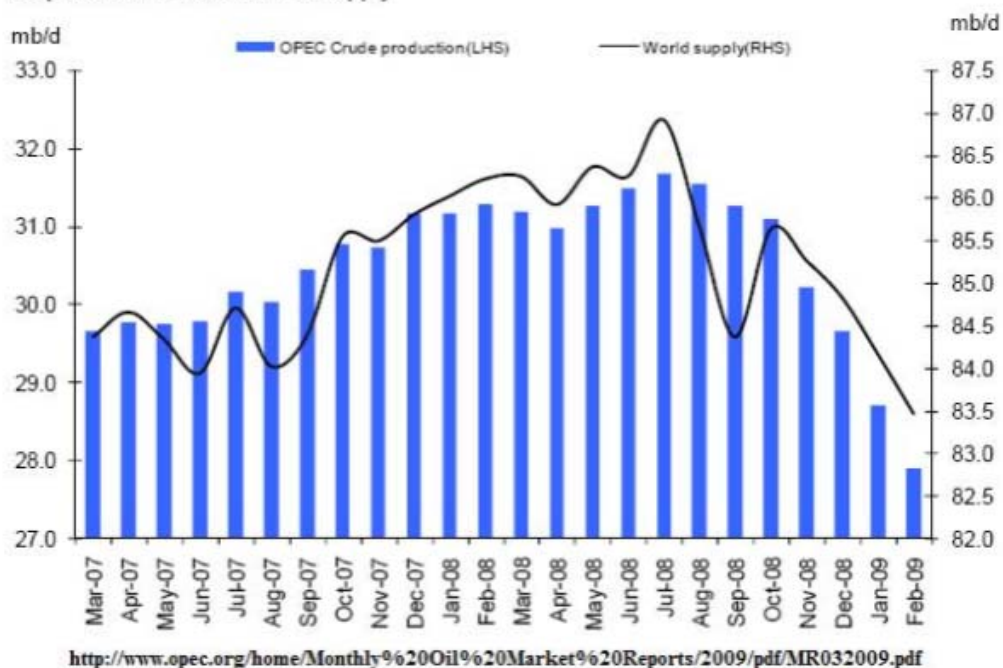
Now we are faced by the prospect of an even more highly geared economy hitting the wall of resource constraints. The only remedy so far is to shrink the economy to a point where the driving force becomes affordable i.e. oil demand is reduced and fuel prices cease to drag the economy into a pit. This is not clever or a solution. The only real answer is to design a society where we are no longer dependant on non-renewable fuel. There are a number of strategies which can be engaged at a local level:

- Develop an integrated regional network of cycling and walking paths and on road bicycle lanes so the transition from motorised vehicles can be achieved smoothly
- Plan for train and tramway corridors and improve the integration of public transport with non-motorised transport (eg bike racks on busses)
- Ensure that prime agricultural land is preserved close to urban areas by increasing the density of existing urban areas and developing non-agricultural land rather than prime agricultural land for residential expansion.
- Promote sustainable farming as a vital part of our society (it doesn't even rate a mention in the strategic plan)
- Encourage the development of second generation biofuels such as a fast pyrolysis unit at the Lismore Waste facility (also eliminating the need for a new tip).
- Plant council land currently under grazing leases to oil seed trees to ensure a supply of fuel for essential services and to demonstrate the viability of preparing for a future where fuel is scarce.
- Decrease expenditure on roads so people will drive more slowly and are encouraged to find alternative transport solutions.
- Discourage rural residential developments.
- Develop regional produce markets in Lismore to encourage farmers to grow more food locally.
- Encourage rational transport solutions which enable efficient collective distribution of goods and services and return of composted organic wastes to farmland.

If the current depressed price of fuel lulls you into a false sense of complacency about the imminent catastrophe consider that in 2008 the world consumed 31 billion barrels of oil but only found less than 9

billion barrels at a time when high oil prices were stimulating exploration. This exploration activity has now been wound back as restrictions in finance and depressed prices curtail exploration. We have little time to prepare. This issue must be placed at the forefront of the Community Strategic Plan, not ignored as it is in the draft plan.

Graph 25: OPEC and World oil supply



Resident Submission (B)

Dear Sir,

I refer to the above document which is currently on exhibition for public comment. I believe in general it is a very concise and well presented document, however I would like to see some further extension in the following areas:

page 15 - Protect, Conserve and Enhance the Environment and Biodiversity

I believe that the affects of rural industry on the local environment needs to be further noted and in particular the affects of erosion and pesticides have and how these can be reduced - in particular within the macadamia industry.

page 18 - Forster Youth Development

All/most schools will have a Student Representative Council (Students elected by their peers) A part of the Strategic Direction could be to use/communicate with these bodies to provide a direction of the areas youth requirements.

page 21 - Improve Catchment Management

Settlement pressures are noted as a major catchment issue. As noted above, I believe Rural Industry must also be acknowledged and Council should have some direction (in co-operation with Rous Water) with the issues that are associated with the industry.

Report

Subject	Alcohol Free Zones
File No	ED09/7849:EF09/2378
Prepared by	Manager Environmental Health and Building Services
Reason	Application for an Alcohol Free Zone to be continued within the Central Business District areas of Lismore and Nimbin
Objective	To gain Council approval for the continuation of the Alcohol Free Zones
Strategic Plan Link	Quality of Life
Management Plan Project	City Safe Program

Overview of Report

In order for the Alcohol Free Zones (AFZ's) in Lismore and Nimbin CBD to be continued for a further four years, a Council Resolution to that effect is required. This report addresses this matter.

Background

Alcohol Free Zones (AFZ's) have been in place around the Lismore and Nimbin CBD areas for a number of years. Ministerial Guidelines on AFZ's stipulates that once established by Council resolution, the roads, footpaths and public carparks within the zones must be signposted and notice of the zones must appear in the local press. The zones are applied for a specific period (maximum four years), although it may be re-established at the conclusion of the original period following a review of its applicability. The AFZ's are illustrated on maps shown as Attachment 1 and 2.

The Richmond Local Area Command of the NSW Police Service has requested the AFZ's be reinstated and has advised that these zones are required to provide Police with effective control in regard to on street drinking and related crime. The imposition of sanctions relative to the enforcement of AFZ's also assist's in providing a more pleasant amenity for the community. Police Officers feel that the authority and powers associated with AFZ's enables them to swiftly deal with street drinking and public order management issues.

At present the AFZ's in Lismore and Nimbin are signposted. Should Council endorse the continuation of AFZ's a review of the location and quality of signage will be undertaken.

Comments

Financial Services

Not required.

Other staff comments

Not required.

Public consultation

The Alcohol Free Zones have been in place for a number of years without adverse comment on their installation within that time. NSW Police have requested continuation of the AFZ's in the CBD areas of Lismore and Nimbin.

Conclusion

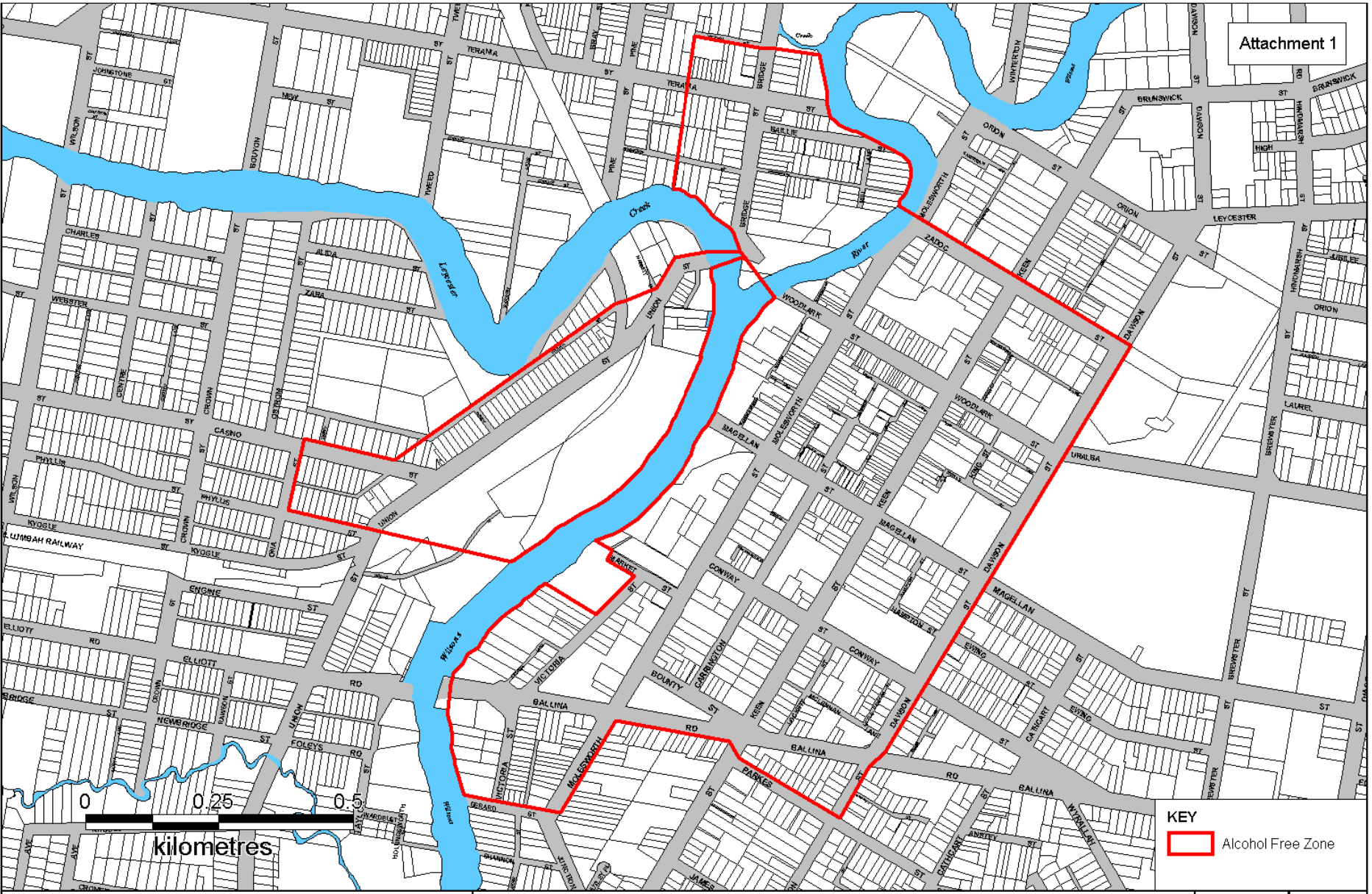
Police Officers strongly believe that the existence of the AFZ's and their enforcement do have an effect in reducing crime and anti-social behaviour within the CBD areas. The continuation of the AFZ's is imperative for Police Officers to be able to deal with some of the problems experienced.

Recommendation (PLA1)

That:

- 1 The Alcohol Free Zones, as illustrated on the maps marked as Attachment 1 and Attachment 2 to this report be continued for the maximum period of four years to July 2013.
- 2 Notification of the continuation of the Alcohol Free Zones and relevant maps be advertised in the local media.

Attachment 1



KEY
 Alcohol Free Zone

LISMORE CITY COUNCIL
What does the Council do? We are responsible for the services of the City of Lismore and the surrounding area. We are responsible for the roads, water supply, sewerage, rubbish collection, and other services. We are also responsible for the development of the City of Lismore.

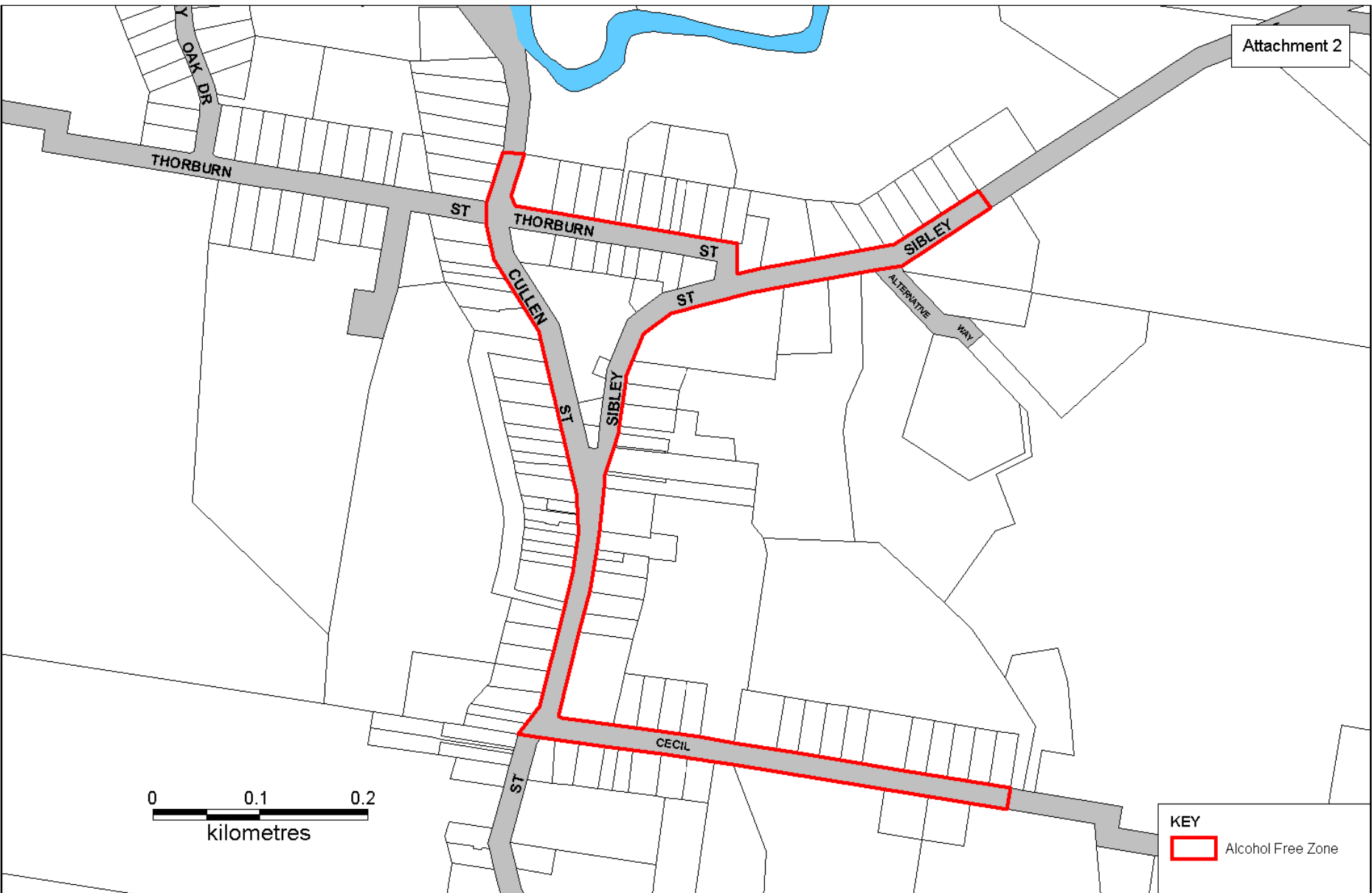



Lismore CBD Alcohol Free Zone

Printed
26 June 2009
Scale 1 : 6,301



Attachment 2



KEY
 Alcohol Free Zone

Printed
 26 June 2009
 Scale 1 : 3,151



Nimbin Alcohol Free Zone

LISMORE CITY COUNCIL
 What if you could be a part of the future? We can help you. We're the council that's making the difference. We're the council that's making the difference. We're the council that's making the difference.



Report

Subject	Roads Asset Management Plan
File No.	ED09/8029:EF09/2075, ST:VLC
Prepared by	Manager - Assets and Support Services
Reason	To respond to Council resolution number 72/09 of June 9, 2009.
Objective	To have Council endorse a timetable for the preparation of an Asset Management Plan for roads.
Strategic Plan Link	Infrastructure
Management Plan Project	Asset Management Plans

Overview of Report

This report presents a timetable for the preparation of an asset management plan for roads.

Background

At the meeting on June 9, 2009, Council considered a Notice of Motion from Councillor Yarnall regarding the preparation of an asset management plan (AMP) for Council's road network. Council resolved that a report be presented to the July meeting outlining a timetable for preparation of the plan.

