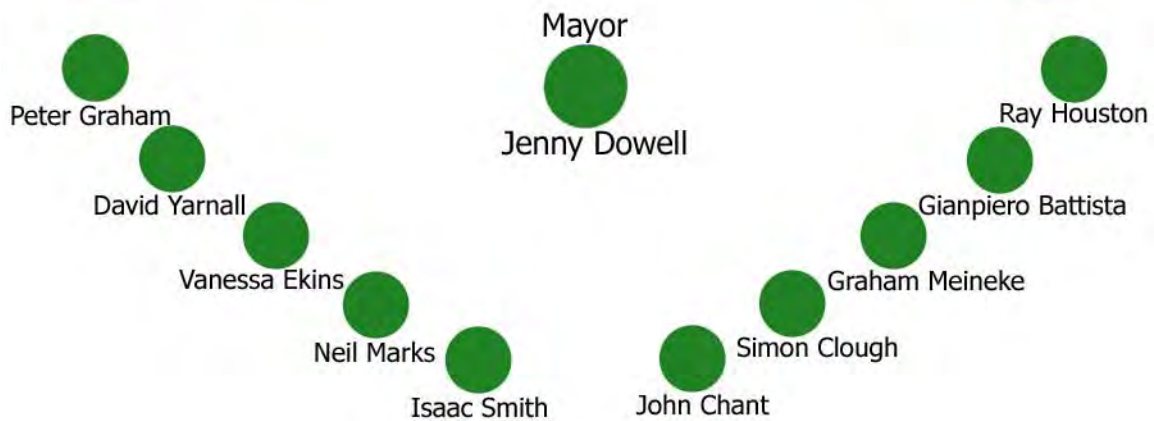


Notice of Council Meeting



Council

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, 43 OLIVER AVENUE GOONELLABAH on Tuesday, 9 November 2010 at 6.00pm.

Members of Council are requested to attend.

Paul G O'Sullivan
General Manager

2 November 2010



Agenda

1. Opening of Meeting and Prayer (Mayor)
2. Apologies and Leave of Absence
3. Confirmation of Minutes
 - Lismore City Council meeting held 12 October 2010 1
 - Lismore City Council meeting held 26 October 2010 1
4. Disclosure of Interest
5. Public Access Session
 - Sue Harris - DA09/175 - Shopping Centre Development and Commercial / Residential Subdivision - 47 Sibley Street, Nimbin
6. Public Question Time
7. Condolences
8. Mayoral Minutes
 - 8.1 Recruitment of the General Manager 1
9. Notice of Rescission Motions
10. Notice of Motions
11. Altering Order of Business (Consideration of altering the order of business to debate matters raised during Public Access)
12. Reports
 - 12.1 Draft Section 94 Contributions Plan - Neighbourhood Park, McLeans Ridges 7
 - 12.2 DA09/175 - Shopping Centre Development and Commercial / Residential Subdivision - 47 Sibley Street, Nimbin 36
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Lismore City Council Community Strategic Plan 2008 - 2018



Guiding Principles	Outcomes
Social Inclusion and Participation	That all Lismore residents enjoy equal opportunities within a strong, inclusive community.
Sustainable Economic Growth and Development	That Lismore's economy is vibrant and development is environmentally and socially sustainable.
Protect, Conserve and Enhance the Environment and Biodiversity	That Lismore's natural ecology is protected and maintained in a healthy and robust state for future generations
Best-Practice Corporate Governance	That best-practice management principles pervade our business; that we are innovative, ethical, and our use of resources provides maximum benefits to the community.

Community Strategic Priorities	Outcomes
Enhance Lismore as a Regional Centre	That Lismore retains and builds on its regional service centre role, including the provision of key medical, legal and tertiary education functions
Foster Youth Development	That young people are included in our community and can safely pursue their interests and aspirations.
Support an Ageing Population	That older people have access to appropriate services and facilities to enhance their health and wellbeing.
Provide Sustainable Land-use Planning	That land-use planning is founded on principles of sustainability.
Improve Catchment Management	That catchment management is integrated and holistic, in order to achieve a sustainable and balanced use of natural resources.
Revitalise the CBD	That the CBD becomes a vibrant meeting place and a cultural and entertainment hub for the Northern Rivers region.
Integrated Waste Cycle Management	That Lismore minimises waste to landfill by reducing, reusing and recycling.
Improve Roads, Cycleways and Footpaths	That Lismore has an extensive transport network and is an accessible, safe and efficient city for motorists, cyclists and pedestrians.
Mitigate Climate Change at a Local Level	That Lismore is a leader in reducing carbon emissions and minimising the impacts of climate change.
Develop and Support Art, Cultural, Sporting and Tourism Activities	That our regional art, cultural and sporting facilities remain a major component of Lismore life and an increasingly popular attraction for domestic tourists.
Integrated Water Cycle Management	That Lismore maintains long-term water security for its growing population through the efficient use of this precious resource.
Provide Greater Housing Choices	That Lismore offers a diverse range of housing options to accommodate a variety of households.
Improve Passive and Active Recreational Facilities	That Lismore retains and builds on its regional recreation centre to attract major events and tournaments.

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

Mayoral Minutes



Mayoral Minute

Subject **Recruitment of the General Manager**

TRIM Record No BP10/624:EF10/4

That:

1. The Selection Panel for the General Manager recruitment be formed comprising the Mayor, three Councillors, Consultant and Manager Human Resources (non-voting).
2. The Manager Human Resources arranges for consultants to be interviewed and assessed by the selection panel prior to determining, at the December 2010 Council meeting, the consultant and terms of engagement for the facilitation of this recruitment process.
3. The Council delegates authority to the Selection Panel to work with the consultant and with the Manager Human Resources to finalise the position description, selection criteria and employment package details. This information to be endorsed at the 8 February 2011 Council meeting.
4. The Council acknowledges the Manager Human Resources as the key contact point, maintaining information flow to the Mayor, members of the Selection Panel and Councillors.

Background

On 30 September 2010, the General Manager indicated that he would not be seeking a renewal of his contract of employment that expires on 30 June 2011. At the October Council meeting, the Mayor was delegated the responsibility for preparing a report on options for recruitment of a new General Manager.

In 2002 Council utilised the services of McArthur, with two of their senior consultants facilitating the General Manager recruitment and selection process. McArthur has had a long association with Local Government and has considerable industry experience in senior executive recruitment. Since the 2002 appointment, the LGSA's Management Solutions' consultants have been engaged to support and facilitate the Performance Review process for the General Manager. In order to inform Council of the services offered to undertake this critically important recruitment assignment that will take approximately four months to conclude, the Manager Human Resources (MHR) has sought Expressions of Interest from both these organisations as well as a third consultancy, Blackadder Associates. The Blackadder Associates' business has a highly experienced Local Government practitioner as its Principal, with successful executive recruitment services provided to a range of councils in NSW since 2007. The submissions have been forwarded as 'Commercial in Confidence' documents and only a general overview is provided as part of this report.

CONSULTANT PROFILE

LGSA – Local Government Management Solutions

Management Solutions has operated for 15 years and has undertaken an average of 25 General Manager and senior management recruitments per year for metropolitan, regional and rural councils. Services also cover facilitation of performance management processes to assist Councils meet their contractual obligations with their General Managers. Whilst Management Solutions does not undertake executive search or 'head hunting', they have an on-line recruitment system that is widely monitored for new council positions, including candidates from interstate and overseas. At Council's request, Management Solutions will make contact with nominated people to inform them of the recruitment and ascertain their interest in the role.

In summary, Management Solutions offers a recruitment service that follows a number of key steps:

- Advising on the selection process.
- Providing professional advice on and placement of advertising.
- Attracting candidates and selective searching.
- Developing the information package for candidates.
- Communicating with candidates.
- Short listing applications.
- Interviewing applicants.
- Reporting to Council.
- Undertaking reference, psychometric and probity checking.
- Facilitating final interviews.
- Finalising job offer and employment contract.
- Assisting with negotiation and drafting of performance agreement.

McArthur

McArthur has engaged in executive recruitment for the past 40 years. Senior Executive Recruitment has been carried out extensively in Local Government since 1973. McArthur holds a quality systems accreditation and has been successfully audited to achieve this ISO 9002 standard annually since accreditation in 1994. In addition to Executive Recruiting staff, McArthur directly employs industrial psychologists to administer personality and psychological testing as part of their recruitment methodology. The following is a summary of McArthur's service offering:

- Undertaking in-depth briefing on Council requirements.
- Reviewing and advising on Position Description and criteria, contract and remuneration.
- Drafting and lodging advertisements.
- Conducting strategic search of the local and national market place.
- Undertaking application culling and summary/recommendations.
- Conducting analysis of applicants and initial interviews.
- Developing shortlist report and confirming qualifications.
- Drafting interview questions and arranging interviews.
- Assisting panel in deliberation process and referee checking.
- Administering psychological testing.
- Assisting in negotiations and providing feedback to all unsuccessful applicants.
- Assisting in establishing performance documentation and facilitating.

Blackadder Associates

Stephen Blackadder has a well-developed reputation for effectively working with and leading Executive Management Teams in his past experience as a General Manager of two large Sydney Metropolitan Councils and as a senior manager for over 30 years. The business is supported by a team of associates who are expert in a diverse range of management service areas with a strong understanding of how Local Government works. Blackadder Associates has promoted as its key advantage in this assignment, an extensive network of contacts that will facilitate the search process prior to and during advertising. The proven methodology put forward includes the following activities:

- Understand from Council the key requirements of the role.
- Review of selection documentation.
- Devise and implement an advertising strategy.
- Make industry contact prior to and during advertising – the search process.
- Evaluate and report on all applicants and recommend a shortlist for interview.
- Conduct referee checks on all shortlisted candidates.
- Assist in the conduct of interviews and selection process.
- Negotiate an employment package with the preferred candidate.

- Notify all unsuccessful candidates and provide personal feedback to unsuccessful shortlist candidates.

Fee Structure

Both McArthur and Management Solutions charge a fee plus GST that is equivalent to a percentage of the total remuneration package. Council's additional costs include:

- Consultant and candidate travel expenses.
- Advertising costs.
- Background or psychometric checks.

Blackadder Associates has offered to conduct the assignment for a fixed fee plus GST, and any reasonable expenses relating to transportation and accommodation associated with interview of candidates and consultant travel.

A six month replacement guarantee is offered should the appointee leave within that timeframe.

Council In-House Recruitment

It is generally recognised that internally managed recruitment is inappropriate for this level of position. During the recruitment process, the MHR is considered as a key conduit of information and provides extensive support to the external consultant as well as regular information updates in accordance with agreed timelines, advice and formal reporting to Council. This involvement and support to the process is reflected in the recommendations of this report.

Indicative Timeline

The following process is suggested in light of the need for the preferred candidate to give at least four weeks notice to terminate their current employment. If re-location is involved, then this will require an additional lead time of two-four weeks.

December 2010

- Interview consultants and finalise consultancy brief.
- Determine full composition of selection panel.
- Convene initial meeting of selection panel.
- Agree on interview process, presentation opportunity.
- Engage consultant.

February 2011

- Approve advertising program.
- Finalise recruitment information package including position description, selection criteria and employment package details.
- Implement advertising program in national print media, internet and LG publications.
- Consultant activates Executive Search process/refers to current database.

March 2011

- Consultant prepares and presents outline of overall market response.
- Candidates identified for preliminary interview by consultant.
- Consultant undertakes initial interviews, reference checks, psychometric and probity checking.
- Recommended candidate profiles presented to selection panel.
- Selection Panel determines candidates who will proceed to final interview stage.
- Selection Panel workshop/guidance on recruitment/selection.

April 2011

- Interviews scheduled for shortlisted candidates.
- Selection panel conducts formal interviews.
- Candidates present to full council.

- Recommendation for appointment agreed.
- Contract negotiations.
- Commencement date confirmed.

Selection Panel

It is usual practice for the selection panel for a role such as this to reflect the elected Council representation with the Mayor and approximately three Councillors as panel members. The report's recommendations cover this aspect and as part of this process, an election will need to be conducted and voting occur to determine Councillor nominations to the Selection Panel.

In terms of broader representation on the Selection Panel, Council may wish to consider delegating the responsibility to the Selection Panel for co-opting a local business leader or community member onto the panel. It could also be considered, however that this level of independence is provided for through the external consultant.

Sustainability Assessment

Sustainable Economic Growth and Development

The recruitment and selection of an outstanding candidate with an affinity for Council's commitment to transforming Lismore into a more sustainable city, as per the process outlined in the report, will have the potential to positively and directly impact on the city's economic growth and development.

Social Inclusion and Participation

The wide reach of the advertising and search process will enhance the opportunity to engage a General Manager who has a strong commitment to strategies and programs that will encourage all residents to participate actively in community life.

Protect, Conserve and Enhance the Environment and Biodiversity

Council's commitment to protecting and maintaining Lismore's natural ecology in a healthy and robust state for future generations is clearly articulated in the strategic vision. This will provide an ideal branding opportunity for the advertising campaign to target individuals who have a strong alignment with this vision.

Best-Practice Corporate Governance

The expertise and best-practice management principles evident in the approach to be applied by the identified consultants will enable an astute assessment of how candidates present a match with the organisation's goals of innovation, continuous improvement and the further development of a healthy corporate culture.

Comments

Finance

The costs associated with the recruitment of the General Manager are not likely to be funded from within the currently approved Organisational Development Recruitment Budget. As such, an unfavourable budget variance will be reported to Council with the December 2010 or March 2011 Quarterly Budget Review when more complete information is available.

Conclusion

The proven capabilities and professional approach of the three consultancy groups identified to facilitate this exercise will ensure Council is provided with the opportunity to undertake the recruitment in a manner that meets all legislative requirements and abides by best practice human resource management. The proposed methodology will minimise the potential risk to the Council that can arise with the complexities surrounding this level of senior executive recruitment and enhance the likelihood of securing the services of a high calibre General Manager.

In terms of the fee structures, the three organisations have similar cost structures for the provision of this recruitment service. The overall cost is comparable with industry standards for engaging an external consultant to facilitate a senior executive recruitment.

Reports



Report

Subject	Draft Section 94 Contributions Plan - Neighbourhood Park, McLeans Ridges
TRIM Record No	BP10/427:EF09/821
Prepared by	Strategic Planning Coordinator - Integrated Planning
Reason	To advise Council of the submissions to the draft section 94 contributions plan for the neighbourhood park in Cameron Road and the contents of the 'without prejudice' offer by the land owners, and recommend a course of action.
Community Strategic Plan Link	Provide Sustainable Land-use Planning

Overview of Report

At its December 2009 meeting Council resolved to exhibit a draft section 94 Contributions Plan for the proposed neighbourhood park in Cameron Road, McLeans Ridges for a period of 28 days, commencing in late January 2010. The draft Plan was exhibited from 21 January 2010 to 22 February 2010. 19 submissions were received, all objecting to the proposed draft Plan. The issues raised by the submitters are summarised in an attachment to this report.

The development application for the subdivision of the land was lodged with Council on 10 March 2010 and in June 2010 the applicants for the subdivision made a 'without prejudice' offer to Council with respect to the proposed park. If accepted by Council this offer would negate the need for the section 94 plan.

This report addresses the issues raised by submitters to the draft section 94 plan, outlines the 'without prejudice' offer and recommends that the exhibited draft site specific section 94 Contributions Plan for the neighbourhood park in Cameron Road, McLeans Ridges is adopted with an amendment. The Section 94 Contributions Plan is included as an attachment to this report.

Background

The Local Environmental Plan 2000 (LEP), as amended by LEP20 on 24 December 2008, allows a development application to be made to subdivide land at Cameron Road, McLeans Ridges to create up to 62 rural residential lots, a public reserve and two (2) residue lots. The public reserve is intended to become a neighbourhood park for McLeans Ridges residents and a section 94 contributions plan is required to distribute the cost of the park (land and embellishments) equitably across future rural residential development in the McLeans Rural Housing Strategy area.

At its meeting on 8 December 2009 Council resolved to exhibit a draft section 94 Contributions Plan for the neighbourhood park for a period of 28 days, commencing in late January 2010. The draft Plan was exhibited from 21 January 2010 to 22 February 2010. 19 submissions were received, all objecting to the proposed draft Plan. These objections are summarised and a response provided to each submission in Attachment 1 to this report.

The development application for the subdivision of the land was lodged with Council on 10 March 2010. In accordance with the *Environmental Planning and Assessment Act 1979* (the Act), Council cannot levy a contribution on a development consent unless it is of a kind allowed by, and is determined in accordance with, a contributions plan. Council adopted its current Lismore Contributions Plan in March 2004 with an amendment in October 2007. If approved, the site specific contributions plan for the Cameron Road Park will be incorporated into the Lismore Contributions Plan.

In June 2010 the applicants for the subdivision made a 'without prejudice' offer to Council with respect to the proposed park. This offer is for the developers to provide a park with embellishments at no cost (for land and embellishments) to Council in a location central to the subdivision. If accepted, it would negate the need for a section 94 plan.

This report addresses the issues raised by submitters to the draft section 94 plan, outlines the 'without prejudice' offer and recommends that the exhibited draft site specific section 94 Contributions Plan for the neighbourhood park in Cameron Road, McLeans Ridges is adopted with an amendment to specify that the land owner will be reimbursed when the land is dedicated as public reserve and 100% of the contributions from that development are received. The Section 94 Contributions Plan is included as an attachment to this report.

Why a Park?

It is useful to outline the background to the requirement for a park in Cameron Road, McLeans Ridges.

In October 2006 Council resolved to prepare an amendment to the Lismore LEP2000 to allow for the rural residential subdivision of land in Cameron Road (67 lots) and Roseview Road (30 lots). This was to be a combined amendment. The Cameron Road proposal included the dedication to Council of a community park with an area of 4000m², with landscaping, playground equipment and park furniture and a suitable area for future development of a Childcare facility. The location of this park was considered to be central in terms of servicing the future subdivision. The proposal also included the maintenance of the park for a period of 12 months.

The Roseview Road proposal included the dedication to Council of a park with an area of 2000m² with landscaping. The location of the park was central in terms of servicing the future subdivision.

In October 2007 following public exhibition of the draft LEP amendments, Council resolved that the proposals were unacceptable in their current form and to invite the applicants to submit amended proposals that, among other matters, '*achieve an integrated outcome for the design and location of approximately 6,000m² of open space and community facilities in a more centralised location within the McLeans Ridges strategy area*'.

The amended proposal subsequently submitted for Roseview Road did not include a park. The revised proposal for Cameron Road (LEP20) provided for a community lot on Cameron Road in a location considered to be capable of servicing an expanded population within the McLeans Ridges strategy area.

The subsequent amendment to the LEP2000 requires a lot to be dedicated as public reserve. The Planning Agreement associated with the LEP amendment specifies that the community lot has a total area of 1.25ha on which a level area of 5,600m² with a crossfall of 1% will be prepared by the land owners. The development subdivision plan attached to the Planning Agreement shows the park located on the southern side of the proposed intersection of Cameron Road and the new Road 1 as shown in Attachment 1.

Standards for Parks

It is difficult to find standards for parks in rural residential areas. However, Council's Development Control Plan (DCP) contains two (2) chapters that provide some guidance.

Chapter 6 Part A of the DCP, Village and Rural Subdivision, contains criteria with respect to public open space in Villages. These criteria aim for (among other matters) parks to have a minimum area of

5,000m² and to be located so that at least 50% of their perimeter length has a direct frontage to a public road and be near facilities such as community facilities, sports fields, shops etc.

Chapter 1 Part B of the DCP, Lismore Urban Area, stipulates that neighbourhood parks provided in subdivisions are to have a minimum site area of 2500m² and be centrally located, readily accessible from most lots in catchment etc and contain standard embellishments such as seats, picnic table, playground equipment.

The Draft Section 94 Contributions Plan

The site specific contributions plan is based on the premise that the cost of providing the park can be solely attributed to future rural residential development in the McLeans Ridges area, being defined by the area included in the Rural Housing Strategy (as shown in the draft Plan attached). The Plan derives a per lot contribution by dividing the total cost of providing the park, principally land acquisition and park facilities, by the number of lots applicable.

The land acquisition component of the draft contributions plan is \$300,000 and the park embellishments \$132,900. It is estimated that 124 lots may be achieved in the area shown in the Rural Housing Strategy for McLeans Ridges. This includes the proposed 62 lots in Cameron Road and results in a per lot contribution of \$3,578. The per-lot contribution is indexed at the time of payment to reflect the consumer price index.

The draft contributions plan proposes that the owner of the land to be dedicated as public reserve will be reimbursed when 100% of the lots to be created by the Cameron Road subdivision are released. The owner will be required to make an open space contribution, and this will be deducted off the amount reimbursed to the land owner. Embellishments will be provided by Council after contributions received exceed land acquisition costs and are sufficient to allow a viable package of works to proceed. Should the land remain vacant for some time, the section 94 plan does not place Council under any legal obligation to provide the amenities.

Issues Raised by Submitters

Attachment 2 contains a summary of submissions to the draft contributions plan and the staff response to the issues raised by submitters. It is important to be clear that the issue to be addressed at this time is the section 94 contributions plan. Some of the concerns expressed by submitters cannot be addressed by this report or the section 94 contributions plan. These include:

- The mismatch between the community's expectation of what the rezoning would deliver, that is, *'the full costs of upgrading infrastructure to cater for population increases caused by development must be met by development'*, and what they perceive is being provided by the developers.
- The availability of facilities in other apparently similar areas, such as, Tullera, Modanville, Dunoon, Caniaba, Clunes and Bexhill.
- The inappropriateness of the proposed subdivision in Cameron Road.

It is not proposed to discuss these issues further in this report. The key matters raised by submitters that relate to the draft contributions plan are:

Park Facilities

Submitters consider that a toilet is necessary in a park to ensure it is usable. A toilet was not included in the draft contributions plan as, based on the advice of Council's Parks Coordinator, it was not considered a necessary item in a park of this size and visitation. It is estimated that an appropriate toilet would cost approximately \$32,575, (including water tank). This would increase the contribution to \$3,847 per lot. The ongoing maintenance of the toilet, estimated to be in the order of \$3,000 per annum, would be the responsibility of Council and these costs would need to be included in the annual Rural Parks budget.

Council's Parks Coordinator does not recommend the toilet on the basis of the locality of the park in close proximity to the residents using the park, and the maintenance commitments needed by Council to service it regularly.

Number of Lots

Questions were raised about the number of lots used to determine the per lot contribution. As detailed in Attachment 1, the number of lots adopted is an estimate of the lots that could be created pursuant to the Rural Housing Strategy. This is valid as this Strategy is still the adopted document for future rural residential development in McLeans Ridges. The original applications in Cameron Road and Roseview Road were for 67 and 30 lots respectively. These were subsequently amended to 62 and 25 lots, and this reduction appears to largely account for the revised estimate of 124 lots.

Funding Responsibility

Connected to the above, the dominant concern of submitters relates to who will become responsible for the funding of the park and, related to this, the potential for the site to remain vacant indefinitely without sufficient funds to provide facilities. Submitters are concerned that the broader community will be responsible for paying for the park and consider that the developers of the Cameron Road subdivision should be entirely responsible for the park. The submitters suggest that the developer of the Cameron Road subdivision should pay for the whole park.

One of the key concepts that underlie the preparation of section 94 contributions plans is reasonableness, which means ensuring contributions are fair, equitable, based on sound judgement and affordability (of the contributions). The two principles underlying reasonableness are nexus and apportionment. It would not be reasonable to levy all contributions for the park on the Cameron Road subdivision, while: (i) there is an expectation that there may be further rural residential development in McLeans Ridges pursuant to the Rural Housing Strategy; and (ii) the size and location of park was determined on the basis of the broader McLeans Ridges catchment.

As discussed in a preceding section of this report, the draft contributions plan is predicated on further rural residential development being realised in McLeans Ridges, and assumes that, over time, up to 124 lots (including 62 lots in the proposed Cameron Road subdivision) could be created.

In June 2008, Council resolved that no further rural residential rezoning applications in McLeans Ridges will be considered until the Rural Housing Strategy is reviewed and, in the past 12 months Council has rejected two (2) proposals for rural residential rezoning at Roseview Road and at 275 Cameron Road. These actions appear to cast doubt on the assumption that 124 lots will be realised. However, while McLeans Ridges is included in the Rural Housing Strategy, despite the 'moratorium' on rezoning applications, this is a valid assumption.

It is acknowledged that the land could remain vacant for some time as the draft plan specifies that facilities are to be provided only after contributions received exceed land acquisition costs.

Timing of Land Owner Reimbursement

The landowner is seeking a review of the time at which reimbursement for the land occurs, especially as it relates to the timing of the earthworks that are required under the Planning Agreement.

The Planning Agreement states that all earthworks associated with the community lot are to be completed prior to the release of the **first** lot of the Cameron Road subdivision. The draft contributions plan proposes that the landowner will be reimbursed when **100%** of the (Cameron Road) lots are released. While not explicitly stated in the section 94 plan or the Planning Agreement, it is assumed that dedication of the land as public reserve would occur once the land owner is reimbursed.

The landowner submits that the Planning Agreement results in a considerable cost being incurred by the land owners without any immediate dedication of the land to Council. The landowner considers that the land should be constructed and dedicated to the community in the first stage of the subdivision with appropriate reimbursement for the land at this time, and that this is in the spirit in which the Planning Agreement was drafted. Further that it is not in the best interest of all parties to have the neighbourhood

park constructed and fenced off to the community, whilst the landowner is required to fund the maintenance of the park area until 100% of lots are released.

The landowner therefore proposes that the land should be funded once at least 50% of the lots are released on the basis that sufficient demand for the park will exist at this time, and that it would be partly funded by contributions levied on any development consents. If Council is unwilling to do this, the alternative proposal is to change the funding of the land from 100% release of the lots to the *'release of 100% of the lots or payment of 100% of contributions, which ever occurs first'*.

Council decided, when exhibiting the draft contributions plan, that sufficient need for the park is not generated until 100% of the lots are released. This is still valid.

The landowner's alternative proposal to change the reimbursement for the land from 100% release of the lots to, *'the release of 100% of the lots or payment of 100% of contributions, which ever occurs first'*, recognises that section 94 contributions can be paid before any lots in a subdivision are released. If this occurred in the first stage of the subdivision, it could mean that Council would have a public reserve dedicated and requiring maintenance prior to any lots being released or occupied.

It is acknowledged that there is an apparent mismatch between the Planning Agreement's timing of the earthworks and the timing at which land owner reimbursement and land dedication occurs, especially if 100% of the lots are not released for some years. However, it is not in Council's interests to pay for the land during the first stage of the subdivision, nor will the demand for a park exist at this time.

It is considered that the timing of the dedication of the land as public reserve could be made more explicit by amending the exhibited draft s94 plan to state that land owner reimbursement will occur following dedication of the land as public reserve.

Without Prejudice Offer

In June 2010, the applicants for the Cameron Road subdivision application, having reviewed the submissions to the development application, proposed an alternative to the location and funding for the proposed community lot. The offer is as follows:

1. Relocate the community lot to proposed lots 22 and 23 as shown on the attached map. Note that this is in the same location as the park in the original rezoning application considered by Council in October 2006.
2. Dedicate to Council without charge proposed lots 22 and 23, with a combined area of at least 1.4ha, upon registration of 80% of the proposed lots, being 50 lots.
3. Undertake earthworks embellishment of the proposed community lot prior to dedication to provide an area of 3,600m² graded at a maximum 1% crossfall, including necessary retaining walls and/or batters.
4. Construct prior to dedication graded grassed carparking verge along the proposed new road for at least six (6) carparking bays.
5. Construct prior to dedication a 1.2m wide concrete footpath connection from the Cameron Road footpath network to the community lot. Note that a 1.2m wide footpath is in the existing Planning Agreement but located on the eastern side of Road 1.
6. Construct and install a picnic shelter, slab floor, tables and seating to the value of \$70,000 being 50% of the embellishments shown in the draft s94 plan. This work to include a bin, swing and landscape trees if achievable within the \$70,000 budget.

The offer is subject to:

- two (2) rural residential lots being possible on the current proposed community lot site
- legal costs associated with alteration of the planning agreement to be split 50/50 between landowners and Council
- the modification of the planning agreement and the development application
- Council acknowledging that the offer meets the full and final requirement for a community lot.

With regard to the first dot point above, it is noted that a bore is located on the current site for the neighbourhood park. Council's Environmental Health Officer has advised that, if the park was relocated and two (2) rural residential lots were instead created, the bore would have to be decommissioned and these lots could be achieved without adverse impact on the bore from future rural residential development.

Initial Consultation with McLeans Ridges Community Group

The 'without prejudice' offer was discussed with four (4) representatives of the McLeans Ridges Community Group on 5 August 2010. The Group subsequently provided a written copy of their comments in relation to the proposal. These are summarised as follows:

- The proposal assumes no further development at McLeans Ridges. There is no guarantee of this.
- The Group is opposed to the current proposal as it is too steep, too small, and has inadequate facilities for a growing community. The new proposal is far worse as it is not centrally located and is 35% smaller - 5,600m² to 3,600m².
- The park assets in the current proposal are \$132,900 versus (up to) \$70 000.
- If development proceeds, McLeans Ridges would become one of the largest communities outside of Lismore but with minimal facilities / services.
- The rezoning identified the absence of any Community Facilities owned by the public (at McLeans Ridges).
- It is incorrect to assume that residents in rural residential areas do not need services due to the size of blocks for recreation etc. A community lot allows the community, especially children, the opportunity to come together to socialise.
- Community fatigued with consultation, given that the rezoning process commenced in 2006.

Process if Offer Accepted

If the offer above is accepted by Council, it would require an amendment to the development application and the Planning Agreement and both changes would be subject to community consultation. This would involve the following process:

1. The drafting of a further Agreement with respect to the location and size of the Park. The existing Planning Agreement provides that other agreements may be entered into and that a further Agreement may relate to the particulars of any public facility, the location at which such a facility is to be provided and the particulars of any work required by the Agreement to be undertaken by the developer. Such an agreement is not to be inconsistent with the Planning Agreement. Council's legal advice is that the two Agreements would not be "inconsistent" with each other. The further draft Agreement is required to be publicly exhibited for 28 days, and this should occur contemporaneously with the amended development application.
2. An amendment to the development application, which would be requested by the applicant. The amended development application and the draft Planning Agreement would be exhibited at the same time and in the same manner.
3. The community response to the draft Agreement and revised park location and area would be reported to Council separately to the development application to enable a decision to be made with respect to the draft section 94 plan. The draft section 94 plan would remain in draft form until such time as Council decides otherwise. If Council adopted the amended Planning Agreement then Council would resolve to not proceed with the section 94 plan.

Comparison of Section 94 plan and 'Without Prejudice' Offer

The table below provides a comparison of the two (2) proposals.

Draft Section 94 Plan	'Without Prejudice' Offer
<p><u>Area</u></p> <ul style="list-style-type: none"> • Larger levelled park area being 5600m². Due to slope it is not possible to achieve this in one area without significant retaining walls. Therefore two (2) areas are proposed as shown on attachment being 2485m² and 3195m². • Smaller overall lot area of 1.25ha 	<p><u>Area</u></p> <ul style="list-style-type: none"> • Smaller levelled park area being 3600m². The applicant has advised that it is possible to achieve an additional 2000m² in the future by duplicating the cut/fill platform. Neither site provides an opportunity to have a 5600m² contiguous levelled area without significant retaining walls. • Larger overall lot area - 1.4ha
<p><u>Cost to Council & Financial Risk</u></p> <ul style="list-style-type: none"> • In theory there will be no cost to Council as the land and embellishments would be funded by development through the s94 plan. • In practical terms there is potentially greater financial risk if there is no further development in McLeans Ridges. As stated earlier in this report, 124 lots (including the 62 Cameron Road lots) would have to be developed to cover all land and embellishments. 	<p><u>Cost to Council & Financial Risk</u></p> <ul style="list-style-type: none"> • Apart from the legal costs associated with Planning Agreement drafting, no cost to Council as the land and embellishments would be provided by the developers of the Cameron Road subdivision. • Less financial risk to Council as the park would be totally funded by the Cameron Road developers. If further development does occur in McLeans Ridges, it is unclear where additional park land would be provided. Although, as stated in the dot point above, the graded area could be extended and it is assumed that the cost of the extended area would be funded by the further development through a section 94 contributions plan.
<p><u>Availability for Use by Community</u></p> <p>The park with embellishments may not be completed for some time if development beyond the Cameron Road subdivision (if it is approved) does not occur.</p>	<p><u>Availability for Use by Community</u></p> <p>The park with embellishments would be available for community use earlier.</p>
<p><u>Access/Location</u></p> <ul style="list-style-type: none"> • Potential problems with pedestrian and vehicle access as the park is on a corner on Cameron Road. • More centrally located in the McLeans Ridges community. 	<p><u>Access/Location</u></p> <ul style="list-style-type: none"> • Better location in terms of car parking and traffic safety. • Not as central to the McLeans Ridges community. The proposal is in the same location as the park that was part of the original Cameron Road proposal considered in October 2006.

<p><u>Site</u></p> <ul style="list-style-type: none"> • Three (3) retaining walls required each approximately 3 metres high. Note that the construction of at least one 3m high retaining wall was anticipated when this site was proposed for the park in July 2008. • Protects large fig tree/s on the site. 	<p><u>Site</u></p> <ul style="list-style-type: none"> • Not as steep, less retaining required unless the park is extended in the future.
<p><u>Park Facilities</u></p> <p>Embellishments to the value of \$132,900. The embellishments are listed in the section 94 plan as follows:</p> <ul style="list-style-type: none"> • Shelters, tables, seating and BBQ • Bollards • Playground equipment • Trees • Bin and water supply 	<p><u>Park Facilities</u></p> <p>Embellishments up to \$70,000. These are proposed to be:</p> <ul style="list-style-type: none"> • Picnic shelter, slab floor, tables and seating; • Bin, swing and landscape trees if achievable within the \$70,000 budget

Recommended Response

The table above shows that the ‘without prejudice’ offer presents less financial risk to Council, given the apparent uncertainty surrounding future rural residential development in McLeans Ridges. The offer also appears to address concerns by submitters to the draft section 94 plan that Council/the community will end up being required to fund the completion of a neighbourhood park.

Conversely the offer does not address the uncertainty associated with the potential for further rural residential development in McLeans Ridges and, if this occurs, the need for a suitably sized park in a location central to future development. The applicant advises that the alternative park could be extended. However, it is not clear how this would be funded and, while central to the Cameron Road development, would not be as central to the whole of the McLeans Ridges Strategy area.

The apparent uncertainty around the potential for further rural residential is a result of a Council decision in June 2008 to defer consideration of applications received after that time until the Rural Housing Strategy is reviewed; and Council decisions to reject rezoning applications in Roseview Road and 275 Cameron Road. However, if these sites remain in a future housing strategy, applications could still be submitted.

On this basis the assumptions of the draft section 94 plan are sound, that is, that future development will make sufficient contributions to pay for the land and the facilities provided in a park of this size and expected visitation. The park in Cameron Road is also centrally located to the McLeans Ridges area and will be highly visible to the community.

For these reasons, it is recommended that Council adopt the draft section 94 contributions plan with an amendment that specifies that the landowner is reimbursed following land dedication and when 100% of the Cameron Road lots are released.

A toilet is not recommended due to ongoing maintenance costs and the anticipated low-usage.

Sustainability Assessment

Sustainable Economic Growth and Development

There is some uncertainty surrounding future development in McLeans Ridges and hence the ability to fully fund the park through the section 94 contributions plan. However, there is some uncertainty associated with all section 94 contributions plans as they are predicated on future development and based on estimates of development potential.

While the alternative park proposal would be funded by the land owners in Cameron Road, it is unclear how any future extension of the park, if there is further development in McLeans Ridges, would be funded.

Social Inclusion and Participation

The park is intended to provide a place for the community to meet and recreate. This is in conjunction with contributions that will be made towards the McLeans Ridges Hall, required under the Planning Agreement.

Protect, Conserve and Enhance the Environment and Biodiversity

The proposal will have a minimal impact on biodiversity and the park and section 94 contributions plan will enable the protection of two (2) significant fig trees. Future landscaping of the park will enhance the environment.

Best-Practice Corporate Governance

The park is proposed to be funded through the section 94 contributions plan, which is intended to minimise the impact on Council's financial resources. In preparing the draft contributions plan and considering the land owners' proposal for an alternative solution, the local community has been informed and consulted. This report and the draft section 94 contributions plan have been prepared in consultation with the Coordinator of Parks, Development and Compliance staff and the Finance Manager. This provides an integrated approach.

Comments

Finance

From a financial perspective, the advertised draft S94 Plan will result in Council collecting approximately \$216,000 before paying the developer \$300,000 for the community park. An internal loan of \$84,000 will be required to fund the shortfall. It is not possible to assess exactly how long the internal loan will take to repay as it is dependant on the timing and number of future lots created within the S94 Plan catchment.

In regards to the request from the developer that this arrangement be changed so that payment for the community park is made when either a) 50% of the lots are released, or b) when 100% of the lots are released or payment of 100% of contributions, which ever occurs first, neither is preferred over the advertised draft S94 Plan as each has the potential to bring forward the need for an internal loan and the uncertainty as to repayments, and ongoing routine park maintenance/ownership costs

It is important to note that any proposal which brings forward the land dedication and hence the payment for the community park from that in the advertised draft S94 Plan disadvantages Council financially.

As to the 'Without Prejudice Offer', this proposition results in the best financial outcome for Council as it eliminates the need for an internal loan and therefore the uncertainty associated with repayments. It does however being forward ongoing routine park maintenance/ownership costs. While the level of embellishment may be considered minimal, if Council chose to upgrade the park in the future, the associated costs could be recovered from future developers by a S94 Plan similar to the advertised draft S94 Plan but excluding this development.

Parks Coordinator

The recommendation of this report is supported upon the provision of necessary recurrent maintenance funding. A budget submission will be made for the financial year the park is handed to Council. From a recent site meeting, it is agreed that the site is suitable to support a park that will meet the community's needs in terms of recreational opportunity and provision of park assets. Although the installation of a toilet is not recommended, any approval will require a budget submission for its maintenance.

Other staff comments

The Manager, Development and Compliance was consulted during the preparation of this report.

Public consultation

The draft section 94 plan was publicly exhibited for at least 28 days in accordance with legislative requirements.

Conclusion

The draft Section 94 Contributions Plan for the neighbourhood park in Cameron Road, McLeans Ridges was publicly exhibited for a period of 28 days from 21 January, 2010 to 22 February, 2010. 19 submissions were received. The objections reflect a concern that the full cost of the park will not be recovered from future development and Council will be required to subsidise its completion. A number of the objections also consider that the developers should be required to provide the park at no cost to the community.

The land owners have made a 'without prejudice' offer for a park in a different location. While this offer addresses some of the objectors concerns, particularly in relation to possible uncertainty about the potential for further rural residential development in McLeans Ridges, and therefore the extent to which Council may be required to fund the park, the premise of the section 94 is still valid.

The draft section 94 plan park's more central location to the potential rural residential lots in the area and its size, slightly outweigh the advantages of the offered park with its lower financial risks and more certain establishment of facilities.

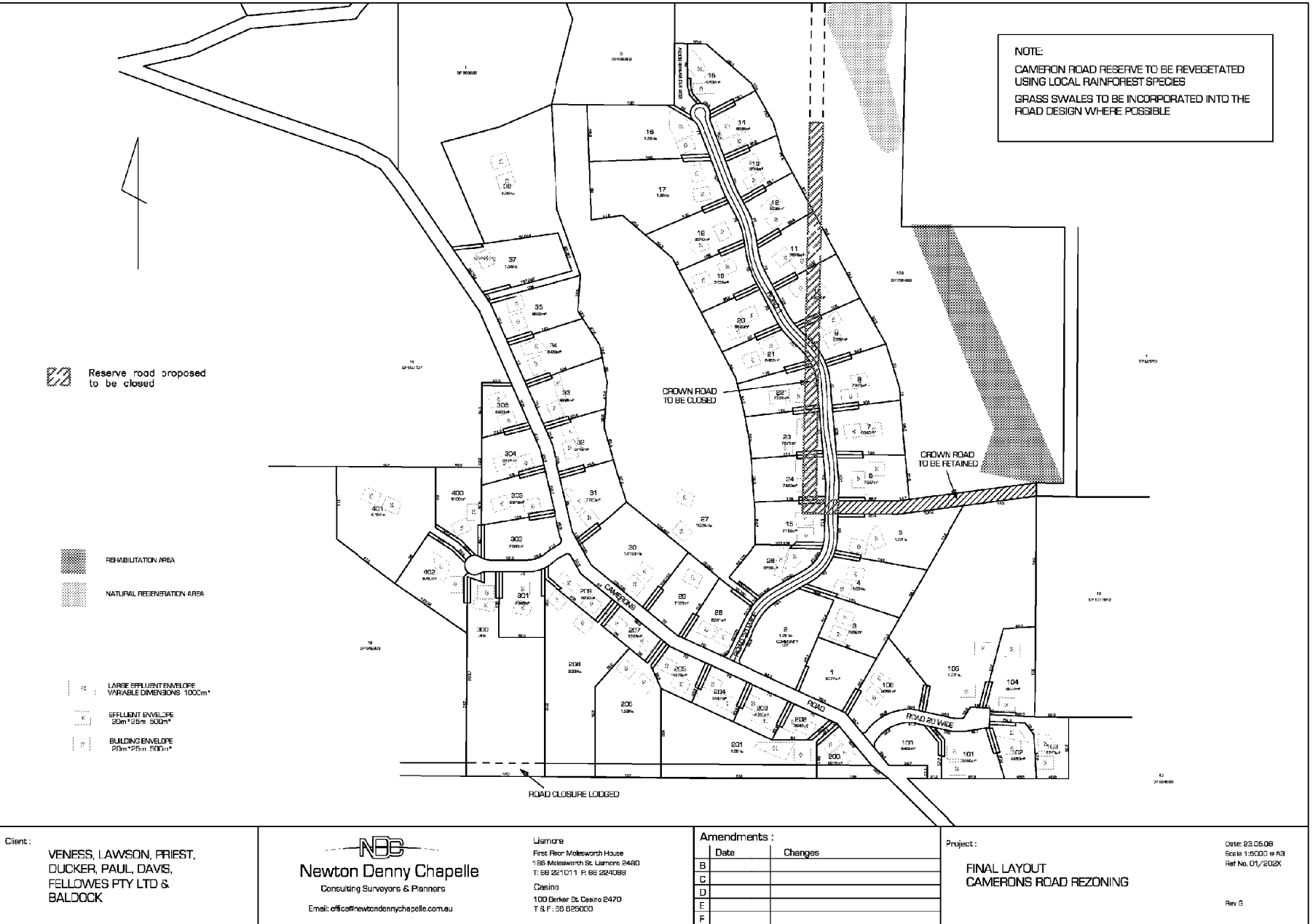
It is therefore recommended that the draft section 94 Contributions Plan, as amended in Attachment 6, is adopted. A toilet is not considered necessary in this location.

Attachment/s

1. Cameron Road Rezoning Plan With Community Lot
2. Summary of Submissions to Draft Section 94 Contributions Plan
3. Draft Section 94 Contributions Plan for Community Park in McLeans Ridges
4. Proposed Park Relocation Cameron Road Subdivision
5. Community Lot Earthworks Cameron Road McLeans Ridges
6. Final Section 94 Contributions Plan for Park in McLeans Ridges

Recommendation

That Council adopt the draft section 94 Contributions Plan for parkland in McLeans Ridges, as amended and included at Attachment 6.



Submissions	Planning Response
<p>Responsibility for Funding</p> <ul style="list-style-type: none"> Calculations based on 2 mathematical errors: - the no. of lots, ie 124, is wrong - in the business papers of June 08 it is 120; and the costs of embellishments excludes a toilet. McLeans Ridges residents reject the notion that ‘the visitation to this size park would not require toilets’. Council will have to supply a toilet to meet community expectations. The s94 plan should be modified to increase the cost of facilities to reflect the needs of the development. Amenity of current and future residents will be affected if the site is vacant and not maintained whilst waiting for this plan to eventuate. Object to ratepayers paying for the development of a new park. This is clearly a responsibility of the developer and not ratepayers. We understand it is Council Policy that full costs of infrastructure to cater for the population increase from the development must be met by the developers not subsidised using ratepayers’ funds. The reality of having a bare, unsuitable and unequipped block of land for an indefinite number of years is difficult to accept. We feel let down after completing the survey asking for our opinions on what should be included in the park. It is disappointing that the promise of necessary infrastructure for community facilities will not be kept by this development. During the rezoning process the developers undertook a Community Facilities Needs Assessment that identified the absence of any community facilities in McLeans Ridges & identified the need for a broad range of social infrastructure to accompany the Cameron Road development. Plainly the s94 plan is inadequate in that it provides an empty plot at 	<ul style="list-style-type: none"> The number of lots is based on an estimate of the number of lots that could be created pursuant to the Rural Housing Strategy. The July 08 Council report stated that, <i>‘Potential lot yield is estimated in the RHS at between 80 and 100 lots. This is an indicative lot yield only. Based on the two revised rezoning applications that Council has resolved to exhibit, the overall lot yield for McLeans Ridges is estimated to be closer to 120 lots.’</i> Although Council has made a resolution to not consider any further submissions for rezoning in the McLeans Ridges area until the Rural Housing Strategy is reviewed, it has not made a decision to exclude McLeans Ridges from the Strategy area. This may well occur when the need for rural residential housing is considered as part of the preparation of the Housing Strategy for the shire. The site will be prepared by the developers prior to the land being dedicated to Council. Once the land is dedicated to Council, its maintenance will be Council’s responsibility. The developer is preparing the land prior to dedicating it to Council. It is not reasonable to require the developer to provide the park without reimbursement if the expectation exists that the McLeans Ridges community will use the park. It also contrary to some of the fundamental principles of section 94 contributions plans, in particular, reasonableness and apportionment. Apportionment requires a consideration of existing and new demand for a facility and defining the demands of those who may benefit from the facility. The existing community is accounted for in apportionment where it is determined the facility will serve the existing community. In the case of the Cameron Road park, it was determined that the costs of the park are wholly attributable to future development, as the existing density of rural residential development does not currently generate a need for the park. While the potential exists for further rural residential development to occur in McLeans Ridges, this has to be included in the calculations of the contributions. The survey was undertaken to assist in determining the nature of facilities required in a park in McLeans Ridges. The facilities proposed in the draft plan are based on the survey. There is no intention of not providing the facilities. However, there will clearly be a lag between when the land is dedicated as public reserve, and the provision of facilities unless Council is prepared to ‘forward fund’ the facilities. The Social Impact Assessment Report prepared for the rezoning application concluded that, <i>‘major recreational facilities are currently accessed at local schools and in Goonellabah and Lismore. The current subdivision plan includes a 6000m² open space for community use</i>

<p>Council expense.</p> <ul style="list-style-type: none"> • Calculations levy landowners who have no intention of developing and landowners whose developments have already been refused (Roseview). Is this rational and fair? • Council has raised community expectations eg through survey of residents. Now there is not even enough money for the land. • It is now clear that council officers, from the previous Council, in their promotion of the community park, misled both the community and the then Councillors as to the extent of the funds available from the then 2 proposed developments. • Council must subsidise the Cameron Road development using ratepayer funds. Council policy however is that the full costs of upgrading infrastructure to cater for population increases caused by development must be met by the developers. This policy is repeated over and over in Council's Business Papers and the Rural Housing Strategy. • The park cannot be called a neighbourhood park if there are no facilities on it. Ratepayers should not have to make up for any shortfall of the neighbourhood park. The road is far too dangerous for any families to get in and out of a car. The development should not go ahead if the developers don't want to pay for the park. • The park should have facilities on it so people can use it; there is no point giving a community a bare bit of land with nothing on it. The developer should have to cover all costs to cover the needs of a growing population. The developers should have to pay for all facilities including toilet, water, shelter and playground and give something back to the community. The community does not want any more development and if council can't develop McLeans Ridges in a way that is 	<p><i>connected by a footpath/cycleway accessible to all proposed lots. This will provide an open space for young people.</i></p> <p><i>The most recent emphasis in social planning has been the importance of creating social connections rather than establishing physical infrastructure...The McLeans Ridges Hall provides a focal point where community members can participate in activities and classes or alternatively hire the hall for social functions...</i></p> <p><i>The developers of the Cameron Road estate have signed a planning agreement to provide a contribution..to upgrade the McLeans Ridges Hall. This agreement and the inclusion of the open space for community use are supported as important strategies in providing a focus for community activity and interaction for residents.</i></p> <ul style="list-style-type: none"> • Section 94 contributions have to be based on an estimated area of use/population catchment to determine how the costs of the facilities are to be apportioned. The Rural Housing Strategy is still the adopted document for future rural residential development in McLeans Ridges; it is therefore the logical basis for determining potential lots. The Roseview Road proposal was rejected by Council but, if this land remains in a future housing strategy, another application could still be submitted. It is not possible to say with any certainty that land owners will never develop their land. • The community was surveyed to provide some feedback on the sorts of facilities that may be desirable in the park. This then informed the draft section 94 plan, which does envisage that sufficient funds will eventually be available to provide facilities. • The potential extent of funds available when the community park was considered during the rezoning process was based on possible rural residential development, including the then Roseview Road and 275 Cameron Road rezoning proposals. • It is only the anticipated future development that is proposed to meet the full costs of providing the park. Council is not asking the community to fund the cost of the park. The draft plan is predicated on future development occurring. This is the accepted means of calculating s94 contributions and the Council approved the Cameron Road rezoning on the basis that the park would be funded in this way. • It is acknowledged that there will be a shortfall in funding if no further development beyond the 62 lots at Cameron Road (if the DA is approved) is approved in McLeans Ridges. This is a risk in any contributions plan. However, if land in McLeans Ridges remains in the future Housing Strategy for the shire, there is an expectation that further rural residential development could occur and this has to be factored into the contributions plan.
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<p>sustainable, safe and for a benefit for the community the development needs to be stopped.</p> <ul style="list-style-type: none"> • No. of lots 124? Is this not over estimating? The Council was also talking of a community hall, who is going to pay for something like that? The Council ignores its own policy that all the costs of upgrading infrastructure to cater for the population increase caused by development must be met by the developers. • No park with basic amenities paid for and provided by developers who will cut and run, which therefore equals no development approval for a subsequent DA to subdivide. • 98% of all submissions opposed the Cameron Road rezoning yet we were ignored. In return we were promised a park, it is disappointing that this promise will not be kept. As one of the current 33 households in Cameron Road, we face an increase of another 65 lots, yet what will we gain in return for all that we stand to lose. • A sad part of the rural residential developments previously approved at McLeans Ridges is the promise by developers/LCC of the promised benefits from development but there have been no additional community amenities eg community block in Satinwood estate that mystically disappeared. • After ignoring the wishes of the majority of the McLeans Ridges community and approving the 'over development' of our area in Cameron Road, I find it astounding that the council is now asking the ratepayers of Lismore and not the developers to come up with the funds to finance the community park. • While the need for this neighbourhood park is attributed to new development LCC cannot ignore the welfare of the whole McLeans Ridges community when making decisions. The planning 	<ul style="list-style-type: none"> • The Rural Housing Strategy requires that, <i>the development of areas considered suitable for closer rural settlement should make a positive contribution to the community development of those localities. Positive contributions may include reversal of population decline, provision of additional community facilities and services or improvement to existing facilities and services, creation of jobs, substantial improvement in the standard of road access and public transport, broadening of the population base and enhancement of the quality of life in the area, improved recreational facilities, etc.</i> The Planning Agreement and the amendment to the LEP ensure that a public reserve will be dedicated to Council. The Planning Agreement ensures that the public reserve will be prepared (levelled, retained etc) prior to its dedication to Council. The proposed section 94 contributions plan will ensure that the Cameron Road subdivision makes a financial contribution to the park. The Agreement also specifies that the developers make a contribution to the upgrade of the McLeans Ridges Hall (\$632 per lot), the road works required, the environmental rehabilitation works to be undertaken and the provision of footpaths and two (2) bus shelters. • The proposal is to provide a park. The dedication of a public reserve is required by the LEP (Schedule 4), the development application is the vehicle for its creation and the section 94 plan is the means to fund it.
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<p>of the park does not ensure that costing can be accurately calculated so that it is totally attributed to new development.</p> <ul style="list-style-type: none"> • There is undeniable potential that council will be left with a debt for a vacant block that does not benefit the community despite many years of debate, promises, surveys and submissions. • The Lismore community will not only be required to subsidise developer profits by contributing to the neighbourhood park but by funding essential road infrastructure. • McLeans Ridges could become a totally car dependent, rural residential community with ridgeline development and urban character, yet be devoid of necessary infrastructure to facilitate the growth of a cohesive, safe community. 	
<p>Council Ignoring Needs of McLeans Ridges</p> <ul style="list-style-type: none"> • With this s94 plan Council is turning its back on McLeans Ridges and its needs, ignoring its own policy, & ignoring the Community Facilities Needs Assessment provided by the developers. • This s94 plan poses the question, just what sort of community is Council planning at McLeans Ridges? 	<ul style="list-style-type: none"> • The park is proposed to be located so that it is accessible to the McLeans Ridges community thereby meeting an apparent need for a community meeting place. • The Social Impact Assessment Report supports the provision of public open space that can, along with the McLeans Ridges Hall, serve as a focal point for community interaction. • The section 94 plan does not pose any questions; it is simply the tool for calculating the contributions that development makes towards public facilities.
<p>Inadequate Site and Park Facilities</p> <ul style="list-style-type: none"> • We reject the notion a toilet is unnecessary. People will not use the facility if there is no toilet. • No provision for fencing, insurance and maintenance of the proposed park. • Unsuitable site – too small at 1.25ha, too steep. • No explanation of where parking will be. The only available space is on the road. The community lot is too steep anyway and better options are available. 	<ul style="list-style-type: none"> • Council could choose to include a toilet in the required facilities. However, this is not supported by Council’s Parks Coordinator for a park of this size and visitation. A toilet is estimated to cost \$95,000 (including ancillary works). Ongoing maintenance would be the responsibility of Council. • The appropriateness of the proposed site for the park cannot be addressed by the section 94 contributions plan. It is simply the tool for collecting contributions to fund its provision. • Maintenance of the park will be included in the Rural Parks budget annually. • Council’s Parks Coordinator advised that Council does not normally fence inside parks, although it may be useful to do so along a road verge.
<p>Facilities in Other Rural Residential Areas</p> <ul style="list-style-type: none"> • Tullera has a similar rural residential area to 	<ul style="list-style-type: none"> • Rural residential areas do not usually have parks as it is assumed that open space needs are catered for on the larger lots. Dunoon, Caniaba, Clunes and Bexhill are all classified as

<p>McLeans Ridges and has many facilities including a level community lot 4 times the size of what is proposed for McLeans Ridges.</p> <ul style="list-style-type: none"> • Tullera has many facilities and the community lot is level and 4 times the size of the one proposed for McLeans Ridges. • Having recently driven along Dunoon Road, it was interesting to see the ‘community facilities’ available to those families/children that live in that catchment area. These included parks, tennis courts, BBQ, play equipment and open space that could hold a cricket match. It was pleasing to see that people had access to water and a toilet at the park. • There was a statement ‘the existing density of rural residential development does not currently generate a need for the park’. The communities of Tullera/Caniaba/Clunes/ Bexhill/Modanville have access to community space. • The importance of a meeting place for the social wellbeing and cohesion of this community cannot be over-estimated as there are no other facilities. Thriving communities such as Tullera and Corndale and villages such as Bexhill and Clunes with lesser populations have far greater usable space and facilities. 	<p>Villages. This means there is a higher number and density of population, along with different expectations about provision of facilities.</p> <ul style="list-style-type: none"> • It is assumed that reference to facilities at Tullera is to Spinaze Park, the tennis courts and the community hall. Spinaze Park was not a requirement of any development proposal but was donated to Council some years ago. The Tullera Hall, like most of the halls in rural areas, including McLeans Ridges, was built many years ago. Modanville does not have a park or a hall but it is close to Tullera. • The importance of a community meeting place was recognised in the Social Impact Assessment Report, which supported the community lot and the contribution to be made to the upgrade of the McLeans Ridges Hall.
<p>Lack of Clarity</p> <ul style="list-style-type: none"> • It is unclear if the s94 funds are to be paid to Council by the developers of the site or if they are exempt (see Funding of the Land Acquisition and Facilities). Works may never proceed. Suggest that the developers could donate the subject land and factor in the cost to the selling price of lots. This may enable the park embellishments and bus shelter to be provided at time of land release with less financial burden to council and community. • There is a lack of information eg dates, time frame. 	<ul style="list-style-type: none"> • The draft plan states that it applies to development on land within the nominated catchment area of McLeans Ridges indicated on the McLeans Ridges Rural Housing Catchment Map. This captures the developers of the Cameron Road site. The section titled Funding of the Land Acquisition and Facilities is purely concerned with when the landowner will be reimbursed and the facilities provided. The draft Plan states that, <i>‘the owner of the land to be dedicated as park will be reimbursed for the land when 100% of the lots to which LEP20 applies are released. As new development occurs within the McLeans Ridges catchment a contribution at the applicable rate shall be levied on each new ET. The park embellishments shall be provided by Council after contributions received exceed land acquisition costs and are sufficient to allow an economically viable package of works to proceed’</i>. The facilities may never be provided if contributions received never exceed the land acquisition costs. It is not

	<p>necessary to specify dates. However, it is recommended that additional words be included to clarify that reimbursement for the land only occurs after the land is dedicated to Council.</p>
<p>Park Use</p> <ul style="list-style-type: none"> Ironically, due to the proximity of McLeans Ridges to Byron and Ballina shires, many residents will neither access work, shopping, recreational activities nor attend school in Lismore and hence will not support the Lismore economy and yet the wider Lismore community will be required to contribute to essential infrastructure. I would not use the proposed park as there are parks at Clunes, Eltham, Bexhill already. I do not understand why I and all other ratepayers should have to pay for park amenities that they are not going to use. Being a rural area we are all living on acreage and have no need for either a park or its amenities. I strongly object to having to pay for such park embellishments. 	<ul style="list-style-type: none"> These statements are contrary to comments by the McLeans Ridges community that the area lacks facilities. There was also a need identified for community meeting places in the SIA. The section 94 plan proposes that future development will pay for the park.
<p>Timing of Payment for Land</p> <ul style="list-style-type: none"> The landowner seeks Council's review of the timing in which the land is to be funded. The Planning Agreement requires all earthworks associated with the land to be completed prior to the release of the first lot of the Cameron Road rezoning. Accordingly, a considerable cost is incurred with the completion of these works without any immediate dedication of the land. In the spirit in which the Planning Agreement was drafted, we submit the land should be constructed and dedicated to the community in the first stage of the subdivision with the landowner appropriately funded. It is not considered in the best interest of all parties to have the neighbourhood park constructed and then fenced off to the community, whilst the landowner is required to fund the maintenance of the park area until 100% of lots are released. 	<ul style="list-style-type: none"> The landowner's concerns about the time that could elapse between the funding of the earthworks for the park and the dedication of the land to Council are noted. It is not the role of the section 94 plan to establish the timing of the dedication of the land. The Planning Agreement specifies that the earthworks will occur prior to release of a final lot but is silent on when the land will be dedicated. This will be addressed in the development consent, if the application is approved. If it is approved, the development consent could require the land to be dedicated after the earthworks have been completed and the earthworks to be completed prior to the release of the last lot in the subdivision. This would align the timing of the earthworks with the land dedication, and with the section 94 contributions plan. It is not in Council's interests to pay for the land during the first stage of the subdivision, nor will the demand for a park exist at this time. Council decided, when exhibiting the draft contributions plan, that sufficient need for the park is not generated until 100% of the lots are released. This is still valid. The last dot point recognises that section 94 contributions can be paid before any lots in a subdivision are released. This proposal has merit because it would mean that Council would have collected all the contributions from the Cameron Road subdivision prior to reimbursing the landowner.

<ul style="list-style-type: none"> • The land nominated as the neighbourhood park will be dedicated at the time the last lot of the subdivision is released. This is not considered to be in the best interest of the community, as the demand for the neighbourhood park will be already generated. • Propose that the land should be funded once at least 50% of the lots are released on the basis that sufficient demand for the park will exist at this time. The amount paid to the landowner would have been funded in part by contributions collected and through the contributions levied on any development consents. To this end, the land will be dedicated in a timely manner, with all associated civil works completed. The open space contribution made by the landowner will be deducted off the amount reimbursed to the landowner. • Should Council be unwilling to propose payment of the land upon 50% of the lots being released, the alternative is to change the funding of the land from 100% release of the lots to the 'release of 100% of the lots or payment of 100% of contributions, which ever occurs first'. This permits the landowners to fully fund the land without necessarily having to release all lots. 	
<p>Miscellaneous</p> <ul style="list-style-type: none"> • No funds for road upgrading roads to the north eg Cowlong Rod and Pearson Rd. • Loss of s94 contributions that may have been directed to roads. • Concerned over more cars travelling on Pearson Road and no road funds being available for upgrading Pearson Road or the northern part of Cowlong Road. • Possibility for amendments and variations of which the community may not be aware. • Possibility of failure to proceed. 	<ul style="list-style-type: none"> • Funding for road upgrading is not relevant to the section 94 plan for the park. • The section 94 plan is intended to fund a proposed park and will not result in any reallocation of money from other projects unless there is a shortfall in development funding ie no further development in McLeans Ridges beyond the Cameron Road subdivision. • The Cameron Road subdivision will be determined separately to this report. • The section 94 contributions plan is proposed to fund a park to meet the future needs of the community.

<ul style="list-style-type: none">• If Council cannot develop McLeans Ridges in an orderly manner & meet the needs of the community the development should not go ahead. McLeans Ridges has the worst roads and the least facilities of all rural residential and village areas in Lismore Shire.	
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LISMORE CONTRIBUTIONS PLAN (2004)

DRAFT AMENDMENT NO. 3

Citation

1. This draft amendment to the Lismore Contributions Plan (2004) may be cited as Lismore Contributions Plan, Amendment No. 3.

Land to which this amendment applies

2. This amendment applies to development on land within the McLeans Ridges Rural Housing Catchment.

Objectives

3. The aim of the draft amendment is to insert a site specific contributions plan into the Lismore Contributions Plan (2004) for the proposed neighbourhood park in Cameron Road, McLeans Ridges. The draft Contributions Plan proposes to allow Council to levy contributions on future rural residential development consents in McLeans Ridges to fund the proposed neighbourhood park in Cameron Road. The draft Contributions Plan outlines when contributions will be levied on development, when the land will be dedicated as park and when the park embellishments will be provided.

Amendment of Lismore Contributions Plan

4. The Lismore Contributions Plan is amended as set out in Schedule 1.

Schedule 1 Amendments

Insert Section 1.6 below after Section 1.5 in Part C Section 1 Recreation and Community Facilities

Section 1.6 Specific Community Parks/Recreation Facilities

This part of the Lismore Contributions Plan applies to specific recreation areas/parks to be provided to meet the recreation demands/needs of future residents of that area.

1.6.1 Proposed Neighbourhood Park – Cameron Road, McLeans Ridges

What land and development does this section apply to?

This section applies to development on land within the nominated catchment area of McLeans Ridges indicated on the McLeans Ridges Rural Housing Catchment Map.

Causal Nexus

The need for a park in McLeans Ridges was identified in the proposals to amend the Lismore Local Environmental Plan 2000 to allow rural residential development in Cameron Road and Roseview Road. The resulting increased population in McLeans Ridges demonstrates a need for a park that is able to satisfy the needs of future residents. This demand is wholly attributable to new development as the existing density of rural residential development does not currently generate a need for the park.

Physical Nexus

The proposed new park is provided in a central location capable of servicing an expanded population within the McLeans Ridges strategy area as shown on the McLeans Ridges Rural Housing Catchment Map. The location has been determined having regard to the location of the increased demand and accessibility to the facility.

Temporal Nexus

Demand and use of the park will increase over time and Council will provide the facilities required as a consequence of new development as identified in the schedule as contributions are collected. The preparation of the land, that is, earthworks, retaining walls, topdressing and grassing, shall be completed by the land owners prior to dedication of the land as a public reserve in accordance with the Cameron Road Planning Agreement dated 16 October, 2008.

What is the formula for calculating contributions?

$$\text{Contribution (per ET)} = \frac{\{L + E + AL\}}{N} \times \text{CPI}$$

Where:

L = land acquisition costs

E = embellishment costs (value of works)

N = estimated number of new lots/ETs within the catchment

AL = administration levy (see clause 15 of Part B)

CPI = Consumer Price Index

What are the estimated land and embellishment costs of providing the facility?

The estimated costs of the land and the embellishments are shown in the table below:

Location	Description of works	Indicative Item Cost	Total Project Cost	Proportion attributable to new development	Amount Levied
Cameron Road McLeans Ridges	Land acquisition	\$300,000		100%	
	Park Facilities: <ul style="list-style-type: none"> • Shelters, tables, seating and BBQ • Bollards • Playground equipment • Trees • Bin & Water supply 	\$132,900	\$432,900	100%	\$432,900

What is the contribution rate for the new Cameron Road park?

