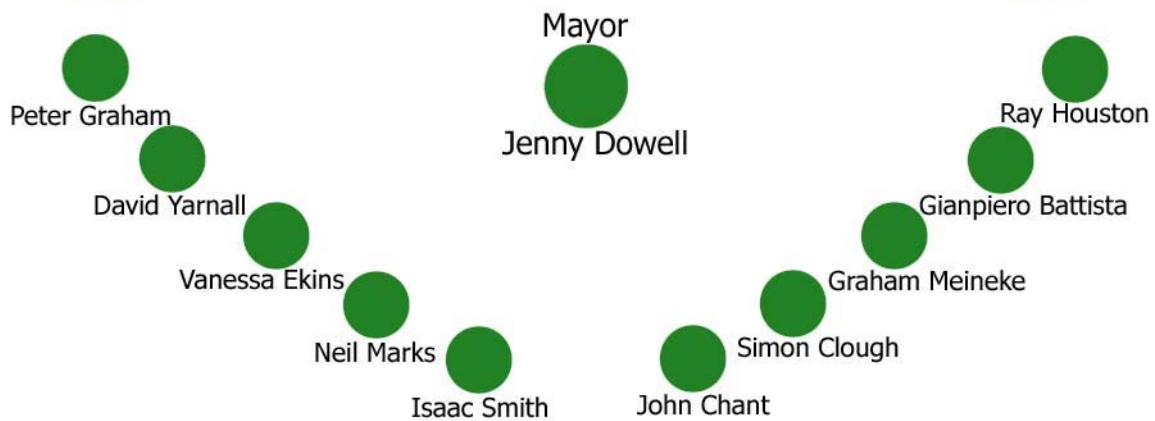


Notice of Council Meeting



Council

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, 43 Oliver Avenue, Goonellabah on Tuesday, 13 September 2011 at 6.00pm.

Members of Council are requested to attend.

Gary Murphy
General Manager

6 September 2011



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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 Roads to Recovery Program

TRIM Record No BP11/688:EF10/363

That Lismore City Council calls on the Federal Government to:

1. Recognise the successful delivery of the Roads to Recovery Program by local government since 2000;
2. Continue the Roads to Recovery Program on a permanent basis to assist local government meet its responsibilities of providing access for its communities;
3. Continue the Roads to Recovery Program with the current administrative arrangements; and
4. Provide an increased level of funding under a future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2 billion annually.

Background

The Australian Local Government Association (ALGA) wrote to all Mayors urging Councils to call on the Federal Government to increase and extend the Roads to Recovery Program (R2R) and address the estimated shortfall of investment in local roads.

In the past, Councils have been very successful in securing two extensions to R2R and an increase in funding to \$350 million in 2009. When R2R ends in 2014, more than \$4.5 billion in additional funding will have been provided for local roads.

A strong, united campaign has previously sent clear messages to the Federal Government about the needs of councils in meeting the expectations of our communities. The continuation of R2R is not a certainty in the current economic environment so it is important that all Councils support this campaign.

Research released at the 2010 National Local Roads and Transport Congress shows that the annual national shortfall in funding for local roads is about \$1.2 billion. In NSW the shortfall has been estimated by the Institute of Public Works Engineers of Australia at \$667 million per year.

This Mayoral Minute also calls for a continuation of the current, simple and effective administrative arrangements for R2R, which give councils the power to make decisions about the use of the funds without the need for a complicated bureaucratic approvals process avoiding unnecessary red tape.

Mayoral Minute

ALGA will be launching local government's Roads to Recovery campaign at the 2011 National Local Roads and Transport Congress to be held in Mount Gambier from 16-18 November. Lismore Council's advocacy on this issue at this time is vital.

TRIM Record No: BP11/688:EF10/363

ELECTION OF THE DEPUTY MAYOR

ELECTION OF THE DEPUTY MAYOR

1.1 TERM OF DEPUTY MAYOR

Section 231 (Local Government Act 1993)

- 1) *The Councillors may elect a person from among their number to be the Deputy Mayor.*
- 2) ***The person may be elected for the mayoral term or a shorter term.***
- 3) *The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.*
- 4) *The Councillors may elect a person from among their number to act as Deputy Mayor if the Deputy Mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no Deputy Mayor has been elected.*

From a practical viewpoint it is preferable that Council elect a Deputy Mayor. Council needs to determine the period of this appointment. It can be for the remaining term of this Council or for a lesser period.

Recommendation

That Council elect a Deputy Mayor and that the period of appointment for the Deputy Mayor be until September 2012.

1.2 METHOD OF ELECTION OF DEPUTY MAYOR

The method of election is to be found in Schedule 7 of the Local Government (General) Regulation 2005. Relevant extracts of this Schedule are detailed below:

Returning Officer

- 1) *The General Manager (or a person appointed by the General Manager) is the Returning Officer.*

Nomination

- 2) (1) *A Councillor may be nominated without notice for election as Mayor or Deputy Mayor.*
(2) ***The nomination is to be made in writing by 2 or more Councillors*** (one of whom may be the nominee). *The nomination is not valid unless the nominee has indicated consent to the nomination in writing.*
(3) *The nomination is to be delivered or sent to the returning officer.*
(4) *The returning officer is to announce the names of the nominees at the Council Meeting at which the election is to be held.*

ELECTION OF THE DEPUTY MAYOR

Election

- 3) (1) *If only one Councillor is nominated, that Councillor is elected.*
- (2) *If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.*
- (3) *The election is to be held at the Council meeting at which the Council resolves the method of voting.*
- (4) *In this clause:
"ballot" has its normal meaning of secret ballot;
"open voting" means voting by a show of hands or similar means.*

Previously this Council has determined that the election for Deputy Mayor would be by open voting.

Recommendation

That should there be more than one nomination, the method of election for Deputy Mayor be by open voting.

1.3 ELECTION OF DEPUTY MAYOR

1.3.1 POLICY NO. 1.2.10

Prior to any election, each candidate for the position of Deputy Mayor may give a short presentation outlining her/his reasons for standing, how s/he would operate as Deputy Mayor, what time commitment would be given and the skills s/he would have to offer. Each candidate may be asked questions from the floor about their candidacy.

1.3.2 PRESENTATION BY CANDIDATE/S

1.3.3 ELECTION PROCEDURE UNDER THE INSTRUCTIONS OF THE RETURNING OFFICER

Notice of Motions



Notice of Motion

Cr Vanessa Ekins has given notice of intention to move:

That due to high public demand, Council open the free Lismore lake pool during the heat of summer from November through February.

Staff Comment

Manager – Arts, Tourism and Leisure

The Lake Pool has a budget allocation to open in December and January. If this period is to be extended, additional funds will be required to continue to operate, maintain and clean the pool. This is primarily for staff time, as well as equipment maintenance, chemicals, electricity etc. An additional two months operation would require up to 100% of the existing operating budget (\$25,000) which covers two months, i.e. up to an additional \$25,000 may be required.

However, bringing forward the opening date for the facility may be difficult to achieve given the amount of work due to be undertaken prior to the scheduled December opening.

It is difficult to predict whether or not the equipment will hold up over four months. There were no major issues last year when it operated for two months. Any major failure will not be repaired.

Executive Director Sustainable Development

Another consideration is the fact that the Lismore Sport and Recreation Plan includes recommendations in respect of the Lismore Lake Pool. This Plan will be reported back to the 11 October 2011 Council meeting for finalisation after it has been on exhibition and has had the Executive Committee and Sport and Recreation Policy Advisory Group review and comment. In light of this it would be premature to make a decision about extending the season of the Lake Pool prior to considering the recommendations of and the comments on the Plan.

TRIM Record No: BP11/711:EF10/363

Reports



Report

Subject	Nimbin Rural Water Supply - Update
TRIM Record No	BP11/693:EF11/29
Prepared by	Executive Director - Infrastructure Services
Reason	Respond to a Council resolution.
Community Strategic Plan Link	Integrated Water Cycle Management

Overview of Report

This report provides an update on the Nimbin Rural Water Supply. Since last month's Council meeting further information has been received regarding the new *Public Health Act, 2010* and Regulations. Discussions have also been held with officers from the NSW Department of Health and NSW Office of Water. There has also been considerable public feedback provided to Council on the issue. A public meeting was held on 31 August 2011 with affected residents in Nimbin. Information regarding the existing system and possible upgrade options were presented and discussed at this meeting.

It is considered enhanced operating procedures will maintain a satisfactory water quality, allowing time to undertake a more strategic investigation into options to improve the water quality of the Nimbin Water Supply.

Background

Council considered a report on the Nimbin Rural Water Supply at its ordinary meeting of 9 August 2011. It resolved that Council defer the report until the September meeting to allow greater consultation with the affected residents.

Since the meeting the Draft Public Health Regulations 2011 have been released for public comment. Council staff have also met with officers from the NSW Office of Water and the Department of Health to discuss the new *Public Health Act* and to discuss the future management plan for the Nimbin Rural Water Supply.

Council staff now understand that the new regulations will not require Council to immediately conform to all aspects of the Australian Drinking Water Guidelines. However, there will be an expectation that all Water Authorities, including Council, are able to demonstrate that strategies have been implemented to enable Council to work towards conformance over a period of time.

In light of this new information, and as a result of community feedback requesting greater consultation, staff now consider that an enhancement of existing operational procedures will provide a satisfactory level of water quality to rural consumers while a longer term strategic investigation is undertaken. The enhancement to operating procedures will include additional water quality testing and improvements to communication protocols for consumers. This will ensure that if there are any problems in the future with regards to the water quality, the rural consumers can be informed quickly and corrective action can be implemented in a timely manner.

The above enhanced operating procedures will also provide Council with more time to undertake a longer term strategic investigation through the commencement of the Nimbin Water Supply Upgrade project as included in the 2010–2014 Delivery Plan. That project will examine options to improve water quality in Nimbin for both the rural and village consumers. The project will include a comprehensive community consultation plan and is likely to take several years to complete.

Sustainability Assessment

Sustainable Economic Growth and Development

The investigation is needed to manage the water quality for the consumers on the Nimbin Water Supply.

Social Inclusion and Participation

Extensive consultation will be required to ensure affected residents and/or property owners are provided with appropriate information and assistance on the options available.

Protect, Conserve and Enhance the Environment and Biodiversity

The investigation will be conducted using best practice for environmental management and any option will be developed to protect the environment.

Best-Practice Corporate Governance

Council has an obligation to ensure that the services it delivers to its community represent value for money and are the most economic available. This proposal is consistent with that obligation.

Comments

Finance

The 2011/12 Budget has \$330,000 included to commence survey, investigation and design (SID) works for the Nimbin Water Supply upgrade. Another \$3 million in total is proposed for works in 2012/13 and 2013/14 to undertake the recommendations from the SID. The SID includes the properties connected to the rural water supply which are the subject of this report.

Other staff comments

Not required

Public consultation

A public meeting was held at the Nimbin Bowling Club on 31 August 2011. All affected residents were invited to attend. Staff presented information about how the current system operates, the history of the system, current operational procedures, issue with the supply and various possible options for the upgrade of the system.

Conclusion

Given discussions with Health Department staff and the provision of additional information regarding the new *Public Health Act* and regulations, it is considered that enhancement of Council's operating procedures will provide a temporary solution to water quality concerns for the Nimbin rural consumers. This will allow time for a longer term strategic investigation into the options to improve the water quality of the Nimbin Water Supply through the implementation of the Nimbin Water Supply Upgrade project; a project that will involve extensive community consultation and is likely to take several years.

Attachment/s

There are no attachments for this report.

Recommendation

That:

1. Operational procedures be enhanced to ensure ongoing safety of the Nimbin Rural Water Supply.
2. Council immediately commence a strategic investigation into improving the quality of the Nimbin Water Supply through the implementation of the long term Nimbin Water Supply Upgrade project as included in the 2010–2014 Delivery Plan. This project will involve extensive community consultation.

Report

Subject	Draft Richmond Tweed Regional Library Agreement
TRIM Record No	BP11/710:EF09/74
Prepared by	Manager - Finance
Reason	To adopt the draft Richmond Tweed Regional Library Agreement with Lismore City Council as the 'Administering Council'
Community Strategic Plan Link	Best-Practice Corporate Governance

Overview of Report

Council resolved in February 2010 to support the adoption of an administrative council model as the business model for the Richmond Tweed Regional Library. It also resolved to offer its resources to be the administrative council under a new Regional Library Agreement.

Based on that decision, a draft Richmond Tweed Regional Library agreement has been prepared. A copy is attached to this Business Paper (ED11/29243)

Since Council's decision in February 2010, there has been an amendment to the NSW Library Act 1939 and a change in NSW State Government. These have raised the prospect of a county council business model option for the Richmond Tweed Regional Library.

Based on the AEC Group's final report (November 2009) on the 'Development of a business model for Richmond Tweed Regional Library Service', where an analysis between a county council, administrative council and shared services models were made, and business models used by other councils to successfully deliver regional library services in NSW, it is recommended that Council proceed with its commitment to an administrative council business model for the Richmond Tweed Regional Library services.

Background

Richmond Tweed Regional Library (RTRL) has been aware of the issues with the formation agreements and conflict with the requirements of the Local Government Act 1993 for more than 15 years. A comprehensive assessment of business model alternatives was undertaken in the late 1990's but unfortunately no changes made.

Based on legal advice received in 2008 that clearly indicated RTRL could not legally continue to operate with the current level of autonomy, a meeting was held with Ballina, Byron, Lismore and Tweed Council's (Mayors and General Managers invited) to discuss business model options and how to progress their development. It was agreed that consultants would be appointed to develop a business case for the following business models:-

- County Council.
- Administrative Council – Where one council delivers all functions of a library service to other councils at an agreed service level.
- Shared Services – Where one council delivers only specific elements of a library service to other councils such as staffing, and/or library reference material procurement, and/or mobile library services, etc.

ACE Group was appointed to undertake the consultancy and they presented their report to RTRL and Councils representatives (all Mayors except Byron Council's, all General Managers and staff attended) in November 2009. A copy of the report is attached to the Business Paper (ED11/29244).

The consensus of the joint meeting was that an administrative council model with service levels to be determined be pursued.

Based on the joint meeting outcome, the RTRL Committee resolved at its December 2009 meeting that:

- 1) That the RTRL Committee supports the adoption of the Administrative Council option as the preferred model at this time.
- 2) That the RTRL Committee request that General Managers develop a service level agreement of library services and the management of staff under one organisation.
- 3) The RTRL Committee acknowledge the merits of a County Council Model and commits to pursuing it as a long term option.

Following on from the RTRL Committee's resolution, Council considered a report on the development of the Richmond Tweed Regional Library business model at its February 2010 meeting and resolved:-

1. Supports the adoption of an administrative council model as the business model for the Richmond Tweed Regional Library Service.
2. Offer its resources to perform the role of Administrative Council under a new Regional Library Agreement.
3. Authorise the General Manager to develop in conjunction with the General Managers of the other member councils the service levels to be incorporated into an Agreement for the provision of Library Services under the administrative council model with the management of staff under one organisation.

Draft Richmond Tweed Regional Library Agreement

To facilitate the development of a regional library agreement, Lindsay Taylor Lawyers were engaged to prepare a draft using the State Library of NSW template for an administering council as a guide, and provide advice with the requested changes.

The initial draft and subsequent versions were considered by a working party of representatives from Ballina, Byron, Lismore and Tweed Council's that included Mayor's, Councillor's, General Manager's and staff. Not all Mayor's, Councillor's and General Manager's were able to attend these meetings. The working party met in August 2010, November 2010 and July 2011 and the draft Richmond Tweed Regional Library Agreement (Agreement) now being considered reflects significant input from those meetings. It is fair to say that it reflects a majority position and is not unanimous supported.

The key aspects of the Agreement are:-

- **Lismore City Council is the Administering Council.**
- **There are separate agreements between the Administering Council and each Participating Council.** Ballina, Byron and Tweed Council's are considered Participating Council's, but participation is a matter for each council to determine.
- **Clause 2 – Term.** The term of this agreement is 5 years from the commencement date.
- **Clause 3 – Delegation.** Each Participating Council must delegate to the Administering Council all functions in relation to the provision, control and management of libraries, library services and information services allowable under the Local Government Act 1993.

- **Clause 5 – Provision of RTRL Services.** The library service delivered must be in accordance with agreed service level agreement.
- **Clause 6 – Reporting on delivery of RTRL Services.** Requires audited financial statements to be prepared and performance reporting information to be provided to Participating Council's.
- **Clause 7 – Staffing.** All staff to be employed by the Administering Council.
- **Clause 8 – Assets.** Details asset category's and share of asset category ownership by each Participating Council. For land, building and mobile library assets, agreement from all Participating Council's is required to dispose of and not replace these assets.
- **Clause 12 – Participating Council's Premises.** Clarifies the Participating Councils responsibilities in regards to premises.
- **Clause 16 – The Library Committee.** Sets out the structure and operating guidelines of the Committee. The Committee is a committee of the Administering Council and performs advisory functions only.
- **Clause 17 – Functions of the Library Committee.** Describes the scope of matters the Committee may consider.
- **Clause 18 – Functions of the Regional Library Manager.** Describes the function of the Regional Library Manager.
- **Clause 19 – Adopted Budget.** The key steps to be followed by the Administering Council when preparing the annual budget.
- **Clause 20 – Termination on notice.** Either party may terminate the agreement after providing 12 months notice or shorter is agreed, and the conditions attached to the termination.
- **Clause 23 – Distribution of Net Assets on termination.** This clause sets out entitlements and conditions that would be applied to the distribution of net assets on the termination of the agreement.

At the last working party meeting in July 2011, it was agreed that the draft agreement be amended and circulated so individual council commitment to the delivery of a regional library services through a regional library agreement could be formally considered. The considerations so far are:-

- Tweed Council considered the draft Regional Library Agreement at its 16 August 2011 meeting and resolved to agree in principle with the draft Richmond Tweed Regional Library Agreement, endorses the Administrative Council Model and requests an asset register to be attached to the final agreement.
- Ballina Council considered the draft Regional Library Agreement at its 25 August 2011 meeting and resolved that consideration be deferred until comparative information is received on a County Council model and an in-house model.
- Byron Council was to consider a confidential report on the draft Regional Library Agreement at its 8 September 2011 meeting. When available, the resolution of Byron Council will be circulated.

Amendment to the NSW Library Act 1939 and a change in the NSW State Government

Amendments to the NSW Library Act 1939 and a change in NSW State Government have taken place since Council resolved to proceed with the Administrative Council model in February 2010.

The amendment to the NSW Library Act 1939 now allows for 2 or more Councils to enter into an agreement to deliver regional library services. This specifically allows for a county council model to be considered whereas prior to this amendment there were differing legal opinions.

The change in NSW State Government also has to be considered. A county council was not supported previously, but the current NSW Minister for Local Government has been reported as stating 'that the purpose of the amendment was to specifically allow libraries to be run under a county council model'. As to whether this applies to the RTRL unconditionally is uncertain. For a county council to be created, the Minister for Local Government's approval is part of the process.

Considerations

1. The primary reason the RTRL Committee acknowledged the merits of a county council model and committed to pursuing it as a long term option is because it guarantees autonomy.
2. When assessing business model options for RTRL, the AEC Group undertook a financial assessment of the county council, administrative council and shared services models (pages v to ix). The assessment indicated a shared services model as potentially more cost effective, but this was not supported as it had staff ramifications. In regards to the other models, the county council model was the most expensive with a cost penalty of approximately \$150,000 per annum. Concern was also expressed about administrative inefficiencies with the creation of a county council of this size compared to an existing council acting as the administrative council.

Given the financial constraints and demands faced by councils generally, it is questionable if the cost of autonomy in this case, even though shared between the Administrative and Participating Council's, can be justified. Also, to a large extent, the Administering Council and each Participating Council's interests are well considered and provided for in the draft Agreement.

3. As to what business models are being applied to other regional library services in NSW, there are 19 regional library services currently in place. Excluding RTRL, they can be summarised* as:-

Administrative Model – 8

Shared Services Model – 9

Separate Entity Model – 1

(* Ballina Shire Council Ordinary Meeting 25 August 2011 Agenda – Pages 68-71)

The only separate entity model is the Upper Murray service which is an incorporated body. This service received special consideration as it services local government areas in both NSW and VIC.

While what other councils are doing is not necessarily compelling as individual circumstances are different, it can be construed from this information that the administrative council model does work.

4. Consideration could also be given to providing a Lismore local government area only service. While an in depth study has not been undertaken, it is highly unlikely that a cost effective service like that of the regional library service could be provided. As such, it would either cost more to deliver the same service, or service delivery would need to decrease to match the funding currently provided. This option is not supported.

Sustainability Assessment

Best-Practice Corporate Governance

Council is the 'Executive Council' for the Richmond Tweed Regional Library (RTRL) and responsible for corporate governance. As the agreements creating the RTRL are 1970's dated, they are not contemporary and inconsistent with the requirements of the Local Government Act 1993. The adoption of the Richmond Tweed Regional Library Agreement will rectify this situation.

Public consultation

The business model deliberations for Richmond Tweed Regional Library have received considerable publicity over the last 2 years and have been the subject of reports to Ballina, Byron, Tweed and Lismore Councils.

Conclusion

In accordance with Council's resolution, a draft Richmond Tweed Regional Library Agreement with Lismore City Council as the Administering Council has been prepared.

The draft has been prepared in consultation with representatives from Ballina, Byron, Lismore and Tweed Councils. It reflects a majority position and is not unanimously supported.

Since Council resolved to proceed with the Administering Council model, an amendment to the NSW Library Act 1939 and a change in NSW State Government has occurred. These result in the prospects of a county council model becoming more attainable for the Richmond Tweed Regional Library.

After considering these prospects, the AEC Group's report findings and recommendations commissioned by RTRL, what business models are being used to successfully deliver regional library services in NSW, and acknowledging Tweed Council's commitment to this agreement, it is recommended that Lismore City Council proceed with its commitment to the Richmond Tweed Regional Library Agreement and being the Administering Council of the Richmond Tweed Regional Library Agreement.

If Ballina or Byron Councils do not accept the Richmond Tweed Regional Library Agreement proposal, it would be prudent that the implications for Richmond Tweed Regional Library be assessed immediately and reported.

Attachment/s

- | | |
|---|----------------|
| 1. Draft Richmond Tweed Regional Library Agreement | (Over 7 pages) |
| 2. AEC Group - 'Development of a business model for Richmond Tweed Regional Library Services' | (Over 7 pages) |

Recommendation

That Council:

1. Adopts the Richmond Tweed Regional Library Agreement.
2. Confirms its commitment to being the Administering Council for the Richmond Tweed Regional Library Agreement.
3. Offer Ballina Shire Council, Bryon Shire Council and Tweed Shire Council the option to be a Participating Council in a Richmond Tweed Regional Library Agreement.
4. Receive a report on the implications for the Richmond Tweed Regional Library should Ballina Shire Council or Byron Shire Council not accepts the offer to be a Participating Council.
5. Delegate authority to the General Manager to negotiate and sign a Richmond Tweed Regional Library Agreement with the Participating Councils.

Report

Subject	Adoption of the Richmond River Coastal Zone Management Plan
TRIM Record No	BP11/708:EF09/1734
Prepared by	Environmental Strategies Coordinator
Reason	To inform Council of changes to the Coastal Zone Management Plan as a result of public exhibition period and for Council to adopt the Coastal Zone Management Plan before sending to Minister.
Community Strategic Plan Link	Improve Catchment Management

Overview of Report

This report gives a brief background on the development of the Coastal Zone Management Plan (CZMP) for the Richmond River Estuary and progress further to the 10 May 2011 Council report when the document was on public exhibition.

Eighteen (18) submissions were received by Richmond River County Council (RRCC) on the draft Plan, including a submission from Lismore City Council (LCC). All 18 submissions were reviewed by the CZMP Technical Team and where appropriate, were incorporated into the final draft Plan. This included adopting the changes recommended by Council's submission on the draft.

Since completion of the CZMP LCC has received correspondence from RRCC stating that they adopted the final draft on 1 August 2011 and *that upon receipt of written endorsement of the CZMP from constituent councils* RRCC will submit the Plan to the Minister for the Environment for certification. Richmond Valley Council and Ballina Shire Council both adopted the CZMP on 16 and 25 August 2011 respectively.

The report recommends adoption of the CZMP as an essential step prior to its submission to the NSW Minister for certification.

In adopting this Plan Council understands that:

- funding for implementing the CZMP is shared across multiple agencies,
- the Plan is subject to annual funding being available, and
- the Plan will be determined through a review of the current governance and administration model. This review is a fundamental and priority action in the CZMP and will include the development of a detailed financial plan as per Councils 10 May 2011 resolution.

As the CZMP is over 300 pages it is not attached to this report. Copies of the Plan are available for viewing in the Councillors Room. Upon request, the Plan can be made available on disc.

Background

In May 2011 Council received a report concerning the draft Coastal Zone Management Plan (CZMP) for the Richmond River Estuary, which was on public exhibition at the time. The report recommended Council lodge a formal submission expressing support for the draft Plan subject to two changes, namely:

1. that references in the implementation schedule to the existing 'Estuary Management Committee' be replaced by 'CZMP Implementation Committee' and
2. that RRCC, constituent councils and the Catchment Management Authority be responsible for the formation of the newly to be established CZMP Implementation Committee.

The report also recommended that upon finalisation of the CZMP that its relevant actions be included in Council's 2010-14 Delivery Plan for implementation. Council resolved to make a submission as per staff recommendations above and request that Richmond River County Council (RRCC) provide a detailed financial plan, showing the timing and amounts required to implement the Plan, prior to future funding under the 2010-14 Delivery Plan.

Following public exhibition of the Draft CZMP all submissions have been reviewed and, where appropriate, incorporated into the Plan, including the adoption of changes recommended in Council's submission (as outlined in 1 and 2 above).

On 10 August 2011 Council received correspondence from RRCC stating their council adopted the final draft CZMP on 1 August 2011 and that *upon receipt of written endorsement of the CZMP from constituent councils* RRCC will submit the Plan to the Minister for the Environment for certification.