The preparation of an asset management plan is a complex task involving a number of steps. The Institute of Public Works Engineers Australia has put together a program known as NAMS Plus to facilitate the preparation of AMPs. The program includes a series of training workshops and access to significant resources via the internet including templates and a forum for asking questions of industry practitioners. Two Council staff have been trained in the program. The template for the asset policy has already been used as the basis for the asset policy that Council adopted at its meeting on April 14, 2009.

It is proposed to prepare an asset management plan for sealed roads only at this time. The timeframe provided will not be sufficient to include unsealed roads or bridges into the plan. It is also considered preferable to have separate plans for these assets as there are very different issues to be considered in their management.

A copy of the proposed timetable is attached to Councillors' business papers.

The Infrastructure Assets Policy Advisory Group will be provided with a progress report at its August meeting; and a copy of the draft plan at its November meeting this year prior to reporting the final draft to Council in December.

To facilitate preparation of the plan, the Assets Engineer has been relieved of many of the day to day tasks that would normally be required by his role such that he can concentrate on preparation of the plan. This is designed to ensure that the timetable is met.

Comments

Financial Services

In addition to funding for asset management staffing, the 2008/09 Budget included \$100,000 to complete the fair value assessment of roads and drainage infrastructure. As the fair value assessment allocation was not expended, it is proposed to carry these funds forward to the 2009/10 Budget so as the fair value assessment and asset management plans can be completed.

While it is anticipated that the funding provided in the 2009/10 Budget will complete the legislative requirements for the fair value assessment and the asset management plan for sealed roads, it is uncertain whether it will be sufficient to meet the preparation of all other infrastructure asset management plans such as unsealed roads, bridges and drainage.

Other staff comments

Not required.

Public consultation

Not applicable at this stage. The Infrastructure Assets PAG will be provided with opportunities for input to the process.

Conclusion

The preparation of asset management plans is an important part of the management of Council's infrastructure. Sealed roads have been chosen as the first asset group for which an AMP will be prepared. Progress has been interrupted by a number of unplanned issues, including natural disasters but measures have been put in place to ensure that the timetable provided is achieved.

Recommendation (IS38)

That the timetable for preparation of an asset management plan for sealed roads as attached to the report be noted.

Sealed Roads Asset Management Plan

ACTIVITY	STEP	ACTION	DEADLINE	
1. Re-establish Corporate AM Team		To be informed of progress and provide input during preparation of plan	30-Jun-09	
2. Prepare AM Plan as per IPWEA NAMS.PLUS templates and guidelines	1. Background, Goals & Objectives	Define infrastructure assets included in "Sealed Roads" AM Plan Link to LCC vision, mission, goals & objectives	30-Jun-09	
	2. Levels of Service	Review legislative requirements Report current levels of service Nominate desired levels of service Propose how any gap is to be closed	31-Jul-09	
	3. Future Demand	Determine factors affecting demand Quantify growth or decline Consider change in expectations Review technology Demand management	31-Aug-09	
	4. Life Cycle Plan	Review Asset data (condition, capacity, valuation) Provide routine maintenance plan Draft renewal/ replacement plan New assets Disposals	30-Sep-09	Road Segmentation Data Collation and Validation
	5. Financial Summary	Financial statements & projections Funding strategy Valuation forecasts Document key assumptions	31-Oct-09	Improvement Plan
3. Progress Report to PAG		Progress report to Assets PAG meeting	20-Aug-09	
4. Present Asset Management Plan to PAG		Final Draft to Infrastructure Assets PAG meeting	19-Nov-09	
5. Present Asset Management Plan to Council		Final Draft to Council for adoption and approval	08-Dec-09	

Report

Subject	Annual Code of Conduct Report
File No	ED09/7930:EF09/640
Prepared by	Corporate Compliance Coordinator
Reason	Requirement of Code of Conduct
Objective	To meet the requirement of the Code of Conduct
Strategic Plan Link	Leadership by Innovation
Management Plan Project	Councillors

Overview of Report

The report provides information as requested by the Code of Conduct into complaints received by Council.

Background

Council at its meeting held on August 12, 2008 adopted the Model Code of Conduct as provided by the Department of Local Government.

Clause 12.33 of the Code requires that:

The General Manager must report annually to Council on Code of Conduct complaints. This report should include, as a minimum a summary of the:

1. *Number of complaints received;*
2. *Nature of the issues raised by complainants; and*
3. *Outcomes of complaints.*

Complaints lodged with Council alleging a breach of the Code of Conduct can be dealt with in a variety of ways and these are outlined in Section 12 of the Code.

The General Manager is responsible for making determining enquiries into complaints regarding staff. In respect to Councillors, the General Manager is responsible for initial enquiries, with the Mayor performing a similar role in respect to the General Manager.

After initial investigation, the Code provides that the Mayor/General Manager can:

- Take no further action;
- Resolve the complaint;
- Refer it to an external body; or
- Refer it to the Conduct Review/Committee Reviewer.

Summary of Complaints

Since July 1, 2009, 16 complaints have been considered under the terms of the Code. Of these:

- 12 were in respect to Councillor/staff conflict of interest in relation to the rural residential development at McLeans Ridges;
- 1 was regarding interactions between staff and the community; and
- 3 were concerning staff processes when assessing development applications.

Outcome

Of the 16 complaints:

- 11 were assessed as not having sufficient grounds to warrant referral to the Conduct Review Committee;
- 1 was referred to the Conduct Committee which reported its findings to the October 2008 Council Meeting;
- 3 staff matters were determined by the General Manager; and
- 1 matter is subject to continuing investigation.

As a consequence of the complaints, Council has reminded Councillors and staff of their responsibilities in respect to conflicts of interest and has introduced improvements to the internal systems relevant to development application processes.

Comments

Financial Services

Not required.

Other staff comments

Not requested.

Public consultation

Not required by the Code.

Recommendation

That the report be received and noted.

Report

Subject	Investments – June 2009
File No	ED09/8146:EF09/586
Prepared by	Management Accountant
Reason	Required by Local Government Act 1993, Local Government (General) Regulations 2008 and Council's Investment Policy
Objective	To report on Council Investments
Strategic Plan Link	Leadership by Innovation
Management Plan Project	Financial Services

Overview of Report

Council investments as at 30 June 2009 are estimated to be \$30,431,130 subject to final value of funds held under separate management being advised shortly.

The interest rate reported for June 2009 is estimated to be 3.01% and is below the Bank Bill Swap Rate for the same period of 3.24%. The final interest return may vary due to actual returns achieved in the funds held under separate management.

A workshop on the review of Council's Investment Policy and Strategy is planned for July 28, 2009.

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 – 31 May 2009</i> | \$26,256,194 |
| • <i>Estimated Investments – at Market Value – 30 June 2009</i> | \$30,431,130 |

The current rate of return on investments for June 2009 is estimated to be 3.01% and is below the Bank Bill Swap Rate for the same period of 3.24%. The rate of return reported has been calculated using actual returns where available and estimates based on the previous period balance and interest rates. The methodology used to calculate estimates appears reasonable in light of discussion with the portfolio advisor.

Investments held in Longreach – Series 25 and ASPRIT III Trust are no longer paying coupons as reported previously and are shown on the Estimated Interest attachment with an interest rate and estimated interest for the period of zero.

Terminating Investments

CPG Research and Advisory have advised that they have not received any further information in relation to the five terminating investments, (Beryl Esperance 2, Beryl Global Bank Note, Zircon Merimbula, Zircon Coolangatta and Zircon Miami). They have been corresponding with the Trustee but there is still no further indication on the expectation of capital recovery.

CPG Research and Advisory have advised that it is still prudent to not accrue any interest on these investments until further information becomes available. These investments are also shown on the Estimated Interest attachment with an interest rate and estimated interest for the period of zero.

Investment Policy and Strategy Review

A workshop on the review of Council's Investment Policy and Strategy is planned for July 28, 2009.

The Department of Local Government released draft Investment Policy guidelines on May 25, 2009 for consultation. These guidelines will be used as the basis for Council's future investment policy and therefore part of the July workshop. At this time, it is not proposed to formally amend the policy until the Department's guidelines are finalised and released. This will ensure that Council's revised policy is fully compliant with the Department's requirements.

Attachments

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

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

Comments

Other staff comments

Not Applicable.

Public consultation

Not Applicable.

Conclusion

A report on investments is required to be submitted to Council monthly. This report meets that requirement. For June 30, 2009, investments total \$30,431,130 and the annualised rate of return was 3.01%.

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.

In regards to the five investments directly affected by the Lehman Brothers Holdings bankruptcy, council has been advised that it is not possible to predict an accurate time frame or expectations of capital recovery at this time.

Recommendation

That the report be received and noted.

Capital Value Movements
Summary of Investments held as at
30 June, 2009

Name of Investment / & Counterparty	Type of Investment	Rating	Assessment of return of Capital	Purchase Date	Maturity Date	Last Date Confirmed Valuation Available	Base Capital Value	Estimated Current Market Value (Note 4)	
Cash Based Returns									
Longreach - Series 25	Equity Linked Investment	AA-	High	2/4/2007	4/4/2014	31/05/2009	\$ 1,000,000	\$ 658,100	Note 1,2
Blackrock Care & Maintenance Fund	Managed Fund	A	High	15/10/2008	N/A	24/06/2009	\$ 2,859,887	\$ 2,628,338	Note 3
Merrill Q A/A FRN / CBA	Floating Rate Note	A+	High	22/3/2005	8/6/2010	28/05/2009	\$ 1,000,000	\$ 901,190	Note 1
Summerland Credit Union	Term Deposit	Not Rated (Note 7)	High	21/5/2009	20/7/2009	21/05/2009	\$ 1,000,000	\$ 1,000,000	Note 1
ASPRIT III Trust	Equity Linked Investment	AA	High	13/7/2007	13/7/2013	31/03/2009	\$ 2,000,000	\$ 1,742,000	Note 1,2
Credit Union Australia (CUA)	Term Deposit	Not Rated (Note 7)	High	21/6/2009	22/9/2009	21/08/2009	\$ 2,000,000	\$ 2,000,000	Note 1
Southern Cross Credit Union	Term Deposit	Not Rated (Note 7)	High	8/5/2009	10/7/2009	8/05/2009	\$ 2,000,000	\$ 2,000,000	Note 1
IMB Banking & Financial Services	Term Deposit	A2	High	2/6/2009	2/7/2009	1/05/2009	\$ 2,000,000	\$ 2,000,000	Note 1
Bank of Western Australia	Term Deposit	A1+	High	28/5/2009	29/6/2009	28/05/2009	\$ 1,000,000	\$ 1,000,000	Note 1
Bank of Queensland	Term Deposit	A2	High	28/5/2009	29/6/2009	28/05/2009	\$ 2,000,000	\$ 2,000,000	Note 1
Suncorp	Term Deposit	A-1	High	19/6/2009	20/7/2009	19/06/2009	\$ 2,000,000	\$ 2,000,000	Note 1
CBA Business On Line Banking A/c	Cash Management Account	Cash	High	N/A	N/A	28/05/2009	\$ 5,202,000	\$ 5,202,000	Note 1
Macquarie Cash Management Trust	Cash Management Account	Not Rated (Note 7)	High	1/9/2006	N/A	31/05/2009	\$ 246,921	\$ 246,921	Note 1
ANZ High Yield Cash Account	Cash Management Account	AA	High	N/A	N/A	24/06/2009	\$ 1,990,769	\$ 1,990,769	Note 1
Bishopsgate (Wentworth)	Floating Rate CDO	AA	High	1/9/2006	20/9/2010	24/06/2009	\$ 500,000	\$ 465,670	Note 1,5 5
Herald Limited (Quartz)	Floating Rate CDO	BB+	Low	1/9/2006	20/12/2010	24/06/2009	\$ 30,000	\$ 21,747	Note 1,5 6
Cypress (Lawson)	Floating Rate CDO	BBB+	Low	1/9/2006	30/12/2010	24/06/2009	\$ 500,000	\$ 467,450	Note 1,5 7
Deutsche Bank CG Yield Curve Note	Euro Bond	Not Rated (Note 7)	High	1/9/2006	18/10/2011	24/06/2009	\$ 250,000	\$ 210,250	Note 1,5 2
BELO (Kalgoorlie)	Commodity Backed Security	AA+	High	1/9/2006	27/2/2012	24/06/2009	\$ 700,000	\$ 586,950	Note 1,5 8
Magnolia (Flinders)	Floating rate CDO	BBB-	Low	1/9/2006	20/3/2012	24/06/2009	\$ 300,000	\$ 230,370	Note 1,5 9
Omega (Henley)	Floating Rate CDO	CCC	Low	1/9/2006	22/8/2012	24/06/09	\$ 400,000	\$ 270,280	Note 1,5 10
Beryl (Esperance 2)	Floating rate CDO	BB+	Low	1/9/2006	20/3/2013	34/06/09	\$ 400,000	\$ 119,535	Note 1,5 11
Corsair (Torquay)	Floating Rate CDO	CCC-	Low	1/9/2006	20/6/2013	24/06/2009	\$ 500,000	\$ 266,150	Note 1,5 12
Zircon (Merimbula)	Floating Rate Note	C	Low	1/9/2006	20/6/2013	24/06/2009	\$ 300,000	\$ 93,450	Note 1,5 13
Corsair (Kakadu)	Floating Rate CDO	CCC	Low	1/9/2006	20/3/2014	24/06/2009	\$ 500,000	\$ 217,755	Note 1,5 14
Helium (Scarborough)	Floating rate CDO	CCC-	Low	1/9/2006	23/6/2014	24/06/2009	\$ 200,000	\$ 112,520	Note 1,5 15
Beryl (Global Bank Note)	Floating Rate Note	C	Low	1/9/2006	20/9/2014	24/06/2009	\$ 150,000	\$ 221,596	Note 1,5 16
Zircon (Coolangatta)	Floating Rate CDO	C	Low	1/9/2006	20/9/2014	24/06/2009	\$ 500,000	\$ 153,550	Note 1,5 17
Aphex (Glennelg)	Floating Rate CDO	B	Low	1/9/2006	22/12/2014	24/06/2009	\$ 500,000	\$ 301,035	Note 1,5 18
Bendigo Bank FR Sub Debt	Subordinate Debt	Not Rated (Note 7)	Medium	1/9/2006	14/12/2015	24/06/2009	\$ 500,000	\$ 439,500	Note 1,5 3
Elders Rural Bank Sub Debt	Subordinate Debt	Not Rated (Note 7)	Medium	1/9/2006	16/3/2016	24/06/2009	\$ 1,000,000	\$ 863,100	Note 1,5 4
Zircon (Miami)	Floating Rate CDO	C	Low	1/9/2006	20/3/2017	24/06/2009	\$ 50,000	\$ 20,905	Note 1,5 19
Investment on Hand							\$ 33,589,576	\$ 30,431,130	
Investments Redeemed during period (Note 6)									
IMB Banking & Financial Services	Term Deposit	A2	High	1/5/2009	2/6/2009	1/05/2009	\$ 2,000,000	\$ 2,000,000	
Credit Union Australia (CUA)	Term Deposit	Not Rated (Note 7)	High	22/5/2009	21/6/2009	22/05/2009	\$ 2,000,000	\$ 2,000,000	