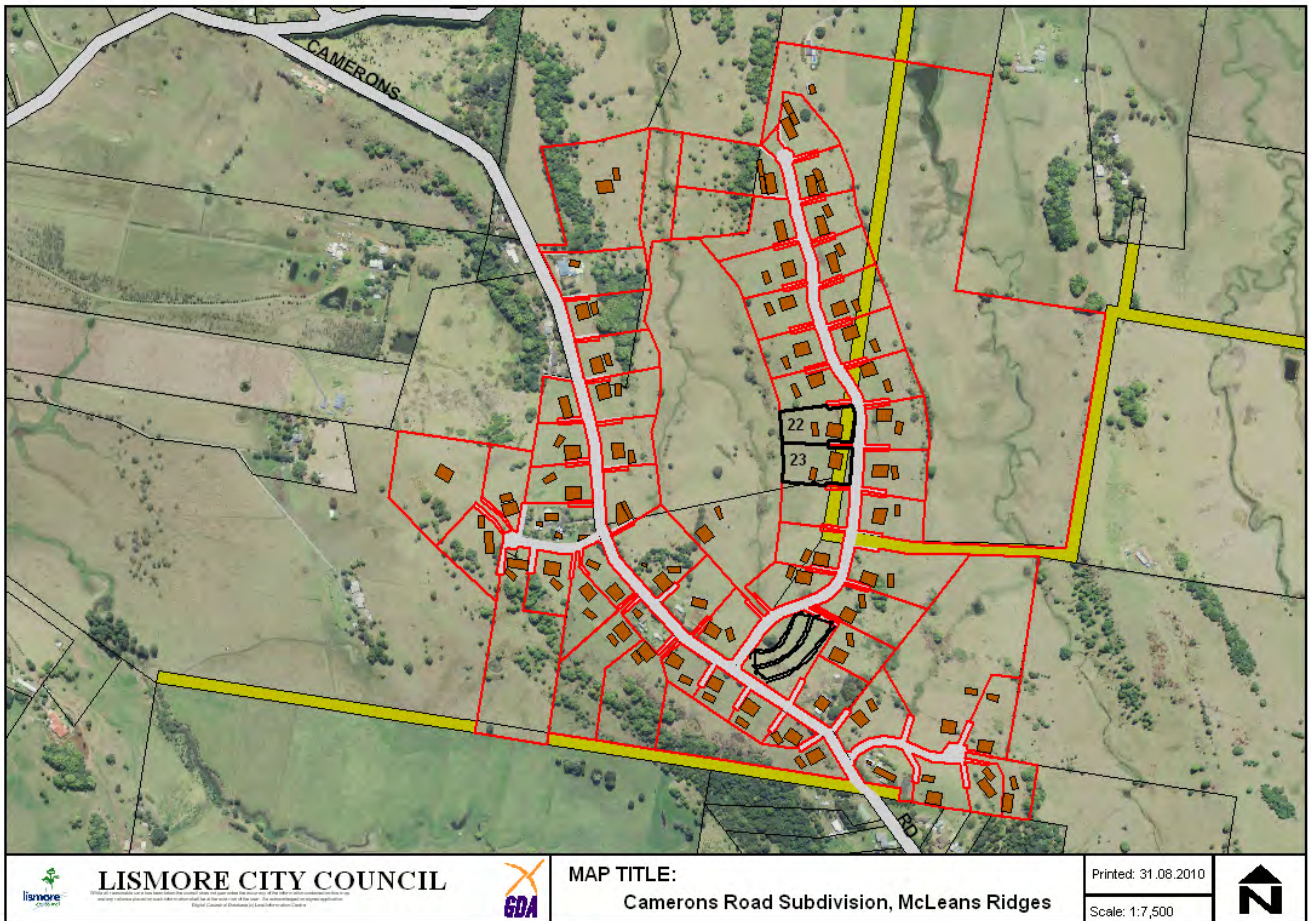
The catchment shown on the McLeans Ridges Rural Housing Catchment Map has an estimated lot yield of 124 Lots. The contribution for the catchment is:

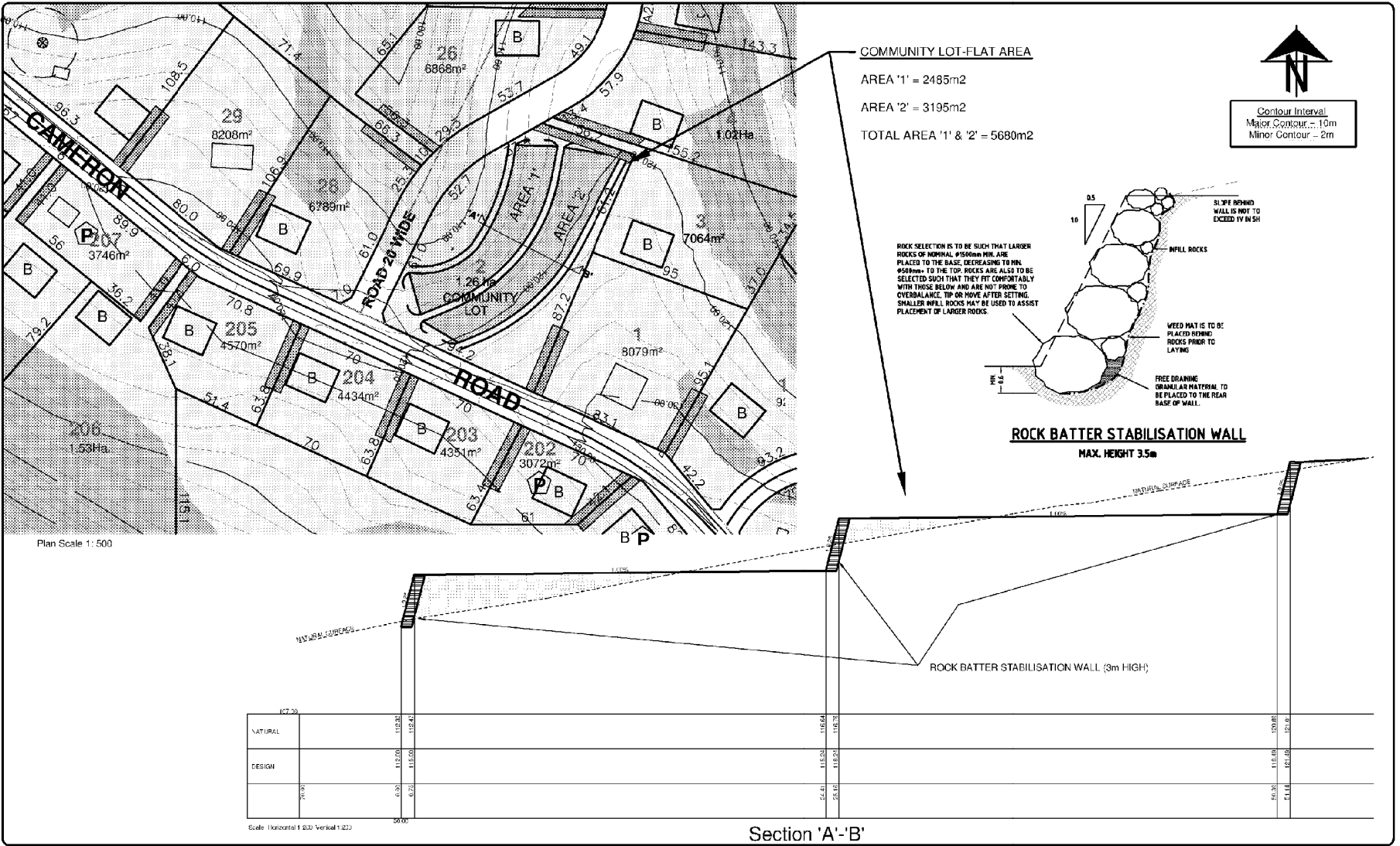
$$\begin{aligned}
 \text{Contribution (per ET)} &= \frac{\$432,900}{124} + 2.5\% \times \text{CPI} \\
 &= \$3,491 + 2.5\% \times \text{CPI} \\
 &= \$3,578 \times \text{CPI}
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Funding of the Land Acquisition and Facilities

The preparation of the land, that is, earthworks, retaining walls, topdressing and grassing, shall be completed by the land owners prior to dedication of the land as a public reserve in accordance with the Cameron Road Planning Agreement dated 16 October, 2008. No contributions for this work are to be levied against a development application for the subdivision of the land to which LEP20 applies. The owner of the land to be dedicated as park will be reimbursed for the land when 100% of the lots to which LEP20 applies are released. As new development occurs within the McLeans Ridges catchment a contribution at the applicable rate shall be levied on each new ET. The park embellishments shall be provided by Council after contributions received exceed land acquisition costs and are sufficient to allow an economically viable package of works to proceed.







Project: **McLeans Ridges Rural Residential Development**

Do not scale drawing. Use written dimensions only
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Client: **McLeans Ridges Landowner Collective**

Title: **Community Lot (Lot 2) Proposed Earthworks**

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Design	APP	Scale at A3	As shown
Drawn	CAD	Date:	AHD
Date	2010-02-08	Filename	6937-DA01.dwg
Checked		Approved	
Job No.	6937	Dwg. No.	CL01
		Issue	

LISMORE CONTRIBUTIONS PLAN (2004)**AMENDMENT NO. 3****Citation**

1. This amendment to the Lismore Contributions Plan (2004) may be cited as Lismore Contributions Plan, Amendment No. 3.

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The proposed new park is provided in a central location capable of servicing an expanded population within the McLeans Ridges strategy area as shown on the McLeans Ridges Rural Housing Catchment Map. The location has been determined having regard to the location of the increased demand and accessibility to the facility.

Temporal Nexus

Demand and use of the park will increase over time and Council will provide the facilities required as a consequence of new development as identified in the schedule as contributions are collected. The preparation of the land, that is, earthworks, retaining walls, topdressing and grassing, shall be completed by the land owners prior to dedication of the land as a public reserve in accordance with the Cameron Road Planning Agreement dated 16 October, 2008.

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What is the contribution rate for the new Cameron Road park?

The catchment shown on the McLeans Ridges Rural Housing Catchment Map has an estimated lot yield of 124 Lots. The contribution for the catchment is:

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Funding of the Land Acquisition and FacilitiesSite Preparation

The preparation of the land, that is, earthworks, retaining walls, topdressing and grassing, shall be completed by the land owners prior to dedication of the land as a public reserve in accordance with the Cameron Road Planning Agreement dated 16 October, 2008. No contributions for this work are to be levied against a development application for the subdivision of the land to which LEP20 applies.

Dedication of Park and Funding

Following dedication of the land to Council as a public reserve, the landowner will be reimbursed for the land when 100% of the contributions for the lots to which LEP20 applies are received by Council.

As new development occurs within the McLeans Ridges catchment a contribution at the applicable rate shall be levied on each new ET. The park embellishments shall be provided by Council after contributions received exceed land acquisition costs and are sufficient to allow an economically viable package of works to proceed.



Report

Subject	DA09/175 - Shopping Centre Development and Commercial / Residential Subdivision - 47 Sibley Street, Nimbin
TRIM Record No	BP10/588:DA09/175-02
Prepared by	Development Assessment Officer (Planning)
Reason	Requested by two Councillors that the matter be referred to Council for determination.
Community Strategic Plan Link	Sustainable Economic Growth and Development

Overview of Report

The owners of the subject property at 47 Sibley Street, Nimbin, propose to develop a commercial shopping centre and undertake a residential/commercial subdivision of the land. The proposed commercial development comprises a supermarket, bakery and five (5) specialty shops totalling 2,366m² of floor area and a subdivision of the subject land into 23 lots being 3 commercial and 20 residential lots. The site is located about 500 metres north east of Nimbin's main retail and commercial precinct situated on Cullen Street.

The site owners are also the shop proprietors of the existing 'Emporium' on Cullen Street and will operate, in addition to the Emporium, the new supermarket as well as two of the specialty shops for a video store and health food store. The existing Emporium store is a mixed business combining a grocery store, health foods and a small video 'store within a store' and will continue trading until 2013. The building has been used as a store since the early 1900s however its floor size and internal layout have been reasons identified by the shop proprietors of the existing 'Emporium' store as making this shop unsuitable for long term modern grocery retailing.

The proposal seeks to provide a larger and more modern supermarket and accompanying convenience specialty shops that will provide for a much greater proportion of the Nimbin and surrounding villages food shopping and convenience needs and increase the local retail choice and variety available to residents. The proposed commercial (shopping centre) development and residential/commercial subdivision are permissible forms of development within the 2(v) Village zone of Lismore LEP 2000 subject to development consent from Council.

During the public notification period Council received eighteen (18) submissions, which are addressed within this report and the attached submissions table. The matter is reported to Council as the Development Application (DA) was called up by two Councillors. The development is recommended for approval subject to conditions.

Background

The applicant did have discussions with Council development assessment staff prior to lodgement of the development application. The applicant was advised as follows:

'I refer to your enquiry regarding the potential for a supermarket at the above mentioned property. I can advise that the proposed development is permissible within the 2(v) zone under the terms of the Lismore City Local Environmental Plan 2000. Chapter 6 of Part B of the Lismore DCP does not identify this use as preferred within the light industrial precinct. However objective 2 of the precinct states:

'Enabling the development of lands for uses other than 'preferred uses' where it can be demonstrated that there is not other suitable alternative site available and that the proposed use will not detrimentally affect existing light industrial development. '

The topography and heritage character of the existing commercial precinct do not make this area suitable to large scale commercial development such as a supermarket. On this basis a development application can be lodged with suitable justification based on objective 2. The DA should demonstrate that there is no other available land for the proposed supermarket in the existing commercial precinct. Council would not amend the DCP prior to the lodgement of a DA but would consider a variation based on a suitable justification.

The development application should be accompanied by a retail study prepared by a suitably qualified person to demonstrate the need for the supermarket and the potential impacts on the existing retail area within Nimbin. Traffic impacts on the road network should also be addressed as part of the development application.'

Description of Proposal

The proposed development involves a staged construction project. Stage 1 comprises the construction of an independent supermarket (1500m²) and bakery (250 m²) plus five (5) specialty shops (546m²). Stage 2 comprises a subdivision of the subject land into 23 lots being 3 commercial and 20 residential lots.

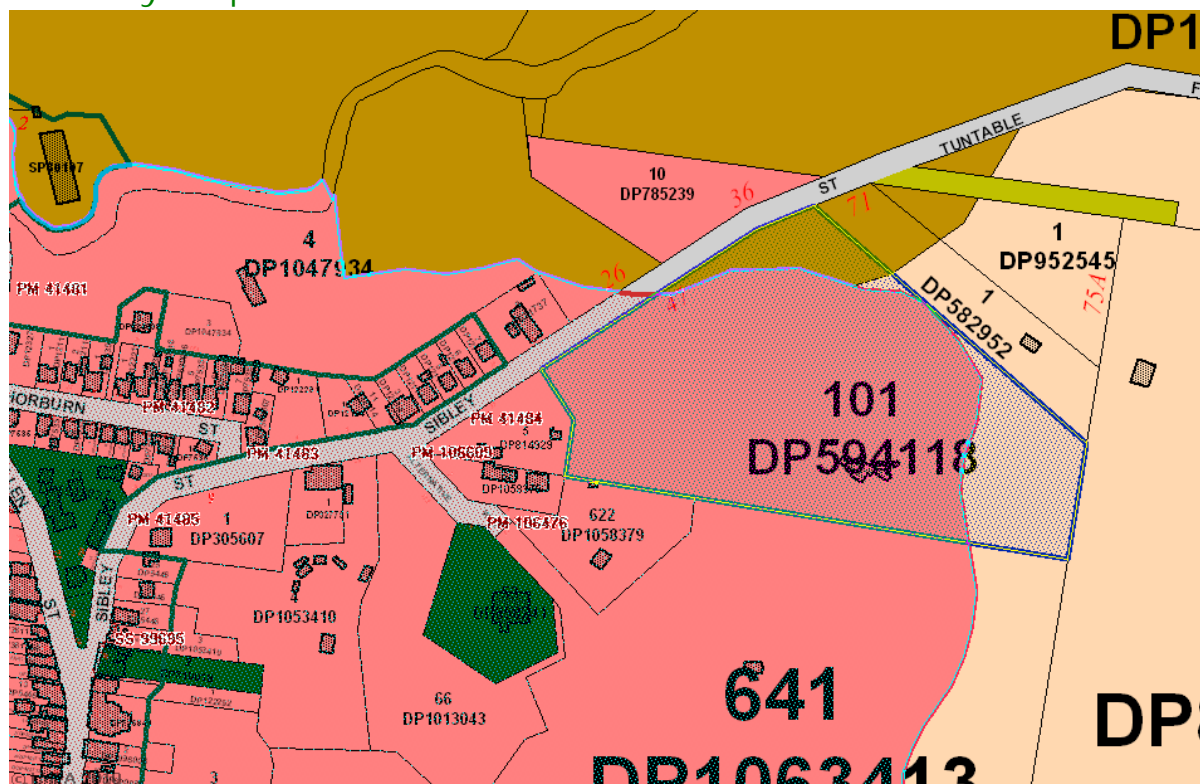
The supermarket development will be provided with 105 spaces as part of the stage 1 development, with potential land area to accommodate a further 69 spaces, bringing the total with 174 car parking spaces to be provided from a possible future expansion of the shopping centre.

The proposed residential lots vary in size from 1100m² to 7780m² in area. A new road is proposed to be constructed to provide access to the new supermarket development and residential lots. This road will be accessed via a new roundabout to be constructed on Sibley Street.

The more specific components of the retail development are as follows:

- Development of 2,366m² of retail floor area incorporating one supermarket, 1 bakery and five (5) specialty shops, common entry areas, toilet facilities and plant room.
- Provision for 174 car parks inclusive of 4 disabled spaces (Stage 1 – 105 spaces, possible Stage 2 – 69 spaces).
- Four (4) trolley collection points located within the proposed car park.
- All floor levels developed above 1% flood level of RL 56.5m AHD.
- Building height of 6.5 metres.
- Materials to be utilised within the proposal, include Kingspan precast panels, steel framed fc lined panels, mono pitched metal roof, galvanised downpipes, glass shopfronts metal canopy on galvanised steel structure and metal louvres.
- Individual tenant signage attached to the awning and shopping centre sign attached to the building façade and the erection of a single free standing pole sign on the entry along the proposed local road connecting to Sibley Street with a maximum height of 7.5 metres and surface area below 4m².
- The provision of a waste storage/collection area on the south-east corner of the building accessed from the service lane.
- The primary internal access driveway and car park distributor will connect to the proposed roundabout in Sibley Street.
- Provision of a service lane traversing to the east and south of the retail development through a separate driveway which negates any interface between service delivery and the public car park area.
- Provision is made to permit disabled access to the development as well as the car park area.

Locality Map



Statutory Controls

Environmental Planning & Assessment Act 1979

Lismore LEP 2000

Zoning – Part 2(v) Village, 1(a) General Rural and 1(r) Riverlands.

Item of Heritage - No

In vicinity of Heritage Item - No

Conservation Area - No

Lismore DLEP 2010 - Part zoned RU2 – Rural Landscape and part RU5 – Village

S.94 Contributions Plan

SEPP No. 1

SEPP No. 44 – Koala Habitat Protection

SEPP No. 55 – Remediation of Land

SEPP No. 64 - Advertising and Signage

SEPP (Infrastructure) 2007

SEPP (Rural Lands) 2008

North Coast REP

Local Development

Policy Controls

Lismore DCP

1.8.2 Access to Battleaxe Type Subdivisions

1.8.4 Undergrounding of Electricity Mains and Provision of Street Lighting

1.8.6 Undergrounding of Telephone Plant in Subdivisions

5.17.3 Biodiversity – Flora and Fauna

5.17.8 Sustainability, viability and Amenity of rural and urban roads

5.2.30 Social Impact Assessment

5.2.1 Community Sun Protection Strategy

5.2.4 Naming of New Roads.

Description of Locality

The land, the subject of the commercial development and residential subdivision proposal is shown in the attached photo. The property is described in cadastral terms as Lot 101 DP 594118, 47 Sibley Street, Nimbin.

The site is located on the north-eastern fringe of the Nimbin village urban area enjoying frontage to Sibley Street of 216m forming the north-western boundary.

Vehicular access to the site is available from Sibley Street, with an internal gravel driveway linking to the existing dwelling house which is located within the south-eastern portion of the site.

The surrounding land use comprises a mixture of village residential, rural and low scale commercial and light industrial land uses.

The site contains limited vegetation and or landscape value with the land essentially clear of native vegetation. Vegetation found on-site was concentrated abutting the primary drainage gully which traverses through the northern and eastern portions of the site.

The site slopes predominantly towards the north with a maximum fall from top to bottom of approximately 21m (elevations range from approximately 45m – 66m Australian Height Datum - AHD) with the area of land the subject of the commercial building and residential building envelopes having a 0-10 degree topographical slope. A creek (a tributary of Mulgum Creek) is located close to the site's eastern and northern boundaries. The creek discharges through a 3 x 750mm diameter concrete headwall/culvert arrangement across Sibley Street.

Two (2) dams exist on the land. They have been excavated by the owners and are approximately 7 metres in depth. The larger of the two dams is approximately 2,098m² and the other is approximately 995m².

The property currently supports an existing dwelling house located in the southern portion of the site. This dwelling is serviced by a single gravel driveway and is connected to electricity and telecommunication infrastructure. Wastewater is managed on-site.

The Ecological Assessment Report reviewed and supported by Council's ecologist highlights that the site (and much of the locality) has been almost completely cleared and planted to pasture. Regrowth vegetation does exist but is in most circumstances dominated by exotic species such as Camphor laurel.

Vegetation extending along the waterway in the site's north is dominated by Camphor laurel and a wide range of common pasture grasses.

The adjoining dam supports common dam-species such as Sag rush (*Eleocharis dulcis*); Typha (*Typha orientalis*) and Smartweeds (*Persicaria* spp).

Areas along the far eastern boundary of the site support regrowth Flooded gum (*Eucalyptus grandis*). A large (possible remnant) tree is located in the far south eastern corner of the site. Although Flooded gum is not listed as a threatened species this particular individual is considered to be of landscape significance in what is a highly degraded landscape.

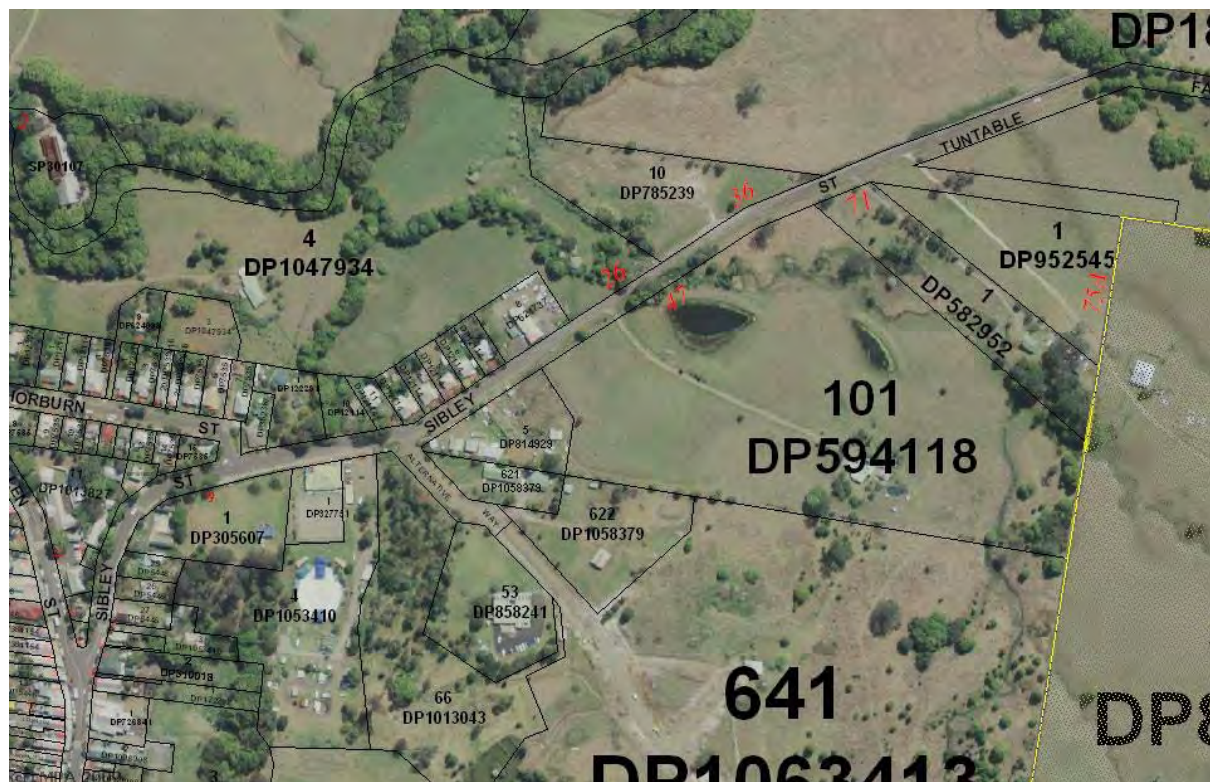
The remainder of the site supports a wide range of common pasture grasses and pasture grass weeds which are common and widespread in the area's agricultural landscape.

With reference to the schedules of the EPBC Act and TSC Act none of the species recorded in the ecological report are listed and Endangered or Vulnerable species. Nor does the site provide significant habitat for such species. None of the vegetation communities recorded are listed as Threatened Ecological Communities under the EPBC Act or as Endangered Ecological Communities under the TSC Act. On this basis no Section 5A assessments was requested by Council and the project was not be referred to the Commonwealth Department of Environment Water Heritage and the Arts to determine "Controlled Action" status.

In respect to fauna, the loss of the site's original vegetation has had a significant impact on the endemic fauna communities and the majority of species which were once likely to inhabit the site (several of which are now considered threatened) are no longer likely to occur.

Some of the threatened fauna known from the locality will persist in highly modified landscapes where critical habitat elements such as well-vegetated riparian zones; mature fig trees; and stands of mature native vegetation persist. It is significant to note that the site contains no such features, and while the site's use as a component of a much larger home range for some nomadic species cannot be discounted it is considered highly unlikely to be of significance.

Site Plan – Lot 101 DP594118



Relevant Development History

There is no known previous relevant development application history relating to the subject land. The subject parcel of land was created via subdivision application approval no. 77/127.

Internal Referrals

Building

No objections to the proposed development. Building conditions of consent are incorporated into the recommended conditions of consent.

Environmental Health

Council's environmental health officer provided the following comments in regard to the development proposal:

Stormwater Quality Management

The matter of stormwater treatment is addressed by Council's Developments Engineer. In regard to stormwater quality the applicant's engineering report reasonably addresses the performance requirements of Council's Stormwater Management Plan. There are design issues that have been previously identified (wet detention, consolidation of land supporting stormwater treatment) that will require further review through the final design process or be conditioned accordingly should they still be considered issues.

Noise Assessment

The amended noise assessment by AB & E Acoustics has provided additional information in response to Council's 'stop the clock' letter. In general the applicant has now provided an appropriate level of information for the determination of background noise levels for the developed site from which modelling and attenuation measures can be developed to manage the impacts of noise to protect the amenity of adjoining sensitive residential receivers.

1. Hours of operation – the acoustic report recognises that the operating hours of shopping centre are Monday to Sunday 7 am to 9 pm. In addition deliveries being limited to:
 - Monday to Friday - 6.00am to 6.00pm
 - Saturday - 7.00am to 6.00pm
 - Sunday - 9.00am to 6.00pm

Generally these hours are supported with the exception of the 6am delivery time. 6 am to 7 am is recognised as part of the night time period and therefore most sensitive period of the day under the NSW EPA Industrial Noise Policy. In recognition of the difference between the day and night period project specific noise level and location of existing and future sensitive receivers it is considered that deliveries should be restricted to 7.00am to 6.00pm Monday to Saturday and 9.00am to 6.00pm Sundays and Public Holidays.

2. A review of the project specific noise level has been undertaken in response to the revised acoustic report. The NSW Industrial Noise Policy nominates the methodology for the determination of a project specific noise level recognising the amenity and intrusive criteria. Alternatively the policy enables the use of an alternative descriptor. The acoustic report utilises the intrusive, amenity and L_{Amax} criteria to evaluate the impacts of the proposed development.

In review of the measured data set (and comparative data from other development long term measurements) and the Industrial Noise Policy the arguments and therefore defined project specific levels are considered reasonable for intermittent, car park and delivery activities. This recognises that the noise sources are controlled within the day time period. However a critical design component for the attenuation of emissions from the access/delivery road is the construction of an acoustic barrier on the southern and eastern boundaries. The height of the barrier is nominated at 2m. The concern with this design height is its effectiveness when articulated vehicles will have refrigeration plant etc exceeding the barrier enabling a direct line of sight with receivers. Therefore it is considered appropriate that the perimeter acoustic barrier be designed to ensure noise emissions from delivery vehicle refrigeration units satisfy the nominated project specific level for continuous sources such as fixed plant.

The project specific criteria for continuous noise sources (air conditioning, refrigeration equipment and exhaust fans) is not support and should be determined as the intrusive criteria being background plus 5dB(A) which in this case will set the following project specific noise levels for continuous noise sources ($L_{Aeq(15\ min)}$):

- Day – 45 dB(A)
- Evening – 42 dB(A), and
- Night – 35 dB(A)

As plant selection etc has not been determined at this stage of the development it is important that acoustic performance consideration be given at plant design stage (selection, location, attenuation requirements etc) and that post installation monitoring be undertaken to ensure the project specific levels are achieved.

Buffers and Land Use Conflict

The Environmental Interactions and Statutory Planning Report states that Chapter 11 of Councils DCP contains one applicable buffer to the site being the buffer to a river / watercourse of 30 m. The development also adjoins current grazing land to the south which has recently been the subject of a residential subdivision proposal. The issue here being the time gap between proposal and development and the use of the land during that period. As the adjoining land will likely be utilised for grazing purposes for some considerable time it is considered reasonable that the applicant meet the buffer requirements for grazing land.

The current Village Zoning dominates the development site and this raises concern in relation to the proposed commercial Lot 21 (Stage 2 of the development). This zoning is flexible and provides an opportunity for a variety of future land uses which will immediately adjoin proposed residential development. Therefore it is considered reasonable that the applicant identify management solutions to address potential land use conflict for this interface. This has been recommended as a condition of consent.

Contaminated Land

The applicant has undertaken a preliminary contaminated land assessment in accordance with Council's Policy undertaking a systematic grid sampling program to support the basic historical review. The analytical results identify that the soil environment has contaminant levels below recognised Health Based Investigation Levels (HBIL) and as such it is reasonably concluded that the site is suitable for the proposed mixed land use.

Lighting

The following standard condition is recommended to ensure that the potential intrusive impacts of external lighting are effectively managed.

All car park and external lighting must be designed and installed to ensure no adverse impact on neighbouring premises and motorists. Appropriate light selection and shielding and/or other measures must be implemented, and the installation must comply with AS4282 *Control of the Obtrusive Effects of Outdoor Lighting*.

Essential Services

The proposed development will be provided with reticulated water and sewer.

Other Matters

Other general matters such as a waste management plan, litter management, control of burning during construction etc have been addressed through proposed conditions of consent.

No objections to the proposed development. Environmental and Health conditions of consent are incorporated into the recommended conditions of consent.

Social Planner

Council's Social Planner provided the following comment on this development application: *"a positive development for Nimbin while recognizing the "split" it may cause by creating another commercial precinct. The nature of the town centre currently would not comfortably accommodate a modern facility such as this and it is best placed out of the main street.*

The benefits of employment, improved access to goods and services in Nimbin and the contribution to the economic growth of the town are all positive".

Ecologist

Council's Ecologist reviewed the submitted ecological report and also had a site inspection to review the existing site and determine likely impacts upon flora and fauna. The ecologist has not raised any concerns relating to flora and fauna or objection to the proposed development subject to the conditions incorporated within the recommended conditions of consent.

Water and Sewer

Council's Water and Sewer Section have advised that they require the dedication of a land parcel to LCC for the proposed Sewage Pumping Station (SPS). Except for this issue no objection was raised subject to the conditions contained within the recommended conditions of consent.

Development Engineer (Roads, Traffic, Flooding, Stormwater, Drainage)

The application was referred to Council's Development Engineer who has provided the following comments. In general, no objection to the proposed development is raised on engineering grounds, subject to the imposition of the conditions included within the consent.

Road and Traffic Comments

Proposed Commercial (Shopping Centre) and Commercial/Residential Subdivision.

The developer has confirmed in the submission attached to the application that the retail area/supermarket will service "the greater portion of the Nimbin and surrounding villages". It is anticipated that the establishment of a retail area/supermarket which is approximately 275 m from the Thorburn, Sibley Street intersection will have an impact on the traffic movements within the Nimbin Village precinct.

The developer proposes to construct a roundabout at the intersection of the proposed internal road and Sibley Street. This roundabout will aid in reducing the speed environment on Sibley Street where it fronts the residential developments as well as providing a safe means of ingress and egress to the proposed development. This roundabout will be constructed in a manner which will allow the safe manoeuvring of articulated vehicles which may be required to service the retail area/supermarket as well as a future bus service.

Traffic Impact on Local Streets

Thorburn Street - Cullen Street to Sibley Street

McCormack, Rankin, Cagney transportation consultants have determined that the existing Thorburn Street traffic is currently in the order of 785 vehicles per day. Projecting forward to the year 2020 and with no allowance for the traffic generated from the proposed development, Thorburn traffic volume will increase to 1090 vehicles per day.

When considering the potential traffic volume generated by the proposed development, it is anticipated that the retail component of the development would generate a total daily traffic of 2009 vehicles per day. McCormack, Rankin, Cagney in their submission identified that 522 vehicles per day will travel to and from the development using Thorburn Street. In a similar manner, the residential component of the proposed development will add a further 60 vehicles per day to Thorburn Street traffic, bringing the total traffic using Thorburn Street in the year 2020 to approximately 1672 vehicles per day.

The Lismore Development Control Plan classifies Thorburn Street as a Local Street, as the traffic volume ranges between 100 to 2000 vehicles per day. Consequently the increase in traffic volume on Thorburn Street does not result in a change of classification. However for Thorburn Street to act in the capacity of a higher order local street, it will be necessary to ensure that both 3m traffic lanes remain unimpeded. To ensure the efficient operation of Thorburn Street it will be necessary for the developer to provide either parking lanes or verge parking.

Sibley Street

Sibley Street is both an urban collector in the Nimbin Village precinct and a rural collector when fronting the proposed development. As there is no direct access from the development to Sibley Street, it is not proposed to condition the developer to upgrade Sibley Street. Rather it is proposed to collect a financial contribution towards the future upgrade of Sibley Street.

Road Hierarchy

Sibley Street by virtue of its function in the road network is classified under the Lismore DCP as a Collector Road. The proposed internal road fulfils the function of a Collector Road but will not carry the volume of traffic. It is a link road, providing a connection with the adjacent southern development and ultimately to Alternative Way and Cecil Street. It is proposed that this road be built to a 9m wide standard with kerb and channel.

Public Transport

Several objectors as well as the Traffic Advisory Committee have identified that an allowance should be made to service the proposed retail area/supermarket by bus and taxi. It is proposed to require the developer to construct a bus pullover area on Sibley Street adjacent to the frontage of the proposed development. This position is selected on the basis of proximity to the retail area/supermarket and allows buses to make a U-turn at the proposed Sibley Street roundabout. The developer will also be required to provide a taxi rank to be located internally in the car park area near the entrance to the proposed supermarket.

Pedestrian Cycle Way

Table 5.5 "Urban Residential Street Characteristics" of the DCP requires a combined Cycle Way/Footpath for Collector Roads. Consequently council will require the developer to provide a combined 2 m wide cycle way/footpath to be constructed along Sibley Street linking the existing pathway at the Bowls Club to the proposed shopping precinct. The proposed internal road provides a pedestrian and bicycle link to the adjoining development and to Alternative Way and the Cecil Street recreation area. In order to establish the pedestrian and cycleway link to Cecil Street recreation area, the developer will be required to provide a 2 m wide combined cycle way/footpath connecting the proposed Sibley Street cycle way/footpath along the internal road verge, fronting lots 12 through to 22 and terminating at the boundary to lot 641 DP 1063413.

Bicycle Parking

In order to facilitate the use of cycling as means of transport to the proposed retail area/supermarket the developer is required to provide 10 bicycle parking spaces adjacent to the entrance to the proposed retail area/supermarket.(refer Bicycle Parking Guidelines – ACT Planning and Land Authority)

Internal shopping complex Pedestrian Crossings

To provide improved pedestrian link between the western shopping complex carpark and the entrance to the retail area/supermarket building the developer is required to convert car parking spaces 122 and 99 to a pedestrian refuge and provide a zebra crossing across the access driveway to the north east corner of the shopping complex.

Flooding, Storm water and Drainage

Stormwater Discharge

In order to work toward the environment sustainability of our local creek systems while keeping in mind compliance with the Lismore Stormwater Management Plan, the developer is required to discharge the stormwater runoff from the proposed development in a manner which does not exceed the maximum stormwater discharge from the pre-developed site. The developer proposes to achieve this with the use of the existing farm dam located on proposed lot 23. Farr Engineers in paragraph 4.7 of their submission advises that it is proposed to remediate the dam converting it to a detention pond. Although the dam is spring fed, a low level discharge will ensure the dam has sufficient capacity for storm water storage. Runoff will be treated by passing through a gross pollutant trap prior to entering a bioremediation process.

The developer will be required to construct the detention in accordance with the Northern Rivers local Government Handbook of Stormwater Drainage Design. The stormwater treatment and detention is located on the proposed lot 23 and shall be maintained by the developer. Stormwater discharge from the underground drainage system servicing the proposed internal road network will also be treated by this process. In order to ensure the security and maintenance of this treatment and detention system it is proposed that lot 23 be combined with lot 22 under the same title. The developer will also be required to provide council with an on site stormwater management plan which will include an operational maintenance plan to ensure to system complies with council requirements and is maintained operational condition. As the system forms part of the overland flow path it will be included in a dedicated stormwater easement however the maintenance of the system will be vested with the owners of the land not council.

Flooding

The developer's consultant has identified that Mulgum Creek and the tributary which traverses lot 101 as two probable sources of flooding. To ensure against inundation from flooding during the major storm event the developer is required to set the floor level of the commercial building to a level 300mm above the 100-year flood level. This level is calculated at 56.5m AHD at the site of the commercial building and is based on flooding from the creek.

Overland Flow paths

The developer has identified an overland flow path along the boundary of lot 21 and 22 and will take the form of the proposed vehicle corridor. The developer will be required to identify this and other overland flow paths by a drainage easement. This will provide council with control over any features which may impede the overland flow.

Traffic Committee

The proposed development was considered by the Local Traffic Advisory Committee at its meeting held on 16 June 2010, as the proposed development involves the construction of new roundabout which requires concurrence from the Traffic Committee. The following comments on the proposal were provided:

Recommended that the construction of the roundabout associated with the proposed commercial development on Sibley Street Nimbin be supported, provided the relevant construction standards are met, and the suggestions:

- a) That the marked pedestrian crossing lines shown within the car park be removed.
- b) That the footpath from the new development be linked to the existing footpath network in Sibley Street.
- c) That public transport needs such as a bus zone and shelter, taxi rank and bike rack be considered.
- d) That a gap in parking be provided for pedestrian movements to and from car park numbers 134 to 163 are included for consideration in determining the development application.

These matters have been addressed by the applicant or via proposed conditions of consent.

External Referrals (for concurrence)

RTA

The application was referred to the RTA for concurrence in accordance with the requirements of the SEPP (Infrastructure) 2007. The RTA have raised no objection to the proposed development, and advised that they concur with the comments made by the Local Traffic Committee.

Department of Planning

The application was referred to the Department of Planning for concurrence under the provisions of SEPP 1 to enable variation of the development standard for minimum lot sizes.

Following consideration of the application, concurrence has been granted by the Director General of the Department to vary the 40ha minimum lot size development standard contained in clause 36(1) of the Lismore LEP 2000 to permit subdivision of Lot 101 DP 594118 Sibley Street, Nimbin to create proposed Lots 13, 611 and Lot 23 which include land within rural zones with varying minimum lot sizes.

Concurrence was granted in this instance for the following reasons:

- The proposal is consistent with the objectives of the zone;
- The residue rural land (once subdivided) is not viable as productive agricultural land.

While concurrence has been granted, the decision was made having regard to land capability and the agricultural land in the area was already fragmented. It appears in this instance the zone boundary is not in the correct location. The appropriate way to resolve this issue is through a rezoning of the 1(a) and 1(r) land. Application of SEPP 1 development in rural zones should not be accepted to avoid the process of rezoning land in rural areas.

Integrated Referrals

Rural Fire Service

The application was referred to the NSW Rural Fire Service on 28 April 2009 and general terms of approval proposing conditions of consent were issued by the Rural Fire Service on 25 May 2009. These conditions have been included in the condition set accompanying this report.

Notification/ Submissions

The proposed development required adjoining owner notification under Lismore DCP for a period of fourteen (14) days. Adjoining owners were notified for a period of twenty four (24) days from 28 April - 22 May 2009. This notification period was further extended and the proposed development was also publicly advertised in the Echo and Nimbin Good Times for a period of fourteen (14) days from 22 May - 5 June 2009, giving a total exhibition period of thirty eight (38) days.

During the public notification period Council received eighteen (18) submissions. There were three (3) submissions in support of the development and fifteen (15) submissions in objection to the development. The following issues were raised in the submissions:

- Detrimental economic effect, no need for a shopping centre of this size
- Nimbin is already attracting a large amount of tourism and developments like this one that seek mass tourism, greater turnover and create a Disneyland type of tourist attraction like the Gold Coast should not be supported
- Proposed commercial building is ugly and will impact the heritage village appeal and character of the town
- Proposed location of the commercial development is inconsistent with Lismore DCP – Nimbin Village.
- The proposed development will fragment the existing commercial area of Nimbin and could have social and economic consequences for the main street (Cullen Street).
- Proposed signage is not compatible with existing village signage
- Should be a constructed walking track from the proposed shopping centre to Cullen street
- All power to the site should be underground and the car parking and hot water system should be solar
- Proposed development must be landscaped
- Car park requires shade

- Concern is raised about the traffic impact on local streets in particular Thorburn Street and Sibley Street
- Proposed shopping centre must be served by public transport
- Provision needs to be made for pedestrian and cycle access along Sibley Street to Cullen Street
- Proposed residential allotments
- Should meet the objectives of the Nimbin DCP
- Concerns with the width and condition of Thorburn Street as well as drainage and contamination issues within the street
- The subject site is subject to flooding that may impact other properties
- Design should be amended and murals sensitive to the community values positioned around the shopping centre
- There is insufficient town water and sewer capacity to service the proposed residential subdivision.
- There has been inadequate community consultation in relation to the development.
- Request that the waterway surrounding this development no matter how minor must be repaired (i.e. replanted and fenced)
- Proposed development will generate a large amount of waste that will go into landfill
- The proposed commercial development should use solar energy for both the building, car park lighting and hot water systems
- Rainwater storage should be part of this development
- The proposed development is likely to have a negative impact upon local wildlife
- Native species generally have no where else to go when development encroaches habitats
- Species in our country are going extinct due to things like cars, roads, power lines, fences, dogs and cats, habitat destruction
- New road creates obstacle for wildlife travelling the area
- Proposed commercial and residential lots the subject of this DA are a much needed development for Nimbin
- Present food shops are too small for wheel chair access or the use of food trolleys
- existing parking facilities in Cullen Street close to any food shops is severely restricted making access for the aged difficult
- Over the last 15yrs Nimbin has grown and the shopping centre facility will cater for growth in the area into the future
- Would be an incredible boost to the local community and the local economy.

A full summary of the submissions can be viewed as Attachment A to this report, and the issues raised in the submissions are addressed later in this report.

Consideration

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

Lismore LEP 2000

Zoning: The subject land is part zoned 2(v) Village; 1(r) Riverlands and 1(a) General Rural under Lismore LEP 2000.

The majority of the site including the location of the commercial (shopping centre) building is located within the 2(v) Village zone. The proposed commercial (shopping centre) building is defined under Lismore LEP 2000 as 'shop' which is a permissible use within the zone as is the proposed residential subdivision, subject to development consent from Council. The proposed commercial (shopping centre) building and residential subdivision development are consistent and permissible types of development within the 2(v) Village; whilst the proposed residential subdivision is permissible within the 1(r) Riverlands and 1(a) General Rural zone subject to the support of the submitted SEPP No.1 application.

- 1. Advertised development (cl. 10)**

Regard to the matters relating to environmental impact specified in Schedule 5 has been given in the assessment of the application and these are considered to be satisfactorily addressed for the reasons outlined in this report.
- 2. Subdivision of land generally (cl. 11)**

The proposed development complies with this clause and as such consent can be granted to the proposed subdivision of the land.
- 3. Development affecting places or sites of known or potential Aboriginal heritage significance or potential archaeological sites of relics of non-Aboriginal heritage significance (cl. 16 & 17)**

The subject lot is not a place or site of known or potential Aboriginal heritage significance or potential archaeological sites of relics of non-Aboriginal heritage significance.
- 4. Preservation of trees (cl. 18)**

An assessment of the site and proposed development proposal has not identified any tree(s) requiring preservation.
- 5. Buffer zones to avoid potential land use conflicts (cl 20)**

Chapter 11 of Councils DCP contains one applicable buffer to the site being the buffer to a river / watercourse of 30 m. The development also adjoins current grazing land to the south which has recently been the subject of a residential subdivision proposal. The issue here being the time gap between proposal and development and the use of the land during that period. As the adjoining land will likely be utilised for grazing purposes for some considerable time it is considered reasonable that the applicant meet the buffer requirements for grazing land.

The current Village Zoning dominates the development site and this raises concern in relation to the proposed commercial Lot 21 (Stage 2 of the development). This zoning is flexible and provides an opportunity for a variety of future land uses which will immediately adjoin proposed residential development. Therefore it is considered reasonable that the applicant identify management solutions to address potential land use conflict for this interface. This has been recommended as a condition of consent.

[Zone objectives and zoning control tables](#)

6. Zone No 2 (v) (Village Zone) (cl 50)

The majority of the site including the location of the commercial (shopping centre) building is located within the 2(v) Village zone. The objectives of the 2(v) Village zone are outlined below:

- (a) to retain the character of the rural villages, and*
- (b) to provide for the development of a full range of rural village facilities in locations that are compatible with the character and amenity of each village, and*
- (c) to ensure that adequate provision is made for water supply, effluent disposal, refuse disposal and community facilities, and*
- (d) to control the location, form, character and density of development.*

In regard to the zone objectives the proposed location of the commercial (shopping centre) building away from the main commercial street (Cullen Street) will assist to retain the heritage character of the Nimbin village main street. The development will assist to provide the Nimbin village with a shopping facility within a location that is compatible with the character and amenity of the village whilst the proposed residential lots are of a size that ensures they will comply with the residential character and amenity of the village. It has been demonstrated that adequate provision has been made for water supply, effluent disposal and refuse disposal whilst the development also proposes linkages to existing community facilities. Furthermore it is considered that the location, form, character and density of the development is suitable for the site and compatible with the existing residential and commercial needs of the Nimbin village community. For the reasons outlined above the proposed development is considered consistent with the objectives of the 2(v) Village zone.

In regard to permissibility, the proposed commercial (shopping centre) building is defined under Lismore LEP 2000 as a 'shop' which is a permissible use within the zone as is the proposed residential subdivision, subject to development consent from Council. The proposed commercial (shopping centre) building and residential subdivision development are consistent and permissible types of development within the 2(v) Village.

Having regard to the provisions of Lismore LEP 2000 and the abovementioned comments it is considered that:

- (a) The development is in accordance with and promotes the specific aims of this plan, the objectives of the zone and the objectives of the controls, and
- (b) The development, in particular, is in accordance with and promotes the character of the neighbourhood within which the development is carried out.

As such, consent to the development may be granted.

Rural zones

7. Zone No 1 (a) (General Rural Zone) (cl 30) and No 1 (r) (Riverlands Zone) (cl 35)

The majority of the site including the location of the commercial (shopping centre) building is located within the 2(v) Village zone. However part of the site is also zoned 1 (a) - General Rural and 1(r) - Riverlands Zone. This part of the site contains land that is the subject of the proposed subdivision. The proposed residential subdivision is permissible within the 1(r) Riverlands and 1(a) General Rural zone subject to the support of the submitted SEPP No.1 application.

8. Subdivision and development in rural zones (cl 36)

Under the provisions of Lismore LEP 2000, the minimum subdivision lot size in the 1 (a) - General Rural and 1(r) - Riverlands Zone is 40ha. The applicant has submitted a SEPP 1 objection to vary this development standard, because of the zone boundaries that affect the subject site. In particular, the eastern side of the subject land is zoned 1(a), as indicated on the plans marked as Attachment B to this report.

This application was referred to the Department of Planning who advised concurrence was granted in this instance for the following reasons:

- *The proposal is consistent with the objectives of the zone;*
- *The residue rural land (once subdivided) is not viable as productive agricultural land.*

In addition to the reasons provided by the Department the proposed SEPP No.1 application is also supported on the following grounds:

- The 1(a) zoned land is already well below 40ha equating to just over 1ha of the total land area;
- The proposed SEPP No.1 subdivision only relates to some of the subject allotments;
- The land can be serviced with reticulated sewer and water supply;
- The inclusion of the 1(a) General Rural zoned land within the lots facilitates the proposed riparian rehabilitation works with greater opportunities for longer term management of the riparian zone.

It should be noted that the Department in their correspondence to Council noted *“while concurrence has been granted, the decision was made having regard to land capability and the agricultural land in the area was already fragmented. It appears in this instance the zone boundary is not in the correct location”*.

The development assessment officer concurs with the comments of the Department and therefore the Council report contains a recommendation (see recommendation B of this report) that Council resolves this zone boundary discrepancy within the new LEP zoning process and any reference to this land within the new Lismore DCP.

Residential zones

9. Subdivision of land in Zones No 2 (a) and 2 (v) (cl 51)

This clause applies to land within the 2(a) and 2(v) zone.

Under the provisions of clause 51(2), consent must not be granted to subdivision of land to which this clause applies unless the consent authority has had regard to the matters relating to environmental impact specified in Schedule 5 of the LEP, which is outlined below:

The objectives of the proposed development and how it relates to the objectives of this plan and the relevant zone.

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.

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).

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).

Measures to be taken in conjunction with the proposed development to protect the environment and the assessment of the likely effectiveness of those measures.

*Any likely increase in demand for facilities or services as a result of the development.
An assessment of the likely impact of the proposed development on people occupying the locality within which it will be carried out.*

The likely effects of the proposed development on any Aboriginal cultural heritage or European heritage matters.

The proposed development has been assessed against the abovementioned environmental constraints and subject to the compliance of the development with the recommended conditions of consent the proposed development complies with the matters relating to environmental impacts outlined in Schedule 5.

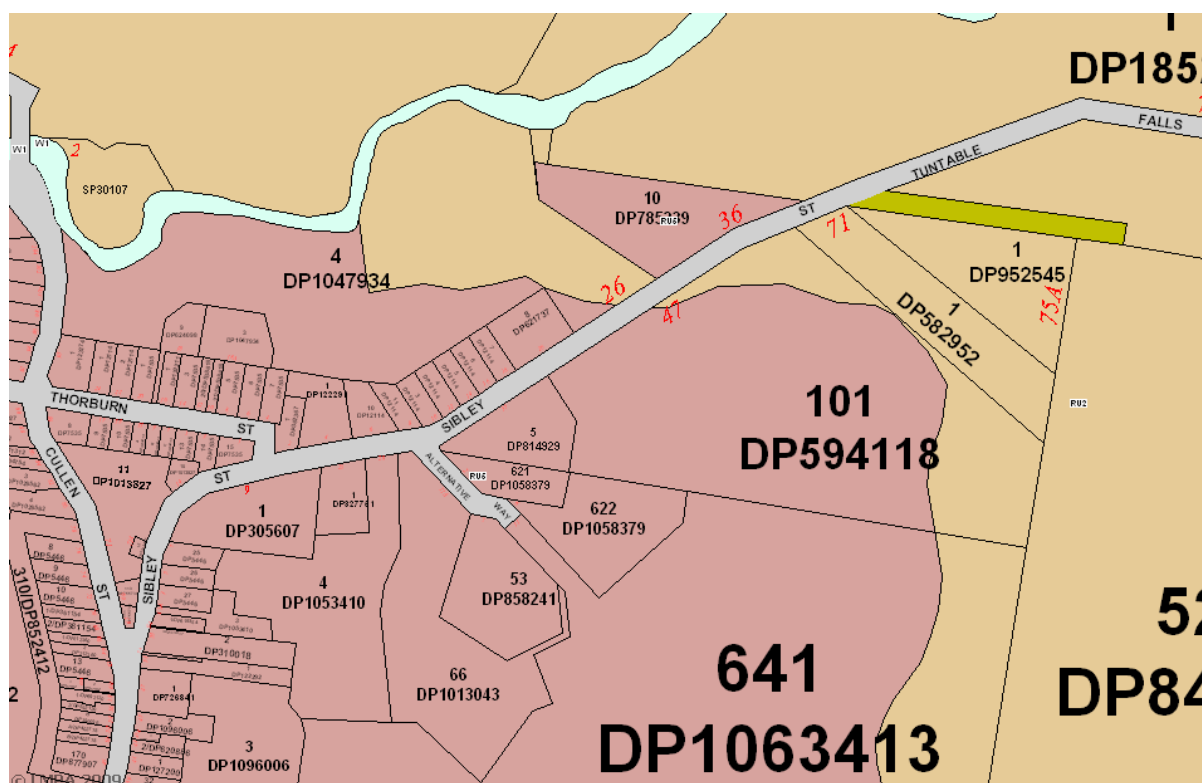
10. Excavating and filling of land in urban areas (cl 56)

This clause applies to land within the 2(a), 2(f) and 2(v) zone. Under the provisions of clause 56(2), any excavation of land to which this clause applies to a depth exceeding one (1) metre or any filling of the land shall not be carried out without development consent.

The engineering report that accompanied this development outlined that filling and excavation works would include the creation of the proposed Sibley Street (roundabout), the new road servicing the subdivision, the commercial development site and the proposed infrastructure areas. Earthworks will be undertaken to modify the commercial development areas to ensure the building platform can comply with the minimum flood levels relevant to this site. The submitted plans attempt to re-establish excavated material for fill to balance the earthworks. In accordance with the provisions of this clause the applicant is seeking approval for excavation and filling via the development consent process. Council's development engineer has assessed the proposed cut and fill associated with this development and raised no objection subject to recommended conditions of consent.

Draft LEP 2010

The application has been assessed against the relevant numeric controls in Draft LEP 2010 as indicated in the following compliance table. Additional more detailed comments with regard to the major issues are provided after the table.



Compliance Table

STATUTORY CONTROL – Draft Lismore Local Environmental Plan 2010				
Site Area – 80,700m²	Existing Site	Proposed	Control	Complies
Residential				
Minimum Lot Size (Cl. 4.1)	80,700m ²	791 – 4819m ²	1000m ² RU5 40ha RU1	NO
Building Height (Cl. 4.3) (max)	N/A	6.5m	8.4m	YES
Floor Space (Cl. 4.4) (max)	N/A	N/A	N/A	YES

The majority of the site including the location of the commercial (shopping centre) building is located within the RU5 – large lot residential zone under the provisions of the Draft Lismore LEP 2010. The proposed commercial (shopping centre) building is defined under the Lismore 'draft' LEP 2010 as 'shops' which is a permissible use within the zone as is the proposed residential subdivision, subject to development consent from Council. The proposed commercial (shopping centre) building and residential subdivision development are consistent and permissible types of development within the RU2 – Rural Landscape and RU5 – Village zone under the Lismore 'draft' LEP 2010. It is noted that only one (1) of the proposed residential lots does not comply with the minimum lot size (Cl. 4.1) provisions of the Draft Lismore LEP 2010. The non-compliance with this clause is supported as the proposed subdivision design provides a range of lot sizes and the design is consistent with the existing residential subdivision pattern in Nimbin.

Part 7 Additional Local Provisions

7.3 Flood planning area

There is some localised flooding that occurs on this site and Council's development engineer has imposed relevant conditions of consent in regard to this matter.

7.7 Essential services

Following an assessment of the development proposal Council is satisfied that any utility infrastructure that is essential for the proposed development is available and Council's development engineer has imposed relevant conditions of consent in regard to this matter.

7.8 Riparian land and Waterways

Following an assessment of the development proposal Council is satisfied that the riparian land around the existing waterway will be protected and improved. Council's ecologist has imposed relevant conditions of consent in regard to this matter.

7.9 Natural resources sensitivity – biodiversity

Following an assessment of the development proposal Council is satisfied that the subject site does not contain any sensitive biodiversity and that the proposed development will not have any significant impact upon sensitive biodiversity.

S.94 Contributions Plan

Both the proposed commercial building and residential subdivision are subject to Council's S.94 Contributions Plan. Relevant conditions of consent are incorporated in the proposed development consent conditions.

SEPP No. 1 Development Standards

The development application was accompanied by a SEPP No.1 application because the proposed residential subdivision seeks to create some of the residential allotments (proposed Lots 1-3, 6-11 & 23) within the 1(a) General Rural Zone.

This application was referred to the Department of Planning who advised concurrence was granted in this instance for the following reasons:

- *The proposal is consistent with the objectives of the zone;*
- *The residue rural land (once subdivided) is not viable as productive agricultural land.*

In addition to the reasons provided by the Department the proposed SEPP No.1 application is also supported on the following grounds:

- The 1(a) zoned land is already well below 40ha equating to just over 1ha of the total land area;
- The proposed SEPP No.1 subdivision only relates to some of the subject allotments;
- The land can be serviced with reticulated sewer and water supply;
- The inclusion of the 1(a) General Rural zoned land within the lots facilitates the proposed riparian rehabilitation works with greater opportunities for longer term management of the riparian zone.

It should be noted that the Department in their correspondence to Council noted *“while concurrence has been granted, the decision was made having regard to land capability and the agricultural land in the area was already fragmented. It appears in this instance the zone boundary is not in the correct location”*.

The development assessment officer concurs with the comments of the Department and therefore the Council report contains a recommendation that Council resolves this zone boundary discrepancy within the new LEP zoning process and any reference to this land within the new Lismore DCP.

SEPP No. 44 – Koala Habitat Protection

The subject land is not mapped as koala habitat and an inspection and assessment of the development proposal by Council's ecologist did not determine that the existing property or vegetation provided any koala habitat and therefore SEPP No.44 is not applicable to this development application.

SEPP No. 55 – Remediation of Land

The applicant has undertaken a preliminary contaminated land assessment in accordance with Council's Policy undertaking a systematic grid sampling program to support the basic historical review. The analytical results identify that the soil environment has contaminant levels below recognised Health Based Investigation Levels (HBIL) and as such it is reasonably concluded that the site is suitable under the provisions of SEPP No.55 for the proposed mixed land use.

SEPP No. 64 - Advertising and Signage

Pursuant to Clause 13 of the SEPP, Schedule 1 provides the matters for consideration by Council when assessing advertising structures. The proposed signage has been assessed against these provisions and is considered to be satisfactory.

SEPP (Infrastructure) 2007

Development of the subject type (i.e. shops with an area >500m²) is listed in Schedule 3 within the SEPP (Infrastructure) 2007. Development of this type must be referred to the Roads and Traffic Authority (RTA). The RTA concurred with the comments made by the Local Traffic Advisory Committee. These comments have been converted into conditions of consent and are included as part of the proposed development consent conditions.

SEPP (Rural Lands) 2008

Not applicable to this development application.

North Coast REP

The most relevant clause under the North Coast REP is Clause 43 which relates to residential development. This clause requires Council to take into consideration the following matters:

- (a) *it is satisfied that the density of the dwellings have been maximised without adversely affecting the environmental features of the land;*
- (b) *it is satisfied that the proposed road widths are not excessive for the function of the road;*
- (c) *it is satisfied that the road network has been designed so as to encourage the use of public transport and minimise the use of private motor vehicles;*
- (d) *it is satisfied that site erosion will be minimised in accordance with sedimentation and erosion management plans.*

The proposed lot layout, achieving a dwelling density of approximately 4 dwellings per hectare, has been developed in a manner which seeks to provide additional lots while responding to the environmental features of the site (primarily slope, aspect, drainage lines) together with the primary retail land use.

In terms of road width, the road reserves and carriageway width in the proposed subdivision does vary to reflect the desired street hierarchy and to satisfy Table 6-5 of Chapter 6 of the Lismore Development Control Plan.

In regard to erosion and sedimentation control it is standard practice that such a plan will be prepared at detailed design stage and will include the implementation of a range of control devices including limitations on the extent of soil exposed at any one time, diversion drains, settlement ponds and respreading of topsoil and seeding at the earliest opportunity following completion of earthworks. This plan must be approved by Council and an appropriate condition has been incorporated into the proposed development consent conditions.

Lismore Development Control Plan

The application has been assessed against the relevant controls in the Lismore DCP as indicated in the following compliance table. Additional more detailed comments with regard to the major issues are provided after the table.

1. DCP 2002 Compliance Table

LISMORE DEVELOPMENT CONTROL PLAN		
	<i>complies</i>	Comments
Chapter 6 - Subdivision and infrastructure (Urban subdivision)		
Subdivision and infrastructure (Rural subdivision)		
Minimum Allotment Sizes The DCP preferred lot size for this zone is an average of 1000 m ² where reticulated/common effluent disposal is available or 2,000m ² where no reticulated sewerage system is available.	Yes	The application proposes the creation of village residential allotments connected to Council's reticulated effluent disposal system with an average lot size of 2,324.5m ² .

Subdivision responds to site characteristics	Yes	The proposed subdivision achieves the performance criteria of this element.
Reinforcement of Village identity through resident accessibility to community facilities	Yes	The development allows for pedestrian access to Sibley Street, which connects to the Nimbin Village, Skate Park, Recreation Grounds and Swimming Pool. In this respect, the development reinforces village identity.
Site accessibility	Yes	Site access is achieved from a local road proposed to connect to Sibley Street. The road connection will be provided with a cul-de-sac intersection treatment, with the internal road width designed to 8m bitumen sealed standard. The road has scope to be extended with the future development of the Nimbin Eco Village land which is zoned 2(v).
Infrastructure embellishment costs	Yes	The proposal will require the extension of infrastructure services to cater for the proposed development and conditions are attached regarding the payment of relevant S.94 and S.64 contributions.
Local Street Networks	Yes	The proposal provides vehicular access from Sibley Street which complies with the development standards outlined within the DCP.
Road Network Pedestrian and Cyclist Facilities	Yes	The road network has been designed so as to cater for public transport. A street hierarchy is evident via the width and design of roads facilitating a legible and safe transport network. A potential bus route has been provided. The road layout responds to topography, vegetation.
Public Transport	Yes	The proposed subdivision is on the fringe of the village area and street system has been designed such that it could incorporate the existing bus service that services the Nimbin village.
Public Open Space	Yes	The proposed subdivision is not large enough to require the creation of a public open space park. The proposed site is located close to the proposed skate park and the public village park/swimming pool. The proposed subdivision is also subject to Council's S.94 plan which will require the payment of contributions for 'recreation and community facilities' which go toward the creation and embellishment of 'recreation and community facilities' within Nimbin.
Physical Infrastructure Street Design & On-Street Parking	Yes	Streets have been designed to reflect their intended function and have been designed to limit traffic speed, provide safe movements to and from private lots and provide safe crossings for pedestrians. On-street car parking has been provided along the full length of the local village street and road layout accords with design criteria pertaining to design and character.

Street Construction	Yes	The applicant has provided documentation with the application to demonstrate to Council that there are street construction options available that ensure the subdivision can be designed in accordance with Council design standards.
Utility Services	Yes	The applicant has demonstrated that utility services such as sewerage, water, electricity and street lighting can be provided to the proposed development.
Stormwater Management	Yes	The stormwater management system has been designed to manage both the flow and quality of stormwater runoff.
Water Quality Management	Yes	Soil and sedimentation controls will be implemented during construction and maintained until establishment of the residential development. It is proposed to use a bio-retention system to retain and filter stormwater runoff before it enters groundwater or watercourses.
<i>Streetscape and Lot layout</i>	Yes	All lots will contain an area exceeding 800m ² with an average of 2324m ² and a building envelope exceeding 18m x 15m. The lot sizes are greater than the minimum requirement in the 2(v) zone as slope and orientation characteristics require larger lots to minimise earthworks and facilitate solar access to housing. Due to the property configuration and need to link to the residential land located south of the subject land the development does incorporate some battle-axe allotments. Dwelling sites are located upon land below 20% slope.
Environmental Protection	Yes	The proposal will provide for the regeneration of the riparian areas and provision of street planting. An ecological assessment of the proposal by Council and the applicant has concluded that no adverse ecological impacts result due to the proposal as evidenced within the ecological assessment.
Chapter 7 - Off-street parking		
Dwelling House The DCP requires 2 spaces per dwelling (1 undercover)	N/A	Car parking for future dwellings on the proposed residential lots will be subject to an assessment at the time of determination of the dwelling house.
Shops: Shopping Complex (i.e. proposed supermarket and specialty shops). The DCP requires: 4.4 car spaces per 100m ² of gross floor area.	Yes	The proposed development has a gross floor area of 2,366m ² and requires under the DCP 104 car parking spaces. The plans submitted to Council detailed a Stage 1 & Stage 2 car park. The proposed development (i.e. Stage 1) requires 104 car parking spaces and the plans submitted detailed a car parking plan with 105 car parking spaces (Stage 1).
Satisfactory loading bays and manoeuvring area for articulated vehicles.	Yes	Council's development engineer has advised that the proposed loading bays and manoeuvring area for articulated vehicles is considered satisfactory.
Chapter 9 - Outdoor advertising structures:		
<i>Pole Sign</i> Height - 7.5m Surface Area – 4m ²	Yes	Proposed Entrance Pole Sign Height - 7.5m Surface Area: - 3.55m ²

Fascia Sign Advertising sign that is painted on or attached to the fascia or return of an awning, but does not exceed the height of the fascia or the return of the awning.	Yes	Proposed Shopping Centre "Nimbin Central" fascia sign. 1 x Fascia Sign (17.04m ²) that is attached to the fascia of the shopping centre commercial building that does not exceed the height of the fascia or the return of the awning. Sign is permissible without Consent
Internally 'illuminated' Sign "Internal" illuminated signs should not exceed 8m ² in area per premises/shop. Maximum permissible would be 5 shops x 8m ² = 40m ² (Total Panel Area)	Yes	5 x Internally Illuminated Signs above proposed Specialty Shops with a Total Panel Area – 9.45m ²
Chapter – 11 Buffers		
The DCP outlines that in urban (sewered) areas a 30m setback from the nearest boundary of urban allotments to the bank of any river, stream or watercourse.	Yes	Following an amendment to the subdivision plan each of the proposed residential allotments do provide a 30m setback buffer to the identified building envelopes.
Chapter 13 - Crime prevention through Environmental Design:		
Shopping Centre & Residential Subdivision	Yes	The proposed development was referred to the NSW Police who outlined concerns with the location of the toilets and poor access for pedestrians from car park to the shopping centre. The applicant submitted an amended floor/site plan to address these concerns. Those plans were reviewed by the NSW Police who have advised that the proposed crime prevention measures are now satisfactory. The NSW Police recommended crime prevention conditions which are incorporated into the conditions of consent.
Chapter 14 - Tree Preservation Order		
<u>Tree Removal</u>	Yes	Council's ecologist has not raised any concerns with the proposed tree removal. All tree removal is supplemented by the additional trees to be planted as part of the proposed planted landscape and riparian revegetation works.
Chapter 15 - Waste Minimisation		
<u>Waste management</u>	Yes	Council's Environmental Health Officer has reviewed the development application in respect to waste management and raised no objections subject to conditions.