The constituent councils of Richmond Valley Council and Ballina Shire Council both adopted the CZMP on 16 and 25 August 2011 respectively.

Development of the Richmond River CZMP

In accordance with the *Coastal Protection Act, 1979* councils with coastal estuaries are required to prepare a Coastal Zone Management Plan that sets the scope for future sustainable management of this important natural asset. The funding and implementation of these Plans also resides with the State Government and multipurpose councils.

The development of the CZMP has been a staged process and follows guidelines set out in the NSW Government Estuary Management Manual (1992). The CZMP is synonymous with an Estuary Management Plan as described in the Estuary Management Manual; however the CZMP terminology was adopted to provide consistency with amendments to the Coastal Protection Act 1979. The CZMP is the culmination of the Estuary Management process and has been developed from the outcomes reported in the Estuary Management Study (EMS). The planning for the Study and Plan originally commenced in 2001.

The details of the Estuary Management Process and findings of the Study were reported to Council at its ordinary meeting on 10 May 2011. The process of developing the CZMP has been arduous with many delays due to the sheer size of the project, scientific complexity of the estuary, lack of delivery by consultants, funding shortages and changes to legislation along the way. The completion of the CZMP is the culmination of the Estuary Management process and represents a major achievement for those involved.

Public exhibition and review of CZMP

RRCC received a total of 18 submissions on the draft plan during the public exhibition period, including Lismore City Council's. All submissions were summarised into a submissions report and each of the items were considered by the CZMP Technical Team (made up of representatives from each of the local and State Government agencies involved in the implementation of the plan).

The items raised in Lismore City Council's submission (detailed within 'Background' as Item 1 and 2 above) were both accepted by the Technical Team and have been reflected in the final draft.

The Office of Environment and Heritage (OEH) provided a large submission regarding the inconsistency of the draft CZMP with the 2010 guidelines for preparation of a CZMP. This is because the draft Study and Plan were near completion prior to release of the new guidelines. It was agreed, however, that these changes needed to be made for the NSW Minister to certify the Plan.

In recognition of the new guidelines, the CZMP now needs to be a standalone plan. In order to meet this requirement, some information outlined in the Study has been duplicated in the CZMP. As a result the two volumes to be submitted to the Minister's office for consideration will now be named:

Coastal Zone Management Plan for the Richmond River Estuary:

- Volume 1 Coastal Zone Management Plan
- Volume 2 Estuary Management Study.

To comply with the minimum requirements of the new guidelines, an additional action has been included in the Plan under climate change adaptation requiring Councils to assess and map tidal inundation extent including potential sea level rise. This action, however, is only relevant to Ballina and Richmond Valley councils and will be dealt with through the current floodplain risk management planning process.

Two new actions regarding the monitoring, evaluation and review of the CZMP have also been incorporated to comply with the minimum requirements.

Financial implications

The CZMP provides a strategic "roadmap" for the future management of the estuary. It is similar in its intent to many other Council plans in that whilst a broad budget is acknowledged, implementation of specific actions is dependent upon funding and resource availability.

The four management actions (from 27 total) for which Lismore City Council (and the other constituent councils) is a lead organisation were discussed and supported at Councils ordinary meeting of 10 May 2011. An additional action (Development of cultural site plans) has been added due to the referral of this responsibility from the OEH based on actions such as these having been/are being undertaken by other local Councils in other NSW Local Government Areas (LGAs). It should be noted that this action has a low priority and is dependent upon the prior identification and registration of cultural sites. In summary the 5 actions are:

Action #	Priority	Description	Key Performance Indicators (KPIs):	Cost (over 10 yrs):
6.2	M	Riparian buffer establishment (Planning).	Review planning controls to ensure adequate protection of riparian areas by June 2013	\$30,000
7.1	M	Retain, rehabilitate and conserve existing native floodplain vegetation	<ul style="list-style-type: none"> • Stage 1: prioritisation study to identify existing vegetation by Dec 2012 • Stage 2: rehabilitation target of 2 Ha per yr 	Stage 1 - \$30,000 Stage 2 - \$100,000 pa
10.2	M	On-going onsite sewerage management inspections and improvements.	<ul style="list-style-type: none"> • Council on-site Wastewater Management Strategies are fully implemented • Review of all un-sewered areas by 2015 	Not estimated (done as core business)
11.1	M	Stormwater management	Stormwater Management Plans are reviewed every 3 years	Not estimated (done as core business)
12.2	L	Cultural Site Management Plans	Plans for identified sites completed as required. The number of plans developed will depend on outcomes of Action 12.1, the identification and registration of sites.	\$155,000

Although shared across a number of agencies, the costs associated with implementing actions in the CZMP will have implications for future budgets. However, in adopting this Plan Council understands that funding for these actions will be determined through a review of the governance and administration model for implementing the CZMP. This action is listed as a fundamental and priority action of the draft CZMP. Once models have been determined, funding for implementation will need to be balanced with other competing priorities through the budget allocation process. An outcome of the governance and administration review will be the development of a financial plan as per Council's 10 May 2011 resolution.

Finalisation of the CZMP will also allow constituent councils to access funds through the Estuary Management Program.

Statutory implications

In accordance with the *Coastal Protection Act, 1979* councils having coastal estuaries are required to prepare a Coastal Zone Management Plan. The process to date for developing the Plan has been extensive and difficult. The Richmond River estuary is one of the largest on the NSW Coast and posed a major challenge to prepare an overarching blueprint for its long-term sustainable management.

Following public exhibition of the Draft CZMP all submissions have been reviewed and, where appropriate, incorporated into the Plan, including the adoption of changes recommended in Council's submission. RRCC adopted the final draft CZMP on 1 August 2011.

RRCC now requests, in accordance with the guidelines, that the other constituent councils formally adopt the draft CZMP so RRCC can proceed, on behalf of constituent councils, to submit the draft plan to the Minister for certification under the *Coastal Protection Act, 1979*.

The constituent councils of Richmond Valley Council and Ballina Shire Council both adopted the CZMP on 16 and 25 August 2011 respectively.

Sustainability Assessment

Sustainable Economic Growth and Development

The actions within the CZMP direct specific effort towards more sustainable growth and development, especially within the rural and agricultural sector.

Social Inclusion and Participation

Extensive community consultation was undertaken during the development of the Study and Plan. The Draft EMS and CZMP were on public exhibition from 16 March to 10 May 2011 and a public meeting was held in Ballina on 28 March 2011.

Protect, Conserve and Enhance the Environment and Biodiversity

Once adopted the CZMP will be the main strategic documents for managing these values on the floodplain and estuary.

Best-Practice Corporate Governance

The CZMP reflects best-practice natural resource management consistent with the NSW Estuary Management Policy. In accordance with the *Coastal Protection Act, 1979* councils having coastal estuaries are required to prepare a Coastal Zone Management Plan.

Comments

Finance

The key concerns raised in the May 2011 report were that it was not clear exactly how the estimated \$16.4 million over 10 years required to implement the Coastal Zone Management Plan (CZMP) would be funded, the total amount of Council's contribution and Council's ability to pay this contribution when required.

It is understood that implementation of the CZMP will be subject to annual funding being available from Council, and that the review of the current governance and administration model will include the development of a detailed financial plan as a fundamental and priority action.

In accordance with Council's May 2011 resolution, all future contributions from Council are linked to the development of a financial plan for the CZMP implementation that is acceptable to Council. On this basis, the recommendations are supported

Public consultation

Extensive community consultation has been undertaken during the development of the Study and Plan. The Draft EMS and CZMP were on public exhibition from 16 March to 10 May 2011 and a public meeting was held in Ballina on 28 March 2011. A total of 18 submissions were received during the public exhibition period, including a submission from Lismore City Council.

Conclusion

In accordance with the *Coastal Protection Act, 1979* councils having coastal estuaries are required to prepare a Coastal Zone Management Plan.

Following public exhibition of the Draft CZMP all submissions have been reviewed and, where appropriate, incorporated into the Plan, including the adoption of changes recommended in council's submission.

On 10 August 2011 Council received correspondence from RRCC stating their council adopted the final draft CZMP on 1 August 2011 and *that upon receipt of written endorsement of the CZMP from constituent councils* RRCC will submit the Plan to the Minister for the Environment for certification. It is recommended that Council adopt the CZMP.

In adopting this Plan Council understands that funding for these actions is shared across multiple agencies, is subject to annual funding being available and will be determined through a review of the governance and administration model for estuary management. This action is a fundamental and priority action of the CZMP and will include the development of a detailed financial plan, showing the timing and amounts required to implement the Plan, as per Council's 10 May 2011 resolution stating that:

1. *Council note the content of the Richmond River Estuary Summary Document as attached in particular Table 2 ('Overview of the Coastal Zone Management Plan implementation schedule').*
2. *Council Lodge a formal submission to the draft Estuary Management Study and Coastal Zone Management Plan to the Richmond River County Council expressing support for the draft documents subject to the following changes namely:*
 - a) *References to the Estuary Management Committee in attached Table 2 ('Overview of the Coastal Zone Management Plan implementation schedule') be replaced by inserting the words the 'Coastal Zone Management Plan Implementation Committee (to be formed)' for the reasons outlined in the report.*
 - b) *The Richmond River County Council, Northern Rivers Catchment Management Authority and constituent Councils be responsible for the formation of the newly to be established Coastal Zone Management Plan Implementation Committee as outlined in 2.1.*

3. *Council include a project entitled 'Implementation of the Coastal Zone Management Plan for the Richmond River Estuary' into the 2010-2014 Delivery Plan to acknowledge contributions already made by Council to estuary management*
4. *Prior to considering the inclusion of future funding commitments for this project into the 2010-2014 Delivery Plan, Richmond River County Council be requested to develop a detailed financial plan that shows the timing and funding amount required to implement the CZMP that is acceptable to Council.*

Attachment/s

There are no attachments for this report.

Recommendation

That:

1. Council adopt the final draft Coastal Zone Management Plan, noting that the changes Council recommended in its submission on the draft Plan have been made.
2. Implementation of the Coastal Zone Management Plan is subject to the preparation of a financial plan that is acceptable to Council and annual funding being available for the action/s that Lismore City Council is responsible for.
3. Council provide written endorsement of the Coastal Zone Management Plan to Richmond River County Council so they can submit the Plan on behalf of the constituent councils to the Minister for the Environment for certification.

Report

Subject	Crawford Land Planning Proposal
TRIM Record No	BP11/705:EF11/429
Prepared by	Consultant Principal Planner - Planning Resolutions
Reason	To obtain a resolution of Council to lodge a planning proposal for gateway determination with the Minister for Planning for the rezoning of the area known as the Crawford Land
Community Strategic Plan Link	Sustainable Economic Growth and Development

Overview of Report

This report provides assessment of a Planning Proposal to alter the zoning of the Crawford Land under the Lismore Local Environmental Plan 2000 (Lismore LEP 2000) from Zone No.5(b) Special Use (Technology Park) to Zone No.2(a) Residential, Zone No.3(b) Neighbourhood Business, Zone No.5(a) Special Use (University) and Zone No.7(b) Environmental Protection (Habitat) consistent with a Draft Structure Plan for the land.

The Crawford Land is one of three land release areas along the south/eastern boundary of the City. The purpose of the Planning Proposal is to change the zoning under the Lismore LEP 2000 to avoid waiting for the Draft Lismore LEP 2011 to progress residential development of the site.

The key requirement for the Gateway Determination is that there are no fatal flaws in the proposed rezoning and the Planning Proposal may proceed subject to more detailed studies being done. It must also be considered that this site is already zoned for development.

Background

Council has been involved in the investigation of the Crawford Land for a range of land uses commencing in 1992. The Crawford Land is linked to other land owned by Southern Cross University - referred to as the "East Land" – which is located on the eastern side of the existing campus. **Table 1** below provides a consolidated history of land use planning and strategic planning decisions affecting the Crawford Land and the East Land.

Current zoning

The Crawford Land is currently within Zone No.5(b) (Technology Park) and 7(b) (Environmental Protection (Habitat) under Lismore Local Environmental Plan 2000. A map showing the existing zone boundaries is provided as **Attachment 1** to this report (enclosed separately).

Likely future zoning

The future zoning of the land under the Lismore Local Environmental Plan 2000 (Lismore LEP 2000) will be Zone No.2(a) Residential, Zone No.3(b) Neighbourhood Business, Zone No.5(a) Special Use (University) and Zone No.7(b) Environmental Protection (Habitat).

Planning Proposal

The Planning Proposal (enclosed separately as **Attachment 2**) has been submitted to Council by Newton Denny Chapelle on behalf of Norsesearch Ltd.

The process of amending the local environmental plan starts with a Planning Proposal, which is undertaken or endorsed by Council and then sent to the Minister for Planning. In preparing the Local Environmental Plan the Council must explain and justify the proposal to the Minister for Planning. Council needs to provide the Minister for Planning and Infrastructure with:

- a statement of objectives and intended outcomes of the proposal
- an explanation of the provisions of the proposal
- a justification of the objectives and outcomes, including how this is to be implemented
- maps containing the appropriate detail are to be submitted, including land use zones, heritage areas and flood prone areas, and
- details of the community consultation that will be undertaken.

A summary of the Planning Proposal based on the Department of Planning's standard format follows **Table 1**.

Table 1 - History of land use planning and strategic decisions affecting Crawford Land and East Land

Date	Land use changes
1992	The 'Crawford' land, prior to March 1992 , was zoned Zone No.1(a2) under Interim Development Order No. 40 – City of Lismore. The Lismore Local Environmental Plan in 1992 zoned the majority of the land (approximately 2/3rd) as Zone No.2(a)(Residential) and the residual as Zone No.6(a)(Recreation)
1996	Lismore Urban Strategy 1996 identifies the Crawford Land as potential urban release area
1999	March 1999 Southern Cross University, supported by Council, sought to rezone the land to facilitate the development of a project known as 'Cellulose Valley' technology park. In 2000 the land comprising the 'Cellulose Valley' technology park was zoned Zone No.5(b) (Technology Park) and Zone No.7(b) (Environmental Protection (Habitat) under Lismore Local Environmental Plan 2000. Southern Cross East land zoned under Lismore Local Environmental Plan 2000 as part Special Uses (5) University and Zone No.2(a) Residential
2003	Lismore Urban Strategy 2003 adopted by Council at the Ordinary Meeting of 6 May 2003 and conditionally agreed to by the Department of Planning (DoP) on 5 August 2003.
2005	Council adopts Lismore Regional City Plan. Section 6 of that plan identifies the Crawford Land as having potential for residential development
2005	Council adopts Development Control Plan No 48 West Goonellabah on 21 April 2005 . DCP applies to Zone No.2(a) Residential Land including 21.8ha of residential land owned by Southern Cross University
2005	Council Ordinary Meeting of 11 October 2005 considered a report considering 'staged release options' for the Lismore Urban Strategy 2003 (LUS). Council resolved to amend the strategy to incorporate a stage release programme. The 'staged release options' did not include the 'Crawford' land. The report acknowledged the option of 'back' or rezoning the 'Southern Cross University east' land was available to enable the rezoning and use of the 'Crawford' land for urban purposes. This would not impact on the adopted staged release strategy.
2006	10 October 2006 Council resolves to prepare a new Local Environmental Plan for Lismore City consistent with the new LEP Standard Instrument.
2008	Council report 12 August 2008 considers draft LEP 2009 (now Draft LEP 2010) and Local Environmental Study 2008. Report identifies that the Department of Planning agreed to increase the lot allocation for the "Greenfield" sites identified in the LUS so that Council could comply with the Director-General's requirements to zone sufficient residential land to meet Lismore's requirements for the next 10 years. The Crawford Land was identified in this report as part of future residential land release. Council subsequently invited land owners whose properties were identified in the strategy to submit rezoning applications that could be considered as part of the draft LEP. A rezoning submission was lodged with Council on the 21 August 2008. This rezoning request was for Council to rezone the 'Crawford' land to enable future urban 'mixed use' and 'industrial' development and that those parts of the 'SCU east' land not suitable for residential use be rezoned from residential to special use (university) and environmental protection.

	<p>Lismore City Council Environmental Study 2008 Part 2 identifies Crawford Land as suitable for mix of residential, commercial and recreational uses. B4 Mixed Use Zone identified to encourage higher density residential development in a location with access to transport and closer to the CBD. Study identifies 37ha of land to be included in B4 Mixed Use Zone with 15ha suitable for residential development (i.e. 180 residential lots). Study identifies 12ha land to be included in IN1 General Industrial Zone adjacent to old Quarry, sewerage treatment works and tip.</p> <p>The study also identifies the down zoning of the East Land as SP2 Infrastructure to support the University development and E3 Environmental Management for identified conservation lands.</p>
2009	<p>Council meeting 8 December 2009 considered a report on the Urban Land Release and Infrastructure Servicing Review which highlighted the sewerage capacity analysis and the strategic infrastructure costing assessment. The Review highlighted that the Crawford land is a crucial part to the new Strategic Plan direction proposed by this review. The Review concludes that the sites closest to the CBD, that is, North Lismore Plateau and the Crawford land, have the greatest advantages/least impact on social and employment grounds</p>
2010	<p>Design workshop 4 March 2010, produced a 'Draft Structure Plan' for the Crawford Land. The 'Draft Structure Plan' provides a conceptual layout for the subdivision, showing the relative locations of elements such as: roads, residential housing, neighbourhood commercial centre, public open space, recreational facilities, Asia Pacific Football Institute, environmental protection and stormwater management areas. 'Structure Plan' will be used to define new zone boundaries with a specific 'Development Control Plan' (DCP) for the land.</p>
2010	<p>Draft Lismore LEP 2010 exhibited from 29 April 2010 to 29 July 2010. Draft LEP 2010 proposes to rezone the Crawford Land B4 Mixed Use, E3 Environmental Management and IN1 General Industrial.</p> <p>Draft Lismore LEP 2010 proposes to rezone "East Land" owned by Southern Cross University as SP2 Educational Establishment and E3 Environmental Management</p>

Part 1 Objectives and Intended Outcomes

The objective of the Planning Proposal is to rezone the subject land known as the Crawford Land for residential, neighbourhood business, special uses with adjustment to the existing environment protection zone on the land.

This objective will be achieved through separate amendment of Lismore LEP 2000.

The Planning Proposal (Refer to Plan 2 Page 5) provides an indication of the distribution of zones. The position of the zone boundaries will be influenced by additional studies to be undertaken to support the rezoning proposal. The Planning Proposal will essentially facilitate the urban development of the Crawford Land.

Part 2 Explanation of Provisions

It is proposed that Lismore Local Environmental Plan 2000 be amended by:

- removing the current Zone No.5(b) Technology Park zone,
- rezoning the land as part Zone No.2(a) Residential, Zone No.3(b) Neighbourhood Business and Zone No.5(a) Special Uses (University), and
- adjusting the boundary of the Zone No.7(b) Environment Protection (Habitat) zone to better reflect constraints associated with the eastern area of the site.

These zones have been chosen for the following reasons:

- Zone No.2(a) Residential will apply to those areas of the site elevated out of the floodplain that are largely constraint free and may be suitable for residential development at various densities that are compatible with surrounding land uses. The Planning Proposal indicates the development potential of 198 new residential allotments,
-

Zone No.3(b) Neighbourhood Business zone will apply to the western part of the site that is largely constraint free and may be suitable for local neighbourhood business uses that will be required in time to service the residential population of the area. The Planning Proposal indicates a neighbourhood business precinct permitting 2,000m of commercial floor space (neighbourhood shopping facility, childcare facility, medical centre and open space/community building) with integrated housing for 40 dwellings,

- Zone No.5(a) Special Uses (University) to apply to areas required for active open space and the formalisation of the Asia Pacific Football Institute sporting facilities within the special use zoning, and
- Zone No.7(b) Environment Protection (Habitat) zone that applies to the eastern part of the site will be adjusted to formalise the existing environmental attributes of the elevated eastern portion of the site within that zoning.

In the event that the prevailing instrument is in the Standard Instrument format then a suite of zones similar to these outlined in the Planning Proposal and included under Draft Lismore Local Environmental Plan 2010 will be applied.

Part 3 Justification

The following criteria must be addressed under the State Government Gateway system:

Section A- Need for the Planning Proposal

Is the Planning Proposal a result of any strategic study or report?

The Crawford Land has been identified as a potential location for residential, mixed use, industrial, open space and environmental protection since 1992.

Table 1 in this report and Part 3 of the Planning Proposal provided as **Attachment 2** (enclosed separately) contains a summary of the previous investigations of the site and strategic decisions by Council to include the Crawford Land in Council's strategic planning for residential land in the City.

The key strategic Council study, affecting this Planning Proposal, is the Lismore Regional City Plan 2005. This plan identifies the Crawford Land as:

- having potential for residential development. Section 6 of this plan clearly identifies the Crawford Land as having potential for residential, industrial and open space uses
- part of the established urban areas of Lismore with good access to the CBD, the university and hospital
- requiring improve road access to link future development areas to the road network.

Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A Planning Proposal is the preferred way for the land to be rezoned to permit the proposed residential, neighbourhood, special use zonings and adjustments to the environment protection zone boundaries. This will involve a map amendment to the Lismore LEP 2000. The Shire Wide Draft LEP has been delayed. Dealing with this land ahead of the Shire Wide Draft LEP will help Council maintain an adequate supply of residential land.

Discussions between Council staff and Norsesearch Ltd commenced with a design workshop, held on 4 March 2010. This workshop produced a 'Draft Structure Plan' for the proposed development. The 'Draft Structure Plan' provides a conceptual layout for the subdivision, showing the relative locations of elements such as: roads, residential housing, neighbourhood commercial centre, public open space, recreational facilities, Asia Pacific Football Institute, environmental protection and stormwater management areas. Once finalised, the 'Structure Plan' will be used by Council staff as the basis for defining the new zoning boundaries and preparing a site specific 'Development Control Plan' (DCP) for the land. The DCP will guide the location, form and character of future development on the site.

The 'Draft Structure Plan' resulting from the workshop was used as the basis of preliminary public consultation. This consultation included an evening public meeting and a Saturday public open day, held in November 2010. Public feedback and the continuing process of site design produced a revised Draft Structure Plan. Once finalised, the Structure Plan will form part of a Planning Proposal which will be placed on public exhibition.

Subsequent to the design workshop community engagement the landowners have undertaken a number of further assessment and investigations of the site including:

- engineering services
- traffic and transport
- flood impacts
- bushfire
- contaminated land
- archaeology.

These investigations and assessments are enclosed with the Planning Proposal in **Attachment 2**.

Is there a net community benefit?

The Council has not sought to prepare a Net Community Benefit Test as it was not considered to be required given the site's long term inclusion in the Lismore Regional City Plan.

The Planning Proposal outlines the following key community benefits: (refer Part 3 Page 8):

- *An opportunity to provide a diversity of residential product not currently available within the Lismore LGA. The proposal provides for the introduction of integrated urban design principles not broadly adopted in Lismore which will promote greater housing affordability further to an increased diversity of lot and housing type.*
- *Rezoning of the Site would provide a net community benefit as the rezoning will contribute to Council's housing targets as set by the Far North Coast Regional Strategy.*
- *The current function of Lismore as a Major Regional Centre (FNCRS) supports and requires a larger population base. Accordingly, this proposal will contribute to satisfying the objective of the FNCRS of consolidating Lismore as a Major Regional Centre.*
- *The provision of additional residential land supply will contribute positively to the current and future demand for residential land and the ability for Lismore to accommodate higher levels of population growth.*
- *The proposal will formalise the development of the Asia Pacific Football Institute which is to be developed through the collaboration between Southern Cross University, TAFE and a prominent European Football Club. The Institute will operate primarily as a skill's based centre of excellence and cater its skills development programs to locals and visiting groups both domestic and international.*
- *The Site encompasses a primary vegetation corridor within the eastern escarpment. The proposal will result in the long-term preservation and management of the habitat areas which will be achieved with the subsequent development and rehabilitation management plans for the Site.*

There is a net community benefit in utilising the Crawford Land to provide residential and environment protection opportunities.

The proposal will benefit the wider community by providing additional housing lots to the market, employment as urban infrastructure and housing is constructed and long term environmental protection of habitat areas and wildlife corridors.

The key benefits from proceeding with residential development of the Crawford Land site earlier than waiting for the Draft LEP 2010 include:

- taking advantage of urban growth surrounding the Lismore CBD supporting its revitalisation, and
- locational advantages of promoting urban development close to services.

Section B – Relationship to Strategic Planning Framework

Is the Planning Proposal consistent with the objectives and actions contained within the Far North Coast Regional Strategy?

In December 2006 the Minister for Planning released the Far North Coast Regional Strategy. The purpose of the Strategy is to provide planning policy guidance for the sustainable development of the Far North Coast region over the next 25 years.

There are three key actions in the Regional Strategy relevant to this site. These are:

- *The strategy seeks to provide for regional/local employment opportunities to support the Far North Coast's expanding role in the wider regional and NSW economies. Economic development and employment growth will be facilitated by identifying suitable business and investment opportunities and providing employment lands to support these opportunities.*
- *The strategy enables Council to plan for future industrial and employment needs within existing urban areas and take into account economic markets, South East Queensland pressures for employment lands, lifestyle opportunities, and transport improvements within and from the Region.*
- *The strategy enables the Department of Planning and Council to define growth areas to address land supply needs for the next 25 years. To this end, the DoP has identified areas that will be available for some form of future urban development. The mapped areas have been identified for their ability to deliver a desirable future growth pattern, in keeping with the settlement planning principles outlined in the Regional Strategy, and are shown on Growth Area Maps. These Growth Area Maps are designed to guide local planning. Local councils will only be able to identify land for settlement if it falls within one of the growth areas shown on these maps or if it meets the Regional Strategy's sustainability criteria.*

The Planning Proposal will assist in achieving the aims of the FNCRS including:

- environmental areas will receive increased protection by expanding the environment protection zone,
- structure planning and detailed planning controls will guide development of this site,
- residential development will only occur outside of flood affected land or excessively steep land and will be located to avoid visual impacts, and
- Lismore is one of three identified major regional centres and needs to cater for its share of the 35% of expected regional growth (about 7000 people over 25 years).