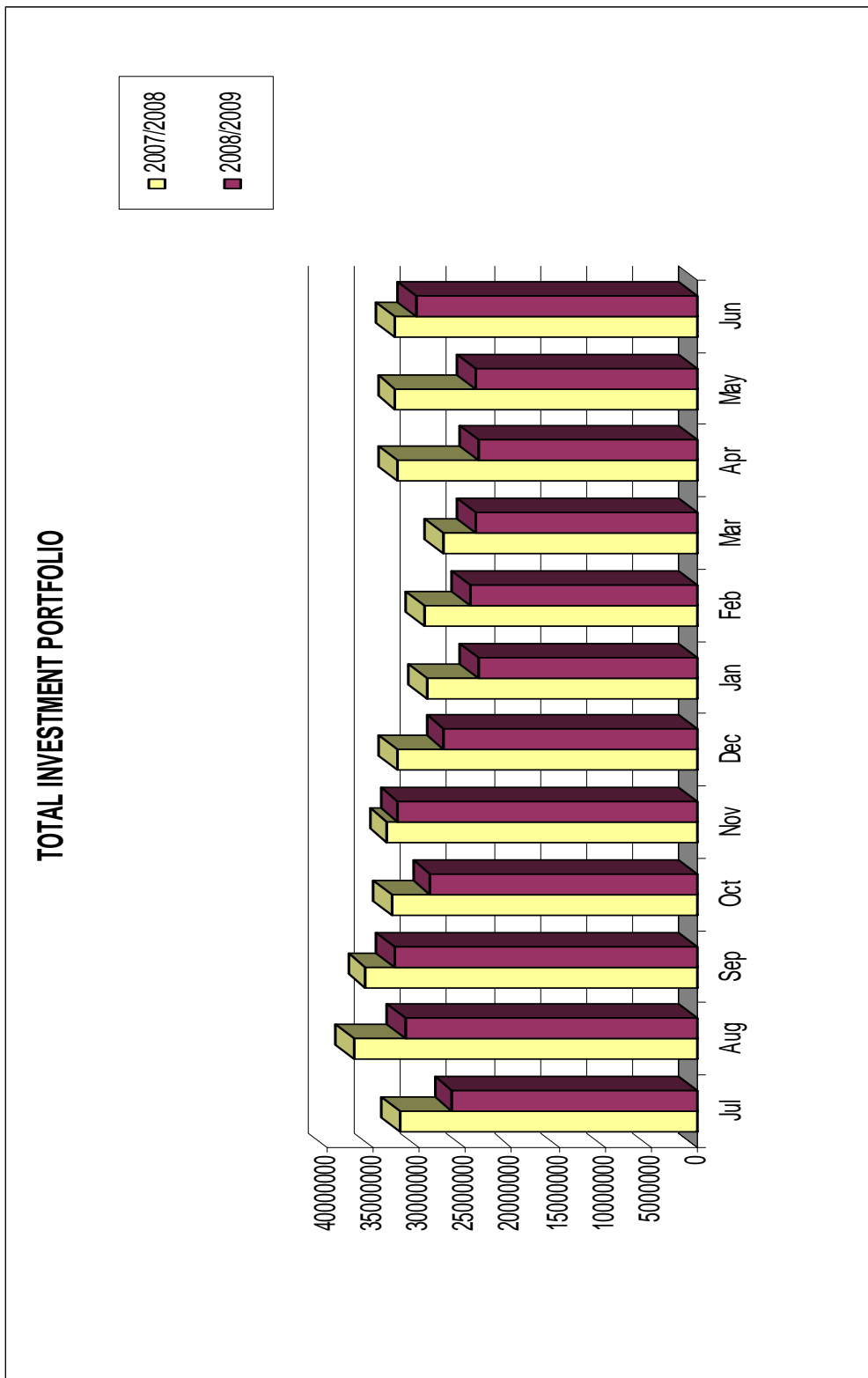
\$ 37,589,576 \$ 34,431,130

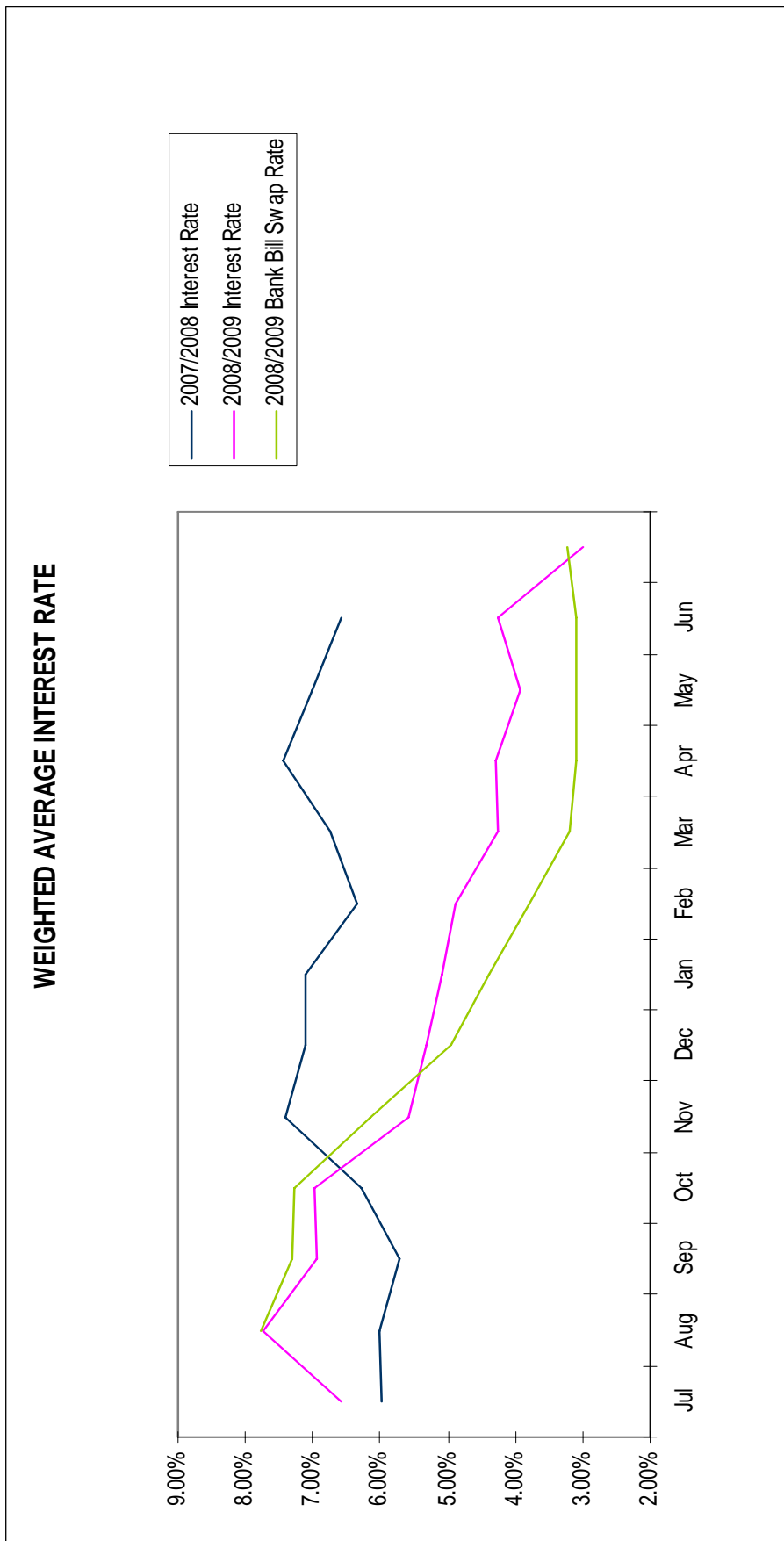
Total Capital Movement - Gain/(Loss) \$ (3,158,446)
Adjusted Capital loss reported for 2007/08 \$ (3,228,424) Note 8
Capital Movement since 01/07/08 - Gain/(Loss) \$ 69,978

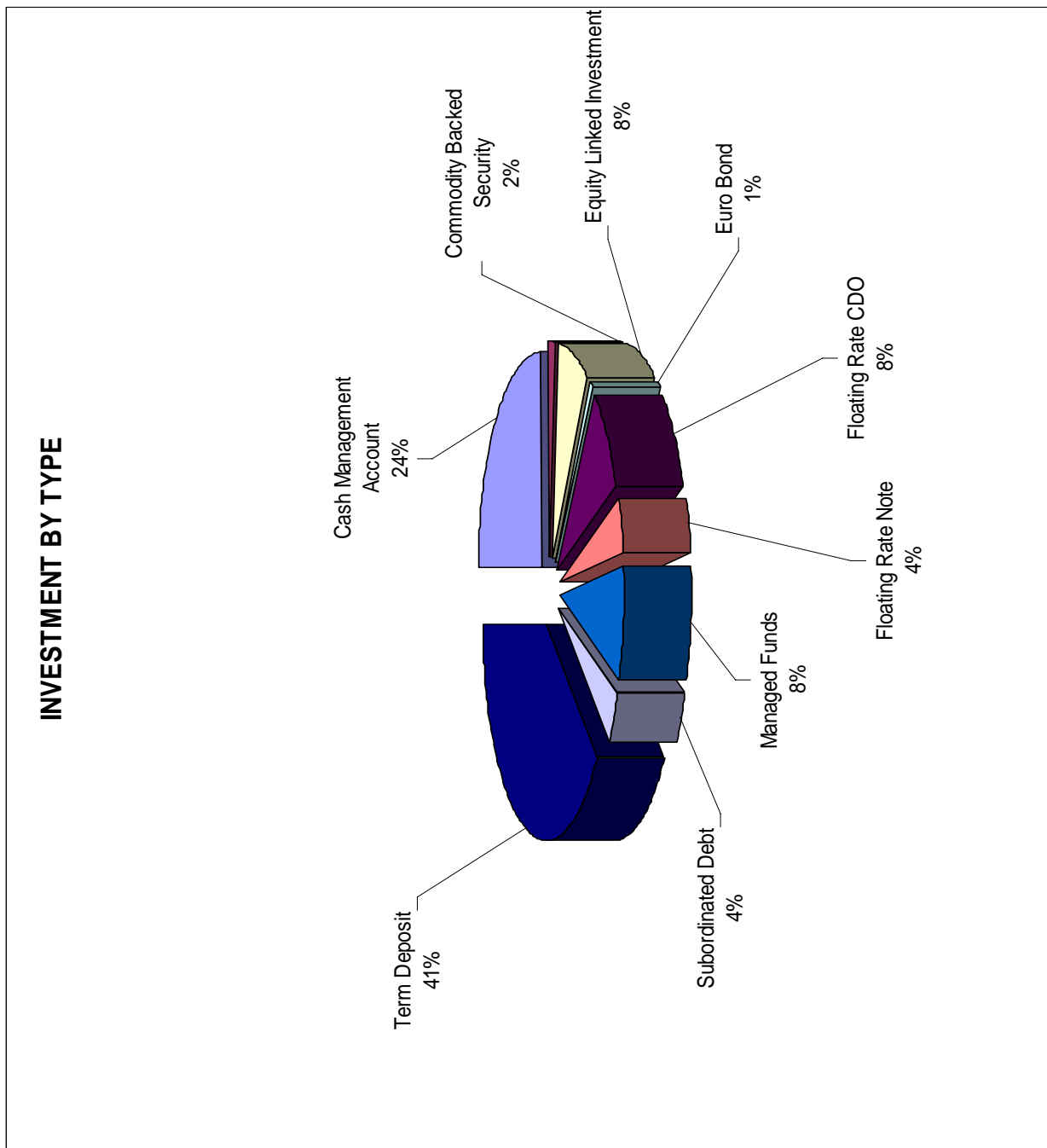
Note 1: Base Capital Value is the face value of the investment
 Note 2: Capital Guaranteed note if held to maturity
 Note 3: The Base Capital Value is the Market Value as at 30/6/08 plus additions less redemptions during the year.
 Note 4: Latest estimates based on information provided by investment managers and prior period performance.
 Note 5: Market Value is the Capital Value of the investment and any accrual of income.
 Note 6: These investments were redeemed during the period and impact on the interest return for the period. They are not part of the Balance of Investment Held.
 Note 7: These Counterparties & Products are authorised under the Minister Order and require no minimum Credit Rating.
 Note 8: The amount shown as the Capital Loss reported for 2007/08 has been adjusted for the loss on the Managed Funds and actual impaired investments from 2007/08 realised in the current year. The loss on the managed funds has been factored into the Base Capital Value. Please see Note 3 for further explanation.

"Indicative" Source of Funds

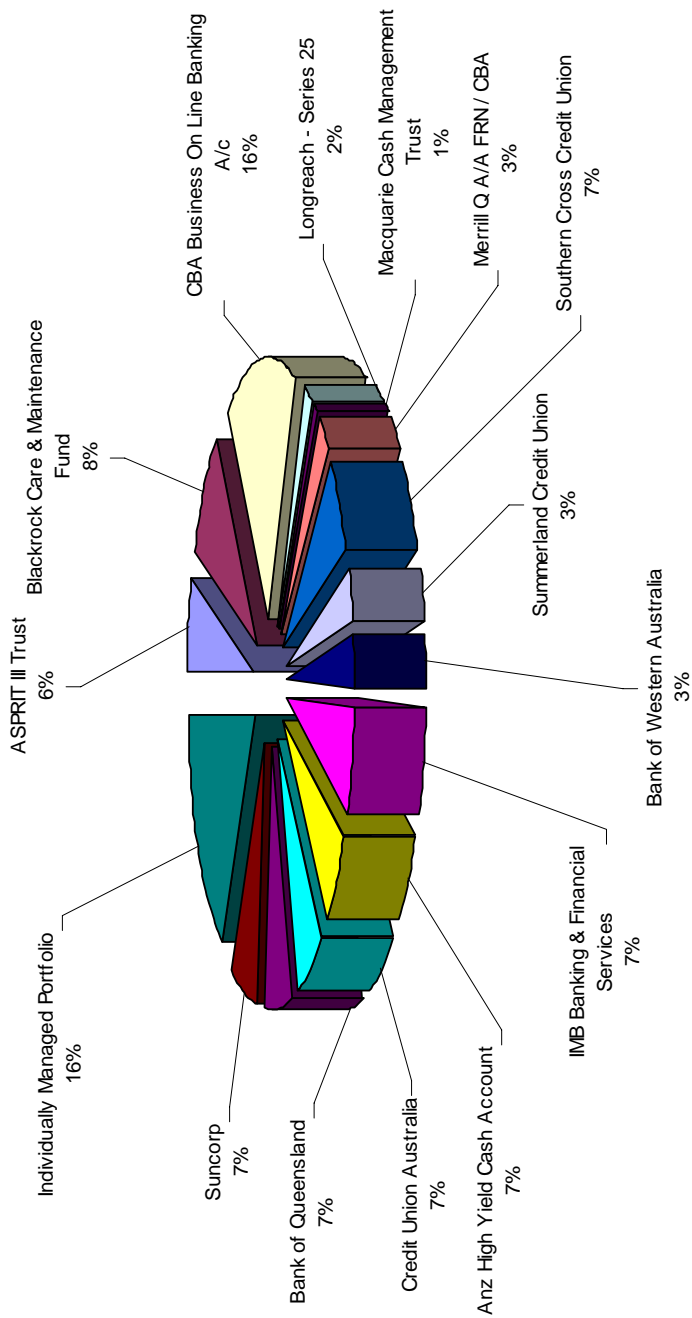
Externally Restricted 17,336,615
 Internally Restricted 13,094,515
\$ 30,431,130







Investment by Institution



**MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING
HELD ON JUNE 17, 2009, AT 10.00 AM.**

	Present	Councillor Jenny Dowell (<i>Chairperson</i>), Liz Smith (<i>RTA</i>), Snr Const Rob Clarke (<i>Lismore Police</i>).
	In Attendance	Scott Turner (<i>Manager-Assets & Support Services</i>), Lisa Marshall (<i>Road Safety Officer</i>), John Daley, Bill MacDonald (<i>Traffic & Emergency Services Coordinator</i>), and John Bancroft (for Item TAC28/09).
TAC25/09	Apologies	An apology for non-attendance on behalf of Thomas George, MP was received and accepted.
TAC26/09	Minutes	The Committee was advised that the minutes of the Traffic Advisory Committee meeting held on May 20, 2009, were confirmed by Council on June 9, 2009 with the exception of TAC22/09 being amended to read: <i>That a No Parking Zone be introduced on the western side of Dibbs Street between the marked pedestrian crossing and the driveway to Ozanam Villa Units.</i>

Disclosure of Interest

Nil

Business Arising

The Committee noted that the amendment to TAC22/09 was not correct and should have read as originally proposed.

Our Lady of Lourdes School – Dibbs Street

Requesting further alterations to existing parking restrictions in front of the school to improve accessibility to parking generally.

Council recently agreed to modify existing Bus Zones which will combine the two Bus Zones into one, thereby providing additional onstreet parking for parents. After further discussions with the School Principal, it has been requested that a small two-car length No Parking Zone be introduced in the location previously occupied by one of the Bus Zones which is being removed south of the existing marked pedestrian crossing. This would be used as a drop-off/pick-up zone.

TAC27/09 Recommendation: That a 'No Parking' zone be introduced on the western side of Dibbs Street between the marked pedestrian crossing and the driveway to Marian Court Units. (R6020)

Part 'A' – Committee Recommendations

Red Inc. – Keen Street Pedestrian Crossing

Raising concerns for the safety of its clients and other community members who attend the Red Dove Centre on the corner of Keen and Woodlark Streets and requesting consideration for the installation of a marked pedestrian crossing on Keen Street.