1. Nimbin Village

This Chapter of the DCP applies to the village of Nimbin and as such encompasses the subject land. The DCP is broken up into 3 sections, the relevant provisions of the DCP are outlined in the table below:

DEVELOPMENT PROVISIONS	SUBJECT DEVELOPMENT
6.2 – Village Precincts	The land the subject of the development application contains land identified within the Nimbin DCP as 'light industry' and 'new residential'.
6.2.1 – Residential Village Precincts	<p>The land identified as 'new residential' within the Nimbin DCP is proposed to be used for residential purposes. Some of this land is constrained by flooding from an existing watercourse that runs through the property. The proposed subdivision design is compatible with the objectives of 'new residential' areas as the subdivision provides the following:</p> <ul style="list-style-type: none"> • Provision of a pedestrian access to help link the subdivision to existing community, commercial, industry and residential village precincts. • Given the constraints of the land the subdivision has provided an energy efficient cluster approach to the subdivision. • The development incorporates an enhancement of the watercourse riparian areas that will provide passive recreational needs of future residents.
6.2.3 – Light Industrial Village Precinct	<p>The proposed commercial (shopping centre) development is located on land that has a preferred identified use as 'light industrial' land.</p> <p>Although the proposed 'commercial' land use is not 'light industrial' the application has demonstrated that the land is suitable for the proposed 'commercial' development and is compatible with the objectives of the precinct as outlined below:</p> <p>1. Encouraging the light industrial development of land, which will not compromise existing light industrial development in the precinct and not affect existing development in the Commercial Village Precinct.</p> <p>Comment: The objective does not specifically relate to the subject proposal. However the proposed commercial development will not compromise the adjoining existing light industrial development in the precinct and not affect existing development in the commercial village precinct.</p> <p>2. Enabling the development of lands for uses other than 'preferred uses' where it can be demonstrated that there is not other suitable alternative site available and that the proposed use will not detrimentally affect existing light industrial development.</p> <p>Comment: The built heritage environment and character of the existing commercial precinct as well as the topography of Cullen Street presents site constraint difficulties that would not enable the development of a shopping centre style development within the existing commercial precinct. The site constraint issues with the existing commercial precinct of Cullen Street are further exacerbated by the fact that there are no major land holdings available within the existing commercial precinct that could accommodate the proposed commercial (shopping centre) development. In this regard the development application is accompanied by a retail study which confirms the inability to provide a supermarket within Cullen Street whilst also demonstrating the need for the supermarket and the how the supermarket will operate with no significant impacts on the existing retail area within Nimbin. Furthermore the proposed development incorporates significant building and landscape setbacks to the adjoining light industrial development.</p> <p>For the above reasons it has been demonstrated that there is not other suitable alternative sites available and that the proposed use will not detrimentally affect existing light industrial development.</p>

	<p>3. Requiring new light industrial development to make adequate provision for landscaping, vegetation conservation and rehabilitation of natural drainage systems Comment: The objective does not specifically relate to this proposal. Notwithstanding this, the proposed commercial development does incorporate generous landscaping, vegetation conservation and rehabilitation of the existing drainage watercourse that runs through the property.</p> <p>4. Preserving local residential amenity where existing residential areas abut the precinct. Comment: The development application was accompanied by an acoustic impact report which demonstrates the proposed commercial shopping centre development will accord with prescribed acoustic standards when measured at the sensitive receivers which in this case is the proposed village residential lots proposed for the land. Accordingly, adjoining residential village land to the south-east is located further from the proposed residential village lots and the amenity of the future residents will not be adversely impacted by the proposed commercial shopping centre development.</p> <p>5. Discouraging potentially offensive or hazardous industry where in the opinion of Council the activity is likely to cause adverse environmental impacts or major upgrading of utility services. Comment: The objective does not specifically relate to the subject proposal. The proposed commercial and residential subdivision development is not a <i>potentially offensive or hazardous</i> development and is not <i>likely to cause adverse environmental impacts or require a major upgrading of utility services</i>.</p>
6.3 General Provisions	This section of the DCP contains a number of heritage, environmental and infrastructure matters to be taken into consideration by Council during the assessment of a development application. The following outlines only those matters relevant to the proposed development:
6.3.2 – Environmental Hazards and Buffer Areas	The proposed development has identified the environmental hazard to this site being the potential flooding of certain parts of the land. In accordance with the DCP the development application was accompanied by a detailed engineering assessment. The design of the residential subdivision has ensured that those parts of the land that are flood affected are located away from the nominated building envelopes and as such will not be used for habitable residential development. The commercial and subdivision development has also been designed to incorporate buffer areas in accordance with Chapter 11 (Buffer Areas) of the DCP. As such there is a 20m buffer provided between the southern residential lots and the existing designated light industrial use land.
6.3.3 – Provision of Village Infrastructure	<p>The subject site can be supplied by Council's reticulated water and sewer network and in accordance with the DCP the proposed development will be connected to Council's reticulated water and sewer network.</p> <p>The DCP does not identify for this site a preferred local road, cycleway and footpath network. The proposed road, cycleway and footpath network within this development has been designed in accordance with the DCP.</p> <p>The natural drainage systems found on site have been retained and are proposed to be embellished and form a key element in the design of the subdivision. Storm water generated from the development will not be directed over adjoining lands, with storm water to be discharged to a defined watercourse in accordance with the requirements of the DCP. In accordance with the DCP the proposed reticulated electricity services are to be underground.</p>

Section 94 Contributions Plan

The proposed commercial development and residential subdivision require the payment of Section 94 contributions in accordance with the following table:

Stage 1: Commercial (Shopping Centre) Building

Levy Area	Account No.	No. of ET's/m²	Cost Per ET/m²	Amount Payable
Transport Plan				
Strategic Urban Roads				
Commercial Development	574	2,366	\$43 per m ² (GFA)	\$101,738
Nimbin Catchment (LATM)				
Commercial	580	2,366	\$4.00 per m ² (GFA)	\$9,464
SES				
All areas	584	13.65	62	\$846
Total				\$112,048

Stage 2: Commercial/Residential Subdivision

Levy Area	Account No.	No. of ET's/m²	Cost Per ET/m²	Amount Payable
Recreation and Community Facilities				
Citywide All Areas (50% discount factor)	542	21	918	9,639
Nimbin and District - Local	544	21	460	9,660
Street Trees				
Residential	549	21	213	4,473
Transport Plan				
Urban Roads				
Residential	576	21	96	2,018
Rural Roads				
Nimbin Rd Segment 6	554	21	3,104	65,181
Nimbin Village	554	21	2,120	44,530
SES				
All areas	584	21	64	1,346
Rural Fire Service Plan				
All areas	583	21	94	1,970
Total				\$138,817

Applicable Regulations

Section 79C of the Environmental Planning & Assessment Act, 1979 applies to the proposed development. In accordance with the Act, a Statement of Environmental Effects (SEE) addressing the provisions of Section 79C accompanied the application. The proposed development has been assessed by Council in accordance with the provisions of Section 79C of the Act.

Council Policies

1.8.2 – Access to Battle Axe Type Subdivisions

The proposed residential subdivision incorporates some battle axe type allotments. Each of these allotments has an access handle that complies with this policy.

5.17.3 – Biodiversity – Flora and Fauna

The proposed development is in accordance with the intent of this policy.

5.2.30 – Social Impact Assessment

The proposed development required a social impact assessment under this policy. The development included an economic impact assessment and social planning consideration within the SEE. The social planning consideration assessment within the SEE was referred to Council's Social Planner. The Social Planner recommended their support for the development and it is considered the proposed development is in accordance with the intent of this policy.

5.17.8 – Sustainability, Viability and Amenity of Rural and Urban Land

The proposed development is in accordance with the intent of this policy.

1.8.4 – Undergrounding of Electricity Mains and Provision of Street Lighting – Residential Areas.

The proposed development is in accordance with the intent of this policy and as required by the policy a condition of consent regarding the undergrounding of electricity mains and street lighting is incorporated into the proposed conditions of consent.

1.8.6 - Undergrounding of Telephone Plant in Subdivisions

The proposed development is in accordance with the intent of this policy and as required by the policy a condition of consent regarding the undergrounding of telephone plant is incorporated into the proposed conditions of consent.

Design

Commercial Building

Concern was raised in some submissions that the proposed building design were not complimentary with the existing heritage character and design of Nimbin village. It is true that the building design and materials are more consistent with modern shopping centre building materials and design. The applicant has stated *“The proposed development represents not only a functional design in response to the operation of a shopping centre.....the proposal incorporates a level of landscaping and façade variation that will ensure that the proposed structure is neither monotonous nor imposing in its articulation to the primary street frontages”*.

In consideration of this issue it is noted that the location and design of this building is outside of the identified heritage precinct of the Nimbin village in which the Cullen Street commercial/retail precinct is located. It is agreed as stated in some submissions that the site can be visually seen from areas along Cullen Street and the Council public recreational/proposed skate park and swimming pool. However it is noted that these views are filtered and will become more filtered as the proposed landscaping around the commercial building matures.

Council could seek to have the building re-designed and constructed of materials more sympathetic to the existing heritage precinct of the Nimbin village however as identified by the applicant *“retail development by their very nature must be designed with functional purpose in mind”*. For this project to be commercially viable then the use of cost effective practical functional commercial building construction materials and functional commercial building design is required. It is also recognised that the location and separation from the Cullen Street commercial/retail precinct enable the proposed commercial (shopping centre) building to have a different design and character to the existing Nimbin commercial precinct. This is because the commercial operational use of the two precincts will be different as the Cullen Street Commercial precinct essentially will involve the preservation of the existing tourist retail centre within the village area whilst the development of the supermarket on a green field site located on the outer edge of the village will provide a modern commercial development specializing in domestic retail (such as a supermarket, butcher, baker, chemist etc.) shops and associated car parking servicing the domestic retail needs of the Nimbin community and surrounding rural areas.

For the above reasons the proposed built form of the development is considered in this instance to be reasonable and an economic and practicable solution to the construction of a commercial development on this site.

Residential Subdivision

The design of the roads and stormwater drainage to service the proposed residential subdivision relates to the natural site constraints and is appropriate for the land the subject of this development.

Materials

The development application states that the proposed commercial (shopping centre) building materials to be used within the proposal, include precast Kingspan panels, painted tilt panels, steel framed fc lined panels, mono pitched metal roof, galvanised downpipes, glass shopfronts metal canopy on galvanised steel structure and metal louvers

A number of the submissions outlined that the building should use more sustainable building materials and other sustainable features such as solar power and rain water tanks should be incorporated into the design of the building.

There are currently no government regulations for commercial type buildings relating to energy efficiency. In regard to the use of Kingspan panels on the external walls the applicant has provided the following information in support of the energy efficiency of these panels:

“the Kingspan panel product is capable of reducing energy use by up to 60% and the material is recyclable.

As a company Kingspan is dedicated to sustainable building systems. They have an R and D department that is constantly improving the product.

From a performance perspective the system ensures optimum levels of fireproofing and thermal performance while offering more choice in material selection at the early design stages of a building. The system provides a 90 minute Fire Resistance Level of (-/90/90) meeting the BCA requirements for fire resistance levels in building classes from Type A to C.”

Whilst it is not considered reasonable or statutory for Council to require the applicant to use solar power or rain water tanks it is likely that the continued cost rises in electricity and water services will result in the owners of commercial buildings investing in sustainable energy resources such as solar power and rainwater collection.

Amenity

Noise Impact

Some concerns were raised about proposed noise impact of the commercial development. In this regard the applicant submitted additional information and generally the proposed hours of operation are supported with the exception of the 6am delivery time. 6 am to 7 am is recognised as part of the night time period and therefore most sensitive period of the day under the NSW EPA Industrial Noise Policy. In recognition of the difference between the day and night period project specific noise level and location of existing and future sensitive receivers it is considered that deliveries should be restricted to 7am to 6 pm Monday to Saturday and 9 am to 6 pm Sunday's and Public Holidays and the consent has been conditioned accordingly.

Furthermore a critical design component for the attenuation of emissions from the access/delivery road is the construction of an acoustic barrier on the southern and eastern boundaries. The height of the barrier is nominated at 2m. The concern with this design height is its effectiveness when articulated vehicles will have refrigeration plant etc exceeding the barrier enabling a direct line of sight with receivers. Therefore it is considered appropriate that the perimeter acoustic barrier be designed to ensure noise emissions from delivery vehicle refrigeration units satisfy the nominated project specific level for continuous sources such as fixed plant. As plant selection etc has not been determined at this stage of the development it is important that acoustic performance consideration be given at plant design stage (selection, location, attenuation requirements etc) stage and that post installation monitoring be undertaken to ensure the project specific levels are achieved and the consent has been conditioned accordingly. Subject to the compliance with these conditions the proposed noise impact associated with this development is unlikely to have any negative impact upon the amenity of the surrounding locality.

Signage

There was some concern within submissions regarding signage for the proposed commercial (shopping centre) building. The proposed signage incorporates a pole sign, fascia sign and individual shop 'internally illuminated' signs. The type and size of each sign was assessed in accordance with SEPP 64 – Advertising and Signage and Chapter 9 – Outdoor Advertising Structures of Lismore DCP. The proposed signage complies with the SEPP and development standards within the DCP. The applicant has also advised that post construction of the development the owner has expressed an intention in approaching and engaging local artist's to paint murals on selected sections of the commercial building. The painting of murals on commercial buildings is common along Cullen Street in Nimbin however Council does not have any formal policy or development standards relating to murals. It is considered the proposed signage is sympathetic in bulk and scale to the surrounding industrial, commercial and residential development whilst being of a practical and reasonable type and size to promote and facilitate the proposed shopping centre development. The proposed signage is unlikely to have any negative impact upon the amenity of the surrounding locality.

Infrastructure Services (roads, traffic, stormwater drainage, water and sewer)

There was some concern within submissions regarding the capability of the existing road system to cater for the traffic generated by the commercial (shopping centre) development and the existing water and sewer system to cater for the additional services generated by this development. The applicant submitted relevant technical reports addressing these matters and the proposed development was assessed by Council's infrastructure engineers and environmental officers. The comments of relevant staff regarding these matters are incorporated within the report. The conclusion reached is that the existing and proposed infrastructure associated with this development is satisfactory and relevant conditions of consent addressing these infrastructure matters are incorporated into the proposed conditions of consent. Subject to compliance with these conditions it is not likely that the infrastructure services (roads, traffic, stormwater drainage, water and sewer) associated with this development will have any negative impact upon the amenity of the surrounding locality.

Lighting

There was some concern within submissions regarding possible amenity impacts from lighting associated with the proposed commercial (shopping centre) development. Consideration has been given to this issue and there are Australian standards relating to this matter. In this instance it is considered warranted that a specific condition addressing this matter is included in the proposed conditions of consent to ensure that the potential intrusive impacts of external lighting are effectively managed. Subject to the compliance with this condition the proposed lighting impact associated with this development is unlikely to have any negative impact upon the amenity of the surrounding locality.

Impacts upon Fauna and Flora

There was some concern within submissions regarding the potential impact of the proposed development upon existing fauna and flora and/or potential threatened species fauna and flora. The development application was accompanied by an Ecological Assessment report. This report was reviewed in conjunction with a site inspection by Council's ecologist. As evidenced within ecological comments contained within this report the proposed development site does not contain any known threatened species fauna and flora or is likely to have any impacts upon existing fauna and flora. Furthermore, the proposed re-vegetation of the riparian areas along the watercourse which is incorporated into the conditions of consent is likely to have positive amenity and flora/fauna impacts upon the subject site and surrounding locality.

Pedestrian Access

A number of the submissions raised a concern or request that the proposed commercial (shopping centre) development be linked to the public open space on Sibley Street and Cullen Street commercial precinct. The application did indicate an intention to connect the development to the existing pedestrian path in Sibley Street. It is considered essential from a sustainable and amenity point of view that the proposed commercial (shopping centre) development is linked to the public open space on Sibley Street and Cullen Street commercial precinct. Accordingly the proposed conditions of consent incorporate a requirement that a pedestrian/cycleway link is built between the proposed commercial (shopping centre) and residential subdivision to the end of the existing pedestrian link in Sibley Street. This pedestrian/cycleway link will have a positive amenity impact upon the subject site and surrounding locality.

Social/Economic Impact

A key issue within the submissions and for Council's consideration has been the social and economic impacts in general of the proposed commercial (shopping centre) development, its impact upon the existing shops in Cullen Street and the separation of the proposed commercial (shopping centre) development from the existing commercial precinct in Cullen Street and the associated identification under the Nimbin chapter of the Lismore DCP that future commercial expansion of Nimbin would occur around Cullen Street.

The development application submitted to Council included an Economic Impact Assessment report from a suitably qualified person. The report was commissioned by the applicant to assess the *market feasibility, community need and economic impact and implications of the proposed shopping centre*. The SEE submitted with the application addresses the Nimbin DCP.

In regard to concerns about *"the separation of the proposed commercial (shopping centre) development from the existing commercial precinct in Cullen Street and the associated identification under the Nimbin chapter of the Lismore DCP that future commercial expansion of Nimbin would occur around Cullen Street"* it is noted as addressed in the Nimbin DCP section of this report that the proposed commercial (shopping centre) development is located on land that under the Nimbin chapter of the DCP has a preferred identified use as 'light industrial' land.

Although the proposed 'commercial' land use is not 'light industrial' the application has demonstrated that the land is suitable for the proposed 'commercial' development and is compatible with the objectives of this particular precinct.

Following a site inspection and review of the Nimbin village it is considered that the heritage construction and character of the existing commercial precinct as well as the topography of Cullen Street presents site constraint difficulties that would not enable the development of a shopping centre style development within the existing commercial precinct. The site constraint issues with the existing commercial precinct of Cullen Street are further exacerbated by the fact that there are no major land holdings available within the existing commercial precinct that could accommodate the proposed commercial (shopping centre) development.

In regard to concerns about potential *impacts upon the existing retail shops in Cullen Street* the Economic Impact Assessment report outlines that the "*Impacts on the vitality, viability and unique nature of Nimbin's retail and commercial precinct are expected to be minimal for several reasons:*

- *The proposed supermarket and specialty shops cannot be physically accommodated within Nimbin's designated retail and commercial precinct;*
- *Given the resident orientated, 'chore' shopping and convenience nature of the intended centre, it would not appeal to, nor attract, most visitors and day trippers who come to Nimbin, and especially to Cullen Street;*
- *The majority of the proposed centre's sales will come from retaining trade area retail expenditure that is currently flowing to Lismore and other centres;*
- *Most of the sales likely to be drawn away from Cullen Street (\$4.57 million) will be that of the Emporium, which will relocate and occupy about 75% of the proposed centre's lettable floor area (supermarket, video and health food stores); and*
- *In 2013 the Emporium is to be revamped as specialty shop floor space, and those new shops would be expected to maintain and contribute to the vitality and character of Nimbin's Cullen Street retail and commercial precinct.*
- *In our opinion there would be very little risk of the proposed supermarket and specialty shops eroding the role of Cullen Street or diminishing its future market prospects and character. Retail and commercial space on Cullen Street is tightly held with very little scope for new businesses to enter the market.*

In regard to "*the social and economic impacts in general of the proposed commercial (shopping centre) development*" the Economic Impact Assessment report states the following:

"Foresight Partners Pty Ltd investigations and market assessment indicate that there is a strong community and planning need and demand within the trade area to support the proposed shopping centre. Although it will cater to modest future growth within this area, its market prospects will lie primarily in its ability to retain a significant portion of the trade area's retail expenditure potential flowing to other centres (mainly Lismore). Nevertheless, modest forecast population growth should increase the available pool of resident generated retail expenditure available to all retailers by about \$5.7 million between now and 2015, which will help ameliorate the impacts of the proposed centre.

Foresight Partners Pty Ltd have concluded the proposed centre is unlikely to jeopardise the character, vitality and viability of the Cullen Street retail and commercial precinct, but will generate a number of positive or beneficial impacts, including:

- *Provision of a larger and more modern supermarket and accompanying convenience specialty shops that will provide for a much greater proportion of the trade area's chore food shopping and convenience needs and increase the local retail choice and variety available to trade area residents;*
- *Generate greater competition in price and service, especially for household food shopping needs;*

- *Provision of a larger and more modern supermarket and shops with easily accessible, at grade parking will enhance customer convenience, especially for older customers with parcels in hand, who might have difficulty negotiating some of Cullen Street's 'topographically challenging' off-street parking provision;*
- *Reducing the frequency and necessity of travelling some 60-70 kilometres round trip to Lismore in order to access a reasonable range of food and grocery items, or other convenience homewares/services items that are purchased frequently.*
- *Creating local employment opportunities, particularly for younger workers. The proposed centre would be expected to generate the equivalent of approximately 85 employment opportunities for full-time, part-time and casual workers. Net employment gains, however, would be slightly less as some jobs would be transferred from existing Cullen Street businesses;*
- *Creating short-term employment during the centre's construction phase. Construction employment and economic benefits can be highly dispersed in terms of residential origins and is therefore of benefit to the broader Lismore LGA and northern NSW coastal region, rather than specifically to the Nimbin area."*

It is believed that the benefits outlined above, coupled with the need to ensure Nimbin has adequate supermarket and other convenience shopping facilities, especially once the Emporium grocery store ceases to exist, collectively represent a strong social and strategic planning need for the proposed centre.

It is recognized that the proposed commercial (shopping centre) development will have some social and economic impacts to the existing Cullen Street commercial precinct however for the reasons discussed in this section of the report it is considered that there are more positive than negative social and economic impacts for the proposed development.

Roads Act Approvals

Roads Act approval from Council is necessary and is incorporated as a condition of consent.

Local Government Act Approvals

A Water Management Act approval for any works within 40m of an existing watercourse from the NSW Office of Water is necessary and is incorporated as a condition of consent

All Likely Impacts of the Development

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

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

Submitter's Concerns

The matters raised in submissions are addressed within the body of this report and the submissions table (refer to attachment 1).

Sustainability Assessment

Sustainable Economic Growth and Development

The economic growth and development report (from Foresight Partners Pty Ltd) investigations and market assessment indicate that there is a strong community and planning need and demand within the trade area to support the proposed shopping centre. Although it will cater to modest future growth within this area, its market prospects will lie primarily in its ability to retain a significant portion of the trade area's retail expenditure potential flowing to other centres (mainly Lismore). Nevertheless, modest forecast population growth should increase the available pool of resident generated retail expenditure available to all retailers by about \$5.7 million between now and 2015, which will help ameliorate the impacts of the proposed centre. Furthermore the proposed development will boost the local economy by creating local employment opportunities, particularly for younger workers. The proposed centre would be expected to generate the equivalent of approximately 85 employment opportunities for full-time, part-time and casual workers. Net employment gains; however, would be slightly less as some jobs would be transferred from existing Cullen Street businesses.

Social Inclusion and Participation

The proposal involves the provision of a larger and more modern supermarket and accompanying convenience specialty shops that will provide for a much greater proportion of the trade area's chore food shopping and convenience needs and increase the local retail choice and variety available to trade area residents. The provision of a larger and more modern supermarket and shops with easily accessible, at grade parking will enhance customer convenience, especially for older customers with parcels in hand, who might have difficulty negotiating some of Cullen Street's 'topographically challenging' off-street parking. The proposed use of the land for a mix of commercial and residential uses and its pedestrian connection to public open spaces (i.e. public/skate park and swimming pool) will also assist in the social inclusion and participation of the commercial development with the Nimbin community.

Protect, Conserve and Enhance the Environment and Biodiversity

The proposal will have a minimal impact on the environment and no long term detriment to threatened or vulnerable species or endangered ecological communities. Sediment and erosion controls and the proposed revegetation of the riparian areas along the existing watercourse will ensure the protection of the environment and biodiversity at the proposed quarry operations.

Best-Practice Corporate Governance

The recommendation of this report supports best practice management principles, and the efficient and proper use of Council's resources. The purpose of this report is to obtain Council's decision on the approval or refusal of the proposed commercial (shopping centre) and residential subdivision development.

Comments

Finance

Not applicable.

Other staff comments

Referred to in the body of this report.

Public consultation

Referred to in the body of this report.

Conclusion

All legislative requirements relating to the proposed commercial (shopping centre) and residential/commercial subdivision have been dealt with in the body of this report. Apart from a minor variation to the minimum lot size requirements of the 'Draft' LEP 2010 the proposal meets all of the existing prescribed development standards and all other legislation requirements.

There were a number of public submissions on this development application, predominantly about the commercial (shopping centre) aspect of the development and not the proposed subdivision component of the land. The majority of the submissions raised concerns and/or opposition to the commercial (shopping centre) development however there were also some submissions in support of the proposal. The key issues raised within the submissions are addressed within this report with all issues addressed within the attached submissions table (see attachment no.1). The majority of the concerns raised can and have been addressed by the imposition of appropriate conditions on the development consent. The conditions aim to ensure mitigation of any amenity or environmental impacts resulting from the development.

It is acknowledged that the proposed commercial (shopping centre) component of the development is a major development for the village of Nimbin and one that does have potential negative and positive social and economic impacts for Nimbin. The biggest negative impacts being the loss of some retail trade from Cullen Street to the new shopping centre and the fragmentation of commercial development within Nimbin into two precincts.

However as outlined in the report the built heritage environment and character of the existing commercial precinct as well as the topography of Cullen Street presents site constraint difficulties that would not enable the development of a shopping centre style development within the existing commercial precinct. The site constraint issues with the existing commercial precinct of Cullen Street are further exacerbated by the fact that there are no major land holdings available within the existing commercial precinct that could accommodate the proposed commercial (shopping centre) development.

The proposed commercial (shopping centre) development seeks to provide a larger and more modern supermarket and accompanying convenience specialty shops that will provide for a much greater proportion of the Nimbin and surrounding villages chore food shopping and convenience needs and increase the local retail choice and variety available to residents.

The development has the positive environmental, social and economic effect of reducing the frequency and necessity of the Nimbin and surrounding rural residents from needing to travel into Lismore in order to access a reasonable range of food and grocery items, or other convenience homewares/services items that are purchased frequently as well as catering for the future growth of Nimbin village and surrounding rural localities. This will result in many less vehicle movements into Lismore, reduced impacts on the subject roads and reduced carbon emissions. The effective relocation of the emporium to the new supermarket will free up a large space in the Nimbin main street which has a very limited ability to physically expand its retail footprint.

The commencement of the proposed development will also create local employment opportunities, particularly for younger workers. The proposed shopping centre is expected to generate the equivalent of approximately 85 employment opportunities for full-time, part-time and casual workers.

It is the positive social and economic benefits outlined above that on balance would warrant the support subject to conditions of the proposed commercial (shopping centre) development and commercial/residential subdivision.

Attachment/s

1. Development Application Plans
2. Summary of Submissions

Recommendation

That:

PURSUANT TO SECTION 80/91 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

- A. Council as the consent authority, grant consent under delegated authority to Development Application No. 5.2009.175.1 for a staged commercial (shopping centre) and commercial/residential subdivision. In particular, the commercial development comprises a supermarket, bakery and five (5) specialty shops and the subdivision comprises three (3) commercial allotments and twenty (20) residential lots subject to the following conditions for the reasons outlined in the conclusion to this report.

- B. Council rectify the zone boundary discrepancy for this property within the new Local Environmental Plan zoning process and any reference to this land within the new Lismore Development Control Plan.

DEVELOPMENT CONDITIONS

PLANNING

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 following approved plans submitted with the application:

Drawer/Name	Description of Plan	Drawing No.	Revision	Date
Brown Evans & Associates	Site Plan 1:500	SD01	P13	30/4/10
Brown Evans & Associates	Site Plan 1:250	SD02	P4	30/4/10
Brown Evans & Associates	Commercial Building Elevations	SD03	P3	23/3/09
Brown Evans & Associates	Pylon Sign Details	SD04	P2	20/4/09
Farr Engineers	Conceptual Allotment Layout Plan	CO10	4	13/10/10
Farr Engineers	Subdivision Plan: conceptual building envelopes, development buffers & 100yr waterway inundation plan & details	CO11	2	13/10/10

A copy of the approved plans are attached to this consent.

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

2 Staging of Development

The applicant has indicated an intention of possibly constructing the commercial (shopping centre) development as stage 1 and the commercial/residential subdivision as stage 2. The proposed development can be constructed in one or two stages. If it is decided to construct the commercial (shopping centre) development first then the applicant would have to complete all of the nominated general and commercial building conditions of consent outlined within this consent notice.

Reason: To correctly describe what has been approved and ensure the proper management of the site and protection of residential amenity.

3 Demolition and/or Removal of Existing Dwelling

Prior to the lodgement of a Construction Certificate for either the commercial (shopping centre) development and/or the commercial/residential subdivision works the existing dwelling on the subject land must be demolished and/or removed. Demolition of the structure must be carried out in accordance with the applicable provisions of Australian Standard AS 2601-2001 "The Demolition of Structures".

Reason: To ensure the proper management of the site and that the demolition is conducted in a safe manner.

GENERAL CONDITIONS

4 A detailed landscaping plan (in duplicate) is to be submitted to Council and approved **prior to release of the Construction Certificate for the commercial (shopping centre) building or the commercial/residential subdivision**. Landscaping plans shall be in accordance with Council's Landscape Guideline and relevant Development Control Plans. Species identified in Council's Landscape Guideline shall be planted wherever possible. Landscaping plans shall indicate:

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

In order to comply with Council's 'Community Sun Protection Strategy' the proposed car park area must incorporate sun shade structures and/or the planting of mature trees throughout the car park area as part of the proposed landscape plan.

The landscape plan submitted to Council must include the payment of all plan assessment and inspection fees.

The Council approved landscaping shall be completed prior to the release of the Interim Occupation Certificate for the commercial building and/or the Subdivision 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. Landscape plantings are to be established and maintained in accordance with the approved maintenance program to the satisfaction of Council for a minimum period of at least three (3) years. Failure to comply may result in fines for non compliance with development consent conditions.

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

- 5 Any landscaping to be located within 2m of the vehicular access shall be limited in height to a maximum height of 0.6m.

Reason: *To ensure that landscaping does not inhibit pedestrian sight distance.*

- 6 The hours of work for any noise generating activity relating to any demolition work, bulk subdivision earthworks and/or the construction of the proposed commercial (shopping centre) building are to be limited to the following time restrictions:

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

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

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

- 7 All noise generated by demolition and construction activities must be managed in accordance with the Interim Construction Noise Guideline, DECC July, 2009. A construction noise management plan (CNMP) must be prepared and be implemented for the development. The CNMP must include auditing procedures. Site managers and all persons who carry out demolition or construction activities on and about the development site must be made properly aware of their responsibilities and to ensure the objectives of the guideline are complied with.

Reason: *To minimise the impact of demolition and construction noise on the neighbourhood.*

- 8 The proposed landuse shall not result in the emission of offensive noise.

Offensive noise includes:

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

- (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

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

SEDIMENT AND EROSION CONTROL

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

The measures must:

- maximise the diversion of clean waters
- minimise the extent and duration of site disturbance
- provide for appropriate water quantity and quality treatment and management
- include devices and practices to prevent sediment being carried from the site by vehicles and plant and including their tracks and tyres
- properly manage all dust generated by the development.

All control measures must be properly designed and be regularly inspected and be managed and maintained to ensure the measures 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 management and maintenance procedures. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion or the transport of sediment from the development site.

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

- 10 **Prior to release of the Construction Certificate or commencement of any works** upon the site a "Soil Erosion and Sedimentation Control Plan of Management" (SESCPM) must be submitted to and approved by Council. The plan must outline what measures are proposed and the action that will be taken to manage the completion of the development to minimise any erosion or sedimentation from the site in accordance with the requirements of **Condition No. 9**. The plan must be consistent with the "Managing Urban Stormwater-Soils and Construction" (blue book). It must have a summary sheet and be in plain English to ensure that it is capable of being readily understood and implemented by the site managers and operators and nominated responsible person/s. Responsible person/s must be nominated to Council in writing together with full 24 hour per day contact details for the purposes of the SESCOPM.

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

- 11 Design, construction and management of the sedimentation basins are to be strictly in accordance with the "Managing Urban Stormwater: Soils, and construction (Landcom, 2004)" guidelines; based on the 90th percentile five day rainfall event as a design criterion (i.e. 60mm).

Reason: To protect the environment.

WASTE MANAGEMENT

- 12 All waste materials generated from construction and demolition works shall only be disposed at licensed waste management facilities capable of receiving the waste as classified under the NSW Department of Environment and Climate Change (EPA) guideline document 'Waste Classification Guidelines: Part 1 Classifying Waste 2008'.

Reason: To protect the environment and manage wastes appropriately. (EPA Act Sec 79C(b))

- 13 The burning off of vegetative and other wastes arising from the development is prohibited. Suitable arrangements shall be made for the processing and/or re-use of all waste materials generated by the development activity or alternatively wastes shall be transported to an approved waste facility.

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

14 **Control of Noxious Weeds and Weeds of National Significance**

Any exotic plant species declared noxious under the Noxious Weeds Act 1993 in the control area of the Far North Coast County Council, or plants declared as Weeds of National Significance by the Australian Weeds Strategy are to be controlled on the subject site.

Weeds are to be controlled according to current best practice and in accordance to the control requirements for each of the five classes of noxious weeds identified in the Act.

Include the removal of *Cinnamomum camphora* (Camphor Laurel), *Ligustrum lucidum* (Large Leaved Privet) and *Ligustrum sinense* (Small Leaved Privet) and any other woody weed at any stage of growth located both within the subject site and/or from any boundary fence.

A plan for the control of Noxious Weeds and Weeds of National Significance is to be incorporated into a Vegetation Management Plan.

Reason: *To ensure appropriate control of weed species on the subject site.*

15 **Regeneration/revegetation of the riparian corridors of watercourses**

Stream 1 on the subject site is a second order watercourse that flows directly into Mulgum Creek. A west flowing first order watercourse (Stream 2) joins Stream 1 in the north east corner of the subject site.

For both Stream 1 and Stream 2 a riparian corridor is to be established follows:

- Stream 1 – Revegetated from the top of the northern and eastern banks of to both the northern and eastern boundary of the subject site respectively and to a minimum of 30 m from the top of the southern and western banks.
- Stream 2 – From the top of the northern bank of to the northern boundary of the subject site.

Regeneration/revegetation are to be conducted in accordance with the following guidelines:

- Raine and Gardiner (1997). Revegetating Streams in the Richmond Catchment: A Guide to Species and Planting Methods. Department of Land and Water Conservation NSW, Maitland, NSW. (Contained in Lismore City Council (2007). Landscape Guidelines. Lismore City Council, Lismore, NSW).

The width of this riparian corridor is consistent with the following guidelines:

- DWE (2008a). Guidelines for controlled activities: Riparian Corridors. Department of Water and Energy NSW, Sydney, NSW.

A plan for the regeneration/revegetation of the riparian corridor is to be incorporated in a Vegetation Management Plan.

Reason: *To ensure that the width of proposed riparian corridors meet NSW State Government guidelines and to meet Objectives 4 and 5 of the Lismore Development Control Plan, Part B, Chapter 6 Nimbin Village.*

16 **Design of stormwater outlet structures draining into the northern stream**

Any vehicular and/or stock crossing of the above watercourse are to be designed and constructed in accordance with the following guidelines:

- DWE (2008b). Guidelines for controlled activities: Outlet structures. Department of Water and Energy NSW, Sydney, NSW.
- DWE (2008c). Guidelines for controlled activities: In-stream works. Department of Water and Energy NSW, Sydney, NSW.

Reason: *To ensure that the design and constructions of stormwater outlet structures meet NSW State Government guidelines.*

17 **Submission and approval of a Vegetation Management Plan**

Prior to the commencement of any works on-site a comprehensive Vegetation Management Plan for the subject site is to be developed based on the approved lot layout plan and submitted to Council. At a minimum, this plan is to incorporate a plan for the:

- Control of Noxious Weeds and Weeds of National Significance
- Revegetation of the riparian corridor of Stream 1 and Stream 2
- Regeneration of remnant and regrowth native vegetation on the subject site
- Establishment of vegetation within the bio-retention zones and the detention basin

The Vegetation Management Plan is to include a comprehensive list of plant species found to occur on the site.

Council is to give written approval to the Vegetation Management Plan prior to the commencement of works on site.

The Vegetation Management Plan shall be prepared in accordance with structure and content of the following guidelines:

- Lismore City Council (2010). *Guidelines for the preparation of Vegetation Management Plans*. Lismore City Council, Lismore, NSW

The Vegetation Management Plan shall be prepared and implemented by person(s) with appropriate knowledge, qualifications and experience in current best practices for indigenous vegetation rehabilitation and management as detailed in the above guidelines.

Reason: *To ensure appropriate management and rehabilitation of retained native vegetation, weed management and the revegetation of cleared areas. To meet the requirements of the Lismore Development Control Plan, Part B, Chapter 6 Nimbin Village. To ensure that the Vegetation Management Plan can be assessed in accordance with both NSW State Government and Lismore City Council guidelines.*

- 18 A works programme for the Vegetation Management Plan must be submitted to Council to ensure that all works associated with the submitted and approved Vegetation Management Plan are completed within an appropriate timeframe.

Subject to compliance with the recommendations and performance criteria detailed within the Vegetation Management Plan, the works are to be undertaken in accordance with the following schedule:

- Year 1 – 40% of work
- Year 2 – 10%
- Year 3 – 10%
- Year 4 – 10%
- Year 5 – 30%

It is the responsibility of the landowner to arrange for the relevant Council inspections with Council's ecologist and pay all necessary inspection and administration fees associated with that inspection.

If the works are not carried out in accordance with this condition Council is able to apply fines for failing to comply with this condition of consent.

Reason: *To ensure compliance with the recommendations and performance criteria contained in the approved Vegetation Management Plan.*

19 **Monitoring implementation of the Vegetation Management Plan**

A monitoring report relating to the implementation of the approved Vegetation Management Plan shall be submitted to Council following the completion of primary planting and then at annual intervals until the end of the five (5) year maintenance period.

A final monitoring report shall also be submitted with relevant assessment fees and approved by Council upon completion of the maintenance period.

Reason: *To ensure that implementation of the approved Vegetation Management Plan meets performance criteria established in the plan.*

ROADS

- 20 **Prior to commencement of any works** upon the site the proponent shall obtain a Construction Certificate for the proposed road and associated stormwater drainage works. The construction certificate application shall include full design details of the proposed engineering works to satisfy conditions 56, 66, 98 and 99. 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)*

- 21 **Prior to commencement of any subdivision bulk earthworks or the commercial building** a Construction Traffic Management Plan shall be submitted to, and approved by, Council. Such plan shall include: scheduling of works so as to be completed in the shortest possible time with minimal impact on the general community; details of haulage routes to be utilised for delivery and removal of material from the site; traffic control plans prepared by an RTA accredited person for any works that impact upon the movement of vehicles or pedestrians upon the public road; a requirement for any damage to road infrastructure arising from construction activities to be reinstated at the developers cost prior to completion of the project.

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

- 22 **Prior to the release of either the Interim Occupation Certificate for the Commercial Building or the Subdivision Certificate** the proponent shall construct a 2m wide reinforced concrete combined cycleway/footpath for the full length of Sibley Road connecting directly to retail area/supermarket internal pathway network as shown in the Brown Evans and Associate Architects drawing SD02 revision P4. The proponent shall construct a 2 m wide combined cycle way/footpath connecting the proposed Sibley Street cycle way/footpath for the full length of the internal road on the verge fronting lots 12 through to 22 and terminating at the boundary to lot 641 DP 1063413. Any costs shall be the responsibility of the proponent.

Reason: To ensure an adequate pedestrian network in accordance with adopted standards

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

Reason: To ensure 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.

- 24 **Prior to the issue of a Construction Certificate for the Commercial Building or the Subdivision bulk earthworks** the proponent shall lodge a bond equivalent to 5% of the cost of the proposed works with Council to cover any damage to infrastructure within the road reserve arising during the construction of the proposed development. Evidence is to be provided to Council indicating the pre development condition of the surrounding public infrastructure. Any damage arising from construction activities to roads, kerb and gutter, footpaths or any other infrastructure within the road reserve shall be reinstated in accordance with Council's Development, Design and Construction Manuals (as amended) to Council's satisfaction prior to refund of the bond. Certification as to compliance with this condition shall be provided to Council prior to the issue of **either the Interim Occupation Certificate for the Commercial Building or the Subdivision Certificate**.

Reason: To ensure an adequate road network in accordance with adopted standards.

STORMWATER

- 25 **Prior to being issued with a Construction Certificate for the Commercial Building or the Subdivision bulk earthworks** the proponent shall lodge full design details of a stormwater management system for the development shall be submitted to Council for approval under Section 68 of the Local Government Act. Stormwater control and treatment measures shall be installed to ensure stormwater discharges satisfy the qualitative and quantitative objectives of Council's Stormwater Management Plan. The discharge of stormwater from the site shall be limited to the pre-development flow for an ARI of 10 years. These plans shall include a schedule that identifies each component of the stormwater management system and how that component satisfies the qualitative and quantitative objectives of the stormwater management plan.

The application must be accompanied by a Stormwater Management Plan (SWMP), which must be reviewed/updated to ensure compliance with contemporary standards and requirements with any subsequent renewal of the Section 68 approval. The SWMP must comprehensively address maintenance requirements (including timetabling of maintenance), access to facility, longevity for all stormwater devices, and the performance monitoring of the installation and discharges. The SWMP must be written in such a manner that it can be readily understood and be implemented by the person/s nominated to action the plan.

The compliance with the requirements of the SWMP shall be the responsibility of the owner of the proposed lot 22.

Reason: *To manage stormwater quality and quantity and to protect the environment.*

- 26 **Prior to release of the Construction Certificate** detailed design showing that unobstructed overland flow path/s have been provided to prevent any inundation of future habitable structures and to drain all surcharge and surface waters for the major system design event.

Appropriate easements including:

- The overland flow path identified in the Farr Engineer's report 208047 dated 19 October 2009 (amended) section 6.0 "Road works, Filling and Excavation" paragraph 6.7 which identifies an overland flow path along the boundary of lot 21 and 22
- The area encompassing the detention pond, bioremediation, gross pollutant trap and all other elements of the treatment train.
- The flow path of stormwater discharge from the proposed internal road through private property
- The flow path of the discharge from the detention pond to the local creek which traverses lot 101
- Any other overland flow that may be identified during the design and construction phase of the development

shall be created to ensure that the flow paths will not be obstructed by any non approved structures, landscaping or the like, that will reduce flow path design capacity. Appropriate management practices must be put in place to ensure that the integrity of this condition is maintained at all times, and when the development is operational.

Reason: *To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff.*

COMMERCIAL BUILDING CONDITIONS

- 27 The commercial (shopping centre) building requires the lodgement of a Construction Certificate.

Reason: *To advise of the need to obtain an approval.*

- 28 Provide an on-site sign at the shopping centre site, in a 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.*

- 29 Provide a fence, hoarding or other measure to restrict public access to the shopping centre 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.*

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

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

- 31 No advertising structures other than those approved with this development must be erected and no advertising sign or material must be affixed or displayed on any building or land without the prior approval of the Council. A separate application is to be made on the prescribed form.

Reason: *To advise of the need to obtain an approval.*

- 32 The shopping centre building must be clad in low-reflective material.

Reason: *To minimise the reflectivity of the building and to ensure its compatibility with the landscape.*

33 The shopping centre building is not to be occupied until an Occupation Certificate has been issued by the Principal Certifying Authority.

Reason: To ensure compliance with statutory requirements.

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

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

35 Demolition of the existing dwelling structure must be in accordance with Sections 2 and 3 of AS 2601 "The Demolition of Structures".

Reason: Required by the Environmental Planning and Assessment Act 1979.

36 Structural Engineering details for the shopping centre building 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.

37 A site report from an approved Geotechnical Engineer must be submitted to the Principle Certifying Authority prior to commencement of work, certifying that a structure may satisfactorily be erected on the site.

Reason: To ensure adequate structural design of the building.

38 A fire hydrant and fire hose reel system shall be provided to serve the Shopping Centre, in accordance with the requirements of the Building Code of Australia and the AS2419.1-005. Design details and certification of its compliance with the Building Code of Australia (BCA) and Australian Standard, by a suitably qualified hydraulic consultant, shall be submitted to the Principle Certifying Authority prior to issue of a Construction Certificate.

Reason: To ensure compliance with the Building Code of Australia and all relevant Australian Standards.

39 The noise generated by the post construction operation of the development must not exceed the following project specific noise levels (PSNL) measured as:

- (i) **Continuous Noise Sources** (fixed mechanical plant, fixed refrigeration units and the like)
- Daytime – 7.00am to 6.00pm 45dB(A)
 - Evening – 6.00pm to 10.00pm 42dB(A)
 - Night – 10.00pm to 7.00am 35dB(A)

The noise is to be assessed at the nearest affected sensitive location in accordance with the NSW Industrial Noise Policy and is to be measured as an $L_{Aeq,adj T}$ level, in the absence of any extraneous noise.

- (ii) **Intermittent Noise Sources**
- Average daytime - 7am to 6pm 56dB(A)
 - Average evening - 6pm to 10:00pm 53dB(A)
 - Average night - 10:00pm to 7:00am 42dB(A)

The noise is to be assessed at the nearest affected sensitive location in accordance with the NSW Industrial Noise Policy and is to be measured as an $L_{A10,adj T}$ level, in the absence of any extraneous noise.

No audible security or equipment alarm devices are to be used on the premises.

Reason: To assist in the mitigation of noise impacts and to preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))

40 A noise management plan (NMP) must be prepared and be implemented to put in place appropriate management practices to ensure that the requirements of this consent and the PSNL are complied with at all times. The NMP must be regularly reviewed and reflect contemporary best practice.

Reason: To assist in the mitigation of noise impacts and to preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 79C(b))

- 41 **Within 90 days of the issue of an Occupation Certificate**, a document prepared by a suitably qualified noise assessment professional, must be provided to Council certifying that the post construction operation of the development satisfies the project specific noise levels nominated within Condition No.40 of this consent notice.

Note: Where the assessment identifies non-compliance appropriate ameliorative measures shall undertaken and further reporting completed to demonstrate compliance with this condition.

Reason: *To confirm the PSNL for the development and to ensure that noise generated by the development complies with the PSNL and this consent.*

- 42 Waste removal and delivery activities (including the use of trolley/pallet jacks) must be limited to the following time restrictions:

Monday to Saturday - 7.00am to 6.00pm
Sundays or public holidays – 9.00am to 6.00pm

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

- 43 **Prior to the issue of a Construction Certificate** an amended acoustic report shall be submitted to and be approved by Council detailing acoustic treatments (to a design detail standard) required for the development (enclosures of fixed plant, acoustic barriers etc) to achieve compliance with the nominated project specific noise levels.

Note: Where necessary plant and equipment must be acoustically treated and have soft start capability to prevent noise emissions from adversely impacting on receivers.

Reason: *To confirm the provision of acoustic enclosures/barriers.*

44. All security and external lighting (including signage lighting) associated with the commercial building must be installed to ensure that no nuisance is caused to neighbouring premises or motorists. Appropriate light selection and shielding and/or other measures must be implemented, and the installation must comply with AS4282 "Control of the Obtrusive Effects of Outdoor Lighting".

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

- 45 **Prior to the issue of a Construction Certificate**, a waste management plan in accordance with the provisions of Chapter 15 - Waste Minimisation of the Lismore Development Control Plan, must be prepared, submitted to and approved by Council.

Reason: *To comply with the requirements of the Lismore Development Control Plan.*

- 46 All car park and external lighting must be designed and installed to ensure no adverse impact on neighbouring premises and motorists. Appropriate light selection and shielding and/or other measures must be implemented, and the installation must comply with AS4282 *Control of the Obtrusive Effects of Outdoor Lighting*.

Prior to the issue of a Construction Certificate details prepared by an appropriately qualified person and demonstrating compliance with this condition shall be submitted to and be approved by the Certifying Authority. A copy of this documentation must be provided to the Consent Authority (Lismore City Council) for record purposes.

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

- 47 Any outdoor display lighting shall be appropriately located or shielded so no additional light is cast on adjoining land or distracts traffic.

Reason: *To preserve the amenity of the area and traffic safety. (EPA Act Sec 79C(b))*

- 48 Any sign material that is likely to be flood affected shall be flood compatible.

Reason: *To preserve the amenity of the area and traffic safety. (EPA Act Sec 79C(b))*

- 49 Signs that interfere with the amenity of the area, by reason of glare or excessive illumination or any interference to radio, television or communication equipment and/or transmission signals in the locality, shall not be used or installed.

Reason: *To preserve the amenity of the area and traffic safety. (EPA Act Sec 79C(b))*

- 50 The sign shall be securely affixed to the supporting structure.

Reason: *To preserve the amenity of the area and traffic safety. (EPA Act Sec 79C(b))*

- 51 The sign shall be located so as to not restrict the vision of traffic either upon the public roadway or entering/exiting private property and in the location as shown on the approved 'site plan'.

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

- 52 Only those signs approved with this development consent can be erected without a development application. Any modification and/or new signage will require separate development consent from Council.

Reason: *To preserve the amenity of the area*

- 53 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 **Construction Certificate is granted**. The rates and amounts applying at the date of this notice, totalling **\$112,048**, 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 levies, fees, contributions, bonds etc. shall be paid prior to the **Construction Certificate granted**.

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)*

- 54 The owner/operator of the commercial (shopping centre) development is to establish a 'graffiti management plan' as part of the overall maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti attacks is the quick removal of such material generally within a 24 hour period. It is also recommended that graffiti resistant materials are utilised throughout the development.

Reason: *To comply with recommendations of NSW Police and to assist in Crime Prevention Through Environmental Design Principals (CPTED).*

- 55 Following the establishment of the approved landscape plan the owner/operator of the commercial (shopping centre) development is to establish a 'vegetation landscape management plan' as part of the overall maintenance plan for the development. In this regard it is important that the height of shrubs is kept to 600mm and trees with lower limbs trimmed as part of the vegetation/landscape maintenance program.

Reason: To comply with recommendations of NSW Police and to assist in Crime Prevention Through Environmental Design Principals (CPTED).

ROAD

- 56 The proponent shall provide the following roadworks with associated stormwater drainage structures. The geometric design of the road network shall comply with all details set out in the Lismore Development Control Plan – and section D1 Geometric Road Design of the Northern Rivers Local Government Development and Design manual (as amended).

The proponent shall be responsible for any costs, including maintenance, for a period of six months from the date of approval of completion of the work. Required roadworks include:

- Construction of the proposed internal road to an asphaltic concrete sealed road shape with a width of 9m between kerbs.
- Thorburn Street to be upgraded to the standard of urban local street with two 3m traffic lanes and either two 2.5m parking lanes or approved verge parking.
- Construction of a roundabout with Kerb and Channel at the intersection of Sibley Street and the proposed internal road complying with the Northern Rivers Local Government Development and Design manual D1.18 Roundabouts and AUSTRROADS Pt 4B "Guide to Road Design – Roundabouts". However, for the geometric design of the roundabout, the 19 metre Semi-trailer and the Single Unit Truck/Bus (12.5m) are to be used as design vehicles for cross section elements and turning paths, the car is used as the design vehicle for horizontal and vertical geometry. The geometric design should also be checked for other design vehicles such as B-Doubles where they may be permitted on the roads.

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.

CAR PARKING

- 57 Prior to the release of an Interim or Final Occupation Certificate provision shall be made for 104 car parking spaces and a loading bay suitable for a articulated vehicle with a bitumen sealed/paved or equivalent surface constructed and landscaped in accordance with the requirements of the Council's Development Control Plan No. 1, Part A, Chapter 7 - Off Street Carparking Requirements, Australian Standard AS2890.1 Parking Facilities – Offstreet Parking and Council's Development, Design and Construction Manuals (as amended). Documentary evidence is to be submitted to the Principal Certifying Authority. / Design plans to be submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate.

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

- 58 All loading and unloading shall take place within the property boundaries, as will the parking of construction and private vehicles associated with the development.

Reason: To provide adequate off street parking space for the anticipated traffic that will be generated by the development.

- 59 Vehicles using any off-street loading/unloading and/or parking area must enter and leave in a forward direction, in accordance with Council's Development Control Plan No. 1, Part A, Chapter 7 - Off Street Carparking Requirements. All driveways and turning areas shall be kept clear of obstructions that prevent compliance with this condition.

Reason: To ensure adequate access to and from the development.

- 60 Conventional ("zebra") pedestrian crossing markings are not to be used to delineate the pedestrian route across the internal traffic laneways. Alternate markings shall be used to identify shared pedestrian/traffic zones.

Reason: Conventional crossings cannot be regulated on private property.

- 61 The applicant shall provide a pedestrian link from the western carpark to north east corner of the shop buildings by converting carparking spaces 122 and 99 to a raised pedestrian refuge and provide appropriate pavement markings on the access roadway.

Reason: Provide pedestrian access and connectivity corridors

- 62 The applicant shall provide bicycle 10 bicycle parking spaces adjacent to the entrance to the proposed retail area/supermarket in accordance with "Bicycle Parking Guidelines" – ACT Planning and Land Authority and 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.

- 63 The proponent shall provide a tapered bus bay including a timber and metal clad bus shelter in accordance with Council's standard Drawing No. SD 1256 on Sibley Road adjacent to the frontage on the proposed retail area/supermarket at no cost to Council.

Reason: To provide for adequate public transport infrastructure.

- 64 The proponent shall provide a taxi rank to be located internally in the carpark in close proximity to the entrance of the proposed retail area/supermarket.

Reason: To provide for adequate public transport infrastructure.

STORMWATER

- 65 The proposed internal drainage design and levels adopted for the proposed carparking and landscaping areas shall be appropriately designed to ensure the continued flow of stormwater from adjoining properties. The design shall not restrict flows from adjoining properties that would increase the ponding of water upon the adjoining property.

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))

- 66 **Prior to commencement of works/release of the Construction Certificate** the detailed design of stormwater drainage systems for the commercial development shall ensure the discharge of stormwater from the site shall be limited to the pre-development flow (rural flow) for an ARI of 10 years and a time of concentration of 6 minutes. On-site retention of stormwater shall be encouraged to achieve this requirement.

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

FLOODING

- 67 The floor level of the commercial building shall not be less than a level of RL 56.5m (AHD).

Reason: To ensure adequate protection from frequent flooding. (EPA Act Section 79C(c))

WATER AND SEWER

- 68 A Certificate of Compliance issued by Lismore City Council, under the provisions of Section 305-307 of the Water Management Act 2000, must be obtained and submitted to the Principal Certifying Authority and Council **prior to being issued with a Construction Certificate.**

Notes:

- a) *A Notice of Requirements advising of the matters that must be completed prior to issuing the Certificate of Compliance should have been forwarded to the applicant with this notice of determination.*
- b) *Applicants are advised via the Notice of Requirements of any water authority requirements that must be met prior to being issued with a Construction Certificate, prior to construction commencing, during construction and prior to occupation.*
- c) *If you are intending to act upon this consent and have not obtained a Notice of Requirements please contact Lismore Water. Go to web site www.lismore.nsw.gov.au, or telephone Lismore Water on 1300 87 83 87.*

Reason: To ensure compliance with the statutory requirements of Lismore City Council.

SUBDIVISION CONDITIONS

69 Bulk earthworks associated with the subdivision require the lodgement of a Construction Certificate and shall not commence on site **prior to the release of the Construction Certificate.**

Reason: To ensure protection from the effects of subsidence and/or slip and compliance with the approved development and the Environmental Planning and Assessment Act.

70 All earthworks, roadworks, stormwater drainage structures and associated civil infrastructure as shown in the Brown Evans Associates Architects and the Farr Engineers Associates Pty Ltd Engineering Documentation shall be amended as required so that all infrastructure is designed and constructed in accordance Council's Development, Design and Construction Manual (as amended) and Chapter 5 of Lismore Development Control Plan - Part A "Subdivision and Infrastructure – Urban subdivision" as well as amendments listed elsewhere in this approval. The proponent shall be responsible for any costs, including maintenance, for a period of six months from the date of approval of completion of the work and shall lodge a security equivalent to 5% of the cost of the works with Council to guarantee rectification of any defects.

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

71 **Prior to approval of the Subdivision Certificate**, a Certificate of Compliance from an accredited electricity infrastructure provider shall be required confirming that it has provided underground electrical power to each lot, adequate street lighting for the development as required by the Australian Standard and that charges for the extension of electricity supply have been paid.

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

72 Prior to approval of the Subdivision Certificate, the proponent shall ensure the provision of telephone services is available to all lots. A Certificate of Availability from the relevant utility provider shall be required confirming that the respective utility's requirements have been met.

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

73 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))

74 No restriction as to user shall be imposed upon any allotment that would purport to restrict development that would otherwise be permissible under the terms of the Lismore Local Environmental Plan or the Environmental Planning and Assessment Act.

Reason: To ensure appropriate planning controls are applied to the development and to comply with Clause 26 of the Lismore Local Environmental Plan.

75 Road names proposed for the subdivision shall be submitted for Council and Geographical Names Board **approval with the Construction Certificate** application for the engineering design plans. A suitable name for any new roads shall be in accordance with Council and Geographic Names Board Policy. Street signage in accordance with Council's adopted standard shall be erected **prior to release of the Subdivision Certificate.**

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

76 **Prior to release of the Subdivision Certificate** the proponent shall place street number identification at the road frontage of the property to indicate the property address.

Reason: To identify the property correctly (EPA Act Sec 79C(e)).

WATER AND SEWER

77 A Certificate of Compliance issued by Lismore City Council, under the provisions of Section 305-307 of the Water Management Act 2000, must be obtained and submitted to the Principal Certifying Authority and Council **prior to release of any linen plan for subdivision.**

Notes:

- a) A Notice of Requirements advising of the matters that must be completed prior to issuing the Certificate of Compliance should have been forwarded to the applicant with this notice of determination.
- b) Applicants are advised via the Notice of Requirements of any water authority requirements that must be met **prior to being issued with a Construction Certificate**, prior to construction commencing, during construction and prior to being issued with a Certificate of Subdivision.
- c) If you are intending to act upon this consent and have not obtained a Notice of Requirements please contact Lismore Water. Go to web site www.lismore.nsw.gov.au, or telephone Lismore Water on 1300 87 83 87.

Reason: To ensure compliance with the statutory requirements of Lismore City Council.

GEOTECHNICAL

78 **Prior to being issued with a Construction Certificate**, certification from a practising qualified engineer experienced in soil mechanics is required verifying the following:

- proposed civil engineering works, including retaining walls, have been assessed as structurally adequate,
- proposed civil engineering works will not be affected by landslip either above or below the works,
- proposed civil engineering works will not be affected by subsidence either above or below the works, and
- adequate drainage has been proposed to ensure the stability of the proposed civil engineering works .

Reason: To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 79C(c))

79 **Prior to being issued with a Construction Certificate** a qualified practising structural engineer shall provide Council with a design certification for any proposed retaining walls in the development. The certification shall state that the walls have been designed to resist soil and water loadings for full saturation of the height of the wall and surcharge from any structure within the zone of influence of the wall. Retaining walls shall be founded on residual soil or weathered rock. Any proposed retaining wall shall be constructed wholly within the lots. No retaining wall shall be constructed upon the road reserve.

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

80 **Prior to release of the Subdivision Certificate** a qualified practising structural engineer shall provide Council with a certificate of structural adequacy for any structures, including retaining walls, constructed as part of the development.

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

81 Bulk earthworks shall not commence on site **prior to the release of the Construction Certificate**.

Reason: To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 79C(c))

82 Any filling shall be with clean fill only. Building rubble and contaminated material is not to be used.

Reason: To protect the environment.

83 The slope of any cut or fill batter shall not exceed 1:4 unless specific geotechnical advice as to the stability of the proposed batters is provided by a suitably qualified geotechnical engineer.

Reason: To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 79C(c))

84 During construction any area of seepage identified at the base of filling or behind filling shall be brought to the attention of the supervising geotechnical engineer and treated by the provision of a suitable drainage mechanism. Details of any necessary works are to be provided to Council.

Reason: To ensure protection from the effects of subsidence and/or slip. (EPA Act Sec. 79C(c))

85 **Prior to the release of the Subdivision Certificate**, a NATA registered geotechnical testing authority shall submit documentary evidence in the form of level 1 certification, certifying that any fill material has been placed in accordance with Australian Standard 3798 "Guidelines on earthworks for commercial and residential developments". The completion report must note that the; foundation, fill materials, workmanship, fill compaction density and fill moisture contents are acceptable for the intended and certified use of the fill and meet the specifications of the site. Filling in excess of 2m of height must be accompanied by a geotechnical slope stability analysis of the final construction undertaken using limit equilibrium techniques and site specific parameters.

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

86 **Prior to the release of the Subdivision Certificate**, a qualified practising Engineer, experienced in soil mechanics and local conditions, shall submit documentary evidence in the form of a Geotechnical Investigation Report to Council for approval, certifying that each allotment is suitable for building purposes and classifying each allotment in accordance with Australian Standard 2870 "Residential Slabs and Footings. Such reports shall generally be done in accordance with the following requirements:

- Reports shall be site specific, and
- Include an investigation of the subsurface conditions typically involving more than two test pits or boreholes per site.

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

87 **Prior to the release of the Construction Certificate** full details of the proposed landscaping within the road reserve shall be submitted to and approved by Council. Prior to the release of the subdivision certificate the proponent shall obtain written confirmation from Council's Parks and Reserves section that the gardens within the road reserve have been landscaped to the satisfaction of Council's Parks and Reserves section.

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

88 **Prior to release of the Subdivision Certificate** the proponent shall place street number identification at the road frontage of the property to indicate the property address.

Reason: To identify the property correctly (EPA Act Sec 79C(e)).

89 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))

90 The proposed internal road shall be extended to the boundary of Lot 641 DP1063413 and align centreline to centreline with proposed Road 3 of the adjoining development on Lot 641 DP1063413.

A temporary sealed gravel turnaround is to be constructed on the road verge at the end of the internal road to allow sufficient room for the design vehicle (a heavy rigid truck) to make a U-turn in all weather conditions.

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

SUBDIVISION LEVIES

91 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 **\$138,817.00**, are set out in the schedule for your information. Should the proponent wish to pay the Section 94 and Section 64 levies in one instalment, and the total contribution payable exceeds \$20,000 payment to Council must be by bank cheque or cash. Personal cheques are not acceptable. All contributions, bonds etc. shall be paid **prior to the release of the Subdivision Certificate**.

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

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

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

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

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

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

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

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

RESTRICTION ON TITLE

- 93 The final plan of subdivision shall be supported by an instrument under Section 88B of the Conveyancing Act 1919. The instrument shall burden proposed Lots 23, 1 – 4 and 6 - 11 with restrictions to the user as follows:
- The riparian zone planting within proposed Lot [insert lot number] shall be established and retained as a conservation area;
 - For the purpose of maintaining the riparian zone planting, access to the riparian zone planting shall be provided to person(s) acting on Vegetation Management Plan [insert lot no] for the five (5) year term of this plan;
 - No vegetation clearing, altering of vegetation structure or damage to vegetation shall be permitted within the riparian zone planting except as required to remove Noxious Weeds, Environmental Weeds or other exotic plant species;
 - Stock shall be excluded from the Buffer Planting;
 - Fencing shall be erected and maintained in working order and shall not be removed, damaged or allowed to fall into disrepair at any time;
 - The land shall be managed in accordance with the Vegetation Management Plan [insert reference no] prepared for the site;
 - In accordance with the Vegetation Management Plan for the subject site, the land shall be maintained such that there is a maximum of 5% Environmental Weed cover (as listed by North Coast Weeds) and the land is 100% free of Noxious Weeds declared within the Lismore Local Government Area.

Reason: To ensure that the conservation area is kept free of stock and is maintained in perpetuity by the owner of the subject site.

BUSH FIRE MANAGEMENT

94 Asset Protection Zones

The intent of measures is 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.

- At the issue of subdivision certificate and in perpetuity the entire developed portion of the site shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of NSW Rural Fire Service 'Planning for Bush Fire Protection 2006' document and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Reason: To comply with the requirements of the NSW Rural Fire Service

95 Water and Utilities

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

Reason: To comply with the requirements of the NSW Rural Fire Service.

- 96 Water, electricity and gas are to comply with section 4.1.3 of NSW Rural Fire Service 'Planning for Bush Fire Protection 2006' document.

Reason: To comply with the requirements of the NSW Rural Fire Service

97 Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

- Public road access shall comply with the following requirements of section 4.1.3 (1) of the NSW Rural Fire Service 'Planning for Bush Fire Protection 2006' document'.
 - Roads are two way, with a carriageway 8 metres minimum kerb to kerb.
 - Dead end roads shall incorporate a 12 metre outer radius turning circle and be clearly signposted as a dead end.
- Property access roads shall comply with section 4.1.3 (2) of the NSW Rural Fire Service 'Planning for Bush Fire Protection 2006' document'.

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation.

Reason: To comply with the requirements of the NSW Rural Fire Service

ROADS

- 98 Design details for driveways to battle-axe blocks included in this development shall be submitted with the **Construction Certificate**. The driveway designs shall generally be in accordance with Council's Design and Construction Specification for Vehicular Access and Australian Standard AS2890.1 Parking Facilities – Offstreet Parking. In addition the driveway shall be a minimum width of 3.0m wide where servicing 1 lot. An asphaltic concrete (25mm depth) sealed or equivalent surface shall be applied to the full length of the driveway. All works shall be constructed in accordance with Council's Development, Design and Construction Manuals (as amended) prior to the issue a Subdivision Certificate. The Subdivision certificate shall create reciprocal right of way giving benefit to all lots proposed to utilise the shared access.

Provision shall be made for the future supply of the following services within the access shaft:

- water supply
- sewer
- stormwater
- telephone
- power

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

STORMWATER

- 99 The proponent shall make satisfactory provision for existing lots adjoining the property and the proposed lots to dispose of stormwater without causing a nuisance to other lots. An adequate drainage system shall be constructed to ensure that all roof water and/or surface water from paved areas from any existing or proposed lots can be directed to a discharge point to prevent intensification of discharge runoff onto adjoining land. Any lots proposed to drain to the road kerb and gutter shall be provided with two kerb adapters and pipes across the verge. Kerb adapters shall be provided in accordance with Standard Drawings R-08. All works are to be constructed according to Council's Development, Design and Construction Manual (as amended).

All drainage lines are to be located within drainage easements.

Reason: *To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from any buildings and paved areas that may be constructed on the land.*

100 **Prior to release of the Subdivision Certificate**, a suitably qualified person is required to furnish a statutory certificate confirming:

- all drainage lines have been located within the respective easements,
- all stormwater has been directed to a Council approved drainage system.

Reason: *To ensure the development is completed in accordance with the conditions and approved engineering construction design plans.*

CONSOLIDATION

101 **Prior to release of the Subdivision Certificate**, proposed lot 23 to be combined with lot 22.

Reason: *To manage stormwater quality and quantity and to protect the environment.*

DEVELOPMENT/SUBDIVISION NOTES

1. Approval is required for all retaining wall structures (including rockwalls, sleepers, crib walls and the like) proposed to be erected on the land.
2. Earthworks shall not take place without prior Council approval.
3. Benching (i.e. cutting, filling or levelling) of the land to create building platforms does not form part of this approval and will only be considered in conjunction with a development application to build on the land.
4. Council's planning instruments require a development consent for most forms of advertising signs and structures. Development Control Plan No. 36 Outdoor Advertising Structures (as amended) sets out standards for various forms of advertising. Information is available from Council.
5. All lots created shall be maintained by regular mowing, slashing or the like. Maintenance shall prevent excessive growth of vegetation to reduce fire hazard and/or vermin.
6. Subdivision and civil works are subject to a levy under the Building and Construction Industry Long Service Payments Act 1986 for works valued over \$25,000. It is the responsibility of the proponent to satisfy Council that where a levy is applicable, payment has been made prior to the release of the Subdivision Certificate.
7. The Subdivision Certificate shall not be released by Council until all conditions of this Development Consent Notice have been complied with to the satisfaction of Council.
8. Council's Planning Services Section shall certify the satisfactory completion of all civil works prior to release of a Subdivision Certificate. Bonding arrangements for construction of civil works shall not be accepted. Exceptions shall only be for maintenance of work periods and/or by written approval of Council.
9. The applicant or developer is advised that Water and Sewerage works cannot be certified by private certifiers.
10. The proposed landscaping plan is not to incorporate any environmental weeds as identified on the Far North Coast Weeds website, www.fncw.nsw.gov.au.
11. **The proponent shall not commence** construction of any part of the water management works for either the commercial building or commercial/residential subdivision **prior to receiving an Activity Approval** specifically for the water management works and plans with Council's stamp of approval imprinted thereon. The proponent should note:
 - a) A fee applies to the Activity Application. The fee is as adopted at the time of payment and is as set out in Council's Fees and Charges.
 - b) If applicable, an approved Road Opening Permit and Traffic Management Plan must accompany the application for Activity Approval.