The Planning Proposal is generally consistent with the Far North Coast Regional Strategy (FNCRS) and represents a minor adjustment within the *Town and Village Growth Boundary* to incorporate the Crawford Land within the area mapped as *Employment Land*.

Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The Lismore Regional City Plan 2005 provides an overview of short, medium and long term priorities for further developing Lismore as a Regional Centre. The Regional City Plan outlines the Crawford Land to be developed to meet future demand for residential, commercial, industrial and recreational uses. The Lismore Regional City Plan provides a range of development opportunities and steps which should be undertaken to enhance the regional role and function of Lismore City, by increasing the ability of the City to meet demand for residential, commercial, industrial and recreation uses.

The Planning Proposal is consistent with the aims and objectives of the Lismore Regional City Plan 2005 as the plan identifies the potential for the NLP site to be utilised for residential purposes.

Is the Planning Proposal consistent with applicable state environmental planning policies?

The proposal is generally consistent with applicable state environmental planning policies including the North Coast Regional Environmental Plan (deemed SEPP). In assessing the key areas of inconsistency of the Planning Proposal to relevant SEPPs:

- A checklist of the Planning Proposal against relevant SEPPs is provided in **Attachment 3 and 4** (enclosed separately) to this report, and
- Recommendations of the report relating to additional investigations required as part of post gateway determination.

Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposal is consistent or generally consistent with applicable Section 117 Directions. Refer to the checklist against these Directions provided as **Attachment 5** (enclosed separately) to this report.

In relation to inconsistencies identified in Attachment 5 for the Section 117 Direction the Planning Proposal will be required to address these inconsistencies. These form part of the recommendations of this report for further investigations:

- Section 117 Direction 1.1 Business and Industrial Zones,
- Section 117 Direction 1.5 Rural Land,
- Section 117 Direction 2.3 Heritage Conservation.

Section C- Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Planning Proposal outlines those investigations of the site that have been completed including:

- a search of the NPWS Atlas in 2005 and more recently April 2011 for threatened flora species listed under the Threatened Species Conservation Act 1995 (TSC Act). This search identified 7 flora species recorded within a five km radius of the Site. Six of these species are also listed as threatened under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act),
- a review of Ecograph vegetation mapping undertaken in 2001 which mapped the location and extent of remnant native vegetation within the Lismore urban area in 2000. This mapping identified that the eastern section of the Crawford Land contains significant areas of regrowth native vegetation. The western section of the 'Crawford' land supports grassland, and
- the Ecological Assessment completed for the Asia Pacific Football Institute (APFI), identified the presence of the threatened species, namely Hairy Jointgrass (*Arthraxon hispidus*) (HJG) within the footprint of the development. HJG specimens have been detected within portions of the Crawford Land from approximately the 10m elevation contour to the western boundary and to the east of the land. HJG is listed as a vulnerable species pursuant to the NSW Threatened Species Conservation Act 1995. It is also listed as vulnerable species pursuant to the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

It is clear that a further detailed and consolidated flora and fauna survey of the site is required. This survey would consolidate the range of previous background studies and any current investigations being undertaken in the City that provide a basis for determining the extent of any adjustments to the boundary of the 7(b) land.

While the Planning Proposal identifies that at this stage significant vegetation on the site will be retained in within Zone No.7(b) Environment Protection (Habitat) zone further ecological investigation work is required to confirm the proposed zone boundary.

Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The Planning Proposal identifies a key environmental effect of the development being the impact on water quality through urbanisation of the catchment and the management of runoff water from the future development.

The Planning Proposal indicates that 32% of the Crawford Land will be retained in open space and environmental protection and these areas will not significantly contribute to urban stormwater pollutant loads.

The key measures outlined in the Planning Proposal that address runoff control includes:

- Dwellings and mixed use developments to incorporate water reuse (rainwater tanks) where possible to reduce quantity of runoff,
- Provision of swales along the western collector road (that will run in a north to south direction),
- Stabilisation of the steeper major gully flow paths that run east to west to lessen impacts of urbanisation from the existing external upstream residential areas,
- Allowance for a 1.2ha stormwater treatment area (at the south end of the lands) to enhance the removal of pollutants prior to discharge to Monaltrie Creek drainage channel, and
- Opportunities to formalise the drainage flow paths for those catchment areas that discharge to Military Road and divert these flows in a more southerly direction to improve local inundation issues at Wade Park.

How has the Planning Proposal adequately addressed any social and economic effects? The development of the Crawford Land will have a positive effect on the local community and economy.

The Planning Proposal estimates that 318 residential dwellings will be located in the site, which will generate significant employment over the construction phase of the development. The development on the site will also generate a significant resident population which will enhance the current role and function of the Lismore CBD.

In developing the Planning Proposal a number of community engagement events were undertaken to explore the likely impacts of the proposed rezoning. This engagement highlighted the key social and economic impacts of the proposal and the response required to address these impacts. Community engagements were undertaken on the 17 November 2010 and 20 November 2010. These engagements were attended by 135 local residents. Key issues raised at these engagements include traffic, flooding and drainage, vegetation, housing, walking/biking, open space, transport and infrastructure.

The Planning Proposal identifies land for a neighbourhood centre. Additionally the Planning Proposal will remove the previously planned technology park. Ideally such determinations should be based on a retail strategy for the City. As there is no retail strategy for Lismore a retail analysis should be prepared by the proponent, post Gateway determination, to identify the role, function, scale and relationship of the proposed Neighbourhood Centre to the Lismore CBD and other neighbourhood centres within vicinity to the site.

Section D- State and Commonwealth interests

Is there adequate public infrastructure for the Planning Proposal?

In terms of utility infrastructure since the design workshop, discussions between Council and Norsesearch Ltd have been ongoing to refine the Structure Plan and agree upon the sequencing and cost-sharing of infrastructure delivery for the development.

Sewerage

The Crawford Land on the eastern side of Military Road is located in close to Council's existing Sewage Pump Station No. 16 (SPS 16) which is on the western side of Military Road at Wade Park. A small part of the proposed development, located on the north-western portion of the site, is able to connect to this pump station by a gravity sewer connection. The majority of the site will drain to the south and will be served by a new pump station to be constructed to serve this development (Crawford pump station). The new Crawford pump station will be located near the southern boundary of the development. This decision forms part of Council's overall strategy for the servicing of new urban land releases in the vicinity of Goonellabah. The Crawford pump station and rising main also benefits other development.

Council resolved at it's meeting on the 14 April 2011:

- *Council commit to funding the construction of the rising main servicing the Crawford development, extending from the proposed Crawford sewage pump station to its connection with the Southern Trunk Main,*
- *Any future expenditure by Council shall be subject to the agreed funding of wastewater infrastructure by Norsearch Ltd and Council being confirmed within a planning agreement for the land,*
- *Construction of the above rising main be included within the revision of Council's Strategic Business Plan for Water Supply and Wastewater Services being undertaken as part of the preparation of Council's 2011/12 Operational Plan, and*
- *The General Manager writes to Norsearch Ltd confirming Council's commitment to funding of this infrastructure.*

Traffic and Road access

Road access to the land was a key issue raised by residents at the public session and open day associated with developing the Structure Plan for the site.

A traffic study has been prepared for Norsearch by TTM Group. The traffic study examines the impact of traffic on the operation of surrounding roads and intersections.

TTM has identified peak hour generated trips from all components of the Crawford Land development will equate to 336 trips (am) and 395 trips (pm). Traffic generation has allowed for 60% normal home lots and 40% duplex lots. The commercial precinct has some 2000m² GFA with potential for a further 40 shop top units and allowance for the APSI soccer complex.

The assessment by TTM indicates that the traffic generated by the residential portion of the development will have a minor impact on the Invercauld Road/Cynthia Wilson Drive and Military Road / Dalley Street intersections. The study does identify cost implications for Council for the upgrading of the existing Wyrallah Road / Dalley Street intersection which will have exceeded its capacity by 2015, regardless whether the Crawford Land is or is not developed. Council has existing plans for the intersection to be upgraded to a roundabout.

The traffic study provides an initial appreciation of the likely traffic impacts on roads and adjoining intersections. The Engineering Services discussion paper provides the opportunity for Council to further engage in the formulation of traffic and transport options for the Crawford Land.

Council's Senior Strategic Engineer advises that the Traffic Assessment submitted by TTM Consulting on behalf of the developer demonstrated that the site is adequately serviced by a significant road network which has sufficient capacity to absorb the traffic likely to be generated by the development. The one exception is the Wyrallah Road / Dalley Street intersection which has already been identified as deficient and consequently has been included in Council's works program for upgrading in the near future.

The report was brief and only provided sufficient information to enable the development to proceed to the next stage of the gateway process. Various issues including the through section of Dalley Street including the hospital precinct, the impact on Dibbs Street, the validation of the assumptions on which the report was based and the traffic issues raised at the various public forums requires comment and/or assessment. For this reason the applicant should be required to provide a more detailed Traffic Assessment prior to rezoning.

Public facilities and transport

The site is well located in relation to existing public transport infrastructure, utility services, roads and essential services. Being in proximity to the Lismore CBD, all essential services such as schools, sporting facilities, hospitals, police and ambulance are also available.

What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The State Government Departments have been consulted as part of the Shire Wide LEP process. These State Government Departments will need to be consulted in relation to this Planning Proposal post Gateway determination.

There are no Commonwealth public authorities directly impacted by the Planning Proposal.

Community Consultation

As outlined in this report Council and the proponent has undertaken a reasonable level of consultation regarding the future development options for the Crawford land. The community consultation for the Planning Proposal as a minimum will include an exhibition period of not less than twenty eight (28) days.

Community consultation will be commenced by giving notice of the public exhibition of the Planning Proposal:

- in a newspaper that circulates in the area affected by the Planning Proposal,
- on the web-site of the Lismore City Council and the Department of Planning, and
- in writing to affected and adjoining landowners.

The written notice will:

- give a brief description of the objectives or intended outcomes of the Planning Proposal,
- indicate the land affected by the Planning Proposal,
- state where and when the Planning Proposal can be inspected,
- give the name and address of the RPA for the receipt of submissions, and
- indicate the closing date for submissions.

During the exhibition period, the following material will be made available for inspection:

- the Planning Proposal, in the form approved for community consultation by the Director General of Planning,
- the gateway determination, and
- any studies relied upon by the Planning Proposal.

A consultation plan will need to be developed post Gateway determination to build on consultation completed in November 2010.

In the interest of keeping communication open from the outset, key stakeholders will be identified and contacted directly to ensure that they are aware of the Planning Proposal and are given the opportunity to communicate their concerns and ideas in regards to the development.

Council landholdings

Lismore City Council is not a landholder in the Crawford Land study area.

Other impacts - hazards and risks

Contamination

EAL Consulting Services was engaged by the land owner in 2009 to complete a preliminary contaminated lands assessment for the Crawford Land as part of the rezoning submission lodged under the draft Lismore LEP 2010.

The objective of the investigation was to determine:

- if land contamination had occurred from past land usage,
- to determine the type of contaminants that may be present in the soil profile, and
- complete a basic history search for the land.

The initial soil analysis confirmed the Crawford Land is not contaminated however further investigation in isolated areas is warranted.

The preliminary investigation identifies that the Crawford Land is generally not considered to represent a significant risk of harm to end users from land contamination. This assessment indicates that a detailed investigation of all the land is not required however supplementary (validation) sampling in the locality of the decommissioned dip site will be required.

The contaminated lands assessment completed in 2009 investigated a substantially different zoning layout than included in the current Planning Proposal and further investigation and review of contamination findings is recommended.

Bushfire

Bushfire prone lands mapping held by Lismore City Council indicates the Crawford Land is partially mapped as bushfire prone land. The key bushfire hazard that will impact on developing the land is the open forest vegetation mapped as bushfire prone on the eastern side of the land.

A preliminary bushfire hazard assessment has been completed for the Planning Proposal and this assessment recommends the inclusion of standards for bushfire management including:

- asset protection zones,
- water supply and other services,
- public roads, and
- standards for residential dwelling construction.

Statutory consultation with the NSW RFS will be required post Gateway determination based on the initial bushfire assessment and report.

Buffer areas

The Planning Proposal identifies that there is land zoned for agriculture located generally south of Skyline Road. The land generally south and extending west from Skyline Road is mapped under the Northern Rivers Farmland Protection Project completed in February 2005 as Regionally Significant Farmland.

There are a number of critical tests identified from the final report for the Farmland Protection Project relevant to development adjoining Regionally Significant Farmland. These are:

- the urban area forms part of a contiguous part of the Lismore City boundaries and the urban area is adjacent or close to an existing zoned urban area,
- the development of the urban land would not significantly undermine the integrity of a regionally significant farmland area by creating wedges or spikes of urban development,
- the urban area would not compromise local or regional agricultural potential by alienating agricultural infrastructure, agricultural transport routes, or decreasing 'critical mass' for any existing agricultural industry,
- the urban area would not increase the risk of land use conflict near an existing agricultural enterprise, and
- the future urban development would not involve filling part of a floodplain unless consistent with a floodplain management plan prepared in accordance with the Floodplain Management Manual.

In terms of managing the future urban/rural interface the final report recommends:

- a suitable buffer must be provided outside the farmland area, designed to separate the residential zone from mapped farmland,
- the onus is on the developer of the encroaching residential zone to avoid conflict through the provision and maintenance of buffers, and acquisition of buffers must form part of the overall development, and

- a suitable buffer may incorporate a physical separation distance accounting for topography, plantings of vegetation or other combinations of measures which reduce the potential for conflict.

The Planning Proposal indicates that the land is currently not utilised for any intensive cropping and currently only low-scale cattle grazing occurs in this area occurring onsite. The proposal provides for the placement of land within Zone No.5(a) Special Use (University) to occupy the southern portion of the Crawford Land in association with the proposed development of the Asia Pacific Football Institute. The Planning Proposal highlights the physical separation distances contained in the Lismore Development Control Plan – Chapter 11: Buffer Areas and indicates the inclusion of buffer design within the future planning for the land.

Adjoining electricity sub-station

A sub-station operated by Essential Energy is located fronting Military Road and adjoins the north-eastern corner of the Crawford Land.

The sub-station both adjoins and is opposite existing residential development. The closest dwelling shares a common boundary with the sub-station.

The Planning Proposal indicates that it does not seek to locate any housing any closer than existing residential development and indicates a 20 metre buffer to the cadastral boundary of the sub-station on the eastern and southern boundaries.

Investigations that supported the development of the sub-station in 2006 indicated that the Electro Magnetic Field (EMF) levels beyond the current sub-station fences were undistinguishable from background levels.

The assessment in 2006 concludes that: *the setback distance of residential property from the underground cables, the substation and switching station is more than sufficient to meet the recommended distances by the National Health and Medical Research Council (NHMRC)*

Council has identified that the findings of the 2006 report require updating to ensure consistency with current guidelines.

Flooding

The Planning Proposal includes an assessment of flood impacts across the Crawford Land. Detailed modelling assessment was undertaken in April 2011 by Worley Parsons. Worley Parsons undertook a regional flood impact review for the 100yr ARI and more localised flooding assessment 1 in 10yr ARI for Monaltrie Creek.

The key findings from this assessment are that the Crawford Land will be affected by flooding and the flooding function of the land as a backwater storage area.

The assessment identifies that the main impact upon flood levels across the site will be the loss in storage by filling the flood prone land.

The assessment concludes that restrictions on filling of the flood liable land will only be required to manage localised flooding impacts. Overall filling of the land above the regional 1 in 100yr ARI level would result in less than a 0.1% impact upon flood storage.

The assessment considers the 0.1% impact on flood storage levels to be negligible on regional flood levels, both in the vicinity of the Crawford Land and throughout the floodplain. The assessment concludes that further work will be required to refine the maximum flood line using more detailed survey information as well further localised modelling to assess the potential for flood management through engineering channel design.

Cultural heritage

The Planning Proposal refers to an archaeological survey of the Crawford land by Murray Roberts (Widjabul Aboriginal People Native Title Claimant: and on behalf of Ngulingah Aboriginal Land Council Sites Officer). The survey identified two artefacts upon the subject land, in locations that are not considered reflective of the historical use of the location.

No assessment of the Crawford Land has been made at this stage for European cultural heritage values of the area.

The initial survey completed to date would not appear to meet:

- the NSW NPWS guidelines for archaeological reporting (NSW NPWS 1997),
- Office of Environment and Heritage (OEH) guideline 'Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010', and
- the NSW Heritage Manual.

Further investigation and survey will be required as part of the post Gateway Determination.

Amending the Far North Coast Regional Strategy

The FNCRS was prepared in December 2006 and includes the Crawford Land as proposed employment lands.

It is important that the reference to the Crawford Land in the FNCRS is modified to be consistent with this Planning Proposal. Council has raised the issue of reviewing the FNCRS in conjunction with the North Lismore Plateau and it is understood that the NSW Department of Planning and Infrastructure is currently undertaking a review. It is appropriate that the Lismore City Council notify the Department that the FNCRS should be amended to be consistent with the intent of the planning proposal.

Amended Lismore Urban Strategy 2003

It is noted that the Lismore Urban Strategy 2003 was amended in April 2011 to be consistent with this Planning Proposal. The amended strategy is currently on public exhibition for information purposes.

Sustainability Assessment

Sustainable Economic Growth and Development

Urban expansion in any location will generate costs for the community as it encourages population growth and this in turn creates demand for Council services such as libraries, sporting facilities, open space and utility infrastructure such as roads, water, sewerage and waste disposal. However, it also increases Council's rate base and development contributions can be collected to upgrade or expand services and infrastructure and off set the increased costs that come with population growth.

The development of the Crawford Land will generate employment in the land development industry including road and utility construction and building related employment. It will have a positive effect on the Lismore economy, particularly the Lismore CBD as the residents of this area will feed directly into this economy and not be drawn towards the Ballina economy. Additional work is required to assess and upgrade sewer, water and transport infrastructure (including bike and pedestrian paths). These facilities can be planned from the outset given the opportunity of working with a single landowner

The Planning Proposal is consistent with the land use priorities of the Community Strategic Plan, the Regional City Plan and the Lismore Urban Strategy.

Social Inclusion and Participation

In providing additional residential land through this Planning Proposal the Crawford Land will provide a range of residential densities and types. The site is well placed to fit into the existing Lismore City urban fabric and build on existing infrastructure and facilities. It will assist to maintain and build the Lismore CBD.

Protect, Conserve and Enhance the Environment and Biodiversity

Biodiversity on the site will be protected through retention of the environment protection zone including those identified remnant koala habitat and wildlife corridors. Once the boundaries of residential development are established there will be significant opportunity for rehabilitation and regeneration of cleared areas to increase biodiversity and habitat value of the remaining areas of the site. Its proximity to the Lismore CBD will facilitate non car transport options including bikes, pedestrian paths and bus services. The carbon footprint of the new urban area will need to be addressed in planning for the site.

Best-Practice Corporate Governance

The Planning Proposal is at the start of a longer process that will require detailed community consultation when more information is available and recommendations on developable areas and likely land use are confirmed. To date the design workshop has been inclusive of all Council departments in an attempt to keep them informed and allow them to participate from the beginning in decisions about the Crawford Land.

Servicing and infrastructure will be key factors in staging and the costs of the proposed urban area and more work is needed before some of the decisions can be made. However, there is sufficient information to allow the Planning Proposal to proceed to the gateway stage where the Department of Planning and Infrastructure can decide on the extent of additional work required.

Comments

Finance

Following successful gateway determination, there will need to be a comprehensive DCP and planning agreement prepared for the detailed planning, infrastructure and other issues.

The planning agreement will need to provision that the developer is to meet all reasonable costs associated with the development. It is not possible to quantify this at the planning proposal stage, but obvious areas would include infrastructure such as for roads, water and sewer.

Other staff comments

Strategic Planning

The following is a summary of comments provided by the Strategic Planning Co-ordinator:

- *the proposed zones under the current LEP are the 'best fit' to reflect the intentions for the site and the current choice of zones,*
- *the proposed zones in the Planning Proposal are interim zones,*
- *this Planning Proposal has been submitted to allow the owners of the land to gain some certainty about the zone change,*
- *the preferred design outcomes on the ground and are subject to further negotiations and consideration under detailed planning controls for the site,*
- *apart from the consultation outlined in the Planning Proposal, the draft Lismore LEP 2011 has been through a public consultation phase - all adjoining land owners were notified of the proposed zone change. Only one (1) submission was received and that was from the land owner. It is recommended that Council request a shortened exhibition period for the Planning Proposal, and*
- *the Lismore Urban Strategy 2003 was amended in April 2011 to include the Crawford Land.*

Social Planning

A full Social Impact Assessment is required including community consultation.

In the interest of keeping communication open from the outset, key stakeholders will be contacted directly to ensure that they are aware of the planning proposal and are given the opportunity to communicate their concerns and ideas in regards to the development.

NRM Planning

The following is a summary of comments and recommendations provided by Council's NRM Planning Officer.

The Planning Proposal makes reference to Recreation Planning as follows:

- *Page 19-20 reference is made to Clause 78 of State Environmental Planning Policy (North Coast Regional Environmental Plan)(NCREPP SEPP),*
- *Appendix 1 - Engineering Services Report includes 'Plan of Pathway and Public Transport Network', and*
- *Appendix 7 – Structure Plan indicates 24.4ha nominated as open space (including the area for environmental protection).*

Pedestrian/ cycle movement:

The provision of comfortable pathways and circuits for informal walking/ cycling within this development, was identified as a high priority by the existing residents of East Lismore, in the community consultation undertaken in November 2010. This need for more pathways within urban areas, is also identified in the Draft Lismore Sport and Recreation Plan June 2011.

At this conceptual stage, the proposal adequately considers the provision of pedestrian and cycle paths within the development and linking the new residential area to the adjoining neighbourhood of East Lismore. A conceptual footpath and cycle path layout is provided (refer Appendix 1 - Engineering Services Report includes 'Plan of Pathway and Public Transport Network').

Following the Gateway determination, further investigation is required to determine:

- *the most appropriate routes for proposed pathways and cycleways within the development and linking to the local area. These can be investigated in more detail, as master-planning of the proposed open space areas is undertaken, and*
- *the potential for national park style walking trails through the environmental protection area, providing both north-south and east-west connectivity to existing residential areas.*

The bushland corridor (identified for environmental protection) links to other bushland to the north which is owned by the University. There is potential for a walking trail to extend north, from the Crawford Land, through the bushland on University land, to the Bruxner Highway and linking to Rotary Park. This would provide a substantial and pleasant off-road walk part-way into the CBD.

To the south the potential for development of an along-the-contour bushland trail linking Crawford Land to the Invercauld Land site, should also be investigated. There is also potential for the route of the new Southern Sewer Trunk Main to be utilised as a recreational trail.

Integration with existing parkland areas

The western boundary of the proposed development adjoins an extensive area of contiguous open space (refer Structure Plan with aerial underlay). This existing parkland accommodates the following park infrastructure and sporting clubs:

- *Wade Park – a popular local park for parents and young children with playground embellishments and a bicycle track suited to 0-5 year olds,*
-

- *Thistles Soccer Club – A small privately owned soccer club, and*
- *Lismore Model Aero Flying Club – utilises undeveloped Crown land.*

The submitted Structure Plan indicates a relatively large mixed use zone located along the western edge of the proposed development, directly adjoining the existing parkland precinct. It is proposed that this zone include a mix of residential and neighbourhood commercial development. The land in this area is relatively level and therefore low cost and highly desirable to develop. However, due to its location directly adjoining existing parkland, consideration should also be given to its potential for development, at least in part, as open space that could complement existing facilities and enhance the amenity, appeal and useability of the overall parkland precinct. This would benefit both residents of the proposed development and the existing East Lismore community.

For this reason, it is important that the proposed zoning of the land, along the western edge of the site, does not prohibit open space and recreational uses. So long as additional open space/ parkland development is permissible within the proposed zoning, the issues of how the commercial precinct will interface with the parklands precinct, can be addressed in the 'Development Control Plan'.

Following the Gateway determination, further investigation is required to examine how the western edge of the proposed development will interface with the existing parklands.

A master plan of the proposed commercial precinct and adjoining open space areas is required that considers:

- *Provision of open space and landscaping to create an aesthetic main entrance from the north (i.e. off Military Road) to the proposed development and the existing parklands,*
- *The potential to design in active shop frontages and outdoor dining areas that overlook high amenity parkland areas. There is potential for a café (with adjoining children's playspace) to service the many existing users of Wade Park and Thistles Soccer Club,*
- *The potential to create a visual feature and destination within the parkland precinct e.g. landscaped detention basin or constructed wetland with pond, viewing deck, picnic facilities with cycle path links,*
- *Location of car parking facilities to service the shops and parklands (these could be co-located),*
- *Provision of vehicular access to Thistles Soccer Club (access through Wade Park and/or from the south could be considered),*
- *Provision of shared cycle/ pedestrian pathway network within the existing parklands, linking to the proposed shops and residential area,*
- *Cycle path links from the proposed development to existing local facilities such as: Wyrallah Road Primary School, Lismore High School, Southern Cross University, local pre-school /childcare facilities, and*
- *Landscaping of stormwater infrastructure associated with the proposed development (such as detention basins, swales, drainage lines, open channels, infiltration beds) so that they contribute to the amenity of the parklands and public realm.*

Conservation of existing viewing point

There are significant views to the hinterland to the west, from the top of the existing quarry cliff face in the south of the site. Public access to this viewing area should be retained. Open space master-planning for the site should consider the potential for a lookout and picnic facilities to be constructed in this location.

Vegetative Buffers to adjoining landuses

The planning proposal addresses the need for vegetative buffers to be installed to the adjoining electricity sub-station to the north and rural landuse to south.

Cultural Heritage

The Planning Proposal includes at Appendix 6 a letter from Murray Roberts dated 6 July 2011 which outlines the findings of an Aboriginal Cultural Heritage Assessment undertaken on the subject land by himself, on behalf of the Ngulingah Aboriginal Land Council.

From the process outlined in the report, it appears that the assessment methodology did not include consultation with the Aboriginal community in accordance with the Office of Environment and Heritage (OEH) guideline 'Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010'.