A survey of vehicle and pedestrian volumes was carried out in Keen street, north of Woodlark Street on Friday, June 12, 2009 between 8.15am and 9.15am (v = 407 p=116), 12.00pm and 1.00pm (v = 540 p = 136), and 3. 30pm and 4.30pm (v = 563 p = 89).

All of these counts meet the reduce warrant (PV >45,000) for installation of a marked pedestrian crossing where at least 50% of pedestrians using the crossing are aged or have a mobility difficulty. Whilst the exact percentage of the above category was not recorded, a significant number were observed as potentially meeting this requirement and therefore consideration should be given to locating a marked pedestrian crossing on Keen Street, approximately midway between Woodlark Street and Richmond Lane.

TAC28/09 Recommended: That a marked pedestrian crossing, including pedestrian lighting, be installed on Keen Street, approximately midway between Woodlark Street and Richmond Lane subject to a suitable plan being developed and after further consultation with businesses in the immediate area. (R7313)

BreastScreen NSW – Rear Access to Uralba Street Premises from Diadem Lane

Outlining difficulties being experienced in gaining entry to their onsite parking area at the rear of the property off Diadem Lane due to vehicles parking on the lane close to the driveway access point and requesting assistance in resolving this matter.

An onsite meeting was held with Ms Pam Beazley from BreastScreen NSW where it was agreed that if a small section of 'No Stopping' zone could be created in Diadem Lane, opposite the entry to their onsite parking facility, this would assist in reducing current concerns. There are a number of residences that have frontage and access to the lane and so a lengthy zone of 'No Stopping' would impact on their capacity to access onstreet parking and is not considered warranted.

TAC29/09 Recommended: that a 'No Stopping' zone be introduced on the southern side of Diadem Lane, from the existing 'One Way' sign in front of No. 3 to the electricity pole in front of No. 1 (a distance of approximately 10m), providing agreement can be reached with adjoining property owners. (CI09/5689:R6018)

Our Lady Help of Christians School – Accessible Parking Space

Applying for consideration of installing an accessible parking space in front of the School in Rhodes Street, South Lismore.

At an onsite meeting with the Principal, a location within the eastern end of the existing bus zone was identified as being suitable for the installation of an accessible parking bay.

TAC30/09 Recommended: That an accessible parking bay be introduced within the existing bus zone on the southern side of Rhodes Street, in front of the school. (CI09/5676:R6932)

Part 'B' – Determined by Committee

Lantern Parade – Traffic Management Plan

Submitting a revised traffic management plan for consideration

John Bancroft was present for this item and spoke on the proposed alternative Lantern Parade event. Due to recent flooding in Lismore, a decision was made that the usual finale site in Riverside Park beside the Ballina Road Bridge would be inaccessible because of soggy ground conditions and the likelihood that these would not improve significantly leading up to the event. It is now proposed that the parade will be assembled in the Rowing Club Carpark, head east in Magellan Street up to Keen Street, left in Keen Street up to Woodlark Street, right into Woodlark Street up to Dawson Street, across Dawson Street into Uralba Street and finishing in the adjoining Lismore Park. All voting members of the Committee have been contacted and have provided in principle support for the alternative proposal subject to the production of a suitable traffic management plan. The plan was tabled at the meeting.

- B09-6:1 **It was agreed:** That approval be granted for the alternative traffic management plan as tabled. (EF09/1897)

R & E Bianco – Speeding Vehicles – Borton Road

Requesting the Committee consider installing some kind of speed deterrent on Borton Road due to the increasing number of residents who do not drive to conditions.

Borton Road is a typical unsealed rural road predominately used by local traffic. A 'Caution Gravel Road, Drive to Conditions' warning sign has recently been erected at the start of the road. As the writer has indicated, it would appear to be a small number of newer residents who may be contributing to the current concerns. Whilst traffic calming measures such as speed humps are not considered warranted, Police are able to take further action should vehicle details of the offenders be provided.

- B09-06:2 **It was agreed:** That the writer be advised traffic calming measures are not considered warranted and that details of offenders' vehicles should be forwarded to the Police for their attention. (CI09-4628: R4304)

Beres Ritter – Refuge Island – Wyrallah Road

Requesting the Committee consider installing a pedestrian refuge near the corner of Esyth Street on Wyrallah Road as there is no safe place to cross the road from Ballina Road right up to the new roundabout.

Wyrallah Road has recently been upgraded with pedestrian refuges now in place at the intersection of Wyrallah Road and Esmonde Street and another further south in front of the shopping centre. A concrete footpath exists on both sides of Wyrallah Road. The footpath on the western side of the road provides the opportunity for residents from that area to walk along the footpath and then use either of the existing refuges should they wish to access the Wyrallah Road Shopping Centre. The crest on Wyrallah Road close to Esyth Street and the impact on parking in front of residences would make it difficult to locate another crossing point that would be well used and is not considered warranted.

- B09-06:3 **It was agreed:** That a further pedestrian refuge not be installed on Wyrallah Road for the reasons outlined. (CI09/4481: R5201)

Lucy Syme – Gravel Trucks and School Buses on Dorroughby Road

Requesting Council restrict its gravel trucks from using Dorroughby Road during school bus hours while roadworks are being carried out on Dunoon Road due to Dorroughby Road being a one lane road only.

It was obvious from an inspection of Dorroughby Road and the significant wear on the shoulders that two vehicles could not pass without at least one moving off the sealed road. Council is carrying out works on Dunoon Road which necessitate the use of Dorroughby Road to access material from nearby quarries. Unfortunately there is no other alternative route that would not have the same impact on that road. Council's Rural Works Engineer has advised that all Council heavy plant operators have been informed of the circumstances relevant to the road's use by school buses and have been instructed to take extra care during these operating times. The recently released RTA NSW Speed Zoning Guidelines now have provision for assessment of rural roads where width and alignment may be substandard with a view to the introduction of a lower speed limit. This might go some way to addressing current concerns. A classifier would be installed on Dorroughby Road to determine volumes and 85th percentile speed.

B09-06:4 **It was agreed:** That the issue of an appropriate speed limit on Dorroughby Road be referred to the RTA for assessment. (CI09/4278: R3501)

Councillor Dowell on behalf of Councillor Yarnall

a) Replacement of No Stopping signs in front of The Channon Tavern

This matter had been considered by the Committee at a recent meeting and as a result, 'No Stopping' signs have been erected along either side of the road between Standing Street and Ford Bridge in front of The Channon Tavern. The visibility and spacing of the signs is considered adequate, however as it would appear that motorists are continuing to park illegally in this area, the installation of guide posts along the road shoulder may assist in reinforcing the intention that parking is prohibited.

B09-06:5 **It was agreed:** That guide posts be erected closer to the bitumen edge on both sides of the road in front of The Channon Tavern between Standing Street and Ford Bridge. (R3407)

b) Extension of 50kph speed limit on Tuntable Creek Road further towards Koonorigan Road due to concerns relating to excessive speeds outside The Channon Tavern

There is virtually no roadside development on Tuntable Creek Road between Ford Bridge and Koonorigan Road and consequently there is little likelihood that the RTA would agree to the extension of the existing 50kph speed limit. There are three reminder 50kph speed limit signs on The Channon Road and Terania Street, between Coronation Park and Standing Street. Whilst the extension of the 50kph speed limit is not likely it may be possible for the existing 100kph speed limit signs, which are visible well before the bridge when heading north, to be replaced with 'end 50' signs.

Classifiers could also be installed in front of the Tavern to determine the 85th percentile speed and the extent of any speeding problem.

B09-06:6 **It was agreed:** That the existing 100kph signs on Tuntable Creek Road north of Ford Bridge be replaced with 'End 50' and 'Drive to Conditions' signs and further that a classifier be installed in front of The Channon Tavern with the results being passed on to Police should it be found that the existing 50kph speed limit is largely being ignored. (R3305)

Stephen Nelson on behalf of Proprietor of Hairdressing Business at 33 Zadoc Street

Requesting consideration of introducing 2-hour parking on Zadoc Street due to the area now being heavily parked by employees of businesses of Zadoc Street.

The business in question operates on the southern side of Zadoc Street, east of Keen Street. There is a mix of business and residential along this section. A number of inspections have been carried out to determine usage patterns and on each occasion there has been parking available close by. A number of flats also exist behind the business. At this stage the introduction of time limited parking is not considered warranted.

B09-06:7 **It was agreed:** That time limited parking not be introduced along the southern side of Zadoc Street between Keen Street and Dawson Street. (R7330)

Thomas George, MP, and Joanne Cooper – Crossing – Goonellabah School

Raising concerns for the safety of pedestrians who use the existing signalised crossing facility in front of the Goonellabah Public School due to a number of near misses where motorists have driven through a red light when pedestrians are on the crossing; suggesting a number of measures, including the construction of an underpass to replace the existing facility.

A plan of the underpass that was proposed in 2002 was tabled at the meeting. The width of the road and the growing traffic volumes along Ballina Road does create the potential for future conflict between vehicles and pedestrians. In 2002 with the support of Goonellabah Public School and the Department of Education a proposal was developed for the construction of an underpass, however at the time due to problems already occurring at the site with a 'lollipop' person in place and the lack of funding estimated at the time to be \$460,000 for the construction of an underpass, it was decided by the RTA to install a signalised crossing facility. In the short term a greater Police presence may assist in curbing undesirable habits from some motorists, however longer term, an underpass is the only way to remove any conflict. Mrs Cooper had also pointed to a number of maintenance issues in regards to trees and other signage restricting vision of the School zone signage and this would be forwarded on to the appropriate officer for attention. Ms Smith advised that the RTA would carry out an assessment of all existing signage to ensure it met with current guidelines.

B09-06:8 **It was agreed:** That the proposal for the construction of an underpass be forwarded to the RTA for assessment and consideration of funding and further, that Council's Road Safety Officer consult with Goonellabah Public School with a view to developing an educational program for students specifically related to the use of the facility. (CI09/5837:R6408)

Councillor Dowell – Tregear Contact Forum

Residents of Boundary Road, Lindendale, requesting consideration of reducing the speed limit on Boundary Road to 70kph due to the narrowness of the road, alignment, accident history and the mix of vehicle types.

Boundary Road runs south from Lindendale Road down to Marom Creek for a distance of 1.8km where it continues on into Ballina Shire. The width of the road is approximately 4m–5m. Development along the road is typical of a rural road where houses are generally set well back from the road. There has only been one reported accident on Boundary Road between 2000 and 2007.

B09-06:9 **It was agreed:** That a classifier be installed on Boundary Road to determine actual vehicle speeds and the need for any further action. (R4607)

John Daley – Mid-Block Pedestrian Crossing on Woodlark Street between Keen and Dawson Streets

Raising concerns regarding the safety of pedestrians who use the crossing and the potential for conflict with east-bound motorists due to sight restriction.

The existing marked crossing runs across Woodlark Street from in front of Auto Barn and deviates on the other side due to a number of driveways.

B09-06:10 **It was agreed:** That the location be inspected with a view to improving current conditions with any proposed changes being reported back to the Committee. (R7329)

Closure

This concluded the business and the meeting terminated at 11.00 am.

Chairperson

**Traffic and Emergency
Services Coordinator**

(ED09/7795:EF09/1963)

Financial Assistance - Section 356

a) Representative Selection – Policy 1.4.10 (GL390.735.15)

Budget: \$1,100 Spent to date: \$0

Matthew Tickle has been selected to represent the Australian Karate Team at an international tournament in Denmark in October 2009. Mr Tickle is seeking financial assistance with the cost of his trip.

In accordance with policy.

\$356**b) Council Contributions to Charitable Organisations****Waste Facility – Policy 5.6.1 (GL390.965.15)**

Budget: \$11,000 Spent to date: \$0

Animal Right & Rescue \$0.00

Challenge Foundation \$211.20

Five Loaves \$209.64

Friends of the Koala \$19.09

Lismore Soup Kitchen Inc \$0.00

LifeLine \$210.00

Lismore & Dist Police Boys Club \$0.00

Saint Vincent De Paul \$16.27

Salvation Army \$70.00

Westpac Life Saver Rescue Helicopter \$25.45

Shared Vision Aboriginal Corporation \$0.00

In accordance with policy.

TOTAL \$761.65**c) Mayor's Discretionary Fund (GL390.485.15)**

Budget: \$2,700 Spent to date: \$0

Northern Rivers Group Training is a not for profit organisation that seeks opportunities for apprenticeships and traineeships for people in Tweed Heads and Yamba. This organisation is seeking sponsorship for their annual training awards night to be held in August 2009.

\$100

Leearna Williams is seeking financial assistance for 16 Indigenous Southern Cross University students to attend the 2009 National Indigenous University Tertiary Student Education Games, to be held in Canberra in September.

Recommendation

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

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, JUNE 9, 2009 AT 6.00PM.

Present Mayor, Councillor Dowell; Councillors Houston, Battista, Meineke, Clough, Graham, Yarnall, Ekins, Marks, and Smith, together with the General Manager, Executive Director-Development & Governance, Executive Director-Infrastructure Services, Manager-Finance, Communications Co-ordinator, Acting Manager Planning Services, Manager Community Services, Strategic Engineer Water and Sewer, Corporate Compliance Co-ordinator and General Manager's Personal Assistant.

Apologies/ Leave of Absence An apology for non-attendance on behalf of Councillor Chant was received and accepted and leave of absence granted by Council at its meeting held on March 10, 2009.

69/09 **RESOLVED** that a leave of absence be granted for:
Councillor Yarnall - June 27 to July 25, 2009.
(Councillors Smith/Clough)

70/09 **Minutes** The minutes of the Ordinary Meeting held on May 12, 2009, were confirmed.
(Councillors Graham/Clough)

Disclosure of Interest
S451

Councillor Clough declared a pecuniary conflict of interest in the following item:

Report – Community Garden

Nature of Interest: I am Vice President of the Rainbow Region Community Farms which is the sponsor of the Community Garden.

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:

Linda Wirf – Report – Community Garden

At this juncture Councillor Clough left the meeting.

Ms Wirf raised concerns over the proposed Terania Street site citing apprehension over the flood liable nature of the site and its poor soil profile. She spoke to the benefits of the Brewster Street site.

At this juncture Councillor Clough returned to the meeting.

Jennifer Hutchison – Report – Lismore Lake Pool Closure

Ms Hutchison urged Council to keep the Lismore Lake Pool open. Ms Hutchinson spoke to the benefits of exercise, particularly swimming. She claimed closure of the Lake Pool would unfairly disadvantage those from low socio-economic background. She urged Council to arrange its priorities to achieve the continuation of the Lismore Lake Pool.

Tony Gallpen – Report – Home Club Status for Swim Clubs

Mr Gallpen, President of the Lismore Workers Swim Club, spoke in support of the recommendation.

Notice of Motions

Management Plan 2009/10-12 – Plant Replacement Program

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

1. Council exclude from the Management Plan 2009/10-12 the amount of \$3,503,000 (capital works) assigned to the Plant Replacement Program; and
2. The Council staff prepare and present to Council a report on the costs incurred by the above decision at the Council workshop on July 7, 2009.

(Councillors Battista/Clough)

An AMENDMENT was MOVED that there be a moratorium on purchase of plant and equipment until the presentation of a ten year Plant Replacement Plan at a workshop on July 7, 2009.

(Councillors Yarnall/Clough)

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

Voting against: Councillors Graham, Marks, Meineke.

71/09 **RESOLVED** that there be a moratorium on purchase of plant and equipment until the presentation of a ten year Plant Replacement Plan at a workshop on July 7, 2009.

Voting against: Councillors Marks, Meineke. (ED09/5915:EF09/631)

Roads Asset Management Plan

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

Staff present a completed Roads Asset Management Plan to a Council workshop before the end of September.

(Councillors Yarnall/Clough)

An AMENDMENT was MOVED that staff present a timetable of the Roads Asset Management Plan for the next Council meeting.

(Councillors Clough/Graham)

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

Voting against: Councillors Battista, Ekins and Yarnall.

72/09 **RESOLVED** that staff present a timetable of the Roads Asset Management Plan for the next Council meeting. (ED09/5972:EF09/631)

Smoking Ban - Bus Shelters/Footpaths/Roadsides

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

Council ban smoking in bus shelters and in a footpath/roadside area of 10 metres on either side.

(Councillors Smith/Battista)

An AMENDMENT was MOVED that:

1. Council ban smoking in bus shelters and in a footpath/roadside area of 6 metres on either side.
2. Council liaise with North Coast Area Health Service as to the installation of appropriate signs in bus shelters.