- c) Processing applications may take up to twenty-eight (28) days. Council will return the plans within twenty-eight (28) days of their receipt provided no amendments are required.
- d) A set of approved plans must be kept on site during construction. Variations proposed during construction must have Council's prior approval.
- e) All works shall be the subject of a Plumbing Permit and Minor Works Permit purchased from Council. Permit fees and inspection fees apply. The number of inspections will be nominated on the Activity Approval. Fees are as adopted at the time of payment and as set out in Council's Fees and Charges.

1. TITLE: SHOPPING CENTRE DEVELOPMENT AND COMMERCIAL / RESIDENTIAL SUBDIVISION - 47 SIBLEY STREET, NIMBIN
 2. DATE: 11/11/10
 3. DRAWN BY: J. COOPER
 4. CHECKED BY: J. COOPER
 5. APPROVED BY: J. COOPER
 6. SCALE: AS SHOWN
 7. SHEET NO: 1 OF 1
 8. PROJECT NO: DA09/175

1. ROAD: PROFESSIONAL ROAD
 2. STREET: SIBLEY STREET
 3. ZONING: COMMERCIAL / RESIDENTIAL
 4. BASE: 1:500
 5. DATE: 11/11/10

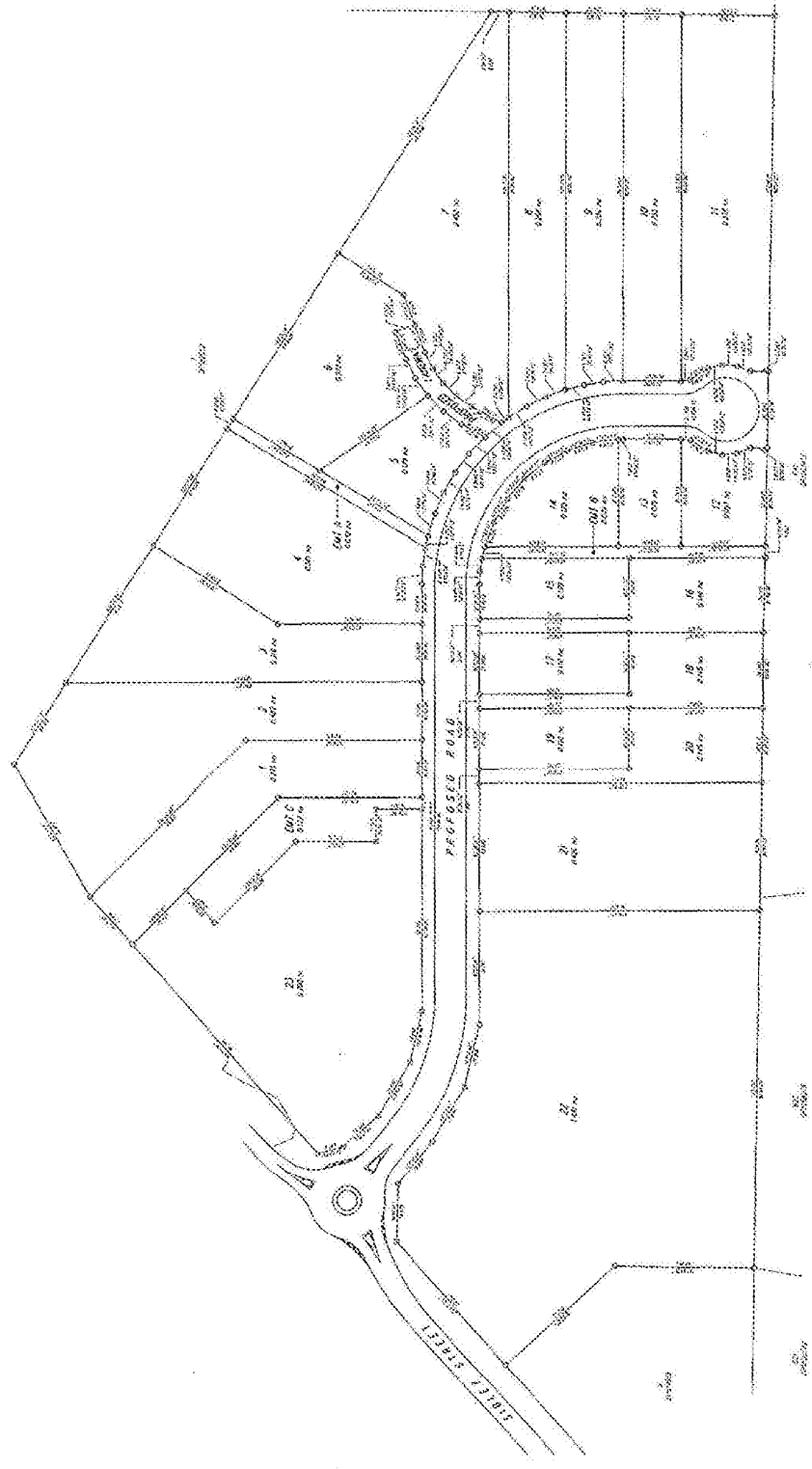
1. SUBDIVISION
 2. LOTS 1-22
 3. TOTAL AREA: 1.2 HA
 4. ROAD FRONTAGE: 100 M

SUBDIVISIONAL DEVELOPMENT
 1. LOTS 1-22
 2. TOTAL AREA: 1.2 HA
 3. ROAD FRONTAGE: 100 M

CONVEYANCE ALLOTMENT
 1. LOTS 1-22
 2. TOTAL AREA: 1.2 HA

ISSUED FOR APPROVAL
 11/11/10

CROSS SECTION
 SCALE: 1:50



1. THESE PLANS AND SPECIFICATIONS SHALL BE READ IN CONJUNCTION WITH THE DEVELOPMENT APPLICATION AND THE ZONING BY-LAW.

2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE RELEVANT AGENCIES AND AUTHORITIES.

3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE RELEVANT AGENCIES AND AUTHORITIES.

4. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE RELEVANT AGENCIES AND AUTHORITIES.

5. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE RELEVANT AGENCIES AND AUTHORITIES.

LEGEND

	SPECIAL APPOINTMENT
	FENCED AREA
	PROPOSED ROAD
	PROPOSED STRUCTURE
	SITE WORK
	MOULDED CONCRETE
	BRICKWORK
	ASPHALT
	GRAVEL
	EARTH RETENTION
	STORMWATER DRAIN
	BOUNDARY

1. THESE PLANS AND SPECIFICATIONS SHALL BE READ IN CONJUNCTION WITH THE DEVELOPMENT APPLICATION AND THE ZONING BY-LAW.

2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE RELEVANT AGENCIES AND AUTHORITIES.

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2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE RELEVANT AGENCIES AND AUTHORITIES.

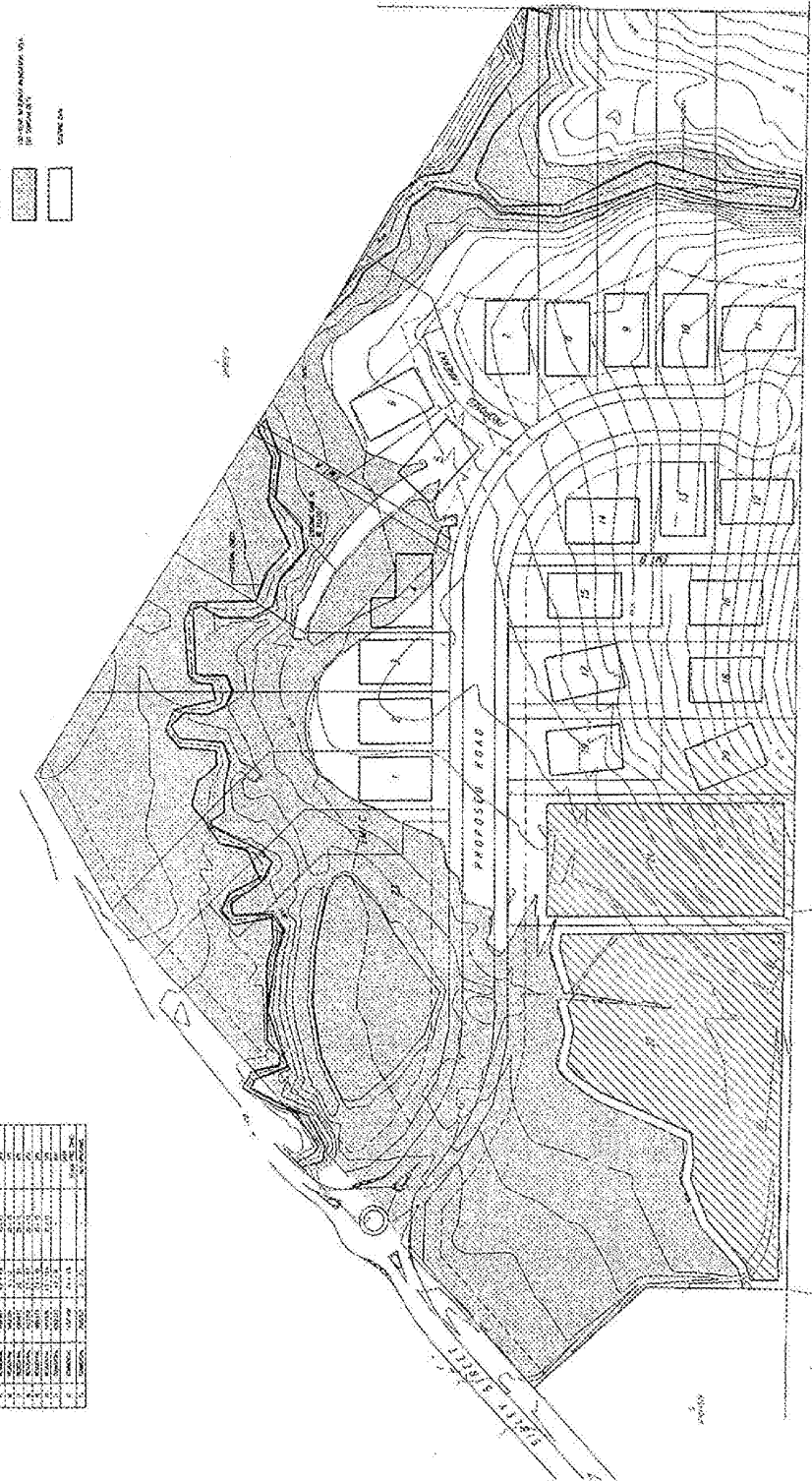
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2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE RELEVANT AGENCIES AND AUTHORITIES.

ISSUED FOR APPROVAL

LOT/SUBDIVISION DETAILS

LOT NO.	AREA (SQM)	PERCENTAGE COVERED	PERCENTAGE COVERED	PERCENTAGE COVERED	PERCENTAGE COVERED	PERCENTAGE COVERED	PERCENTAGE COVERED
1	1000	100	100	100	100	100	100
2	1000	100	100	100	100	100	100
3	1000	100	100	100	100	100	100
4	1000	100	100	100	100	100	100
5	1000	100	100	100	100	100	100
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7	1000	100	100	100	100	100	100
8	1000	100	100	100	100	100	100
9	1000	100	100	100	100	100	100
10	1000	100	100	100	100	100	100



Drawn by: P2 11/04/09	Checked by: P2 11/04/09	Sheet No. 4 of 4
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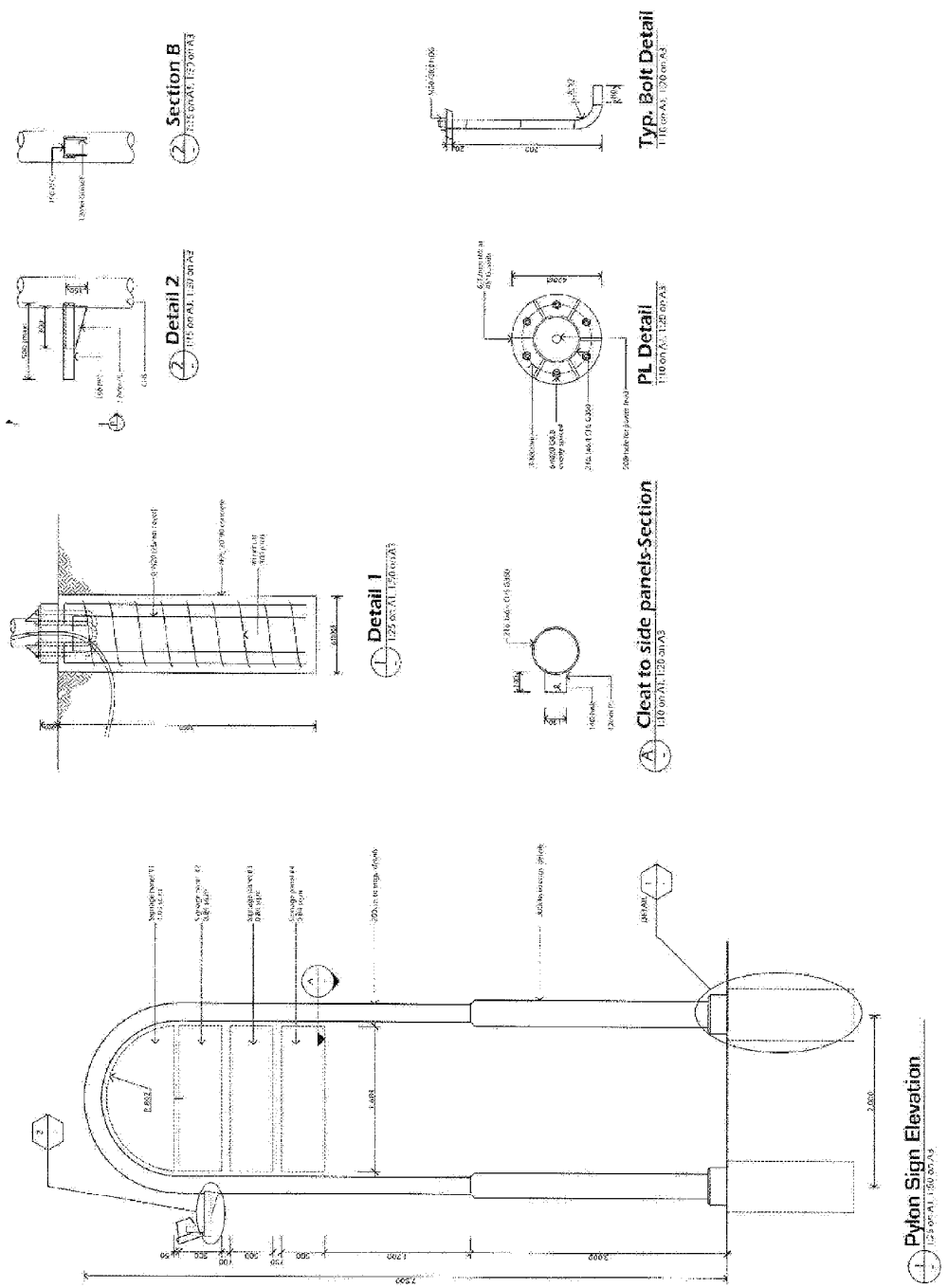
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 Date: 20/04/2009

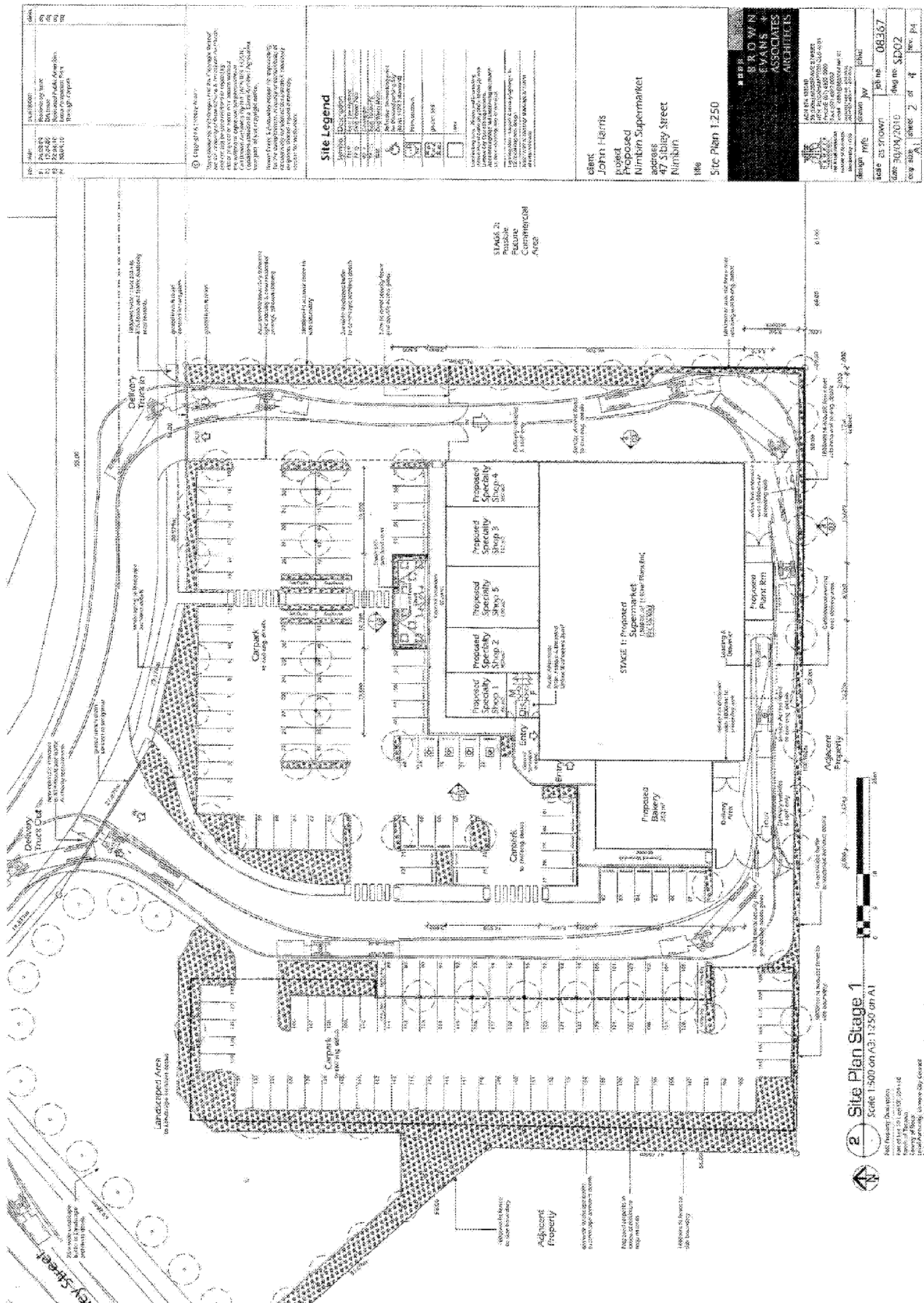
Client: John Harris
Project: Proposed Nimbin Supermarket
Address: 47 Sibley Street Nimbin

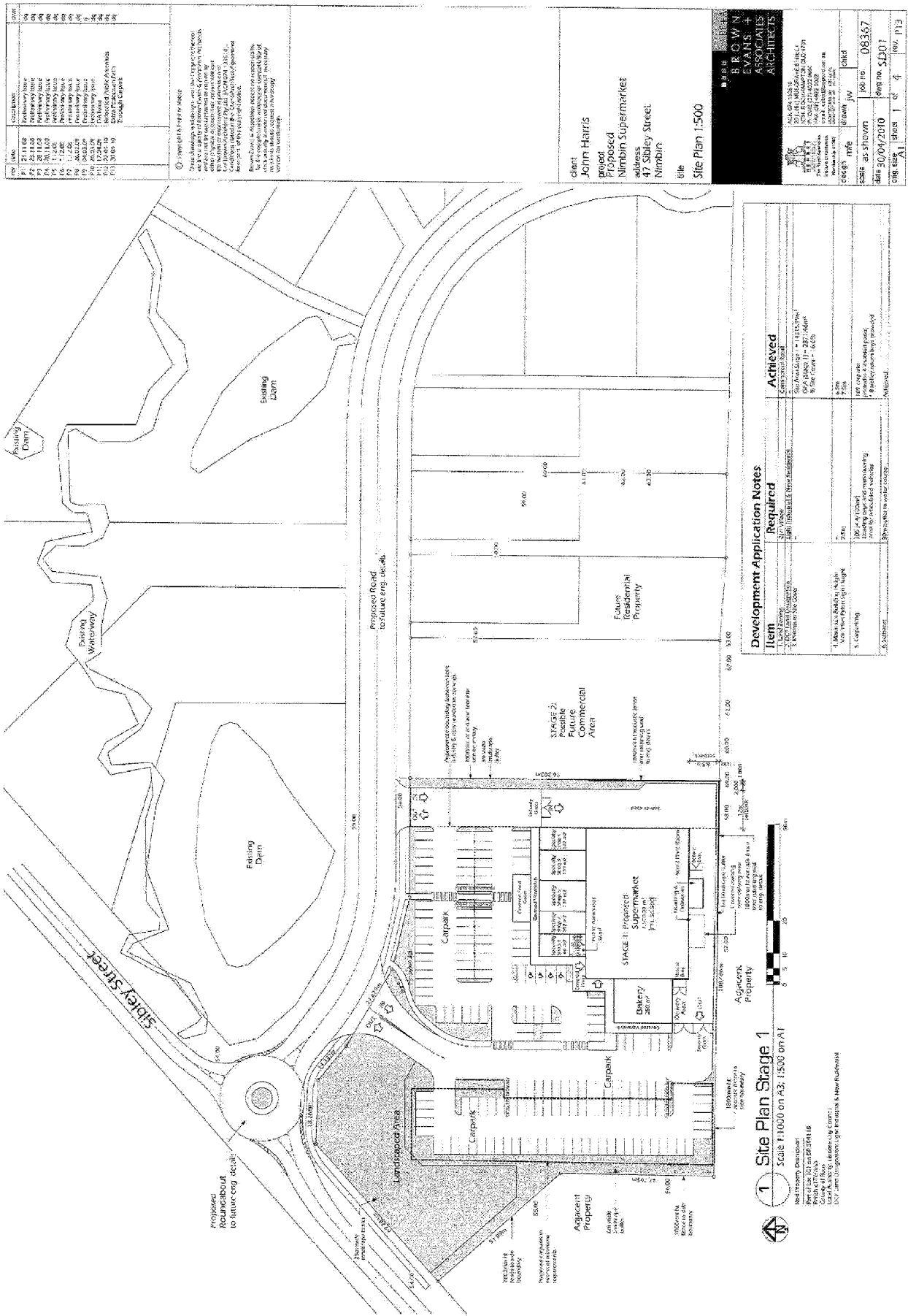
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Pylon Sign Details

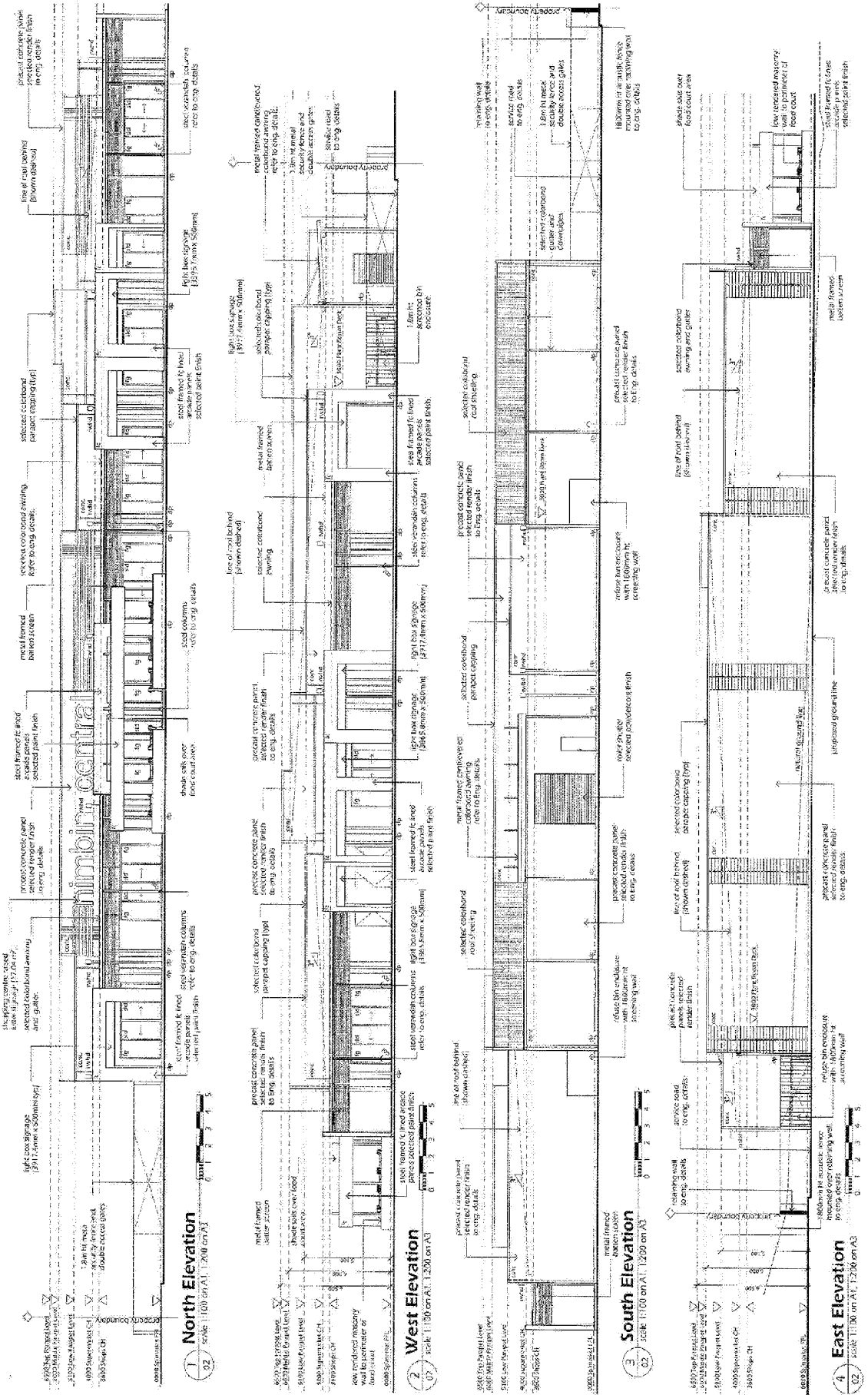
Project Information:
 30 ALBA STREET, NIMBIN, NSW 2388
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Scale: AS SHOWN
Proj. No.: 08367
Date: 20/04/2009
Drawn by: SDD/4
Sheet: 4 of 4
Rev.: P2









PROJECT INFORMATION		
Client:	John Harris	
Project:	Proposed Nimbin Supermarket	
Address:	47 Sibley Street	
Title:	Elevations	
DESIGNER INFORMATION		
Company:	Brown Evans + Anderson Architects	
Address:	100 Roper Street, Brisbane QLD 4000	
Phone:	07 3254 0000	
Website:	www.bea.com.au	
Author:	JH	
Check:	JE	
Date:	2010/11/18	
Scale:	1:100 on A1, 1:200 on A2/A3	
REVISIONS		
No.	Description	Date
01	Issue for tender	2010/11/18
02	Final design	2010/11/18
NOTES		
1. All dimensions are in millimeters unless otherwise stated.		
2. Refer to architectural drawings for structural details.		
3. Materials and finishes are as specified in the schedule of materials.		
4. The contractor is responsible for obtaining all necessary permits and approvals.		
5. The design is subject to change without notice.		

Summary of submissions DA 5.2009.175.1

Name of Objector	Issues raised	Comments
A Bonanno	<ol style="list-style-type: none"> 1. The proposed development is likely to have a detrimental economic effect on existing businesses 2. There are plenty of supermarkets in Lismore that Nimbin residents could utilise or they could purchase good and food items in the Nimbin local stores and in that way support the local economy. 3. Request made that all Nimbin DA's are displayed in a centralized location in the Nimbin Village 4. Requested more information on the Cullen Street bridge (in front of the Bush Factory). 5. Nimbin is already attracting a large amount of tourism and developments like this one that seek mass tourism, greater turnover and create a Disneyland type of tourist attraction like the Gold Coast should not be supported. 	<p>Refer to 'amenity' section of this report which addresses the issue of economic impact.</p> <p>Noted</p> <p>Not directly relevant to this DA</p> <p>Not applicable to this DA</p> <p>Noted</p>
M Paitson	The core concern for this person related to the public notification period of the development application. It is stated that Council has failed to provide a genuine opportunity for community consultation in a realistic timeframe.	As outlined in the report the DA was exhibited for a total period of thirty eight (38) days.
M Williamson and G Cunningham	The proposed commercial building is ugly and will impact the heritage village appeal and character of the town. If consent is granted the commercial building's should be in sympathy with the town's heritage village character.	Refer to 'design' section of this report which addresses the issue of building design.

D Roberts	<ol style="list-style-type: none"> 1. The proposed location of the commercial development is inconsistent with Lismore DCP – Nimbin Village. The proposed development will fragment the existing commercial area of Nimbin and could have social and economic consequences for the main street (Cullen Street). 2. The benefits of the proposal need to be off-set against the long-term costs of developing a site removed from the existing commercial precinct. 3. The proposed design of the commercial building is inconsistent with the existing commercial building located along Cullen St and the village character. 4. The proposed signage is not compatible with existing village signage. There should be no after-dark illumination of advertising signage. Lighting for walkways and lighting up murals is acceptable. 5. There should be a constructed walking track from the proposed shopping centre to Cullen street and there should be landscaping between the walkway and the commercial building. 6. All power to the site should be underground and the car parking and hot water system should be solar. The building should be designed and insulated to minimise the need for air conditioning. 7. The proposed development must be landscaped and a bond should be imposed to ensure plantings are maintained and well established. 	<p>The proposed development is inconsistent with Lismore DCP – Nimbin Village and will fragment the existing commercial area of Nimbin. Refer to ‘amenity’ section of this report which addresses the social/economic impact of the development.</p> <p>Refer to ‘amenity’ section of this report which addresses the social/economic impact of the development</p> <p>Refer to ‘design’ section of this report which addresses the building design.</p> <p>Refer to ‘amenity’ section of this report which addresses the issue of signage</p> <p>Refer to ‘design’ section of this report which addresses the issue of pedestrian access.</p> <p>In accordance with Council policy the applicant will be required to place power underground.</p> <p>There is a proposed landscape and regeneration/revegetation works condition of consent and a requirement the plantings are established</p>
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	<p>8. The car park requires shade and consideration needs to be undertaken to landscaping and shade structures.</p> <p>9. Concern is raised about the traffic impact on local streets in particular Thorburn Street and Sibley Street particularly where they intersect as well as the intersection of Sibley and Cullen Street.</p> <p>10. The proposed shopping centre must be served by public transport.</p> <p>11. Provision needs to be made for pedestrian and cycle access along Sibley Street to Cullen Street. Areas should be set aside in the car park for bicycles.</p> <p>12. The creation of another access would relieve some of the traffic problems while reducing fragmentation of the commercial precinct.</p>	<p>and maintained to the satisfaction of Council for a three (3) year period.</p> <p>The proposed car park landscape plan incorporates large trees capable of providing shade to the car park area.</p> <p>Council does recognise that the proposed development will increase traffic in Thorburn and Sibley Street and appropriate conditions regarding this matter are incorporated into the proposed consent conditions.</p> <p>Council does recognise that the shopping centre is serviced by public transport and the proposed road and shopping centre car park layout will cater for future bus and taxi services.</p> <p>Council does recognise that provision needs to be made for pedestrian and cycle access along Sibley Street to Cullen Street. The applicant will be required to construct a combined pedestrian/cycle path link from the proposed shopping centre/residential subdivision along Sibley Street. The applicant will also be required to provide both bicycle and car parking spaces.</p> <p>It is proposed that the subject development will have another access and be linked to the adjoining alternative way residential subdivision. The linkage to the existing Cullen Street commercial precinct will be</p>
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	13. The proposed residential allotments. Should meet the objectives of the Nimbin DCP.	via a pedestrian/cycleway along Sibley Street. The proposed residential allotments meet the objectives of the Nimbin DCP.
C Macdonald	Not against a new shopping centre but believes that the shopping centre should be in Cullen Street. The proposed development will fragment the town and impact the vibrant main street which is the attraction of Nimbin to both Council's and the tourists	This issue is addressed in the amenity section of report under the 'social/economic impacts' of the development.
T Fuller	This submission was not specific to this development application however Councillor Clough requested that the letter submitted be referenced against this development. The matters raised in this letter outline concerns with the width and condition of Thorburn Street as well as drainage and contamination issues within the street.	Council does recognise that the proposed development will increase traffic in Thorburn and Sibley Street and conditions relevant to the impacts associated with the proposed development are incorporated into the proposed consent conditions.
I Macdonald	The proposed development will fragment the town and cause competition between existing retail shops. It will impact the vibrant main street which is the attraction of Nimbin to both Council's and the tourists. The existing 'Emporium' shop owners should develop in or around Cullen Street so that Nimbin's unique village & alternative atmosphere is preserved. The development will impact tourist numbers from which the village and Lismore benefit economically.	Refer to 'amenity' section of this report which addresses the issue of economic impact.
N Meyer	1. The proposed site location of the Commercial development would effectively divide the CBD of the village into 2 distinct areas. 2. The fragmentation of the CBD areas will exacerbate Nimbin's crime problems by relocating or spreading criminal activity.	The proposed development will divide the existing commercial area of Nimbin. Refer to 'amenity' section of this report which addresses the social/economic impact of the development. Refer to the comments from the NSW Police which addresses the issue of crime prevention.

	<p>3. The building design is not considerate of the heritage aspects of Nimbin.</p> <p>4. The subject site is subject to flooding that may impact other properties.</p> <p>5. The proposed building is homogenised and not in character with Nimbin and the design should be amended and murals sensitive to the community values positioned around the shopping centre.</p> <p>6. Landscaping and shade in the car park area must be incorporated into the building design.</p> <p>7. There should be a footpath linking the proposed shopping centre with Cullen Street.</p> <p>8. The proposed development has not adequately assessed or addressed the traffic impact of the development upon the existing streets in the village.</p>	<p>Refer to 'design' section of this report which addresses the issue of building design.</p> <p>Council's development engineer has advised that there are no proposed bulk earthworks associated with this development that would impact other properties.</p> <p>The applicant has advised that murals will be added by local artist's to the commercial building.</p> <p>The proposed car park landscape plan incorporates large trees capable of providing shade to the car park area.</p> <p>Council does recognise that provision needs to be made for pedestrian and cycle access along Sibley Street to Cullen Street. The applicant will be required to construct a combined pedestrian/cycle path link from the proposed shopping centre/residential subdivision along Sibley Street, connecting with the existing pedestrian link which currently finishes at the Nimbin bowls club.</p> <p>A road and traffic engineering report was submitted with the development application. This report was assessed by the Local Traffic Committee and Council's Development Engineer. The proposed traffic and road</p>
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	<p>9. All power to the site should be underground and the lighting in the car park area should be solar.</p> <p>10. The proposed development appears to be unviable in itself and thus the proposed residential subdivision is needed to fund the development. The supermarket may then be sold to a company that has no relationship with the community or any commitment to community goals.</p> <p>11. There is insufficient town water and sewer capacity to service the proposed residential subdivision.</p> <p>12. There has been inadequate community consultation in relation to the development.</p>	<p>impacts have been assessed and appropriate conditions incorporated into the consent conditions.</p> <p>Noted</p> <p>Noted</p> <p>Council's water & sewer services department have assessed the application and advised that there is sufficient town water and sewer capacity to service the proposed residential subdivision.</p> <p>As outlined in the report the DA was exhibited for a total period of thirty eight (38) days</p>
<p>Nimbin Aquarius Landcare Group</p>	<p>Although the Group does not oppose this development they request that the waterway surrounding this development no matter how minor must be repaired (ie. replanted and fenced). They also request that both the commercial buildings and any future residential houses be required to produce their own water supply and should not be connected to the town water supply.</p>	<p>Council shares your concern about the repair of the waterway surrounding this development. Conditions of consent have been incorporated in respect to the regeneration/revegetation of the riparian corridors. From a public health view point it will be essential that the development is provided with a reticulated potable water supply and sewage system.</p>

F Wolfe	<ol style="list-style-type: none"> 1. Concern raised at the lack of pedestrian crossings in the car park for this development. 2. The other concern is the name Nimbin Central. This development is located on the outskirts of the village so the proposed shopping centre name is possibly misleading. 	<p>This issue has been reviewed and there has been modification to the car park plan to incorporate additional pedestrian crossings in the car park.</p> <p>Noted</p>
Nimbin Environment Centre	<ol style="list-style-type: none"> 1. The proposed development will generate a large amount of waste that will go into landfill. The development should provide its own recycling bin area for shop owners/operators and visitors to the shopping centre. 2. The shopping centre will involve fridges, freezers, lighting and air conditioning that will use huge amounts of energy and increase the carbon footprint of the village. To reduce this energy impact the proposed commercial development should use solar energy for both the building, car park lighting and hot water systems. 	<p>Waste management is an important issue and a condition of development consent is nominated for the submission of a waste management plan for the proposed development. The DCP Chapter however does not require a post construction waste minimization plan. Generally however the financial incentives are there for developments such as shopping centers to be proactive in maximizing the recycling of materials, particularly bulky waste products such as cardboard, through commercial service arrangements. Council's Waste Services would if required provide weekly waste and fortnightly recycling collections to the development.</p> <p>There are no State or Lismore Development Control requirements that would require the proposed commercial development to use solar energy however the applicant has been made aware of this suggestion to reduce the energy impact of the building.</p>

	<p>3. The commercial development will require large amounts of water. rainwater storage should be part of this development.</p> <p>4. The proposed shopping centre increases the distance food has to travel. In times of climate change and the possibility of peak oil, this development furthers the mistakes of the past instead of trying a sustainable approach.</p> <p>5. The dependence on food grown away from the location of the shopping centre increases the possibility of genetically modified foods coming to our shopping centre which has long term health concerns.</p> <p>6. The proposed development will increase traffic in Nimbin, in particular in Sibley and Thorburn Streets.</p> <p>7. The proposed development needs to be linked via a pedestrian/cycleway path with the local pool, park and Cullen Street commercial precinct.</p>	<p>There are no State or Lismore Development Control requirements that would require the proposed commercial development to store rainwater however the applicant has been made aware of this suggestion.</p> <p>Noted</p> <p>Noted</p> <p>It is agreed that the proposed development will increase traffic in Nimbin, in particular in Sibley and Thorburn Streets. A road and traffic engineering report was submitted with the development application addressing this issue. That report was assessed by the Local Traffic Committee and Council's Development Engineer. The proposed traffic and road impacts have been assessed and appropriate conditions incorporated into the consent conditions.</p> <p>Council does recognise that provision needs to be made for pedestrian and cycle access along Sibley Street to allow public movement between the local pool, park and Cullen Street. The applicant will be required to construct a combined pedestrian/cycle path link from the proposed shopping</p>
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	<p>8. The proposed development is likely to have a negative impact upon local wildlife.</p> <p>9. The site contains many low lying areas that will need extensive plantings of native vegetation to stop erosion and further degradation of water systems. The car park requires shade trees.</p> <p>10. The location of this development close to flood prone lands and natural drainage systems is sure to impact on the local environment. What measures are in place to address pollution from rubbish and car oil flowing into the natural drainage systems.</p> <p>11. The greatest desire for many Nimbin locals is to see our village become sustainable and self reliant and become a 'transition town'. This</p>	<p>centre/residential subdivision along Sibley Street, connecting with the existing pedestrian link which currently finishes at the Nimbin bowls club.</p> <p>Council's ecologist has advised that the vegetation on the subject site has been highly modified by human activity. Most of the subject site is currently vegetated by degraded pasture. Although a small number of animal species utilise such areas as habitat, overall, degraded pasture is of little value to wildlife in general. Furthermore regeneration/revegetation of the riparian corridors is incorporated as proposed consent conditions. These conditions have been designed to ensure a net gain in the quantity and quality of habitat available for wildlife and a gain in the quality of the riparian areas.</p> <p>Council shares this concern and conditions have been included within the recommended conditions of consent that the development construction plans incorporate water sensitive urban design features that effectively satisfy the performance standards nominated within Council's Stormwater Management Plan. Therefore nutrients, suspended solids, oils and grease, hydrocarbons and litter will be managed on-site.</p> <p>Noted</p>
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	<p>involves working on sustainable food solutions, such as a food co-op, eco-markets and community supported agriculture. The example of Totnes in the UK is one such 'transition town' that is currently functioning. The proposed development is reinforcing Nimbin's dependence on oil, food transportation and industrial agriculture and will increase the carbon footprint of Nimbin.</p>	
Nina Boddenberg	<ol style="list-style-type: none"> 1. Feel that this development is way too big for such a small village as Nimbin. 2. There is no need for a shopping centre of this size. This is far too much all at once for a small village. 3. Concern with the affect it will have on our local wildlife. 4. The subdivision will increase people living in close proximity to the rural zone where wildlife lives, moves and breeds. 	<p>Noted</p> <p>Noted</p> <p>In regard to these concerns (3,4,5 & 6) Council's ecologist has advised that the vegetation on the subject site has been highly modified by human activity. Most of the subject site is currently vegetated by degraded pasture. Although a small number of animal species utilise such areas as habitat, overall, degraded pasture is of little value to wildlife in general.</p> <p>The stormwater drainage measures recommend that the bio-retention zones and detention basin incorporate the use of native plant species and are designed in such a way as to encourage the breeding of native frogs and birds.</p> <p>Furthermore regeneration/revegetation of the riparian corridors is incorporated as proposed consent conditions. These</p>

	<p>5. Native species generally have no where else to go when development encroaches habitats.</p> <p>6. I have been to this site on various occasions and witnessed many different species using this land. Blue wrens, Fairy wrens, Plovers, Lizards etc. the proposed development is likely to impact fauna and flora.</p> <p>7. It has been proven that species in our country are going extinct due to things like cars, roads, power lines, fences, dogs and cats, habitat destruction, and the list goes on.</p> <p>8. The new road creates obstacle for wildlife travelling the area due to increasing traffic and extended opening and delivery hours.</p>	<p>conditions have been designed to ensure a net gain in the quantity and quality of habitat available for wildlife and a gain in the quality of the riparian areas.</p> <p>Noted</p> <p>Noted</p> <p>Council's ecologist has undertaken a desktop review and site inspection of the property as part of the ecological assessment of the threatened fauna species found in the locality. Council's ecologist noted it is highly unlikely that there is suitable habitat for species listed as threatened under the TSC Act on the subject site and there is little high quality habitat available in the immediate vicinity of the proposed development. Consequently, it would be considered onerous and unreasonable to impose a condition to remove and/or prohibit the keeping of domestic companion animals within the proposed residential subdivision component of the development application.</p> <p>Noted</p>
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	<p>9. Increasing housing will increase number of domestic pets in area, which do a lot of damage to native species.</p> <p>10. Underground power lines should be erected to reduce impact upon wildlife.</p> <p>11. More fencing will be introduced and possibly include barb wire or razor wire, both a huge threat to native wildlife.</p> <p>12. Plastic bags and packaging will end up in the creeks and parks</p> <p>13. Lighting will affect native species local to that area.</p>	<p>Council's ecologist was also concerned about this matter and has recommended a consent condition that internal boundary fencing between lots within the subdivision to be constructed without the use of barbed wire.</p> <p>The commercial development will have regular garbage collection. Concerns about plastic bags and packaging is noted.</p> <p>Council's ecologist has advised that the proposed commercial development lighting associated with this proposal may affect some native animal species. However, the vegetation on the subject site has been highly modified by human activity and most of the subject site is currently vegetated by degraded pasture. Although a small number of animal species utilise such areas as habitat, overall, degraded pasture is of little value to wildlife in general.</p>
<p>L Pike</p>	<p>1. The public notification period of the development application was too short.</p> <p>2. The proposed design of this commercial development is inconsistent with the existing heritage architecture in Cullen Street.</p>	<p>As outlined in the report the DA was exhibited for a total period of thirty eight (38) days</p> <p>Refer to 'design' section of this report which addresses the building design.</p>

	<p>3. The proposed development site in Sibley Street is a particularly narrow road with no footpaths, pedestrian or cycle access, situated in a flood area where the road goes under water in moderate to heavy rain, this issue should be addressed in the DA.</p> <p>4. The development should have sustainable attributes in the form of underground power, use of solar energy and permaculture design principles in landscaping.</p> <p>5. The location of the proposed shopping centre will split the commercial centre of the town and possibly have a negative economic impact upon the Cullen Street commercial precinct.</p>	<p>Council does recognise this problem however the flooding of Sibley Street occurs now and there is no direct nexus between the proposed development and this issue. The proposed development does require the payment of S.94 contributions and part of those contributions will contribute to the progressive upgrading of Sibley Road.</p> <p>There are no State or Lismore Development Control requirements that would require the proposed commercial development to use of solar energy and permaculture design principles in landscaping however the applicant has been made aware of this suggestion.</p> <p>The proposed development is inconsistent with Lismore DCP – Nimbin Village and will split the existing commercial area of Nimbin. Refer to ‘applicable regulations’ section of this report which addresses the social/economic impact of the development.</p>
V Johnstone-Kappel	<p>1. It was hard to get information on this application and the public notification period of the development application was too short.</p> <p>2. The proposed development would generate car parking issues in Thorburn Street which is a very thin road and should not have cars parked on it as it is known for being a dangerous corner.</p>	<p>As outlined in the report the DA was exhibited for a total period of thirty eight (38) days.</p> <p>The proposed shopping centre provides the required number of car parking spaces under the DCP and it is not anticipated by Council’s development engineer that the proposed development would generate on street parking in Thorburn Street.</p>

	<p>3. The land the subject of the development is identified as being 'light industrial' land.</p> <p>4. The proposed building has not been designed or incorporate aspects of a heritage building.</p> <p>5. The character of the village will be altered by this development.</p> <p>6. The commercial signage will be appalling and not the same beautiful signage we have in our village and needs to be in keeping with the other mural style signs in Cullen Street.</p> <p>7. All power should be underground and or solar.</p> <p>8. The development must be landscaped with trees as Nimbin has a passion for trees.</p>	<p>The land the subject of the development is identified as being 'light industrial' land within the Lismore Part B Nimbin DCP. This issue is addressed further within the 'amenity' issue section of this report.</p> <p>The proposed development does not incorporate aspects of a heritage building however the subject site is not located within the Nimbin heritage precinct and there are no Lismore development control provisions that require the proposed commercial building to be designed as a heritage building. This issue is addressed further within the 'design' issue section of this report.</p> <p>Noted</p> <p>Refer to 'amenity' section of this report which addresses the issue of signage</p> <p>It is a Council policy requirement that all new commercial/residential development provide underground electricity. An appropriate condition is incorporated into the proposed consent conditions.</p> <p>The proposed development consent incorporates conditions regarding landscaping.</p>
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	<p>9. The proposed development requires bicycle racks and they are needed and should be situated close to the building.</p> <p>10. The size of the car park is excessive for the development.</p> <p>11. The supermarket will split up the commercial precincts which may impact the every day interactions people have in the village.</p> <p>12. There is no access to the super market from the village if you are walking, on a bike or on a motorised scooter, so footpaths will have to be put in. The existing footpath from the hotel down is in need of an upgrade as well.</p>	<p>The proposed development consent will incorporate a condition requiring the provision of bicycle parking racks situated close to the entrance of the building.</p> <p>The proposed car park will be built in two stage and stage two is only required should the proposed commercial building be expanded. The stage one car park provides the number of car park spaces required under the Lismore DCP.</p> <p>The proposed development is inconsistent with Lismore DCP – Nimbin Village and will split the existing commercial area of Nimbin. Refer to ‘applicable regulations’ section of this report which addresses the social/economic impact of the development.</p> <p>Council does recognise that provision needs to be made for pedestrian and cycle access along Sibley Street to allow public movement between the local pool, park and Cullen Street. The applicant will be required to construct a combined pedestrian/cycle path link from the proposed shopping centre/residential subdivision along Sibley Street, connecting with the existing pedestrian link which currently finishes at the Nimbin bowls club. If the existing footpath along Cullen Street requires an upgrade then this is the responsibility of Council and not a matter relevant to this particular development proposal.</p>
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	13. The proposed development will generate competition against existing businesses in Cullen Street.	Noted
	14. Will the new residents who move in to live on the new residential lots the subject of this DA build to fit our beautiful village, I think not.	Noted

Table 2: Issues raised in support of the development

Name of Objector	Issues raised	Comments
B Whitney	The proposed commercial and residential lots the subject of this DA are a much needed development for Nimbin. Please ensure that the issue of drainage is reviewed during the assessment process.	Council does recognise that the issue of drainage both internal and external to the commercial (shopping centre) site is an important issue. The issue of drainage has been assessed as part of the overall engineering development assessment of this proposal. The proposal concept for internal and external drainage is supported by Council and relevant conditions are incorporated into the conditions of consent.
D Lambert	<p>We support the proposed development because:</p> <ol style="list-style-type: none"> 1. The existing food shops are not large enough to stock a reasonable range of food. 2. The present food shops are too small for wheel chair access or the use of food trolleys. 3. The existing parking facilities in Cullen Street close to any food shops is severely restricted making access for the aged difficult. 4. It will decrease parking congestion in the village 5. It will generate employment 6. The subject land does not contain any significant fauna or flora 7. It is located adjacent to other commercial or industrial premises 8. It will decrease traffic between Nimbin and Lismore 	Noted

Nimbin Chamber of Commerce	<p>Nimbin Chamber of Commerce have supported the proposed development for the following reasons:</p> <ol style="list-style-type: none"> 1. Over the last 15yrs Nimbin has grown and the shopping centre facility will cater for growth in the area into the future. 2. The shopping centre owners (Harris family) has always been instrumental in providing employment to the local community and this facility will create further opportunities particularly for local employment (estimated 100 jobs) 3. The additional 5 retail shops will provide further opportunity to create new business again enhancing employment opportunities for the locals. Also the availability of retail space currently in Nimbin is limited. 4. Having this supermarket in Nimbin will attract people from the region. This additional traffic to the village will result in additional spending with business and service providers, also benefiting the local economy. 5. The Sibley street site has the appropriate zoning and is ideal for parking for a large volume of vehicles. The plan indicates a quite substantial parking area is provided for by the developer, together with the associated road & civic works. 6. The overhead façade will be made up of murals, which are a drawcard for tourists and fits in with the culture and vibrancy of the village and will compliment Nimbin's image. 7. The shopping centre owners (Harris family) has also taken into account the community's views and incorporated some of their ideas and held a Community 	Noted
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	<p>Information Evening in Nimbin on 20th May 2009 to present the plan and answer questions.</p> <p>8. The Nimbin Chamber of Commerce is certain the development would be an incredible boost to the local community and the local economy.</p>	
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Report

Subject	Sale of Koala Child Care Centre
TRIM Record No	BP10/608:T10/39
Prepared by	Manager - Arts, Tourism and Leisure
Reason	Council resolution.
Community Strategic Plan Link	Best-Practice Corporate Governance

Overview of Report

The report provides a summary of the negotiation process involving all tender respondents for the sale of the Koala Child Care Centre. The outcome of this process will be outlined in the supplementary information accompanying this report.

Background

At the Extraordinary Meeting of Council held on 26 October 2010, it was resolved that:

1. *In accordance with Clause 178(1) (b) of the Local Government (General) Regulation, Council decline to accept any tenders for T2010-39 – sale of Koala Child Care Centre.*
2. *In accordance with Clause 178(3) (e) of the Local Government (General) Regulation, Council resolve to enter into negotiations with all respondents to the tender process and the General Manager report back to Council on the outcome of those negotiations prior to finalisation and signing of any contract for sale of the facility.*
3. *In accordance with Clause 178(4) (a) of the Local Government (General) Regulation, the reasons that Council will not call fresh tenders for the sale of the Koala Child Care facility are that:*
 - *a satisfactory response has been received to the initial tender process in terms of the number of responses and the capability of the providers to purchase the facility and deliver a child care service.*
 - *A satisfactory outcome can be achieved by negotiating with the respondents to the initial tender process.*
 - *Those matters sought to be addressed through negotiation are not of a nature that the content or requirements of the tender would alter,*
 - *Calling fresh tenders would unduly delay sale of the property beyond the end of the calendar year and potentially provide a disrupted start to the new calendar year for staff, the new owner and children attending the centre.*
4. *In accordance with Clause 178(4) (b) of the Local Government (General) Regulation the reasons that Council has chosen to negotiate with the identified parties is that all have demonstrated through their responses to the initial tender process that they are capable providers of child care services.*
5. *In anticipation of Council ceasing its operation of Koala Child Care Centre by January 2011, the General Manager report to Council on the viability of providing both long day and occasional care services at Gingerbread House at the earliest opportunity.*

Accordingly, negotiations commenced with all tender respondents who were invited to revise their offer for the purchase of Koala Child Care Centre. Revised offers are to be accepted until 4.00pm on 4 November 2010. Offers arising will be reported under separate cover.

Sustainability Assessment

Sustainable Economic Growth and Development

Inviting all tender respondents to revise their tender offers will enhance the opportunity for an improved capital return.

Social Inclusion and Participation

The sale of Koala Child Care Centre to a private operator will continue the provision of long day care for the community.

Best-Practice Corporate Governance

This proposal supports Council's best practice management principles.

Comments

Finance

A financial assessment of the tender results will be provided with the supplementary information.

Public consultation

Parents and staff have been advised of the process and outcomes to date by a series of letters following initial consultation.

Conclusion

Council has authorised negotiations to sell Koala Child Care Centre. It is desirable that a conclusion be reached without delay and to that end the process imposes a timeline whereby the information Council requires to determine a sale precludes its inclusion in the circulated agenda for this meeting. That information will be provided to Councillors at the earliest opportunity.

Attachment/s

There are no attachments for this report.

Recommendation

That Council refer to recommendations included in the supplementary information.

Report

Subject	Nimbin Caravan Park
TRIM Record No	BP10/139:EF09/190
Prepared by	Manager - Assets
Reason	To advise Council of the outcome of an expression of interest process for the sale or lease of the Nimbin Caravan Park.
Community Strategic Plan Link	Efficient Use of Council Resources

Overview of Report

This report presents the results of an expression of interest process for Council to sell or lease the Nimbin Caravan Park. The recommendation is to conduct an open tender process to lease the caravan park.

Background

At its meeting on 10 November 2009 Council resolved, inter alia, to conduct an expression of interest (EOI) process for the sale or lease of the Nimbin Caravan Park (excluding the pool facility). As such documentation was prepared and expressions of interest were called, closing on 2 April 2010.

Submissions were received from four separate parties with three offers received to buy the facility, two offers received to lease the facility and one alternative offer received to manage the facility. A summary of the details provided in the submissions received is included in the confidential attachment to Councillors' business papers.

Council must now decide whether to proceed to tender for sale of the facility or whether to initiate a process to lease the facility.

The initial decision for Council to explore potential sale of the property was the result of Council's full budget review undertaken in the second half of 2009. This process was aimed at reducing expenditure in Council's recurrent budget. Further it also identified assets which could be disposed of to generate one off income for Council and reduce ongoing maintenance and upgrade costs.

It is considered that there are three options available to Council to progress the matter.

- **Option One** – Proceed with a process to sell the property.
- **Option Two** – Proceed with a process for lease of the facility.
- **Option Three** – Do nothing and continue with the current management arrangements.

Sale of the Facility

There are a number of issues that would need to be considered as part of any proposed sale of the facility.

Subdivision

In the first instance a subdivision of the property would need to be undertaken to separate the pool and access road from the caravan park. This will involve costs to Council. The estimated cost to prepare the subdivision application, including associated legal and survey costs, is approximately \$9,000.

In addition, there are likely to be costs associated with meeting conditions of consent to subdivide the property including:

- Section 94 and Section 64 charges.
- Costs of building modifications to achieve fire separation between the existing caravan park amenities and the pool amenities – it may in fact be cheaper and easier to construct a new, separate amenities block.
- Costs to provide separate metered electricity supply and water supply for each facility.
- Costs for preparation and registration of easements and rights of way to facilitate sewage services and access through the pool block to the caravan park.
- Cost to provide additional infrastructure on public land, e.g. bitumen surface the existing access road to the facilities, construction of a new concrete layback and kerb and gutter at the entrance from Sibley Street, construction of car parking spaces etc.

An estimate of the likely costs to subdivide and sell the property is difficult to prepare without actually lodging a development application and having it assessed. However, staff have prepared a preliminary estimate range of \$190,000 - \$280,000 depending on the actual conditions imposed on a development consent for subdivision. A more accurate cost estimate could not be prepared until an actual subdivision application was lodged and approved.

Tender Process

The *Local Government Act* requires that Council must conduct a tender process when it disposes of property. Having first conducted the EOI process, it would be open for Council to now conduct a selective tender process involving some or all of the parties that responded to the EOI. Alternatively Council could choose to conduct an open tender process.

Manager's Contract

The previous report to Council identified that Council has a contract with the current managers and that it was to expire in April 2010, with an option to renew at Council's absolute discretion. Given the time that it took to conduct the EOI process and the time that it would take to finalise a lease or sale of the property, this contract was extended for 12 months to ensure the ongoing management of the caravan park.

Pool Maintenance and Management

Any sale of the property would require Council to make separate arrangements for the ongoing maintenance and management of the pool. This could be arranged with the lessee of the facility, or alternatively, the current managers have expressed interest in managing the pool separately should Council choose to sell or lease the property.

In general terms the responses received for purchase of the facility are well short of the valuation undertaken for Council. If Council was to proceed with a sale of the facility, a selective tender process could not be recommended. An open tender process would be the preferred way forward.

Lease of the Facility

One respondent has provided a detailed submission, however the financial offer is quite unattractive. The second respondent who expressed interest in leasing the facility did not provide sufficient detail for Council to make an informed decision. The offer was essentially to enter further discussions with Council. The term of the manager's contract and ongoing maintenance and management of the pool as outlined above would also need to be considered.

If Council were to decide to pursue a lease of the facility, it would be possible to now conduct a selective tender process involving some or all of the parties that responded to the EOI. Alternatively, Council could also choose to conduct an open tender process. Given the level of response to the EOI process, an open tender process would be favoured.

Do Nothing

Council could choose to effectively do nothing and continue the current management arrangements. Given Council's decision of November 2009 to explore options for sale or lease of the facility, it is clear that Council is of the view that the current arrangement needs to be reviewed.

To do nothing is therefore not considered to be an option.

Financial Considerations

Council's budgeted income and expenditure for the caravan park facility for the 2010/11 financial year is as follows:

Item	Income	Expenditure	Comment
Caravan Park			
Caravan Park Fees	\$115,000		
Other Revenue	\$ 3,300		
Caravan Park Management		\$ 80,200	Park manager's contract
Caravan Park Operating Costs		\$ 49,400	Electricity, marketing, rates & charges, water usage, consumables (soap, toilet paper etc)
Caravan Park Maintenance		\$ 8,400	Maintenance
Total:	\$118,300	\$138,000	Nett cost to Council is \$19,700

Notes: 1. Consumables and maintenance can vary considerably during the year depending on use, breakdowns, vandalism etc.
2. No costs for internal ABC charges applicable to staff time spent supervising the facility or depreciation have been included.

The nett cost to Council of the facility for the current financial year is predicted to be significantly better than that of the 2009/10 financial year where the nett cost was \$53,500. The increased costs in that year were due to additional costs associated with security during the transition from the previous managers to the current managers. There were also some significant maintenance issues with sections of the roof on the amenities building requiring replacement and a major repair required to the sewage system. However, given the age of the facility there is always a risk that urgent maintenance/repairs will be required.

The table below is a summary of predicted costs for the various options canvassed in the report:

Option	Nett Cost	Comments
Do Nothing	\$19,700/annum	Council bears the risk of costs associated with repairs, vandalism, breakdowns, upgrades etc.
Sell	\$190,000 – \$280,000 depending on development consent for subdivision	Costs to be deducted from sale price – potential for profit.
Lease	Variable – would depend on structure of the lease – e.g. rates, charges, maintenance etc.	Potential to earn an income. Council would still bear some risks depending on structure of the lease.

Sustainability Assessment

Sustainable Economic Growth and Development

Council has identified the sale or lease of the property as an option to generate income and reduce its exposure to ongoing maintenance and upgrade costs. In the event that Council does choose to sell or lease the facility, it is likely that the current managers would not retain their employment with a new owner or lessee.

Social Inclusion and Participation

The matter of social issues associated with the sale or lease of the facility has been addressed in the comments of the community services staff below.

Protect, Conserve and Enhance the Environment and Biodiversity

The proposal is not considered to have any effects, positive or negative, on the environment.

Best-Practice Corporate Governance

Council conducted its budget review in 2009 as part of an overall strategy to reduce costs and identify income opportunities. The options examined in this report are aimed at contributing to that strategy.

Although this project is not included in Council's Delivery Plan, it is clearly a matter that Council has made a priority.

Comments

Finance

The draft 2010/11 Budget for the Nimbin Caravan Park and Pool anticipates a net loss of \$100,400, excluding activity based costing charges. As the caravan park and pool share amenities and access, it is not possible to accurately assess exactly what the net cost dissection is for each, but as a guide it is estimated that the pool operates at a loss of \$80,700 and the caravan park at a net loss of \$19,700.

Based on the expressions received, it is possible for the proceeds from the sale of the caravan park to be totally spent on making the pool self-sufficient and meeting potential development consent requirements. To accurately quantify this scenario, a development application would be required to be prepared and lodged at an estimated cost of \$9,000. If this scenario were accurate, then the Council would be \$19,700 per annum better off with no caravan park related financial risks. This may be considered a positive as the outcome is known albeit with no extra benefit from the sale of the caravan park asset.

If the caravan park is leased, the net loss would be reduced along with exposure to caravan park related operating financial risks during the term of the lease. At the end of the lease, the facility would revert back to Council. It is reasonable to expect that due to age, wear and tear, at the end of the lease or at some time in the future, Council will be required to fund the refurbish of the asset. As such, if the lease option is pursued, any savings (reduction of net costs) should be quarantined over the medium term to meet future refurbishment costs. With this scenario, there is not likely to be a benefit over the medium term. Effectively, leasing maintains the status quo without exposure to operating financial risks. Asset ownership would still reside with Council. As asset ownership is one of the fundamental reasons this expression of interest process was undertaken, the fact it has not changed is considered a negative.

On balance, there is little financial benefit to be gained from either selling or leasing the facility. The fact this is not core business and will still require administration/ management resources which are not reflected in the profit/loss assessment suggests to me that sale is the right option for this property. The simple benefit from this option is more administration/ management resources available to focus on core business.

Other staff comments

Community Services

Demographic profile of Nimbin

Nimbin offers a unique and diverse culture that fosters individuality and does not fit neatly into mainstream views and practices. It is an area where significant disadvantage exists compared to the rest of the Lismore LGA and nationally. The median household income is 30% lower than for the rest of Lismore and 50% lower than the national median. Unemployment is double that of Lismore LGA and four times higher than national unemployment figures. One parent families are double the national figure.

	Nimbin	%	Blue Knob	%	Lismore	Australia
Population	1,370		191			
Indigenous	53	3.9%	6	3.1%	3.9%	2.5%
Unemployment	92	18.1%	19	23.2%	9.2%	5.2%
Median household income (\$ weekly)	507		462		760	1,027
One parent families	116	33.7%	14	31.8%	23.8%	15.8%

Source: ABS census 2006.

Note: Figures for both Nimbin and Blue Knob are combined as the Nimbin collection district is divided into Nimbin urban, Nimbin rural and Blue knob Collection districts.

Although the unemployment figures for Nimbin are based on 2006 figures, unemployment rates are historically significantly higher (double) than those for the Lismore LGA. The unemployment rate for Lismore was 7.5% in 2009 and 5.8% in 2010.

Nimbin urban locality (the village) has the highest unemployment rate in the Lismore LGA with just under one-third of people aged over 15 years and eligible to work, not currently in the Labour Force. Over 35% of Nimbin's (urban) labour force are employed full-time, while just over a quarter are employed on a part-time basis.

People on low incomes in Nimbin are further limited by poor transport options to attend the employment and educational opportunities available in Lismore.

Housing in Nimbin

Rent is lower in Nimbin than in Lismore, however rent represents a larger proportion of weekly household income for people who live in Nimbin.

	Nimbin	Lismore	NSW
Median age of persons	43	38	37
Median individual income (\$/weekly)	270	378	461
Median family income (\$/weekly)	612	993	-
Median household income (\$/weekly)	507	760	1,036
Median housing loan repayment (\$/monthly)	850	1,083	1,517
Median rent (\$/weekly)	150	165	210
Average household size	2.2	2.5	2.6

Source: ABS census 2006

North Coast Community Housing has 10 properties in Nimbin with a turn over 1-2 per year. Rent is based on 25% of their weekly income. Housing NSW has no housing in Nimbin. Youth Connections has 4 units (2 x 1br and 2 x 2 br) in Nimbin for young people.

Caravan living represents an affordable housing option for many people. 1-2 bedroom rental properties in Nimbin range from \$160.00–\$250.00 per week compared to \$38.00 per week (per person), including utilities, at the caravan park.

The current rate for Newstart (unemployment benefits) is \$231.40 per week for a single person with no children. Should someone pay \$150.00 per week in rent that would leave \$81.40 for food, utilities, bills etc. The aged pension and the disability support pension are both \$322.10 per week.

Housing stress is defined as housing costs that are greater than 30% of disposable income. By this definition, a person on Newstart would be in housing stress if they were paying more than \$80.00 per week rent.

The caravan park is situated in a prime position within walking distance to Nimbin village. There is no public transport in the town and many low income earners cannot afford cars, making the park's proximity to shops and services an attractive consideration for those people.

The majority of service users of the caravan park are short term tourists from within Australia. However, currently it offers an affordable housing option for approximately 12 "permanent" or "long term" residents, although there are 16 permanent sites available. The caravan park does not own any vans, the "permanents" own their own vans.

Possible social impacts of sale of Nimbin Caravan Park

Should the caravan park be sold there would be two possible outcomes for caravan park residents:

1. It continues to operate as a caravan park under private ownership

It is generally agreed that the caravan park requires upgrading and a private owner would, by necessity, need to increase the tariffs should the upgrades be done. Any significant increase in rent as a result of privatisation could cause housing stress to residents and could result in homelessness for up to 32 people. The caravan park would still represent the cheapest housing option in Nimbin apart from the 10 North Coast Community Housing properties.

2. The site is redeveloped and ceases to operate as a caravan park

There are potentially up to 32 permanent caravan park residents (16 permanent places with two people per caravan). Closure of the park could result in homelessness of up to 32 people.

Permanent caravan park residents choose this housing option based mostly on affordability. Some caravan park residents are people who cannot manage other forms of housing tenure and many have a range of support needs and may require assistance to relocate in the event of a significant rent rise or closure of the park. Early advice to residents of the caravan park sale can greatly assist in achieving a smooth transition to alternative accommodation. It would also be imperative to liaise with North Coast Community Housing and other community service agencies well before the sale of this property.

Guidelines exist for the closure of caravan parks (*Assistance Protocol for Residential Park Closures*, Partnership Against Homelessness, NSW Govt). These would need to be followed in a timely manner. Residents and the Tenancy Advocacy and Advice Service will also need to be involved early in the process.