For this reason, the research methodology appears to be unable to comply with the OEH 'Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales' and may be inadequate for:

- identifying whether or not Aboriginal objects are, or are likely to be, present in the proposed development area,*
- determining whether or not activities associated with the proposed development are likely to harm Aboriginal objects, and*
- determining whether an AHIP application is required.*

It is recommended that post-gateway determination, the proponent be required to undertake the missing consultation component of the study and to prepare a more comprehensive 'Aboriginal Cultural Heritage Assessment Report', that is in accordance with the OEH "Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW".

Environment and Ecology

The following is a summary of comment and recommendations provided by Council's Environmental Strategy Officer:

Summary of findings

- Remnant vegetation on the subject site includes a significant wildlife habitat/corridor on the eastern escarpment. Previous studies in the vicinity of the site have found that the vegetation is actively utilised by koalas and can be defined as Core Koala Habitat (SEPP 44),*
- Furthermore, the ecological assessment for the related Development Application for Stage 1 of the Asia Pacific Football Institute (DA 5.2011.156.1) determined that a population of *Arthraxon hispidus* (Hairy Joint Grass) listed as threatened species (TSC Act, EPBC Act) is located on the parts of the subject site,*
- This vegetation located within the existing Environmental Protection Zone on the eastern escarpment is proposed to be retained, restored and enhanced. The supporting documentation indicates that supplementary koala food trees will be planted, weeds will be controlled and fencing used to exclude dog inclusions. In addition there will be no barriers to free koala movement and no fragmentation of habitat by public roads,*
- It is proposed that two dwellings as well as a public walkway is be located within the existing Environmental Protection Zone, and*
- The proposal will result in the long-term preservation and management of this habitat area which will be achieved in the subsequent development and rehabilitation management plans for the Site.*

Community benefits

- Long-term preservation and management of a significant area of core koala habitat within the urban area.*
- However, additional long-term benefits to the community could be realised by securing legal long-term protection and management of the vegetation located on the eastern escarpment, securing funding for long-term vegetation and upstream stormwater management within the catchment and avoiding potential land-use conflicts posed by the location of recreation facilities on private land. These additional benefits to the community could be achieved by:*

- *Excision of an urban-sized lots for each of the two proposed dwelling sites within the existing Zone No.7(b) Environmental Protection Zone*
- *Remaining bushland to be protected by: donation of land to Crown (via Voluntary Conservation Agreement, NP&W Act) or Council for dedication as a conservation reserve*
- *Include passive recreation facilities (e.g. walking tracks, picnic facilities) and minimise urban bushland fragmentation*
- *Initial habitat enhancement works outlined in a Plan of Management (PoM)/Vegetation Management Plan (VMP) which includes specific, achievable and realistic performance criteria and a minimum of 5 year maintenance period fully funded by the proponent.*
- *Benefits from the initial habitat enhancement works and subsequent maintenance secured by Voluntary Planning Agreement (EP&A Act) against the performance criteria outlined in the PoM*
- *On going maintenance of vegetation, upstream stormwater management and recreation facilities to be funded by an Environmental Levy on the new subdivision.*
- *Additional benefits to the proponent would be realised by the increased value of the two proposed dwellings within the existing Zone No.7(b) Environmental Protection Zone, as the dwelling sites can obtain the benefit from being located within bushland without burdening new owners with ongoing vegetation and upstream stormwater maintenance.*

Ecological Issues

- *A comprehensive Flora and Fauna Assessment supporting the proposal is prepared in accordance with the following NSW State Government Guidelines for the EP&A Act/TSC Act/FM Act: DEC (2004). Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities (working Draft). Department of Environment and Conservation NSW, Hurstville, NSW.*
- *Previous reports relating to DA 5.2011.156.1 needs to fully incorporated into one consolidated report. Referencing these reports in the Flora and Fauna Assessment will not suffice.*
- *A comprehensive assessment of both terrestrial and aquatic ecosystems must be conducted. A cursory "opportunistic" search for threatened flora and fauna will not suffice.*
- *Targeted searches for threatened flora and fauna species need to be conducted.*
- *In particular, a systematic search for koala activity based on the SPOT Assessment Technique will need to be conducted.*
- *A comprehensive list of flora and fauna recorded on the site needs to be included with the report. For each species recorded on the site, the report will need to indicate the native/exotic status as well as the conservation status (TSC Act and EPBC Act). DECC (2007).Threatened Species Assessment Guidelines: The Assessment of Significance. Department of Environment and Climate Change NSW, Sydney South, NSW.*
- *In regards to threatened species, populations and EECs and their habitats, pay particular attention to the local rather than the regional context. This is important for species such as Arthraxon hispidus and Desmodium anthocladum which are widespread in the northern rivers.*
- *Relevant policies, guidelines and factsheets pertaining to the Fisheries Management Act 1994 No. 38 available from: <http://www.dpi.nsw.gov.au/fisheries/habitat/protecting-habitats/toolkit>.*

Riparian Issues

- *The documentation supporting a DA/PP is assessed in accordance with the NSW State Government guidelines pertaining to Controlled Activities defined in the Water Management Act 2000. Relevant guidelines and factsheets pertaining to the Water Management Act 2000 are available from: <http://www.water.nsw.gov.au/Water-licensing/Approvals/Controlled-activities/Controlled-activities/default.aspx>*

Plan of Management/Vegetation Management Plan

- *For most Planning Proposals which affect/have the potential to affect native vegetation and/or riparian areas, Conditions of Consent may include conditions for rehabilitation/regeneration of native vegetation and restoration of riparian vegetation. If this is the case, the planning and implementation of these works would need to be carried out under the auspices of a PoM or a VMP. In the absence of comprehensive guidelines from DECCW, LCC has developed its own guidelines for VMPs. These guidelines are available at:
<http://www.lismore.nsw.gov.au/cmst/lcc002/view_doc.asp?id=5771&cat=106>*

Environmental Health

The following is a summary of comments and recommendations provided by Council's Environmental Health Officer.

Contaminated Land

The Contaminated Land Assessment (CLA) prepared by EAL has been noted. No sampling appears to have been undertaken in and about the quarry site and in the environment protection area. The CLA has shown elevated levels of analyses in 3 areas.

- *SP 74 (from C20) shows lead, cadmium, zinc, and manganese all above HBIL and mercury near to the HBIL limit. Further sampling was carried out within 10m of TP 74 and these results were not reproduced. The information submitted does not accurately describe where these samples were taken. This should be better documented. The proposed use of the area in and about TP 74 is for residential purposes and is within the most sensitive landuse grouping. Taking a cautionary approach it is considered that all contaminated material in and about TP 74 should be the subject of a remedial action plan (RAP).*
- *Maize Grove Dip – The dip site has been decommissioned. The result of analyses appears to be low relative to experience with other dip sites with similar history. The information submitted does not accurately describe where the samples were taken relative to the dip bath and ancillary structures and drainage patterns of the site. This should be better documented. All these matters should inform the choice of sampling locations for any judgemental sampling of the area. Further the proposed future use of the dip site area is for recreational open space etc. The levels of arsenic in samples TP1 (367mg/kg) and TP4 (440mg/kg) are above the HBIL for Column 3 uses and TP5 (188mg/kg) approximates the HBIL threshold. The dip site area should be the subject of a remedial action plan (RAP) and more detailed and accurate information provided on the location of all samples taken and relative to site features.*
- *Sheds – Samples TS 30 and TS38 show elevated Sum of TPH C10 – C36 of 1540 and 1030mg/kg respectively. Comment is provided in the report and is accepted in this instance. No further action is proposed in this matter.*

Remedial Action Plans (RAPs) and other matters as discussed in items 1 and 2 above and CLA for the quarry area and the environment protection area and possible importation of fill must be part of the Statement of Environmental Effects (SEE) accompanying a development application to further develop the land.

Noise

The proposed residential areas are well buffered by distance from potentially conflicting agricultural activities. The key amenity impacts on residential receivers will be noise impacts arising from:

- *the existing soccer and model aeroplane facilities and the Zone Substation all in Military Rd,*
- *the future Football complex,*
- *neighbourhood business uses,*
- *road traffic noise, and*
- *sewer pump station/s.*

No noise impact assessment has been undertaken with this proposal. The noise impact assessment carried out for the Zone Substation was conducted relative to the existing residential receivers and appropriate acoustic treatments were incorporated into the development. The future residential development will be in a different direction and some noise impact assessment of the substation may need to be undertaken to assess any impact on the future residential users. The impact of the existing recreational facilities should not have an unreasonable impact on future landuses as these activities are conducted within reasonable hours. The Thistles fields do have some evening use. The nature of the model aircraft noise can be upsetting to some people but the facility has limited use.

The noise impact assessment of existing uses, road traffic, sewer pump stations and the future football facilities uses should be included in any future Statement of Environmental Effects (SEE) accompanying a development application to further develop the land. Recognition of the existing uses must be recognised now.

Odour

The locality experiences some impact from odours arising from the East Lismore Sewage treatment Plant (and maybe the adjoining landfill). This matter should be addressed in any future Statement of Environmental Effects (SEE).

Lighting

Lighting from the Thistles football facilities and any future football facilities will need to comply with AS4282 Control of the Obtrusive Effects of Outdoor Lighting.

Electromagnetic Radiation

The information accompanying the proposal suggests that Electromagnetic Radiation (EMR) from the substation and the in-ground powerlines in Military Rd will meet relevant standards. This is acceptable for now but any future DAs should include discussion of this matter and updated to include demonstrating compliance with contemporary standards.

Protective Shade

The provisions of the Lismore City Council Community Sun Protection Strategy needs to be considered for relevant components of the proposal and can be fully addressed with future DAs.

Stormwater Management

The development will need to demonstrate compliance with Lismore DCP Chapter 22 – Water Sensitive Design and should be included in any future Statement of Environmental Effects (SEE) accompanying a development application to further develop the land.

Erosion and Sediment Control

This matter can be managed as part of the future DA process.

Quarry Rehabilitation

This matter must be addressed with any future proposal to develop the land.

Buffers

These matters will be assessed by the relevant Assessing Planner. Potential odours from the Lismore Sewage Treatment Plant may need to be considered.

Conclusion

From the information provided and the assessment of matters relevant to the EH section there appears to be no significant issues that may arise that cannot be effectively managed. Accordingly no EH objection is raised to this proposal subject to the following recommendations.

Recommendations

The following recommendations will need to be satisfied as part of any future relevant development application process.

- In conjunction with any future application to develop the land a contaminated land assessment (CLA) in accordance with relevant standards must be carried out for the area in and about the quarry and the area designated as environment protection. A remedial action plan (RAP) for the area in and about SP74 and the Maize Grove dip site area must be prepared. The RAP must also include more detailed and accurate information provided on the how the judgemental sampling regime was considered and the location of all samples taken and relative to site features at the dip site and at SP74.*
- The requirements of Lismore DCP Chapter 22 - Water Sensitive Design must be complied with.*
- A noise impact assessment of the zone substation, existing model plane and football recreational uses, road traffic, sewer pump stations and the future football facilities uses must be included in any future Statement of Environmental Effects (SEE) accompanying a development application to further develop the land.*
- The potential impact of electromagnetic radiation arising from the zone substation and the associated underground high voltage power lines must be undertaken and demonstrate compliance with relevant contemporary standards.*
- The provisions of the Lismore City Council Community Sun Protection Strategy need to be considered and addressed for relevant components of the proposal.*
- A quarry rehabilitation plan (QRP) must be prepared in accordance with good environmental practice. The QRP must include all relevant matters that may arise from the contaminated land assessment.*
- The impact of odours arising from the East Lismore sewage treatment plant must be addressed.*

Development Planning

The following is a summary of the comments from Council's Manager Development and Compliance:

The planning proposal notes that Hairy Joint Grass is present on the subject site. Council has recently approved DA2011/156 for preliminary earthworks for the APFI site which included the conditions specific to the management and protection of Hairy Joint Grass. A Plan of Management is to be prepared in conjunction with Stage 2 (Fields 4-6) of the APFI proposal to outline Hairy Joint Grass management measures, offset options (e.g. Funding contributions towards the development and implementation of research programs and/or recovery plan for the species), protection, incorporation in to the landscaping and translocation. The Plan of Management will also address riparian and weed control issues, buffer planting and quarry rehabilitation matters.

If Hairy Joint Grass is not delisted as a threatened species at the Commonwealth level, and the state legislation is not amended to reflect such an action, the planning proposal will need to ensure the relevant management actions are addressed.

Sport and Recreation

The following is a summary of comments from Council's Sport and Recreation Officer:

- The APFI development will be an exciting addition to Lismore City. Council has identified through the Sport and Recreation Plan 2011 - 2021 a willingness to work cooperatively with the APFI*
- The Sport and Recreation Plan 2011- 2021 also identified that there was adequate provision currently for sports fields in Lismore. Apart from the APFI the provision of open recreation space appears to be a higher priority than the provision of more sporting fields for this particular development.*

Engineering – flooding

The following is a summary of comments from Council's Senior Strategic Engineer:

The study is adequate for the purpose of identifying that the site is acceptable for future residential and commercial development.

On the basis of the content of the initial flood impact assessment there are no reasons why the development could not proceed.

The report clearly identifies that there is no significant impact to adjoining properties resulting from an ARI 100 year flood event.

There is however there is a likely rise of 50mm from an ARI 10 storm event in the local Monaltrie Creek should the site be filled. This is remedied by not filling below 8.53m AHD.

A more detailed site survey and flood impact assessment would be required at the DA stage.

Engineering – stormwater

The following is a summary of comments from Council's Senior Strategic Engineer:

The developer's consultants have identified 5 catchments which impact the site. There are three obvious water courses providing the developer with excellent opportunities for stormwater detention and treatment as well as green corridors and pedestrian links.

The report clearly identifies the developer's desire to use sustainable practices in regard to managing stormwater. An area of 2.25Ha will be set aside for stormwater treatment. Grass swales will be used in some areas to formalise existing overland flow paths. This will enable the redirection of runoff away from Wade Park. This may potentially improve inundation problems and could result in improved park utilisation.

The report has satisfactorily addressed the main stormwater issues within the site however details will be required to be provided at a later stage.

Engineering – water and sewerage

The following is a summary of comments from Council's Strategic Engineer – Water & Sewer:

Wastewater

A strategy has been developed for servicing of the Crawford Land and other proposed urban release areas, involving the initial stages of the Crawford rezoning connecting to the existing Sewage Pump Station 16 (Wade Park) by gravity and future stages connecting to a new sewage pump station which will pump wastewater to the proposed Sewage Pump Station 34 which forms part of the Southern Trunk Main project. Completion of construction of the Southern Trunk Main is anticipated prior to the end of 2012.

An agreement has been reached between Council and Norsesearch Pty Ltd for the provision of necessary wastewater infrastructure. Under this agreement, Norsesearch will fund construction of the new Crawford Sewage Pump Station and Council will fund construction of the associated rising main from this pump station to SPS 34.

The strategy and agreement referred to above are considered satisfactory to ensure adequate servicing of the land.

Water

Additional modelling is required to determine necessary augmentation of Council's water reticulation system to cater for additional demand created by the development. However, it is considered that the water supply has sufficient reservoir capacity to cater for additional demand and augmentation of the reticulation to serve additional demand is readily achievable.

Modelling undertaken some years ago for the original 'technology park' development proposal for this land indicated that development of the Crawford Land was likely to result in unsatisfactory water pressure and levels of service being provided to properties located in Martin Drive and Foley Close, located on the edge of the Central Reservoir Zone which serves the Crawford development. This problem could easily be addressed by amending the boundary between the Central and adjoining Wyreema Avenue Reservoir Zones so that properties in Martin Drive and Foley Close were transferred from the Central to Wyreema Ave zone. This would involve construction of approximately 550 m of 100 mm water main along Cynthia Wilson Drive and installation of a pressure reducing valve on this line.

An agreement on the funding of construction of this work could be reached between Council and Norsearch, or this work could be incorporated within a revision of Council's Development Servicing Plan. More detailed modelling could be used to determine at what stage of development this augmentation of the water supply was required.

Given the above considerations it is considered that servicing of the development can readily be achieved.

Public consultation

Community consultation for a Planning Proposal would normally comprise an exhibition period of not less than twenty eight (28) days.

Community consultation will be commenced by giving notice of the public exhibition of the Planning Proposal:

- in a newspaper that circulates in the area affected by the Planning Proposal,
- on the web-site of the Lismore City Council and the Department of Planning, and
- in writing to affected and adjoining landowners.

The timing for community consultation will be when the Department of Planning has advised of its requirements for supporting information and the studies have been undertaken to the satisfaction of Council. At this point there will be a clear picture of the developable area on the subject land and a concept plan for how land use might occur.

Council may also at this point have a draft Structure Plan/Development Control Plan, draft Section 94 contributions plan and/or draft planning agreement that it wishes to exhibit simultaneously with the Planning Proposal.

Conclusion

The Planning Proposal has merit and can be supported. The Planning Proposal may proceed subject to more detailed studies being done.

Based on available information the Planning Proposal substantially complies relevant SEPP's and Section 117 Directions, Council's key strategic documents including its Community Strategic Plan, Lismore Urban Strategy and the Regional City Plan.

It also substantially complies with the Far North Coast Regional Strategy.

There is sufficient information to enable Council to support the Planning Proposal and forward it to the NSW Department of Planning for its consideration and response.

There are a number of key matters that will be required to be addressed prior to consultation or exhibition of the Planning Proposal and these are identified as part of the recommendations. Many of the issues raised in the Council staff comments can be investigated in detail at the subsequent development application stage. Staff have identified further investigations in regard to the contaminated land assessment. The contaminated land assessment was carried out by a consultant associated with the proponent. Public accountability standards suggest that a new comprehensive assessment should be completed by a consultant who is independent of both the proponent and the proponent's consultant.

Council staff have identified further investigations in regard to the contaminated land assessment. The contaminated land assessment was carried out by a consultant associated with the proponent. The requirements of SEPP 55 and public accountability standards suggest that the contaminated lands assessment should be reviewed by a consultant who is independent of both the proponent and the proponent's consultant.

Attachment/s

1. Current LEP 2000 Zoning (Over 7 pages)
2. Gateway Planning Proposal Crawford Land Military Road East Lismore (Over 7 pages)
3. Assessment of Planning Proposal - State Environmental Planning Policies (Over 7 pages)
4. Assessment of Planning Proposal - North Coast Regional Environmental Plan (Over 7 pages)
5. Assessment of Planning Proposal - Ministerial Directions Section 117 (Over 7 pages)

Recommendation

That:

1. Council support the current Planning Proposal as attached to this report and forward the Planning Proposal to the Department of Planning and Infrastructure to seek a Gateway Determination.
2. The proponent is to undertake the following key investigations if Council receives a Gateway Determination from the Department that the Planning Proposal may proceed:
 - a retail analysis to identify the role, function, scale and relationship of the proposed Neighbourhood Centre to the Lismore CBD and other neighbourhood centres within vicinity to the site,
 - a revised and more detailed Traffic Assessment specifically examining the areas of Dalley Street including the hospital precinct and the Dalley / Dibbs Street intersection, Dibbs Street including the Dibbs / Ballina Road intersection, comment on the various traffic issues raised during the public forum process and the validation of the underlying assumptions of the initial traffic assessment,
 - a revised flood study of localised flood impacts of the site responding to the recommendations of Worley Parsons *Crawford Site Flood Impact Assessment (April 2011)*,
 - a cultural heritage investigation of the Crawford Land that is consistent with current Office of Environment and Heritage Guidelines,
 - a comprehensive Flora and Fauna Assessment of the land consistent with Office of Environment and Heritage Guidelines addressing terrestrial and aquatic ecosystems with necessary supporting surveys to address current survey information gaps, threatened species that are State and Commonwealth listed and relevant legislation including SEPP 44 and the Water Management Act 2000,
 - a revised Contaminated Sites Assessment that is consistent with SEPP 55 and associated guidelines. This Assessment must be reviewed by a consultant who is independent of both the proponent and the proponent's consultant,

- a preliminary noise impact assessment of existing uses adjoining the site including existing sporting facilities, the electricity sub-station, road traffic, sewer pump stations and the future football facilities,
 - a preliminary odour assessment of the land and the East Lismore Sewerage Treatment Plant and adjoining land fill site, and
 - an updated assessment of the investigations that supported the development of the sub-station in 2006 in response to any adjustments required for planning and management of Electro Magnetic Field (EMF) levels.
3. The proponent be advised that Council seeks to continue the structure planning process and Development Control Plan development already initiated with the proponent.
 4. Council, upon receipt of the Gateway Determination to proceed with the Planning Proposal, seeks amendment to the Far North Coast Regional Strategy.

Report

Subject	Reduction in Number Of Councillors
TRIM Record No	BP11/713:EF10/138
Prepared by	Corporate Compliance Coordinator
Reason	An amendment to the Local Government Act has given Council the opportunity to reduce the number of Councillors without the need for a Constitutional Referendum
Community Strategic Plan Link	Best-Practice Corporate Governance

Overview of Report

The report details a proposal to reduce the number of Councillors following an amendment to the Local Government Act 1993. Council will be required to seek community comment on any proposal to reduce the number prior to forwarding an application to the Minister for Local Government.

Background

Following the election of a new State Government, a number of amendments have been made to the Local Government Act 1993. One of these (S224A) refers to the process of reducing the number of councillors to be elected in 2012 and subsequent terms.

Section 224A now requires a council to give not less than 42 days public notice of its proposal to resolve to apply to the Minister for Local Government for approval to reduce its councillor numbers. Formerly, not less than 21 days notice was required. In all other respects the procedure for making an application remains the same.

The procedure can now be summarised as follows:

A council must give not less than 42 days public notice of its proposal to resolve to apply to the Minister for approval to reduce its councillor numbers

The public notice must:

- state the place at which, the dates on which, and the times during which the public may inspect the proposed resolution, and
- invite public submissions on the proposal

The council must bring the notice to the attention of as many people in its area as possible. This is commonly done by doing all of the following:

- advertising in a newspaper regularly circulating in the council area
- exhibiting the notice in public areas such as community centres, libraries and public notices boards, and
- posting the notice on the council's website

After passing the resolution the council must forward to the Minister:

- a copy of the resolution
- a summary of any submissions received by it, and
- its comments concerning those submissions

How Many Councillors

There are a number of ways in which Council can choose to approach this issue. The Local Government Act 1993 provides that Councils must have at least 5 Councillors. This is the obvious starting point for any discussion, with Council and the community determining the level of service it requires.

At this point it is important to outline the role of a councillor as prescribed by the Local Government Act:-

232 What is the role of a councillor?

(1) The role of a councillor is, as a member of the governing body of the council:

- *to provide a civic leadership role in guiding the development of the community strategic plan for the area and to be responsible for monitoring the implementation of the council's delivery program*
- *to direct and control the affairs of the council in accordance with this Act*
- *to participate in the optimum allocation of the council's resources for the benefit of the area*
- *to play a key role in the creation and review of the council's policies and objectives and criteria relating to the exercise of the council's regulatory functions*
- *to review the performance of the council and its delivery of services, and the delivery program and revenue policies of the council.*

(2) The role of a councillor is, as an elected person:

- *to represent the interests of the residents and ratepayers*
- *to provide leadership and guidance to the community*
- *to facilitate communication between the community and the council*

Comment: In considering this role, it is important to note the placement of the Clauses. This placement is no accident. The focus of the entire local government act is on the strategic/governance role of the Councillors thus primacy has been given to the governance role by placing it as Clause 1. Conventional wisdom is that this is better achieved by a smaller team of Councillors, who through the governance process achieve the role set out in Clause 2. The converse argument is that a larger team can represent a broader range of views which coalesce to a better solution.

In a similar manner there is an argument that Clause 2 is better achieved by a larger diverse Councillor base which through its efforts achieves the goals of Clause 1 but it is argued that this increases the risk of disfunctionality as diverse views are catered for.

So the question for Council and the public is does it need more than five (5) to fulfil the role as outlined in the Act?

Other Council Situations

Whilst the Council must examine its own situation and the service level its own community expects, there is value in examining what is happening in other local government areas. As a guide, the following table is presented. It is based on figures from the last local government election

Council	No. Councillors	Electors (2008)	Ratio
Tweed	7	38,108	5,444
Byron	9	13,286	1,476
Ballina*	10	23,520	2,352
Kyogle*	9	5,340	593
Richmond Valley	9	10,918	1,213
Clarence	9	25,125	2,791
Blacktown*	15	133,148	8,876
Lismore	11	21,428	1,948
	9		2,380
	7		3,061
	5		4,285

* These Councils have Wards

It should be noted that Richmond Valley is currently considering the option of reducing its number of Councillors to 7.

Other Considerations

Whilst the "Role" should be considered the dominant consideration, there are other factors that Council and the community may wish to take into consideration.

These include

- Reduced cost associated with reduced number of Councillors

Comment: These costs are detailed in the Finance comments. These are real savings which can be used to achieve real projects. The alternative argument is that these savings are minimal when compared to the size of Councils budget.

- A reduction in Councillors has the potential to reduce the political, gender, social diversity and geographic spread of candidates

Comment: However if you examine the results of the past two elections, in 2004, the last two Councillors elected were male, one rural based, one city based and both to the right of the political spectrum. In 2008, again we had two male candidates as the last two elected, one who attracted a strong rural vote, one from the city but in this case one from the left and the other more to the middle.

Thus no strong argument that emerges that a reduction in numbers will automatically bias any segment of the community, apparently it depends upon the quality of the candidate.

To continue this analysis beyond the last two elected councillors would not be viable as the variable with increased quotas would make any analysis problematic.

A somewhat simplistic approach would be to look at Tweed Council which seems at the last election to have achieved a diverse range of Councillors.

- The introduction of modern communication methods may reduce the need for Councillors.

Comment; As we use modern communication techniques such as twitter, face book to communicate with the public the forthcoming introduction of broadband technology (by either government) it will be easier for Councillors to tap into community opinion. It could be argued that a smaller number of Councillors than present will be as well informed as the present number.