(Councillors Clough/Yarnall)

On submission to the meeting the AMENDMENT was DEFEATED.

Voting against: Councillors Dowell, Battista, Graham, Houston, Marks, Meineke, and Smith.

A FORESHADOWED AMENDMENT was MOVED that Council liaise with North Coast Area Health Service to provide appropriate signage prohibiting smoking in bus shelters and adjacent areas.

(Councillor Houston/Smith)

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

Voting against: Councillor Meineke.

73/09 **RESOLVED** that Council liaise with North Coast Area Health Service to provide appropriate signage prohibiting smoking in bus shelters and adjacent areas. (ED09/6054:EF09/631)

Voting against: Councillors Meineke and Marks.

Altering Order of Business

74/09 **RESOLVED** that the order of business be altered to debate the following matters raised during Public Access.

Report on Community Garden
Report on Lismore Lake Pool Closure
Report on Home Club Status for Swim Clubs

(Councillors Graham/Yarnall)

Reports

Community Garden

At this juncture Councillor Clough left the meeting.

75/09 **RESOLVED** that:

1. Council provide 'in principle' approval to establish a community garden in Brewster Street pending consultation with the community.
2. Council agree that community consultation is undertaken during the June/July 2009 period and the results reported back to the Council for finalisation of the site for the community garden.

(Councillors Graham/Marks) (ED09/5940:EF09/2184)

At this juncture Councillor Clough returned to the meeting.

Lismore Lake Pool Closure

A Motion was MOVED that:

1. Council endorse Option 1 (Dollar Sundays) as outlined in the report for the Lismore Memorial Baths for the 2009 – 2010 financial year as the most appropriate arrangement to offset the closure of the Lismore Lake Pool.
2. Council endorse Option 3 ('Carnivale Days') as outlined in the report at the Goonellabah Sports and Aquatic Centre to provide an opportunity for free access to the Centre on given days.
3. That points 1 and 2 be a trial for the coming swim season and a report on patronage be supplied as soon as practical
4. That during this trial period Council staff investigate options for more green space at the Memorial Baths to create more leisure space and report back by March 2010.

(Councillors Graham/Houston)

An AMENDMENT was MOVED to defer decisions on options to compensate Lismore Lake Pool users until the Extraordinary Council Meeting on June 18, where the future of the Lismore Lake Pool will be considered.

(Councillors Yarnall/Battista)

Voting against: Councillors Meineke and Graham.

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

76/09 **RESOLVED** to defer decisions on options to compensate Lismore Lake Pool users until the Extraordinary Council Meeting on June 18, where the future of the Lismore Lake Pool will be considered.

(ED09/5924:P24540)

Home Club Status for Swim Clubs

77/09 **RESOLVED** that Council:

1. Confirm the Lismore Workers Swim Team as the "Home Club" as per current arrangements with the Lismore Memorial Baths.
2. Waive the lane hire fee for the Lismore Indoor Swim Team on weekdays after 6.00pm when the pool is not used by Water Polo or the Lismore Workers Swim Team or for pre-booked events.
3. Ensure that at least half of the pool in the 50 metre pool is available for the public.

(Councillors Meineke/Houston) (ED09/5925:P6768)

Development Application No. 2009/158 (Youth Plaza)

78/09 **RESOLVED** that:

- A. 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. Council staff commence the studies for extension of hours to night use and that they report back within 6 months of opening.
- C. Council, as the consent authority, approve Development Application 2009/158 for the construction of an Outdoor Recreation Area (Youth Plaza) and associated earthworks and Landscaping, subject to the following conditions:

CONDITIONS OF CONSENT

STANDARD

1 In granting this development consent, Council requires:

- All proposed buildings be constructed in accordance with any amendment or modification outlined in these conditions
- All proposed works be carried out in accordance with any amendment or modification outlined in these conditions
- Any proposed use of buildings or land be in accordance with any amendment or modification outlined in these conditions and be substantially in accordance with the stamped approved plan(s) Drg No's 72015 – DA00 to DA06 inclusive dated 17.04.09 and/or supporting documents submitted with the application. Copies of the approved plan are attached to this consent.

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

DRAINAGE

2 **Prior to release of the Construction Certificate** detailed design of stormwater drainage from hard surface areas, landscaped areas, roof water and subsoil drainage systems shall be undertaken by a suitably qualified person experienced in hydraulic design and submitted to **Council**. This system shall be designed and constructed in accordance with Australian Standard AS3500 Plumbing and Drainage Part 3: Stormwater Drainage. Drainage is to direct all stormwater from impervious areas to an appropriate drainage system to prevent intensification of discharge runoff onto adjoining land or concentration of flow upon adjoining lands. All piped drainage lines over adjoining land are to be located within drainage easements. All costs shall be the responsibility of the proponent.

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

- 3 The proponent is responsible for ensuring that the existing stormwater pipe in the easement is not damaged while performing the works. If the existing stormwater pipe is damaged during the course of performing the works, the proponent will:
- notify Council immediately when the breakage occurs, and
 - repair the damage at no cost to Council.

Reason: *To ensure stormwater systems are adequate to discharge all waters collected. (EPA Act Section 79C(c))*

4 All stormwater from the proposed recreational facility shall be conveyed to the stormwater treatment system approved in association with the development of the Goonellabah Sports and Aquatic Centre.

Reason: *To ensure satisfactory implementation of stormwater quality initiatives.*

5 The proposed skate bowl shall be so designed so as not to hold stormwater and be self draining.

Reason: *To preserve public health and safety*

BICYCLE PARKING FACILITIES

6 The applicant shall provide bicycle parking facilities in accordance with Austroads Part 14 'Bicycles' and Australian Standard AS2890.3 'Bicycle Parking Facilities'.

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

BUILDING

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

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

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

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

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

- 9 The building including all ancillary components must be wholly located within the subject land.

Reason: To ensure there is no encroachment by any part of the building onto adjoining land.

- 10 The Youth Plaza is not to be occupied until an Occupation Certificate has been issued by the Principal Certifying Authority.

Reason: To ensure compliance with statutory requirements.

- 11 Structural Engineering details for concrete block walls (art walls) and all reinforced components are to be submitted to and approved by the principal certifying authority prior to commencement of the work.

Reason: To ensure the adequate structural design of the building components.

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

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

Reason: To provide equality of access.

ENVIRONMENTAL HEALTH

- 13 Erosion and Sediment control measures shall be put into place and be properly maintained to prevent soil erosion and the transport of sediment from the site and into natural or constructed drainage lines or watercourses. Measures must:

- maximise the diversion of clean waters, and
- minimise the extent and duration of site disturbance, and
- include devices/practices to prevent sediment being carried from the site by vehicle and plant tracks and tyres.

Some treatment of waters may be required prior to release into the environment.

All control measures must be regularly inspected and be maintained to ensure they operate to the design requirements and to meet all relevant environment protection standards. Weather patterns must be monitored and be coordinated in with the

inspection and maintenance procedures. Control measures are to remain in place until the site has been adequately sealed, revegetated or landscaped to prevent soil erosion.

Note: Work should not proceed until sedimentation controls are in place.

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

SIGNAGE

14 The applicant shall erect signage of a suitable scale and nature that clearly identifies to users of the recreational facility the following information:

- Hours of operation;
- Use of personal safety equipment;
- Use this facility at your own risk;
- Children under 8 years of age must have parental supervision;
- The skate park is for the use of skateboards, roller skates, roller blades and BMX bicycles;
- Use areas of the facility suitable for individual skill and experience levels; and
- Signage (Public Notice) of a suitable scale and nature that clearly identifies to users of the recreational facility the following prohibited activities:
 - Taking or the consumption of alcohol and drugs;
 - Smoking;
 - The use of motorbikes;
 - The lighting of fires;
 - The use or breaking of glass containers;
 - Hours of facility use;
 - Littering; and
 - Camping.

All ordinance signage is to comply with Council's Procedure 1.1.50 "Determining appropriate signs for Council Reserves". Details and location of signage is to be submitted to and approved by Council's Parks Co-ordinator and Council's Youth Development Officer **prior to the issue of the Construction Certificate.**

Reason: *To preserve public health and safety and the amenity of the neighbourhood.*

PARKS AND RESERVES

15 Details of the design and materials to be used in the construction of the Youth Plaza, inclusive of all surfaces, stage area, bubblers, shade structures and landscape features are to be submitted to and approved by Council's Parks Co-ordinator.

Reason: *To ensure design and use of materials is to the satisfaction of Council's Parks Section.*

16 Appropriate perimeter fencing shall be provided between the garden areas and skate areas to prevent the moment of pedestrians through the garden areas. The fence shall be of a similar type to the fencing in the immediate area.

Reason: *To protect the landscaped areas.*

17 The stage area shall be provided with electricity supply to the satisfaction of Council's Parks Co-ordinator. This electricity supply is to include a minimum of 2 x 3-phase and 4x single-phase heavy duty cased electricity outlets.

Reason: *To ensure adequate provision of services.*

PLANNING & CRIME PREVENTION

18 This Development Consent does not approve amplified music / events or the use of percussion instruments, except as otherwise approved in accordance with the Noise Management Plan, as required by Condition No. 18. Separate Development Consent must be sought for approval of all other events and activities not covered by the Noise Management Plan.

Reason: *To ensure that these type of events can be individually controlled and monitored; to ensure that the amenity of the local neighbourhood is preserved.*

19 Prior to use of the Stage and environs for community events utilising amplified music or a public address system, the applicant shall submit to Council for approval a Noise Management Plan. The Noise Management Plan shall incorporate an amended Noise Impact Assessment that covers the following matters:

- Frequency of events;
- Type of event;
- Duration of event;
- Scale of event.

Reason: *To minimise noise impacts on the adjoining residences and to provide flexibility in the development consent.*

20 Hours of use of the Youth Plaza to be restricted to daylight hours only, with no commencement prior to 8.00am each day.

Reason: *To ensure specific hours of use and to preserve amenity of the area.*

21 Submission of a Management Plan for the 'Youth Plaza' for Council's approval **prior to an Occupation Certificate being issued.** The Plan to include the matters specified in Appendix 3 of the Social Impact Assessment submitted with the application, and also to include detail defined action procedures in the event of any anti social or criminal activities being observed or reported.

Reason: *To ensure that recognised management procedures are firmly in place; to ensure a safe and pleasant environment for the daily operation of the facility.*

22 No structure within the facility (other than poles, fences and shade facility) to be higher than 900mm above finished surface levels.

Reason: *To ensure compliance with CPTED principles.*

23 Graffiti and anti social material is to be painted over and rolled out within 48 hours of the damage occurring.

Reason: *To ensure compliance with CPTED principles.*

24 The location and number of proposed garbage bins within the Youth Plaza is to be submitted to and approved by Council **prior to the issue of the Construction Certificate.**

Reason: *To ensure compliance with CPTED principles.*

LANDSCAPING

25 A detailed landscaping plan (in duplicate) shall be submitted to the Principal Certifying Authority and approved **prior to issue of the Construction Certificate**. Landscaping plans shall be in accordance with **CPTED Principles** (particularly, lower plantings not exceeding 600mm), Council's Landscape Guideline and relevant Development Control Plans. Species identified in Council's Landscape Guideline shall be planted wherever possible. Landscaping plans shall indicate:

- location of Council's sewer
- proposed location for planted shrubs and trees
- botanical name of shrubs and trees to be planted
- mature height of trees to be planted
- location of grassed areas
- location of paved areas
- location of trees identified for retention in the development application plans.

Principal Certifying Authority approved landscaping shall be completed prior to the release of the Occupation Certificate and maintained at all times to the satisfaction of Council. Trees identified for retention in the Development Application plans shall not be removed without separate Council approval.

Reason: *To ensure that appropriate landscaping is provided. (EPA Act Sec 79C(c))*

WATER AND SEWER

26 The proponent is required to engage licensed plumbers to carry out any plumbing work. All plumbing works shall be the subject of a Plumbing Permit issued by Lismore City Council prior to works commencing. Applications for Plumbing Permits may take up to twenty (20) days to process and significant, additional inspection fees may apply.

Reason: *To comply with Section 20 of the Local Government (General) Regulation 2005.*

27 The proponent shall pay to Council all Water and Sewerage levies deemed necessary by Council and in accordance with Section 64 of the Local Government Act 1993. The rates and amounts applying at the date of this notice, totalling **\$6,656.00**, are set out in the schedule for your information. Such levies shall be paid, as required by Council, prior to being issued a **Construction Certificate**.

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

Reason: *To provide funds for the provision of services and facilities identified in Lismore City Council's Section 64 Contributions Plan as required by the increased population or activity. (Water Management Act 2000, Sec 306)*

(Councillors Graham/Smith)

Section 375A Voting Record

Voting for: Councillors Dowell, Houston, Battista, Meineke, Clough, Graham, Yarnall, Ekins, Marks and Smith.

Voting against: Nil

Proposed 2009/2010 Roads Capital Works Programme

A Motion was MOVED that:

1. Council approve the 2009/2010 Roads Capital Works Programme as set out in the body of the report.
2. Council defer a decision on the possible re-allocation of the \$200,000 identified in the draft 2009/2010 budget for the bitumen sealing of gravel roads to unsealed roads maintenance; until Natural Disaster funding has been advised to Council following the recent floods.
3. Council adopt the current priority ranking system for the future bitumen sealing of Gravel Roads.
4. The construction of a new footpath along Donnans Road not be given special priority over the adopted footpath upgrade programme but that road shoulder improvement works be undertaken from within the road maintenance budget.
5. Infrastructure Assets PAG consider a priority ranking system for building new footpaths which takes into account the current cycleway programme.

(Councillors Graham/Meineke)

An AMENDMENT was MOVED that consideration of this matter be deferred until the Extraordinary Council Meeting on June 18, 2009.

(Councillor Yarnall)

The AMENDMENT LAPSED for want of a seconder.

An AMENDMENT was MOVED that:

1. Council approve the 2009/2010 Roads Capital Works Programme as set out in the body of the report.
2. Council adopt the current priority ranking system for the future bitumen sealing of Gravel Roads.

3. The construction of a new footpath along Donnans Road not be given special priority over the adopted footpath upgrade programme but that road shoulder improvement works be undertaken from within the road maintenance budget.
4. Infrastructure Assets PAG consider a priority ranking system for building new footpaths which takes into account the current cycleway programme.
5. \$200,000 be allocated to gravel road maintenance.

(Councillors Smith/Ekins)

On Submission to the meeting the AMENDMENT was DEFEATED.

Voting against: Councillors Houston, Battista, Meineke, Clough, Marks, Yarnall, Graham and Dowell.

79/09

RESOLVED that:

1. Council approve the 2009/2010 Roads Capital Works Programme as set out in the body of the report.
2. Council defer a decision on the possible re-allocation of the \$200,000 identified in the draft 2009/2010 budget for the bitumen sealing of gravel roads to unsealed roads maintenance; until Natural Disaster funding has been advised to Council following the recent floods.
3. Council adopt the current priority ranking system for the future bitumen sealing of Gravel Roads.
4. The construction of a new footpath along Donnans Road not be given special priority over the adopted footpath upgrade programme but that road shoulder improvement works be undertaken from within the road maintenance budget.
5. Infrastructure Assets PAG consider a priority ranking system for building new footpaths which takes into account the current cycleway programme.

(Councillors Graham/Meineke)

Voting against: Councillors Smith and Yarnall. (ED09/6052:EF09/1392)

Annual Remuneration Fee for Mayor and Councillors

A Motion was MOVED that Council determine the fee payable for Councillors and the Mayor for 2009/2010 be increased by 6.6% to the maximum fee payable for a Regional/Rural Council.

(Councillors Meineke/Graham)

An AMENDMENT was MOVED that Council not increase Mayor and Councillor fees for 2009/2010.

(Councillor Battista)

The AMENDMENT LAPSED for want of a seconder.

80/09 **RESOLVED** that Council determine the fee payable for Councillors and the Mayor for 2009/2010 be increased by 6.6% to the maximum fee payable for a Regional/Rural Council.

(Councillors Meineke/Graham)

Voting against: Councillors Battista and Dowell. (ED09/5923:EF09/643) (S38)

Nomination for the Joint Regional Planning Panel

A Motion was MOVED that:

1. Defer nomination of delegates to the Joint Regional Planning Panel (JRPP) until such time as the State Government clarify how the panels will operate.
2. Communicate Council's strong concerns regarding the operation of the JRPP and the negative affect that the Panel will have on Council's autonomy in local planning matters.