Due to the shortage of affordable rental options for people on low incomes in the Nimbin area, Community Services recommends that Council seek to lease the Nimbin Caravan Park rather than dispose of the asset.

Public consultation

No public consultation has been undertaken for this proposal.

Conclusion

The offers received to purchase the property in response to the EOI process are short of expectations in terms of the valuation that has been received. There are a number of potentially difficult and costly issues to be resolved as part of any sale of the property. These will take time to deal with and accurate costs could not be determined until a development application was actually lodged and approved such that any conditions imposed could be assessed for cost ramifications.

A lease of the facility would reduce Council's exposure to cost risks and potentially generate a small income for Council.

In view of the uncertainty regarding costs associated with a subdivision of the property to facilitate its sale, and the responses to the EOI process in regard to a potential sale, it is considered that Council should proceed with a lease of the facility via an open tender process.

This would require Council to enter a separate arrangement for management of the pool with either the lessee or the current managers.

Attachment/s

1. Tender T2010-27 - Nimbin Caravan Park - Expression of Interest Assessment - *This matter is considered to be confidential under Section 10A(2) (c) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business*

Recommendation

That:

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

Report

Subject	Additional funding for Roads and the Environment
TRIM Record No	BP10/580:EF09/631
Prepared by	Manager - Finance
Reason	Report required by Council Resolution 82/10 from the 10 May 2010 meeting
Community Strategic Plan Link	Best-Practice Corporate Governance

Overview of Report

A report on extra funding for roads and the environment was requested by Council at its 10 May 2010 meeting.

Three (3) process options have been reported for consideration. These include full budget review, special rate variation and strategic planning processes.

The strategic planning process is recommended as it coincides with the extensive community engagement envisaged as part of the review of the Lismore Community Strategic Plan 2008-2018 and the 2012 council elections.

Background

At its 10 May 2010 meeting, Council resolved that staff prepare a report on the means by which Council can finance an extra \$500,000 for roads and \$200,000 for the environment.

The purpose of this report is to inform Council on the process by which this objective could be achieved.

Process Options

1. Full Budget Review

Council undertook a full budget review in 2009/10. This review realised savings of approximately \$445,400 with potential sale of properties still being investigated.

The review involved Councillors and Management working through the 2009/10 Budget in detail and identifying potential savings. It was quite comprehensive and highlighted the implications of redirecting resources away from established services, programs and projects.

Based on the experience from this review, it is unlikely that savings of \$700,000 from the 2010/11 Operational Plan could be readily achieved without significant change to recurrent operations.

A Full Budget Review process is not recommended.

2. Special Rate Variation

Council considered a special rate variation to increase funding for roads, environment and business promotion for 2010/11. An extensive community consultation process was undertaken earlier this year and based on the response from the community, Council resolved not to seek a special rate variation for roads and the environment.

There were many concerns raised by the community during the consultation. Council is responding to many of these, but change will take time to implement. Some of the concerns, like affordability, require more consideration.

With the recent Special Rate Variation process in mind, going back to the community again with a similar proposal is not recommended.

3. Strategic Planning

To provide direction on where Council's financial resources are to be sourced and expended, a community strategic plan and delivery plan are prepared.

The community strategic plan is the overarching document which sets out the broad vision for the future with at least a 10 year planning timeframe. The delivery plan is derived from the community strategic plan and focuses on projects to be achieved to meet the vision over a four year period which coincides with a council term. The direction provided is then incorporated into the operational plan which is the detailed one year plan of all income and expenditure.

Council adopted the Lismore Community Strategic Plan 2008-2018 in 2009 and adopted the Delivery Plan 2010-2014 in 2010. These documents list Council's guiding principles, strategic community priorities and planned projects.

The review of the Lismore Community Strategic Plan is planned for 2012 to coincide with the next council elections. This will allow the next elected Council to place its own imprimatur on Council's direction. Any changes to the Lismore Community Strategic Plan would flow through to the Delivery Plan and 2013/14 Operational Plan.

With an expectation that to provide an extra \$500,000 for roads and \$200,000 for the environment will result in a significant change to recurrent works, services or programs, consultation with the community on the likely impact is considered essential. The 2012 review of the Community Strategic Plans would be the appropriate time and mechanism.

By this time Council's asset management plans will be fully developed and can be used to support Council's proposition.

The Strategic Plan process is recommended as it involves extensive community engagement to assist Council in making what are sustainable strategic decisions, bearing in mind the challenges for Council in meeting an ever increasing catalogue of community demands.

Sustainability Assessment

Social Inclusion and Participation

The recommended process involves extensive community engagement to assist Council in making well informed decisions.

Best-Practice Corporate Governance

The approach recommended is consistent with the Integrated Planning and Reporting Framework reforms introduced by the State Government in 2009.

Conclusion

There are three ways Council can progress the objective to finance an extra \$500,000 for roads and \$200,000 for the environment. These are a Full Budget Review, Special Rate Variation or Strategic Planning process.

Based on recent experience with a full budget review and special rate variation processes, these strategies are unlikely to meet the objective.

Accordingly, it is recommended that the objective to finance an extra \$500,000 for roads and \$200,000 for the environment should be considered during the 2012 review of the Lismore Community Strategic Plan. This will coincide with the period leading up to the 2012 council elections and so the opportunity for meaningful community engagement will be very high.

Attachment/s

There are no attachments for this report.

Recommendation

That the objective to finance an extra \$500,000 for roads and \$200,000 for the environment is considered during the review of the Lismore Community Strategic Plan 2008-2018 in 2012.

Report

Subject	September 2010 Quarterly Budget Review Statement
TRIM Record No	BP10/579:EF09/2202
Prepared by	Principal Accountant
Reason	In accordance with Clause 203, Local Government (General) Regulation, Council approval is required to amend the 2010/11 Budget to reflect actual or anticipated results.
Community Strategic Plan Link	Best-Practice Corporate Governance

Overview of Report

The 2010/11 Budget has moved from an opening deficit of (\$11,800) to a deficit of (\$226,500). The operating deficit for the September 2010 quarter being (\$214,700).

Major items that have contributed to the September operating deficit are:

- Legal Expenses – (\$300,000)
- Financial Assistance Grant – General Purpose increase \$116,700
- Lismore City Hall asbestos removal (\$48,000).
- Lismore City Hall management contract increase (\$45,000).
- Additional rates revenue - \$42,100
- Insurance rebates and Risk Management incentive bonuses received - \$35,300

Changes to reflect up dated information compared to that available during the preparation of the Budget and the reinstatement of budgets for works carried forward from 2009/10 are also included.

Background

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

The primary objective of the September review is to make adjustments based on updated information that was not available when preparing the Budget, and to reinstate budgets for works carried forward from 2009/10. For reinstated budgets, these are funded from unexpended grants and reserves held at 30 June 2010. At the same time, where variations can be reliably quantified or substantial risk is associated with the situation, these are also reported.

The following summary highlights all changes impacting the result for the September 2010 Quarter:-

Budget Movements for Quarter Summary	Amount \$
Adopted Budget - (Deficit)	(11,800)
Add – Federal Assistance Grant (general component) – Refer Note 1	116,700
Add – Additional rates	42,100
Add – Insurance rebates and Risk Management incentive bonus	35,300
Less – Legal expenses - Refer Note 2	(300,000)
Less – Asbestos removal Lismore City Hall - Refer Note 1	(48,000)

Budget Movements for Quarter Summary	Amount \$
Less – Management contract Lismore City Hall	(45,000)
Less – Richmond River County Council – Routine Lismore Levee inspection costs	(10,000)
Less – S356 Waste Disposal Charges - Charitable Organisations	(4,000)
Less – Membership Local Government Shires Association	(1,800)
Closing Budget – 30 September 2010 (Deficit)	(226,500)

Note 1: Federal Assistance Grant (general component)

Council has received another advice that the general component of the Federal Assistance Grant will be above original estimates by \$116,700. This is the second advice Council has received since the adoption of the Budget. The first advice indicated an increase of \$58,000 of which Council resolved to direct \$48,000 of the additional funds to the removal of asbestos the Lismore City Hall.

Note 2: Legal Expenses

Council has paid approximately \$482,300 in costs for legal action against Champions Quarry (Champions Quarry Pty Ltd and Reavill Farm Pty Ltd) to date. A further \$54,600 has been billed but not yet received and paid by Council. Further substantial costs are anticipated for October and future hearing dates.

It is acknowledged that some costs incurred to date will also be recovered from Champions Quarry. While court orders in Council's favour estimated at \$160,000, the exact amount is yet to be determined.

As such, until the Court determines the case, it is not possible to reliably estimate the net cost of this action, however it is conceded that the 2010/11 Legal Expenses budget is insufficient. Based on the information available, a conservative increase of \$300,000 is recommended.

Prudent management of the \$226,500 reported deficit is required. Experience indicates that there will be both favourable and unfavourable budget variances reported with the December 2010, March 2011 and June 2011 quarterly budget reviews.

A significant favourable variance will be additional interest on investments. While expected to be significant in total, the majority will relate to restricted purposes (Wastewater, S94, S64) and therefore not able to offset the deficit. This will be reported to Council with the December 2010 Quarterly Review when expectations can be better quantified and assured.

As such, it is likely when Council considers the December 2010 Quarterly Review in February 2011, recommended changes to approved works, services and programs to fund the deficit will be included. In the interim, any saving in expenses or additional revenue will be quarantined for this purpose.

Program Summary

Information on each Program with significant variances of \$10,000 or more is provided below. This excludes variances that impact on the operating result reported in the summary above.

The following variations have no impact on the overall operating result. Please refer to the Individual Programs attachment for a summary of all budget movements.

Corporate Management

Legal expenses for the Champions Quarry case were \$162,000 more than the funding provided in the 2009/10 Budget. An internal loan from Reserves was used to fund this cost short term. The 2010/11 Legal Expense budget has been reduced to repay the internal loan. It is important to note that this adjustment only affects the timing of when Council funds the total net cost of this case. It does not increase or decrease the total net cost.

The LGA Growth Strategy (Business Retention and Expansion Study) project for \$61,400 has been reinstated with funding from grants \$29,200 and a transfer from reserves \$32,200.

Corporate Support

An increase in the Mayoral Scholarship budget \$10,000 being a reinstatement from 2009/10 with funding from reserves.

Financial Services

In 2009/10, Council received the first instalment of the 2010/11 Federal Assistance Grant (FAG) in advance. This was held in reserves as at 30 June 2010. The amount anticipated to be paid in advance when preparing the 2010/11 Budget was different by \$49,400 to the amount actually received. An adjustment is required to increase FAG revenue in 2010/11 by \$49,400 and reduce the transfer from reserves by a corresponding amount.

Asset Management

Road Safety Officer expenses have been increased by \$103,700 for projects planned in 2010/11. The major projects included are: Drive to Conditions \$44,000, Alternate Transport \$10,000 and the Late Nighter \$17,500. The increase was funded by increased contributions from the RTA \$86,200 and reserves \$17,500.

Capital works have been included for the GREENovation Project (Solar panels and water tanks on Council buildings in the CBD) \$140,000 and the completion of the roads, roads related infrastructure and drainage fair valuation \$47,300. These works were funded from unexpended grants and reserve funds respectively.

There was a transfer of the capital works vote of \$449,000 for the Nimbin Skate Park to the Parks & Recreation program. This is a reporting adjustment to match expenditure against the funding sources.

Bridges

The capital vote for Bridges has been increased by \$614,600 being \$252,200 for general bridge construction and \$362,400 for the RTA's regional road timber bridge replacement program. The general bridge program has been funded from reserves and the timber bridge replacement program funded from unexpended grants and loan funds.

Emergency Services

Funding for the installation of solar modules \$35,000 on the State Emergency Services building has been included. This is an internal loan from ELE reserves (Cities for Climate Change Implementation Fund) with repayments of \$8,800 per year over 6 six years. The loan repayments will be funded by both electricity savings and electricity generation revenue.

Operating expenses have been increased for the inclusion of the Flood Plain Management Plan project \$26,600 with funding from grants of \$17,700 and reserves \$8,900.

Lismore Water Services

Capital works of \$1,071,300 have been included with funding from additional revenue \$137,000 and water reserves \$934,300. Some of the works included for water infrastructure included Nimbin Water supply maintenance \$140,000, Woodlark Street \$80,000, Clunes pressure booster \$300,300, Reservoirs \$328,000, Ballina Road West \$148,000 and Foleys Road \$82,500.

Lismore Wastewater Services

Operational expenses have been increased by \$75,900 with funding from increased revenues.

Capital works of \$1,509,500 have been included with funding from reserves. Some of the increased capital works funding included related to Rising Main 3 \$747,000, Model Optimisation \$45,000, Telemetry upgrade \$258,000 and Southern Trunk Main investigation \$103,000.

Parks and Recreation

Grant funding of \$17,000 was received from NSW Sport and Recreation for the construction of shade structure at the Goonellabah Youth Plaza and there has been a corresponding increase in capital works.

Operating expenses have been increased by \$108,000 for restoration works associated with the May 2009 floods. Grant funding has been received from the NSW Department of Commerce.

Capital works of \$478,000 for the Nimbin Skate Park has been included with funding from a transfer from the Asset Management program \$449,000 and carried forward grant revenue of \$29,900 from 2009/10. The total project cost is estimated at \$494,000 with \$449,000 coming from the Commonwealth's Regional & Local Community Infrastructure Program and \$45,000 from Council.

Properties and Community Facilities

Capital works have been increased by \$68,300 for the fire upgrade of the City Hall. This project has been carried forward from 2009/10 with funding from reserves.

Roads

Operating expenses have been increased by \$2,281,900 and capital works increased by \$3,227,700 with funding from additional revenues (FAG road component \$99,500 and Pedestrian Access & Mobility Plan grant \$20,000), reserves \$3,843,300 and unexpended grants of \$1,540,300. These predominantly related to carried forward works from 2009/10.

The major movements in operating expenses for the period being: Pedestrian Access & Mobility Plan \$87,800, Regional Road Repair Program \$387,100, Kyogle Road realignment (RTA Black Spots) \$348,400, Natural Disaster works \$565,400, RTA Order Works \$729,400 and rural reseal works \$83,500.

The major movements in capital works for the period being: Conway Street 1 and 2 \$750,000, Dorrroughby Road \$322,900, drainage \$57,700, Mountain Top Road \$100,000, Numulgi Road \$435,000, New Ballina Road \$50,000, Whian Whian Rd \$306,000, Winterton Parade \$340,200, Woodlark Street beautification \$169,000, Wyrallah Road \$418,400, FAGS construction works \$99,500 and Rosebank safety improvements \$50,000.

In addition, management is recommending approval to utilise uncommitted funds from RTA contract works held in the Transport Infrastructure Reserve. The amount held represents the mark-up and indirect costs Council charges on RTA Order Works. This varies each year depending on the level works requested by the RTA.

It is proposed that the following works be undertaken:

Project Description	Additional Funds Required
Capital Works Commitments	
Outdoor Training Fund	25,000
Winterton Parade (raise road levels)	150,000
Urban Heavy Patching Program	100,000
RTA REPAIR Bridge Street, North Lismore	220,000
Total Funds Required:	\$495,000

Outdoor Training Fund

This item is designed to give members of the outdoor staff the opportunity to gain additional training especially in relation to obtaining further machinery plant tickets, such as Crane, Backhoe, Forklift, Truck licensing etc. The benefits to the organisation are that the skill levels of personnel are enhanced which means that the workforce is more flexible.

Winterton Parade

This project has been unable to secure funding from the State Floodplain Management Program for the last couple of years. Consequently it is now proposed to fund the raising of the road levels internally. This will provide an improved a flood evacuation route for the properties located between Pitt Lane and Simes bridge.

Urban Heavy Patching Program

This work will involve a program of deep lift asphalt heavy patching on the urban road network. The sections of road that have been identified are isolated, hence they do not qualify for capital funds as these funds are mainly targeted at full upgrades and development works. The arterial roads will be the first priority for this work such as Invercauld Road and Molesworth Street.

RTA REPAIR Bridge Street, North Lismore

This project is additional to the originally approved Regional Roads REPAIR Program due to the distribution of a CPI adjustment being applied across the State Government's funding pool for this program. Within the northern region of councils, Lismore City Council has the next highest ranked project in the 2010/2011 financial year, being the upgrade of Bridge Street, North Lismore. The allocated funds from the RTA for this work total \$88,269 (being the limit of the CPI increase), with a Council contribution of \$166,731, giving a total fund of \$255,000. This work only includes the carriageway and not the parking lanes, as the parking lane is not classified as a regional road asset but a Council asset. Hence, in order to complete this project from kerb to kerb, which includes a pavement width of some 20 metres; additional funds of \$220,000 are required. The scope of works will involve removing the existing pavement materials, modifying the poor sub-grade, and then importing road-base material, cement stabilising followed by bitumen sealing. An asphalt layer will be applied some six months after the primer seal for the finished wearing surface.

Waste Services

Grant projects totalling \$54,500 have been included in operational expenses. These projects were carried forward from 2009/10 and are funded from unexpended grants. The projects include Community Sharps Initiative \$10,000 and the Ngulingah Local Aboriginal Land Council land clean up.

Workshop

Capital work of \$35,000 associated with the installation of solar modules has been included. Funding for this project is through workshops reserves with repayments from revenues generated by the panels.

Lismore Regional Art Gallery

Capital expenditure of \$123,600 has been included. This included the purchase of equipment from the Left Bank Café for \$13,600 which has been reserved funded. There is also an adjustment that recognises a grant received from the State Government in 2009/10 for the Margaret Olley Art Centre \$100,000.

Additional operational expenditure of \$309,600 has been included for Splendour Project the \$259,600 and the Creative Enterprise HUB project \$50,000. These projects have been funded from unexpended grants \$106,400 and new grant funds received of \$203,200

Community Services

There has been an increase in the operational expenditure for Section 356 - DA donations of \$10,000. This donation is for the NORTEC development which was approved by Council at its May 2010 meeting. Funds were held in reserves to meet this commitment when request is received.

Tourism and Events

Capital expenditure has been increased by \$20,000 with a corresponding transfer from reserves. This is for the upgrade of the toilets at the Lismore Visitor Information Centre.

Information Services

Operating expenses have been increased by \$25,000 with a corresponding transfer from capital programs within the Information Services program. This is a reallocation of approved budgets to reflect a change in the type of expenditure from capital to operating.

Integrated Planning

Operating expenses have been decreased by (\$182,300). This has been offset by a corresponding increase in capital programs associated with Stormwater Management projects \$208,500 and a transfer from reserves of \$34,700.

Unexpended grants have been recognised for Rehabilitation & Connecting of Koala Habitat \$17,500 project with a corresponding increase in operating expenses.

Richmond Regional Library

Depreciation expenses of \$969,000 have now been correctly recognised

Change in Net Assets

The 2010/11 Operational Plan showed an Operating result from Continuing Operations of (\$155,500). This September review will reduce this by (\$3,129,200) to \$(3,284,700).

It should be noted that this reflects the estimated change in net assets held under the Council's control for this year. It does not reflect in any way the Council's cash or liquidity position.

2010/11 Operation Plan - Additional Projects Reconsideration

When adopting the 2010/11 Operational Plan, Council resolved that the following projects (in no priority order) be considered for inclusion in the 2010/11 Operational Plan should funding become available:

- \$40,000 for City Hall asbestos removal;
- \$40,000 for Development Application Online Project;
- \$40,000 for sports ground funding;
- \$10,000 for estuary management fund; and
- \$20,000 for Tourism Plan (brochure).

As reported, funding for the City Hall asbestos removal has been included in the 2010/11 Budget. Given the budget deficit is (\$226,500) at 30 September 2010, no further projects are recommended for inclusion in the 2010/11 Budget at this time. This will be revisited with the December 2010 Quarterly Budget Review report.

Comments

Finance

From an overall perspective, the Budget is in reasonably good order with the largest unfavourable variance being for legal expenses. If this were excluded, the 2010/11 Budget would be in surplus.

In regards to prudently managing the deficit, further budget changes via the December 2010 Quarterly Budget Review is proposed as a deficit of \$226,500 is manageable from within the overall General Fund Budget and there is sufficient time in February 2011 to make changes to approved works, services and programs, should that be required.

Conclusion

The 2010/11 Budget has moved from an opening deficit of \$11,800 to a deficit of \$226,500 with the operating deficit for the September 2010 quarter being (\$214,700).

The objective of the September review is to realign budgets as a result of more accurate information being received subsequent to the preparation of the original budget, reinstatement of budgets for works carried forward from previous years and reporting issues that will impact on the operating result in future periods.

There has been additional expenditure and revenues recognised for operations and capital projects which has impacted on Council's deficit. In some cases, additional expenses have been offset by the additional revenue, reserves, loans and grants.

To address the deficit, the December 2010 Quarterly Review report to Council in February 2011 will not only include saving in expenses or additional revenue quarantined for this purpose, but also recommend changes to approved works, services and programs, as required.

Attachment/s

1. 2010/11 Estimates of Income and Expenditure to June 2011
2. 2010/11 Estimates of Income and Expenditure for Quarter Ended September 2010 - Individual Programs

Recommendation

That:

1. Council adopt the September 2010 Quarterly Budget Review Statement for General, Water and Wastewater Funds
2. This report be forwarded to Council's Auditor for information.

2010/11 Estimates of Income and Expenditure To June 2011			
BUDGET ITEMS	Original 2010/11 \$'000	September Quarter \$'000	Total Budget \$'000
OPERATING REVENUES			
General Manager/Chief Executive	27,320	282	27,603
Infrastructure Services	51,757	309	52,066
Sustainable Development	10,315	242	10,557
TOTAL OPERATING REVENUES	89,392	834	90,225
OPERATING EXPENSES			
General Manager/Chief Executive	4,441	195	4,636
Infrastructure Services	55,440	2,623	58,063
Sustainable Development	17,523	301	17,824
TOTAL OPERATING EXPENSES	77,404	3,119	80,523
OPERATING RESULT BEFORE DEPRECIATION	11,988	(2,285)	9,703
Less			
DEPRECIATION	24,012	969	24,981
OPERATING RESULT BEFORE CAPITAL AMOUNTS	(12,024)	(3,254)	(15,278)
Add: Capital Grants and Contributions			
Non-cash Developer Contributions	750	0	750
Capital Grants and Contributions	9,061	125	9,186
Section 94 Contributions (incl. interest)	1,660	0	1,660
Gain / (Loss) on Disposal of Assets	398	0	398
Operating result from continuing operations	(156)	(3,129)	(3,285)
AVAILABLE FUNDS RECONCILIATION			
Add Expenses Not Involving a Flow of Funds			
Depreciation	24,012	969	24,981
Subtract Income Not Involving a Flow of Funds			
Non-cash Developer Contributions	(750)	0	(750)
Add Non-operating Funds Employed			
Loan Funds Used	8,550	(57)	8,493
Unexpended Specific Purpose Grants Used	1,350	2,440	3,790
Developer Contributions (Section 94) Used	40	0	40
Repayments by Deferred Debtors	46	0	46
Subtract Funds Deployed for Non-operating Purposes			
Acquisition of Assets	(36,618)	(7,123)	(43,741)
Repayment of Principal on Loans	(2,436)	0	(2,436)
Subtract Unexpended Grants and Contributions Received During Year			
Developer Contributions Net Movement	0	0	0
Cash Surplus / (Deficit)	(5,961)	(6,901)	(12,863)
Equity Movements			
Reserve Funds - Increase / (Decrease)	(5,949)	(6,687)	(12,636)
Reserve Funds - Operating Surplus Reserve	0	0	0
Working Capital - Increase / (Decrease)	(12)	(215)	(227)

QtrReview 2010-11.xls - 29/10/2010

2010/11 Estimates of Income and Expenditure for Quarter Ended September 2010 - Individual Programs											30-Sep-10
Program	Operating Revenue	Operating Expense	Depreciation Expense	Capital Grants and Contributions	Loan Funds Used	Capital Purchases	Transfers from Reserves	Transfers to Reserves	Unexpended Grants	Depreciation Contra	Net Change
General Manager/Chief Executive											
Corporate and Community Relations	-	4,500	-	-	-	-	-	-	-	-	4,500
Corporate Management	(29,200)	191,400	-	-	-	-	(32,200)	162,000	-	-	292,000
Corporate Support - Councillors	-	11,300	-	-	-	-	(10,000)	-	-	-	1,300
Financial Services	(240,900)	(12,500)	-	-	-	-	49,400	-	-	-	(204,000)
Organisational Development	(12,300)	-	-	-	-	-	-	8,800	-	-	(3,500)
Total General Manager/Chief Executive	(282,400)	194,700	-	-	-	-	7,200	170,800	-	-	90,300
Infrastructure Services											
Asset Management	(86,200)	103,700	-	-	-	(259,500)	(67,000)	-	(140,000)	-	(449,000)
Bridges	-	-	-	-	57,400	614,600	(252,200)	-	(419,800)	-	-
Emergency Services	(17,700)	36,600	-	-	-	35,000	(43,900)	-	-	-	10,000
Lismore Water Services	(75,900)	75,900	-	-	-	1,509,500	(1,509,500)	-	-	-	-
Lismore Wastewater Services	-	(137,000)	-	-	-	1,071,300	(934,300)	-	-	-	-
Parks and Recreation	3,500	103,600	-	(125,000)	-	509,500	(13,600)	-	(29,900)	-	448,100
Properties & Facilities	-	93,000	-	-	-	68,300	(68,300)	-	-	-	93,000
Property Services - Commercial	-	(5,000)	-	-	-	-	5,000	-	-	-	-
Roads - Rural	(99,500)	106,900	-	-	-	1,313,400	(1,967,400)	-	(34,600)	-	(681,200)
Roads - Urban	(26,500)	142,700	-	-	-	1,914,300	(1,875,900)	-	(178,000)	-	(23,400)
RTA Works	-	2,032,300	-	-	-	-	-	-	(1,327,700)	-	704,600
Survey and Design	-	(20,400)	-	-	-	-	-	-	-	-	(20,400)
Traffic & CitySafe	-	18,300	-	-	-	-	(10,300)	-	-	-	8,000
Waste Services	-	54,500	-	-	-	-	-	-	(54,500)	-	-
Workshop and Fleet Operations	(7,000)	17,800	-	-	-	19,700	(37,500)	7,000	-	-	-
Total Infrastructure	(309,300)	2,622,900	-	(125,000)	57,400	6,796,100	(6,774,900)	7,000	(2,184,500)	-	89,700
Sustainable Development											
Art Galleries	(208,600)	318,900	-	-	-	123,600	(13,600)	-	(220,300)	-	-
Community Services	-	17,300	-	-	-	-	(12,800)	-	-	-	4,500
Development & Compliance	(7,000)	46,000	-	-	-	-	(9,600)	-	-	-	29,400
Events and Tourism	(34,300)	35,200	-	-	-	20,000	(20,000)	-	-	-	900
Information Services	-	24,000	-	-	-	(25,000)	-	-	-	-	(1,000)
Integrated Planning	8,500	(141,600)	-	-	-	208,500	(40,700)	-	(34,700)	-	-
Public Libraries	(600)	1,500	-	-	-	-	-	-	-	-	900
Richmond Tweed Regional Library	-	-	969,000	-	-	-	-	-	-	(969,000)	-
Total Sustainable Development	(242,000)	301,300	969,000	-	-	327,100	(96,700)	-	(255,000)	(969,000)	34,700
Council Total	(833,700)	3,118,900	969,000	(125,000)	57,400	7,123,200	(6,864,400)	177,800	(2,439,500)	(969,000)	214,700

Report

Subject	2010 Supplementary State of the Environment Report
TRIM Record No	BP10/562:EF10/249
Prepared by	Environmental Strategies Coordinator
Reason	To endorse the report to send to the Division of Local Government
Community Strategic Plan Link	Best-Practice Corporate Governance

Overview of Report

All councils in NSW are required to develop annual State of the Environment (SoE) reports and provide them to the Division of Local Government (DLG) by 30 November 2010. Comprehensive reports are due every 4 years, with supplementary reports every other year. Lismore Council's last comprehensive report was in 2009 and is available on Council's website. The 2010 SoE report is supplementary to the more detailed 2009 report.

The requirement for annual reports was superseded in October 2009 with the introduction of the *Local Government Amendment (Planning & Reporting) Act 2009*, which permits councils to develop SoE reports every four years, and at a regional level. Regional councils, facilitated by the Department of Premier and Cabinet, have formed a Working Group to plan for the development of a regional SoE in 2012/13.

Council's understanding was that, with the introduction of the new legislation, it would not be required to complete a 2010 SoE report. However, the DLG released a circular on 23 August 2010 stating 'as no (newly elected) councils had commenced under the new framework for the 2009-10 year, **all previous legislative requirements remain applicable**'. Due to the late announcement of this requirement Council did not have time to prepare a draft for public consultation prior to the 30 November deadline. It is proposed that subsequent to Council adopting this report that that council publicly promote the SoE and take into account any feedback which may influence council's response to local environmental impacts.

The 2010 SoE is presented to Council for endorsement prior to submitting to the DLG and making available to the community.

Background

All councils in NSW are required to develop annual State of the Environment (SoE) reports and provide them to the Division of Local Government (DLG) by 30 November 2010. Comprehensive reports are due every 4 years, with supplementary reports every other year. Lismore Council's last comprehensive report was in 2009, therefore the 2010 SoE report is supplementary.

The 2010 Supplementary SoE report provides Council with the opportunity to collate and review data on actions associated with the NSW government's required reporting themes. These themes are Land, Air, Water, Biodiversity, Waste, Aboriginal and Non – Aboriginal Heritage.

The mandatory reporting methodology of “Pressure, State, Response”, in 2010 continues to indicate pressure on all reporting themes. As a result of this increasing environmental pressure, Council's response, as detailed within the report has been numerous and covers a broad range of activities proportionate with resource availability.

The pressure on the environment will continue as the growth and development in the urban and rural sectors increases within the Lismore local government area. In order to manage or minimise this increasing environmental impact a balance of appropriate environmental programs, projects and policy direction is required. Council's continued response to environmental pressures is dependent on resource allocation from a local, state and federal level.

Some of the highlights of Council's response to environmental pressures during 2009/10 include:

Land

- Development of a Draft Local Environment Plan (LEP) consistent with the new statewide LEP template, which proposes an increase in environmental protection zones, and closer consideration of environmental matters during development assessments in areas with high conservation value vegetation and wildlife corridors. It is important to note that Council's DLEP has received 1600 submissions. A substantial number of these submissions cite concerns about the imposition of environmental zones. Conversely other submissions express a view that not enough is being done in the DLEP to protect the City's ecological assets.
- The employment of a fulltime Ecologist within council to give proper assessment of flora and fauna impacts associated with development applications and provide input to strategic planning matters.

Water

- Contributing as a member Council to the development of the Richmond River Estuary Management Plan and member of the Working Group to complete and implement the Wilsons River Catchment Management Plan.
- Increased activity in regard to Stormwater Management including the construction of bio-detention basins at the Goonellabah Sports and Aquatic Centre (GSAC) and audit of both private and public stormwater treatment systems.
- Council's Water Sensitive Urban Design policy to be reported to Council for its adoption in December 2010.

Biodiversity

- Council's contracted team of bush regenerators carried out 285 person days of bushland restoration across 12 of Council's bushland reserves.
- Council's Indian Myna trap luring program lead to the capture and euthanasia of over 1000 Indian Mynas
- Council resolved to develop a Biodiversity Management Strategy and review the 2003 Comprehensive Koala Plan for Management for the Lismore south-east.

Atmosphere

- Ongoing activity to address climate change through implementation of actions identified in Council's Local Action Plan, plus an assessment of risks to council's insured assets as a result of climate change. Actions include establishment of a Sustainable Innovations Group within council, undertaking a Business Services Energy and Water Audit, creating the Northern Rivers Carpool service and completion and implementation of the Business Plan for the Northern Rivers Food Links Project.

Waste

- Increase from 45% to 51% of total waste diverted from landfill through a range of education campaigns and waste collection and recycling services.

Reporting Requirements

The requirement for annual SoE reports was superseded in October 2009 with the introduction of the *Local Government Amendment (Planning & Reporting) Act 2009*, which permits councils to develop SoE reports every four years, and at a regional level. Regional councils, facilitated by the Department of Premier and Cabinet, have formed a Working Group to plan the preparation of a regional SoE, which will take the place of individual Council reports, in 2012/13.

Council's understanding was that, with the introduction of this new legislation, it would not be required to complete a 2010 SoE report. However, the DLG released a circular on 23 August 2010 stating 'as no (newly elected) Councils had commenced under the new framework for the 2009-10 year, **all previous legislative requirements remain applicable**'. Due to the late announcement of this requirement, and the subsequent late requests for, and provision of, data Council did not have time to prepare a draft for public consultation prior to the November Council meeting, and subsequent DLG 30 November deadline.

It is proposed that subsequent to Council adopting this report that that council publicly promote the SoE and take into account any feedback which may influence council's response to local environmental impacts.

The 2010 SoE is presented to Council for endorsement prior to submitting to the DLG and making available to the community.

Sustainability Assessment

Sustainable Economic Growth and Development

The SoE identifies some potential threats to the environment as a result of growth and development, by identifying and considering these pressures and negative impacts on the environment Council is in a better position to facilitate sustainable development.

Social Inclusion and Participation

Data collected as part of the SoE process and projects described in the SoE includes data collected by community groups. Although a draft could not be provided for public consultation it is proposed that Council contact groups who have provided feedback in previous years to discuss the completed SoE report and any actions they believe council could take to address pressures on the environment.

Protect, Conserve and Enhance the Environment and Biodiversity

The SoE provides good quality background information to the status and trends in the condition of the environment over time. Although it is very difficult to measure direct changes to environmental values as a result of Council's actions, it summarises what Council is doing to protect, conserve and enhance the environment and biodiversity.

Best-Practice Corporate Governance

The SoE is an annual requirement under the Local Government Act.

Public consultation

Due to the late announcement of the DLG's requirement for a 2010 SoE Report Council did not have time to prepare a draft SoE for public consultation prior to 30 November 2010 deadline. It is proposed that subsequent to Council adopting this report that that council publicly promote the SoE and take into account any feedback which may influence council's response to local environmental impacts.

Conclusion

The 2010 SoE is presented to Council for endorsement prior to submitting to the DLG and making available for community and interest group consideration on Council's website.

Attachment/s

1. DRAFT 2010 State of the Environment Report

Recommendation

That:

1. Council endorse the 2010 State of the Environment (SoE) report as attached and submit it to the Division of Local Government by 30 November 2010.
2. Once adopted by council, that council publicly promote the SoE and take into account any feedback which may influence council's response to local environmental impacts.



State of the Environment Report

2010 Supplementary Update

Prepared by
Lismore City Council
October 2010



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Forward

The 2010 Supplementary State of the Environment (SoE) report provides Council with the opportunity to collate and review data on actions associated with the NSW government's required reporting themes. These themes are Land, Air, Water, Biodiversity, Waste, Aboriginal and Non – Aboriginal Heritage. A Comprehensive SoE was completed in 2009 in accordance with NSW government's guidelines.

The mandatory reporting methodology of "Pressure, State, Response", in 2010 continues to indicate pressure on all reporting themes. As a result of this increasing environmental pressure, Council's response, as detailed within the report has been numerous and covers a broad range of activities proportionate with resource availability.

Pressure on the environment will remain and increase as growth and development in the urban and rural sectors increases within the Lismore local government area. In order to manage or minimise this increasing environmental impact, a balance of appropriate environmental programs, projects and policy direction is required. Council's continued response to environmental pressures is dependent on resource allocation from a local, state and federal level.

Some of the highlights of Council's response to environmental pressures during 2009/10 include:

Land

- Development of a Draft Local Environment Plan (LEP) consistent with the new statewide LEP template, which proposes an increase in environmental protection zones, and closer consideration of environmental matters during development assessments in areas with high conservation value vegetation and wildlife corridors. It is important to note that Council's DLEP has received 1600 submissions. A substantial number of these submissions cite concerns about the imposition of environmental zones. Conversely other submissions express a view that not enough is being done in the Draft LEP to protect the city's ecological assets.
- The employment of a fulltime Ecologist within council to give proper assessment of flora and fauna impacts associated with development applications and provide input into strategic planning matters.

Water

- Contributing as a member Council to the development of the Richmond River Estuary Management Plan and member of the Working Group to complete and implement the Wilsons River Catchment Management Plan.
- Increased activity in regard to Stormwater Management including the construction of bio-detention basins at the Goonellabah Sports and Aquatic Centre (GSAC) and audit of both private and public stormwater treatment systems.

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- Council's contracted team of bush regenerators carried out 285 person days of bushland restoration across 12 of Council's bushland reserves.
- Council's Indian Myna trap lending program lead to the capture and euthanasia of over 1000 Indian Mynas.
- Council resolved to develop a Biodiversity Management Strategy and review the 2003 Comprehensive Koala Plan for Management for the Lismore south-east.

Atmosphere

- Ongoing activity to address climate change through implementation of actions identified in Council's Local Action Plan, plus an assessment of risks to council's insured assets as a result of climate change. Actions include establishment of a Sustainable Innovations Group within council, undertaking a Business Services Energy and Water Audit , creating the Northern

Rivers Carpool service and completion and implementation of the Business Plan for the Northern Rivers Food Links Project.

Waste

- Increase from 45% to 51% of total waste diverted from landfill through a range of education campaigns and waste collection and recycling services.

In addition to these actions Council made significant changes to staffing during its 2009 restructure, significantly increasing the 'Environmental Strategies' Team from three fulltime equivalent positions to five. This included the employment of a full-time Ecologist and Sustainability/ Climate Change Officer for the first time in council's history. This increase in resourcing, plus a strategic planning focus in the next 1-2 years, will provide a strong direction and commitment to environmental and sustainability issues into the future.

As part of the NSW Government's commitment to a strong and sustainable local government system, the Department of Local Government introduced the *Local Government Amendment (Planning and Reporting) Act 2009* in October 2009. Under this framework councils are required to produce a 10 year Community Strategic Plan and a four year Delivery Plan, which have been completed for Lismore City Council.

This new legislation also removes the need to produce annual SoE Reports, however, because no councils had commenced under the new framework for the 2009/10 year, all previous legislative requirements remain applicable.

Given these changes, the 2010 SoE report is an opportunity to identify how the information currently being collected and reported can inform council's future planning and reporting for environmental issues. Significant progress has been made at a regional level to review SOE reporting indicators, with the long-term view to have SoE reporting done at a regional level.

Steve Denize
Manager Integrated Planning

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INTRODUCTION

Reason for State of the Environment Reporting

Under the NSW Local Government Act (1993) all Councils are required to produce annual State of the Environment (SoE) reports. A comprehensive report must be undertaken in the year following election of a new Council and supplementary reports are to be completed every other year. This report is a supplementary report and covers the 2009/10 financial year. Lismore City Council's (LCC) last comprehensive report was in 2009.

SoE reporting is an effective way of informing the public about their natural environment. The major objectives of a supplementary report are to identify new environmental impacts since the last report and update trends in environmental indicators used for each environmental theme. SoE reports are designed to be an effective tool for identifying information gaps and issues to be considered when Council develops its annual Operational Plan and budget.

Reporting Format

Themes and Indicators

This report builds on information from previous reports, and provides updates for 2009/10. Under the Local Government Act reporting must done in relation to the eight following environmental themes, which make up the chapters of this report:

- 1.
1. Land
2. Air
3. Water
4. Biodiversity
5. Waste
6. Noise
7. Aboriginal heritage
8. Non-Aboriginal heritage

In this report, Air and Noise have been combined into one theme called Atmosphere, and Aboriginal and Non-Aboriginal Heritage have been combined into one theme called Cultural Heritage. The data for each theme is presented against a range of indicators. There is an agreed set of 21 indicators for the NSW North Coast (NCRCP, 2002). By using a consistent set of indicators, trends can be monitored over time and where adequate data exists, trends have been included against each indicator. Not all indicators are measured annually, due to a number of factors such as data availability and reliability.

Pressure, State, Response Model

Under the Local Government Act reporting must be based on the pressure – state – response (PSR) model (Figure 1).

The model is based on the concept of causality, that is, human activities exert pressures on the environment, which in turn changes its state or condition. Society then responds by implementing policies that influence those human activities and so changes or manages the pressures. Indicators are classified as a pressure (P), state (S) or response (R) within the tables. Whilst all endeavours are made to include Council's responses to these pressures, it is not possible to include every Council activity.

Consultation on the SoE

Lismore City Council liaises with a number of local and State organisations to collect data used in this report. Council also works with community groups involved in managing and monitoring changes to the environment, such as Landcare groups and Friends of the Koala Inc., to improve reporting over time.

Council generally seeks feedback on the SoE report through a range of groups including the Sustainable Environment Policy Advisory Group (SEPAG) and environmental interest groups such as Friends of the Koala and WIRES.

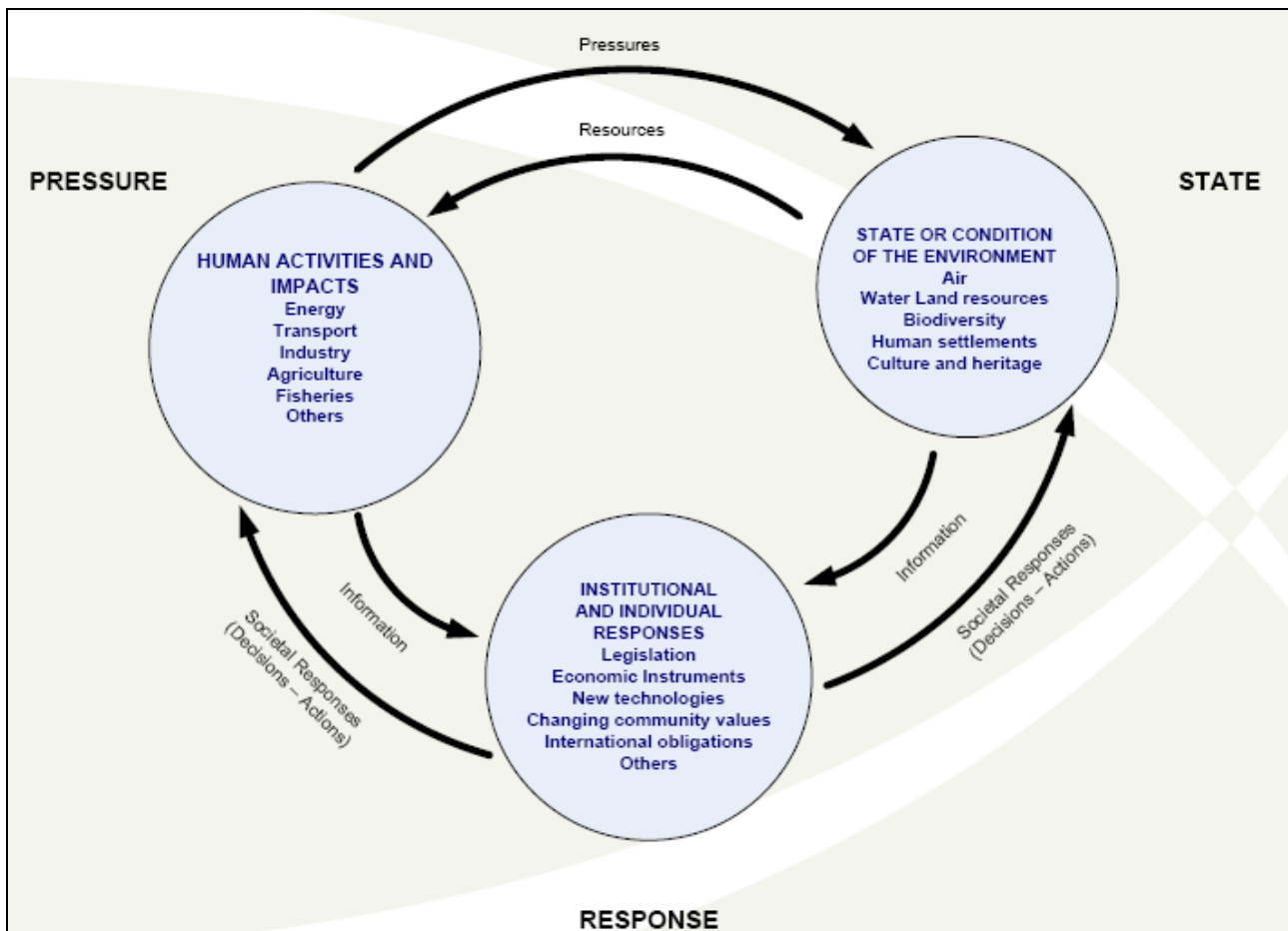


Figure 1: The pressure – state – response model

NSW Planning Reforms

As part of the NSW Government's commitment to a strong and sustainable local government system, the Department of Local Government introduced the *Local Government Amendment (Planning and Reporting) Act 2009* in October 2009. Under this framework councils are required to produce a 10 year Community Strategic Plan and a four year Delivery Plan, which have been completed for Lismore City Council.

This new legislation also removes the need to produce annual SoE Reports, however, because no councils had commenced under the new framework for the 2009/10 year, all previous legislative requirements remain applicable.

Given these changes, the 2010 SoE report is an opportunity to identify how the information currently being collected and reported can inform council's future planning and reporting for environmental issues. Significant progress has been made at a regional level to review SOE reporting indicators, with the long-term view to have SoE reporting done at a regional level.

LAND

The Lismore local government area (LGA) is 1,267 square kilometres. Land within the LGA is inherently fertile and amongst the most highly productive in NSW. Topography ranges from expansive floodplain in the south and rugged mountain ranges in the north. The region in between is characterised by highly dissected plateaus. Three major soil types exist in the LGA:

- **Soils derived from Basaltic Rock (Krasnozems)** – volcanic in origin and deep and friable, occurring in the plateau areas north and east of Lismore.
- **Alluvial soils** – containing a mixture of material transported by creeks and rivers and deposited over long periods by flooding, occurring on the floodplain and includes Acid Sulfate Soils.
- **Soils derived from Metamorphic Rock** - derived from sedimentary rocks altered by heat and pressure, occurring along the upper reaches of Goolmangar Creek, north of Coffee Camp and Nimbin, and along sections of Terania Creek.

Trends at a Glance

Table 1:

INDICATOR	Type*		2004/ 2005	2005/ 2006	2006/ 2007	2007/ 2008	2008/ 2009	2009/ 2010	3 Year Trend
Population	P								
▪ Urban area			-	-	29,321	-	-	-	Pressure increasing
▪ Total LGA**			43,199	43,617	44,225	44,718	45,190	45,645	
Annual population growth (%)			-	0.968	1.394	1.115	1.056	1.007	Pressure steady
No. of DA's for new dwellings [#]	P		182	118	103	122	103	106	Pressure increasing (cumulative)
No. of lots approved in the rural residential zone	P		0	0	9	23	12	2	Pressure decreasing
Area of rateable land (Ha):	S								Trend uncertain
▪ Urban			6,216	6,248	6,248	6,248	-	6,248	
▪ Rural			116,504	111,776	106,437	106,791		112,600	
Area of rateable rural land by holding size (Ha)	S								Trend uncertain
▪ 40+ ha lots			62,928		53,850	54,231	-	59,765	
▪ 5-40 ha lots			48,965		47,990	47,937		48,110	
▪ <5 ha lots			4,611		4,597	4,622		4,725	

* Indicator Type – Pressure (P), Condition/ State (S) or Response (R) (see Introduction)

** Estimated residential population at 30th June of first year shown in column (ABS Regional Population Growth)

does not include dual occupancy, flats, units, dwelling re-sited or dwelling conversions

Pressures on the land

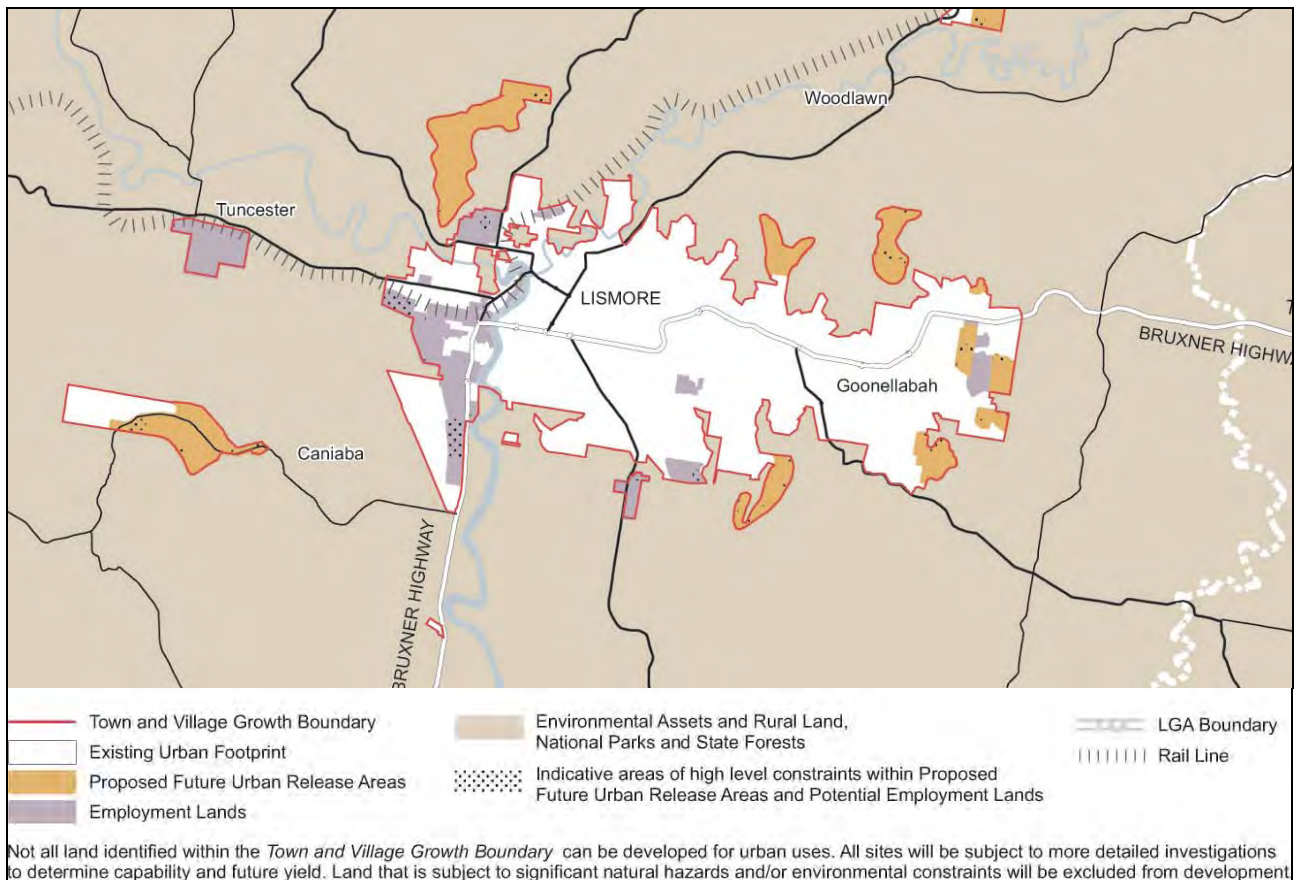
- **Population growth and residential development:** Accurate population figures are only available every 5 years through the national census. The 2006 census put Lismore's population at 44,225. The estimated residential population for 30 June 2009 was 45,645, representing an increase of 1% from 2008. Average population growth has remained consistently around 1% annually for the last 5 years. The pressures from human settlement are widespread, and linked closely to residential development and associated infrastructure and services such as sewerage, roads, waste and stormwater. These pressures are considered lesser in Lismore compared to surrounding coastal areas because growth rates are smaller and coastal ecosystems are considered more fragile. The number of development applications received by Council for 'new dwellings' in Lismore was 106 in 2009/10, indicating a 3% increase since 2008/09 when 103 applications were received.
- **Rural residential development:** Dispersed settlement in rural areas has a higher per capita impact on the environment compared to urban settlement and requires careful management. Lismore's rural residential zone is small (581 Ha) or 0.5% of the LGA and settlement is restricted through Lismore's Rural Housing Strategy. In 2009/10 only one approval involving land zoned 1(c) – Rural residential was approved, which created 2 lots.
- **Acid sulfate soils:** Lismore LGA has approximately 26,000 ha of acid sulfate soils (ASS), which have the potential to cause major degradation of both land and water resources. Land areas impacted by exposed ASS have poor fertility, high vegetation dieback and are prone to surface scalding and erosion. Lismore City Council (LCC) introduced a Development Control Plan for ASS in 2001 to improve their management.
- **Vegetation removal:** Significant land degradation is caused by vegetation clearing and the long history of clearing in this region has placed ongoing pressures on the land. The removal of vegetation along creeks and rivers and on steep slopes causes significant soil erosion. The nature of basalt soils also makes them susceptible to erosion and leeching of nutrients and minerals. It is difficult to monitor levels of vegetation clearing over short time frames.

Our response to pressures

- **Standard Local Environment Plans:** In March, 2006 the State Government introduced a requirement that all Local Environment Plans (LEP) across NSW be standardised. A mandatory standard template has been developed for all LEP's prepared throughout NSW. Council's current draft LEP 2010 was publicly exhibited for four months in 2010 and is expected to be approved by the Department of Planning by June 2010.
- **Far North Coast Regional Strategy:** The FNCRS defines spatial limits to town and village growth boundaries throughout the region and identifies nominated 'new release areas'. Some of the nominated new release areas are also included in Council's current urban and village development strategies. In these cases Council can accept rezoning submissions for those sites at any time during the life of the current strategies.
- Council's draft comprehensive LEP 2010 identifies three urban release areas identified in the adopted Lismore Urban Strategy and the FNCRS. The draft LEP complies with a directive from the Department of Planning that through the draft LEP Council is to ensure that there is adequate and suitable land for housing and employment to meet the needs of the LGA for the next ten years. Copies of the draft Far North Coast Regional Strategy can be found at: <http://www.planning.nsw.gov.au/plansforaction/northcoast.asp>

• **Planning for Residential Growth**

The Director-General of the Department of Planning required that, in the preparation of the draft Local Environmental Plan, Council ensure there is adequate and suitable land for housing and employment to meet the needs of the LGA for the next ten years. Sites identified as urban release areas in the draft comprehensive LEP 2010 result in an estimated lot yield of over 400 lots plus an estimated 180 medium density dwellings in a mixed use zone. A separate rezoning proposal for a further 220 residential lots in the urban area is proceeding independently of the draft comprehensive LEP. Consequently it is estimated that land under consideration for rezoning along with currently approved but not yet constructed lots, meets the Director-General’s requirement for identification of suitable land for housing to service projected demand over the next ten years.



Growth Boundary Map for Lismore City – sourced from the Far North Coast Regional Strategy

- **Bushland Restoration Activities:** Council provides support for a number of projects to establish vegetation along rivers and creeks to prevent the erosion of riverbanks, especially in the CBD area. These activities are described under the Biodiversity Chapter.
- **NSW Sugar Industry Audits:** The NSW sugar industry has a self regulation scheme for the management of earthworks and drain management in Acid Sulfate Soil areas. Annual audits are carried out by local council and NSW Sugar Milling Cooperative staff on approximately 30 farms. These audits check various components of farm management such as drain cleaning, drain modifications and floodgate management.
- **Clearing Controls:** To prevent further land degradation and loss of biodiversity through broad-scale vegetation clearing, new State legislation and guidelines were introduced in 2005. Vegetation clearing, outside urban areas, is regulated by the Native Vegetation Act 2003. Under this Act local Catchment Management Authorities can approve the clearing of remnant vegetation or protected regrowth through the negotiation of a Property Vegetation Plan with landowners. For more info see: www.nativevegetation.nsw.gov.au/ . In urban areas, vegetation clearing is regulated through Council's Tree Preservation Order (TPO) – see Biodiversity Chapter.

WATER

The Lismore LGA lies entirely within the Richmond River Catchment, and covers sections of the upper, middle and lower catchment. The Richmond River has historically had poor water quality due mainly to high sediment and nutrient loads. Assessments of water quality between 1994-96 (NSW EPA, 1996) found that water quality was generally poor, especially under low flow conditions. The average yearly discharge of the Richmond River is 1,920,000 megalitres. This discharge figure can fluctuate significantly from as little as 15% to over 230% of average annual discharge, illustrating the extreme variability of flows in dry to wet years. Climate change is likely to bring about more extreme weather patterns, thus putting pressure on water supplies, wastewater treatment and stormwater systems.

Trends at a Glance

Table 2:

INDICATOR	Type*	2001/ 2002	2004/ 2005	2005/ 2006	2006/ 2007	2007/ 2008	2008/ 2009	2009/ 2010	3 Year Trend
Total reticulated water consumption (ML/yr) #	P	4081	3852	3920	3417	3156	3522	3795	Pressure increasing
Per capita reticulated water consumption (KL/yr)	P		112.8	113.7	98.4	90.2	111**	na	Pressure increasing
Total volume of wastewater treated in sewage treatment plants (STP's) (ML/yr)	P	3454	3537	3867	3183	4330	6552	5373	Pressure increasing
No. of new onsite sewage management systems (OSMS)	P		143	119	72	97	94	26	Pressure increasing (cumulative)

* **Indicator Type – Pressure (P) on the environment, Condition or State (S) of the environment, Response (R) to pressure.**

Based on bulk water supplied.

** **Increase in per capita consumption partly due to drop in no. of people per dwelling from 2.78 to 2.5 (ABS Census, 2006)**

Pressures on Water

Water Storage and Extraction: Water storage and extraction includes any removal of water from a natural water body for domestic, commercial and/or agricultural purposes. The more the flow regime of a river differs from its natural levels, the greater the stress that is placed on ecosystems that are dependent upon natural flows. The following 'Annual Water Balance' table indicates the bulk metered consumption of reticulated water during 2009/10.

Table 3:

Supplier	Bulk water Supplied (kL)	Metered Water (kL)	Un metered (Lost Water) (kL)	Value of Lost Water @ \$2.15 kL	Lost Water %*
Rous	3,622,900	3,024,191	598,709	\$1,287,224	17
Nimbin	173,003	74,894	98,109	\$210,934	57
Total	3,795,903	3,099,085	696,818	\$1,498,158	18

* Lost water % = *Unmetered water/ bulk water supplied %*

Notes:

- *WSAA recommend a factor of 2% as meter read error (less than actual flow) – 2% x 3,099,085 kL = 61,981 kL*
- *79 water main breaks at 1,000 kL (est) per break = 79,000*
- *1232 services repaired at 1kL (est) per break = 1,232 kL*
- *Nimbin used includes flushing of the supply line to DE Williams Dam*

Stormwater Quality: Rainfall which runs off roofs and roads and other hard surfaces picks up chemicals, rubbish, faeces and soil before it flows into the drainage system and ultimately into creeks and rivers. The majority of stormwater is not treated, so anything that enters the stormwater drains pollutes creeks and rivers. Water quality monitoring within Lismore's stormwater system indicates that stormwater contributes high loads of nutrients and pollutants to our waterways, particularly total phosphorus and faecal coliforms.

Floodplain Management: Conversion of the Richmond River floodplain from natural wetland to dry-land agriculture has had a major affect on water quality. This was demonstrated in January 2008 with major fish kills in the lower Richmond River. The major contributors include pasture grasses, which are incapable of surviving inundation and break down under floodwater, this process removes dissolved oxygen from the water column. This water is commonly called blackwater. As this water starts draining from the floodplain into the river, fish get trapped in low oxygen water and die. High flows in drainage systems can also scour and mobilise mono-sulfidic black ooze (MBO), leading to a further rapid decline in oxygen.

Land-use Management: Past clearing of most of the LGA has had a detrimental effect on water quality. Loss of vegetation means that more water hits the ground and moves faster across it and enters watercourses without being filtered by organic matter. As it moves, this water picks up soil and sediment (causing erosion) and nutrients and other pollutants. This problem is exacerbated by a range of activities causing soil disturbance and erosion near watercourses such as livestock access, road construction and building development.

Wastewater Treatment: Lismore LGA has three sewerage treatment plants to treat wastewater from the sewerage system before it is discharged into the river. Outflows from sewerage treatment plants place pressure on receiving waters, the degree of which depends on the level of water treatment and the volume being discharged. The total volume of wastewater treated at the sewage treatment plants in 2009/10 was 5373.8 megalitres (ML) which is a reduction of 19% from the 6552 ML treated in 2008/09. The most significant factor affecting annual volumes treated is rainfall, which infiltrates the sewerage system via broken pipes, manholes and illegal connections.

On-site wastewater: For areas not connected to the reticulated sewerage system, wastewater must be treated on-site, which places pressure on the environment, especially where systems are poorly designed and managed. Twenty-six new on-site sewage management systems were installed in 2009/10.

Our response to pressures

- **BASIX (Building Sustainability Index):** Introduced by the state government in July 2005, BASIX ensures homes are built to be more water and energy efficient. BASIX is an on-line program that assesses a house or unit design, and compares it against water and energy reduction targets of 40% and 35% respectively. The design must meet these targets before a BASIX Certificate can be obtained. Every development application for a new home, some home units, dwelling addition (\$50,000 or greater), or swimming pool (greater than 40,000 litres) must be submitted to Council with a BASIX Certificate. <http://www.basix.nsw.gov.au>
- **On-site Sewage Management Program:** LCC is a state leader in the field of on-site sewage management with many innovative systems being installed within the LGA. LCC has the largest amount of composting toilets in the state and supports collaborative research into the design and effectiveness of OSMS with the Centre for Ecotechnology at Southern Cross University. Council's on-site sewage management program is now in its eighth year.

In 2007 Council released its new wastewater model and revised OSMS Strategy. The strategy reflects the technical advances in wastewater management and aims to further promote low-tech passive designed systems to reduce the overall impacts of on-site wastewater on the environment. The installation of composting toilets and low-tech secondary treatment systems such as artificial wetlands has increased in recent years and continues to increase.

The existing systems which were found to be defective were required to be up-graded in accordance with the strategy and Orders were placed on each property under the Local Government Act, 1993. Council's on-site sewage management strategy can be viewed at: <http://www.lismore.nsw.gov.au>

- **Water Quality Monitoring Program:** LCC undertakes monthly water quality monitoring across 15 sites to assess the quality of natural waters within the Lismore LGA. The objectives of this program are to develop long-term trends in water quality and advise the public that water quality is suitable for particular uses. Results from this program are summarised in Attachment 1.
- **Richmond Floodplain and Estuary Management Committees:** LCC is a member of these two committees. The current Richmond Floodplain Committee focuses on coordinating the natural resource management effort on the floodplain and estuary. The Estuary Management Committee has been developing an estuary management plan for the Richmond River and is currently in receipt of the initial draft of the estuary management study. Following an initial review by each council and the committee it is anticipated that the Estuary Management Plan will be on public exhibition in December 2010.
- **Wilsons River Catchment Management Plan:** In October 2009 Rous Water released the Wilsons River Catchment Management Plan, covering the catchment area upstream of the Wilsons River Source (a new water source for the Far North Coast region). The Plan is a risk-based catchment and investment strategy to direct activities aimed at protecting drinking water quality at the Wilsons River Source. Lismore City Council staff are represented on the Catchment Working Group which helped develop the plan and will assist in it's implementation.

Integrated Water Cycle Management: Water utilities increasingly need to consider all aspects of the water cycle and catchment in relation to their business activities – the provision of safe, reliable, environmentally sound and affordable urban water services. In recognition of the impact of increasing demands on river and groundwater resources, changing climatic conditions and resulting adjustments in statutory regimes, attention has turned towards looking at ways to maximise the benefits of water use in the urban sector.

Council has recently completed an Integrated Water Cycle Management (IWCM) Evaluation Study and Strategy Plan, which builds on the previous Concept Study Report published in January 2006 and the Evaluation Study completed in 2008. The purpose of this Evaluation Study and Strategy Plan is to determine the extent to which current water cycle issues are being addressed and identify future actions necessary to address outstanding issues.

Key issues to be faced by Council include:

- planning for the management and renewal of ageing assets
- provision of wastewater services to outlying villages
- servicing of proposed new urban release areas
- reducing the impact of infiltration and inflow of stormwater on sewerage systems
- ensuring operation of water supplies complies with Australian Drinking Water Guidelines (particularly Nimbin Water Supply).

Key projects proposed to be undertaken by Council include:

- development of comprehensive asset management plans for water supply
 - wastewater and stormwater infrastructure
 - development of servicing strategies for new urban release areas
 - development of a recycled water strategy
 - development of a Demand Management Plan and Drought Management Plan for water supplies
 - provision of wastewater services to Clunes
 - connection of North Woodburn to Woodburn-Evans Head wastewater scheme (Joint project with Richmond Valley Council)
 - upgrading of Nimbin Water Supply
 - renewal/ replacement of South Lismore Wastewater Treatment Plant.
- **Let's Make Every Drop Count:**



Odds'n'Evens

In 2009/10 Council continued the Odds'n'Evens system to reduce outdoor water use as a voluntary education tool. As part of the campaign, Council has continued engagement of Phil Dudman, The Garden Guru, to assist with delivering the educational campaign which includes the message that to keep a garden healthy it's best to water deeply, not daily.

Odds'n'Evens works in the following way:

If a residents house number ends with a 1, 3, 5, 7 or 9 residents are able to use a hose outdoors on odd dates and watering and water use is permitted between 6.00am and 10.00am and between 3.00pm and 10.00pm.

If a residents house number ends with a 0, 2, 4, 6 or 8 residents are able to use a hose outdoors on even dates and watering and water use is permitted between 6.00am and 10.00am and between 3.00pm and 10.00pm.

Water Meter Challenge

In 2009/10 the water meter challenge continued, which is an education program that promotes the self reading of water meters. The program aims to raise awareness of the amount of water resident's use in the home while undertaking certain activities. The Challenge is also a competition where the residents who save the most water over a year will receive a prize of free household water for a year.

In the second year over 50 households participated. The program has been put on hold in 2010. The winner of the challenge in 2009 reduced their water consumption by 78%.

Let's Make Every Drop Count Rebates

In 2009/10 Council continued its rebate program for rainwater tanks. The success of the program can be measured by the number of tank rebates (>300).

101 Ways to Save Water Today

In 2008 Lismore City Council launched the 101 Ways to Save Water Today program that uses a list of 101 different ways residents can save water inside and outside the home. This program continued in 2009.

Water Wise Gardening Guide

In 2008 Lismore City Council released a comprehensive guide to water wise gardening tailored to the Lismore environment. The guide covers garden planning, species selection, lawns, mulching, weeds and irrigation. Copies of this publication remain available.



The cleaner waterways logo has been designed to brand all works undertaken through the stormwater management services charge.

▪ **Cleaner Waterways Program**

The Stormwater Management Services (SMS) Charge was introduced in July 2006 to undertake works which improve stormwater run-off quality and maintain treatment systems in the Lismore urban area. These works are undertaken through council's 'Cleaner Waterways Program', which is funded by the SMS charge.

Recent projects undertaken as part of the Cleaner Waterways Program include:

- construction of stormwater management system at the Goonellabah Sports and Aquatic Centre (GSAC). A system of vegetated stormwater channels and bio-detention systems beds has been constructed on land below the GSAC to improve the quality of stormwater flow before it enters Tucki Tucki Creek
- remediation of a stormwater swale as part of the Nesbitt Park upgrade
- maintenance, including flushing, of stormwater pipes entering Gasworks Creek, combined with the revegetation works to reduce the sediment load entering the creek and reduce erosion of the creek banks
- completion of design drawings for the replacement of stormwater outlets entering Gasworks Creek at Keen Street
- swale remediation at McKenzie Field.