- Historically the public has supported the reduction in the number of politicians at all levels of government

Sustainability Assessment

Social Inclusion and Participation

There is the potential that any reduction in the number of Councillors has the potential to reduce the diversity of elected Councillors.

Best-Practice Corporate Governance

The procedure detailed in the report follows guidelines issued by the Division of Local Government. Whilst implied only, there would appear to be an opinion from the Division, that the as a general rule, the number of Councillors in NSW is excessive, to carry out their role, as prescribed in the Local Government Act.

Comments

Finance

A reduction in the number of councillors would reduce the following 'direct' expenses based on amounts included in the 2011/12 Budget:-

1. Reduction in Councillor Fees – \$16,600 per councillor per annum
2. Reduction in Councillor Vehicle Allowance - \$1,000 per councillor per annum
3. Reduction in Professional Development - \$2,000 per councillor per annum
4. Reduction in Councillors Facilities - \$2,100 per councillor per annum

On average, the saving per councillor per annum is \$21,700.

Public consultation

Should Council consider reducing the number of Councillors, it will be required to advertise the proposal and consider any submissions prior to making a final decision. This will be the primary method of determining the level of service required by the community

Conclusion

The reduction of the number of Councillors from the current level of 11 to the minimum of 5 would seem a little 'courageous'. A reduction to this degree does raise concerns about the spread of Councillors that would be achieved and if this would reflect the community at large in the Chamber.

At the same time the tenet of the local government act and community sentiment would seem to support a reduction in the number of Councillors.

Many other Councils seem to operate successfully with seven (7) Councillors including Tweed Council in our Region and it is noted that Richmond Valley is recommending a reduction to this number

Bearing in mind that any proposal needs to be advertised, the recommendation is to reduce the number to seven (7).

Attachment/s

There are no attachments for this report.

Recommendation

That:

1. Council resolve to apply to the Minister for Local Government to reduce the Councillors for the 2012 election and subsequent Councils to Seven (7)
2. The proposal be place on public exhibition
3. The community response be presented to the November Council meeting for final determination.

Report

Subject	9 Club Lane, Lismore CBD - Classification as Operational Land
TRIM Record No	BP11/689:P30138
Prepared by	Property Services Administrative Assistant
Reason	Compliance with Local Government Act requirements.
Community Strategic Plan Link	Best-Practice Corporate Governance

Overview of Report

The *Local Government Act*, 1993 stipulates that upon acquisition of land that it wishes to classify as Operational land, Council must take certain steps within three months of the purchase of the property.

Background

Following a report to Council of 14 September 2010 in relation to the proposed purchase of property at 9 Club Lane, Lismore, to enable reparation and/or reconstruction of a section of the flood levee, Council resolved to proceed with the purchase and that on acquisition the property be classified as Operational Land.

Settlement of the purchase was effected on 30 June 2011. As required by the provisions of the *Local Government Act*, 1993 a notice was published in 'The Northern Rivers Echo' on 14 July 2011 calling for submissions within 28 days in respect of the proposal to classify the property as Operational Land. No submissions were received by Council.

An aerial photograph of the property is shown below:



Sustainability Assessment

Sustainable Economic Growth and Development

The proposal allows the property to be classified as operational land. Consequently, the property can be bought or sold on the open market with Council consent.

Social Inclusion and Participation

The proposal is not considered to have any negative effects on social inclusion and participation.

Protect, Conserve and Enhance the Environment and Biodiversity

There are not considered to be any negative consequences for the environment as a result of this proposal.

Best-Practice Corporate Governance

This process is in accordance with the *Local Government Act, 1993*.

Comments

Finance

The recommendation is supported as it will allow Council flexibility when determining the best ownership option for the property in the future.

Other staff comments

Not applicable.

Public consultation

A notice pursuant to Section 34 of the *Local Government Act, 1993* was published in 'The Northern Rivers Echo' on 14 July 2011. No submissions were received by Council.

Conclusion

The process set out in Sections 31 and 34 of the *Local Government Act, 1993* in relation to the classification of land acquired since the commencement of that Act as Operational Land has been carried out.

Attachment/s

There are no attachments for this report.

Recommendation

That:

1. Council resolve that property at 9 Club Lane, Lismore, being Lot 2 DP 1114334 be classified as Operational Land.
2. The property be entered in Council's Land Register as Operational Land.

Report

Subject	Tender No. T2011-15 - Casual Plant Hire
TRIM Record No	BP11/709:T11/15
Prepared by	Rural Works Engineer
Reason	To inform Council of the tenders received for the casual hire of various trucks and plant to deliver Council's operational programs.
Community Strategic Plan Link	Best-Practice Corporate Governance

Overview of Report

This report details the tenders that were received in relation to the provision of casual plant hire for a 12-month period with the option of a 12-month extension.

Background

During day-to-day operations of Council's operational business, several plant items of differing types are often required to be hired by staff. The aim of this tender is to streamline this procedure by compiling a "Casual Plant Hire Database" list of approved suppliers, offering specific items of plant for hire at a fixed rate for the contract period.

The contract is for an initial 12-month period, after Council resolution and engagement, with an option for an additional 12-month period. At the end of the first contract period, a CPI rise and fall adjustment can be applied to all rates in the contract on application from the tenderer.

The request for tender was advertised in the '*Weekend Star*', the '*Courier Mail*' and the '*Sydney Morning Herald*', as well as "Tenderlink" through Lismore City Council's web page.

Submissions were received from a total of 55 tenderers by the close of the advertising period. A list of all tenderers is attached in Appendix 1.

Tender Examination

An evaluation committee comprising of staff from the Works Section, Consultant from Local Government Procurement and Council's Contracts Administration Officer undertook the review of tenders in accordance with the following categories, being:

- Total price,
- Capability and Experience,
- OH&S, Risk Management and Quality,
- Environment and Community, and
- Local Content.

Plant items tendered were listed in the following plant categories:

- Air compressor
- Combination
- Crushers
- Excavator
- Generator
- Lighting towers
- Material handlers
- Paver
- Profiler
- Rollers
- Screens
- Stock pile conveyor
- Tractor & slasher
- Water tankers/carts
- Backhoe
- Compactor
- Dozer
- Flip screen
- Grader
- Loader
- Mowers
- Portable traffic lights
- Pug mill
- Safety barriers
- Skid steer
- Stump grinders
- Trench digger
- Work platforms
- Boom spray
- Cranes
- Dumper
- Fork lift
- Impactor
- Low loader
- Mulcher
- Pressure cleaner
- Pumps
- Scalper
- Spray truck
- Tracked screens
- Trucks

Total Cost

In the area of Total Cost, tenderers were assessed on their scheduled “Wet” and “Dry” hire rates for each plant category.

Capability and Experience

In the area of Capability and Experience, tenderers were assessed in three independent areas. These include:

1. **Experience** – experience of personnel associated with the tenderer in delivery of the required works;
2. **Reliability** – when contacted tenderers reliably attend and execute the requirements of the work;
3. **Availability** – when contacted by staff the machine is available at the time requested by Council with reasonable notice.

The assessment of Capability and Experience is based on Council staff past experience with a tenderer or ‘phone references of those tenderers unknown to Council.

OH&S, Risk Management and Quality

For OH&S, Risk and Quality, staff assessed a tenderer based on:

- their previous demonstrated safety systems
- documented systems supplied with their tender.

Any contractors with previous deficiencies in their quality and safety systems were marked down in this area.

Environment and Community

In the area of Environment and Community, tenders were assessed on five independent areas. These include:

- environmental and green considerations;
- sustainability and long term benefits;
- technology application;
- social impact; and
- corporate fit.

Local Content

In the area of Local Content, tenderers were assessed on the following.

- physical location of business;
- direct spend within the community; and
- locally sourced labour.

Referee Check

The vast majority of tenderers were able to be reference checked by staff that have had previous exposure to the tenderers. The remaining tenderers were cross-checked in regards to their services in the past.

Plant Item Selection

The selection of individual plant items will be based on the evaluation of the categories and weightings listed below.

1. Total Price (40%)
2. Capability and Experience (30%)
3. OH&S, Risk Management and Quality (10%)
4. Environment and Community (10%)
5. Local Content (10%)

This report is asking Council to endorse a list of qualified contractors. There is no priority or ranking of individual plant items proposed at this stage, as a predetermined priority listing has proven problematic in the past. It is better to use the above assessment criteria on a job by job basis, as cost can be influenced by job specific criteria such as availability of plant items, transport costs and job duration. Also, capability and experience of individual plant operators can change over time as can OH&S management practices.

Sustainability Assessment

Sustainable Economic Growth and Development

The economic effect of this tender aims to source materials and services from local providers where possible. The engagement of local contractors and providers will have a direct positive benefit to the economic growth and development of Lismore and the local business community.

Social Inclusion and Participation

This proposal has been publicly advertised to enable the local and wider business community to make submissions under this contract.

Protect, Conserve and Enhance the Environment and Biodiversity

Tenders are assessed using the Environmental and Community criteria. Consideration to the environment has also been included where possible with plant maintenance.

Best-Practice Corporate Governance

The use of the prioritised plant hire database will enable staff to undertake casual plant hire in an efficient manner whilst abiding by Council's Procurement Policy.

An open tender process is the most transparent method to appoint a new contractor. Using suitably experienced contractors to provide plant and equipment to Council will achieve cost effective delivery of services and good value for money for the Lismore local government area residents.

Comments

Finance

An open tender process is likely to achieve the best value for Council in this situation. As such, the recommendation is supported.

Other staff comments

Manager - Works

The provision of a casual plant hire database presents the most efficient and best value for Council in undertaking its operational role while maintaining a fair, equitable and transparent system for contractors that interact with Council.

Public consultation

Nil

Conclusion

The supply of casual plant hire has been assessed and scored according to the evaluation criteria as set out in the tender document. As a result, the use of the suppliers listed in Attachment 1 will enable Council staff to use a contractor, based on availability, to provide the various plant items on a casual hire basis.

Attachment/s

1. Casual Plant Hire List of Suppliers and Equipment (Over 7 pages)

Recommendation

That Council adopt the list of suppliers in Attachment 1 for the provision of casual plant hire for a period of 12 months, with an option to extend the contract period for an additional 12 months, and the option for a CPI rise and fall adjustment to be applied to all hire rates.

Report

Subject	Lismore District Cricket Association - Fee Reduction Request
TRIM Record No	BP11/285:EF09/1049
Prepared by	Parks Coordinator
Reason	Requested from the Lismore District Cricket Association (LDCA).
Community Strategic Plan Link	Best-Practice Corporate Governance

Overview of Report

Following last summer's cricket season (2010/11), the Lismore District Cricket Association wrote to Council requesting the reduction of seasonal fees due to a significant number of games being lost due to the inclement weather. This request was subsequently discussed at the July 2011 Sport & Recreation Policy Advisory Group meeting where it was recommended that a reduction in fees be granted.

Background

Following the 2010/11 summer cricket season, the Lismore District Cricket Association (LDCA) wrote to Council requesting a reduction in fees for selected grounds, due to the lack of play on those grounds as a result of wet weather. Overall, seven fields were subjected to a large amount of field closures during the season, and it was requested that these grounds be subject to half of the regular ground hire fees. The ground hire status was investigated and the cancellations were confirmed via Council's field booking system. The total seasonal ground hire fees payable by the LDCA during 2010/11 were approximately \$43,800.

Accordingly a report was tabled at the Sport & Recreation Policy Advisory Group (S&RPAG) meeting held on 20 July 2011 to discuss the matter and provide a recommendation. Discussion took place in regards to whether a policy is needed for such instances. It was recommended that this request be treated as a one-off and that any future significant requests be dealt with on an as-required basis and not under a formal policy. Also discussed were concerns regarding the setting of a precedent for any future requests. The S&RPAG recommended that:

- Recommendation 1. \$3,000 of the fee be deferred until the 2011/12 season; and
- Recommendation 2. \$3,000 of the 2010/11 fee be forgiven.

Discussion

The request made by LDCA is unusual and is not anticipated to be a regular occurrence. Discussions with the S&RPAG involved many concerns that this issue may well set a precedent for future clubs and associations. However, it was also discussed that the affect of a lack of games for individual clubs and teams makes the sustainability of sport extremely difficult in the current economic climate, and it is recognised that Council may have a role to play when such economic stress is forced unexpectedly upon sporting groups.

It is not recommended that the fees from the 2010/2011 season be reduced, as this will have a negative impact on the final 2010/2011 budget result for Parks. It is therefore more appropriate to allow a reduction of \$3,000 from this financial year, to satisfy Recommendation 2 of the S&RPAG.

Sustainability Assessment

Best-Practice Corporate Governance

The request from the LDCA has been considered by the S&RPAG, a representative body of the Lismore sporting fraternity, which has assessed the validity of the request and makes recommendations to the Council to determine.

This approach is considered appropriate in line with the role of the PAG.

Comments

Finance

The recommendations from the PAG are supported albeit they result in an unfavourable variance to the 2011/12 Budget.

In regards to the S&RPAG Recommendation 1; as it is understood the LDCA is to pay the outstanding fees of \$2,000 shortly, no action is required.

Other staff comments

Parks Coordinator Comments

It is recommended that the fees be reduced in line with the recommendations of the Sport & Recreation Policy Advisory Group and that the agreed (Council Recommended) total be considered as a donation from Council's General Fund.

Sport & Recreation Project Officer

The Sport and Recreation Policy Advisory Group at its meeting on 20 July 2011 discussed a letter from the LDCA regarding a request to waiver part of its ground hire fees for the 2010/11 season – namely \$6,000.

The Policy Advisory Group has recommended that \$3,000 of this fee be deferred until the 2011/12 season and that the other \$3,000 be forgiven. The Policy Advisory Group indicated that this recommendation should be considered a once-off only owing to specific circumstances and should not be seen as setting any precedent.

Public consultation

No required

Conclusion

The risks associated with not providing some form of fee write-off would be that it may potentially put at risk the viability of cricket into the future. The loss of players to any form of sport because of a lack of playing time and player fee pressures do have negative repercussions for the stability and sustainability of clubs and associations running the game at a local level.

Attachment/s

There are no attachments for this report.

Recommendation

It is recommended that a reduction of fees to the sum of \$3,000 be approved for the Lismore District Cricket Association (LDCA) for the 2010/11 season.

Report

Subject	Arts and Culture Policy Advisory Group and Public Art Reference Group
TRIM Record No	BP11/528:EF09/1924
Prepared by	Lismore Regional Gallery Director
Reason	Calling for Councillor nominations for positions on the Arts and Cultural Policy Advisory Group and the Public Art Reference Group.
Community Strategic Plan Link	Develop and Support Art, Cultural, Sporting and Tourism Activities

Overview of Report

This report seeks Councillor nominations to the vacant positions on the Arts and Culture Policy Advisory Group and the Public Art Reference Group.

Background

In June 2011, Councillor Battista submitted his resignation from the Arts and Culture Policy Advisory Group (PAG) and the Public Art Reference Group. This resignation resulted in two vacancies for the Councillor positions in the Arts and Culture PAG and the Public Art Advisory Group. The appointed Councillor is the Chairperson of both the Arts and Culture Policy Advisory Group (PAG) and the Public Art Reference Group.

Scope of Arts and Cultural Policy Advisory Group

The Scope and Objectives of the Arts and Culture PAG are to:

- monitor and review current relevant policies to ensure they reflect the Council's Strategic Plan
- contribute to the development of new policy as required
- provide input into the delivery plan process
- identify potential funding and partnership opportunities
- assist in the prioritisation of projects related to arts and culture
- identify emerging arts and culture issues for the Local Government Area relevant to the strategic plan
- support Council projects that have an arts and culture component
- advise Council in the development of the Margaret Olley Arts Centre
- foster relationships between Council and established arts and culture networks
- ensure a broader 'arts' and 'cultural' focus is incorporated into the PAG.

Scope of Public Art Reference Group

The scope of the Public Art Reference Group is to oversee management role for all commissioning, implementation, relocation and de-accessioning of public artwork. The Group works within the Public Art Policy and will use the Public Art Procedures as their reference documents. The Public Art Reference Group is charged with the responsibility of administering the Public Art Policy. Group representation includes:

- one Councillor
- Lismore Regional Gallery Director
- Executive Director of Sustainable Development
- one Indigenous art representative
- one Arts industry representative.

Sustainability Assessment

Sustainable Economic Growth and Development

The appointment of a Councillor to these positions does not have an economic impact on the community.

Social Inclusion and Participation

The appointment of a Councillor to these positions does not have a negative impact on social inclusion and participation.

Protect, Conserve and Enhance the Environment and Biodiversity

Not required.

Best-Practice Corporate Governance

Filling the vacant positions demonstrates best-practice corporate governance.

Comments

Finance

Not required.

Other staff comments

Not required.

Public consultation

Not required.

Conclusion

One Councillor is required to fill the vacant position on the Arts and Culture PAG, and one Councillor is required to fill the vacant position on the Public Art Reference Group.

Attachment/s

There are no attachments for this report.

Recommendation

That:

1. One Councillor be appointed to fill the vacant position on the Arts and Culture Policy Advisory Group.
2. One Councillor be appointed to fill the vacant position on the Public Art Reference Group.

Report

Subject	Arts and Cultural Policy
TRIM Record No	BP11/692:EF09/1924
Prepared by	Lismore Regional Gallery Director
Reason	Endorsement of draft Arts and Cultural Policy
Community Strategic Plan Link	Develop and Support Art, Cultural, Sporting and Tourism Activities

Overview of Report

The Draft Arts and Culture Policy was developed by the Arts and Culture Policy Advisory Group (PAG) and submitted to the Council meeting of 14 June 2011. An exhibition period was held between 15 July and 11 August 2011 and was advertised in the Northern Rivers Echo and on Council's website. One response was received during the exhibition period.

Background

The draft Arts and Cultural Policy was open for public exhibition for period of twenty eight (28) days. During that time one submission was received from Mr Peter Boyle, a newly arrived Lismore based landscape architect. This submission responded to the Draft Pedestrian Access and Mobility Plan, the Draft Cycleway Plan, the Sport and Recreation Plan and Draft Arts and Cultural Policy and noted correlations and linkages between these policies and other Council strategic directions.

"... regarding the Draft Arts and Cultural Policy, this seemed to well address the broad aims and objectives required to guide strategic direction, however, I think there could have been mention made at the policy level of two important items:

- o *to explore expansion of the Lismore Regional Gallery as the central platform for the visual arts in Lismore – either in its current site or elsewhere; and*
- o *to foster a more strategic partnership with the Southern Cross University (SCU) as a key education and cultural facility within Lismore.*

I do think they (the Draft Pedestrian Access and Mobility Plan, the Draft Cycleway Plan, the Sport and Recreation Plan & Draft Arts and Cultural Policy's) are well-considered, at least in addressing their broad objectives, but I feel there is so much opportunity to be explored - at least some of the threads connecting these endeavours and thinking strategically around them."

Staff comment

The above submission indicated that the draft Arts and Culture Policy could be a more comprehensive document, linking to other areas within Council and speaking specifically about situations such as those outlined above. While this is ideal, the Arts and Culture PAG agreed in the development of the policy that it should remain a high level document, committing Council to broad level support of arts and cultural activity in the Local Government Area (LGA), and should not be a detailed action plan. Therefore it is not recommended to change the draft policy in response to the submission. A more comprehensive cultural plan would need substantial amount of time and money to implement effectively. Discussions will continue at Arts and Culture PAG meetings regarding the need and feasibility of this.

Sustainability Assessment

Sustainable Economic Growth and Development

Arts and cultural activities have a positive impact on the community and effectively assist with local and sustainable economic growth and development.

Social Inclusion and Participation

Arts and Culture are key drivers for bringing disparate elements of the community together. The Policy gives voice to all sectors of the community and commits to the preservation of Cultural Heritage.

Protect, Conserve and Enhance the Environment and Biodiversity

The policy supports the preservation of local cultural heritage, which may include natural cultural heritage, including that of the Bundjalung nation.

Best-Practice Corporate Governance

The development of clear policies promotes best practice corporate governance.

Comments

Finance

Not required.

Other staff comments

Not required.

Public consultation

The policy was developed by the Arts and Culture PAG, a representative body of key stakeholders in the creative industries sector in Lismore, and was endorsed at its meeting of 20 April 2011. The draft policy was also publicly advertised as per usual Council procedure.

Conclusion

The draft Arts and Culture Policy is a broad document that confirms Council's commitment to embracing the arts and culture sector of the LGA. The community feedback received reinforces the importance of showing commitment to this sector, but qualifies this with seeking ways to better link existing Council strategies and priorities across program areas. The endorsement of this policy could be the start of investigating a clear set of priorities and action plans.

Attachment/s

1. Arts and Cultural Policy

Recommendation

That Council adopt the Arts and Cultural Policy as tabled with this report.



POLICY MANUAL

POLICY NO:	8.5.1
OBJECTIVE:	To support and foster arts and culture in the Local Government Area
LINK TO STRATEGIC PLAN:	Develop and support art, cultural, sporting and tourism activities
PROGRAM:	Arts, Tourism and Leisure
AUTHORISED:	REVIEWED:

Lismore City Council commits to celebrating and strengthening our community by:

- providing ongoing support for arts and cultural development within the Local Government Area
- maintaining and developing appropriate infrastructure for community, cultural and arts events.

Context

Arts and cultural activity in Lismore, Nimbin and our villages foster community cohesion, well-being and local identity through creative practice and participation. Arts and culture also represent a growing sector of our economy.

This Policy is closely linked with other Council policies including those pertaining to public art, sport, tourism and events, economic development and community engagement.

Policy

In its decision making, Council will commit to:

1. recognising and valuing the traditional arts and cultural heritage of the Bundjalung people.
2. recognising the value that arts and cultural activities contribute to community and its health and well-being.
3. encouraging the pursuit of excellence in arts and cultural activities within the LGA and the region.
4. advocacy, promotion and communication to raise the profile of existing and emerging arts and cultural organisations.
5. creating opportunities for coordination and partnerships between existing and emerging organisations.
6. an integrated approach to 'whole-of-Council' planning for arts and culture.
7. increasing opportunities for all sections of the community, including young people, people with disabilities, people from Culturally and Linguistically Diverse (CALD) backgrounds, low-income- earners and transport disadvantaged to access and participate in arts and cultural activities.

8. encouraging expressions of identity that reflect local distinctiveness and diversity.
9. supporting the preservation of local cultural heritage.
10. enlivening public spaces by creating opportunities for everyday arts and cultural encounters.
11. capitalising on our arts and cultural identity in Lismore's marketing campaigns.
12. preserving and investing in the City of Lismore art collection.
13. supporting arts and cultural activities by the provision of resources that may include grants or in-kind assistance.
14. ensuring that wherever possible that our unique identity and culture are reflected in our public places and built environment through best practice place making and planning.

Report

Subject	Pedestrian Access and Mobility Plan
TRIM Record No	BP11/687:EF09/2168
Prepared by	Project Officer - Road Safety
Reason	To seek adoption of the Pedestrian Access and Mobility Plan (PAMP).
Community Strategic Plan Link	Improve Roads, Cycleways and Footpaths

Overview of Report

This report provides information about the Pedestrian Access and Mobility Plan. The recommended plan incorporates a new works program which has been developed using a prioritised point scoring system. The draft PAMP was considered by Council at its July 2011 and endorsed for public exhibition. The document was placed on public exhibition for a period of 28 days from 20 July 2011.

This report seeks adoption of the 2011 Pedestrian Access and Mobility Plan by Council.

Background

Pedestrian Access and Mobility Plan

Council staff have been working consistently on the review of the Pedestrian Access and Mobility Plan (PAMP) for the past six months.

A major review has been undertaken of the PAMP as this plan was last adopted by Council in 2003. The revised PAMP now also includes an additional listing for new footpaths, which considers socio economic status in determining priorities, as resolved by Council in August 2010. However, it is to be noted that there is no funding currently provided in Council's budget for the construction of new footpaths.

Local councils and the NSW Roads and Traffic Authority allocate funding to provide safe, connected and convenient pedestrian facilities for the whole community to encourage people to walk and partake in a healthy transport alternative, which in turn may lead to a reduction in the use of motor vehicles in the area.

The PAMP is a planning tool which provides Council with a clear synopsis of the pedestrian facilities required and a platform whereby funding can be applied for to conduct works.

The PAMP focuses on increasing pedestrian safety and accessibility for the whole community, including those with mobility impairment and ensuring a safer relationship between pedestrians and motor vehicles; therefore limiting the potential risk and incidence of pedestrian crashes.

The benefits of a PAMP include:

- more appropriate pedestrian facilities, especially in busy areas,
- improved access for mobility impaired groups in the community, including older persons,
- safe and convenient crossing opportunities on major roads,
- reduced injuries to pedestrians,
- links with other transport services to achieve an integrated land use and transport facilities network,

- links with existing vulnerable road user plans such as cycleway plans, maintenance programs and road safety strategies.

The PAMP has been developed with a road safety focus to ensure the safety of all road users.

The draft PAMP was originally presented to Council with the draft Cycleway Plan. With consideration of the submissions received on the Cycleway Plan during the Public Exhibition Period, and the links that the Cycleway Plan has with the Sport and Recreation Plan, it was deemed appropriate to present the Cycleway Plan to Council for adoption at the October meeting.

Submissions Received

Presentations have been delivered to the Infrastructure Assets Policy Advisory Group, the Sustainable Environment Policy Advisory Group, the Sport and Recreation Policy Advisory Group and Councillors outlining the process undertaken in reviewing the PAMP and seeking feedback on the resulting Works Program. Feedback from these presentations and feedback received through the community consultation process has been taken into consideration prior to reporting at the July 2011 Council meeting.

Following endorsement from Council at the July meeting, the draft PAMP was placed on public exhibition from 21 July until 17 August 2011.

Feedback received throughout the Public Exhibition period has been assessed and alterations made where deemed applicable.

An additional 11 work items have been added to the PAMP Works Program following the Public Exhibition period as a result of feedback received from the community, Council staff and the results of an audit conducted on Ballina Road, which highlighted additional problems that could be rectified through the PAMP Program. These additional items have been prioritised against the existing items within the Works Program. Item Nos. 2 and 3 listed in the draft PAMP Works Program have now been completed as part of the 2010/11 Works Program, and therefore eliminated from the final PAMP Works Program.