(Councillors Yarnall/Marks)

An AMENDMENT was MOVED that:

1. Council nominate the Mayor and Executive Director of Development and Governance as its delegates to the Joint Regional Planning Panel.
2. Council nominate the Manager of Planning Services as the alternate delegate.

(Councillors Graham/Meineke)

On submission to the meeting the AMENDMENT was DEFEATED.

Voting against: Councillors Dowell, Battista, Clough, Ekins, Houston, Smith and Yarnall.

A FORESHADOWED AMENDMENT was MOVED that:

1. Council nominate the Mayor and Executive Director of Development and Governance as its delegates to the Joint Regional Planning Panel.
2. Council nominate Councillor Ekins as the alternate delegate.
3. Nominees are to hold their positions for 18 months.
4. Council write to the Minister for Planning supporting the Local Government and Shires Association request for the Minister to provide guidelines for the operation of the panels including information on conflicts of interests.

(Councillors Clough/Smith)

On submission to the meeting the FORESHADOWED AMENDMENT was DEFEATED.

Voting against: Councillors Battista, Meineke, Marks, Ekins, Yarnall and Graham.

On submission to the meeting the MOTION was DEFEATED.

Voting against: Councillors Meineke, Marks, Dowell, Smith and Houston.

The voting being tied, the Mayor declared the MOTION DEFEATED on her casting vote.

A MOTION was MOVED that:

1. Council nominate the Mayor and Executive Director of Development and Governance as its delegates to the Joint Regional Planning Panel.
2. Council nominate Deputy Mayor as the alternate delegate.
3. Council write to the Minister for Planning supporting the Local Government and Shires Association request for the Minister to provide guidelines for the operation of the panels including information on conflicts of interests.

(Councillors Smith/Graham)

An AMENDMENT was MOVED that:

1. Defer nomination of delegates to the Joint Regional Planning Panel (JRPP) until such time as the State Government clarify how the panels will operate.
2. Communicate Council's strong concerns regarding the operation of the JRPP and the negative affect that the Panel will have on Council's autonomy in local planning matters.

(Councillors Yarnall/Battista)

On submission to the meeting the AMENDMENT was DEFEATED.

Voting against: Councillors Houston, Meineke, Clough, Smith, Marks, Graham and Dowell.

A FORESHADOWED AMENDMENT was MOVED that:

1. Council nominate the Mayor and Executive Director of Development and Governance as its delegates to the Joint Regional Planning Panel.
2. Council nominate the Manager of Planning Services as the alternate delegate.
3. Council write to the Minister for Planning supporting the Local Government and Shires Association request for the Minister to provide guidelines for the operation of the panels including information on conflicts of interests.

(Councillors Meineke/Graham)

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

Voting against: Councillors Battista, Clough, Smith, Ekins and Yarnall.

The voting being tied, the Mayor declared the AMENDMENT APPROVED on her casting vote.

81/09 **RESOLVED** that:

1. Council nominate the Mayor and Executive Director of Development and Governance as its delegates to the Joint Regional Planning Panel.
2. Council nominate the Manager of Planning Services as the alternate delegate.
3. Council write to the Minister for Planning supporting the Local Government and Shires Association request for the Minister to provide guidelines for the operation of the panels including information on conflicts of interests.

Voting against: Councillors Battista, Clough, Smith, Ekins and Yarnall.

The voting being tied, the Mayor declared the MOTION APPROVED on her casting vote.

(ED09/5693:EF09/825)

Water Saving Measures – Odds ‘n Evens

A MOTION was MOVED that:

1. In recognition that there is no negative impact in terms of water demand management outcomes, Lismore City Council confirm its support for the Odds ‘n Evens program.
2. Lismore City Council continue to resource its Odds ‘n Evens program and encourage Rous Water to provide complimentary support.
3. Lismore City Council endorse the position of the Regional Demand Management Steering Committee and request Rous Water to include the Odds ‘n Evens program in its suite of Permanent Water Saving Measures.

(Councillors Graham/Smith)

An AMENDMENT was MOVED that:

1. Lismore City Council endorse the position of the Regional Demand Management Steering Committee in its suite of Permanent Water Saving Measures.

(Councillors Yarnall/Ekins)

On submission to the meeting the AMENDMENT was DEFEATED.

Voting against: Councillors Houston, Battista, Meineke, Smith, Marks, Graham and Dowell.

82/09

RESOLVED that:

1. In recognition that there is no negative impact in terms of water demand management outcomes, Lismore City Council confirm its support for the Odds ‘n Evens program.
2. Lismore City Council continue to resource its Odds ‘n Evens program and encourage Rous Water to provide complimentary support.

3. Lismore City Council endorse the position of the Regional Demand Management Steering Committee and request Rous Water to include the Odds 'n Evens program in its suite of Permanent Water Saving Measures.

(Councillors Graham/Smith)

Voting against: Councillors Clough and Ekins. (ED09/5641:EF09/1697)

Investments – May, 2009

83/09 **RESOLVED** that:

1. The report be received and noted.
2. After considering the Department of Local Government's Circular 09/10 and advice from Council's investment advisor, the investment in Magnolia (Flinders) be maintained.

(Councillors Meineke/Marks) (ED09/6032:EF09/586)

At this juncture Councillor Battista left the meeting.

Sustainable Transport Reference Group Membership

84/09 **RESOLVED** that:

1. Council accept the nominations of Linda Lomman, Maryann Anderson, Leonie Watson, Colleen Thomas, Stephen Heywood, Dene Petty, Ben Riley and Graeme Waller to represent their respective organisations on the Sustainable Transport Reference Group.
2. Nathan Kestevan and Robert Weatherby be appointed as community representatives of the Sustainable Transport Reference Group.

(Councillors Meineke/Yarnall) (ED09/6039:EF09/2016)

At this juncture Councillor Battista returned to the meeting.

Committee Recommendations

Traffic Advisory Committee- May 20, 2009

85/09 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted subject to TAC22/09 being amended to read:

Recommendation: That a No Parking Zone be introduced on the western side of Dibbs Street between the marked pedestrian crossing and the driveway to Ozman Villa Units.

(Councillors Ekins/Houston) (S352)

Documents for Signing and Sealing

86/09 **RESOLVED** that the following documents be executed under the Common Seal of Council:

2008/2009 Service Agreement

Annual operational subsidy of \$35,649 for Koala Long Day Care Centre under the Children's Services Program. This subsidy applies to Koala for the delivery of specific child education/development outcomes as per a service agreement.

Annual local Government salary subsidy of \$13,135 for the Community Development Officer role for the provision of information, resourcing and support to community organisations, and general community and Social Plan target groups to promote access, inclusion and community building.

Deed and Lease to Nimbin Community Centre Inc – Nimbin Community Centre and Peace Park (P27399, P20198)

In accordance with the resolution of Council dated July 8, 2008, Lismore City Council and Nimbin Community Centre Incorporated (NCCI) have agreed to enter into a Deed and Lease in relation to the transfer of ownership of Folio Identifier 11/1013827 (Nimbin Community Centre) and to lease Folio Identifier 1/305607 (Peace Park) to NCCI for a period of one year within which they may elect to take a transfer of the title to Peace Park.

In accordance with the resolution of Council dated February 10, 2009, the Deed has been amended as follows:

- **Clause 8 (b) (iv)**

Notwithstanding the terms of the Original Deed, the Council waives the requirement that the Association provide security for refunding the Plan Funds in the form of a mortgage of the said land.

By agreement with NCCI, the Deed has been further amended as follows:

- **Clause 8 (b) (ii)**

The Association must refund to the Council the Plan Funds (or so much thereof as is provided by the Council to the Association) upon either the sale or disposition by the Association of the land comprised in Folio Identifier 11/1013827 ("said land") or upon the Association ceasing to use the said land for general community purposes whichever shall be the earlier however the Council will not require the Plan Funds to be refunded upon sale or disposition if the Association utilizes the whole of the proceeds to acquire and develop land approved by Council in Nimbin to be used for general community purposes; and

- **Clause 8 (b) (iii)**

For the purposes of sub-clause (ii), if there is any dispute between the Council and the Association as to whether the Association has ceased to use the said land for general community purposes, the matter will be determined by an Arbitrator appointed by the Council and the Association or if disagreement as to the appointment by the President of the Law Society of NSW on the basis the decision of the Arbitrator shall be binding on the parties and the costs of the Arbitrator and appointment are to be paid by the parties in equal shares.

(Councillors Smith/Clough)

Voting against: Councillor Ekins.

Financial Assistance - Section 356

87/09 **RESOLVED** that in accordance with Section 356(1) of the Local Government Act 1993, the assistance to persons as listed is hereby approved.

(Councillors Graham/Smith)

a) Representative Selection – Policy 5.6.1 (GL390.965.15)

Budget:\$10,000 To date:\$10,015.48

Animal Right & Rescue \$13.64

Challenge Foundation \$210.00

Five Loaves \$84.70

Friends of the Koala \$19.09

Lismore Soup Kitchen Inc \$0.00

LifeLine \$160.36

Lismore & Dist Police Boys Club \$0.00

Saint Vincent De Paul \$0.00

Salvation Army \$40.09

Westpac Life Saver Rescue Helicopter \$24.45

Shared Vision Aboriginal Corporation \$0.00

Total

\$552.33

In accordance with policy.

b) City Hall Reductions in Rental – Policy 8.4.2 (GL390.125.15)

Budget Approved:\$15,200 Budget Available:\$1,187

ACE North Coast requesting Council discount the hire charges (\$368) for the hire of the kitchen to hold a 4 week cooking course in 2009. ACE North Coast is a not for profit, community based adult education provider. An entrance fee is to be charged.

Recommendation: In accordance with Clause 5 of the policy, a donation of 20% of the hire fee applies

\$73.60

Sanctuary Northern Rivers Inc. requesting Council discount the hire charges (\$121) for the hire of the Fountain Room to hold a Refugee Settlement Community Forum on May 29, 2009. An entrance fee is not to be charged.

Recommendation: In accordance with Clause 5 of the policy, a donation of 25% of the hire fee applies

\$30.25

Gold Coast Dancers Co. Incorporated requesting Council discount the hire charges (\$1,580) of the Churchill Auditorium for ballet performances to school children on July 10, 2009. An entrance fee is to be charged.

Recommendation: In accordance with Clause 5 of the policy, a donation of 20% of the hire fee applies

\$316.00

The Support Association for the Women of Afghanistan requesting Council discount the hire charges (\$300) of the Churchill Auditorium for a fund raising performance on June 17, 2009. An entrance fee is to be charged.

Recommendation: In accordance with Clause 5 of the policy, a donation of 20% of the hire fee applies

\$60.00

Northern Rivers Writers Centre requesting Council discount the hire charges (\$300) of the Churchill Auditorium for a child's writing event that is part of the 2009 Byron Bay Writers Festival Schools Program on August 11, 2009. An entrance fee is to be charged.

Recommendation: In accordance with Clause 5 of the policy, a donation of 20% of the hire fee applies

\$60.00

Wendy King requesting Council discount the hire charges (\$536) of the Churchill Auditorium and kitchen for a wake for the Late Mr Joseph King, Bundjalung Elder, on May 15, 2009.

Recommendation: In accordance with Clause 5 of the policy, a donation of 25% of the hire fee applies

\$134.00

In accordance with policy.

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

Budget:\$2,700 To date:\$900

Rural Fire Volunteers are seeking financial assistance with holding a function to express appreciation to the volunteer fire fighters who attended the recent Victorian bush fires.

\$200

Adam Keys of Federal has been selected by the National Youth Science Forum to represent Australia at the forthcoming Scientific Study Tour of Russia. The tour has access to locations involved in the Russian Space Programme. Adam is seeking financial assistance towards his expenses.

\$50

The Rainbow Dreaming organisation is requesting financial assistance to attend the Woodstock 40th Anniversary and Ecofest 21st in the United States.

\$50

The Richmond Local Area Command has entered 3 NSW Police teams to compete in the Kokoda Challenge a charity event that raises money to sponsor under-privileged kids. The Command is seeking a donation towards the event.

\$50

Confidential Matters – Closed Council Meeting

88/09 **RESOLVED** that Council now exclude the press and public and meet in Closed Council Meeting to consider the following matters;

Executive Director – Infrastructure Services – Contract of Employment obligations

Grounds for closure: Section 10A(2) (a):

Public interest: Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to personnel matters concerning a particular individual.

(Councillors Marks/Clough)

Resumption of Open Council

When the Council had resumed its former sitting, the General Manager reported that Council, meeting in Closed Council Meeting to consider a report entitled – Executive Director – Infrastructure Services had RECOMMENDED that:

1. Acknowledge that the report complies with the requirements of Section 339,
2. Deems the report to be the consultation process prior to making a senior officer appointment as envisaged by Section 337 of the Local Government Act.
3. Requests a report from the General Manager on the outcome of contract negotiations.

89/09 **RESOLVED** that Council:

1. Acknowledge that the report complies with the requirements of Section 339,
2. Deems the report to be the consultation process prior to making a senior officer appointment as envisaged by Section 337 of the Local Government Act.
3. Requests a report from the General Manager on the outcome of contract negotiations.

(Councillors Graham/Smith)

Closure

This concluded the business and the meeting terminated at 10:15 pm.

CONFIRMED this July 14, 2009 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 THURSDAY JUNE 18, 2009 AT 6.00PM.**

Present

Mayor, Councillor Dowell; Councillors Houston, Battista, Meineke, Clough, Graham, Yarnall, Ekins, Marks, and Smith, together with the General Manager, Executive Director-Development & Governance, Executive Director-Infrastructure Services, Manager-Finance, Financial Accountant, Management Accountant, Communications Co-ordinator, Manager Community Services, Strategic Engineer Water and Sewer, Recreation Officer, Corporate Compliance Co-ordinator and General Manager's Personal Assistant.

**Apologies/
Leave of
Absence**

An apology for non-attendance on behalf of Councillor Chant was received and accepted and leave of absence granted by Council at its meeting held on March 10, 2009.

90/09

RESOLVED that a leave of absence be granted by Council for Councillor Marks from July 18-26, 2009.

(Councillors Graham/Clough)

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 Munro – Report – Lismore Memorial Baths

Mr Munro spoke in support of keeping the Memorial Baths open over the winter. He touched on the history of the Baths, difference between Goonellabah Sports and Aquatic Centre (GSAC) and the Baths; and claimed winter patronage figures could be increased with improved marketing.

Alicia Foster – Report – 2009/10-12 Management Plan (Sustainable Living Expo)

Ms Foster spoke on behalf of the North Coast National Agriculture and Industry Society. She detailed efforts being made to increase the relevance of the North Coast National to the Lismore community, part of which was the Sustainable Living Expo. She sought Council's support.

Alfredo Bonanno – Report – 2009/10-12 Management Plan (Billen Cliffs Hall Donation)

Mr Bonanno spoke in support of a request for an annual donation to the Billen Cliffs Hall. He spoke to the contribution the community made to Council's finances and the sense of community the Hall would create with surrounding areas.

Condolences

Ray Heaps OAM

Mr Ray Heaps passed away on the Queen's Birthday, Monday, June 8, four years after receiving a Queen's Birthday Honour, an OAM for services to cricket in 2005. His funeral was held last Friday afternoon just after the media launch for Lismore's Festival of Cricket - an event Ray would have loved.

A sales rep for McRobertson's chocolates, Ray came to the Northern Rivers in 1956 and married Margaret Hoskins of Wyrallah in St Andrews Church. He played and supported many sports but is most well known as an administrator of the game he loved - cricket. His friend of 55 years, Harold Crozier described him as the most successful cricket administrator this region has ever seen.

Ray, nicknamed Dynamite, is also remembered as a very well dressed gentleman, tolerant, a man of dignity, passion and drive with the philosophy, 'It's not if you win or lose, its how you play the game', that philosophy he took into cricket and into his life off the field.

Ray was President of the Eastern Districts Cricket Club for 15 years; President of the Lismore District Cricket Association for 17 years; Chair of the Far North Coast Cricket Council for 19 years; life member of the Qld Cricket Club and NSW Country Cricketers Association.

He was a well-used reference point for the LDSA (precursor of the SRPAG) and was a regular attendee at Council meetings whenever cricket was on the agenda. He was also heavily involved in gathering the memorabilia photos in the Gordon Pavilion and now GSAC.

In the mid 1970's Council named Heaps Oval after Ray.

Ray's wife, Margaret died in 1991 and Ray moved to Kingscliff 12 years ago. He is survived by daughters Margaret and Michelle and their families to whom we extend our sympathies.