Future projects include the construction of stormwater treatment wetland on Slaters Creek, North Lismore and the conversion of Browns Creek to include natural channel design and gross pollutant traps.

Funds from the SMS charge also contributed to the development a three dimensional catchment activity model, which demonstrates catchment processes and how human practices influence water quality. This model is used across the region for numerous events to educate children and adults alike.



Bio-detention system beds at GSAC.



Catchment Activity Model.

BIODIVERSITY

Biological diversity is the variety of all life forms — different plants, animals and micro-organisms, the genes they contain, and the natural systems of which they form a part. Biodiversity encompasses both terrestrial and aquatic environments. The Northern Rivers is located in an area of extremely high biodiversity, that is, the overlap between tropical and temperate ecosystems, known as the Macleay/ Macpherson Overlap. This represents the southern-most limit for many tropical species and the northern-most limit for many temperate ones. The region is recognised as one of the highest areas of biodiversity in Australia, and contains a disproportionate number of rare or threatened species.

Trends at a Glance

Table 3:

INDICATOR	Type*	2005/ 2006	2006/ 2007	2007/ 2008	2008/ 2009	2009/ 2010	3 Year Trend
Area (Ha) and % of LGA with woody vegetation**	S	-	-	46,500 36%	- -	- -	Data limited
Area (Ha) of protected lands	R	13,720	13,725	13,899	13,899	13,899	Response steady
Time spent restoring Council's bushland reserves (no. of person days)	R	234.5	238	292	420	285	Response declining
No. of tree removal applications ▪ Received (Total) ▪ Approved	P	101 87	153 147	158 146	201 -	152 -	Pressure increasing
No. of endangered flora species	S	42	42	42	50	47	State steady
No. of endangered fauna species	S	70	70	70	69	65	State steady
No. of endangered ecological communities	S	6	7	7	7	7	State steady
No. of declared noxious weeds in the LGA	P/S	99	100	100	99	99	Pressure steady

* *Indicator Type – Pressure (P) on the environment, Condition or State (S) of the environment, Response (R) to pressure*

** *Woody vegetation is defined as forest or woodland, native or exotic, with >20% canopy cover*

Pressures on Biodiversity

- **Vegetation Clearing and Damage:** Ecosystem diversity is strongly correlated with the extent and condition of native vegetation. Different types of vegetation reflect different ecological conditions and in turn provide habitats for different fauna species. The original vegetation around Lismore has been highly modified and extensively cleared (e.g. less than 1% of the original Big Scrub Rainforest area remains). The coverage of woody vegetation in the LGA is 46,500 Ha (or 36% of LGA), of which 10,300 Ha is protected in National Parks, Nature Reserves or State Forest. Although much of our vegetation is degraded by weeds it also contains a high number of the State's threatened flora and fauna. Whilst large scale clearing has ceased it is important to protect the remaining native vegetation from potential threats such as urban development, weeds and poor agricultural practices. Removal of even single trees can have a significant impact on species such as koala's, which have limited home ranges and food sources.
- **Weeds:** The climate and soils around Lismore are very favourable to weed growth. Weeds are generally classified as 'noxious' or 'environmental'. Noxious weeds are listed under the Noxious Weeds Act 1993, and their suppression is overseen by Far North Coast Weeds. Noxious weeds are classified into five classes depending on their legislated control requirements. Environmental weeds, whilst not legally required to be controlled, collectively impose a serious environmental and economic threat to the region. Most originate from people's backyards. The North Coast Weeds Advisory Committee has recognised and assessed approximately 200 candidate environmental weeds, however control authorities are limited in their powers to control their distribution.
- **Feral Animals:** Introduced species place substantial pressure on biodiversity and have caused extensive damage to native ecosystems and contributed to extinctions through predation, habitat alteration and out-competing native species. The presence of introduced species can also significantly reduce the condition of natural habitat, which in turn, makes it further susceptible to invasion by exotic species. Both domestic and wild dogs remain a threat to Lismore's Koala population. Other major feral species include Indian Myna's and Cane Toads.
- **Land use and land management practices:** Differing land uses, and the respective practices have some impact upon biodiversity. For example, the land-use of 'housing' involves practices such as removing vegetation and top soil, and altering natural drainage patterns through landscaping and road construction. The land-use of 'agriculture' involves practices such as vegetation removal, burning and herbicide and fertiliser application. All forms of intensive landuse place pressures on biodiversity through, for example, removal of habitat, contamination of soil microbes and nutrient cycles, and impacts on soil structure.
- **Water Quality:** The quality of water in our creeks and rivers impacts on the ability for aquatic ecosystems to function and survive. The capacity of water quality to impact on biodiversity was demonstrated in January 2008 when flooding caused a decrease in dissolved oxygen levels in the lower Richmond River, resulting in a major fish kill. Water quality parameters have been established for healthy aquatic ecosystems, which are assessed as part of LCC's monthly water quality monitoring program.

Our response to pressures

- **Biodiversity Management Strategy:** In 2010 Council resolved to develop a Biodiversity Management Strategy for the Lismore LGA. The strategy will be driven by a comprehensive vegetation mapping process, which identifies vegetation communities across the LGA and the habitats they provide for flora and fauna. The strategy will identify biodiversity 'hotspots' and contain strategies and actions by which council will take a more active role in the protection and enhancement of our environment and biodiversity.
- **South-east Lismore Koala Plan:** In 2009 Council resolved to review the Draft South-east Lismore Koala Plan, originally drafted in 2003 but not adopted by the council of that time. This project will involve a review of the koala habitat mapping undertaken previously and a review of the management actions and planning provisions included in the previous plan. This project is expected to be completed by September 2011.
- **Tree Preservation Order:** The TPO aims to promote the retention of trees and tree cover, within urban, village, industrial and commercial areas so as to conserve the existing landscape quality and remaining natural ecosystems. The TPO prohibits the partial or total destruction of trees (except those on the exemption list) without the prior consent of Council. Lismore City Council also encourages the planting of suitable native trees to provide integration of trees into existing land uses.
- **Koala Habitat Restoration:** In 2010 Lismore Council was successful for a third time in receiving funding through the NSW Environmental Trust for the restoration and rehabilitation of koala habitat. This follows the successful completion of two previous projects between 2005 – 2009 to help landowners plant koala trees and manage existing trees. The current project is using latest koala records and analysis methods to identify persistent populations of koalas and trends in koala movements, to optimise where on-ground works will take place.
- **Weedbuster Week:** As part of this annual event a Backyard Weed Display and Information Stand was held at Lismore Shopping Square for a week in September 2010. The initiative was partnered with Far North Coast Weeds and Richmond Landcare Services, and aimed to raise community awareness about local weeds, the problems they cause and methods to combat their spread. Further information on Weedbuster Week can be found at: <http://www.weedbusterweek.info.au>
- **Upper Tucki Tucki Creek Landcare:** This group continued its restoration activities within Tucki Tucki Creek Recreation Reserve through a number of community tree planting days, which saw the planting of approximately 200 trees, plus the ongoing maintenance of previously planted sites along the creek.
- **Council Land Restoration:** In 2009/10 Council's contracted team of bush regenerators carried out 285 person days of bushland restoration across 12 of Council's bushland reserves. This was a decrease from 2008/09 levels, when additional funding was provided for the restoration of Currie Park through a Caring for our Country grant. Restoration works include 'primary' restoration of 'new' areas and follow-up maintenance of areas previously treated. Activities are carried out in accordance with Vegetation Management Plans, which have been completed for 11 of Council's parks and reserves.
- **Indian Myna Control:** Indian Mynas are one of only three birds listed by the World Conservation Union (IUCN) as one of the World's 100 Worst Invasive Species. In 2009/10 Council received additional funding from the Land and Property Management Authority to develop a range of educational materials on Indian Mynas and run a community workshop covering the ecology and control methods for Indian Mynas. Council's trap lending program has seen the capture and euthanasia of over 1000 Indian Mynas.
- **World Environment Day:** Over 300 primary students, plus teachers and parents attended World Environment Day on June 2009 which consisted of educational activities presented by

organisations including Rous Water, National Parks and Wildlife, North East Waste Forum, Friends of the Koala and Northern Rivers WIRES. Activities included tree planting on the river bank, a water conservation relay, a Catchment Activity Model and the 'Cool It Kids' activity presented by Council's Sustainability Officer. This event was commended in the NSW Sustainable Water Challenge Awards.

- **National Tree Day:** This event was held in August 2009 and council helped coordinate and provide funds for tree planting events at St Johns Woodlawn College and Tucki Tucki Creek, Goonellabah.

ATMOSPHERE

The condition of the atmosphere has become our most far-reaching environmental issue, with global concern about the effects of greenhouse gases on climate and respective sea-level rises. The consequences of climate change will have a widespread effect on all our natural resources including water availability, vegetation types and land capability. At a local scale Lismore enjoys excellent air quality compared to metropolitan areas, however noise emissions remain an important community and environmental issue, which Council plays a strong role in managing.

Trends at a Glance

Table 4:

INDICATOR	Type*	2002/ 2003	2003/ 2004	2004/ 2005	2005/ 2006	2006/ 2007	2007/ 2008	2008/ 2009	2009/ 2010	3 Year Trend
No. of EPA licensed premises	P	15	15	12	14	14	14	14	14	Pressure steady
No. of air quality complaints to Council	S, P	12	12	18	39	41	22	30	50	Pressure increasing
No. of noise complaints to Council: ▪ Barking dogs ▪ Other	S, P	73 42	48 31	55 89 ^Δ	79 54	53 71	60 53	76 118	63 125	Pressure steady
% of sugar cane volume harvested green	R	9.6	6.0	4.5	6.4	5	3.9	10.6	-	Response increasing
Level of CO ₂ emissions (tonnes) : ▪ Community ▪ Council	P	617,051 10,669	- -	- -	- -	756,750 14,000	- -	- -	- -	Pressure increasing

* Indicator Type – Pressure (P) on the environment, Condition or State (S) of the environment, Response (R) to pressure

Δ increase in complaints partly due to improved reporting from 2004 onwards

Pressures on the atmosphere

Greenhouse Gas Emissions: Carbon dioxide and other gases warm the surface of the planet naturally by trapping solar heat in the atmosphere. This is a good thing because it keeps our planet habitable. However, by burning fossil fuels such as coal, gas and oil and clearing forests we have dramatically increased the amount of carbon dioxide (CO₂) in the Earth's atmosphere and temperatures are rising. The vast majority of scientists agree that global warming is real, it's already happening and that it is the result of our activities. Per capita, Australia is one of the highest greenhouse gas producers in the world.

Below is a summary of the greenhouse gas emissions released in the Lismore LGA, from both Council and community sources, for the financial year 2007-2008 which was calculated in order to give a "snap shot" of Council's emissions leading up to the reduction goal year of 2012.

Source: Lismore City Council 2008, 'Cities for Climate Change Milestone 5 Report'

Community Sector							
		2001	2006	% Change	2012 Target	Reduction now needed	
Residential	CO₂	139 034t	171 609t	+23%	111 227t	60 382t	35%
Commercial	CO₂	104 124t	113 409t	+9%	83 299t	30 110t	27%
Industrial	CO₂	184 302t	189 171t	+3%	147 441t	41 729t	22%
Transportation	CO₂	157 484t	146 721t	-7%	125 987t	20 734t	14%
Waste	CO₂	30,629t	40,460t	32%	24 503t	15 957t	39%

Council Sector

Sub - Sector		2001-2002	2007-2008	% Change	2012 Target	Reduction now needed	
Building	CO ₂	2 122t	3 370t	+59%	1 698t	1672t	50%
	Cost	\$164 428	\$454 341	+176%	-	-	-
Streetlights	CO ₂	1 964t	2 535t	+29%	1 571t	964t	38%
	Cost	\$222 562	\$263 533	+18%	-	-	-
Fleet	CO ₂	1 796t	5357t	+198%	1 437t	3920t	73%
	Cost	\$639 753	\$2 742 289	+329%	-	-	-
Water and Sewer	CO ₂	2 352t	25 55t	+9%	1 882t	673t	26%
	Cost	\$214 415	\$309 600	+44%	-	-	-
Waste	CO ₂	127t	110t	-13%	102t	8t	8%
	Cost	\$14 976	\$21 060	+41%	-	-	-

Air Pollution: Most local air quality issues in the Lismore LGA include:

- intensive agricultural emissions e.g. odour and dust from intensive animal establishments, chemical spray drift, dust and green burning of sugar cane crops,
- hazard-reduction burning,
- solid fuel heating appliances; and
- industrial air emissions.

The number of air quality complaints increased from 30 in 2008/09 to 50 in 2009/10.

Noise Pollution: As communities become more urbanised and rural areas more developed with both agricultural pursuits and residential growth, noise can increasingly intrude on people's lifestyles. Effective control of noise is a difficult issue for the community and regulatory agencies, because an individual's definition of offensive noise is usually subjective. The adverse effects of noise on communities are well reported. These vary from direct effects including sleep disturbance and annoyance, to indirect or secondary effect, such as long-term effects on physical and mental health. The total number of noise complaints to Council decreased marginally from 194 in 2008/09 to 188 in 2009/10.

Our response to pressures

Code of Practice for Macadamia Industry: In November 2004 LCC formally adopted the Code of Practice for Noise Management of on-farm processing of macadamia nuts. The Code of Practice was developed to reduce levels of conflict resulting from potentially noisy on-farm nut processing taking place in close proximity to rural residential neighbours. The introduction of this code has led to a decrease in the number of noise complaints due to macadamia nut processing.

Noise Monitoring and Investigations: Council's Compliance Section manages and monitors air and noise emissions through the utilisation of statutes and guideline documents. Environmental Health staff responds to community noise complaints by investigation and undertaking noise monitoring. This includes point source incident investigation and ongoing monitoring of issues such as urban, agricultural and industry noise sources.

Lismore City Council Climate Action



In 2004 Council resolved to participate in the Cities for Climate Protection (CCP) Program and endorsed the Program's 5 milestones. Each Milestone guides Council towards reducing their greenhouse gas emissions:

- Milestone 1: Establish a baseline of greenhouse emissions for both Council and Community
- Milestone 2: Set an Emissions Reduction Target
- Milestone 3: Develop plan of Action to achieve those reductions
- Milestone 4: Implement actions outlined in the plan
- Milestone 5: Monitor and report on greenhouse gas reduction.

After successfully completing Milestones 1 and 2 in 2005 Council progressed to Milestone 3 in April 2007 with the development of a Local Action Plan. The plan outlines actions for both Council and community and ranges over a variety of areas. Approximately one third of the 99 proposed actions have been completed, leading to a much greater awareness of climate change issues and reductions of greenhouse gas emissions in particular areas.

Milestone 5 Re-inventory

The final milestone of the Cities for Climate Protection Program was completed in 2008-2009 by conducting a second inventory of greenhouse gas emissions and comparing them to baseline levels. The re-inventory included a summary of all action taken to date to reduce greenhouse gas emissions and a summary of emissions released from both Council and community sources. The re-inventory was conducted for the 2007-2008 financial year and showed an increase in emissions all sectors except waste. Community emissions were calculated based on the 2006 census data and a range of state averages recommended by International Council for Local Environmental Initiatives (ICLEI). The previous page shows a summary of the emissions re-inventory.

Recent actions undertaken in relation to climate change mitigation and adaptation include:

Sustainability Strategy: Council has resolved to develop a sustainability strategy that will establish partnerships with key players in the Lismore LGA to resolve key sustainability challenges facing the region. The strategy will be a 10-page document that provides a:

- brief overview of what it will take for Lismore to become a more sustainable City
- maximum of 6 key strategic issues and outcomes or critical success factors in achieving sustainability
- maximum of 6-8 partnered flagship projects with a 'lead agent' and supporters clearly identified
- simple list of measures of success or indicators in the triple bottom line areas.

This is due for completion in July 2011.

Northern Rivers Car Pool: The Northern Rivers Carpool is a free, online 'matching' service for commuters who wish to link up with other commuters to share driving while travelling to work or study. Anyone can register on the website, which suggests suitable carpool matches for you to review and link up with to carpool. The website is designed to encourage local residents to share their journey with others to commute to and from locations within the Northern Rivers. Over 550 people are registered on the website, with further advertising and promotions planned in 2010/11.

Solar Business Campaign: The Solar Business Campaign aims to encourage and inspire the installation of solar power generation throughout the Lismore Local Government Area. Through leadership Lismore Council will endeavour to promote the investment opportunities currently available from renewable power generation whilst streamlining the planning approval processes when required. By fostering lasting relationships between solar installers, the network provider

Country Energy and government it is anticipated that the Lismore LGA has great potential for reducing its dependence on coal fired power.

Objectives are to:

- promote and facilitate the installation of solar power generation in the Lismore Local Government Area
- showcase the investment opportunity and returns of solar power generation in our region
- foster constructive relationships with the Council and the local solar industry
- ultimately reduce the Lismore Local Government Area's dependence on coal fired power.

Outputs:

- a register of solar industry enterprises
- launch of project with the installations of two 10kw systems on the Brunswick Street depot and SES headquarters
- workshops/seminars on investment opportunities in solar
- the installation of solar power generation on other public facilities
- streamlining of the planning approval process
- de-mystifying planning regulations
- growth of the local solar industry
- creation of an ongoing dialog with the local solar industry.

Lismore City Council has launched it's Solar Business Campaign by installing solar photovoltaic (PV) systems on the State Emergency Headquarters (SES) and the Council Brunswick Street Depot. See also CBD Greenovations Project.

Northern Rivers Food Links Project: In 2009 Lismore City Council was successful on behalf of the Clarence to Tweed councils in securing \$2 million of DECCW funding to implement the Northern Rivers Food Links Project. During 2009 Lismore City Council had a coordination role in tendering for the development of a Business Plan, which now guides the implementation of the two year project. In late 2009 a project management team, external to council, was established and the coordination of administrative functions was transferred to Clarence Valley Council. The Northern Rivers Food Links Project seeks to mitigate climate change impacts associated with food production and distribution, and strengthen community resilience to climate change and peak oil impacts. www.northernriversfoodlinks.com.au

CBD Greenovation: In 2009 Lismore City Council successfully applied for a NSW Public Facilities Grant to implement it's 'CBD Greenovation' Project. The goal of the Public Facilities program is to deliver energy and water savings actions on public buildings which demonstrate to the community what can be achieved in their home or business. To reduce greenhouse gas emissions, increase energy and water efficiency and provide leadership to the community.

The CBD Greenovation Project will create a green precinct of public buildings in the Lismore CBD area. The following renovations will occur at each building to compliment the existing sustainable measures already in place.

Location	Existing Infrastructure	New Infrastructure
Neighbourhood Centre:	Half flush toilets Low flow shower heads	Rain Water Tank Lighting Retrofit Timers Solar Hot Water

Adult Community Education Centre:	Half flush toilets Negligible hot water used	Rain Water Tank Lighting Retrofit Timers
Council CBD Customer Service Office:	Half flush toilets Negligible hot water used	Rain Water Tank Lighting Retrofit Timers Photo Voltaic System
Lismore Library:	Half flush toilets Negligible hot water used	Insulation Rain Water Tank Lighting Retrofit Timers
Lismore Art Gallery	Half flush	Photo Voltaic System

Sustainable Urban Business: This project was undertaken across the Ballina, Richmond Valley and Lismore Council areas and involved trained officers undertaking an assessment of local businesses to assess how sustainable their practices are. As part of the assessment participants received advice on how to manage their business sustainably and decrease operating costs. For a list of participating businesses in the Lismore area see:

http://www.ballina.nsw.gov.au/content/uploads/lismore_city_council_business_list.pdf

Sustainable Reporting: As at June 2010 Council are working on introducing a Sustainability Assessment section into Council's Reporting process to ensure sustainability issues are considered in all proposals and decisions put to the council.

Reporting will be aligned with the four Guiding Principles of the Community Strategic Plan. This can be considered as Quadruple Bottom Line reporting as it has the additional element of governance.

The headings read:

- **Social Inclusion and Participation**
- **Sustainable Economic Growth and Development**
- **Protect, Conserve and Enhance the Environment and Biodiversity**
- **Best-Practice Corporate Governance**

The Sustainability Assessment will enable staff to identify the sustainability merits, both positive and negative, and on a short and long term basis of any proposal or decision. Key issues can be highlighted and positive and negative aspects under each sustainability element can be reported.

A Guideline document is available for staff to use as a tool to develop a good understanding of each of the key sustainability elements and to help identify issues and the potential implications of the proposal in this context specifically for the Lismore City Council and Community.

Sustainability Advantage Program: LCC recently decided to undertake the next module, Staff Engagement, in the DECCW *Sustainability Advantage Program*. The aim of the module is to empower and facilitate staff to be more engaged at a grass-roots level in sustainability issues.

As part of this process council will be establishing a **Sustainable Innovations Group**, made up of members from all sections of council to have their say on what the organisation can do to become more sustainable and efficient.

An important focus of this team will be:

- to strengthen the concept of the integrated elements of Sustainability
- To think strategically about how council could improve its sustainability performance and to ensure an understanding of the link between sustainability and governance
- in particular ensuring that best-practice management principles are followed and that a 'continuous improvement' methodology for corporate efficiencies and customer service is implemented.

Sustain Northern Rivers: In 2009 a number of public regional organisations formed a partnership under the Northern Rivers Climate Change Collaboration (NR3C). The Northern Rivers Climate Change Collaboration Agreement is a simple, non-binding agreement through which organisations agree to communicate, consult and collaborate, and to engage the community in action on climate change. Sustain Northern Rivers is the name NR3C applies to the process of engaging the community in action on climate change.

Lismore City Council in 2010 agreed to join Sustain Northern Rivers and therefore become involved in it's major projects. See <http://www.scu.edu.au/sustainability/index.php/7/>

Business Services Energy and Water Audit: An energy and water audit was conducted at four business services sites to identify energy and water saving opportunities. Refrigeration, air conditioning, staff education and connection to existing rain water supplies were identified as priority areas for action.

WASTE

Waste places considerable pressures on our environment and its ecological systems. Waste also has significant economic and social impacts when a community relies on 'end-of-pipe' technologies and clean-ups. Just about everyone in our community is willing to make positive changes that they believe are beneficial for the environment. Initiating consumption and disposal behaviour changes in a society is not an easy task, however, given how the community has responded to recent changes to recycling collection, there are clearly opportunities to take the next step towards the concept of waste avoidance.

Trends at a Glance

Table 5:

INDICATOR	Type*	2003/04	2004/05	2005/06	2006/07	2007/2008	2008/2009	2009/2010	Trend
Total volume (tonne) of waste disposed to landfill	P	23,038	24,797	23,544	22,839	24915	22,814	22,008	Pressure decreasing
Total volume (tonne) of waste diverted from landfill	R	10,864	10,856	11,736	15,351	17180	18,925	23080	Response improving
Percentage of total waste diverted from landfill	R	32	30	33	40	40	45	51	Response improving

* Indicator Type – Pressure (P) on the environment, Condition or State (S) of the environment, Response (R) to pressure.

Pressures on our waste system

Over six million tonnes of waste is disposed of to landfill in NSW each year and even though Council has reduced waste and increased our recycling effort in many areas, we continue to face an enormous challenge. Lismore's Landfill is filling up and Council has only three or four years' landfill space left in the existing 'cell'. Council is planning for the development of a new landfill cell. Increasing environmental controls and stringent licence conditions mean the new landfill cell will need to meet best practice standards. It is therefore important that we continue to focus on waste avoidance, reuse and recycling to make precious landfill space last as long as possible.

Our response to pressures

Kerbside Integrated Collection System: Lismore City Council operates a 3-bin system for urban residents and a 2-bin system for rural residents. This service includes bins for co-mingled recycling, waste and food and garden organics (urban only). This system resulted in 4,500 tonnes of organics and 4,000 tonnes of co-mingled recycling being diverted from landfill in 2009/10

Recycling Drop-Off Centres: Drop Off Centres remain in operation at Brewster Street and the Resource Recovery Facility at the Lismore Recycling and Recovery Centre. In 2009/10 Council diverted 747 tonne of paper and cardboard and 831 tonne of co-mingled recyclables from landfill through the Drop Off Centres.

Fees and Charges: The fees and charges structure aims to encourage separation of material for re-use and re-processing. Weighbridge operators continue to inspect every load and divert material to collection and reprocessing areas on site. Fees and charges for different kerbside collection frequencies and bin sizes are available to increase flexibility in waste collection.

Lismore Revolve Centre: The Revolve centre resulted in a diversion of 440 tonne of reusable material from landfill in 2009/10 and the Revolve centre continues to deliver greater cost savings to LCC.

Lismore Waste Audit: LCC carries out a waste audit every few years to provide quantitative and qualitative data for future waste recovery planning and to divert education activity to reduce contamination in recycling and organic streams to 'hot-spot' areas.

Business Waste Services: New business waste collection services have been introduced including new 240 litre "resource recovery bins" for recycling or paper and cardboard or organics, and 660 litre and 1,100 litre bulk bins for waste, paper and cardboard and recycling.

Fluorescent Tube and Bulb Recycling: Northern Rivers Waste has introduced fluorescent tube and bulb recycling to assist in reducing mercury contamination in the landfill. Every component of the fluorescent tubes and bulbs will be recycled and recycling will be undertaken onsite at the Lismore Recycling and Recovery Centre.

Resource Recovery Collection Stations: The program aims to reduce heavy metal contamination in the landfill. Linking to this program is a schools battery collection program that will provide education to local school children.

Waste Wise Ways Education Program: Northern Rivers Waste has been working with local teachers to develop a primary schools education program. This will be rolled out to schools in first term 2009.

Agricycle – Rural Recycling Program: A special rural recycling program allows for the free drop off at the Recycling and Recovery Centre for clean silage wrap, clean chemical drums, up to 20 litres of chemicals, up to 20 litres of oil and oil filters. Fees apply for chemical volumes greater than 20 litres and an oil handling fee applies for oil volumes greater than 20 litres.

Resource Recovery Facility: Opened in September 2008 this \$1.3 million development has allowed for an additional 6% diversion from landfill due to the comprehensive sorting of self-haul and construction and demolition waste.

Self-Sort Section in Resource Recovery Facility: The self sorting section in the Resource Recovery Facility allows residents to sort their own waste in pre-determined bins and at the same time save on disposal fees.

Mattress Recycling: Mattresses are a combination of steel, timber and fabric. Mattresses are now stripped down to recover the valuable timber and steel.



Lismore Council's Waste and Recycling Brochure

HERITAGE

Natural and cultural heritage is worth conserving because it helps build individual, community and national identities; defines who we are and maintains links with the past and often is of scientific and economic value. Heritage objects provide material evidence of Australia's natural and cultural environments or its historical and cultural life and biophysical evolution. There are a number of levels of significance recognised for heritage – world, national, state and local.

Trends at a Glance

Table 6:

INDICATOR	Type*	1999/ 2000	2004/ 2005	2005/ 2006	2006/ 2007	2007/ 2008	2008/ 2009	2009/ 2010	3 Year Trend
No. of heritage conservation areas**	R	10	15	15	15	15	15	15	No Trend
No. of Non-aboriginal heritage sites in LEP#	R	140	109	109	109	109	109	109	No Trend
No. of known aboriginal heritage sites^	R	36	45	45	46	47	59	59	Response improving

* **Indicator Type – Pressure (P) on the environment, Condition or State (S) of the environment, Response (R) to pressure**

** **Total of those listed in the Lismore LEP (6), North Coast REP (2) and National Trust of NSW (7)**

Some non-aboriginal heritage sites have been moved into heritage conservation areas

^ **These figures are for Aboriginal Sites/ Place recorded on the Department of Environment and Climate Change's (DECC) Aboriginal Heritage Information Management System (AHIMS)**

Pressures on heritage

Pressures on heritage include urban development, infrastructure (particularly for communications and transport), agriculture, tourism and recreation. Alterations and additions to existing heritage buildings may also pose a threat if they are done in an unsympathetic manner.

Our response to pressures

Heritage Grants Scheme: These grants assist owners of heritage items and items within heritage conservation areas with conservation projects for their properties. Examples of projects eligible for funding include: exterior painting and reinstatement or repair of missing items such as decorative external features, original fences and verandas. Applications for funding to undertake emergency repairs and weatherproofing are also considered. The Heritage Grants Scheme for 2009/10 provided \$12,365 for heritage conservation projects.

Lismore Development Control Plan Part A Chapter 12 – Heritage Conservation: This chapter of the Lismore DCP aims to give guidance in design and conservation principles for people wishing to undertake works on or in the vicinity of heritage items and within heritage conservation areas. The Heritage Conservation chapter of the Lismore DCP was adopted by Council in August 2006 and ever since, has been effectively used in the assessment of applicable development applications.

Heritage Advisor: LCC engages a Heritage Advisor on an ‘as needed’ basis – the main role being the provision of heritage restoration and conservation advice to property owners under the Local Heritage Grants Scheme and advice on selected development applications (including pre-lodgement advice) and other heritage related matters. This position is partially funded from the Heritage Office.

Audit of heritage items: As part of the preparation of the ‘*Draft Comprehensive Local Environment Plan (LEP) 2010*’ an audit of heritage items in the Lismore LGA was undertaken. Section 3.3 of ‘*The Lismore Local Environmental Study 2010*’ details the methodology and outcomes of this process. It involved onsite inspections to ensure buildings were in a suitable state to remain in the heritage schedule of the LEP. Landowners of items previously identified as low local heritage significance value were invited to list their properties. The community was also asked to identify additional buildings or places of significance which may not be currently included as heritage items.

An additional 19 items/ places were nominated by community groups and individuals and were considered by Council’s Heritage Advisor and Council staff. In addition, Council received nominations for the creation of an Eltham village heritage conservation area and for heritage listing of the Tucki Tucki, Wyrallah and Barham Street cemeteries. Outcomes of the heritage audit were carried forward into the draft LEP 2010.

Aboriginal cultural heritage: Identification of Aboriginal cultural sites is proceeding separately to the current LEP preparation process, due to the sensitive nature of some of the information and the potential need for lengthy negotiations with some land owners. The Ngulingah Local Aboriginal Land Council (LALC) are managing this process and upon final agreed identification of Aboriginal cultural heritage sites, a separate LEP amendment will be undertaken.

Feedback

We would value your feedback on this report to assist us prepare future reports.

Contact:

Environmental Strategies Team

Lismore City Council

Ph: 1300 87 83 87 or 6625 0500

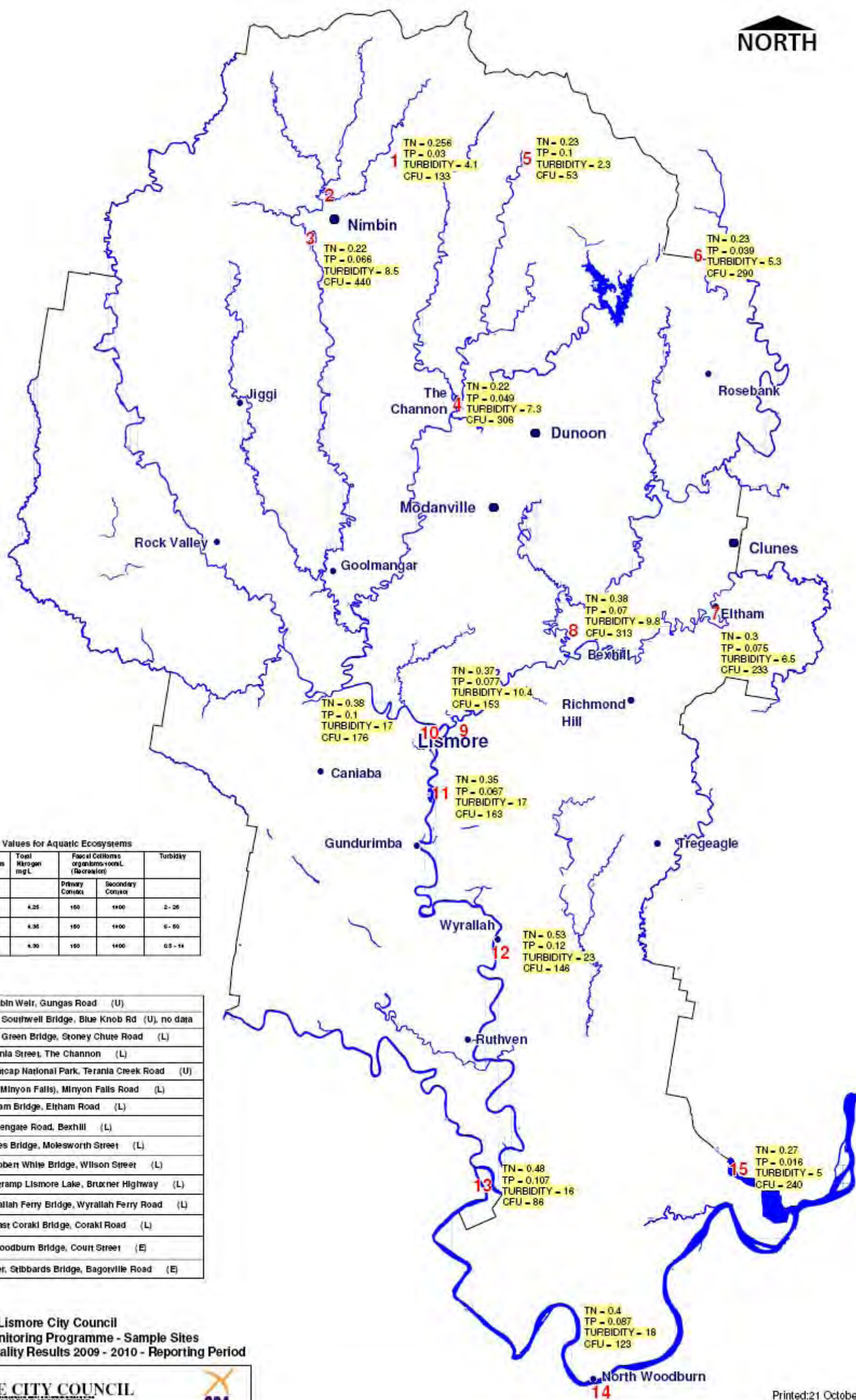
Email: council@lismore.nsw.gov.au

Additional information

For additional information please refer to our 2009 Report.

www.lismore.nsw.gov.au/ (under 'Council Services', 'Natural Environment')

Attachment 1 – Annual Mean Water Quality Results 2009-2010 by location.



ANZECC Default Trigger Values for Aquatic Ecosystems

Ecosystem type	Total Phosphorus mg/L	Total Nitrogen mg/L	Faecal Coliforms organisms/100mL (Recreation)		Turbidity
			Primary Contact	Secondary Contact	
Upland Rivers (U)	0.02	4.25	100	1000	2-25
Lowland Rivers (L)	0.025	4.35	100	1000	6-50
Estuaries (E)	0.03	4.30	100	1000	0.5-14

KEY

1	Mulgum Creek, Nimbin Weir, Gungah Road	(U)
2	Goolmangar Creek, Southwell Bridge, Blue Knob Rd	(U), no data
3	Goolmangar Creek, Green Bridge, Stoney Chute Road	(L)
4	Terania Creek, Terania Street, The Channon	(L)
5	Terania Creek, Nighcap National Park, Terania Creek Road	(U)
6	Repentance Creek (Minyon Falls), Minyon Falls Road	(L)
7	Wilsons River, Eltham Bridge, Eltham Road	(L)
8	Numutgi Creek, Greengate Road, Bexhill	(L)
9	Wilsons River, Simes Bridge, Molesworth Street	(L)
10	Leycester Creek, Robert White Bridge, Wilson Street	(L)
11	Wilsons River, Boatramp Lismore Lake, Brunner Highway	(L)
12	Wilsons River, Wyrallah Ferry Bridge, Wyrallah Ferry Road	(L)
13	Richmond River, East Coraki Bridge, Coraki Road	(L)
14	Richmond River, Woodburn Bridge, Court Street	(E)
15	Tuckean Broadwater, Stibbards Bridge, Bagorville Road	(E)

Lismore City Council
 Waterways Monitoring Programme - Sample Sites
 Annual Mean Water Quality Results 2009 - 2010 - Reporting Period



LISMORE CITY COUNCIL



Printed: 21 October 2010
 Scale: 1:110,000

Report

Subject	Proposed Amendment to Council's Wastewater Charging Policy
TRIM Record No	BP10/576:EF09/2353
Prepared by	Strategic Engineer-Water & Wastewater
Reason	To obtain a resolution of Council to amend Council's wastewater charging policy to enable flexibility in dealing with non-residential developments subject to exceptional circumstances.
Community Strategic Plan Link	Integrated Water Cycle Management

Overview of Report

The purpose of this report is to obtain Council's approval to a minor amendment to Council's existing wastewater charging policy. The proposed amendment is intended to provide some flexibility within this policy to enable the determination of equitable wastewater charges for non-residential developments subject to exceptional circumstances.

Background

Council's current *Wastewater Usage Charging Strategy* (2005) utilises standard wastewater discharge factors, combined with water consumption readings from individual properties, to determine wastewater charges applicable to non-residential properties.

The wastewater discharge factor for a given property is the assumed proportion of total water consumption which is discharged to the sewer. The wastewater discharge factor is determined by the nature of the development of the property. Standard wastewater discharge factors, for a range of non-residential developments, are given within Appendix 1 to the *Wastewater Usage Charging Strategy*.

Under the current policy, water consumption readings from each non-residential property are multiplied by the wastewater discharge factor applicable to this property to calculate an assumed volume of wastewater discharged to the sewer. This is then divided by a measure of average residential water consumption to determine the relative impact of the development (measured in Equivalent Tenements or ET). The number of ET determined in this manner is then multiplied by the standard non residential wastewater charge to determine the wastewater charge applicable to the non-residential development. Non-residential wastewater charges for any given year are calculated using water consumption readings from the previous year.

It has become apparent that there is no provision within the existing charging policy to cater for non-residential properties which do not fit the descriptions of development listed within Appendix 1 to the *Wastewater Usage Charging Strategy*, and for which no standard wastewater discharge factor is applicable. This leads to difficulties in determining equitable wastewater charges for these properties.

To address this shortcoming, it is proposed to amend Council's *Wastewater Usage Charging Strategy* (2005) by adding an additional clause to this document as follows:

3.2.1 Exceptional Circumstances

In circumstances where the development of a given property does not match the categories of development listed within Appendix 1 to this strategy, Council may determine alternative means of determining non-residential wastewater charges applicable to this property. Any alternative means of calculating wastewater charges determined under this clause must be authorised by Council's General Manager.

If the above change is made, a minor amendment to the second paragraph of Clause 3.3.1 of the existing strategy will also be required. This paragraph is reproduced below with the proposed amendment shown in highlighted text.

The annual charge will be calculated as per Category 1 (3.2 or **3.2.1** above).

A copy of Council's *Wastewater Usage Charging Strategy* (2005), with proposed changes highlighted, is included as an attachment to this report.

Sustainability Assessment

Sustainable Economic Growth and Development

The amendment to this policy will enable the determination of equitable wastewater charges for non-residential developments subject to exceptional circumstances. This may assist in promoting economic growth and development.

Social Inclusion and Participation

The proposed amendment to Council's policy will have minimal impact on social inclusion and participation.

Protect, Conserve and Enhance the Environment and Biodiversity

The proposed amendment to Council's policy will have minimal impact on the environment and biodiversity.

Best-Practice Corporate Governance

The proposed minor amendment to Council's charging policy will improve Council's ability to achieve best practice governance, and respond appropriately to wastewater customers who face exceptional circumstances. There will be minimal costs associated with this amendment to policy.

Comments

Finance

The recommendations are supported as it provides flexibility for management to appropriately resolve a situation that is considered to have exceptional circumstances.

Public consultation

Specific public consultation regarding this proposed amendment to policy is not considered necessary for the following reasons:

- the amendment to policy is only minor in nature
- proposed amendments would be applicable only to a few customers
- proposed amendments are considered beneficial to any customers affected.

Conclusion

Council's current wastewater charging policy does not make any provision for the determination of charges for non-residential development which does not fit standard definitions of development. This leads to difficulties in determining equitable wastewater charges for affected properties.

The proposed amendment to Council's policy provides a mechanism whereby alternative means of calculating charges can be applied in these circumstances. It is stressed that the application of alternative methods of calculating non-residential wastewater charges will only apply to properties which do not match standard definitions of development within Appendix 1 of Council's *Wastewater Usage Charging Strategy*.

Attachment/s

1. Wastewater Usage Charging Strategy, Version 12 April 2005 with proposed amendments

Recommendation

That Council's *Wastewater Usage Charging Strategy* be amended in the following manner:

1. Insertion of a new Clause 3.2.1 as follows:

3.2.1 Exceptional Circumstances

In circumstances where the development of a given property does not match the categories of development listed within Appendix 1 to this strategy, Council may determine alternative means of determining non-residential wastewater charges applicable to this property. Any alternative means of calculating wastewater charges determined under this clause must be authorised by Council's General Manager.

2. Amendment of the second paragraph of Clause 3.3.1 to read:
The annual charge will be calculated as per Category 1 (3.2 or 3.2.1 above).
3. The amendments apply to the calculation of non residential charges from 1 July 2010.



Wastewater Usage Charging Strategy

Version 12. April 2005

With proposed amendments highlighted, as stated in report to Council of November 2010.

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Wastewater Usage Charging Strategy

This document should be read in conjunction with the Lismore Water's Wastewater Business Plan, Financial Plan and the Trade Waste Local Approvals Policy.

1. Objectives

The objectives of this charging strategy can be summarised as:

- (a) To recover the cost of providing the wastewater service.
- (b) To have an understandable charging policy that is comprehensible to users and administratively feasible.
- (c) To provide incentives to encourage water conservation and discourage system overload.
- (d) To collect adequate revenue to cover the costs of collection and treatment.

2. Domestic Wastewater Usage Charge

2.1 Methodology for determining usage charges

The wastewater usage charge is calculated after taking into consideration operational and maintenance cost as well as the long-term capital works programs. For further information refer to Lismore Water's Business Plan and Financial Plan, which are reviewed regularly.

2.2 Units of measurement

Wastewater flow and strength is measured in terms of Equivalent Tenements (ET). A single domestic wastewater connection is assessed at 1 ET.

A flat is assessed at 70% of a single domestic connection.

The fixed service charge on an unconnected property has been assessed at 60% of a single domestic connection.

The current Domestic Annual Wastewater Usage Charges for the Lismore and Nimbin catchments are set out in the Management Plan and are reviewed annually by Council.

3. Trade Waste (Non domestic) Wastewater Usage Charge

In accordance with Council's Trade Waste policy the following discharge categories are defined:

- (a) Category 1
- (b) Category 2 and
- (c) Category 3

3.1 Methodology for determining non-domestic user charges

Council engaged CMPS&F Pty Limited to assist with the development of a scale of charges that could be levied on those users of the wastewater system that discharge liquid trade waste to it. The structure of the charges is in line with Council's "user pays" strategy and complements the Water charging strategy. Further information can be obtained from the report "Sewerage Services Charges dated 12 March 1997 – CMPS&F and Appendix E of "Water Supply Sewerage and Trade Waste Pricing Guidelines", Department of Land and Water Conservation (2002).

3.2 Category 1 Charges

If the waste is expected to be approximately of domestic sewage strength or less, no pre-treatment is required.

The number of ETs discharged from the premise will be calculated by taking the metered water consumption of the previous year, reducing it by a discharge to wastewater factor and converting this figure into units of 250KI. The minimum charge shall be 1ET.

$$\text{No. of ETs} = \frac{(\text{water consumption-KI}) \times \text{Wastewater Usage Discharge Factor}}{250\text{KI}}$$

Annual Wastewater Usage Charge = Number of ETs x Non-domestic ET charge.

Non-domestic ET charge = Domestic ET Charge + Administrative Charge .

The current Non-domestic Annual Wastewater Usage Charges for the Lismore and Nimbin catchments are set out in the Management Plan and are reviewed annually by Council.

3.2.1 Exceptional Circumstances

In circumstances where the development of a given property does not match the categories of development listed within Appendix 1 to this strategy, Council may determine alternative means of determining non-residential wastewater charges applicable to this property. Any alternative means of calculating wastewater charges determined under this clause must be authorised by Council's General Manager.

3.3 Category 2 Charges

Category 2 discharges are those properties where pre- treatment would be required to reduce the strength of the waste to the equivalent of domestic sewage.

3.3.1 With Pre-Treatment Installed

If the property has a *properly maintained* pre-treatment device installed, the discharge strength will be assumed to be equivalent to domestic waste.

The annual charge will be calculated as per Category 1 (3.2 or 3.2.1 above).

Random sampling would be undertaken to ensure that the discharge complies with Category 2 strength. If the waste is non-compliant, the following additional charges shall be imposed;

1) Inspection/ sampling/ testing fees as required and penalty charges as per 3.3.2.

3.3.2 Penalty Charges

If pre-treatment devices are required but have not been installed or the pre – treatment device is inadequate or is not properly managed, non-compliance penalty charges shall be imposed in order to recover additional cost of treatment.

This charge will be in accordance with Appendix E of “Water Supply Sewerage and Trade Waste Pricing Guidelines”, Department of Land and Water Conservation (2002).

3.4 Trade Waste Category 3 Charges

Trade waste that does not fall into the either Category 1 or Category 2 is categorised as Category 3. Due to the high strength of the effluent, Pre-treatment is required.

3.4.1 Calculation of unit Costs for Category 3 strength

a) Mass Charges

After taking into consideration the operation cost and capital costs, unit costs have been determined for the following parameters:

Volume	(\$/kl)
Biochemical Oxygen Demand (BOD)	(\$/kg)
Suspended Solids (SS)	(\$/kg)
Oils and Grease (O&G)	(\$/kg)

Further information on the rationale behind these calculations are detailed in the CMPS&F report “Sewerage Services Charges” dated 12 March 1997.

b) Other Mass Charges

Also included are the following trade waste charges as shown in Appendix E of “Water Supply Sewerage and Trade Waste Pricing Guidelines”, Department of Land and Water Conservation (2002):

pH	(\$/kg)
Phosphorus	(\$/kg)
Nitrogen	(\$/kg)

The respective charges are reviewed annually in line with CPI increases and are given in Council’s Fees & Charges Schedule.

3.4.2 Units of measurement

Quantity and quality of treatment parameters are measured as required and the following charges are applicable:

3.4.3 Charges applicable to Category 3 customers

- 1) A charge based on the unit cost of treatment detailed in 3.4.1
- 2) Trade waste administrative charge, which includes the cost of sampling.

3.4.4 Category 3 Excess Mass Charges

When the discharge does not comply with the conditions specified in the Approval, the normal operating charges shall be increased by application of the following formulae:

- (i) Up to the approved parameter limit *Parameter Charges*
- (ii) Between approved parameter limit and two times that limit, $2 \times \text{Parameter Charges}$
- (iii) Between two and three times the approved parameter limit, $3 \times \text{Parameter Charges}$
- (iv) Between three and four times the approved parameter limit, $4 \times \text{Parameter Charges}$
- (v) *And so on...*
- (v) Plus additional inspection/sampling/testing fees if required.

3.4.5 Non-Industrial Component

The unmeasured non-industrial component of the property's discharge will be calculated by applying the appropriate discharge factor to the metered water consumption. The ETs so derived shall be charged as per the Domestic Usage Charge (Section 2).

4. Other Charges Applicable To Trade Waste Discharges

4.1 Trade Waste Application Fees

Category 1 Dischargers	Refer to Fees & Charges
Category 2 Dischargers	Refer to Fees & Charges
Category 3 Dischargers	Available on application

Capital (Headworks) Charges - May apply to new trade waste dischargers and shall be advised at Development Approvals stage.

4.2 Other Administrative charges - Detailed in the fees and charges

- Inspection/Sampling/Testing Fee
- Re-inspection Fee
- Trade waste Tracking Fee
- Non-compliance Penalties

APPENDIX 1

Trade Waste Wastewater Usage (Volume)

Discharge Factors

(Proportion of metered water consumption discharged to sewer)

Industry	Wastewater Usage Discharge Factor (%)
Bakers.....	95
Butchers.....	95
Cake Shops	95
Car Yards.....	95
Car Detailing	95
Clubs.....	95
Cold Stores	7
Concrete Batching Plants	2
City Halls.....	90
Combined Residential/Business	70
Dental Surgeries	95
Doctors' Rooms	95
Dye Houses	75
Fish Outlets.....	95
Funeral Directors	95
Guest Houses	90
General Stores.....	90

Wastewater Trade Waste Discharge Factors (Cont'd)

Industry	Wastewater Usage Discharge Factor (%)
Hairdressing Salons.....	95
Hotels.....	95
Hospitals	90
Industrial Laundries	95
Laundromats.....	92
Metal Processing	75
Nursing Homes	90
Nurseries (Garden)	15
Optical Services/Opticians.....	95
Printers	95
Panel Beating Shops	95
Photographers	95
Parks.....	15
Pools.....	15
Restaurants	95
Radiator Repairs.....	95
Retail Outlets	95
Service Stations.....	95
Sandwich Bars.....	95
Schools	90

Wastewater Trade Waste Discharge Factors (Cont'd)

Industry	Wastewater Usage Discharge Factor (%)
Take-Away Food Outlets	95
Truck Depots	95
Timber Yards	95
Vehicle Repairers	95
Veterinary Rooms	95
Vehicle Wash ('Robo' type).....	95
Vehicle Wash ('Gerni' type)	95
Wreckers.....	95

Note: 1. Discharge factors for other industries shall be determined based on best available information.

2. Where discharge is metered, actual volumes will be used to determine Wastewater ET load.

Source: (a) Sydney Water Board
 (b) NSW Public Works
 (c) Local Assessments

Report

Subject	Review of Telecommunications Services
TRIM Record No	BP10/578:EF09/772
Prepared by	Manager - Information Services
Reason	Following the Ordinary Council meeting of October 2010, Council has requested a review of the current arrangements for telecommunications services including fixed telephone, Mobile and Internet.
Community Strategic Plan Link	Efficient Use of Council Resources

Overview of Report

Telecommunications is critical to Lismore City Council's day to day operations. Council uses a range of services including fixed line, mobile, internet and managed networking from 3rd parties and internal resources. Many services are multi layered providing a comprehensive voice and data network able to reach Council sites in remote locations for a variety of uses by Staff and the Community.

This report examines the current arrangements for such services and its contractual commitments.

Background

Following a Mayoral Minute at the Ordinary Council meeting of October 12th 2010, Council requested the General Manager to prepare a report reviewing our telecommunication accounts and available alternative providers. This request was made as a response to the announcement by Telstra Corporation of the closure of their Grafton Call Centre.

Council uses a range of telecommunications services that can be broken down into four headings:

1. Fixed Telephony
2. Mobile Services - voice and data
3. Networking Services
4. Internet Services

1. Fixed Telephony

As of this date Council has 273 fixed telephony services which include standard telephones, faxes, security lines, CCTV control and ISDN services used for PABXs in some of the larger sites. All of these services are provided by Telstra Corporation and the average monthly spend over the last twelve months is \$11,300.

Council has a contract through the NSW State Government Contract 2360 GTA (Government Telecommunications Agreement) for three years. Council utilises Category 3 Fixed Voice Services of the GTA with Option J4 for services over three years. The commitment has a current end point of August 2011.

2. Mobile Services – voice and data

There are currently 220 mobile (wireless) telephone services used by Council. These services are used for a variety of purposes including Telemetry/SCADA control, Internet Access/Remote Access, voice communications, networking and device control such as speed advisory signs. The monthly spend for Mobile services is around \$3,900. All of these services are provided by Telstra Corporation utilising their Next G and GSM networks.

Council has a contract through the NSW State Government Contract 2360 GTA (Government Telecommunications Agreement) for three years. Council utilises Category 4 Mobile, Satellite and Paging products and Services of the GTA with Option J4 for services over three years. The commitment has a current end point of August 2011.

Included within Option J4 is a \$182 exclusive GST credit towards mobile handsets bought from Telstra. Council has acquired 131 handsets to date through this process saving \$24,310 on the cost of purchase. A typical handset suitable for business use costs between \$250 - \$450.

3. Networking Services

Council's data network extends across the Lismore Local Government Area (LGA) and since integrating with Richmond Tweed Regional Library, across three other LGA's. Within the Lismore LGA access to some of its sites is by Telstra's Connect-IP network while other sites are connected by Council's own wireless equipment. The Connect-IP service supports secure access to nine sites that are not feasibly connected by any other means. Some of the sites use Telstra's Next G wireless network linked to the Connect IP service to access Council's private network.

Richmond Tweed Regional Library have recently committed to utilising Telstra Corporation's Connect-IP solution to provide the connectivity between the Branch's and Headquarters. This connectivity has only recently been completed.

Average Monthly Cost Networking Services is around \$10,000.

4. Internet Services

Council uses a number of Internet services and providers. It has a large business grade internet service that is delivered to 250 users. This service is provided by Telstra. It also has a number of broadband services at some sites for the purpose of remote access to Council's network and for public use (e.g. Airport Internet Café) as well as CCTV control.

Richmond Tweed Regional Library make extensive use of the Internet for both Public Access and staff access. The Internet services for Public Access are provided and managed through the State Library. Library staff access to the internet is managed by Council. Internet services are provided by Telstra Corporation, Internode Pty Ltd and Verizon Pty Ltd.

Average Monthly Cost Internet Services is \$900 of which \$550 is from Telstra Corporation.

Summary of Current Telstra Corporation Services Expenditure

	Monthly	Annual
Fixed Telephony	\$11,300	\$135,600
Mobile Services - voice and data	\$3,900	\$46,800
Networking Services	\$10,000	\$120,000
Internet Services	\$550	\$6,600
Totals	\$17,750	\$309,000

Risk Management

When it comes to choosing providers of telecommunications services organisations such as Lismore City Council need to be mindful of certain things to minimise the risk to its operations. Below is a list of typical considerations to be made when selecting such a Service Provider.

Consideration	Risk/Importance
Coverage of Mobile network	Important for any organisation where staff are working in the field in remote or inaccessible locations. Coverage is the number concern for the selection of any mobile service provider.
Range of handsets/devices supported	Council has specific needs for robust handsets (for outside work), handsets with a full range of accessories such as car kits and ones that are suited to regional/remote are work. Support for SmartPhones
Range of services	Council has needs from simple telephones, to data services over wireless, Internet, security (firewall) protection from the outside
Administration	It is important that any Service Provider supports electronic billing and has software/tools to manage a large range of services keeping Council's administrative costs to a minimum. For example Individual mobile bills are delivered electronically via email for perusal by staff.
Solutions	As described above Council utilises mobile phone technology to link remote sites securely to its own private network. To do that requires the use of a number of layered technologies including wireless services and firewall management.
Reputation/History	The last ten years is littered with Telecommunications providers who have come and gone. Lismore City Council requires Services Providers with a significant history, technological expertise and vision.
Own Infrastructure	Does it have its own infrastructure (cables in the ground, towers, satellites etc) or does it lease/rent/re-sell other Providers equipment?
Support	Lismore City requires constant support for its telecommunications; it is a 7 day a week organisation.

The current provider meets these considerations/requirements.

Alternative Service Providers and Contracts

Within the Lismore region there are a number of Telecommunications Providers offering services including fixed line, mobile and internet services. Some of them are National companies utilising their own infrastructure, others are resellers of larger organisation's infrastructure as well as niche companies providing specific services.

The requirement of Lismore City Council for fixed line, mobile, networking and internet services is significant and critical to its operations.

The total number of services, the integration of these services to Council's private network and the dependency on these services would not permit Lismore City Council to consider any company failing to meet the criteria described in the table above.

As a guide to who is capable of providing such, Lismore City Council has relied on existing contracts to be its guide. Of note two arrangements stand out. They are the Local Government Procurement's (LGP) Contract 407 and the NSW State Government's Contract 2360. The primary providers of the services required are listed below:

LGP Contract 407

- Soul Pattinson Pty Ltd
- Telstra Corporation Pty Ltd

NSW State Government Contract 2360 GTA

- AAPT Ltd (but not for mobile)
- Telstra Corporation Pty Ltd
- Optus Networks Pty Ltd
- Macquarie Telecom Ltd

Other organisations such as Southern Phone Company (established and owned by Local Governments) are a re-seller of other Telecommunication Providers services. They have advised that they would sell us Telstra services in our region if we were to use their services.

Given the dollar spend Council makes each year, it has to either to choose services through a tender process or utilise existing Contracts available from NSW Government or other sanctioned procurement mechanisms. The NSW Government Contract 2360 GTA contract is comprehensive and complex. Utilising it saw our monthly mobile phone spend reduce by \$2,000 per month immediately.

Advice from Margaret Szanto, Business Manager for Local Government Procurement, said that they believe they have roughly the same number of NSW Councils on their Contract 407 as the NSW Government Contract 2360 GTA. She believes that the second revision of that contract (currently being developed) will add even more value to it for Councils.

Sustainability Assessment

Sustainable Economic Growth and Development

The current provider for Councils fixed, mobile and internet services is Telstra Corporation. Although a large National organisation these services are also supported through the local Telstra Countrywide Office in Lismore which directly employs twelve people.

Best-Practice Corporate Governance

Council must maximise its considerable spend on telecommunications services. To do that it should leverage existing Agreements with proven Providers developed by experts in the field.

Comments

Finance

Based on the current dollar value of the services being provided by Telstra Corporation Ltd, a tender process will be required to procure a telecommunication service provider or providers for beyond August 2011.

Conclusion

Council has a binding agreement with Telstra Corporation until August 2011 for its fixed, mobile, network and internet needs. Prior to that time an assessment of options available to Council should be made to determine who should provide its services in the future. An important consideration in doing this is identifying service provider(s) that can meet the full needs of Council.

Attachment/s

There are no attachments for this report.

Recommendation

That Council note:

1. The current contractual obligations with Telstra Corporation Ltd for telecommunications services outlined in this report will be maintained until the contract expires in August 2011.
2. Prior to the end of the current telecommunications contract a new service contract shall be procured through either a tender process or by utilising existing Contracts available from NSW Government.

Report

Subject	15 Millar Street - Asset Protection Zone for Bushfire Protection
TRIM Record No	BP10/582:EF09/837
Prepared by	Manager - Assets
Reason	To gain Council approval for a proposed Asset Protection Zone on Council land to facilitate a proposed development at 15 Millar Street.
Community Strategic Plan Link	Sustainable Economic Growth and Development

Overview of Report

Council has received an application for the use of an area of Council owned land adjacent to the property 15 Millar Street to meet the statutory requirements for provision of an asset protection zone to meet bushfire planning requirements.

In line with an earlier decision of Council in similar circumstances, the application is supported subject to resolution of a number of issues and the creation of appropriate legal instruments to clearly outline the responsibilities of both parties in relation to future maintenance of the land in question.

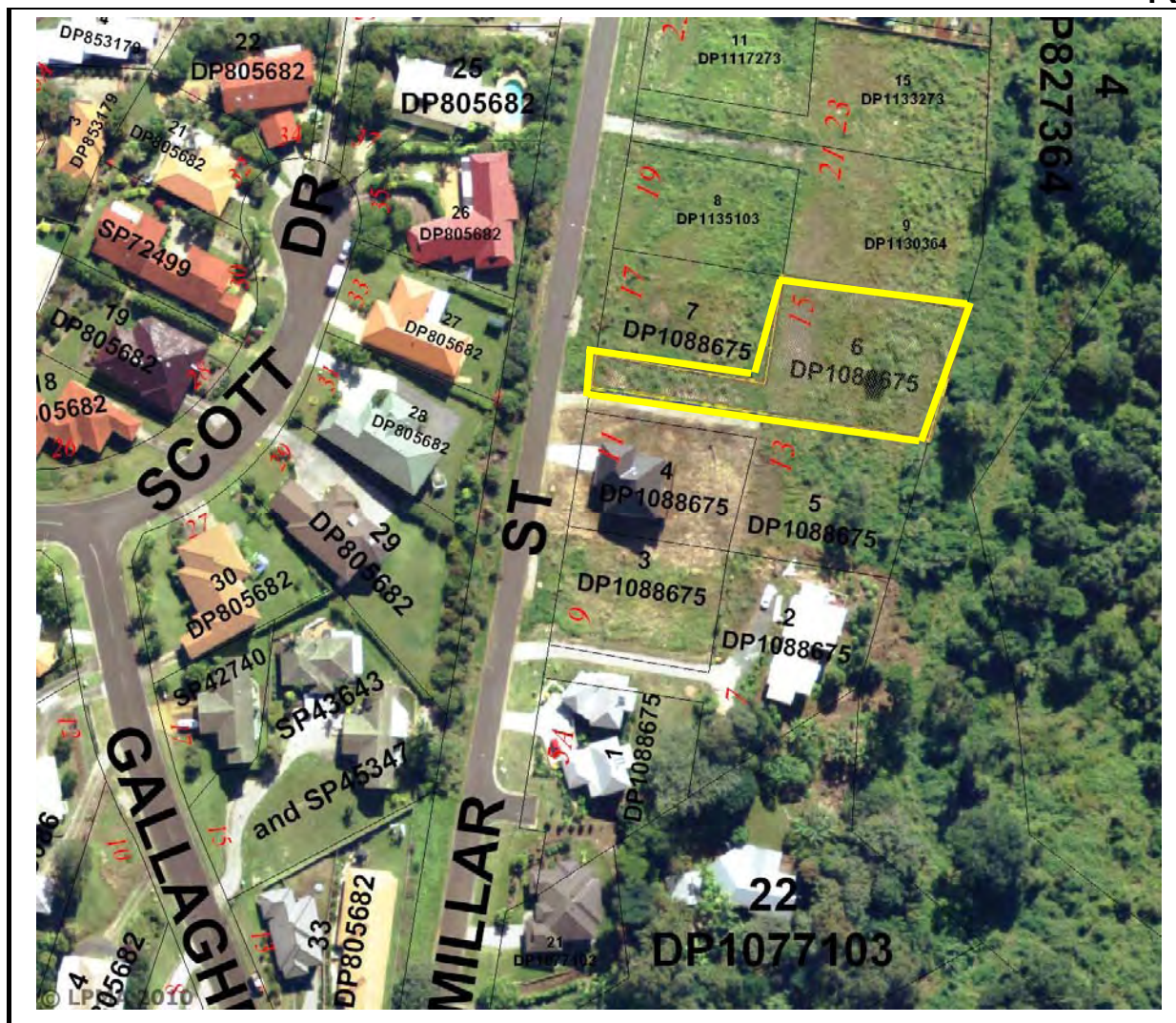
Background

Council at its meeting of 13 July 2010 resolved to support in principle the concept of permitting Council land to be used for the provision of asset protection zones (APZs) for two properties at 23 and 31 Millar Street, Lismore Heights.

As part of that report the general concept of whether the use of Council land for such purposes would be acceptable was canvassed and generally agreed subject to certain considerations.

An application has now been received for an APZ on adjoining Council land to facilitate development of the property at 15 Millar Street, Lismore Heights.

The circumstances of this application are essentially identical to those of the two earlier matters considered by Council at 23 and 31 Millar Street. A plan of the property is shown below.



Sustainability Assessment

Sustainable Economic Growth and Development

The legislation regarding bushfire protection has affected some parcels of land on the urban fringe detrimentally in that they can no longer be developed to the potential that would otherwise have been possible prior to the legislation coming into effect. This results in a negative economic effect for the owners of those parcels of land and reduces the value and potential of their investment.

If Council were to agree to the concept that Council owned land could be used as part of an APZ in certain circumstances, positive economic benefits would be created in the form of supporting development of those parcels of land.

Social Inclusion and Participation

Changes in legislation have created a situation where land owners have been prevented from developing blocks of land that they owned prior to the new legislation, to their full potential. The proposal to allow Council owned land to form part of an APZ in certain circumstances will restore that capability and is considered to be a positive social impact.

The proposal is not considered to have any negative social impacts.

Protect, Conserve and Enhance the Environment and Biodiversity

The proposal has the potential to affect bushland on the urban fringe. The criteria which will be used to assess the request include consideration of the zoning, classification and practical considerations e.g. maintenance required, vegetation types, etc. for the Council land in question. Applications will only be supported where it can be demonstrated that there are no detrimental effects on the environment.

In the case of Millar Street, the adjoining land in question is already partially maintained by Council. A sewer line runs through the area and a section of it is slashed regularly to maintain access. The remainder of the area has some vegetation on it and would be maintained and regenerated by the resident.

The terms of any required easement and agreement with the land owners can be formulated to ensure the protection or enhancement of environmental characteristics of the land concerned and would be a benefit.

Best-Practice Corporate Governance

The creation of a legal instrument, including an easement and positive covenant, would clearly set out the responsibilities of the property owners to maintain the areas in question.

Comments

Finance

If an asset protection zone (APZ) is created, the cost to do so and maintenance must be met by the land owner receiving the benefit. While cost recovery is logical, some recompense for the intrinsic value of the land asset in the form of a once only charging should also be considered as the easement created adds value to the adjoining privately owned property.

Other staff comments

When the matter of 23 and 31 Millar Street was reported to Council in July 2010, the following comments were provided by the Property Officer and Parks Coordinator.

Property Officer

The classification of the Council owned reserve to be burdened by an easement is operational land. The reserve was previously reclassified to operational land by LEP Amendment No. 12. (Easements are able to be created over operational land.)

The current zoning of the Council owned reserve is 1(a) - General Rural Zone. The draft LEP rezones this land to E3 - Environmental Management. Appropriate maintenance of the area of the easement will not be in conflict with the proposed new zoning.

Future use of the reserve is not expected to be affected by establishing the APZ. Also to be noted is that Council's sewer line is located partially within the proposed APZ.

All costs in relation to the creation of an easement are to be borne by the land owners of Millar Street, who will benefit from the easement.

All costs in relation to maintenance of the APZ shall be borne by the benefiting land owners. Creation of an easement, which will appear on the certificate of title, will also pass the responsibility to maintain the APZ to any future land owner/s. Wording of an easement shall ensure that Council will not be responsible for maintenance of this area. The responsibilities of the benefiting land owner/s shall be detailed within an instrument creating the easement.

Parks Coordinator

The maintenance of fire protection zones on Council land for private development must be carefully considered on a case by case basis. These areas will generally be remediated to an extent that maintenance will be effective and efficient and may include minor earthworks and removal of development debris such as rock. Support is given on the understanding that the full cost of maintenance is at the applicant's expense, that the adjoining Council land is cleaned of any development debris and that there are no private assets or structures placed on the land.

Public consultation

Not required. However, it is considered appropriate that should Council agree to the request, adjoining land owners be advised of Council's decision and the responsibilities of the land owners to maintain the area in question.

Conclusion

The development of existing land on the urban fringe can be affected in some instances by the vegetation on adjoining Council land. This occurs because certain requirements regarding APZs can be triggered under the planning legislation. These legislative requirements were introduced some years ago, however, there are some individual parcels of land that existed at that time and have not been developed due to these new planning requirements.

The request from the owners of 15 Millar Street is supported. The circumstances are essentially identical to those of 23 and 31 Millar Street where Council has already agreed to a similar request.

Attachment/s

There are no attachments for this report.