The additional projects are shown in the table below.

ITEM	LOCATION	ISSUES	ACTION
3	BALLINA ROAD AND MOLESWORTH STREET	There is not a sufficient and safe means of crossing the Highway between Dawson Street and Molesworth Street.	An audit was conducted in June 2011 and recommendations made to address the identified pedestrian safety issues at this intersection were for the installation of traffic signals. This recommendation will be presented to Council and the RTA for immediate consideration.
4	BALLINA ROAD, NORTH SIDE - WEST OF KEEN STREET	Missing section of pathway hinders access for pedestrians	Construct 2m wide path to link the existing pathway - 80m long.
10	KEEN AND ZADOC STREETS (NORTH)	No safe crossing point for pedestrians	Install pedestrian refuge and blisters on western side adjacent to Fig tree.
21	BALLINA ROAD NEAR CNR OF MOLESWORTH STREET	Lighting of the path in this area is very poor as it veers away from the road and there are several trees blocking any potential light from the street lights	Install five bollard lights along this section of path and join power from existing street lighting and along path to each of the lights.
25	BALLINA ROAD EAST OF MOLESWORTH STREET	Break in median without proper refuge or kerb ramps - pedestrians may walk along the road to access kerb ramps and need to be discouraged from crossing at this location	Fill concrete median.

ITEM	LOCATION	ISSUES	ACTION
27	CNR KEEN STREET AND BALLINA ROAD (NORTH)	Existing median blocks the path of pedestrians and increases likelihood of collision between vehicles and pedestrians	Fill kerb on north-eastern corner, re-construct kerb ramps on east and west sides, re-construct path extension 30m ² across entrance of petrol station, construct standard refuge in line with path extensions with signage.
36	CLYDE CAMPBELL CARPARK - AND AMENITIES ACCESS	Kerb ramp near disabled car parking space is steep and does not provide suitable access	Concrete around amenities block - 70m ² concrete and repair kerb, install kerb ramps on northern and southern approach to amenities block.
37	CLYDE CAMPBELL CARPARK, DISABLED PARKING	Kerb ramps are not accessible and parking spaces are not close to disabled access laneway	Relocate disabled parking spaces to west in line with disabled access point. Make "No Parking" space in line with laneway and access to toilet block. Reconstruct kerb ramp between laneway and what will be the "No Parking" area.
42	CNR KEEN STREET AND BALLINA ROAD (SOUTH)	Existing median blocks the path of pedestrians and increases likelihood of collision between vehicles and pedestrians. Kerb ramps on both sides are steep	Close off kerb ramp on western corner and two on eastern corner, construct 4m ² path extension and kerb ramp on western side, 7m ² path extension and kerb ramp on eastern side. Construct standard refuge with signage between path extensions.
48	BALLINA ROAD EAST OF KEEN STREET	There is a break in the median along Ballina Road without kerb ramps either side or proper signage. It is not safe to encourage pedestrians to cross here	Fill concrete median.
81	DIXON PLACE AND ROTARY DRIVE	Pedestrians utilising the path along Rotary Drive have to cross Dixon Place which is wide and awkward and therefore puts them in possible conflict with vehicles	Install standard refuge back from intersection. Re-align concrete path away from intersection and remove existing path extensions. Construct new pathway from bus shelter across access road to align with refuge on western side. Linemarking as per design drawings.

Sustainability Assessment

Sustainable Economic Growth and Development

The proposed capital works that arise from the PAMP will enhance transport infrastructure in the Lismore area. The PAMP has been developed in conjunction with the Cycleway Plan and the Sport and Recreation Plan and it is anticipated that the increase in facilities will encourage participation in healthy activities for community members and potentially reduce the number of vehicles on our roads. New infrastructure and maintenance of existing infrastructure will provide a road safety alternative for both pedestrians and cyclists in the area.

Social Inclusion and Participation

The projects will improve the quality of service provided and the facilities available in the transport infrastructure area.

Protect, Conserve and Enhance the Environment and Biodiversity

All environmental impacts will be addressed through the Review of Environmental Factors (REF) process in accordance with the *Environmental Protection Act, 1979*. Recycling of pavement materials will be undertaken where possible to reduce the amount of imported materials required.

Best-Practice Corporate Governance

All projects will be designed and constructed to industry standards to ensure maximum life of the new asset can be realised.

Comments

Finance

The revised PAMP is supported but limited to the \$30,000 budget provided in the 2011/12 Operational Plan.

Historically, Council's contribution of \$30,000 has been matched or supplemented by funding from the NSW Roads & Traffic Authority (RTA). Should funding be received from the RTA, the total PAMP budget will be increased by the amount received.

Other staff comments

Manager - Works

To ensure the accuracy of the revised PAMP, extensive consultation has been undertaken with key Works staff. In particular, the revised works program for the PAMP has been developed in conjunction with Council Engineers and will be utilised to conduct future works and apply for funding opportunities as they arise. The revised PAMP is supported by the Works Section.

Public consultation

Council advertised for a 28 day period in March 2011 for community members to provide comment on the Pedestrian Access and Mobility Plan by way of written submission or through an on-line survey available on Council's website. Key stakeholders were identified and sent written correspondence inviting comment. Following Policy Advisory Group presentations and Councillor Workshops the PAMP was placed on public exhibition for a period of 28 days from 20 July 2011 which enabled the community to provide further comment on the Plan. A summary of the submissions received is attached to the report.

Conclusion

All information has been collected and the review of the PAMP is now complete. A prioritised list of works has been prepared and is recommended for adoption. Whilst a process has been used to identify and prioritise these projects it is considered important to retain some flexibility in the construction of these projects. The need to coordinate with other construction and maintenance programs e.g. roads construction, cycleway construction, is important and therefore it is recommended that the works program be reviewed annually through the Infrastructure Assets PAG to ensure coordination with these other programs.

Attachment/s

1. PAMP Submissions (Over 7 pages)
2. PAMP Final Report (Over 7 pages)

Recommendation

That:

1. Council adopt the revised Pedestrian Access and Mobility Plan (PAMP) and its associated Works Program.
2. The Works Program be reviewed on an annual basis by the Infrastructure Assets PAG to ensure that the PAMP works are coordinated with other Capital Works Programs, the Cycleway Plan and the Sport and Recreation Plan where appropriate.

Report

Subject	Distribution of Surplus Computers
TRIM Record No	BP11/712:EF09/1748
Prepared by	Community Services Coordinator
Reason	To seek approval for the distribution of Council's excess computers to community groups.
Community Strategic Plan Link	Efficient Use of Council Resources

Overview of Report

Approval is sought for the donation of up to 116 surplus computers to recommended community groups. (A list of recommended organisations will be emailed to Councillors prior to the Council meeting.)

Background

Council has a rolling cycle for upgrading its desktop computers. It has an established program of donating surplus computers, under Section 356, to Lismore's community based organisations in recognition of their valuable work. The program has been advertised in the local media and local community groups have submitted applications. Community Services staff will assess applications compliance against established criteria and make recommendations to Council. An email detailing these recommendations will be distributed to Councillors prior to the Council meeting. There will be up to 110 Council computers available for distribution.

Council has also agreed to the AIDS Council of NSW (ACON) contributing an additional 6 computers from their recent office upgrade into the pool of computers available for distribution. This decision was taken to support a small local non-government organisation to allocate their surplus computers to the community without the associated administrative burden of a public application process. The additional 6 ACON computers will bring the pool of computers available for distribution to 116.

Sustainability Assessment

Sustainable Economic Growth and Development

Improved equipment will increase the operational efficiency of the applicant organisations and will therefore support their growth and development.

Social Inclusion and Participation

The allocation of free IT equipment to community based organisations will increase group's abilities to more effectively deliver services to the community, thereby improving participation and inclusion.

Protect, Conserve and Enhance the Environment and Biodiversity

The provision of updated equipment to community groups will support them to practise improved environmental standards.

Best-Practice Corporate Governance

The distribution of the surplus computers to community groups reinforces Council's Strategic Plan commitment to the efficient use of its resources.

Comments

Finance

Council's practice has been to purchase leased desktop computers at the end of the lease period to meet operational requirements and where surplus to these, offer them to community groups.

Funding has been included in the 2011/12 Budget for this purpose and as such the recommendation supported.

Conclusion

Council provides a valuable resource program to community groups through the regular distribution of older model computers. Each of the recommended organisations supports Council in its efforts to improve the quality of life for Lismore residents.

Attachment/s

There are no attachments for this report.

Recommendation

That Council approve the donation of up to 116 surplus computers in accordance with the recommended list of community organisations.

Report

Subject	Investments - August 2011
TRIM Record No	BP11/476:EF09/1924
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 August 2011 are estimated to be \$40,591,052 subject to final market valuations typically provided after month end.

The interest rate reported for August 2011 is estimated to be 5.58% which is above the Bank Bill Swap Rate for the period of 4.89%. 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 submitted 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 – 31 July 2011</i> | \$35,437,753 |
| • <i>Estimated Investments – at Market Value – 31 August 2011</i> | \$40,591,052 |

Investments have increased by approximately \$5m during August 2011. The main reasons for this increase include the 1st rates instalment due August 2011 and payment of the 1st instalment of the Federal Assistance Grant for the 2011/12 year.

The current rate of return on investments for August 2011 is estimated to be 5.58% which is above the Bank Bill Swap Rate for the period of 4.89%. 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. A coupon payment has not been recognised as a return on investment this month.

The estimated interest earned for August 2011 is favourable compared to the pro rata Budget. This will be continually monitored as financial markets appear to be factoring in a slowing of the economy and hence a drop in the prevailing interest rates.

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.

Comments

Manager - Finance (Responsible Accounting Officer)

All investments 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.

Relevant comments have been included in the report where required and the recommendation supported.

Conclusion

A report on investments is required to be submitted to Council monthly. This report meets that requirement. As at 31 August 2011, investments total \$40,591,052 and the annualised rate of return was 5.58%.

Attachment/s

1. Capital Value Movement 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 a percentage of total portfolio - graphical

Recommendation

That the report be received and noted.

Capital Value Movements
Summary of Investments held as at
31 August 2011

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	21/04/2011	\$ 1,799,597	\$ 2,066,329	Note 3
CBA Business On Line Banking A/C	Cash Management Account	Cash	High	N/A	N/A	30/08/2011	\$ 3,375,500	\$ 3,375,500	
Macquarie Cash Management Trust	Cash Management Account	Cash	High	1/9/2006	N/A	30/08/2011	\$ 266,897	\$ 266,897	
UBS Cash Management Trust	Cash Management Account	Cash	High	N/A	N/A	31/07/2011	\$ 197,476	\$ 197,476	
AMP Easysaver Account	Cash Management Account	Cash	High	N/A	N/A	30/08/2011	\$ 3,503,299	\$ 3,503,299	
Local Government Financial Services	Cash Management Account	Cash	High	N/A	N/A	31/07/2011	\$ 226,100	\$ 226,100	
Credit Union Australia (CUA)	Term Deposit	A-2	High	7/3/2011	5/9/2011	7/03/2011	\$ 2,000,000	\$ 2,000,000	
Bank of Cypress (Australia) Ltd	Term Deposit	Not Rated (Note 7)	High	7/6/2011	5/9/2011	7/06/2011	\$ 2,000,000	\$ 2,000,000	
Bank of Queensland	Term Deposit	A-2	High	9/8/2011	8/9/2011	9/08/2011	\$ 2,000,000	\$ 2,000,000	
IMB Banking & Financial Services	Term Deposit	A-2	High	12/8/2011	13/10/2011	12/08/2011	\$ 2,000,000	\$ 2,000,000	
Suncorp Bank	Term Deposit	A-1	High	15/8/2011	14/10/2011	15/08/2011	\$ 2,000,000	\$ 2,000,000	
Newcastle Permanent	Term Deposit	A-2	High	19/8/2011	17/11/2011	19/08/2011	\$ 2,000,000	\$ 2,000,000	
National Australia Bank	Term Deposit	A1+	High	7/12/2010	7/12/2011	7/12/2010	\$ 2,000,000	\$ 2,000,000	
ME Bank	Term Deposit	A2	High	6/7/2011	4/1/2012	6/07/2011	\$ 2,000,000	\$ 2,000,000	
Southern Cross Credit Union	Term Deposit	Not Rated (Note 7)	High	13/7/2011	9/1/2012	13/07/2011	\$ 2,000,000	\$ 2,000,000	
Heritage Building Society Ltd	Term Deposit	A2	High	14/7/2011	10/1/2012	14/07/2011	\$ 1,000,000	\$ 1,000,000	
Summerland Credit Union	Term Deposit	A-2	High	17/1/2011	17/1/2012	17/01/2011	\$ 1,000,000	\$ 1,000,000	
Magnolia (Finders)	Floating Rate CDO	BB-	Low	1/9/2006	20/3/2012	30/06/2010	\$ 255,000	\$ 255,000	Note 5
ING Bank Australia Limited	Term Deposit	A1+	High	5/4/2011	4/4/2012	5/04/2011	\$ 2,000,000	\$ 2,000,000	
RaboDirect (Rabobank Australia Ltd)	Term Deposit	A1+	High	12/4/2011	12/4/2012	12/04/2011	\$ 1,000,000	\$ 1,000,000	
Australian Defence Credit Union	Term Deposit	Not Rated (Note 7)	High	7/6/2011	6/6/2012	7/06/2011	\$ 1,000,000	\$ 1,000,000	
Omega (Henley)	Floating Rate CDO	CCC	Low	1/9/2006	22/6/2012	30/06/2010	\$ 280,000	\$ 280,000	Note 5
Commonwealth Bank of Australia	Term Deposit	A1+	High	30/11/2009	29/11/2012	30/11/2009	\$ 400,000	\$ 400,000	
Beryl (Esperance 2)	Floating Rate CDO	Early Termination	Low	1/9/2006	20/3/2013	30/06/2010	\$ -	\$ -	Note 5
RaboDirect (Rabobank Australia Ltd)	Term Deposit	A1+	High	8/6/2011	6/6/2013	8/06/2011	\$ 1,000,000	\$ 1,000,000	
Investec Bank (Australia)	Term Deposit	A2	High	20/6/2011	19/6/2013	20/06/2011	\$ 1,000,000	\$ 1,000,000	
Queensland Teachers' Credit Union Ltd	Term Deposit	Not Rated (Note 7)	High	20/6/2011	19/6/2013	20/06/2011	\$ 1,000,000	\$ 1,000,000	
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
Queensland Teachers' Credit Union Ltd	Term Deposit	Not Rated (Note 7)	High	14/7/2011	15/7/2013	14/07/2011	\$ 1,000,000	\$ 1,000,000	
Corsair (Kakadu)	Floating Rate CDO	CCC-	Low	1/9/2006	20/3/2014	30/06/2010	\$ 125,000	\$ 125,000	Note 5
Longreach - Series 25	Equity Linked Investment	A+	High	2/4/2007	4/4/2014	30/06/2010	\$ 759,450	\$ 759,450	Note 2

**Capital Value Movements
Summary of Investments held as at
31 August 2011**

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)	
Investec Bank (Australia)	Term Deposit	A2	High	12/5/2011	12/5/2014	12/05/2011	\$ 1,000,000	\$ 1,000,000	
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 (Cooiangatta)	Floating Rate CDO	Early Termination	Low	1/9/2006	20/9/2014	30/06/2010	\$ -	\$ -	Note 5
Aphex (Gleneig)	Floating Rate CDO	CCC-	Low	1/9/2006	22/12/2014	30/06/2010	\$ 100,000	\$ 100,000	Note 5
Zircon (Miami)	Floating Rate CDO	Early Termination	Low	1/9/2006	20/3/2017	30/06/2010	\$ -	\$ -	Note 5
Investment on Hand							\$ 40,324,320	\$ 40,591,052	

Investments Redeemed during period (Note 6)

Police & Nurses Credit Union	Term Deposit	Not Rated (Note 7)	High	31/1/2011	1/8/2011	31/01/2011	\$ 1,000,000	\$ 1,000,000
Southern Cross Credit Union	Term Deposit	Not Rated (Note 7)	High	31/1/2011	1/8/2011	31/01/2011	\$ 1,000,000	\$ 1,000,000
IMB Banking & Financial Services	Term Deposit	A-2	High	2/2/2011	2/8/2011	2/02/2011	\$ 2,000,000	\$ 2,000,000
Bank of Queensland	Term Deposit	A-2	High	7/12/2010	8/8/2011	7/12/2010	\$ 2,000,000	\$ 2,000,000
Suncorp Bank	Term Deposit	A-1	High	15/2/2011	15/8/2011	15/02/2011	\$ 2,000,000	\$ 2,000,000

\$ 48,324,320 \$ 48,591,052

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 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's Investment Order and require no minimum credit rating.

"Indicative" Source of Funds

Externally Restricted	31,064,332
Internally Restricted	9,526,720
	<u>\$ 40,591,052</u>

**Estimated Interest
Summary of Investments held as at
31 August 2011**

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%	\$ 2,066,329	\$ -	0.00%
CBA Business On Line Banking A/C	Cash Management Account	Cash	4.35%	\$ 3,375,500	\$ 12,471	0.38%
Macquarie Cash Management Trust	Cash Management Account	Cash	4.75%	\$ 266,897	\$ 1,077	0.03%
UBS Cash Management Trust	Cash Management Account	Cash	3.82%	\$ 197,476	\$ 641	0.02%
AMP Easysaver Account	Cash Management Account	Cash	5.60%	\$ 3,503,299	\$ 16,662	0.51%
Local Government Financial Services	Cash Management Account	Cash	4.65%	\$ 226,100	\$ 893	0.03%
Credit Union Australia (CUA)	Term Deposit	A-2	6.29%	\$ 2,000,000	\$ 10,684	0.33%
Bank of Cypress (Australia) Ltd	Term Deposit	Not Rated	6.16%	\$ 2,000,000	\$ 10,464	0.32%
Bank of Queensland	Term Deposit	A-2	5.85%	\$ 2,000,000	\$ 7,052	0.21%
IMB Banking & Financial Services	Term Deposit	A-2	5.80%	\$ 2,000,000	\$ 6,038	0.18%
Suncorp Bank	Term Deposit	A-1	5.80%	\$ 2,000,000	\$ 4,767	0.15%
Newcastle Permanent	Term Deposit	A-2	5.86%	\$ 2,000,000	\$ 3,853	0.12%
National Australia Bank	Term Deposit	A1+	6.60%	\$ 2,000,000	\$ 11,211	0.34%
ME Bank	Term Deposit	A2	6.15%	\$ 2,000,000	\$ 10,447	0.32%
Southern Cross Credit Union	Term Deposit	Not Rated	6.30%	\$ 2,000,000	\$ 10,701	0.33%
Heritage Building Society Ltd	Term Deposit	A2	6.10%	\$ 1,000,000	\$ 5,181	0.16%
Summerland Credit Union	Term Deposit	A-2	6.35%	\$ 1,000,000	\$ 5,393	0.16%
Magnolia (Flinders)	Floating Rate CDO	BB-	6.24%	\$ 255,000	\$ 1,590	0.04%
ING Bank Australia Limited	Term Deposit	A1+	6.31%	\$ 2,000,000	\$ 10,718	0.33%
RaboDirect (Rabobank Australia Ltd)	Term Deposit	A1+	6.60%	\$ 1,000,000	\$ 5,605	0.17%
Australian Defence Credit Union	Term Deposit	Not Rated	6.55%	\$ 1,000,000	\$ 5,563	0.17%
Omega (Henley)	Floating Rate CDO	CCC	5.63%	\$ 280,000	\$ 1,913	0.04%
Commonwealth Bank of Australia	Term Deposit	A1+	7.00%	\$ 400,000	\$ 2,378	0.07%
Beryl (Esperance 2)	Floating Rate CDO	Early Termination	0.00%	\$ -	\$ -	0.00%
RaboDirect (Rabobank Australia Ltd)	Term Deposit	A1+	6.70%	\$ 1,000,000	\$ 5,690	0.17%
Investec Bank (Australia)	Term Deposit	A2	6.52%	\$ 1,000,000	\$ 5,538	0.17%
Queensland Teachers' Credit Union Ltd	Term Deposit	Not Rated	6.40%	\$ 1,000,000	\$ 5,436	0.17%
Corsair (Torquay)	Floating Rate CDO	CCC-	0.00%	\$ 20,000	\$ -	0.00%
Zircon (Merimbula)	Floating Rate Note	Early Termination	0.00%	\$ -	\$ -	0.00%
Queensland Teachers' Credit Union Ltd	Term Deposit	Not Rated	6.40%	\$ 1,000,000	\$ 5,436	0.17%
Corsair (Kakadu)	Floating Rate CDO	CCC-	6.14%	\$ 125,000	\$ 2,607	0.02%

Note 1,3

**Estimated Interest
Summary of Investments held as at
31 August 2011**

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
Longreach - Series 25	Equity Linked Investment	A+	0.00%	\$ 759,450	\$ -	0.00%
Investec Bank (Australia)	Term Deposit	A2	7.49%	\$ 1,000,000	\$ 6,361	0.19%
Helium (Scarborough)	Floating Rate CDO	CCC-	6.63%	\$ 16,000	\$ 1,126	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	0.02%
Zircon (Miami)	Floating Rate CDO	Early Termination	0.00%	\$ -	\$ -	0.00%
Investment on Hand				\$ 40,591,052	\$ 180,270	5.31%

Note 2,5

Note 4

Investments Redeemed during period

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
Police & Nurses Credit Union	Term Deposit	Not Rated	6.25%	\$ 1,000,000	\$ 171	0.01%
Southern Cross Credit Union	Term Deposit	Not Rated	6.40%	\$ 1,000,000	\$ 175	0.01%
IMB Banking & Financial Services	Term Deposit	A-2	6.20%	\$ 2,000,000	\$ 679	0.02%
Bank of Queensland	Term Deposit	A-2	6.45%	\$ 2,000,000	\$ 2,827	0.09%
Suncorp Bank	Term Deposit	A-1	6.28%	\$ 2,000,000	\$ 5,162	0.16%