91/09 The Mayor MOVED that Council's expressions of sympathy be conveyed to the families of the above and the MOTION was APPROVED with members standing and observing the customary moments silence (S75).

Reports

Goonellabah Youth Plaza – Construction Tender

92/09 **RESOLVED** that:

1. In accordance with Clause 178 (1) (b) of the Local Government (General) Regulations 2005, and as provided in the tender document, Council decline to accept any tenders for the construction of the Goonellabah Youth Plaza.
2. In accordance with Clause 178 (3) (e) of the Local Government (General) Regulations 2005, Council enter into negotiations with the preferred Tenderer, Concrete Skate Parks, to resolve issues as outlined in the report and reduce the contract price to more closely match Council's budget for the work.

3. The General Manager be delegated authority to negotiate the matter on Council's behalf and subject to satisfactory resolution of those matters outlined in the report, enter into a contract with Concrete Skate Parks for construction of the Goonellabah Youth Plaza.
4. In accordance with Clause 178 (4) (a) and (b) of the Local Government (General) Regulations 2005 the reasons Council will not call fresh tenders for the works and will enter into negotiations are:
 - The tenders received are not unsatisfactory, but require some amendment to more closely match Council's budget for the work prior to entering a contract;
 - The issues identified are not of a nature that they substantially alter the content or basis for the tender;
 - Discussions about those issues, if conducted after a contract has been awarded, would confer a commercial advantage on the preferred Tenderer;
 - A satisfactory result can be achieved through negotiation of the relevant issues;
 - Two tenders have been identified through the tender assessment process as potentially satisfactory; and
 - To call fresh tenders would unnecessarily delay the project and jeopardise funding for the project.
5. In the event that the issues outlined in the report cannot be resolved to the satisfaction of the General Manager through negotiations with Concrete Skate Parks, the General Manager be authorised to negotiate with the second preferred Tenderer, CONVIC, and subject to satisfactory resolution of those matters outlined in the report, enter into a contract with CONVIC for construction of the Goonellabah Youth Plaza.
6. The relevant contract documentation be executed under seal of Council.

(Councillors Houston/Clough) (ED09/7012:EF09/188:T09/30)

Lismore Lake Pool Closure

A MOTION was MOVED that a decision on the Lismore Lake Pool be deferred until after a Council workshop and a subsequent Council meeting.

(Councillors Yarnall/Clough)

An AMENDMENT was MOVED that:

1. The Lismore Lake Pool be kept open for another 2 months from December 1, 2009 until January 31, 2010.
2. In that 12 months Council fully cost and consider the refurbishment of the facility to its current design.
3. Council also investigate and cost other options of a water play area for the use of families that would suit the current area
4. These options be brought to this Council in a timely fashion so as to be considered by this Council for inclusion in the 2010/11 budget.

(Councillors Marks/Ekins)

On submission to the meeting the AMENDMENT was DEFEATED.

Voting against: Councillors Dowell, Battista, Clough, Houston, and Yarnall.

The voting being tied, the Mayor declared the AMENDMENT DEFEATED on her casting vote.

A FORESHADOWED AMENDMENT was MOVED that Council:

1. Consider the implications and risks associated with the ongoing operation of the Lake Pool in its current form.
2. Close the Lake Pool for the 2009/10 swimming season.
3. Endorse Option 1 (Dollar Sundays) as outlined in the report for the Lismore Memorial Baths for the 2009 – 2010 financial year as the most appropriate arrangement to offset the closure of the Lismore Lake Pool.
4. Endorse Option 3 (Carnivale Days) at the Goonellabah Sports and Aquatic Centre to provide an opportunity for free access to the Centre on given days.
5. Review the results of the recommended change arrangements in conjunction with the forthcoming total budget review and the forward capital works programme.
6. Consider Option 5 (Enhance Park Facilities) in conjunction with the recommended total budget review which will be conducted in 2009/10.

(Councillor Graham)

The FORESHADOWED AMENDMENT lapsed for want of a seconder.

A FORESHADOWED AMENDMENT was MOVED that:

1. That Council fully cost and consider the refurbishment of the facility to its current design as soon as possible.
2. Council also investigate and cost other options of a water play area for the use of families that would suit the current area.
3. These options be brought to this Council in a timely fashion so as to be considered by this Council for inclusion in the 2010/11 budget.

(Councillors Clough/Marks)

On submission to the meeting the FORESHADOWED AMENDMENT was DEFEATED.

Voting against: Councillors Dowell, Battista, Ekins, Graham, Houston, Marks, Meineke, Smith and Yarnall.

A FORESHADOWED AMENDMENT was MOVED that Council open the Lake Pool for this summer season in its current state and amend the current budget to maintain the \$90,000 required to keep the pool open.

(Councillor Graham/Marks)

On submission to the meeting the FORESHADOWED AMENDMENT was DEFEATED.

Voting against: Houston, Battista, Clough, Smith, Yarnall and Dowell.

On submission to the meeting the MOTION was DEFEATED.

Voting against: Councillors Dowell, Battista, Graham, Houston, Marks, Meineke and Smith.

A MOTION was MOVED that:

1. Consider the implications and risks associated with the ongoing operation of the Lake Pool in its current form.
2. Close the Lake Pool for the 2009/10 swimming season.
3. Endorse Option 1 (Dollar Sundays) as outlined in the report for the Lismore Memorial Baths for the 2009 – 2010 financial year as the most appropriate arrangement to offset the closure of the Lismore Lake Pool.
4. Endorse Option 3 (Carnivale Days) at the Goonellabah Sports and Aquatic Centre to provide an opportunity for free access to the Centre on given days.
5. Review the results of the recommended change arrangements in conjunction with the forthcoming total budget review and the forward capital works programme.
6. Consider Option 5 (Enhance Park Facilities) in conjunction with the recommended total budget review which will be conducted in 2009/10.

(Councillors Graham/Meineke)

An AMENDMENT was MOVED that a decision on the Lismore Lake Pool be deferred until after a Council workshop and a subsequent Council meeting.

(Councillors Yarnall/Ekins)

On submission to the meeting the AMENDMENT was DEFEATED.

Voting against: Councillors Dowell, Battista, Clough, Ekins, Graham, Houston, Marks, Meineke, and Smith.

A FORESHADOWED AMENDMENT was MOVED that:

1. The Lismore Lake Pool be kept open for another 2 months from December 1, 2009 until January 31, 2010.
2. Council also investigate and cost other options of a water play area for the use of families that would suit the current area

3. These options be brought to this Council in a timely fashion so as to be considered by this Council for inclusion in the 2010/11 budget.

(Councillors Marks/Clough)

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

Voting against: Councillors Dowell and Graham.

93/09 **RESOLVED** that:

1. The Lismore Lake Pool be kept open for another 2 months from December 1, 2009 until January 31, 2010.
2. Council also investigate and cost other options of a water play area for the use of families that would suit the current area.
3. These options be brought to this Council in a timely fashion so as to be considered by this Council for inclusion in the 2010/11 budget.

(Councillors Marks/Clough) (ED09/7102:P24540)

Lismore Memorial Baths

94/09 **RESOLVED** that the 25 metre pool at the Memorial Baths remain open as per Option 2 during the winter season and that the budget be amended accordingly.

(Councillors Ekins/Yarnall)

Voting against: Councillors Dowell, Houston, Battista, Clough and Smith.

The voting being tied, the Mayor declared the MOTION APPROVED on her casting vote.

(ED09/7129:P6768)

Suspension of Standing Orders

95/09 **RESOLVED** that standing orders be suspended to allow for discussion of:

2009/10-2012 Management Plan, Budget and Fees and Charges

(Councillors Yarnall/Graham)

Resumption of Standing Orders

96/09 **RESOLVED** that standing orders be resumed.

(Councillors Graham /Marks)

2009/10-2012 Management Plan, Budget and Fees and Charges

A MOTION was MOVED that Council:

1. Acknowledge receipt and consideration of all public submissions to the Management Plan including the Memorial Baths.
2. Adopt the 2009/10-12 Management Plan, Budget and Fees and charges based on that advertised, changes arising from public submissions, updated information and the decisions of Council as at its June 18, 2009 meeting **\$14, 700 surplus**.
3. Include the following:
 - Lismore Lake Pool (\$33,000)
 - Lismore Memorial Baths (\$33,000)
 - Sustainable Living Expo (\$15,000)
 - Car Pooling (\$6,000)
4. Delete the following:
 - Recreation Plan (\$50,000)
 - Homeless Shelter (\$20,000)
 - Street Beat Patrol – Daytime (\$30,000)
 - EDU Local Business Seminar & Strategic Development (\$10,000)
5. Borrow \$8,694, 000 for works detailed in the 2009/10-12 Management Plan.
6. Waive 90% of the ground hire fees associated with the Lismore under 12 Cricket Carnival.
7. Request that the SBRVL consider matching funding to the Sustainable Living Expo.
8. Contribute \$500 to the Clunes Progress Association towards repairs of the pedestrian bridge in Clunes Park from within the existing parks and recreation operating budget.

(Councillors Graham/Clough)

An AMENDMENT was MOVED that:

1. Acknowledge receipt and consideration of all public submissions to the Management Plan including the Memorial Baths.
2. Adopt the 2009/10-12 Management Plan, Budget and Fees and charges based on that advertised, changes arising from public submissions, updated information and the decisions of Council as at its June 18, 2009 meeting **\$14, 700 surplus**.

3. Include the following:

Lismore Lake Pool (\$33,000)
Lismore Memorial Baths (\$33,000)
Sustainable Living Expo (\$15,000)
Car Pooling (\$6,000)

4. Delete the following:

Recreation Plan (\$50,000)
Homeless Shelter (\$20,000)
Street Beat Patrol – Daytime (\$30,000)
EDU Local Business Seminar & Strategic Development (\$10,000)

5. Borrow \$8,694, 000 for works detailed in the 2009/10-12 Management Plan.
6. Waive 90% of the ground hire fees associated with the Lismore under 12 Cricket Carnival.
7. Request that the SBRVL consider matching funding to the Sustainable Living Expo.
8. Contribute \$500 to the Clunes Progress Association towards repairs of the pedestrian bridge in Clunes Park from within the existing parks and recreation operating budget.
9. Council provide a cost/benefit analysis of Festival of Cricket after the event and report back to Council.
10. Council provide a report on rebate options for items 10/13/15 for those ratepayers that already have effective stand alone systems.

(Councillors Ekins/Clough) (ED09/7107:EF09/2198)

On submission to the meeting the AMENDMENT was DEFEATED.

Voting against: Councillors Houston, Battista, Meineke, Smith, Marks, Graham and Dowell.

97/09 **RESOLVED** that:

1. Acknowledge receipt and consideration of all public submissions to the Management Plan including the Memorial Baths.
2. Adopt the 2009/10-12 Management Plan, Budget and Fees and charges based on that advertised, changes arising from public submissions, updated information and the decisions of Council as at its June 18, 2009 meeting **\$14, 700 surplus**.

3. Include the following:

Lismore Lake Pool (\$33,000)
Lismore Memorial Baths (\$33,000)
Sustainable Living Expo (\$15,000)
Car Pooling (\$6,000)

4. Delete the following:

- Recreation Plan (\$50,000)
- Homeless Shelter (\$20,000)
- Street Beat Patrol – Daytime (\$30,000)
- EDU Local Business Seminar & Strategic Development (\$10,000)

5. Borrow \$8,694, 000 for works detailed in the 2009/10-12 Management Plan.
6. Waive 90% of the ground hire fees associated with the Lismore under 12 Cricket Carnival.
7. Request that the SBRVL consider matching funding to the Sustainable Living Expo.
8. Contribute \$500 to the Clunes Progress Association towards repairs of the pedestrian bridge in Clunes Park from within the existing parks and recreation operating budget.

(Councillors Graham/Clough)

98/09 **RESOLVED** that the time being 10:30pm the meeting continue to the end of the business paper.

(Councillors Clough/Houston)

2009/10 Rates and Annual Charges

99/09 **RESOLVED** that following advertisement of the draft 2009/10-2012 Management Plan in accordance with Section 405 of the Local Government Act, 1993, and the consideration of submissions received in accordance with Section 406 of the Local Government Act, 1993:

RATES

1. It is hereby resolved that a **Business Rate** to be known as the '**Business Inner CBD**' rate of **three point seven five five one (3.7551) cents in the dollar** per assessment, on the land value as at base date July 1, 2006 with a **base amount of three hundred and ten dollars (\$310.00)** per assessment be now made for the rating year July 1, 2009 to June 30, 2010, on all rateable land within the centre of activity known as the Inner CBD shown as within the red boundary of the map, Schedule 'C,' and that meets the definition of Business as defined in Section 518 of the Local Government Act , 1993. The total income from base amounts equates to **four point seven (4.7%) percent of the Business Inner CBD income.**
2. It is hereby resolved that a **Business Rate** to be known as the '**Business Urban**' rate of **one point four nine two six (1.4926) cents in the dollar** per assessment, on the land value as at base date July 1, 2006 with a **base amount of three hundred and ten dollars (\$310)** per assessment be now made for the rating year July 1, 2009 to June 30, 2010, on all rateable land within the centre of activity outside the Inner CBD shown as within the red boundary of the map, Schedule 'C,' but within the urban area of Lismore as shown by the red boundary on the map, Schedule 'D' and that meets the definition of Business as defined in Section 518 of the Local Government Act, 1993. The total income from base amounts equates to **nine point three (9.3%) percent of the Business Urban income.**

3. It is hereby resolved that a **Business Rate** to be known as the '**Business Other**' rate of **point nine nine eight three (0.9983) cents in the dollar** per assessment on the land value as at base date July 1, 2006 with a **base amount of three hundred and ten dollars (\$310)** per assessment be now made for the rating year July 1, 2009 to June 30, 2010, on all rateable land in the City of Lismore but not within the areas defined within the maps, Schedules 'C' and 'D' attached and the Village of Nimbin, as defined by the map of Nimbin in Schedule 'A', and that meets the definition of Business as defined in Section 518 of the Local Government Act, 1993. The total income from base amounts equates to **twenty two point three (22.3%) percent of the Business Other income.**
4. It is hereby resolved that a **Business Rate** to be known as the '**Nimbin Business**' rate of **one point two seven five four (1.2754) cents in the dollar** per assessment on the land value as at base date July 1, 2006 with a **base amount of three hundred and ten dollars (\$310)** per assessment that represents be now made for the rating year July 1, 2009 to June 30, 2010, on all rateable land within the Village of Nimbin, as defined by the map of Nimbin in Schedule 'A', that meets the definition of Business as defined in Section 518 of the Local Government Act, 1993. The total income from base amounts equates to **sixteen point zero (16.0%) percent of the Nimbin Business income.**
5. It is hereby resolved that a **Farmland Rate** to be known as the '**Farmland**' rate of **point four seven zero three (0.4703) of a cent in the dollar** per assessment, on the land value as at base date July 1, 2006 with a **base amount of three hundred and ten dollars (\$310)** per assessment be now made for the rating year July 1, 2009 to June 30, 2010, on all rateable land in the City of Lismore area that meets the definition of Farmland as defined in Section 515 of the Local Government Act, 1993. The total income from base amounts equates to **sixteen point nine (16.5%) percent of the Farmland income.**
6. It is hereby resolved that a **Residential Rate** to be known as the '**Residential**' rate of **point six five seven six (0.6576) of a cent in the dollar** per assessment, on the land value as at base date July 1, 2006, with a base amount of **three hundred and ten dollars (\$310)** per assessment, be now made for the rating year July 1, 2009 to June 30, 2010, on all rateable land within the centres of population defined and within the red lines shown on the maps in Schedule 'A' attached and meeting the definition of Residential as defined in Section 516 of the Local Government Act, 1993. The total income from base amounts equates to **thirty three point two (33.2%) percent of the Residential income.**
7. It is hereby resolved that a **Residential Rate** to be known as the '**Residential Rural**' rate of **point five three zero four (0.5304) of a cent in the dollar** per assessment on the land value as at base date July 1, 2006, with a base amount of **three hundred and ten dollars (\$310)** per assessment, be now made for the rating year July 1, 2009 to June 30, 2010, that meets the definition of Residential on all rateable land except for land within the centres of population defined by the maps in Schedule 'A' attached and meeting the definition of Residential as defined by Section 516 of the Local Government Act, 1993. The total income from base amounts equates to **twenty six point six (26.6%) percent of the Residential Rural income.**
8. It is hereby resolved that a **Special Rate** to be known as the '**Flood Levee**' rate of **point zero six one one (0.0611) of a cent in the dollar** per assessment on the land value as at base date July 1, 2006 subject to a minimum amount of **two dollars (\$2)** per assessment be now made for the rating year July 1, 2009 to June 30, 2010 on all land within the area shown within the red boundary as defined in Schedule 'E' attached to this

report that in Council's opinion will receives a special benefit from the construction of the Lismore Flood Levee for protection from a one in ten year flood event.