Recommendation

That:

1. The owners of 15 Millar Street be advised that Council supports the principle of providing an easement on adjoining Council land for the purpose of complying with bushfire risk requirements, to enable the preparation of documentation in support of their proposed development application.
2. The owners of 15 Millar Street also be advised that Council reserves the right to further consider any finalised proposal for an easement following notification of the full requirements of the NSW Rural Fire Service.
3. The General Manager be authorised to progress the matter administratively in regard to the preparation of easements, etc.
4. The adjoining owners be informed of Council's in principle agreement.

Report

Subject	Tender No. T2011-12 - Concreting Works
TRIM Record No	BP10/584:T11/12
Prepared by	Rural Works Engineer
Reason	To inform Council of tenders received for the provision of concreting works for the period to 31 October 2011 (with a one year option).
Community Strategic Plan Link	Improve Roads, Cycleways and Footpaths

Overview of Report

This report details the assessment of tenders received in relation to the provision of concreting works and a recommendation to award the tender.

Background

Tenders were advertised for the provision of Concreting Works to enable Council to compile a priority listing of "Approved Contractors" to carry out concreting works at various sites at a fixed price for a stated period.

The request for tender was advertised in the 'Weekend Star', the "Echo" and the 'Sydney Morning Herald', as well as the "Tenderlink e-procurement portal" through Lismore City Council's web page.

Tender documents were received from one (1) company by the close of tender on 2.00pm, 14 October 2010.

Tenderer

- MWL & Co Pty Ltd

Tender Examination

An evaluation committee comprising the Contracts Administration Officer, Rural Works Engineer and Rural Works Supervisor undertook the assessment of tender.

Due to the type of work being carried out at many separate locations at various times throughout the year, tenders were invited on Schedule of Rates basis.

As only one tender submission was received, a comparison of the rates submitted by MWL & Co for the current and its previous (2007) tender submission was made. Comparisons were based on a typical annual programme and costs calculated based on the tendered rates.

3,000m² Programme

Contractor Total Cost

MWL & Co Pty Ltd – previous (2007) tender submission	=	\$198,000.00
MWL & Co Pty Ltd – current tender submission	=	\$231,000.00

Council has a programme of works to be completed each year in regard to the construction of footpaths and cycleways and the purpose of this tender is to establish rates that will be held firm for the period to 31 October 2011 (with a one year option).

The tender documents (Clause B7), defined five (5) areas by which each tender would be assessed:

1. Total Price

As demonstrated in the comparison between the current and previous rates (last tendered in 2007), MWL & Co rates have increased by a total of approximately 14%. This increase reflects the price rises in materials such as concrete and steel which are included in the tendered rate. It is therefore considered that this increase is fair and reflects the general market.

2. Capability & Experience

MWL & Co has undertaken concreting works for Council for a number of years and was also the preferred contractor for the previous concreting works tender. MWL & Co has a proven record and has demonstrated a high level of capability and experience whilst delivering concreting works as required.

3. Quality & Safety

MWL & Co has demonstrated a competent approach to both quality and OH&S management in the past and has demonstrated an ability to deliver the contract as per Council's specifications.

4. Environment & Community

MWL & Co demonstrated a good level of awareness in regards to environmental issues and sustainability.

5. Local Content

MWL & Co is based in Ballina, however employ a number of local employees and source local materials and supplies.

Sustainability Assessment

Sustainable Economic Growth and Development

This proposal will enhance the amenity of the community by providing safer and better maintained footpath and cycleway networks.

Social Inclusion and Participation

This contract directly relates to the Improve Roads, Cycleways and Footpaths under the Community Strategic link Plan.

Protect, Conserve and Enhance the Environment and Biodiversity

The use of recycled materials will be used where appropriate.

Best-Practice Corporate Governance

The works will be undertaken in accordance with the guidelines for general concreting works.

Comments

Finance

The tender process undertaken is most likely to achieve the best value outcome for Council. Based on this approach, the recommendation is supported.

Other staff comments

Manager - Works

MWL & Co Pty Ltd has continued to provide a timely and quality service to Council for all concreting works undertaken. I endorse the recommendation.

Public consultation

Not required.

Conclusion

MWL & Co. Pty Ltd has successfully carried out work for Lismore City Council under a number of similar contracts over previous years. Works have always been completed in an effective and efficient manner and to the standard required.

Attachment/s

1. Raw Score Sheet - Tender T2011-12 - Concreting Works

Recommendation

That:

1. Council award the contract for concreting works for the period to 31 October 2011 to MWL & Co Pty Ltd.
2. Council note that, subject to satisfactory performance by the contractor, the contract contains an option to extend the contract for an for an additional year.
3. The General Manager finalise details and proceed to execute a formal instrument of agreement with MWL & Co. Pty Ltd.

T2011-12 Quote Raw Score Sheet - Concreting Works

		MWL & Co		
	Criteria	Weighting	Raw Score	Weighted & calculated
1	Total Price (out of 10)	50%	6.8	3.40
2	Capability and Experience (out of 10)	20%	9	1.80
3	Quality and Safety (out of 10)	10%	9	0.90
4	Environment and Community (out of 10)	10%	9	0.90
5	Local Content Minimum 10% (Out of 10)	10%	8	0.80
		100%		7.80
Total 100% or 100				78.00

Report

Subject	Tender No. T2011-10 - Pavement Stabilising Works
TRIM Record No	BP10/590:T11/10
Prepared by	Rural Works Engineer
Reason	To inform Council of tenders received for the provision of pavement stabilising works for the period to 30 October 2011 (with a one year option).
Community Strategic Plan Link	Improve Roads, Cycleways and Footpaths

Overview of Report

This report details the assessment of tenders received in relation to the provision of pavement stabilisation works and the recommendation to award the tender.

Background

Tenders were advertised for the provision of Pavement Stabilisation Works to enable Council to compile a list of 'Approved Contractors' to carry out pavement stabilising works at various sites at a fixed price for the period to 30 October 2011 (with a one year option).

The request for tender was advertised in the '*Weekend Star*', the "*Echo*" and the '*Sydney Morning Herald*', as well as the "Tenderlink e-procurement portal" through Lismore City Council's web page.

Tender documents were received from three (3) companies by the close of tender on 2.00pm, Thursday, 14 October 2010.

Tenderer

- Stabilised Pavements of Australia
- Downer EDI Works
- Accurate Asphalt & Road Repairs

Tender Assessment

An evaluation committee comprising the Contracts Administration Officer, Rural Works Engineer and Rural Works Supervisor undertook the assessment of tenders.

Due to the type of work being carried out at many separate locations at various times throughout the year, tenders were invited on Schedule of Rates basis.

To enable a comparison of the rates received, two typical projects were selected and costs calculated based on the tendered rates.

Project 1 – 15,000m²
Project 2 – 4,000m²

The tender documents (Clause B7), defined five (5) areas by which each tender would be assessed:

1. Total Price

A price comparison was completed for each tenderer based on the two projects with costs outlined below:

▪ Stabilised Pavements of Australia	\$ 61,020.00
▪ Downer EDI Works	\$ 74,370.00
▪ Accurate Asphalt & Road Repairs	\$116,650.00

Stabilised Pavements of Australia has submitted the cheapest overall price, with prices from Downer EDI (18%) and Accurate Asphalt (48%) being more expensive.

2. Capability & Experience

Stabilised Pavements Australia has a good past record and is the preferred contractor on the current pavement stabilising tender. Downer EDI is a large company with a demonstrated capability and resources to undertake the work, however it has limited experience in the local area. Accurate Asphalt has demonstrated capability, however has no demonstrated experience in the local area.

3. Quality & Safety

All tenderers have demonstrated a high level of Quality & Safety systems within their work place, with Downer EDI having external accreditation for its systems.

4. Environment & Community

All companies demonstrated a good level of awareness in regards to environmental and sustainable issues.

5. Local Content

Due to the specialist nature of these works, suitable contractors are mainly based in the larger metropolitan areas. All contractors did outline however that they would make use of local accommodation and services when required.

The rates tendered by Stabilised Pavements of Australia resulted in the lowest costs for pavement stabilisation works. The company is also the highest ranked tenderer following assessment of the remaining evaluation criteria specified in the tender (Capability & Experience, Quality & Safety, Environment & Community, and Local Content).

Sustainability Assessment

Sustainable Economic Growth and Development

This contract will help provide the community with an improved, higher standard of road network and also provide business to local service providers.

Social Inclusion and Participation

This contract directly relates to the Improve Roads, Cycleways & Footpaths under the Community Strategic Link Plan.

Protect, Conserve and Enhance the Environment and Biodiversity

By incorporating pavement stabilising into Council's construction projects it increases the design life of the roads being constructed.

Best-Practice Corporate Governance

Pavement stabilisation works will be undertaken in conjunction with Council's staff to ensure a high level of efficiency during the project.

Comments

Finance

The tender process undertaken is most likely to achieve the best value outcome for Council. Based on this approach, the recommendation is supported.

Other staff comments

Manager - Works

Utilising a list of appropriately qualified and experienced approved suppliers enables more flexibility when engaging contractors to undertake works of this nature. I endorse the recommendation.

Public consultation

Not required.

Conclusion

Due to the nature of this work, availability of a suitably qualified contractor can vary significantly. By using the list of approved suppliers, risk to Council is minimised by ensuring that pavement stabilising works can be undertaken when required.

Following the tender assessment process, the following priority list of "Approved Suppliers" has been determined:

1. Stabilised Pavements of Australia
2. Downer EDI Works
3. Accurate Asphalt and Road repairs

Attachment/s

1. Raw Score Sheet - Tender T2011-10 - Pavement Stabilising Works

Recommendation

That:

1. Council accept all tenders received for pavement stabilisation works with works to be offered to suppliers on a priority order basis.
2. Based on the assessment of the tenders received, the priority order of suppliers is:
 1. Stabilised Pavements of Australia
 2. Downer EDI Works
 3. Accurate Asphalt & Road Repairs.
3. Available work will first be offered to the highest priority supplier, and if they are unable or unavailable to undertake the work, it will then be offered to the second and third in turn.

T2011-10 Quote Raw Score Sheet - Pavement Cement Stabilising

Criteria	Weighting	Stabilised Pavements Aust		Downer EDI		Accurate Asphalt		
		Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	
1	Total Price (out of 10)	50%	7.68	3.84	7.17	3.59	5.56	2.78
2	Capability and Experience (out of 10)	20%	9	1.80	9	1.80	8	1.60
3	Quality and Safety (out of 10)	10%	9	0.90	10	1.00	9	0.90
4	Environment and Community (out of 10)	10%	8	0.80	9	0.90	8	0.80
5	Local Content Minimum 10% (Out of 10)	10%	6	0.60	6	0.60	6	0.60
		100%		7.94		7.89		6.68
Total 100% or 100				79.40		78.85		66.80

Report

Subject	Tender No. 2011-11 - Laying of Asphalt
TRIM Record No	BP10/592:T11/11
Prepared by	Rural Works Engineer
Reason	To inform Council of the assessment of tenders received for the Laying of Asphalt for the period to 31 October 2011 (with a one year option), and a recommendation to award the tender.
Community Strategic Plan Link	Improve Roads, Cycleways and Footpaths

Overview of Report

This report details the assessment of tenders received in relation to the provision for the laying of asphalt works and a recommendation to award the tender.

Background

Tenders were advertised for the laying of asphalt to enable Council to compile a priority listing of "Approved Contractors" to carry out asphaltting works at various sites at a fixed price for a stated period.

The request for tender was advertised in the 'Weekend Star', the "Echo" and the 'Sydney Morning Herald', as well as the "Tenderlink e-procurement portal" through Lismore City Council's web page.

Tender documents were received from four (4) companies by the close of tender on 2.00pm, 14 October, 2010.

Tenderer

- Boral Asphalt
- Clark Asphalt Pty Ltd
- J&S Profiling
- Mid Coast Road Services

Tender Assessment

An evaluation committee comprising the Contracts Administration Officer, Rural Works Engineer and Rural Works Supervisor undertook the assessment of tenders.

Due to the varying nature and quantity of works being carried out by Council throughout the year, tenders were invited on a Schedule of Rates basis.

To enable a comparison of the rates received, two typical projects for Council were selected and costs calculated based on the tendered schedule of rates.

The tender documents (Clause B7), defined five (5) areas by which each tender would be assessed:

1. Total Price

A price comparison was completed for each tenderer based on the two projects with costs outlined below:

▪ Clark Asphalt Pty Ltd	\$19,634.18
▪ Mid Coast Road Services	\$20,285.00
▪ Boral Asphalt	\$21,574.42
▪ J&S Profiling	\$33,505.00

Clark Asphalt has submitted the best overall price, with prices from Mid Coast Road Services (3.2%), Boral Asphalt (9%) and J&S Profiling (42%) being more expensive.

2. Capability & Experience

All tenderers have demonstrated capability and experience in delivering works to suit Council's requirements. However, Boral Asphalt and Clark Asphalt have greater local knowledge in undertaking such works. Clark Asphalt is also the current preferred contractor for Council's laying of asphalt works contract.

3. Quality & Safety

Boral Asphalt, Clark Asphalt and Mid Coast Road Services all demonstrated a high level of Quality and Safety within their work place with Boral Asphalt having external accreditation. J&S Profiling demonstrated a good level of understanding with safety, however was limited on documentation supporting quality systems.

4. Environment & Community

Both Boral Asphalt and Clark Asphalt demonstrated a good level of understanding on environmental and community issues. However, J&S Profiling and Mid Coast Road Services only demonstrated a moderate level of understanding.

5. Local Content

Clark Asphalt is a locally based business which employs local staff. Boral Asphalt is a multi national company and has depots located in Northern NSW, including Lismore. J&S Profiling is located in South Brisbane, however identified that it would be using locally sourced materials and services where appropriate. Mid Coast Road Services did not make a submission for local content.

The rates tendered by Clark Asphalt Pty Ltd resulted in the lowest costs for the provision of the works and the company is also the highest ranked tenderer following the assessment of the remaining evaluation criteria specified in the tender (Capability & Experience, Quality & Safety, Environment & Community, and Local Content).

Sustainability Assessment

Sustainable Economic Growth and Development

These works will help maintain and prolong Council's road network and therefore provide a better maintained road network for the community.

Social Inclusion and Participation

This contract relates directly to the Improve Roads, Cycleways and Footpaths under the Community Strategic Link Plan.

Protect, Conserve and Enhance the Environment and Biodiversity

Recycled asphalt materials will be used where available.

Best-Practice Corporate Governance

Utilising suitably experienced contractors to undertake asphalt works enables Council to achieve cost effective delivery of maintenance and construction activities.

Comments

Finance

The tender process undertaken is most likely to achieve the best value outcome for Council. Based on this approach, the recommendation is supported.

Other staff comments

Manager – Works

All companies have demonstrated capability and experience in undertaking works to fulfill the requirements of this contract. The list of “Approved Suppliers” will ensure the most efficient and cost effective service for Council. I endorse the recommendation.

Public consultation

Not required.

Conclusion

Because of the nature of this work, the selection of a Contractor can depend significantly on availability at the time required. By following the priority order of the “Approved Suppliers” list, Council will achieve the most cost-effective service on all of its asphaltting works.

Following this tender assessment, the following priority list has been determined:

1. Clark Asphalt Pty Ltd
2. Boral Asphalt
3. Mid Coast Road Services
4. J&S Profiling

Attachment/s

1. Raw Score Sheet - Tender T2011-11 - Laying of Asphalt

Recommendation

That:

1. Council accept all tenders received for the Laying of Asphalt with works to be offered to suppliers on a priority order basis.
2. Based on the assessment of the tenders received, the priority order of suppliers is:
 1. Clark Asphalt Pty Ltd
 2. Boral Asphalt
 3. Mid Coast Road Services
 4. J&S Profiling.
3. Available work will first be offered to the highest priority supplier, and if they are unable or unavailable to undertake the work, it will then be offered to the second through to fourth priority suppliers in turn.

T2011-11 Quote Raw Score Sheet - Laying of Asphalt

Criteria	Weighting	Boral Asphalt	Weighted & calculated	Clark Asphalt	Weighted & calculated	J&S Profiling	Weighted & calculated	Mid Coast Road Services	Weighted & calculated	
		Raw Score		Raw Score		Raw Score		Raw Score		
1	Total Price (out of 10)	50%	7.09	3.55	7.35	3.68	5.49	2.75	7.27	3.64
2	Capability and Experience (out of 10)	20%	9	1.80	9.5	1.90	7	1.40	8	1.60
3	Quality and Safety (out of 10)	10%	10	1.00	9	0.90	7	0.70	9	0.90
4	Environment and Community (out of 10)	10%	9	0.90	9	0.90	6	0.60	5	0.50
5	Local Content Minimum 10% (Out of 10)	10%	8	0.80	10	1.00	6.5	0.65	0	0.00
		100%		8.05		8.38		6.10		6.64
Total 100% or 100				80.45		83.75		60.95		66.35

Report

Subject	2009/10 Financial Reports
TRIM Record No	BP10/605:EF09/581
Prepared by	Management Accountant
Reason	Legislative Requirement - Section 419, Local Government Act 1993
Community Strategic Plan Link	Best-Practice Corporate Governance

Overview of Report

At Council's 26 October 2010 meeting, Council formed its opinion on the 2009/10 Financial Reports and the Auditor presented on the audit findings and conduct.

In accordance with the Local Government Act, 1993 and Local Government (General) Regulations 2005, Council is required to present the audited financial reports and audit report to the public at a meeting. Before doing so, they must have been advertised in the approved form and submissions from the public invited. Council has complied with these requirements.

Members of the public can make a written submission to Council up to seven days after the meeting (17/11/10). Council must forward a copy of any submission received to the auditor and take any action it considers appropriate. At this time, no submission has been received.

Background

Council resolved at the 26 October 2010 meeting to

1. In accordance with Section 413 (2) (c) of the Local Government Act 1993 and Regulation 215 of the Local Government (General) Regulation 2005 adopt the 2009/10 Financial Reports and form an opinion based on the attached 'Statement by Councillors and Management' for both the General Purpose Financial Statements and Special Purpose Financial Statements
2. Delegate to the Mayor and Councillor Houston to sign the 'Statement by Councillors and Management' on behalf of Council.
3. Submit the 2009/10 Financial Reports to the NSW Division of Local Government and the Australian Bureau of Statistics.
4. Advertise the presentation of the 2009/10 Financial Reports to the public from 28 October 2010 and invite both inspection and submission.
5. Present the 2009/10 Financial Reports to the public at the 9 November 2010 Council meeting.

Council's resolutions have been implemented but it is important to note that the public has until 17 November 2010 to make a submission. Council is to ensure that copies of all submissions received are referred to the auditor and also take such action as it considers appropriate with respect to any submission. If a submission or submissions are received after this meeting, a further report will be prepared for Council's December meeting.

Summary of Key Financial Data

Item	2009/10 (\$,000)	2008/09 (\$,000)
Income Statement		
Total income from continuing operations	101,128	82,650
Total expenses from continuing operations	88,421	81,098
Operating result from continuing operations	12,707	1,552
Net operating result from continuing operations	12,707	1,552
Net operating result before grants and contributions provided for capital purposes	2,960	(9,263)
Balance Sheet		
Total current assets	59,640	36,943
Total current liabilities	(21,408)	(14,028)
Total non-current assets	1,001,439	668,943
Total non-current liabilities	(48,573)	(40,116)
Total equity	991,098	651,742
Other Financial Information		
Unrestricted Current Ratio (expressed as a ratio)	2.79:1	2.63:1
Debt Service Percentage (%)	5.57%	6.34%
Rate Coverage Percentage (%)	34.51%	39.01%
Rates and Annual Charges Outstanding Percentage (%)	9.96%	8.46%
Building & Infrastructure Renewal Ratio (%)	66.43%	65.28%

Sustainability Assessment

Best-Practice Corporate Governance

In accordance with s419 of the *Local Government Act 1993* (Act), Council is required to present the audited financial reports and the audit report to the public at a meeting. Before doing so, they must have been advertised in the approved form and submissions from the public invited.

Public consultation

The financial reports in the prescribed format have been advertised in the Northern Rivers Echo for the edition dated 28 October 2010 seeking public comment.

Conclusion

In accordance with the Local Government Act, 1993 and Local Government (General) Regulations 2005, the 2009/10 Financial Reports were advertised and submissions from the public invited.

At the time of preparing this report, no submission had been received.

Attachment/s

There are no attachments for this report.

Recommendation

That Council, having formed an opinion on the audited 2009/10 Financial Reports and having presented them to the public, formally adopts the 2009/10 Financial Reports as tabled.

Report

Subject	Delivery Plan Progress Report - September 2010
TRIM Record No	BP10/625:EF10/18
Prepared by	Manager - Corporate Services
Reason	To advise Councillors of the Progress Toward the Implementation of the Delivery Plan
Community Strategic Plan Link	Whole of Council Corporate Planning

Overview of Report

This report provides an update to Council on the progress with implementation of the Delivery Plan.

Background

At the end of each quarter it is Council practice to report the progress on the implementation of Delivery Plan.

Sustainability Assessment

Sustainable Economic Growth and Development

This report will assist the implementation of the Delivery Plan projects that relate to this guiding principle.

Social Inclusion and Participation

This report will assist the implementation of the Delivery Plan projects that relate to this guiding principle.

Protect, Conserve and Enhance the Environment and Biodiversity

This report will assist the implementation of the Delivery Plan projects that relate to this guiding principle.

Best-Practice Corporate Governance

Regular monitoring of Council's key initiatives represents best-practice corporate governance.

Conclusion

This report provides an update to Council on the progress of the Delivery Plan projects.

Attachment/s

1. Delivery Plan Progress Report

Recommendation

That report be received and noted.

Strategic Plan	Delivery Plan Project	Milestone	Completion Date	Status	Progress	
Social inclusion and participation	Development of Reconciliation Action Plan	Training for RAP development	Dec-10		Training completed for Community Services.	
		Development of RAP	Feb-11		Adopted by excom. Formation of steering committee pending.	
		Aboriginal Cultural Education Program (ACEP)	Mar-11		On track.	
		Aboriginal Employment Strategy (AES) review and re-development	Jun-10		Under review pending RAP development.	
		NAIDOC Week	July (annually)		Completed and successful.	
	Social inclusion	Social well-being committee established	Social well-being committee established	Aug-10		Project currently being restructured to meet guidelines of recently allocated Federal Attorney General's Department 'Safer Suburbs' funds.
			Training delivered to community leaders	Feb-11		On track
			World Cafe deliberations conducted	2011 Goonellabah		On track
				2013 Nimbin		On track
			Events	2010-2014		On track
	Access and Inclusion Plan implementation	Lismore Tourist Caravan Park relocation	Implement AIP	Jun-14		Completed.
			Investigation of options for relocation of the park	Mar-11		Options reported to Council 11 May 2010. Council decision was to investigate physical measures that might assist in extending evacuation times.
			Selection of preferred option to relocate the residents	Jun-11		No preferred option identified as yet. GHD commissioned to examine options for physical measures to increase evacuation time as per Council resolution from May. Draft report received from GHD and staff comments sent back. Awaiting final report from GHD.
			Implement preferred option	August 2011-June 2014		Awaiting final report from GHD and matter will need to be reported to December Council meeting for further consideration. Working group has been established by relevant agencies to put in place a plan to house/relocate residents in the event that the park does close.

Sustainable growth and development	Airport 20-year pavement plan	Tenders called	Jun-11	0					
		Works completed	Oct-11	0					
	Airport beacon replacement	Beacon Replaced		0					
	Sustainable Economic Development Strategy 2020	Develop a consultancy brief		Sep-10		Preparatory work has been undertaken on the SEDS consultancy brief. Consultants on the BRE have commenced (important, as the SEDS project relies heavily on the BRE) with an expected completion date of 28 Feb 2011. As the same key stakeholders and alliances will be involved in both projects it is positive to note that there is no need to conduct another business survey.			
		Review and analyse quotes		Nov-10		See above			
		Alliance/key stakeholders		Dec-10		See above			
		Business/community consultation		Jan-11		See above			
		Surveys developed		Mar-11		See above			
		Surveys completed		May-11		See above			
		Draft report, including action plans		Aug-11		See above			
		Report of findings and draft action plans to stakeholders		Oct-11		See above			
		Report to Council with draft Sustainable Economic Development Strategy, including actions		Dec-11		See above			
		Lismore Investment Prospectus created		Jan-12		See above			
		Implement the SEDS and actions		Jun-14		See above			
	Monitoring and ongoing feedback		Jun-14		0				
	Aspect North Hangar	Site Sold		Aug-10		Running behind time. EOI process took longer than expected. Reported to September council meeting. Preparing selective tender process. Expect to report back to Council early 2011.			
	Wholesale produce markets	Determine and consult community leaders and stakeholders in the development of a co-operative		Start process March 2010		Discussions have occurred with EcoMart and the Foodlinks Project. There may be potential to get seed funding through the Foodlinks project. Have had overview discussions with Nick Stephens around funding opportunities from Foodlinks project. No demonstrable outputs yet determined due to limited funds availability and many worthy projects under consideration. It is also possible Ecomart may be setting sail on their own in going down this path. Oct 28. Update. Subject to finalities, the Foodlinks has awarded the Ecomart project \$18,000 for their project. This is an excellent outcome. There is \$25,000 shown against this project in the Delivery Plan. This sum of money is shown as being funding required that needs to come from somewhere else other than LCC. The Ecomart project is a community initiative that has been being developed for some years and has an excellent team. It also has modelled its business plan off an existing and very successful operational produce market in rural USA. Subject to the finalities of the Foodlinks funding approval the Project Manager believes this Delivery Plan project to be satisfied from			
							Secure project seed funding	Sep-10	Completed
							Secure links with Food Miles	Sep-10	Completed
							Business plan	Dec-10	Completed
Co-operative launch							By December 2011	Completed	

Protect, conserve and enhance the environment and biodiversity	Development and implementation of Lismore Biodiversity Management Strategy	Flora and fauna study	Jun-11		On track.
		Mapped products, including key habitats and corridors, environmental assets, etc.	Jan-12		On track. It is noted that tenders have been received to undertake mapping and these responses reveal that Council's budget for this phase of the project has been underestimated.
		Biodiversity Management (BM) Strategy	Jun-12		On track
		Koala Plan of Management	Jun-12		On track
		Implementation of BM Strategy	Ongoing from July 2012		On track
Best-practice corporate governance	Professional development for staff and councillors	Complete Training	Jun-11		Completed. Security guards no longer employed, Youth Plaza is now staffed by youth workers at peak times.

Foster youth development	Nimbin Skate Park	Federal Government funding approval	Mar-10		Complete
		Call tenders for design and construction of the facility	Mar-10		Complete
		Close tenders, assess and award contract	Apr-10		Complete
		Conduct community consultation process	May-10		Complete
		Lodge development application and construction certificate	Jul-10		Complete
		Receive development consent	Aug-10		Complete
		Commence construction	Sep-10		Construction will commence 1 November 2010
		Complete construction	Nov-11		Construction is not likely to be complete until January/February 2011
	Goorellabah Youth Plaza	Security guards engaged	Jul-10		Completed. Security guards no longer employed. Youth Plaza is now staffed by youth workers at peak times.
		Programs and events are delivered to local young people	Dec-10		Project planning currently being undertaken to enable programs and events to be delivered under the recently allocated 'Changing the Tune' Federal Attorney General's Proceeds of Crime funding.
Support an ageing population	Pedestrian access and mobility improvements	Magellan Street	Jun-11		0
		Molesworth Street	Jun-11		0
		Kadina Street	Jun-11		0

Provide sustainable land-use planning	Finalise draft comprehensive Local Environmental Plan	Receive public exhibition certificate	Mar-10		Complete.
		Executive Committee endorse Community Engagement Plan	Mar-10		Complete.
		Public exhibition of draft LEP	Jun-10		Completed. Extended exhibition period closed on 30 August 2010.
		Public hearing (land reclassifications)	Jun-10		Completed. Public hearing held on 22 September, 2010 following the extended exhibition period.
		Council workshop/s to review/advise on issues raised in submissions	Aug-10		The extension of the submission period and the high number of submissions received has extended the time needed to review and prepare options.
		Review submissions and prepare responses	Aug-10		As above. The Council workshops will follow the phase of developing options and responses to issues raised in submissions.
		Council adoption of LEP	Sep-10		Due to the extension of the submission period, the high number of submissions and the need for a number of submitter and Council workshops, this is now extended until May 2011.
		Report to Department of Planning	Oct-10		See above. The report to DoP will occur after Council adoption.
	Land-use planning - Growth Management Strategy	Gazettal and notification of LEP	Jan-11		See above. DoP estimates their reporting and gazettal process will take up to 2 months.
		Prepare GMS post completion of key contributing strategies e.g. Integrated Sustainable Housing Strategy, etc	Jun-11		It is noted that the brief for the BRE, includes a requirement for information on the market/economic drivers that effect the supply of housing in Lismore. This information will make an important contribution towards the development of the Sustainable Housing Strategy. The timing for the completion of the draft Housing Strategy has been extended to Feb 2012 so this impacts on the timeline for the GMS.
		GMS completed	Jun-12		See above
	Land-use planning - Integrated City Transport Strategy	Ongoing monitoring and review	June 2012 and ongoing		0
		Review of existing transport studies and relevant information	Aug-10		On track.
		Development of strategy scoping document, including strategy framework and deliverables	Dec-10		On track. However it is noted that because of staffing issues and the need to respond to land release pressures etc that this strategy will initially be refocused to a Traffic/Roading Strategy to be delivered by an external consultant.
		Preparation of external consultancy brief for any necessary external inputs	Dec-10		On track. See comments above.
		Establishing interaction and correlation with delivery plans for infrastructure, housing, economic growth, and other input factors	Aug-11		See comments above.
		Draft strategy	Jan-12		See comments above.
		Consultation and exhibition	Feb-12		See comments above.
		Revised strategy based on consultation/feedback adopted	Mar-12		See comments above.
		Delivery plans for infrastructure updated to reflect strategy	May-12		See comments above.
		Land-use planning - Sustainability Strategy	Drafting of document	Jan-11	
	Consultation		Apr-11		0
	Sign-off by Council and partners		Jul-11		0

Revitalise the CBD	Business Promotion	Ongoing activities	Jun-14	0	
	CBD footpath renewals	Woodlark Street	Jun-12	0	
		Molesworth Street	Jun-13	0	
		Keen Street	Jun-14	0	
Carpark shade coverings	Complete Carpark Shade Coverings	Jun-10		Staff resignations in the Assets team have meant this project has been delayed.	
Integrated waste cycle management	Landfill cell capping and revegetation	Review of alternatives	Aug-10		Consultant engaged to undertake collation of research data for the local site trial and other Australian and international programs. They will compile a report to form part of DECCW application for approval of the alternative phytocapping process.
		Development of plans	May-11	0	
		Capping complete	Jun-18	0	
Improve roads, cycleways and footpaths	Road rebuilding four-year forward plan urban	Winterton Parade	Jun-11		Commenced relocation of water services.
		Conway Street Stage 1	Jun-11		Developing consultation plan. Currently scheduled to commence Feb 2011
		Conway Street Stage 2	Jun-11		Developing consultation plan
		New Ballina Road Stage 2	Jun-11		Pre-construction activities completed. Stormwater construction commenced.
		Avondale Avenue Stage 1	Jun-11	0	
		Elizabeth/College Street	Jun-11		Stormwater construction commenced.
		Bellevue Avenue	Jun-11	0	
	Road rebuilding four-year forward plan rural	Numulgi Road - (Griffin Road)	Jun-11		Site works commenced, silt/shoulder widening and earthworks ongoing.
		Whian Whian Road	Jun-11		Works completed.
		Dorroughby Road - (Corndale Road)	Jun-11		Design completed.
		Rous Road Stage 1	Jun-11		Design completed.
		Dorroughby Road Stage 2	Jun-11		Design completed.
		Canaba Road - (Fredericks Road)	Jun-11		Design in progress
		Newton Drive - (Tunttable Falls Road)	Jun-11	0	
	Replacement of galvanised Outer CBD road upgrades	Milgate Road	Jun-11		Under investigation.
		Keen Street (Magellan to Conway streets)	Jun-12	0	
				0	
		Molesworth Street (Magellan to Conway streets)	Jun-14	0	
	Implement Cycleway Strategy	Cycleways Completed	Jun-14	0	
Mitigate climate change at a local level	Methane emissions reduction	Finalisation of a plan	Jul-11		Preparations under way to conduct in-situ gas monitoring program to evaluate necessity for gas capture.
		Implementation of remediation action	Jul-13	0	
	Energy efficiency	Reassess viability of photovoltaic system at GSAC.	Jun-11		Staff resignations in the Assets team have meant this project has not been progressed. Quotation needs to be revised before appointing contractor. Note that it is not photovoltaic cells but an expansion of the solar water heating panels for the pool

Develop and support art, cultural, sporting and tourism activities	Implementation of Lismore City Council Tourism Strategic Plan	Development of web site for Nimbin and surrounds	Dec-10		Commenced planning. Website site map developed. Won't be able to complete the website by December, but progress has been made. Anticipate completion early in 2011.
		Re-development of Lismore web site	Dec-10		Content on website updated. Completed.
		Completion of Lismore, Nimbin and Villages Visitor Guide 2011	Mar-11		Not yet commenced. Subject to Council funding (no funds currently available). This is subject to Council's quarterly financial review.
		Development of three new attractions/activities for visitors in the Nimbin village	Jun-11		Not yet commenced.
		Events strategy for Lismore, Nimbin and Villages	Mar-11		Part of Events Strategy being undertaken by the Events Unit. Draft Strategy will be presented to the December Council meeting.
		Interpretative signage and development at specific Indigenous tourism sites e.g. Slaters creek, Nimbin Rocks	Apr-11		Nimbin Rocks - waiting for sign off by Ngulingah Land Council and Elders. Slaters Creek not yet commenced.
		Production of touring route brochure linking Byron, Nimbin and Lismore	Feb-11		Project commenced. Draft preferred touring route developed. Prospectus has been developed.
Integrated water cycle management	Water infrastructure four-year forward plan	Sewer Rising Main No 3	Feb-11		Works currently scheduled to be completed by Jan 2011.
		Clunes Pressure Booster Pump Station	Mar-11		0
Provide greater housing choices	Land-use planning Integrated Sustainable Housing Strategy	Draft strategy developed	Feb-11		New planner will commence with Council in January 2011 with sole focus on completing the draft Strategy within 12 months. Also see comments above re information coming over from BRE/SEDS research. Note the draft will require consultation with the community so this time may be extended further.
		Strategy signed-off by the Executive Committee	Mar-11		See above.
		Strategy adopted by Council	Jun-11		See above.
Improve passive and active recreational facilities	Nesbitt Park – Stage 2	Half basketball court	Jul-10		Completed
		Jogging/walking track	Sep-10		Project on hold pending advice on Round 3 Economic Stimulus Package application outcome.
		Carpark	Oct-10		Pending advice on Round 3 Economic Stimulus Package funding.
		Amenities	Dec-10		Pending advice on Round 3 Economic Stimulus Package funding.
	Sport and Recreation Plan	Brief Completed	Mar-10		Completed
		Project Team in place	Apr-10		Internal working party in place. Tenders called for consultant.
		Community Consultation completed	Sep-10		Community consultation plan completed. Consultations commenced October 2010 - completed November 2010.
		Analysis of present facilities completed	Oct-10		Completed.
		Consultant completes trend analysis	Oct-10		Pending recruitment of consultant.
		Consultant completes analysis demographic information	Oct-10		Pending recruitment of consultant.
		Consultant/Recreation Planner complete draft report	Oct-10		Completion of draft will not meet deadline as Council's S&R Officer's hours reduced and recruitment of consultant delayed.
		Public Comment	Nov-10		Completion date to be renegotiated.
		Final Report available	Dec-10		Completion date to be renegotiated.
Report to Council	Dec-10		Completion date to be renegotiated.		

Efficient use of Council resources	Asset management	Asset management plan for bridges and unsealed roads	Dec-10		Staff resignations in the Assets team have meant this project has not commenced. No progress will be possible until new staff appointment has been made.
		Asset management plan for properties and buildings	Jun-11		Staff resignations in the Assets team have meant this project has not commenced. No progress will be possible until new staff appointment has been made.
		Asset management plan for parks and open space	Dec-11		Staff resignations in the Assets team have meant this project has not commenced. No progress will be possible until new staff appointment has been made.
		Asset management plan for water and wastewater assets	Jun-12		Not yet commenced.
		Purchase of software, installation and staff training	Jun-12		Not yet commenced.
	IT Infrastructure Replacement Strategy	PCs, servers, storage and network devices replaced in 2010-2011	Aug-10		On track. Commencing leasing arrangements.
	Asphalt plant upgrades	Installation of mixer drum	Sep-10		The addition of a requirement for the development of a full financial plan prior to the commencement of this project has significantly delayed commencement schedules. Quotes to develop the financial plan were advertised Aug, approval of consultant provided 25 Oct. To commence ASAP.
		Installation of hot storage bins	Jan-11		This is an incorrect date - it should be Jan-12. but progress will be part of the financial review as well.
		Installation of additional bitumen storage tanks	Dec-12		0
		Upgrade of ancillary items, including lime silo	Dec-13		0
	Plant Replacement Program	Complete Plant Replacement Program			
	Blakebrook Quarry Part 3A Compliance	Plans established	Aug-10		Draft environmental management plans covering their various aspects of the approval have been lodged with the Dept of Planning for their review. Awaiting response.
		Road works completed	Mar-12		0
		Land purchases complete	Jun-14		0
	Groundwater studies	Jun-13		0	
Development Applications online	Online Development Applications live	Jun-11		Subject to future funding by Council.	
Promote a constructive corporate culture	Performance management	Development of KPIs	Jan-11		A list of corporate KPI has been developed.
		Development of management reporting	Apr-11		This process is approximately 40% complete and is within timeline and budget at the present time. There is a small risk that this process may overrun its budget but the progress to date has been encouraging.
		Development of performance appraisal system signed off by Executive Committee	Apr-11		This has been completed for 2010 and includes cascading goals and a KPIs for customer service and OH&S. This will be further updated for 2011 once all KPI reports have been developed.
		Completion of staff training			Staff training in the 2010 performance appraisal process will be completed by September 2010. This training will be updated and repeated in 2011
		New performance appraisal kits issued to staff by supervisors	Jun-11		2010 kits along with supervisor 360 degree feedback have been delivered to staff.
		All appraisals completed	Dec-11		0
		Project completed	Dec-11		0

Report

Subject	Council Meetings and Public Forums for 2011
TRIM Record No	BP10/612:EF09/632
Prepared by	Corporate Compliance Coordinator
Reason	To determine the schedule and meeting locations for 2011
Community Strategic Plan Link	Engage with the Community

Overview of Report

To determine the schedule of meetings and public forums for 2011 as required under Policy 1.2.7.

Background

Council Meeting Schedule

Council has resolved that ordinary meetings will be held at 6.00pm on the second Tuesday of each month. No change to this scheduling is proposed. On this basis, the first ordinary meeting of the year will be held on Tuesday, 8 February 2011.

City Contact Forums

The effectiveness of the City Contact Forums was discussed at a Council Briefing. There was general agreement that the introduction of the CBD lunchtime Councillor interviews would be more effective mean of consultation. Accordingly, the recommendation is that the City Contact Forums be deleted from next year's meeting schedule.

Rural Contact Forums

Currently, three Rural Contact Forums are conducted plus the annual Nimbin Community Meeting. The aforementioned Council Briefing supported the effectiveness of the forums and sought their expansion.

It is proposed that the number be increased from three to five with the cessation of the City Contact Forums the evening workload of the Councillors will remain the same with the spread of Rural Contact Forums being increased throughout the rural areas.

The Rural Halls are selected so as to give a reasonable spread through the Local Government area and taking into account how long it has been since Council has been to the hall. In this regard it will be six years since Council last conducted a Rural Contact Forum in any of the halls listed below, therefore the following dates are recommended for 2011.

Jiggi	21 March
Wyrallah	18 April
Dorroughy	16 May
Canaiba	15 August
Clunes	19 September

Additionally, the Nimbin Community Meeting will be held at the:

Nimbin School of Arts 21 November.

Sustainability Assessment

Social Inclusion and Participation

The option of meeting with Councillors in the rural environment via the contact forums and for city residents to access Councillors via the interview system promotes greater social cohesion.

Best-Practice Corporate Governance

This process is not mandated by any legislation but is considered a good practice to follow.

Public consultation

The contact forums continue to provide the public with an opportunity to raise issues with Councillors.

Attachment/s

1. Policy 1.2.7 Contact Forums and Rural Council Meetings

Recommendation

That:

1. The first ordinary meeting of Council be held on Tuesday, 8 February 2011 at 6.00pm and the second Tuesday of the month thereafter.
2. The Rural Contact Forums be held at the following locations and dates:

Jiggi	21 March
Wyrallah	18 April
Dorrourghy	16 May
Canaiba	15 August
Clunes	19 September
Nimbin School of Arts	21 November.
3. The Policy Number 1.2.7 be amended to reflect the deletion of the City Contact Forums and the increase of the Rural Contact Forums to five plus the Nimbin Community Meeting.

Amendments are indicated in red.



POLICY MANUAL

POLICY NO: 1.2.7	CONTACT FORUMS AND RURAL COUNCIL MEETINGS
OBJECTIVE:	Increase the opportunity for the public to address Council.
STRATEGIC PLAN LINK:	Leadership by Innovation
PROGRAM:	Corporate Services
AUTHORISED: 19/6/90	REVIEWED: 6/8/96, 21/11/00, 13/7/04, 14/03/06, 11/12/07, 9/11/10

~~1— Council has established a Public Contact Forum consisting of six Councillors to increase the opportunity for the public to address Council.~~

1. Five Rural Contact Forums are to be held on the third Monday of specified months throughout the calendar year.

~~2— City contact forums on the third Monday of April and July.~~

2. The forums will commence at 7pm and will be held in lieu of Councillor interviews.

3. A community meeting will be held in Nimbin each calendar year.

4. That appropriate funding for the Public Contact Forums be provided in the annual budget.

Report

Subject	Investments - October 2010
TRIM Record No	BP10/586:EF09/586
Prepared by	Management Accountant
Reason	Required by Local Government Act 1993, Local Government (General) Regulation 2005 and Council's Investment Policy
Community Strategic Plan Link	Best-Practice Corporate Governance

Overview of Report

Investments as at 31 October 2010 are estimated to be \$43,686,734 subject to final market valuations typically provided after month end.

The interest rate reported for October 2010 is estimated to be 5.30% which is above the Bank Bill Swap Rate for the period of 4.84%. The final interest return may vary due to actual returns achieved on investments advised after month end.

Background

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

Report on Investments

- | | |
|--|---------------------|
| • <i>Confirmation of Investments – at Market Value – 30 September 2010</i> | <i>\$45,122,156</i> |
| • <i>Estimated Investments – at Market Value – 31 October 2010</i> | <i>\$43,686,734</i> |

The current rate of return on investments for October 2010 is estimated to be 5.30% which is above the Bank Bill Swap Rate for the period of 4.84%. The rate of return reported has been calculated using actual returns where available and estimates based on the previous period balance and interest rates. The methodology used to calculate estimates appears reasonable in light of discussion with the portfolio advisor.

There are a number of investments not paying coupons. These include investments in Blackrock Care & Maintenance Fund, Longreach – Series 25, Corsair (Torquay) and five other Lehman Brothers related investments that are terminating. These investments are shown on the 'Estimated Interest' attachment with an estimated interest rate and weighted interest for the period of zero.

In regards to the Blackrock Care & Maintenance Fund, as this fund is being independently managed with a view to its ultimate termination, the payment of a coupon is dependent on funds being available net of costs. For October 2010, no coupon payment is recognised.

The estimated interest earned for the financial year to October 2010 is in advance of the pro rata annual Budget. This is partly attributable to a much higher than anticipated balance of investments for this time of year as funds have been received in advance, e.g. Financial Assistance Grants and Southern Trunk Main Loan, of the works being completed. This will be monitored over the coming months and reported in conjunction with the December 2010 Quarterly Budget/Positive Trend Review.

Richmond Tweed Regional Library

To meet governance requirements associated with being the Executive Council for Richmond Tweed Regional Library, Council must report investments made by the Richmond Tweed Regional Library as part of its investment report. Richmond Tweed Regional Library's investments have now been incorporated into the attachments and shown as part of the total investments held by Lismore City Council. For the month ended 31 October 2010 the estimated total value of investments held by Richmond Tweed Regional Library is \$740,000. The current rate of return on the library's investments for October 2010 is estimated to be 6.71%.

Sustainability Assessment

Sustainable Economic Growth and Development

Council's main objective in investing funds is to preserve the capital, i.e. prevent any loss to the amount invested, while gaining the most advantageous rate of return with minimum risk.

Best-Practice Corporate Governance

The Local Government Act 1993, Local Government (General) Regulation 2005 and Council's Investment Policy require Council's investments to be reported monthly.

Conclusion

A report on investments is required to be submitted to Council monthly. This report meets that requirement. For 31 October 2010 investments total \$43,686,734 and the annualised rate of return was 5.30%.

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

Attachment/s

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

Recommendation

That the report be received and noted.

Capital Value Movements
Summary of Investments held as at
31 October, 2010

Name of Investment / & Counterparty	Type of Investment	Rating	Assessment of return of Capital	Purchase Date	Maturity Date	Last Date Confirmed Valuation Available	Balance Sheet Valuation (Note 1)	Current Market Value (Note 4)	
Cash Based Returns									
Blackrock Care & Maintenance Fund	Managed Fund	Not Rated (Note 7)	High	15/10/2008	N/A	31/08/2010	\$ 1,987,755	\$ 2,076,360	Note 3
CBA Business On Line Banking A/c	Cash Management Account	Cash	High	N/A	N/A	26/10/2010	\$ 4,303,500	\$ 4,303,500	
Macquarie Cash Management Trust	Cash Management Account	Cash	High	1/9/2006	N/A	26/10/2010	\$ 256,631	\$ 256,631	
UBS Cash Management Trust	Cash Management Account	Cash	High	N/A	N/A	30/09/2010	\$ 612,368	\$ 612,368	
National Australia Bank	Term Deposit	A1+	High	2/8/2010	1/11/2010	2/08/2010	\$ 2,000,000	\$ 2,000,000	
Suncorp Bank	Term Deposit	A-1	High	10/9/2010	9/11/2010	10/09/2010	\$ 1,000,000	\$ 1,000,000	
Savings & Loans Credit Union	Term Deposit	Not Rated (Note 7)	High	23/8/2010	23/11/2010	23/08/2010	\$ 2,000,000	\$ 2,000,000	
Bank of Queensland	Term Deposit	A2	High	2/6/2010	2/12/2010	2/06/2010	\$ 2,000,000	\$ 2,000,000	
Westpac Banking Corporation	Term Deposit	AA	High	4/12/2009	4/12/2010	4/12/2009	\$ 2,000,000	\$ 2,000,000	
Bank of Western Australia	Term Deposit	A1+	High	25/10/2010	14/12/2010	25/10/2010	\$ 2,000,000	\$ 2,000,000	
Southern Cross Credit Union	Term Deposit	Not Rated (Note 7)	High	10/9/2010	15/12/2010	10/09/2010	\$ 1,000,000	\$ 1,000,000	
Newcastle Permanent	Term Deposit	A-2	High	18/12/2009	20/12/2010	18/12/2009	\$ 1,000,000	\$ 1,000,000	
Community CPS Australia Ltd	Term Deposit	Not Rated (Note 7)	High	10/9/2010	11/1/2010	10/09/2010	\$ 1,000,000	\$ 1,000,000	
Credit Union Australia (CUA)	Term Deposit	A-2	High	10/9/2010	10/1/2011	10/09/2010	\$ 1,000,000	\$ 1,000,000	
Summerland Credit Union	Term Deposit	Not Rated (Note 7)	High	17/1/2010	17/1/2011	17/01/2010	\$ 1,000,000	\$ 1,000,000	
Newcastle Permanent	Term Deposit	A-2	High	30/9/2010	28/1/2011	30/09/2010	\$ 1,000,000	\$ 1,000,000	
Police & Nurses Credit Society Ltd	Term Deposit	Not Rated (Note 7)	High	30/9/2010	31/1/2011	30/09/2010	\$ 1,000,000	\$ 1,000,000	
New England Credit Union	Term Deposit	Not Rated (Note 7)	High	30/9/2010	31/1/2011	30/09/2010	\$ 1,000,000	\$ 1,000,000	
Bank of Cyprus Australia Limited	Term Deposit	Not Rated (Note 7)	High	30/9/2010	31/1/2011	30/09/2010	\$ 1,000,000	\$ 1,000,000	
IMB Banking & Financial Services	Term Deposit	A-2	High	26/8/2010	2/2/2011	26/08/2010	\$ 2,000,000	\$ 2,000,000	
Suncorp Bank	Term Deposit	A-1	High	18/8/2010	14/2/2011	18/08/2010	\$ 2,000,000	\$ 2,000,000	
Community CPS Australia Ltd	Term Deposit	Not Rated (Note 7)	High	18/8/2010	14/2/2011	18/08/2010	\$ 2,000,000	\$ 2,000,000	
ING Bank Australia Limited	Term Deposit	A-1	High	1/9/2010	1/3/2011	1/09/2010	\$ 2,000,000	\$ 2,000,000	
Credit Union Australia (CUA)	Term Deposit	Not Rated (Note 7)	High	6/9/2010	7/3/2011	6/09/2010	\$ 2,000,000	\$ 2,000,000	
Southern Cross Credit Union	Term Deposit	Not Rated (Note 7)	High	13/10/2010	13/7/2011	13/10/2010	\$ 2,000,000	\$ 2,000,000	
Horald Limited (Quartz)	Floating Rate CDO	CCC-	Low	1/9/2006	20/12/2010	30/06/2010	\$ 25,500	\$ 25,500	Note 5
Cyprus (Lawson)	Floating Rate CDO	BB+	Low	1/9/2006	30/12/2010	30/06/2010	\$ 460,000	\$ 460,000	Note 5
Deutsche Bank CG Yield Curve Note	Euro Bond	A+	High	1/9/2006	18/10/2011	30/06/2010	\$ 247,500	\$ 247,500	Note 5
Magnolia (Flinders)	Floating Rate CDO	BB-	Low	1/9/2006	20/3/2012	30/06/2010	\$ 255,000	\$ 255,000	Note 5
Omega (Henley)	Floating Rate CDO	CCC	Low	1/9/2006	22/6/2012	30/06/2010	\$ 280,000	\$ 280,000	Note 5
Beryl (Esperance 2)	Floating Rate CDO	Early Termination	Low	1/9/2006	20/3/2013	30/06/2010	\$ -	\$ -	Note 5
Corsair (Torquay)	Floating Rate CDO	CCC-	Low	1/9/2006	20/6/2013	30/06/2010	\$ 20,000	\$ 20,000	Note 5
Zircon (Merimbula)	Floating Rate Note	Early Termination	Low	1/9/2006	20/6/2013	30/06/2010	\$ -	\$ -	Note 5
Corsair (Kakadu)	Floating Rate CDO	CCC-	Low	1/9/2006	20/3/2014	30/06/2010	\$ 125,000	\$ 125,000	Note 5

**Capital Value Movements
Summary of Investments held as at
31 October, 2010**

Name of Investment / & Counterparty	Type of Investment	Rating	Assessment of return of Capital	Purchase Date	Maturity Date	Last Date Confirmed Valuation Available	Balance Sheet Valuation (Note 1)	Current Market Value (Note 4)	
Longreach - Series 25	Equity Linked Investment	A+	High	2/4/2007	4/4/2014	30/06/2010	\$ 759,450	\$ 759,450	Note 2
Helium (Scarborough)	Floating Rate CDO	CCC-	Low	1/9/2006	23/6/2014	30/06/2010	\$ 16,000	\$ 16,000	Note 5
Beryl (Global Bank Note)	Floating Rate Note	Early Termination	Low	1/9/2006	20/9/2014	30/06/2010	\$ -	\$ -	Note 5
Zircon (Coolangatta)	Floating Rate CDO	Early Termination	Low	1/9/2006	20/9/2014	30/06/2010	\$ -	\$ -	Note 5
Aphex (Glenelg)	Floating Rate CDO	CCC-	Low	1/9/2006	22/12/2014	30/06/2010	\$ 100,000	\$ 100,000	Note 5
Bendigo Bank FR Sub Debt	Subordinate Debt	BBB	Medium	1/9/2006	14/12/2015	31/08/2010	\$ 497,100	\$ 498,625	Note 5
Elders Rural Bank Sub Debt	Subordinate Debt	BBB-	Medium	1/9/2006	16/3/2016	31/08/2010	\$ 983,890	\$ 1,000,800	Note 5
Zircon (Miami)	Floating Rate CDO	Early Termination	Low	1/9/2006	20/3/2017	30/06/2010	\$ -	\$ -	Note 5
Commonwealth Bank of Australia - RTRL	Term Deposit	A1+	High	30/11/2009	29/11/2012	30/11/2009	\$ 400,000	\$ 400,000	
Local Government Financial Services - RTRL	Term Deposit	A1	High	22/12/2009	16/12/2010	22/12/2009	\$ 250,000	\$ 250,000	
Investment on Hand							\$ 43,579,694	\$ 43,686,734	

Investments Redeemed during period (Note 6)

Southern Cross Credit Union	Term Deposit	Not Rated (Note 7)	High	14/7/2010	13/10/2010	14/07/2010	\$ 2,000,000	\$ 2,000,000
Bank of Western Australia	Term Deposit	A1+	High	24/8/2010	25/10/2010	24/08/2010	\$ 2,000,000	\$ 2,000,000

\$ 47,579,694 \$ 47,686,734

- Note 1: Balance Sheet Valuation is the value reported in Council's Financial Report as at 30 June, 2010 or the purchase price for investments purchased post 30/06/10
 Note 2: Capital Guaranteed note if held to maturity
 Note 3: The Balance sheet Valuation is the Market Value as at 30/6/10 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 Investments Held.
 Note 7: These Counterparties & Products are authorised under the Minister Order and require no minimum Credit Rating.

"Indicative" Source of Funds

Externally Restricted	33,433,458
Internally Restricted	10,253,277
	<u>\$ 43,686,734</u>

**Estimated Interest
Summary of Investments held as at
31 October, 2010**

Name of Investment / & Counterparty	Type of Investment	Rating	Annualised Coupon / Interest Rate	Current market Value (Note 6)	Estimated Interest for Period	Weighted Interest for Period
Cash Based Returns						
Blackrock Care & Maintenance Fund	Managed Fund	Not Rated	0.00%	\$ 2,076,360	\$ -	0.00%
CBA - Business On Line Banking A/c	Cash Management Account	Cash	4.10%	\$ 4,303,500	\$ 14,986	0.39%
Macquarie Cash Management Trust	Cash Management Account	Cash	4.50%	\$ 258,631	\$ 981	0.03%
UBS Cash Management Account	Cash Management Account	Cash	3.65%	\$ 612,368	\$ 1,898	0.05%
National Australia Bank	Term Deposit	A1+	5.66%	\$ 2,000,000	\$ 9,614	0.25%
Suncorp Bank	Term Deposit	A-1	5.74%	\$ 1,000,000	\$ 4,875	0.13%
Savings & Loans Credit Union	Term Deposit	Not Rated	5.92%	\$ 2,000,000	\$ 10,056	0.26%
Bank of Queensland	Term Deposit	A2	6.15%	\$ 2,000,000	\$ 10,447	0.27%
Westpac Banking Corporation	Term Deposit	AA	6.80%	\$ 2,000,000	\$ 11,551	0.30%
Bank of Western Australia	Term Deposit	A1+	5.35%	\$ 2,000,000	\$ 1,759	0.05%
Southern Cross Credit Union	Term Deposit	Not Rated	5.85%	\$ 1,000,000	\$ 4,968	0.13%
Newcastle Permanent	Term Deposit	A-2	7.00%	\$ 1,000,000	\$ 5,945	0.16%
Community CFS Australia	Term Deposit	Not Rated	6.01%	\$ 1,000,000	\$ 5,104	0.13%
Credit Union Australia	Term Deposit	A-2	6.01%	\$ 1,000,000	\$ 5,104	0.13%
Summerland Credit Union	Term Deposit	Not Rated	6.50%	\$ 1,000,000	\$ 5,521	0.14%
Newcastle Permanent	Term Deposit	A-2	5.96%	\$ 1,000,000	\$ 5,062	0.13%
Police & Nurses Credit Society Inc	Term Deposit	Not Rated	6.01%	\$ 1,000,000	\$ 5,104	0.13%
New England Credit Union	Term Deposit	Not Rated	5.96%	\$ 1,000,000	\$ 5,062	0.13%
Bank of Cypress Australia Limited	Term Deposit	Not Rated	6.05%	\$ 1,000,000	\$ 5,138	0.13%
IMB Banking & Financial Services	Term Deposit	A-2	6.00%	\$ 2,000,000	\$ 10,192	0.27%
Suncorp Bank	Term Deposit	A-1	6.35%	\$ 2,000,000	\$ 10,786	0.28%
Community CFS Australia	Term Deposit	Not Rated	6.03%	\$ 2,000,000	\$ 10,243	0.27%
ING Bank Australia Limited	Term Deposit	A-1	6.25%	\$ 2,000,000	\$ 10,616	0.28%
Credit Union Australia	Term Deposit	Not Rated	6.08%	\$ 2,000,000	\$ 10,328	0.27%
Southern Cross Credit Union	Term Deposit	Not Rated	6.10%	\$ 2,000,000	\$ 6,016	0.16%
Herald Limited (Quartz)	Floating Rate CDO	CCC-	6.24%	\$ 25,500	\$ 159	0.00%
Cypress (Lawson)	Floating Rate CDO	BB+	6.31%	\$ 460,000	\$ 2,680	0.06%
Deutsche Bank CG Yield Curve Note	Euro Bond	A+	6.99%	\$ 247,500	\$ 1,485	0.04%
Magnolia (Flinders)	Floating Rate CDO	BB-	6.24%	\$ 255,000	\$ 1,590	0.04%
Omega (Henley)	Floating Rate CDO	CCC	5.63%	\$ 280,000	\$ 1,913	0.04%
Beryl (Esperance 2)	Floating Rate CDO	Early Termination	0.00%	\$ -	\$ -	0.00%
Corsair (Torquay)	Floating Rate CDO	CCC-	0.00%	\$ 20,000	\$ -	0.00%

Note 1,3

**Estimated Interest
Summary of Investments held as at
31 October, 2010**

Name of Investment / & Counterparty	Type of Investment	Rating	Annualised Coupon / Interest Rate	Current market Value (Note 6)	Estimated Interest for Period	Weighted Interest for Period
Zircon (Merimbula)	Floating Rate Note	Early Termination	0.00%	\$ -	\$ -	0.00%
Corsair (Kakadu)	Floating Rate CDO	CCC-	6.14%	\$ 125,000	\$ 2,607	0.02%
Longreach - Series 25	Equity Linked Investment	A+	0.00%	\$ 759,450	\$ -	0.00%
Helium (Scarborough)	Floating Rate CDO	CCC-	6.63%	\$ 16,000	\$ 1,127	0.00%
Beryl (Global Bank Note)	Floating Rate Note	Early Termination	0.00%	\$ -	\$ -	0.00%
Zircon (Coolangatta)	Floating Rate CDO	Early Termination	0.00%	\$ -	\$ -	0.00%
Aphex (Glenelg)	Floating Rate CDO	CCC-	6.53%	\$ 100,000	\$ 2,773	0.01%
Bendigo Bank FR Sub Debt	Subordinate Debt	BBB	5.31%	\$ 498,625	\$ 2,255	0.06%
Elders Rural Bank Sub Debt	Subordinate Debt	BBB-	5.48%	\$ 1,000,800	\$ 4,651	0.12%
Zircon (Miami)	Floating Rate CDO	Early Termination	0.00%	\$ -	\$ -	0.00%
Commonwealth Bank of Australia - RTRL	Term Deposit	A1+	7.00%	\$ 400,000	\$ 2,378	0.06%
Local Government Financial Services - RTRL	Term Deposit	A1	6.75%	\$ 250,000	\$ 1,433	0.04%
Investment on Hand				\$ 43,686,734	\$ 196,408	4.98%

Note 2,5

Note 4

Investments Redeemed during period

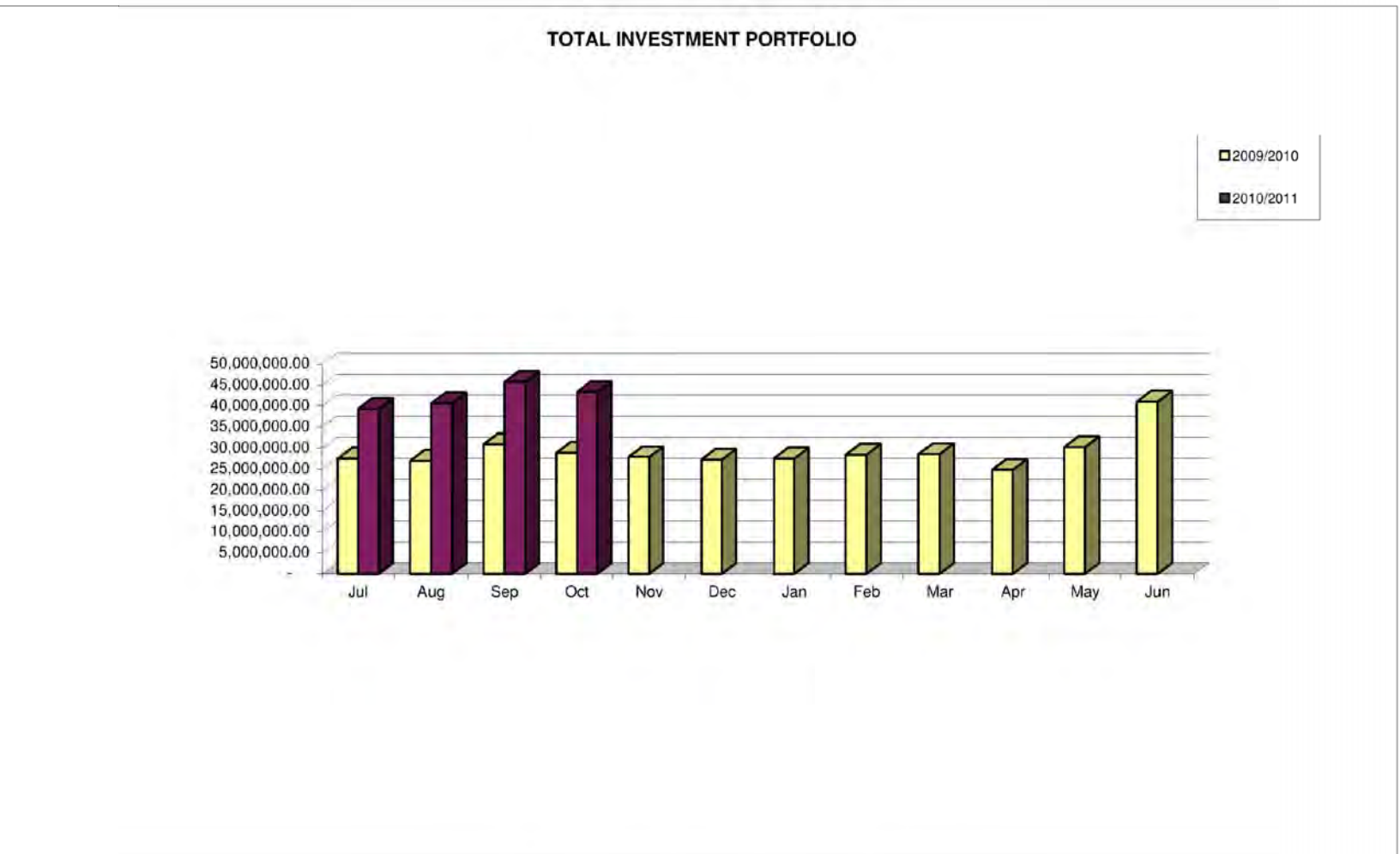
Southern Cross Credit Union	Term Deposit	Not Rated	5.60%	\$ 2,000,000	\$ 3,989	0.10%
Bank of Western Australia	Term Deposit	A1+	6.05%	\$ 2,000,000	\$ 8,288	0.22%

	31/10/2010	5.30%
	\$ 47,686,734	\$ 208,685

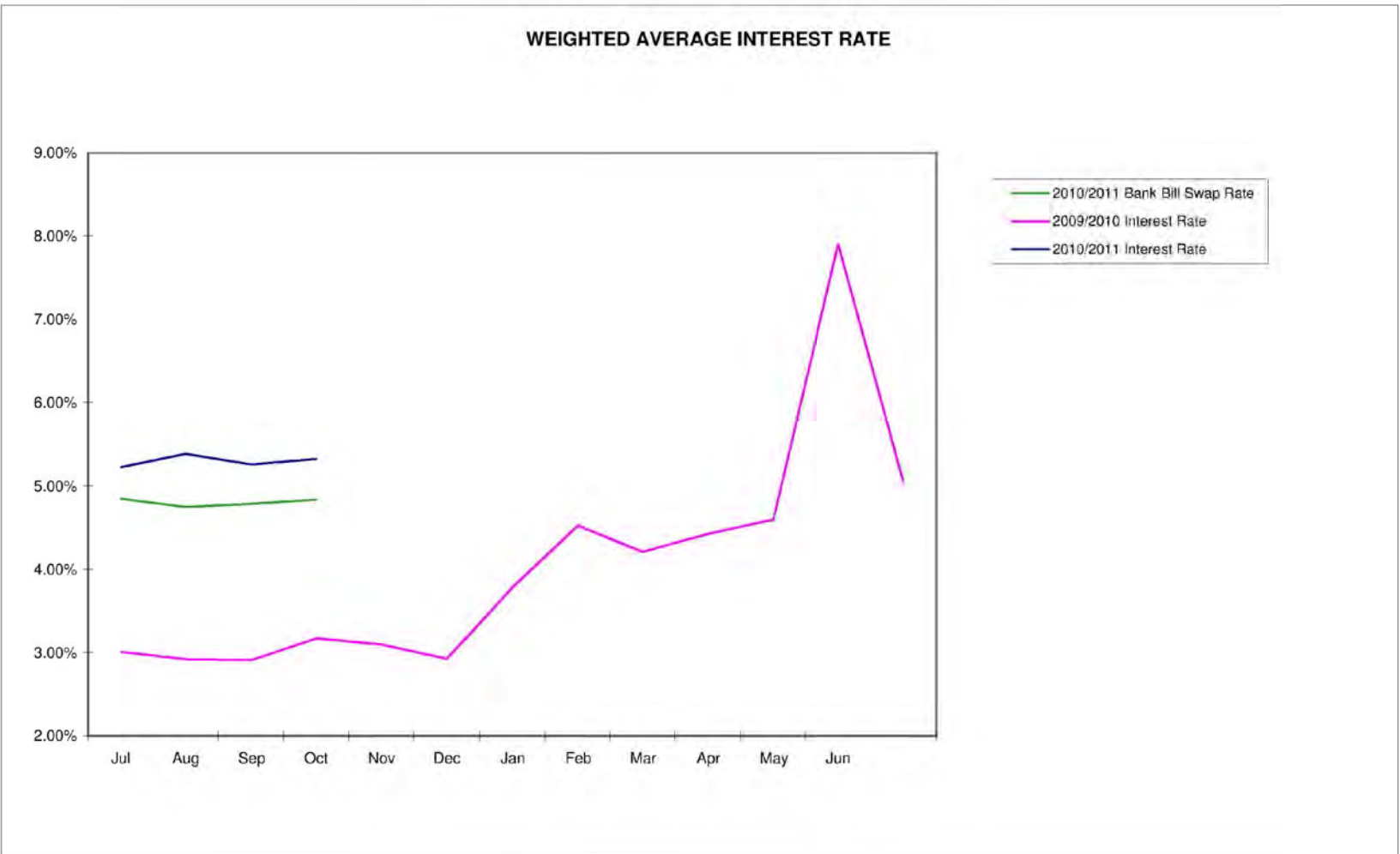
Investment Income Earned v's Budget Year to Date

Estimated interest earned to date	\$ 793,047
Pro Rata annual budget	\$ 337,100

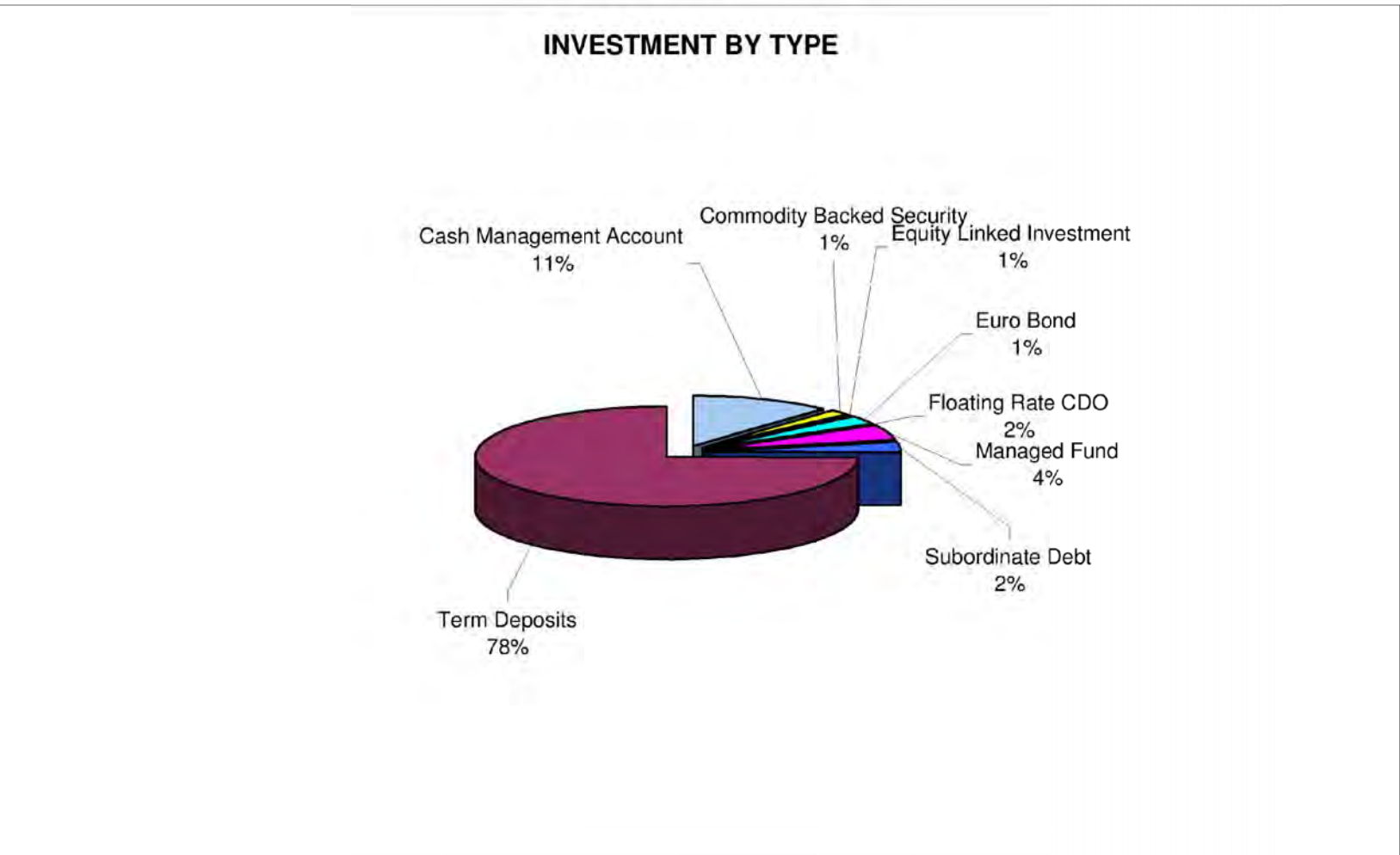
- Note 1: Interest return is calculated on (actual interest + plus accrued interest + plus realised gains - losses on disposal - expenses) / principal value
- Note 2: Capital Guaranteed note if held to maturity
- Note 3: Blackrock interest rate is shown as zero as regular distributions are not being received. When a distribution is received the interest rate is adjusted for that month accordingly.
- Note 4: Estimated Interest for Period is calculated by multiplying the annualised rate by the purchase price and reflects both interest accrued and received.
- Note 5: No Coupon currently payable under terms of the investment.
- Note 6: Latest estimates based on information provided by investment managers and prior period performance.