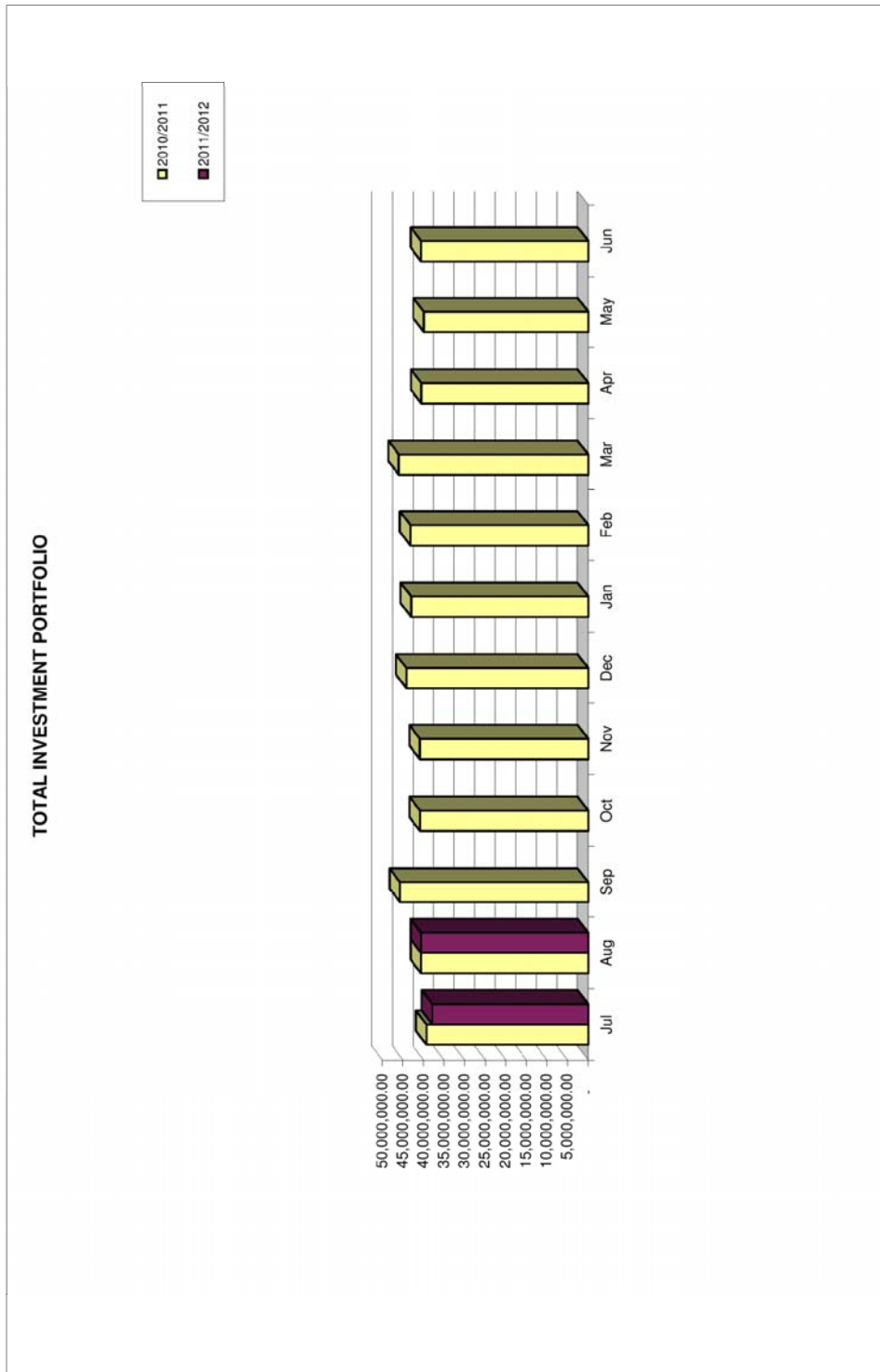
31/7/2011	
\$ 48,591,052	\$ 189,285

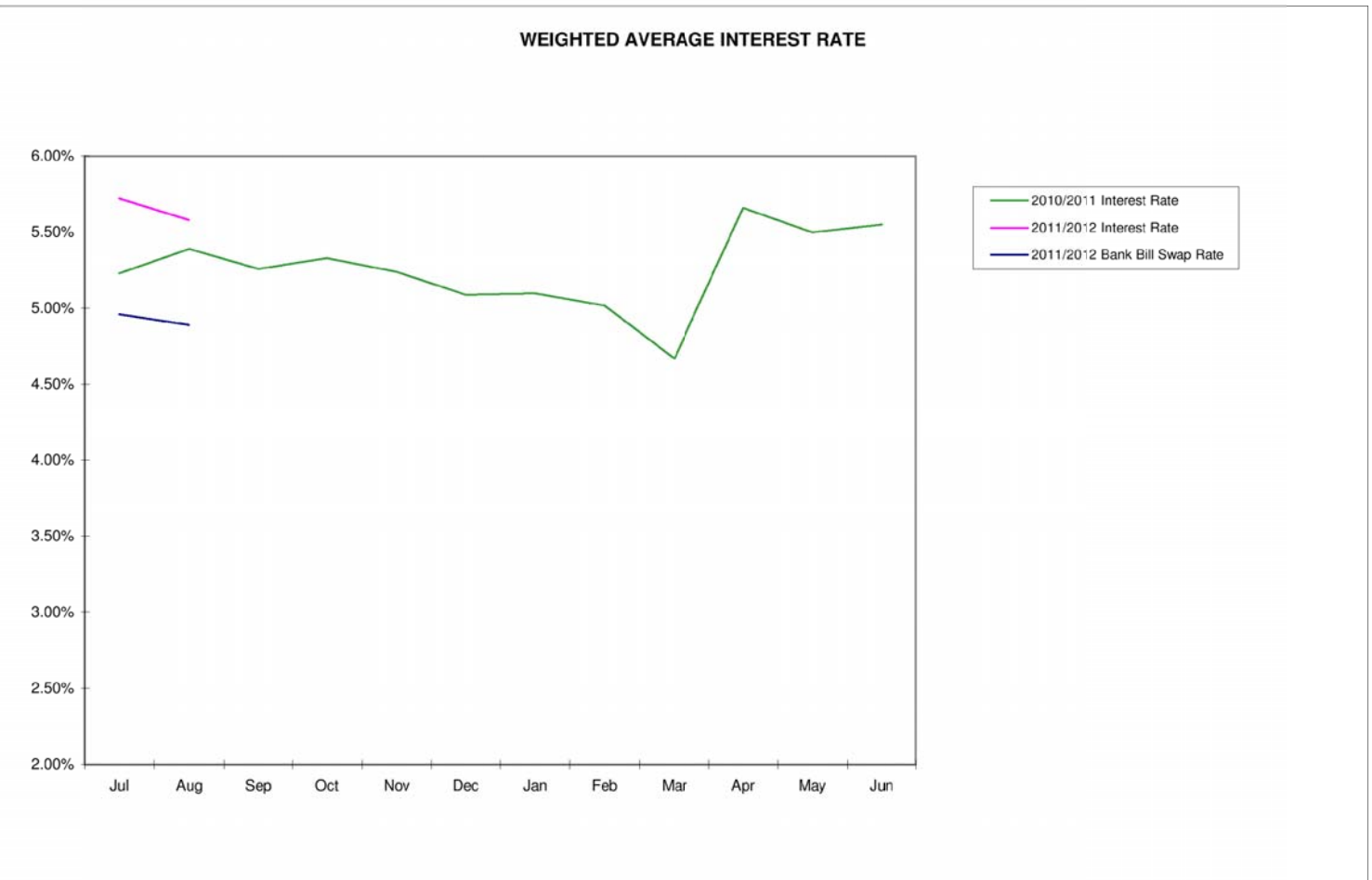
5.58%

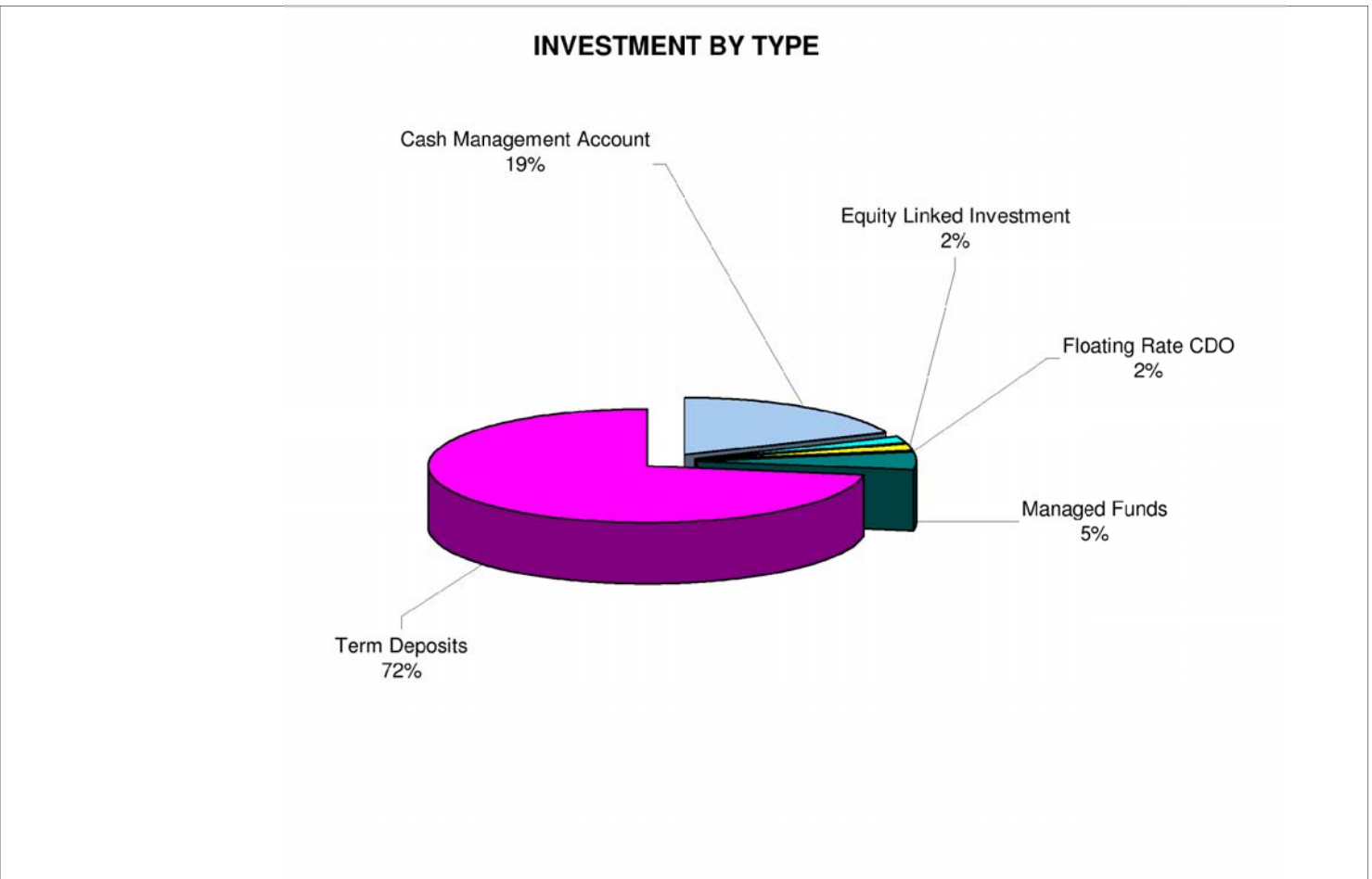
Investment Income Earned vs. Budget Year to Date

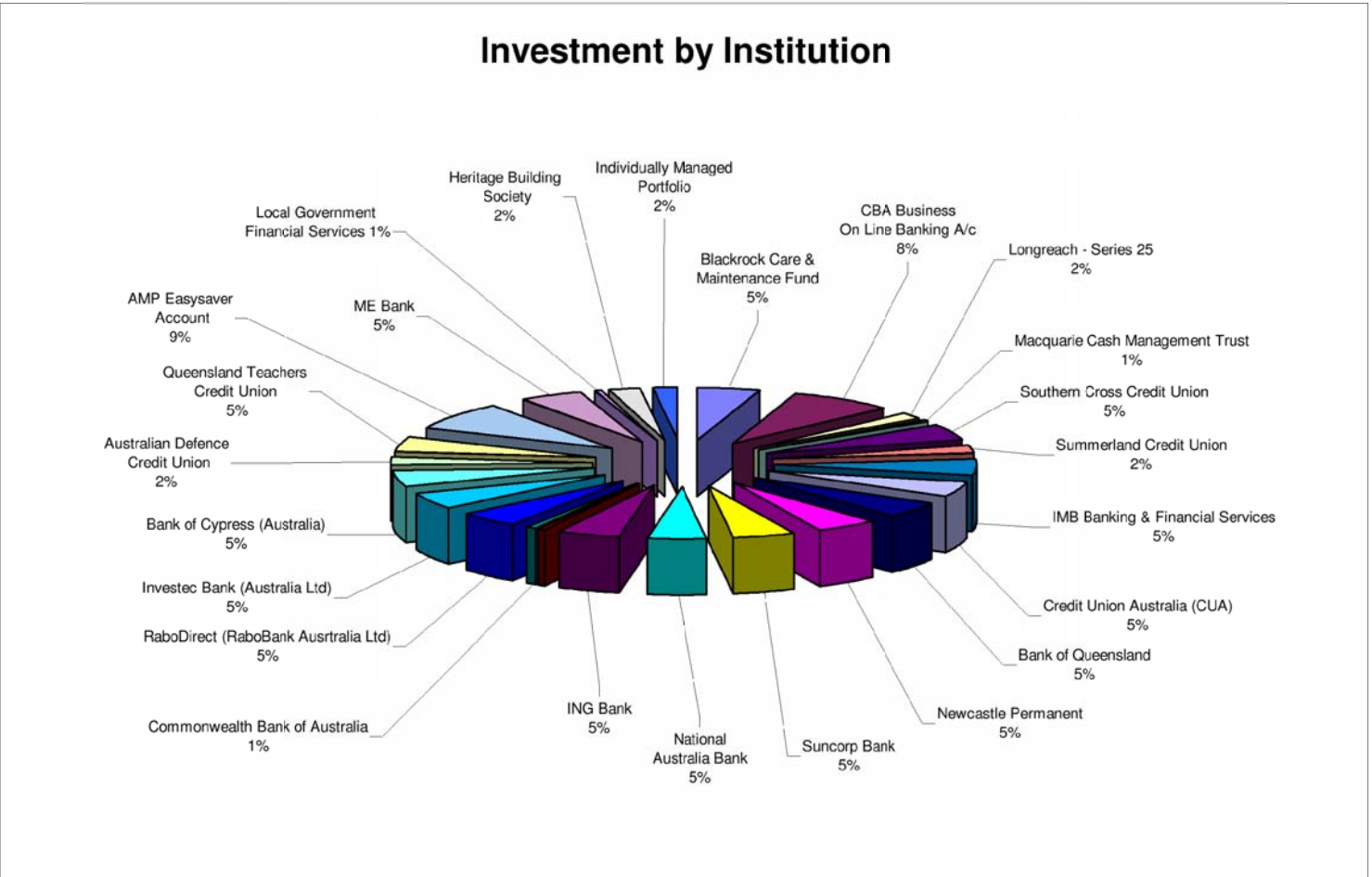
Estimated interest earned to date	\$	378,002
Pro Rata annual budget	\$	260,467

- Note 1: Interest return is calculated on (actual interest + accrued interest + realised gains - losses on disposal - expenses) / principal value
- Note 2: Capital Guaranteed note if held to maturity
- Note 3: Blackrock Care & Maintenance Fund 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.

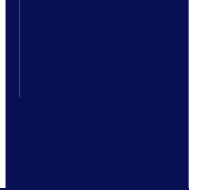








Committee Recommendations



Committee Recommendation

Traffic Advisory Committee

Attachment/s

1. Traffic Advisory Committee Minutes - 17 August 2011

Recommendation

That the minutes be received and adopted and the recommendations contained therein be adopted.

MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD IN THE CBD CENTRE, 55 MAGELLAN STREET, LISMORE, ON WEDNESDAY, 17 AUGUST 2011, AT 10.00AM.

Present

Garry Hemsworth (*Executive Director-Infrastructure Services*) (*Chairperson*), Councillor Simon Clough, Frank Smallman (*RTA*), Bronwyn Mitchell (*on behalf Thomas George MP*), Snr. Const Rob Clark (*Lismore Police*).

In Attendance

Lisa Marshall (*Road Safety Officer*)

Apologies

TAC76/11 Councillor Jenny Dowell and Bill MacDonald (*Traffic & Emergency Services Co-ordinator*).

Confirmation of Minutes

TAC77/11 The Committee was advised that the minutes of the Traffic Advisory Committee meeting held on 20 July 2011 were confirmed by Council on 9 August 2011.

Disclosure of Interest

NIL

Part 'A' – Committee Recommendations

NCAHS - Our Kids - Lismore Samson Fitness Challenge

Forwarding Traffic Management Plan for the Challenge to be held on 4 March 2012.

(C111/21126:EF10/129)

The Fitness Challenge starts at Mortimer Oval on a Sunday morning and includes a run leg to the Memorial Baths and then a swim leg to finish.

The same program ran last year without incident.

TAC78/11 **Recommended** that Council consent to the proposed event as outlined in the application and associated Traffic Management Plan.

Part 'B' – Determined by Committee

David Reeve - Parking Limit - Bounty Street, Lismore

Requesting Council consider changing the 2-hour limit to a 4-hour limit in Bounty Street to assist volunteers transporting the elderly and handicapped to the Lismore Neighbourhood Club for three hours every Friday between 10am and 1pm.

(C111/15166:R7301)

Since the recent introduction of 2-hour parking in Bounty Street to address the needs of the relocated Blood Bank, parking in general has been monitored.

Parking on the southern side of Bounty Street in front of the City Hall is significantly under-utilised and an extension of time limits in this area to three hours would address the Neighbourhood Centre's volunteer issues as well as assist other businesses on the northern side of Bounty Street, opposite the City Hall. 4-hour parking would open up parking to being abused due to the need for motorists to only move their vehicle once at lunch time. NORPA has also advised that 3-hour parking would assist it when it held shows during the day, which currently often means patrons have to leave and move their vehicles midway through a show.

TAC79/11 **It was agreed** that 3-hour parking be introduced on the southern side of Bounty Street between Carrington Street and Molesworth Street to replace the existing 2-hour parking.

Waller's Bus Company - Request for No Passing Sign - Woodlawn Road Viaduct

Requesting No Passing signs be erected both sides of the viaduct near the racecourse as a car and a bus cannot pass at this location without colliding. (C111/20513:R4251-02)

Available width between the vertical structures of the viaduct is approximately 6.5m with a bitumen seal width of approximately 5.5m. The Operations Manager for Northern Rivers Bus Lines has advised that his drivers have never reported any concerns as a result of negotiating Woodlawn Road under the viaduct. 90° angle bends exist on each approach to the viaduct which means approach speeds would be relatively low.

No Overtaking or Passing signs, which would be applicable to all Woodlawn Road traffic are not considered warranted.

TAC80/11 **It was agreed** that the writer be advised that No Passing signs were not considered warranted.

Dorroughby Environmental Education Centre - Speed Limit - Dunoon Road

Requesting the speed limit be reduced to 70 kph in the vicinity of the Centre to ensure the safety of school groups visiting the Centre. (C111/20536:R3407-09)

An onsite meeting had been held with the relieving Principal, Ian Judd. It was noted that the biggest contributor to safety concerns when entering or leaving the main driveway to the Centre was the existence of shrubbery on the banks adjacent to Dunoon Road on both sides of the driveway. If this was removed, available sight distance would be significantly increased and negate the need for a convex safety mirror. Dunoon Road is already signposted at 80 kph and is considered appropriate.

The installation of 'Turning Traffic' and 'Reduce Speed' signs on each approach and the painting of a double white centre line would also assist in increasing the safety of those who use the Centre.

TAC81/11**It was agreed:**

1. That the writer be advised that the growth on the banks both sides of the main entrance should be removed to enhance the safety of those using the facility.
2. Further that warning signs 'Turning Traffic' and 'Reduce Speed' signs be erected on each approach and a double white centre line be painted on Dunoon Road (or raised pavement markers depending on the width of the road), at least on the approaches and in front of the Centre.

Trinity Catholic College - Safety Drop Off Zones - Leycester and Hindmarsh Streets

Requesting safety drop off zones be provided at Leycester and Hindmarsh Streets and enclosing map showing possible locations. (C111/20728:R6042-02,R6029)

Further discussions had been held with Mrs Robinson in which the guidelines for the installation of specific 'School Drop-off Pick-up Zones' were pointed out. It would appear that the requirements are quite onerous on the school, part of which requires the use of school volunteers to assist in the safe operation of the zones.

As a result of further discussions with St Carthage's School, Mrs Robinson advised that neither of the two proposed zones were now supported by either school.

Unfortunately at present the availability of other areas that would be signposted as No Parking zones could not be identified.

TAC82/11

It was agreed that the writer's comments be noted and the offer be made to assess any further sites that may become available in the future.

Alesco Learning Centre, Market Street - Request for 40 kph School Zone

Requesting a 40kph School zone in front of the school at 5 Market Street and forwarding relevant information regarding operating hours and registration.

(CI11/21295:EF09/2163)

Alesco Learning Centre occupies the southern section of the former RSL Club in Market Street.

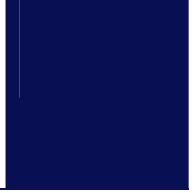
The owners of the Centre have provided details of their opening and closing times as well as copies of a Certificate of Registration from the Minister for Education and Training. This is not a full school facility and whether it meets the warrants for a School zone will need to be determined by the RTA.

- TAC83/11** **It was agreed** that further investigation is required, including information on the number of students walking to and from the school, the age of the students, the number of buses accessing the school and the number of students. Once this information has been obtained the matter is to be referred back to the RTA for a final determination.

Closure

This concluded the business and the meeting terminated at 10.30 am.

Financial Assistance - Section 356



Financial Assistance – Section 356

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

Budget: \$21,400

Spent to date: \$0

Novaskill is requesting Council discount the hire fees (\$58) for use of the City Hall on 21 September 2011 for the annual recruitment drive aiming to recruit quality school leavers for Traineeship and Apprenticeship vacancies. No entry charges apply.

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

\$14.50

Community Sustainability Forum Group is requesting Council discount the hire fees (\$327.50) for use of the City Hall on 20 August 2011 to hold a Community Sustainability Transition Planning Day. No entry charges apply.

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

\$81.87

Kids Alive Do the Five Show is requesting Council waive all the hire fees (\$327.50) for use of the City Hall on 8 December 2011 for a Laurie Lawrence *Kids Alive Do the Five* program which is part of the National Drowning Prevention Campaign. No entry charges apply.

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

\$81.87

Byron Region Community College – Local Food is requesting Council discount the hire fees (\$100) for use of the City Hall on 27 August 2011 to deliver the *Get Growing, Enjoy Eating...Local Food* course in partnership with the Northern Rivers Food Links project. Entry fees will apply.

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

\$20.00

Chris Phillips family is requesting Council discount the hire fees (\$158) for use of the City Hall on 9 July 2011 for a wake which was a large indigenous community event.

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

\$39.50

School of Arts and Social Sciences, SCU, is requesting Council discount the hire fees (\$129) for use of the City Hall on 4 August 2011 to host a forum during Homelessness Week to highlight women's housing needs in the Northern Rivers. No entry fees will apply.

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

\$32.25

b) Council Contributions to Charitable Organisations

Waste Facility – Policy 5.6.1 (GL390.965.15)

Budget: \$15,000 Spent to date: \$853.64

July 2011

Animal Right & Rescue \$68.18
 Multitask \$165.87
 Nimbin Aquarius Landcare Group \$15.45
 Five Loaves \$209.19
 Friends of the Koala \$50.32
 Youth Connections \$188.23
 LifeLine \$87.32
 Westpac Life Saver Helicopter \$69.08

Total \$853.64

In accordance with policy.

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

Budget: \$2,700 Spent to date: \$600

Richmond River High School is seeking assistance towards travel expenses to send fifteen students to Brisbane for a national summit on Climate Change from 15-17 October 2011 (CI11/23157).

\$100

Recommendation

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

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN COUNCIL CHAMBERS ON TUESDAY, 9 AUGUST 2011 AT 6.00PM.

Present

Mayor, Councillor Dowell; Councillors Houston, Battista, Meineke, Clough, Graham, Yarnall, Ekins, Marks, and Smith, together with the General Manager, Executive Director-Sustainable Development, Executive Director-Infrastructure Services, Manager-Finance, Manager-Development and Compliance, Operations Engineer, Coordinator Community Services, Media and Community Relations Coordinator, Corporate Compliance Coordinator and General Manager's Personal Assistant.

Apologies

436/11 **RESOLVED** that an apology for non-attendance on behalf of Councillor Chant was received and accepted and a leave of absence was granted for Councillor Dowell for Friday, 12 August 2011.

(Councillors Clough/Smith)

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

Voting against: Nil

Confirmation of Minutes

437/11 **RESOLVED** that the minutes of the Lismore City Council held on 12 July 2011 be confirmed, subject to it being noted that the voting on the amendment in respect to item 10.5 Zero Based Budget, should read:

'Voting for: Councillor Clough

Voting against: Councillors Meineke, Chant, Marks, Battista, Dowell, Graham, Yarnall, Ekins and Smith'

(Councillors Graham/Smith)

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

Voting against: Nil

Disclosure of Interest

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

Report – DA 2011.180.1 Proposed relocation of dwelling from No. 8 Rhodes Street to No.15 Rhodes Street, South Lismore

Nature of Interest: I prepared the development application which is the subject of the report. I will leave the Chamber and not participate in the vote.

Councillor Graham Meineke declared a significant conflict of interest in the following item:

Report – Nimbin Water Supply

Nature of Interest: A member of my family owns a property in Gungas Road. I will leave the Chamber and not participate in the vote.

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

Report – Traffic Advisory Committee Minute TAC72/11

Nature of Interest: I prepared the development application which is the subject of the report. I will leave the Chamber and not participate in the vote.

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:

At this juncture Councillor Meineke left the meeting.

Shaun Riley – DA 2011.180.1 Proposed relocation of dwelling from No. 8 Rhodes Street to No.15 Rhodes Street, South Lismore

Mr Riley spoke on behalf of his parents against the proposed relocation of a building onto the land next door. He cited previous 'no build' advice, flooding and drainage issues. He expressed concern about possible damage to the house during the building process.

Gwen Trimble - Nimbin Rural Water Supply

Ms Trimble advised that she is speaking on behalf of many local residents. She advised that the time period for consultation was inadequate and did not represent genuine consultation. She raised many questions that answers were required for and asked Council to defer a decision to allow further consultation.

At this juncture Councillor Meineke returned to the meeting.

Gordon Fraser-Quick - Goonellabah Community Plan Partners Group

Mr Fraser-Quick supported the concept of place-making on the grounds of sustainability, urging Council to support this process using examples from around the world.

Condolence

(Cr Jenny Dowell) - EF 10/363

Margaret Olley AC 24 June 1923- 26 July 2011

Margaret Hannah Olley was born at 'Alkoomie', a Conway Street hospital run by Nurse Elliott. Margaret was the child of Grace and Joe Olley of Horseshoe Creek near Kyogle. Margaret's maternal grandfather was the owner of the Richmond River Times in Ballina and strong advocate for the sugar industry. Grace was a fine typist and trained nurse. Margaret's other grandfather was an early selector in Lismore and her father farmed after returning from World War One at Horseshoe Creek and then at Georgica.

Margaret's mother had wanted Margaret to be a nurse too but Margaret was not at all keen. Fortunately, a teacher convinced Grace to let Margaret go to tech to study art and the rest is history. Margaret grew to become arguably Australia's most famous female painter Australia. She describes her early life as 'a bit like a nomad'. The family picked up sticks when Margaret was just a toddler and moved to join other members of Grace's family to Tully attracted by a sugar boom - then five years later they moved to another cane farm near Murwillumbah and then to Brisbane from where they continued to visit Lismore for holidays, shopping and to take over Craigmore cafe, a business deal gone bad.

Her artistic life was long and prolific. It started at school in Brisbane where her teachers recognised her talent and persuaded her parents to send Margaret to art school first in Brisbane (which she hated) and then in 1942 aged 19 to 'heaven on a stick', East Sydney Technical College. When she was 25 she headed overseas for four years. Her works in those years feature pen, ink and watercolour sketches of outdoor Parisian scenes, Venice canals and her favourite fishing boats.

On her return in 1953 when her father died, she painted sets for Brisbane's Twelfth Night Theatre (a local Joss remembers her doing so on her hands and knees) and then travelled through Far North Queensland and Papua New Guinea with regular travelling companion, Donald Friend. She often spent time around Tweed Heads - again sketching fishing boats, a theme she stayed with in and around Sydney and Newcastle in the following decade and on her numerous overseas trips.

Unfortunately, many of her sketches of Far North Queensland and other works were lost in a fire in her family's Brisbane home in 1980. In 1959, Margaret gave up alcohol; I remember she told me about breaking her nose 'in my drinking days'. This was also a turning point for her art.

Her works in the past 50 years is how we remember her most - still lives of fruit and flowers and her wonderful interiors. It was these works that featured in her exhibition in Lismore in 2006. The exhibition attracted huge numbers and we will all remember Margaret's insistence that the wall colour- a deep pink was not right and must be done again the night before the opening.

Margaret held more than 90 solo exhibitions starting from her first in Sydney in 1948. She won many awards including the 100 guineas Lismore Art Prize in 1958 for *Lillies and Grapes*. We are proud that Margaret is a patron of Lismore Regional Gallery.