SEWER AND TRADE WASTE CHARGES

9. It is hereby resolved that in accordance with Sections 501 and 539 of the Local Government Act, 1993, an annual charge be now made for the provision of sewerage services to single units of residential occupation, residential, as defined in Section 516 (1) (a) of the Local Government Act, 1993, including residential strata units of **five hundred and forty five dollars (\$545.00)** per assessment. This charge applies to properties connected to the Lismore Sewer Scheme and is to be known as the '**Sewer**' charge for the period July 1, 2009 to June 30, 2010.
10. It is hereby resolved that in accordance with Sections 501 and 539 of the Local Government Act, 1993, an annual charge be now made for the availability of sewerage of **four hundred dollars (\$400.00)** per assessment for all rateable land within the proposed Clunes sewer scheme area as defined by Schedule 'J', to be known as the '**Clunes Sewer**' charge for the period July 1, 2009 to June 30, 2010.
11. It is hereby resolved that in accordance with Sections 501 and 539 of the Local Government Act, 1993, an annual charge be now made for the availability of sewerage of **four hundred dollars (\$400.00)** per assessment for all rateable land within the proposed North Woodburn sewer scheme area as defined by Schedule 'K', to be known as the '**Nth Woodburn Sewer**' charge for the period July 1, 2009 to June 30, 2010.
12. It is hereby resolved that in accordance with Sections 501 and 539 of the Local Government Act, 1993, an annual charge, as per the attached Schedule 'F', where the charge is indicated by the number of units of residential occupancy located on a property, be now made for the provision of sewerage services to a parcel of land connected to the Lismore Sewer Scheme to be known as the '**Sewer Multiple**' charge for the period July 1, 2009 to June 30, 2010, excluding residential Strata Units.
13. It is hereby resolved that in accordance with Sections 501 and 539 of the Local Government Act, 1993, an annual charge be now made for the availability of sewerage of **three hundred and twenty seven dollars (\$327.00)** per assessment for all rateable parcels of land within 75 metres of a Lismore Sewer Scheme main and capable of discharging into that main but not connected thereto to be known as the '**Sewer Unconnected**' charge for the period July 1, 2009 to June 30, 2010.
14. It is hereby resolved that in accordance with Sections 501 and 539 of the Local Government Act, 1993, for all other properties, not being residential land as defined in Section 516 (1) (a) of the Local Government Act, 1993, an annual charge be now made for the provision of trade waste services for properties connected to the Lismore Sewer Scheme, as per the attached Schedule "G", where the charge is indicated by the number of equivalent tenants or part thereof allocated to an assessment in accordance with the methodology set out in Council's Wastewater Usage Charging Strategy to be known as the '**Non-Residential Sewer**' charge, except for properties declared by Lismore City Council to be Established Strength Users, for the period July 1, 2009 to June 30, 2010.

WATER CHARGES

15. It is hereby resolved that in accordance with Section 501, 539 and 541 of the Local Government Act, 1993 an annual charge be now made for the year July 1, 2009 to June 30, 2010 for the provision of water and water service availability, based on the size of the water service connected to a property. For a property which has two or more water

connections, the cost of the services will be the total number of services multiplied by the fixed service charged; in cases where different sized services are connected, the sum of the cost of the fixed service charges, except for Perradenya (Recycled) services which are not charged an annual charge, and water connections used solely for fire fighting services, the cost of which shall be **one hundred and thirty dollars (\$130.00)** per fire fighting service, to be known as the **'Fixed Service Charge'** is hereby made in respect of:

Size of Service	Fixed Service Charge
20mm	\$ 130.00
25mm	\$ 203.00
32mm	\$ 332.80
40mm	\$ 520.00
50mm	\$ 813.00
65mm	\$1,373.00
80mm	\$2,080.00
100mm	\$3,250.00
150mm	\$7,313.00

16. In accordance with Sections 501, 539 and 541 of the Local Government Act, 1993 an annual charge, for the availability of water to property not connected to Council's water supply but capable of connection thereto and within 225 metres of a Council water main in accordance with Section 552 (1)(b) of the Local Government Act, 1993, for the year July 1, 2009 to June 30, 2010, to be known as the **'Water Availability'** charge, of **one hundred and thirty dollars (\$130.00)** per assessment is hereby made.
17. In accordance with Section 502 of the Local Government Act, 1993 for water recorded by the water meter on a property, a charge of **one dollar ninety (\$1.90)** per kilolitre for the year July 1, 2009 to June 30, 2010 to be known as the **'Consumption'** charge is hereby made.

DOMESTIC AND NON DOMESTIC WASTE MANAGEMENT SERVICES

18. It is hereby resolved that an annual charge be now made, in accordance with Sections 496 of the Local Government Act, 1993, for all land within the declared domestic waste scavenging areas, both urban and rural, maps of which are available at Council's Corporate Centre, not utilising the domestic waste management service provided by Council to be known as the **'Waste Availability'** charge, of **six dollars (\$6.00)** per assessment, except for those properties within the Nimbin Section 94 Plan Area, maps of which are available at Council's Corporate Centre, that are levied the Nimbin Transfer Station Charge, for the period July 1, 2009 to June 30, 2010.
19. It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all land within the Lismore City Council area, to be known as the **'Waste Minimisation'** charge, of **thirty one dollars sixty cents (\$31.60)** per assessment, except for those properties within the Nimbin Section 94 Plan Area, maps of which are available at Council's Corporate Centre, that are levied the Nimbin Transfer Station Charge, for the period July 1, 2009 to June 30, 2010. Two 300 kilogram tip vouchers are included as part of the 'Waste Minimisation' Charge.
20. It is hereby resolved that an annual charge be now made, in accordance with Sections 501 and 541 of the Local Government Act, 1993, for all land located within the Nimbin Section 94 Plan Area, maps of which are available at Council's Corporate Centre,

for the provision of the Nimbin Transfer Station Facility, of **seventy eight dollars ten cents (\$78.10)** per assessment and for properties with multiple units of residential occupancy a charge of **seventy dollars twenty cents (\$70.20)** per unit of residential occupancy located on each assessment, to be known as the '**Transfer Station**' charge for the period July 1, 2009 to June 30, 2010. Properties paying for a waste collection service are exempt from this charge. Two 300 kilogram tip vouchers are included for each 'Transfer Station' charge.

21. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, weekly, of the approved organic contents of a 240 litre approved mobile waste bin. In addition, on a fortnightly basis, Council will collect the approved recyclable contents a 240 litre approved mobile bin as well as the approved waste contents of a 120 or 140 litre approved mobile bin. This charge is to be known as the '**Integrated Waste**' collection service for the period July 1, 2009 to June 30, 2010 and will be charged at **two hundred and six dollars (\$206.00)** per annum. Additional services will be charged at **two hundred and six dollars (\$206.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.
22. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, on a fortnightly basis, of the approved organic contents of a 240 litre approved mobile waste bin. In addition, on a monthly basis, Council will collect the approved recyclable contents a 240 litre approved mobile bin as well as the approved waste contents of a 120 or 140 litre approved mobile bin. This charge is to be known as the '**Integrated Waste - Urban Half**' collection service for the period July 1, 2009 to June 30, 2010 and will be charged at **one hundred and thirteen dollars (\$113.00)** per annum. Additional services will be charged **one hundred and thirteen dollars (\$113.00)** at per annum. Services commenced during the charging period will be charged for on a proportional basis.
23. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, weekly, of the organic contents of a 240 litre approved mobile waste bin. In addition, on a fortnightly basis, Council will collect the approved recyclable contents a 240 litre approved mobile bin as well as the approved waste contents of a 80 litre approved mobile bin, the cost of the provision of this bin is at the ratepayer's cost This charge is to be known as the '**Integrated Waste – Discount**' collection service for the period July 1, 2009 to June 30, 2010 and will be charged at **one hundred and fifty five dollars (\$155.00)** per annum. Additional services will be charged at **one hundred and fifty five dollars (\$155.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.
24. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, weekly, of the approved organic contents of a 240 litre approved mobile bin. In addition, on a fortnightly basis, Council will collect the approved recyclable contents a 240 litre approved mobile bin as well as the approved waste contents of a 240 litre approved mobile bin, the cost of the provision of this bin is the ratepayer's cost. This charge is to be known as the '**Integrated Waste - Waste Plus**' collection service for the period July 1, 2009 to June 30, 2010 and will be charged at **three hundred and forty**

dollars (\$340.00) per annum. Additional services will be charged at **three hundred and forty dollars (\$340.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.

25. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, weekly, of the approved organic contents of a 240 litre approved mobile bin and the approved waste contents of a 240 litre approved mobile bin. In addition, on a fortnightly basis, Council will collect the approved recyclable contents a 240 litre approved mobile bin. This charge is to be known as the '**Integrated Waste – Premium**' collection service for the period July 1, 2009 to June 30, 2010 and will be charged at **three hundred and ninety one dollars (\$391.00)** per annum. Additional services will be charged at **three hundred and ninety one dollars (\$391.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.
26. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land within the declared scavenging area within the Lismore Urban Area, a map of which is available at Council's office, for the removal, subject to the approval of the Manager of Northern Rivers Waste, fortnightly, of the approved waste contents a 240 litre approved mobile bin. This charge is to be known as the '**Special Needs**' collection service for the period July 1, 2009 to June 30, 2010 and will be charged at **two hundred and thirty seven dollars (\$237.00)** per annum. Additional services will be charged at **two hundred and thirty seven dollars (\$237.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.
27. It is hereby resolved that an annual charge be now made, in accordance with Section 501 of the Local Government Act, 1993, for all properties, located within the Urban area of Lismore , a map of which is available at Council's Administration offices, whose waste does not meet the definition of domestic waste contained within the Local Government Act 1993 and where Council collects the approved waste contents of a approved 240 litre mobile waste bin and the approved contents of a 240 litre approved resource recovery bin on a weekly basis from that property, of **two hundred and twenty dollars (\$220.00)** per annum, to be known as the '**Commercial/Industrial Integrated**' charge for the period July 1, 2009 to June 30, 2010. Additional services will be charged at **two hundred and twenty dollars (\$220.00)** per annum. For services commenced during the year a proportional charge will be made.
28. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land, located outside the urban area of Lismore but within the declared domestic waste scavenging area, a map of which is available at Council's Corporate Centre for the removal, weekly, of the approved waste contents a 240 litre approved mobile bin and on a fortnightly basis, the approved recycling contents of a 240 litre approved mobile bin. This charge is to be known as the '**Waste Collection Service - Rural**' collection service for the period July 1, 2009 to June 30, 2010 and will be charged at **two hundred and eighteen dollars (\$218.00)** per annum. Additional services will be charged at **two hundred and eighteen dollars (\$218.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.
29. It is hereby resolved that an annual charge be now made, in accordance with Section 496 of the Local Government Act 1993, for all land, located outside the urban area of Lismore but within the declared domestic waste scavenging area, a map of which is available at Council's Oliver Avenue Office for the removal, fortnightly, of the approved

waste contents a 240 litre approved mobile bin and on a monthly basis the approved recyclable contents of a 240 litre approved mobile bin. This charge is to be known as the **'Waste Collection Service - Rural Half'** collection service for the period July 1, 2009 to June 30, 2010 and will be charged at **one hundred and twenty dollars (\$120.00)** per annum. Additional services will be charged at **one hundred and twenty dollars (\$120.00)** per annum. Services commenced during the charging period will be charged for on a proportional basis.

STORMWATER MANAGEMENT SERVICES CHARGE

It should be noted that this charge applies to property located within the urban area of Lismore as defined by the maps shown in Schedules 'H' and 'I', the areas known as the Tucki Tucki Creek and Wilsons River catchments respectively and only on properties that are not vacant land, farmland or otherwise exempted from the charge under S 496A (2) of the Act.

30. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all eligible residential property, as define, excluding residential strata units, within the Tucki Tucki Creek catchment area shown on Schedule 'H', of **twenty five dollars (\$25.00)** per assessment, to be known as the **'Stormwater Charge - Residential - Tucki'** for the period July 1, 2009 to June 30, 2010.
31. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all eligible residential property, as define, excluding residential strata units, within the Wilsons River catchment area shown on Schedule 'I', of **twenty five dollars (\$25.00)** per assessment, to be known as the **'Stormwater Charge - Residential - Wilsons River'** for the period July 1, 2009 to June 30, 2010.
32. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all residential strata units and all residential company titled units within the Tucki Tucki Creek catchment area shown on the map in Schedule 'H', of **twelve dollars fifty cents (\$12.50)**, to be known as the **'Stormwater Charge - Res Strata -Tucki'** for the period July 1, 2009 to June 30, 2010.
33. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all residential strata units and all residential company titled units within the Wilsons River catchment area shown on the map in Schedule 'I', of **twelve dollars fifty cents (\$12.50)**, to be known as the **'Stormwater Charge - Res Strata - Wilsons River'** for the period July 1, 2009 to June 30, 2010.
34. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all business/commercial and industrial property, except for business/commercial and industrial strata units and company titled units , located within the Tucki Tucki Creek catchment area of Lismore shown on the map in Schedule 'H', of **twenty five dollars (\$25.00)** for each 350m² or part thereof subject to the following; for properties up to 4,200m² in area, the charge will be \$25 per 350m² or part thereof to a maximum of \$300; for properties whose area exceeds 4,200m², \$25 for each 350m² or part thereof, subject to any reduction due to the porous nature of the property which has determined using Council's adopted Stormwater Appeals Procedure and the charge is to be known as the **'Stormwater Charge - Business Tucki'** for the period July 1, 2009 to June 30, 2010.

35. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all business/commercial and industrial property, except for business/commercial and industrial strata units and company titled units, located within the Wilsons River catchment area of Lismore shown on the map in Schedule 'I', of **twenty five dollars (\$25.00)** for each 350m² or part thereof subject to the following; for properties up to 4,200m² in area, the charge will be \$25 per 350m² or part thereof to a maximum of \$300; for properties whose area exceeds 4,200m², \$25 for each 350m² or part thereof, subject to any reduction due to the porous nature of the property which has determined using Council's adopted Stormwater Appeals Procedure and the charge is to be known as the '**Stormwater Charge - Business - Wilsons River**' for the period July 1, 2009 to June 30, 2010.
36. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all eligible business/ commercial and industrial strata units and company titled units, located within the Tucki Tucki Creek catchment area of Lismore shown on the map in Schedule 'H', to be calculated at **twenty five dollars (\$25.00)** for every 350m² or part thereof of the total property and the product of that calculation being divided by the sum of the strata unit entitlement or the total sum of units of the company title with the product of that calculation being multiplied by the individual strata unit entitlement or company title entitlement to give the charge that is to be known as the '**Stormwater Charge - Bus Strata - Tucki**', subject to a minimum charge of \$25 per assessment, for the period July 1, 2009 to June 30, 2010.
37. It is hereby resolved that an annual charge be now made, in accordance with Section 496A (1) of the Local Government Act, 1993, for all eligible business/ commercial and industrial strata units and company titled units, located within the Wilsons River catchment area of Lismore shown on the map in Schedule 'I', to be calculated at **twenty five dollars (\$25.00)** for every 350m² or part thereof of the total property and the product of that calculation being divided by the sum of the strata unit entitlement or the total sum of units of the company title with the product of that calculation being multiplied by the individual strata unit entitlement or company title entitlement to give the charge that is to be known as the '**Stormwater Charge - Bus Strata - Wilsons River**', subject to a minimum charge of \$25 per assessment, for the period July 1, 2009 to June 30, 2010.

INTEREST CHARGES

38. It is hereby resolved in accordance with Section 566 (3) of the Local Government Act, 1993, for the period July 1, 2009 to June 30 2010, the Interest Rate on outstanding rates and charges will be **nine per cent (9%)**.

(Councillors Meineke/Graham)

Voting against: Councillor Ekins (ED09/7095:EF09/2198)

Closure

This concluded the business and the meeting terminated at 10:31pm.

CONFIRMED this July 14, 2009 at which meeting the signature herein was subscribed.

MAYOR