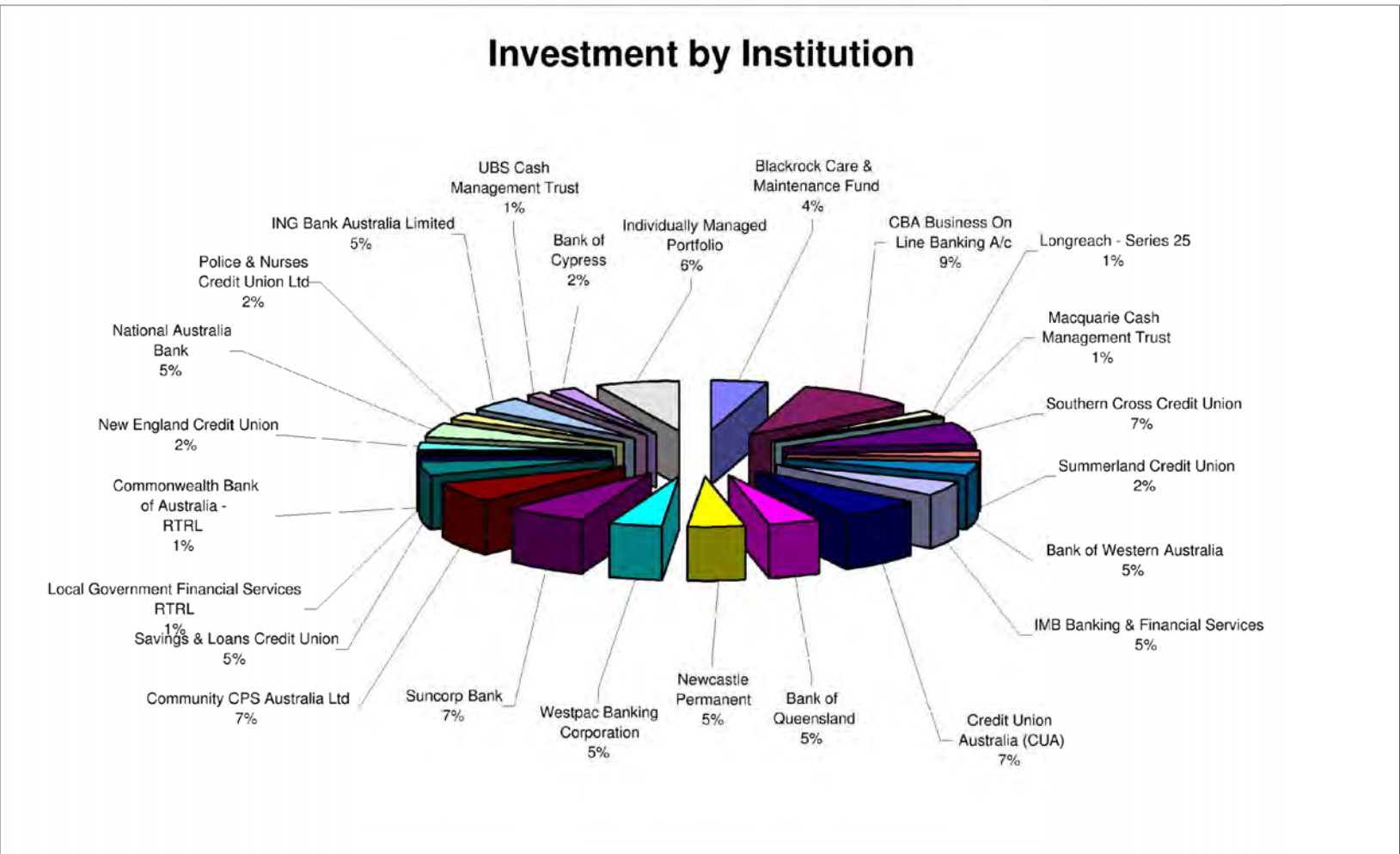


2010-11 Investment Report for council.xls



2010-11 Investment Report for council.xls





Documents for Signing and Sealing



Document for Signing and Sealing

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

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

Recommendation

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

Plan of Subdivision and sale of land in Bristol Circuit, Goonellabah (P30579)

A plan of subdivision has been prepared for Lot 54 DP 1137015 creating three residential allotments and a residue allotment and Section 88B Instrument creating and releasing easements.

The Mayor and General Manager be authorised to sign and affix the Council seal to plan of survey, Section 88B Instrument, Contracts for Sale of Land three lots), transfer documents and any other documents deemed necessary to complete this transaction.

Licence for Hire Car desk at Lismore Airport - Surrender of Licence and issue of new Licence (P25804)

The franchise for Thrifty Car Rental has been sold. The existing licence to Kingmill Pty Ltd is being surrendered and a new licence is being issued to Jonday Holdings Pty Ltd for the remainder of the original term expiring on 30 June 2013.

The Mayor and General Manager be authorised to sign and affix the Council seal to the Deed of Surrender and new Licence.

Licence for Lismore Community Garden – 50 Brewster Street, Lismore(P1296)

A licence was granted for a term of three years from 1 July 2009 in favour of Rainbow Region Community Farms Inc and Northern Rivers Social Development Council to establish the garden. Northern Rivers Social Development Council lost its funding for this project effective 30 June 2010. A new licence in favour of Rainbow Region Community Farms is being issued for the remaining two years of the term.

The Mayor and General Manager be authorised to sign and affix the Council seal to the new Licence.

(BP10/628:EF10/4)

Financial Assistance - Section 356



Financial Assistance – Section 356

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

Budget Approved: \$21,400 Spent to Date: \$0

St John's College, Woodlawn requesting Council discount hire fees (\$10,221) for use of the City Hall for HSC examination in October.

Recommendation: In accordance with Clause 5 of the policy, a donation of 25% of the hire fee applies. **\$2,555.25**

Lismore Music Teachers Collegiate requesting Council waive all hire fees (\$796) for a concert for secondary music students featuring over 300 secondary school students at the City Hall on 7 December 2010. An entrance fee will not be charged.

Recommendation: In accordance with Clause 5 of the policy, a donation of 25% of the hire fee applies. **\$199.00**

Funky Moves Dance Studio requesting Council discount hire fees (\$4,550) by 50% during Term 3 due to the air conditioning not functioning and the amenity of the space is greatly reduced because of the weather. An entrance fee is to be charged.

Staff Comment: Council approved a 50% reduction in hire costs for Term 1 due to the extreme heat and humidity. This equated to a reduction in charges of approximately \$2,250. A similar request for Term 2 was not supported as weather conditions were different. While it is acknowledged that the air conditioning is not working and insufficient funds exist to replace it, a reduction in charges because of the weather, which has been relatively mild during this period, is not supported.

Recommendation: Not agree to Funk Moves Dance Studio's request to reduce hire fees for the use of the Dance Studio for Term 3. **\$0.00**

Spiritual Assembly of the Baha'is of Lismore requesting Council discount hire fees (\$129) for an annual dinner and multicultural dance night for the presentation of children's work for teachers, parent and children at the City Hall on 12 November 2010. An entrance fee will not be charged.

Recommendation: In accordance with Clause 5 of the policy, a donation of 25% of the hire fee applies. **\$32.25**

The Lismore Music Festival Society requesting Council waive all hire fees (\$13,174) associated with the annual Lismore Eisteddfod held at Lismore City Hall 6 – 24 September 2010. The festival provided some 4,000 participants aged from 4 to 70 plus years the opportunity to gain valuable performing arts experience.

Staff Comment: Council has waived all hire fees for this event for some considerable time. The request for 2010 is considered consistent with previous years requests.

Recommendation: In accordance with Clause 4 of the policy, a donation of 100% of the hire fee applies. **\$13,174.00**

In accordance with policy.

b) Council Contributions to Charitable Organisations

Waste Facility – Policy 5.6.1 (GL390.965.15)

Budget:\$11,000 Spent to date:\$3,701.35

Animal Right & Rescue \$14.55
 Caroonia Opportunity Shop \$4.91
 Multitask \$290.90
 Five Loaves \$147.27
 Friends of the Koala \$27.27
 1st Lismore Scout Group \$0.00
 Lismore Soup Kitchen \$14.55
 LifeLine \$162.06
 Saint Vincent De Paul \$0.00
 Westpac Life Saver Helicopter \$50.92

Total **\$712.43**

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

Budget:\$2,700 Spent to date:\$700.00

North Coast TAFE is seeking a donation for the Goori design student tour of Vietnam. **\$50.00**

Anthony James Probets of Goonellabah is seeking a donation for a TAFE Goori design student tour of Vietnam. **\$50.00**

d) Miscellaneous Donations

Lismore Community College are seeking a waiver of the onsite electricity costs for their picnic in the park event as part of Social Inclusion Week on Sunday, 21 November 2010 at Heritage Park (CI10/29465). **\$70.00**

Recommendation

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

Confidential Business



Confidential Matters–Closed Council Meeting

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

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

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

Clause 34 of Council Code of Meeting Practice

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

Recommendation

That the Council exclude members of the press and public from the meeting and move into Closed Council Meeting to consider the following matters:

Item **17.1 Property Acquisition**

Grounds for Closure Section 10A(2) (c):

Public Interest Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Item **17.2 Section 339 Report - Senior Staff**

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

Public Interest Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: personnel matters concerning particular individuals (other than councillors).

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBERS, 43 OLIVER AVENUE GOONELLABAH ON TUESDAY, 12 OCTOBER 2010 AT 6.00PM.

Present

Mayor, Councillor Dowell; Councillors Houston, Clough, Chant, Graham, Yarnall, Marks and Smith, together with the General Manager, Acting Executive Director-Sustainable Development, Executive Director-Infrastructure Services, Manager-Finance, Manager-Arts, Tourism and Leisure, Coordinator Strategic Planning, Development Assessment Planning Officer, Acting Communications Coordinator, Corporate Compliance Coordinator and General Manager's Personal Assistant.

Apologies/Leave of Absence

An apology for non-attendance on behalf of Councillors Battista and Meineke were received and accepted and a leave of absence granted by Council at its meeting on 14 September 2010.

207/10 **RESOLVED** that an apology be received by Councillor Ekins and a leave of absence granted. A leave of absence was also granted for:

Councillor Chant from 17 to 23 October 2010; and
Councillor Clough from 22 to 28 October 2010.

(Councillors Graham/Marks)

Confirmation of Minutes

208/10 **RESOLVED** that the minutes of the Lismore City Council held on 14 September 2010 be confirmed.

(Councillors Marks/Chant)

Disclosure of Interest

Councillor Dowell declared a non-significant conflict of interest in the following item:

Report – DA2009/10 – Proposed Extractive Industry at 107 Mollys Grass Road, Tregeagle

Nature of Interest: I have links with two objectors. I am an ordinary member of Friends of the Koala and Dr Rob Simon is my surgeon however, I do not regard either as a significant conflict and I will participate in the vote on this matter.

Councillor Dowell declared a non-significant conflict of interest in the following item:

Report – Sale of 202 and 214A Oliver Avenue, Goonellabah to Lismore and District Workers Club

Nature of Interest: I am an ordinary member of the Lismore and District Workers Club. I do not regard it as a significant conflict of interest and will participate in the vote.

Councillor Dowell declared a non-significant conflict of interest in the following item:

Report – Tender for the Management of Lismore City Hall

Nature of Interest: While a Director of NORPA made a reportable donation to my election campaign, neither he nor I received any pecuniary benefit from his Directorship. Neither do I accept any complementary tickets to NORPA shows. Advice indicates that I do not have a conflict of interest in this matter, but there may be a perception that I do, hence I will leave the Chamber and not participate in the vote.

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

Report – Tender for the Management of Lismore City Hall

Nature of Interest: My daughter is employed by NORPA.

Councillor Chant declared a non-significant conflict of interest in the following item:

Report – Confidential Business – Champion’s Quarry Land and Environment Court Appeal

Nature of Interest: I have known Mr Champion and his wife for many years and have dined with Mr Champion on many occasions. I do not believe that I have a significant conflict of interest but will absent myself from the Chamber on anything to do with his quarry and not participate in the vote.

Councillor Yarnall declared a non-significant conflict of interest in the following item:

Report – Tender for the Management of Lismore City Hall

I received two free tickets to NORPA productions.

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:

Gail Griffani – Report – DA2009/10 – Proposed Extractive Industry at 107 Mollys Grass Road, Tregeagle

Ms Griffani spoke in support of the application. She stressed the small size of the quarry and claimed it would have minimal impact upon the surrounding properties. Ms Griffani raised concerns at how Council would determine the impact of the quarry on the road, detailing other rural uses of the road.

Will Palmer and Marty Richards - Report – DA2009/10 – Proposed Extractive

Industry at 107 Mollys Grass Road, Tregagle

Mr Palmer urged refusal of the quarry on such grounds as buffer violations, loss of amenity and traffic issues. Mr Richards claimed a number of faults in the assessment of the application with particular concern around issues of noise and amenity.

Amanda Morris – Report – Draft Local Environmental Plan (LEP)

Ms Morris spoke on the issue of the proposed South Lismore Industrial Estate. Ms Morris stated that the public needed to examine issues associated with fill and flooding. That this would be assisted by an independent assessment.

Mayoral Minutes

8.1 Position of General Manager

209/10

RESOLVED that Council:

1. Acknowledges receipt of the General Manager's letter of 30 September 2010 (attached) in which he advises the Mayor that he will not seek a renewal of his contract that expires on 30 June 2011.
2. Delegate to the Mayor, responsibility for preparing a report for the November Ordinary meeting on options for recruitment of a new General Manager.

(Councillors Dowell/Graham) (BP10/549)

8.2 Telstra Call Centre Closure

210/10

RESOLVED that Council:

1. Write to David Thodey, Telstra CEO, condemning the decision to close the Grafton Call Centre and seeking assurance that the Lismore Call Centre will be maintained.
2. Request the General Manager to prepare a report reviewing our telecommunication accounts and available alternative providers.
3. Support a recommendation by Clarence Valley Council to the next meeting of NOROC encouraging NOROC members to review their telecommunication accounts.

(Councillors Dowell/Marks) (BP10/546)

Notice of Motions

10.1 Hollingworth Creek Bridge

211/10 **RESOLVED** that Council takes vigorous action to encourage the Roads and Traffic Authority to rectify the major traffic congestion caused by the Hollingworth Creek Bridge including:

1. Writing letters to State and Federal members as well as to the Minister and Shadow Minister for Transport.
2. Delegations by Council to the RTA Regional Manager, Grafton.
3. If necessary, delegations to NSW Minister for Transport, the RTA Head Office, and the Shadow Minister for Transport.

(Councillors Clough/Yarnall) (BP10/500)

10.2 Renaming the Lismore Airport

A MOTION WAS MOVED that Council investigate the option of renaming Lismore Airport: Lismore-Nimbin Airport.

On submission to the meeting the MOTION was DEFEATED.

Voting for: Councillors Clough, Dowell and Yarnall.

Voting against: Councillors Houston, Chant, Marks, Smith and Graham.

(Councillors Clough/Yarnall) (BP10/547)

Reports

12.1 DA2009/10 - Proposed Extractive Industry at 107 Mollys Grass Road, Tregeagle

212/10 **RESOLVED** that:

- A. Council as the consent authority, grant development consent on a deferred commencement basis to Development Application No. 2009/10 proposing a basalt quarry at 107 Mollys Grass Road, Tregeagle, subject to the following conditions.

The conditions of consent are set out as follows, and the reasons for imposition of the conditions are shown in brackets at the end of each category:

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

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

- a) **Prior to activation of this consent and the commencement of any extractive industry operations** an Extractive Industry Management Plan (EIMP) in accordance with the requirements of *Lismore Development Control Plan, Chapter 18 and Annexure 4* and this consent must be submitted to and be approved in writing by Council.

The EIMP must be prepared by a suitably qualified professional and properly address individually all of the matters detailed in the *Lismore Development Control Plan* and the conditions of this consent. The following matters are also to be included in the EIMP:

- Proposed methods of monitoring potential for landslip, including regular inspections by appropriately qualified persons and mitigation measures that may need to be considered.
- The recommendations of the Noise Impact Assessment dated 15 June, 2010 and the Addendum Internal Haulage Route Noise Impact Assessment dated 23 May, 2010. The EIMP must contain appropriate monitoring and auditing practices/procedures;
- Details of fuel storage must be provided with bunding to contain all potentially polluting materials. The bunded area must have a minimum holding capacity of 110% of the volume of the largest fuel storage container. Where flammable and combustible liquids are stored, compliance standards relating to flammable and combustible liquids as specified in AS 1940-1993 *The Storage and Handling of Flammable and Combustible Liquids* must be implemented. Details of location and measures to meet these requirements are to be provided.
- Details including dimensioned site plans and section plans of the proposed earth bund / cutting with an effective height of at least 3 metres on the southern side of the haul road near the residential dwelling at 109 Mollys Grass Road;
- Details of the earth bunds on the eastern side of the haul road from the lower level where the quarry pit is to the top of the hill to be maintained at an effective barrier height of 3.5 metres;

- Details of the travel routes to and from the site for all traffic associated with the operation of the quarry to access the site via routes that do not require a right turn movement at the intersection of Mollys Grass Road and Rous Road;
- Sealing of the internal access road past 109 Mollys Grass Road to ensure there is no impact on the property from dust;
- Management and practices to ensure that no dust leaves the site from any haulage vehicles associated with the development or to be a nuisance to any persons;
- Maintenance schedule of landscape plantings;
- Weed Management procedures;
- Monitoring requirements;
- Reporting and auditing requirements;
- Complaint management procedures including regular letter box drops and advice to properties within 400m of the quarry and in Molly's Grass Road advising of contact details for complaints, and maintaining a register of complaints received and actions taken in response.
- Details of the extractive industry rehabilitation plan prepared by a suitably qualified professional with demonstrated experience in quarry rehabilitation. The details must include time lines for outcomes and auditing and compliance/monitoring and maintenance procedures.
- Details of Soil Erosion and Sedimentation Control Plan of Management" (SESCPM) must be submitted. The plan must outline what measures are proposed, construction detail for proposed treatment and the action that will be taken to manage the operation of the development to minimise any erosion or sedimentation from the site including:
 - maximising the diversion of clean waters, and
 - minimising the extent and duration of site disturbance, and
 - including devices/practices to prevent sediment being carried from the site by vehicle and plant tracks and tyres
 - The plan must be consistent with the "Managing Urban Stormwater-Soils and Construction" (blue book) guidelines; based on the 90th percentile five day rainfall event as a design criterion. It must have a summary sheet and in such a manner to ensure that it is capable of being readily understood and implemented by the site managers and operators and nominated responsible person/s. Responsible person/s must be nominated to Council in writing together with contact details for the purposes of the SESCOPM.

The EIMP must incorporate the above and be written in plain English to ensure that it is capable of being readily understood and implemented by the site managers and operators and nominated responsible person/s. Induction procedures must be carried out for all appropriate personnel and this must be recognised in the plan. Responsible person/s must be nominated to Council in writing together with full 24 hour per day contact details for the purposes of the EIMP.

Reason: *To protect the environment and to comply with Lismore Development Control Plan and this Consent.*

- b) Prior to activation of this consent and the commencement of any extractive industry operations** a detailed Vegetation Management Plan shall be submitted to Council and approved in writing. The Vegetation Management Plan shall be in accordance with Council's Preliminary Flora and Fauna Assessment Guidelines. Vegetation Management Plan shall indicate;

- A scaled plan with GPS co-ordinates (should be ISG or AMG co-ordinates) identifying areas proposed to be cleared, rehabilitated, vegetation buffers and sensitive areas, e.g. watercourses.
- An assessment of vegetation types including native and weed species lists.
- Threatened flora species known to occur within a five kilometre radius of the site.
- Location of all trees identified for retention and removal in the development application plans.
- Method of marking the trees for retention and removal.
- Rehabilitation strategy including management zones, staging of works, weed control methods, plant spacings, timeframe of works, mulching, fencing, maintenance requirements and maintenance period.
- Rehabilitation planting species list - ensuring a range of different species from groundcover to trees that reflect the indigenous vegetation communities.
- Rehabilitation performance measures to the end of the maintenance period, e.g. planting survival rates, presence of weeds, etc
- All site enhancement plants are to be purchased from nurseries in the Lismore area or confirmation provided that plants are to be propagated from local genetic stock.

The Vegetation Management Plan must be prepared by a suitably qualified person.

Reason: *To ensure that adequate provisions are made to restore and protect flora communities.*

- c) **Prior to activation of this consent and the commencement of any extractive industry operations** a detailed Weed Management Plan shall be incorporated within the vegetation management plan and submitted to Council and approved in writing. The Weed Management Plan shall be in accordance with Council's Preliminary Flora and Fauna Assessment Guidelines. The Weed Management Plan shall indicate:

- Weed species list.
- Scaled map/aerial photograph indicating the locations of the weed infestations.
- Detailed description of weed control methods.
- Timing for weed control activities to occur.
- Description and layout of any sensitive areas (e.g. watercourses) and spray buffers required.

The Weed Management Plan must be prepared by a suitably qualified person.

Reason: *To minimise the impact and spread of noxious weeds.*

- d) **Prior to activation of this consent and the commencement of any extractive industry operations** engineering drawings prepared by an appropriately qualified civil/structural engineer of the proposed internal haulage roads shall be provided to Council for written approval.

The engineering drawings shall indicate:

- i) the alignment, drainage and construction details for the internal haulage roads to be constructed;

- ii) proposed measures to ensure the stability of internal haulage roads;
- ii) proposed improvements to existing haulage roads to accord with the conditions of this consent; and
- iii) certification that the existing bridge crossing is structurally adequate to accommodate the proposed loads and is safe and fit for its intended purpose, or details of any minor improvements required to upgrade the bridge crossing.

Note: Replacement of the bridge will require a new development application.

In accordance with the provisions of Clause 95(3) of the Environmental Planning and Assessment Regulation 2000, the Council sets the period of time in which the applicant must satisfy Deferred Commencement Conditions as 24 months effective from the determination date endorsed on this consent.

OPERATIVE CONDITIONS

STANDARD

1 In granting this development consent, Council requires:

- the development,
- all roads/civil works,
- lot boundaries, and
- areas subject to any amendment or modification called for in the following conditions be substantially in accordance with the stamped approved plan(s) No.
 - Drawing No 03030EIS.dgn Sheets 1 to 15 of 15 dated 12/12/08
 - Job Title: Sight Distances Rous Road & Mollys Grass Road Intersection Drawing No. 1 to 9 of 9 dated 26/6/09 & 6/7/09
 - Appendix E – Site Map and Appendix F – Internal Haulage Route – Noise Control Measures of Ambience Audio Services 2010 Noise Impact Assessment for Proposed Extractive Industry – Lot 2 107 Mollys Grass Road Tregeagle dated 15/06/10
 - Figure 3.1 Extent of Arrow-Head Vine associated with the study area dated June 2009 and 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)*

PLANNING

2 The annual rate of extraction and/or removal of material from the site shall not exceed 2,500 cubic metres of material per annum.

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

3 This consent will expire upon the extraction of 17,500 cubic metres of material from the quarry or seven (7) years from the date of this consent, whichever occurs first.

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

AMENITY

- 4 The hours of operation of the quarry shall be restricted to:

Monday to Friday 7:30am to 4:00pm

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

Materials shall only be transported along Mollys Grass Road between the following hours:

Monday to Friday 9:30am to 3:00pm

All noise generating activities must be managed in accordance with the details and recommendations contained within the *Noise Impact Assessment* dated 15 June, 2010 and the *Addendum Internal Haulage Route* dated 23 May, 2010.

Note: 'operations' includes all quarry and haulage activities.

Reason: *To preserve the environment and existing or likely future amenity of the neighbourhood and to confirm the hours of operation stated in the Noise Impact Assessment dated 15th June, 2010 and as amended by correspondence from Sergio Griffani dated 24 June, 2010. (EPA Act Sec 79C(b), and to ensure that potential for traffic conflict on Molly's Grass Road is minimised)*

- 5 The proposed extractive industry including all haulage activities shall not result in the emission of offensive noise as defined in the *Protection of the Environment (Operations) Act, 1997*.

In the event that operations are identified to exceed the relevant noise criteria, all quarrying activities on the site are to cease until Lismore City Council is satisfied (in writing) that quarrying operations can recommence, which may be subject to operational requirements.

Reason: *To ensure compliance with the requirements of the Protection of the Environment (Operations) Act 1997*

- 6 The noise generated by the operating development when assessed in accordance with the *NSW Industrial Noise Policy* must not exceed the assigned project specific noise levels (PSNL) as detailed in the *Noise Impact Assessment* dated 15 June, 2010 and based on the intrusive criteria as this reflects the most stringent noise level requirement. The PSNL is:

Daytime 7.30am to 4.00pm (approved operating hours) - 36dB(A) with an increase of 4.3dB(A) in the vicinity of 109 Mollys Grass Road for truck haulage activities only.

The development must not operate outside the approved operating hours.

No audible security alarm devices are permitted to be used on the development. Broadband reversing alarms must be used on all plant, vehicles and equipment where alarm devices are required to meet relevant legal requirements. These alarm devices must operate to ensure that the assigned PSNL is not exceeded.

Blasting, drilling, rock hammering, cutting, sawing and major excavation work is prohibited.

The recommendations contained in the Noise Impact Assessment dated 15 June, 2010 and the Addendum Internal Haulage Route Noise Impact Assessment dated 23 May, 2010 must be implemented/addressed prior to the commencement of operations.

Appropriate noise management practices must be put in place to ensure that the requirements of this consent and the PSNL are complied with at all times. The noise management practices must be regularly reviewed and reflect contemporary best practice.

The noise generated from the development (and including all activities, machinery, plant, and equipment) must not exceed the PSNL measured at any receiver.

Reason: *To confirm the PSNL for the development and to ensure that noise generated by the development complies with the PSNL and this consent.*

- 7 Within 120 days of the commencement of the operational development and at any other time when directed by Council to do so, the noise generated by the fully operational development must be assessed by a suitably qualified noise assessment professional, and a document must be provided to Lismore City Council certifying compliance with the Project Specific Noise Level (PSNL) and all noise management recommendations.

Reason: *To ensure that noise generated by the development complies with the PSNL and this consent.*

- 8 All noise generated by all construction civil work activities carried out prior to the commencement of quarry operations must be managed in accordance with the *Interim Construction Noise Guideline*, DECC July, 2009. Site managers and all persons who carry out any civil works construction activities on and about the development site must be made properly aware of their responsibilities and to ensure the objectives of the guideline are complied with.

Reason: *To minimise the impact of construction noise on the neighbourhood.*

- 9 The extractive industry operations are limited in scale to that described within the approved development. The extractive industry must have a maximum extraction rate of 2500m³ per calendar year with a maximum of 300 nominal 8 tonne haulage loads per year. A maximum of five (5) return haulage loads are permitted in any one day, with a maximum of 15 return haulage loads in any one week and 50 return haulage loads in any 4 week period. Records must be kept of all extraction and haulage activities to audit compliance with this condition. Details of record keeping and auditing procedures to comply with this condition must be included in the Extractive Industry Management Plan.

Reason: To clearly state the scale and intensity of the approved operational activity of the extractive industry.

- 10 **Prior to the commencement of any extractive industry operations** a certificate prepared by a suitably qualified professional, must be submitted to and be approved by Lismore City Council. The certificate must confirm that the noise attenuation earth bunds have been constructed and are in operation and comply with the recommendations contained in the *Noise Impact Assessment* dated 15 June, 2010.

Reason: To ensure that noise attenuation works comply with the recommendations of the *Noise Impact Assessment*.

REHABILITATION

- 11 The extractive industry must be progressively rehabilitated in compliance with the approved measures in the approved EIMP.

Reason: To ensure appropriate rehabilitation of the quarry and required by Lismore Development Control Plan.

ENVIRONMENTAL

- 12 Clean-up equipment, including suitable absorbent material, must be stored on site to effectively deal with oil, fuel and/or chemical spills.

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

- 13 Approved fuel storage areas must be provided and maintained with effective bunding to contain all potentially polluting materials. The bunded area must have a minimum holding capacity of 110% of the volume of the largest fuel storage container. Where flammable and combustible liquids are stored, compliance standards relating to flammable and combustible liquids as specified in AS 1940-1993 *The Storage and Handling of Flammable and Combustible Liquids* must be implemented.

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

- 14 No dust is permitted to leave the site from any haulage vehicles associated with the development or to be a nuisance to any persons. Appropriate management and practices must be complied with at all times to comply with this condition in accordance with provisions in the approved Extractive Industry Management Plan.

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

EXTRACTIVE INDUSTRY MANAGEMENT PLAN

- 15 The details approved Extractive Industry Management Plan are to be complied with at all times.

In the event of any non-compliance with the EIMP being identified, the matter is to be brought to the attention of Council in writing, detailing a proposed course of action to address the relevant issue(s) and prevent recurrence.

Reason: To protect the environment and to comply with Lismore Development Control Plan and this Consent.

ROADWORKS

16 **Prior to the commencement of any extraction** 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 completion of the work. Required roadworks include:

- The design and construction of the intersection of Rous Road and Mollys Grass Road shall be in general agreement with RTA "Road Design Guide" paragraph 4-5.2.1.
- The intersection is to be signed in accordance with NSW "Manual of Uniform Traffic Control Devices" (AS1742-2009). A "Left turn only" sign with supplementary plant "Vehicles over 4.5 tonne" to be erected on Mollys Grass Road. A "No right turn" sign with a supplementary "Vehicle under 4.5 tonne Excepted" be erected facing west on Rous Road for the east bound traffic.
- Mollys Grass Road at chainage 650 to be widened to a 6 metre sealed width with 1 metre wide full depth gravel shoulders for a length of 300m starting at ch 500 and finishing at ch 800. The widened pavement shall be line marked with a double line. The crest shall be signed on both approaches with a crest sign as detailed in the "Manual of Uniform Traffic Control Devices" (AS 1742-2009).
- All of the above works shall be undertaken entirely within the road reserve, and shall not encroach in any manner upon adjoining lands.

Notes:

1. "Commencement of extraction" excludes construction activity for site preparation prior to extraction occurring.
2. The above requirements are likely to result in changes to the preliminary intersection plan details provided in support of the development application. Prior to preparing detailed engineering plans, it is strongly recommended that advice be sought at an early stage from Council Development Engineering staff on the above requirements for inclusion in the intersection design. Such changes would need to address the proposed length of the merge lane.

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.*

17 **Prior to the commencement of any extraction** the proponent shall provide "Truck Entering" warning signage, W5-22 signs, shall be erected at suitable locations, approximately 200 metres either side of the intersection of Mollys Grass Road and Rous Road. Signs shall be displayed during hours of haulage operations only.

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

- 18 **Prior to the commencement of any extraction**, the applicant shall obtain a certificate of completion for the road works (as required under this consent) 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.*

- 19 The person acting upon this consent shall bear the cost of all restoration works to Council's property and road infrastructure damaged during the course of this development. The person acting upon this consent shall advise Council, in writing or by photographic record, of any existing damage to Council property or road infrastructure, which must be prepared by a suitably qualified person and submitted to Council prior to the commencement of the development.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

Reason: *To ensure the protection of existing built public infrastructure and making good any damage caused to Molly's Grass Road as a consequence of transporting equipment and material (EPA Act Sec 80A(6) in relation to the extractive industry.*

- 19A **Prior to the commencement of any site preparation or construction activity occurring** the proponent shall lodge an unconditional bank guarantee to the value of \$20,000 with Council as a bond for making good any damage caused to Mollys Grass Road as a result of quarry activities.

Council will consider release of the bank guarantee upon receipt of written advice that quarry activities have ceased, and it is demonstrated that relevant conditions of consent have been complied with. Council will refer to the dilapidation survey required by condition 19 in assessing and determining whether to release the guarantee, the terms of which shall be the subject of a formal written agreement with Council for record keeping purposes.

Reason: *To ensure the protection of existing built public infrastructure and making good any damage caused to Molly's Grass Road as a consequence of transporting equipment and material (EPA Act Sec 80A(6) in relation to the extractive industry.*

- 20 **Prior to the commencement of any works in the road reserve required by conditions of this consent**, the applicant shall obtain approval under section 138 of the Roads Act for all works upon the public road. For this approval full design plans of the proposed engineering works required upon the public road shall be submitted to and approved by Council. Plans shall include details of works required to satisfy condition(s) 17 and 18. Such plans shall be accompanied with the fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges.

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

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

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

CARPARKING

- 22 The development shall provide adequate on site parking for all vehicles, plant and equipment associated with the development.

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

- 23 All loading and unloading shall take place within the property boundaries, as will the parking of all vehicles associated with the development.

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

VEHICLE ACCESS

- 24 **Prior to commencement of any extraction** the existing vehicular access shall be upgraded to be in accordance with the RTA's "Typical Rural Property Access Standard" for heavy vehicles and be finished with a bitumen sealed surface for the first 50 metres from the edge of the existing sealed road. All works to be in accordance with Council's Design and Construction Specification for Vehicular Access.

Reason: To ensure adequate access to and from the development and minimise the impacts of noise to adjoining premises. (EPA Act Sec 79C(c))

- 25 The travel routes to and from the site for all traffic associated with the operation of the quarry shall access the site via routes that do not require a right turn movement at the intersection of Mollys Grass Road and Rous Road.

This requirement shall be reflected within the Extractive Industry Plan of Management, as required by Deferred Commencement Condition No. (a), and all drivers shall be notified of this requirement as part of the operational management of the quarry.

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

- 26 Unsealed trafficable areas including haul roads, and exposed surfaces and access pads must be maintained at all times in a condition which will minimise the emission of wind-blown or traffic generated dust that has the potential to impact upon adjoining or nearby properties.

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

- 27 Vehicles using any off-street loading/unloading and/or parking area must enter and leave in a forward direction. All driveways and turning areas shall be kept clear of obstructions that would prevent compliance with this condition.

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

- 28 Float shifts for excavator transport shall be limited to six (6) per year and must be provided with an traffic escort and appropriate signage if an "Over-Size Vehicle" is used on each road trip.

Reason: *To ensure the safety of all users of the road network (EPA Act Sec 79C)*

WATER QUALITY

- 28 Erosion and Sediment control measures shall be put into place and be properly maintained at all times to prevent soil erosion and the transport of sediment from the site into natural or constructed drainage lines or watercourses, in accordance with the approved EIMP or as otherwise directed or approved by Council. Measures must:

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

All disturbed areas shall be stabilised and revegetated. Turfing or another approved seeding method shall be undertaken in each part of the development within 14 days of completion of earthworks. Topsoil shall be preserved for site revegetation. All control measures must be regularly inspected and be maintained to ensure they operate to the design requirements and to meet all relevant environment protection standards. Weather patterns must be monitored and be coordinated in with the inspection and maintenance procedures. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion.

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

- 30 Design, construction and management of the sedimentation basins are to be strictly in accordance with the "Managing Urban Stormwater: Soils, and construction (Landcom, 2004)" guidelines; based on the 90th percentile five day rainfall event as a design criterion (i.e. 60mm).

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

ABORIGINAL CULTURAL HERITAGE

- 31 In the event that suspected cultural heritage is found, the Proponent shall inform the Ngulingah Local Aboriginal Land Council (LALC) as soon as practicable of the suspected cultural heritage matter. A buffer zone surrounding the outer extent of the find should be flagged and all activities should cease within this buffer zone until such time as clearance to continue quarrying activities within the buffer is provided in writing by the Ngulingah LALC. Additionally, the Proponent is bound by *National Parks and Wildlife Act, 1974* to inform DECCW forthwith of any cultural heritage objects found at the project area.

Reason: *To ensure the management of Aboriginal cultural heritage and compliance with the requirements of the National Parks and Wildlife Act, 1974.*

REPORTING

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

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

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

VEGETATION MANAGEMENT PLAN

- 35 The approved Vegetation Management Plan shall be complied with at all times.

Reason: *To ensure integrity of the site's endemic vegetation community.*

RETENTION OF TREES & VEGETATION

- 36 No existing trees or vegetation (other than confirmed weed species) is to be removed or pruned from the site during construction works, with the exception of those restricted to the small area comprising vegetation at an early stage of regrowth in the form of a small group of primarily semi-mature early colonizing rainforest species and several exotic trees. Removal or pruning of any additional trees or vegetation would require prior written Council approval.

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

- 37 Tree Protection Zones shall be adequately marked before, during and after site earthworks. Tree Protection Zone fencing bottom strand shall be no closer than 30 cm to the ground at any point.

Reason: *To ensure preservation of existing trees on site and allow koala tree usage.*

- 38 Prior to commencement of any other works upon the site an adequate Tree Protection Zone shall be provided around all retained trees. This Tree Protection Zone shall generally be provided by preserving an area around the tree extending one metre beyond the drip-line. No machinery works, earthworks or materials storage shall occur in Tree Protection Zones.

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

- 39 Vegetation surrounding the development site is to be left undisturbed. Boundaries should be clearly marked in the field prior to the commencement of any clearing operations. This information must be conveyed to machinery operators prior to commencement of works.

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

WEED MANAGEMENT PLANS

- 40 The applicant shall remove all listed noxious weeds from the areas identified in the Flora and Fauna Assessments for the Tregagle Quarry Stage 2 Report dated June 2009.

The removal is to be undertaken in accordance with *Noxious Weeds Act, 1993*.

The weed removal works are to be completed in accordance with the approved Weed Management Plan.

Reason: *To minimise the impact and spread of noxious weeds.*

Section 375A Voting Record

Voting for: Councillors Houston, Chant, Dowell, Graham, Marks and Smith.

Voting against: Councillors Clough and Yarnall.

(Councillors Graham/Marks) (BP10/416)

12.2 Draft Local Environmental Plan (LEP)

213/10 **RESOLVED** that Council:

1. Resolve that pursuant to section 57 (5) of the *Environmental Planning & Assessment Act 1979* not to hold public hearings into the issues raised in the subject submissions by the South Lismore Action Partnership, A. Davies and Mr Jeff Champion to the draft Lismore Local Environmental Plan (LEP) 2010 for the following reasons:
 - (a) Council does not consider that the issues raised in the subject submission are of such significance to warrant a public hearing.
 - (b) That Council is holding submitter workshops that will allow the subject submitters to present their issues to Council.
2. Note the indicative process and steps as outlined in the report in respect of Council considering submissions to the draft LEP.

Section 375A Voting Record

Voting for: Councillors Dowell, Houston, Clough, Chant, Marks, Smith, Graham, Yarnall.

Voting against: Nil.

(Councillors Smith/Clough) (BP10/535)

12.3 DA2010/316 - Nimbin Skate Park

214/10 **RESOLVED** that:

A. Council as the consent authority, grant development consent to Development Application No. 2010/316 proposing a skate park (outdoor recreation area) at 9 Sibley Street, Nimbin ('Peace Park'), subject to the following conditions.

STANDARD

1 In granting this development consent, Council requires:

- All proposed structures 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 structures or land be in accordance with any amendment or modification outlined in these conditions

and be substantially in accordance with the stamped approved plan(s) No. Project No 10010 Dwg No S01 dated 14.04.10 and/or supporting documents submitted with the application. A copy/copies of the approved plan is/are attached to this consent.

No approval is granted or implied for the removal of the existing steel skate facility at Peace Park under this consent.

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

PLAN OF MANAGEMENT

2 **Prior to commencement of use of the Skate Park** the Peace Park Management Plan is to be prepared and submitted to Council for approval by the Executive Director – Sustainable Development to address the following matters:

(a) Management Model

- Participation of young people
- Working with the local community
- Code of conduct
- Supervision
- Identify roles and responsibilities
- Education and information strategies.

(b) Safety & Risk Management

- Safety policies and procedures including procedures to address antisocial behaviours and community complaints
- Inspections
- Documentation & Reporting
- Maintenance and cleaning schedule
- Graffiti Prevention and Removal Strategy
- Occupational Health & Safety
- Risk Management Plan
- Emergency Action Plan
- Development of a landscape management plan (maximum height of shrubs to 600mm and trees with lower limbs trimmed on a regular maintenance program)
- Vegetation within the site needs to be maintained to prevent concealment areas or predator traps.

(c) Signage

Signage at facilities is necessary to educate, to inform and regulate activity, to reduce possible dangers, and disclaim liability.

- Keep language on signs simple, and use picto-grams, to convey the message
- Signs should also be written in Bundjalung
- Use positive wording rather than simply prohibiting activities and making demands
- Develop codes of behaviour and display them
- Elevate signs to avoid damage
- Avoid using vinyl lettering on signs as they are more easily damaged/removed
- Include on signs an emergency phone number
- Signs designed with anti — graffiti measures (e.g. height, protective surface coatings and no vinyl lettering).

(d) First Aid

- First Aid Procedures.

(e) Programs

- Lessons, clinics and demonstrations
- Mainstream family activities: festivals, holiday programs, after-school programs
- Risk and Safety Management
- Duty of Care
- Skateboard/bike/inline competitions
- Guidelines and Procedures
- Event scheduling and management
- Consulting with local skate park users
- Marketing and programming initiatives.

(f) Review

- Management plan review every 2 years
- Ongoing program of evaluation and development

- Communication program about the facility
- Programs Results – measure changes in vandalism, anti social behaviour, community participation.

Note: The above matters shall be considered and addressed with appropriate regard to financial/budget constraints to ensure that community expectations are properly managed.

Reason: *To ensure proper management of skate facility and manage community expectations and social inclusion.*

BUILDING

3 The following building works are to be **inspected** by Council or by an Accredited Certifier. In the event that Council is the Principal Certifying Authority, you are required to notify Council at least 24 hours prior to the inspection.

- (a) **Commencement of building work.**
- (b) After the commencement of the excavation for, and before the placement of, the first footing
- (c) Stormwater drainage connections prior to covering.
- (d) **Occupation** - the building work is completed and prior to any Occupation Certificate being issued in relation to the building.

Reason: *To assess compliance with this approval.*

NOTE: Please note that rural areas and villages will only be serviced for building inspections on Tuesdays and Thursdays. Council seeks your co-operation in organising your works program to suit these times.

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

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

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

- (a) That unauthorised access to the construction 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.*

6 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.

- 7 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.

- 8 The excavated and filled areas are to be graded, drained and retained to the satisfaction of the Principal Certifying Authority.

Reason: To ensure stability of the site.

- 9 Structural Engineering details for reinforced concrete components are to be submitted to and approved by the principal certifying authority **prior to commencement of the work**. Details shall be signed and reference made to the Geotechnical Engineer's report prepared by Coffey Geotechnics Pty Limited dated 24 June 2010.

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

- 10 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) Access for people with disabilities in accordance with the relevant provisions of AS1428.1 is to be provided to the main entrance of the building.

Reason: To provide equality of access.

- 11 Noise attenuation barriers and shade sails detailed within the application shall be constructed in accordance with their manufacturer's specifications. Details of the barriers and shade sails shall be submitted to the Principal Certifying Authority prior to commencement of work on the same.

Reason: To ensure compliance with the terms of this approval to an appropriate standard.

NOISE MANAGEMENT

- 12 The mitigation measures detailed in the acoustic report prepared by Renzo Tonin & associates (NSW) Pty Ltd Ref: TE999-01F02 (rev 1), must be fully implemented **prior to the issue of a final occupation certificate** and complied with at all times.

This includes the installation of a noise wall extending along the northern, western and southern perimeters of the skate park at a height to ensure line of site is cut to nearby identified receptors.

Reason: *To preserve the environment and meet the requirements of the approved acoustic report.*

- 13 The hours of operation for the proposed development shall be limited to the following time restrictions:

Monday to Sunday - 8.00am to 8.00pm

The applicant shall erect signage (Public Notice) of a suitable scale, location and nature that clearly identifies to users of the recreational facility the following times periods within which the facility can be used. The applicant is to ensure that signage identifies that use of the facility outside of these hours is prohibited and the maximum penalty notice that may be imposed under the provisions of the Local Government Act 1993.

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

- 14 The hours of work for any noise generating activity relating to the construction of the proposed development are to be limited to the following time restrictions:

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

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

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

- 15 Noise monitoring of the event must be undertaken by a suitably qualified acoustic consultant and subsequent submission of reporting to Council within ninety (90) days from the date of completion of development. The report shall detail the level of compliance, and any necessary measures taken to ensure that all noise control conditions and requirements have been met.

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

STORMWATER DRAINAGE

- 16 **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. The detailed design of stormwater drainage systems shall ensure the discharge of stormwater from the site shall be limited to the pre-development flow (rural flow) for an ARI of 10 years and a time of concentration of 6

minutes. On-site retention of stormwater shall be encouraged to achieve this requirement. 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))*

- 17 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*

- 18 **Prior to the release of the Construction Certificate** full design details of the stormwater management system for the development shall be submitted to Council for approval under Section 68 of the Local Government Act. Stormwater control and treatment measures shall be installed to ensure stormwater discharges satisfy the qualitative and quantitative objectives of Council's Stormwater Management Plan.

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

- 19 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.

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

BICYCLE PARKING FACILITIES

- 20 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))*

- 21 The proposed access pathway shall be designed and constructed to a minimum width of 2.5 m.

Reason: *To provide a pathway network that caters for pedestrian and cyclist access*

- B. Council write to the Nimbin Community Centre Incorporated and advise of the determination of Development Application No. 2010/316 and outline the options available to the Nimbin Community Centre Incorporated to remove the existing steel skate facility within Peace Park, including approval requirements, removal/demolition management issues and implications of relocating the structure to an alternative site or location, and request written advice on their intentions in dealing with the removal, including proposed timeframes, with the aim to complete removal prior to the use of the new skate facility.

Section 375A Voting Record

Voting for: Councillors Dowell, Houston, Clough, Chant, Marks, Smith, Graham, Yarnall.

Voting against: Nil.

(Councillors Clough/Yarnall) (BP10/542)

At this juncture Councillors Dowell and Clough left the meeting.

Election of Chairperson

With the absence of the Mayor and Deputy Mayor the General Manager advised the meeting of the need to elect a Chairperson. One nomination was received from Councillor Marks. The General Manager declared Councillor Marks elected as Chairperson.

12.4 Tender for the Management of Lismore City Hall

215/10

RESOLVED that:

1. The revised tender from NORPA for \$210,000 in 2010/2011; \$216,300 in 2011/2012; \$222,789 in 2012/2013; \$229,473 in 2013/2014; and \$236,357 in 2014/2015 is accepted for Contract T10/34 for the Management of City Hall.
2. The General Manager is authorised to finalise a Formal Instrument of Agreement with NORPA and any other documents deemed necessary to complete this resolution.
3. The necessary documentation is executed under seal of Council.

(Councillors Graham/Houston) (BP10/494)

12.5 Sale of Land for Unpaid Rates

216/10

RESOLVED that:

1. In accordance with Section 713 of the Local Government Act 1993, Council sells the properties covered by assessment numbers 471, 754, 1632, 1789, 3344, 3621, 5193, 6365, 7782, 10750, 11723, 13229, 14623, 15156, 15499 and 18773.
2. The General Manager certify in accordance with Section 713 (3) of the Local Government Act, 1993, that the properties covered by Council assessment numbers 471, 754, 1632, 1789, 3344, 3621, 5193, 6365, 7782, 10750, 11723, 13229, 14623, 15156, 15499 and 18773 have five or more year's outstanding rates.
3. The General Manager, by delegated authority, determine the date of the sale, subject to the provisions and timeframe set out in Section 715(1)(a) of the Local Government Act 1993.
4. The General Manager, by delegated authority, be authorised to accept an arrangement to pay the outstanding rates and charges and/or withdraw any assessment from the proposed sale at his discretion.
5. The General Manager be authorised to determine the place of the sale and appoint an auctioneer to carry out the sale.
6. The Mayor and General Manager be authorised to sign any documents required by and relating to the sale of land for unpaid rates including the contract of sale and transfer, and to be executed under the Common Seal of Council.

(Councillors Smith/Houston) (BP10/501)

12.6 Tender No. T2011-06 - Lease of Tea Tree and Agricultural Land

217/10

RESOLVED that:

1. Council accept the tender of \$20,000.00 (plus GST) per annum from John Seccombe for the lease of the tea tree farm.
2. Council accept the tender of \$33,045.00 (plus GST) per annum from Gaudrons Vegetation Management for lease of the agricultural land as detailed in their submission.

(Councillors Graham/Smith) (BP10/432)

12.7 Tender No. T2010-26 - Lease of Cafe at Lismore Regional Art Gallery

218/10 **RESOLVED** that:

1. The report be received and noted.
2. Council conduct a fresh tender process for the lease of the café at the Lismore Regional Art Gallery given that both respondents to Council's original tender process have withdrawn their tenders.

(Councillors Clough/Marks) (BP10/503)

12.8 70 Lancaster Drive - Boundary Adjustment

219/10 **RESOLVED** that:

1. Council agree to sell approximately 315m² of land as shown on the plan attached to Councillors' business papers to the owner of 70 Lancaster Drive (lot 2 DP 1050674).
2. The purchase price for the land is to be \$11,402.44 (inc. GST).
3. The purchaser shall pay Council's reasonable legal and survey costs incurred in undertaking the sale.
4. The General Manager be authorised to finalise negotiations regarding the proposed sale, including the taking of legal advice on whether the existing contract for sale of a smaller parcel of land entered into on 6 May 2003 should be rescinded.
5. If upon receipt of legal advice, finalisation of the matter requires Council to rescind the contract entered into on 6 May 2003, then Council agree to rescind that contract.
6. Any documentation required to complete the sale be executed under seal of Council.

(Councillors Houston/Marks) (BP10/524)

12.9 Sale of 202 and 214A Oliver Avenue, Goonellabah to Lismore and District Workers Club

220/10 **RESOLVED** that :

1. In accordance with the terms of the lease, Council agree to subdivide and sell the property, being Lot 134, DP 859549 and Part Lot 135, DP 859549 (being lot 1 on the attached survey plan), to the Lismore & District Workers Club Inc.
2. A condition be included in the Contract for Sale that the Lismore & District Workers Club has no further option to purchase the balance of Lot 135, DP 859549.
3. The General Manager be authorised to finalise negotiations with the Club.

4. Documentation required to formalise the sale be executed under seal of Council.

(Councillors Chant/Marks) (BP10/527)

12.10 Lismore Swans AFL - Change to grant condition

221/10 **RESOLVED** that:

1. Council approve the deletion of one of the original Urban Sports and Facilities Fund (USFF) grant approval conditions for the erection of lighting at the Lismore Swans AFL Club namely that \$20,000 Federal or State Government matching funds be obtained.
2. Council confirm the altered funding approval namely for one light tower as outlined in the report for the subject Club with \$15,000 from the Urban Sports and Facilities Fund (USFF) fund and confirmed matching equal funding of \$15,000 from the AFL (Queensland).

(Councillors Marks/Smith) (BP10/405)

12.11 October 2010 Extraordinary Council Meeting

222/10 **RESOLVED** that the Extraordinary meeting scheduled for the 21 October be rescheduled to Tuesday, 26 October 2010 to consider the 2009/10 Financial Statements, 2009/10 Reserves, the tenders for the sale of the Koala Child Care Facility and the commencement of the Southern Trunk Main Construction.

(Councillors Yarnall/Houston) (BP10/544)

12.12 Disclosure of Pecuniary Interest Returns 2009/10

223/10 **RESOLVED** that the report be received and the tabled Pecuniary Interest Return be acknowledged.

(Councillors Yarnall/Graham) (BP10/545)

12.13 Investments - September 2010

224/10 **RESOLVED** that the report be received and noted.

(Councillors Yarnall/Marks) (BP10/543)

Committee Recommendations

13.1 Traffic Advisory Committee Minutes - 15 September 2010

225/10 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.

(Councillors Graham/Yarnall) (BP10/550)

Financial Assistance – Section 356

15.1 Financial Assistance – Section 356 Report

226/10 **RESOLVED** that in accordance with Section 356(1) of the Local Government Act 1993, the assistance to persons as listed above is hereby approved.

Mayor's Discretionary Fund (GL390.485.15)

Budget:\$2,700

Spent to date:\$600.00

The Lions Club of Ballina are seeking support for the 9th World Festival of Magic, Lismore Workers Club on 9 November 2010 (ED10/19182). **\$100**

(Councillors Graham/Yarnall) (BP10/551)

Confidential Matters – Closed Council Meeting

227/10 **RESOLVED** that Council now exclude the press and public and meet in Closed Council to consider the following matters:

Item 17.1 Champion's Quarry Land and Environment Court Appeal

Grounds for Closure Section 10A(2) (g):

Public Interest Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Item 17.2 Annual Performance Review 2009/10 - General Manager

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

Public Interest Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to personnel matters concerning particular individuals (other than councillors).

(Councillors Graham/Clough)

Resumption of Open Council

When the Council had resumed its former sitting, the General Manager reported that Council, meeting in Closed Council, had **RECOMMENDED**:

17.2 Annual Performance Review 2009/10 - General Manager

That Council:

1. Receives and notes the Annual Performance Review of the General Manager for the twelve months to September 2010.
2. Elects Councillors Graham in lieu of Councillor Marks to the Performance Review Panel for 2010/11, retaining the Mayor as a continuing panel member.
3. Delegates the Mayor to prepare a draft 2010/2011 Performance Agreement in consultation with Mark Anderson for referral to the new Performance Review Panel by 30 October 2010.
4. Records its satisfaction with the overall 'More than Satisfactory' rating of the General Manager's performance based on the Annual Performance Review.
5. Based on the review results endorses payment of an increase in remuneration of 3% in accordance with Clause 8.5 of the Standard Contract of Employment.

At this juncture during Closed Council Councillor Chant left the meeting.

17.1 Champion's Quarry Land and Environment Court Appeal

That:

1. Council notes the amended Statement of Facts and Contentions lodged with the Land & Environment Court in appeal proceedings 10/10069 relating to the proposed expansion of Champions Quarry, in response to the amended Environmental Impact Statement filed in the proceedings, as the basis for the continued defence of the appeal.
2. Council approve the forwarding of comments to the Department of Planning on the applicant's response to submissions arising from the public exhibition of the Part 3A application, with reference to the matters contained within the revised Statement of Facts and Contentions lodged with the Land & Environment Court on behalf of Council.
3. The financial implications of the Land & Environment Court Proceedings 10/10069 and 10/10191 be reported as part of the quarterly budget review for 2010/2011.

228/10

RESOLVED that the General Manager's report of Council meeting in Closed Council be received and adopted:

17.2 Annual Performance Review 2009/10 - General Manager

That Council:

1. Receives and notes the Annual Performance Review of the General Manager for the twelve months to September 2010.
2. Elects Councillors Graham in lieu of Councillor Marks to the Performance Review Panel for 2010/11, retaining the Mayor as a continuing panel member.
3. Delegates the Mayor to prepare a draft 2010/2011 Performance Agreement in consultation with Mark Anderson for referral to the new Performance Review Panel by 30 October 2010.
4. Records its satisfaction with the overall 'More than Satisfactory' rating of the General Manager's performance based on the Annual Performance Review.
5. Based on the review results endorses payment of an increase in remuneration of 3% in accordance with Clause 8.5 of the Standard Contract of Employment.

17.1 Champion's Quarry Land and Environment Court Appeal

That:

1. Council notes the amended Statement of Facts and Contentions lodged with the Land & Environment Court in appeal proceedings 10/10069 relating to the proposed expansion of Champions Quarry, in response to the amended Environmental Impact Statement filed in the proceedings, as the basis for the continued defence of the appeal.
2. Council approve the forwarding of comments to the Department of Planning on the applicant's response to submissions arising from the public exhibition of the Part 3A application, with reference to the matters contained within the revised Statement of Facts and Contentions lodged with the Land & Environment Court on behalf of Council.
3. The financial implications of the Land & Environment Court Proceedings 10/10069 and 10/10191 be reported as part of the quarterly budget review for 2010/2011.

(Councillors Smith/Graham)

Closure

This concluded the business and the meeting terminated at 8.35pm.

CONFIRMED this NINTH day of NOVMEBER 2010 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 COUNCIL CHAMBERS ON TUESDAY, 26 OCTOBER 2010 AT 6.00PM.**

Present

Mayor, Councillor Dowell; Councillors Battista, Chant, Ekins, Graham, Houston, Marks and Yarnall together with the General Manager, Executive Director-Sustainable Development, Executive Director-Infrastructure Services, Manager-Finance, Manager-Arts, Tourism and Leisure, Management Accountant and the Corporate Compliance Coordinator.

Apologies

229/10 **RESOLVED** that an apology be received by Councillor Smith and a leave of absence granted:

(Councillors Chant/Marks)

Voting for: Councillors Houston, Chant, Marks, Battista, Dowell, Graham, Yarnall and Ekins.

Voting against: Nil

An apology for non-attendance on behalf of Councillor Meineke was received and accepted and a leave of absence granted by Council at its meeting on 14 September 2010.

An apology for non-attendance on behalf of Councillor Clough was received and accepted and a leave of absence granted by Council at its meeting on 12 October 2010.

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:

Nerada Colley – Report - Sale of Koala Child Care Centre

Ms Colley advised she had children using the centre. She opposed the proposal to sell Koala Child Care Centre and suggested that Council consider selling Gingerbread House, using the funds to support improvements to Koala. She stressed the importance of community based child care facilities.

Kevin Franey – Report – 2009/10 Financial Reports

Mr Franey, Thomas Noble and Russell, Council's Auditors gave a detailed explanation of the long form audit report in respect to the 2009/10 Financial Report.

Reports

12.1 2009/10 Reserves (Internally Restricted Assets)

230/10 **RESOLVED** that Council:

1. Receive and note the reported reserve balance of \$24,298,800 for 30 June 2010 comprising \$15,505,706 held as cash reserves, \$2,147,794 as working capital and \$6,645,300 in internal loans, as detailed on the attachment.
2. Amend Policy 1.5.10 - Reserves (Internally Restricted Assets) as shown in the attachment.

(Councillors Houston/Yarnall) (BP10/574)

Voting for: Councillors Houston, Chant, Marks, Battista, Dowell, Graham, Yarnall and Ekins.

Voting against: Nil.

12.2 2009/10 Financial Reports

231/10 **RESOLVED** that Council:

1. In accordance with Section 413 (2) (c) of the Local Government Act 1993 and clause 215 of the Local Government (General) Regulation 2005, adopt the 2009/10 Financial Reports and form an opinion based on the attached 'Statement by Councillors and Management' for both the General Purpose Financial Reports and Special Purpose Financial Reports.
2. Delegate to the Mayor and Councillor Houston to sign the 'Statement by Councillors and Management' on behalf of Council.
3. Submit the 2009/10 Financial Reports to the NSW Division of Local Government and the Australian Bureau of Statistics.
4. Advertise the presentation of the 2009/10 Financial Reports to the public from 28 October 2010 and invite both inspection and submission.
5. Present the audited Financial Reports at the 9 November 2010 Council meeting.

(Councillors Chant/Battista) (BP10/557)

Voting for: Councillors Houston, Chant, Marks, Battista, Dowell, Graham, Yarnall and Ekins.

Voting against: Nil.

12.3 Sale of Koala Child Care Centre

232/10

RESOLVED that Council:

4. In accordance with Clause 178(1) (b) of the *Local Government (General) Regulation*, Council decline to accept any tenders for T2010-39 – sale of Koala Child Care Centre.
5. In accordance with Clause 178(3) (e) of the *Local Government (General) Regulation*, Council resolve to enter into negotiations with all respondents to the tender process and the General Manager report back to Council on the outcome of those negotiations prior to finalisation and signing of any contract for sale of the facility.
6. In accordance with Clause 178(4) (a) of the *Local Government (General) Regulation*, the reasons that Council will not call fresh tenders for the sale of the Koala Child Care facility are that:
 - a satisfactory response has been received to the initial tender process in terms of the number of responses and the capability of the providers to purchase the facility and deliver a child care service.
 - A satisfactory outcome can be achieved by negotiating with the respondents to the initial tender process.
 - Those matters sought to be addressed through negotiation are not of a nature that the content or requirements of the tender would alter,
 - Calling fresh tenders would unduly delay sale of the property beyond the end of the calendar year and potentially provide a disrupted start to the new calendar year for staff, the new owner and children attending the centre.
7. In accordance with Clause 178(4) (b) of the *Local Government (General) Regulation* the reasons that Council has chosen to negotiate with the identified parties is that all have demonstrated through their responses to the initial tender process that they are capable providers of child care services.
8. In anticipation of Council ceasing its operation of Koala Child Care Centre by January 2011, the General Manager report to Council on the viability of providing both long day and occasional care services at Gingerbread House at the earliest opportunity.

(Councillors Graham/Marks) (BP10/556)

Voting for: Councillors Houston, Marks, Dowell, Graham and Yarnall.

Voting against: Councillors Chant, Battista and Ekins.

12.4 Southern Trunk Wastewater Main - Contract for Construction of Access Road to New Sewage Pump Station No. 33

233/10

RESOLVED that:

1. In accordance with Section 55(3) of the *Local Government Act* Council resolve not to call open tenders for the construction of the proposed access road to Sewage Pump Station No. 33 as it would lead to an unsatisfactory outcome due to the extenuating circumstances as outlined below:
 - a) The time required to undertake an open tender process to procure these works will cause a delay to on ground construction commencement of the Southern Trunk Wastewater Main project.
 - b) If physical commencement is delayed until after 31 December 2010, it may jeopardise the loan agreement between Council and the NSW State Government for funding of this project and the possible loss of a benefit to Council estimated at approximately \$4 million.
 - c) Only a small portion of the work is to be procured at this time and the remainder of the project will be procured through an open tender process.
 - d) The value of the works to be procured may or may not exceed the \$150,000 threshold for which open tenders must be conducted.
2. Construction of the proposed access road to Sewage Pump Station No. 33 be procured by seeking quotations from three (3) prospective contractors and all other aspects of the procurement process for these works comply with Council's current procurement policy.
3. The General Manager be authorised to enter into a contract to construct the access road upon assessment of the quotations referred to above and identification of a preferred contractor.

(Councillors Graham/Houston) (BP10/564)

Voting for: Councillors Houston, Chant, Marks, Battista, Dowell, Graham and Yarnall.

Voting against: Councillor Ekins

Closure

This concluded the business and the meeting terminated at 7.21pm.

CONFIRMED this NINETH day of NOVEMBER 2010 at which meeting the signature herein was subscribed.

MAYOR