In 1997, she was named an Australian National Treasure. She has been awarded Honorary Doctorates from University of Queensland, University of Sydney, Griffith University and Southern Cross University. After being awarded a Member of Order of Australia for service as an artist and the promotion of art in 1991, in 2006, she received the highest honour, a Companion of the Order of Australia for commitment to art and philanthropy and for encouraging young and emerging artists.

Margaret was also the subject of two winning Archibald Prizes- as a 24 year old for William Dobell in 1948 and this year by Ben Quilty, a painting that is on exhibition now at Tweed Regional Gallery.

Margaret Olley died at her home in Paddington on 26 July. She was 88. Her life will be celebrated at a Memorial Service at the Art Gallery of NSW on 24 August 2011.

438/11

RESOLVED that Council's expression of sympathy be conveyed to the family of Ms Olley and the MOTION was APPROVED with members standing and observing the customary moments silence.

(Councillors Dowell)

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

Voting against: Nil

Notice of Motions

10.1 Telecommunication Towers

439/11 **RESOLVED** that Council, considering community concern and the increasing number of telecommunication towers across Australia write and lobby the State Minister for Planning, Brad Hazzard and the Federal Minister for Broadband, Communications, the Digital Economy, Stephen Conroy and the NSW Local Government and Shires Association to perform an urgent comprehensive review of the various environmental legislations relating to the positioning of telecommunications towers to:

- a) Streamline the legislation from the current overly complicated and inaccessible plethora of legislations both State and Federal;
- b) Bring the legislation in line with current community expectations in relation to community consultation; and
- c) Provide clear and accessible framework for communities and local government to influence the decision making process by insisting companies must have as a minimum 'due regard' to community concerns.

(Councillors Yarnall/Marks) (BP11/613)

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

Voting against: Councillors Meineke and Graham

10.2 Sale of Land for Unpaid Rates Policy

440/11 **RESOLVED** that Council develops a policy for the sale of land for unpaid rates. This policy is to take into consideration legislative requirements, Council's Rates and Charges Hardship policy's extenuating circumstances provisions, consultation with Councillors and a report to Councillors immediately prior to the auction of any land.

(Councillors Clough/Yarnall) (BP11/622)

Voting for: Councillors Houston, Clough, Marks, Dowell, Yarnall, Ekins and Smith

Voting against: Councillors Meineke, Battista and Graham

10.3 Crozier Field Access

441/11 **RESOLVED** that Council prepare a new Development Application to facilitate the access to Crozier Field from the Magellan Street entrance.

(Councillors Marks/Clough) (BP11/623)

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

Voting against: Councillors Houston and Ekins

10.4 2011/12 Roads Budget

442/11 **RESOLVED** that staff present detailed 2011/12 Roads budget information for planned capital projects and maintenance activities at a Councillor workshop to be held within the next three months.

(Councillors Marks/Yarnall) (BP11/632)

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

Voting against: Nil

Altering Order of Business

443/11 **RESOLVED** that the order of business be altered to debate the following matter raised during Public Access:

Report - Goonellabah Community Plan Partners Group, p.94

(Councillors Clough/Battista)

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

Voting against: Nil

At this juncture Councillor Meineke left the meeting.

Reports

12.1 Development Application 2011.180.1 - Proposed relocation of dwelling from No. 8 Rhodes Street to No. 15 Rhodes Street, South Lismore

444/11 **RESOLVED** that Council, as the consent authority, assume the concurrence of the Director General of the Department of Planning and Infrastructure in relation to the provisions of clause 22(3) of the Lismore LEP 2000, and grant a deferred commencement consent to Development Application No. 5.2011.180.1, subject to the following conditions:

Deferred Commencement Conditions

This consent shall not operate until the following deferred commencement conditions have been satisfied.

Consolidation

A1. Lot 11 in DP614896 shall be consolidated with the lots identified in the table below via a plan of consolidation registered with the Department of Lands and Property Information.

Lot	Section	Deposited Plan
12	2	5237
13	2	5237

Alternatively, Lot 11 in DP614896 shall be consolidated with Lot 10 in DP614896 (no. 10 Rhodes Street).

***Reason:** To ensure that the future use of No. 8 Rhodes Street is connected to the adjoining land owned by the church consistent with the proposed future use of this flood affected site and prevent future residential development of Lot 11 in isolation.*

A2 The person acting on this consent must obtain a controlled activity approval under the *Water Management Act 2000* (WMA) from the NSW Office of Water, or written evidence from that office that no such approval is required in the circumstances.

***Reason:** To ensure compliance with statutory requirements under the provisions of the *Water Management Act* for works that are not exempt.*

Evidence required to satisfy the above condition must be submitted to Council within 24 months of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000.

Development in Accordance with Plans

1 In granting this development consent, Council requires:

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

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

and be substantially in accordance with the stamped approved plan(s) No. 10065 Sheets 1 – 4 (Issue A) dated May 2011 and/or supporting documents submitted with the application. A copy of the approved plans are attached to this consent, and the terms of any controlled activity approval issued under the *Water Management Act 2000*.

No approval is granted under this consent for use of land for the purpose of car parking.

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

Planning/General Conditions

- 2 The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development. The applicant shall advise Council, in writing or by photographic record, of any existing damage to Council property before commencement of the development. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council **prior to the issuing of any Construction Certificate**.

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*

- 3 All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

On completion of the works and prior to the issue of a final Occupation Certificate, a certificate is to be prepared to the effect that that no damage has resulted to adjoining premises, and is to be provided to Council and the Principal Certifying Authority.

Alternatively, if damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and **prior to the issue of a final Occupation Certificate**.

(Note: For the purpose of this condition and in consideration of best practice, it is highly recommended that a photographic survey of adjoining properties No's. 13 & 17 Rhodes Street detailing the physical condition of those properties, be prepared by an appropriately qualified person agreed to by both the applicant and the owner of the adjoining property. This documentation would be for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.)

Reason: *To ensure adjoining owner's property rights are protected, proper management of records, and respond to public submission.*

- 4 A Waste Management Plan **is to be submitted with the Construction Certificate** application in accordance with the provisions of Chapter 15 of the Lismore DCP. The plans should include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, design of on-site waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process.

Reason: *To encourage the minimisation of waste and recycling of building waste*

- 5 No building work, demolition or excavation shall be carried out until a Construction Certificate has been issued.

Reason: *To ensure compliance with statutory provisions*

- 6 The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

Reason: *To ensure the proper management of public land and funds*

- 7 Building materials shall not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand) and a suitable sign to this effect shall be erected adjacent to the street alignment.

Reason: *To ensure public safety and amenity on public land*

- 8 All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries.

Reason: *To ensure public safety and amenity on public land*

- 9 Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:

- (a) in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number, and
 - (ii) is satisfied that the licensee has complied with the requirements of the Home Building Act, or
- (b) in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit number, or

- (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: The amount referred to in paragraph (b)(ii) is prescribed by regulations under the Home Building Act 1989. As at the date on which this Regulation was Gazetted, that amount was \$3,000. As those regulations are amended from time to time, that amount may vary.

A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Reason: *Prescribed – Statutory*

- 10 All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

Demolition work must be undertaken in accordance with the provisions of AS2601-Demolition of Structures.

Reason: *To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage*

- 11 If the work involved in the erection or demolition of a building:
 - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - (b) building involves the enclosure of a public place,

a hoarding and site fencing must be erected between the work site and the public place.

No access across public reserves or parks is permitted.

Note: Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained. Any application needs to be accompanied by plans indicating the type of hoarding and its layout.

Reason: *To ensure public safety and the proper management of public land*

Removal of Dwelling from 8 Rhodes Street

- 12 The proponent shall engage a licensed plumber to carry out all new water connections, disconnections, downsizing or upgrading of the water services connected to the sites. The water meter/s must be protected from damage and be accessible for reading at all times. All works carried out shall be the subject of a Minor Works Permit purchased from Council.

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

- 13 The proponent shall engage a licensed plumber to carry out all new connections, disconnections or upgrading of the sewer connection to the sites. Capped risers must be protected from damage and be accessible for inspection at all times. All works carried out shall be the subject of a Minor Works Permit purchased from Council.

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

- 14 Any asbestos cement or lead based products, to be removed and disposed of, to an approved tipping station in accordance with Worksafe Australia - Code of Practice for the safe removal of asbestos.

Reason: *To prevent any exposure to a hazardous material.*

- 15 All hard surface areas, building and waste materials, being removed from the site.

Reason: *To ensure the site is left in a clean and tidy condition.*

- 16 Sediment control measures being put into place and properly maintained to prevent soil erosion and the transport of sediment from the site to natural or constructed drainage lines or water-courses. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion.

Reason: *To minimise soil erosion and sedimentation.*

Relocation of Dwelling to 15 Rhodes Street

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

- (a) **Footings** - the foundation trenches are open and the steel reinforcement is in position, prior to concrete being placed.
- (b) **Drainage** - the drainage lines have been laid externally by the plumber and drainer, so that a water test may be carried out, prior to the pipes being covered. The internal drainage is to be certified by the plumber and or drainer and a layout plan to be submitted to Council prior to pouring of the concrete slab.
- (c) **Slab** - the slab reinforcement is in position, prior to concrete being placed.
- (d) **Framework** - the framework is completed, wet area flashing in place, waterpiping and electrical wiring in place, external brickwork erected (where applicable) and the roof covering in position, prior to fixing the internal linings.
- (e) **Waterproofing in any wet areas** prior to covering.

- (f) **Occupation** - the building is completed or an Occupation Certificate is required.

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

Reason: *To assess compliance with this approval.*

- 18 All water supply, sanitary plumbing and drainage or stormwater drainage works must be carried out by a licensed plumber. For domestic works, the plumber is required to apply for a Plumbing Permit at least two (2) working days prior to commencing works. For large or complex installations, the plumber is required to apply for a Plumbing Permit at least twenty (20) days prior to commencing works. All work is to be carried out in accordance with the Conditions of the Plumbing Permit and to the satisfaction of Lismore Council. All costs associated with complying with this condition, including Permit Fees and Inspection Fees, shall be borne by the proponent.

Reason: *In accordance with the Local Government (General) Regulation 2005 Section 20 a person must not begin carrying out the activity approved unless the person is the holder of a permit issued in accordance with the Plumbing and Drainage Code of Practice.*

- 19 The hours of work for any noise generating activity of the proposed development are to be limited to the following time restrictions:

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

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

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

- 20 Erosion and sediment control measures must be put in place and be maintained to prevent soil erosion and the transportation of sediment from the site into natural or constructed drainage lines or watercourses. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion.

The 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 vehicles and plant tracks and tyres, and
- dust control measures.

Note: Inspections of the structural work will not be carried out and work may not proceed until the sedimentation controls are in place.

Reason: *To prevent erosion of materials from the site.*

- 21 The primary building elements must be protected against attack by subterranean termites. This can be achieved by:

- i) soil treatment in accordance with AS 3660.1-1995 of the subsoil area beneath all on ground concrete slabs forming part of the building, including attached garages, patios and the like. Including, on completion of the building, an external barrier, consisting of at least a 300mm wide horizontal barrier around the perimeter circumferencing all pipes and service facilities, and adjoining a minimum 150mm wide vertical barrier, to the depth of the underslab barrier; or

- ii) other chemical or physical measures which meet the objective of protecting primary building elements against subterranean termite attack. If this option is chosen, full details are required to be submitted for Council's consideration. Examples of current initiatives in this area are, stainless steel mesh, accredited crushed granite barrier, permanent underslab irrigation systems, CCA treated framing and steel framing.

NOTE 1: The approved chemical for underslab spraying does not provide protection against termites over the economic life of the building.

NOTE 2: Depending on the slab construction a vertical 150 mm wide chemical barrier may be required to the external perimeter of the slab.

NOTE 3: Landscaping and Gardens - Most termite barriers require the area immediately adjoining an external wall to be kept clear of any landscaping or gardens. This is necessary either to prevent the bridging of the termite barrier or to ensure the area is visible for inspection.

Reason: *Required by Clause 3.1.3.0 of the Building Code of Australia Housing Provisions.*

- 22 Structural Engineering details for footings, slab, structural steel work and bracing are to be submitted to the principal certifying authority prior to commencement of the work.

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

- 23 A certificate of structural adequacy is to be provided from a Structural Engineer stating that the building has been designed to withstand structural damage from the forces of floodwaters and associated debris.

Reason: *To comply with Clause 8.5.4 of the Lismore DCP.*

- 24 Provide interconnected, automatic smoke alarms wired into the electrical mains and having a stand-by battery power supply, in accordance with Clause 3.7.2.2 of the Building Code of Australia.

Reason: *To comply with Clause 3.7.2.2 of the Building Code of Australia Housing Provisions.*

- 25 A certificate from a licensed electrician must be provided upon completion of the installation of the smoke alarms, certifying that the smoke alarm installation complies with AS 3786 "Smoke Alarms".

Reason: *To ensure compliance with this building approval.*

- 26 Provide a continuous balustrade a minimum of 865 mm high to stairs and a minimum of 1 metre high to decks or landings. The maximum permissible balustrade opening is 125 mm. NOTE: Wire balustrade is to comply with Part 3.9.2.3 of the Building Code of Australia.

Reason: *Required by Clause 3.9.2.3 of the Building Code of Australia Housing Provisions.*

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

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

- 28 When the floor level is raised to its final position, a Surveyor's certificate must be provided to Council, stating the height of the main floor in relation to the Australian Height Datum, **prior to the issue of any Occupation Certificate.**

Reason: *To ensure compliance with this approval.*

- 29 The floor level of the development be not less than a level of RL 12.7 m (AHD).

Reason: *Development Control Plan No. 1, Part A Chapter 8 – Flood Prone Lands.*

- 30 The proponent shall make satisfactory provision for the existing lot 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 lots can be directed to a discharge point to prevent intensification of discharge runoff onto adjoining land. All works are to be constructed according to Council's Development, Design and Construction Manual (as amended).

Details demonstrating compliance are to be **provided to Council within an application pursuant to the provisions of s.68 of the Local Government Act and form part of the Construction Certificate application for approval by the Certifying Authority.**

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))*

- 31 The applicant must reconstruct/construct to residential street standard, the carriageway shoulder (from the edge of the existing bitumen to all new kerb/gutter works), layback, full frontage kerb/gutter (except for the location of the layback), crossing, and transition works. The works shall be designed and constructed in compliance with the following:

- (a) All elements of the works within the road reserve is to be constructed in accordance with Council's Development, Design and Construction Manual (as amended).
- (b) All redundant laybacks must be reinstated as kerb and gutter in accordance with Council's Development, Design and Construction Manuals (as amended).
- (c) The kerb and gutter alignment levels shall match the existing levels except where modified for the vehicular crossing. The applicant shall design and construct having regard for the aforementioned levels. No approval is granted for any change to existing kerb and gutter alignment levels to accommodate the development.

A certified design prepared by an appropriately qualified and practising Civil Engineer, shall be provided to Council for approval under the provisions of s.138 of the Roads Act, and shall be **completed prior to the issue of any Occupation Certificate.**

Reason: *To facilitate suitable vehicular access to private sites, without disruption to pedestrian and vehicular traffic and to ensure appropriate access and infrastructure protection that is integral with infrastructure on surrounding sites*

- 32 **Prior to the release of the Occupation Certificate** the applicant shall obtain a certificate of completion for the above works from Council. Prior to obtaining this certificate a practising qualified surveyor or engineer shall submit to Council for approval, a “works-as-executed” set of plans, completed asset record forms and a construction certification. The certification shall certify that all roads, drainage and civil works required by this development consent and the approved design plans have been completed in accordance with Council's Development and Construction Manual (as amended).
- Reason: To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a) & and to specify requirements for approval under section 138 of the Roads Act.*
- 33 **Prior to the release of any Occupation certificate** the existing vehicular accesses from the road pavement to the lots shall be upgraded to be in accordance with the Council's Design and Construction Specification for Vehicular Access.
- Reason: To ensure adequate access to and from the development. (EPA Act Sec 79C(c))*
- 34 A Construction Traffic Management Plan shall be submitted to, and approved in writing by, Council, **prior to the issuing of any Construction Certificate**. 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))*
- 35 All utility services shall be adjusted, to the correct levels and/or location/s required by this consent, **prior to final completion and the issue of any occupation certificate**.
- Reason: To ensure compliance with the terms of this consent*
- 36 Details of proposed side boundary fencing that are characteristic of the locality are to be **provided with the Construction Certificate for approval by the Certifying Authority**. The construction of fences shall be at the sole cost of the person acting upon this consent, unless otherwise agreed in writing with adjoining property owners.
- Note: It is recommended that adjoining owners be consulted regarding the nature and location of proposed boundary fencing to ensure the provisions of the Dividing Fences Act are not contravened in undertaking the development.
- Reason: To ensure that the development does not result in adverse amenity impacts to adjoining premises, and respond to matters raised in submissions.*
- 37 Details of the following shall be **provided with the Construction Certificate application for approval by the Certifying Authority**:
- (a) Awnings over windows in the northern elevation to improve energy efficiency;
 - (b) Details of water saving devices/fittings to be installed within the relocated dwelling;
 - (c) A landscaping plan showing the proposed plantings, including a replacement tree of a native species in a suitable location on the site to replace the tree at the front boundary of the property;

- (d) Details of consultation with utility service providers that may be affected by the relocation of the dwelling due to the location of overhead wires;
- (e) Details of the renovation, painting and external finishes of the relocated dwelling to ensure that it is compatible with the character of the locality.

Reason: *To ensure that the development does not result in adverse amenity impacts to adjoining premises, and respond to matters raised in submissions.*

- 38 **Prior to any Occupation Certificate** being issued for the building works, the person acting upon this consent must ensure that the street number is displayed at the property in accordance with the provisions of AS/NZS 4819:2003 – Geographic information – Rural and urban addressing.

Reason: *To ensure that Council records are accurate, and that house numbering complies with Council requirements. Proper house numbering also assists emergency services in readily locating properties.*

(Councillors Marks/Clough) (BP11/601)

Section 375A Voting Record

Voting for: Councillors Houston, Clough, Marks, Dowell, Ekins and Smith

Voting against: Councillors Battista, Graham and Yarnall

12.2 Nimbin Rural Water Supply

A MOTION WAS MOVED that Council defer this report until its September meeting to allow greater consultation with the affected residents.

(Councillors Yarnall/Ekins) (BP11/510)

AN AMENDMENT WAS MOVED that:

1. Given that pending legislation on drinking water standards will determine that the Nimbin rural water supply is non-potable, Council liaise with the 79 affected consumers on the following options:
 - a) The provision of a fully installed rainwater tank up to 45,000 litres on the basis that they disconnect from the Nimbin water supply; or
 - b) The provision of a smaller rainwater tank for drinking and culinary purposes and remain connected to the existing supply for other water uses; or
 - c) Remain connected to the existing supply but boil all drinking water.

The above options subject to individual consultation.

2. Staff provide a further report to Council as soon as practicable.

(Councillors Marks/Graham) (BP11/510)

On submission to the meeting the AMENDMENT was DEFEATED.

Voting for: Councillors Clough, Marks, Dowell and Graham

Voting against: Councillors Houston, Battista, Yarnall, Ekins and Smith

445/11

RESOLVED that Council defer this report until its September meeting to allow greater consultation with the affected residents.

(Councillors Yarnall/Ekins) (BP11/510)

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

Voting against: Nil

12.7 Goonellabah Community Plan Partners Group

446/11

RESOLVED that Council:

1. Appoints the Mayor as the Chair of the Goonellabah Community Plan Partners Group.
2. Appoints Councillor Houston to the Goonellabah Community Plan Partners Group.
3. Endorses the membership of the balance of the Goonellabah Community Plan Partners Group as outlined in the report.

(Councillors Smith/Clough) (BP11/633)

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

Voting against: Nil

At this juncture Councillor Meineke returned to the meeting.

12.3 June 2011 Quarterly Budget Review Statement

A MOTION WAS MOVED that :

1. Council adopt the June 2011 Quarterly Budget Review Statement for General, Water and Wastewater Funds.
2. To balance the 2010/11 Budget, Management review and recommend on essential internal reserves be held as at 30 June 2011.
3. This report is forwarded to Council's Auditor for information.
4. Staff prepare and circulate to all Councillors a monthly statement on the financial situation of the Lismore Memorial Baths and the Goonellabah Sports and Aquatic Centre.

(Councillors Clough/Yarnall) (BP11/603)

AN AMENDMENT WAS MOVED that:

1. Council adopt the June 2011 Quarterly Budget Review Statement for General, Water and Wastewater Funds.
2. To balance the 2010/11 Budget, Management review and recommend on essential internal reserves be held as at 30 June 2011.
3. This report is forwarded to Council's Auditor for information.

(Councillors Graham/Meineke) (BP11/603)

On submission to the meeting the AMENDMENT was DEFEATED.

Voting for: Councillor Graham

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

447/11

RESOLVED that:

1. Council adopt the June 2011 Quarterly Budget Review Statement for General, Water and Wastewater Funds.
2. To balance the 2010/11 Budget, Management review and recommend on essential internal reserves be held as at 30 June 2011.
3. This report is forwarded to Council's Auditor for information.
4. Staff prepare and circulate to all Councillors a monthly statement on the financial situation of the Lismore Memorial Baths and the Goonellabah Sports and Aquatic Centre.

(Councillors Clough/Yarnall) (BP11/603)

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

Voting against: Councillor Graham

12.4 Delivery Plan Progress Report - June Quarter 2011

448/11 **RESOLVED** that the report be received and noted.

(Councillors Smith/Meineke) (BP11/570)

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

Voting against: Nil

12.5 June 2011 Quarterly Capital Works Program update for Roads and Water Infrastructure

449/11 **RESOLVED** that:

1. The June 2011 Quarterly Capital Works update for Roads and Water Infrastructure report be received and noted.
2. The carry forward of unexpended funds from the 2010-2011 Budget for the Roads and Water Infrastructure Capital Works Program be considered as part of the 2010/11 Reserve report to Council.

(Councillors Graham/Yarnall) (BP11/604)

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

Voting against: Nil

12.6 Membership of the Local Sporting and Major Events/Conferences Sponsorship Industry Group

450/11 **RESOLVED** that Council appoint Jill Dunlop, Ted Hoddinott and Amanda Shoebridge to the Sporting and Major Events/Conferences Sponsorship Industry Group.

(Councillors Marks/Battista) (BP11/615)

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

Voting against: Nil

12.8 2010/11 Financial Statements - Extraordinary Meeting Requirement

451/11 **RESOLVED** that an Extra Ordinary meeting of Council be held on Thursday, 27 October 2011 to consider the 2010/11 Financial Statements and 2010/11 Reserves.

(Councillors Clough/Smith) (BP11/602)

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

Voting against: Nil

12.9 Extraordinary Council Meetings (Draft Lismore Local Environment Plan)

452/11 **RESOLVED** that:

1. Council resolve to hold two (2) extraordinary Council meetings for the purpose of formally considering submissions to the Draft Local Environment Plan and resolving the final steps of the plan making process.
2. Council resolve to extend the normal period of public access at these extraordinary meetings so that the public can address Council about the Draft Local Environment Plan and that this period of extended public access be for up to one and a half hours, with each speaker having a maximum of three (3) minutes each and that each person only be allowed to speak on a maximum of two separate topics, and
3. The dates of the Extra Ordinary Council meetings recommended in (1) above be set by the Mayor in consultation with the General Manager.

(Councillors Graham/Smith) (BP11/621)

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

Voting against: Nil

12.10 Councillors Expenses and Facilities Policy

453/11 **RESOLVED** that Council adopt the existing policy, 1.2.23 Payment of Expenses and the Provision of Facilities to Mayors and Councillors.

(Councillors Smith/Houston) (BP11/614)

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

Voting against: Nil

12.11 Lease of Part of 49 Cecil Street, Nimbin (Bellevue Park)

454/11 **RESOLVED** that:

1. Council consent to the granting of a lease for a period of five years over part of the land comprised in Lot 3, DP 774889, known as 49 Cecil Street, Nimbin.
2. All legal and associated costs incurred with the preparation, stamping and registration of the lease to be borne by the Nimbin A&I Society.
3. The Mayor and General Manager be authorised to sign and affix the Common Seal of Council to all documents deemed necessary for the actions contained in this report.

(Councillors Graham/Clough) (BP11/607)

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

Voting against: Nil

12.12 Application for Closure of Part of Public Road - Rocky Creek Dam Road, Dorrroughby

455/11

RESOLVED that:

1. Council consent to the application to close the portion of the road reserve of Rocky Creek Dam Road, Dorrroughby, north of its intersection with Middleton Way as shown in red colour on the aerial photograph included in this report.
2. All costs associated with the closure, sale and consolidation process are to be met by Rous County Council.
3. Upon closure of the road, Rous County Council will become responsible for all repair and maintenance of the constructed road and will be required to purchase the land from Council at an agreed market value and consolidate the portion of closed road with its adjoining property.
4. The Land and Property Management Authority be advised accordingly and requested to progress the application.
5. The Mayor and General Manager be authorised to sign and affix the common seal of Council to land transfer documents and plans of survey and any other documents deemed necessary for the actions contained within this report.

(Councillors Marks/Smith) (BP11/534)

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

Voting against: Nil

12.13 Investments - July 2011

456/11

RESOLVED that the report be received and noted.

(Councillors Smith/Marks) (BP11/475)

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

Voting against: Nil

At this juncture Councillor Meineke left the meeting.

Committee Recommendations

13.1 Traffic Advisory Committee

457/11 **RESOLVED** that minutes be received and adopted and the recommendations contained therein be adopted.

(Councillors Graham/Marks) (BP11/617)

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

Voting against: Nil

At this juncture Councillor Meineke returned to the meeting.

Documents for Signing and Sealing

14.2 Documents for Signing and Sealing

458/11 **RESOLVED** that:

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

Easement for Asset Protection Zone – 15 Millar Street, Lismore Heights (P29292)

A Report to Council was presented at meeting held on 9 November 2010 (BP10/582) in relation to a development consent requirement for the creation of an easement for asset protection zone over adjoining Council owned land. The easement site is 15.1m x 30.19m over Council owned land comprised in Lot 4 DP 827364 and is adjacent to the eastern boundary of 15 Millar Street, Lismore Heights.

Licence Agreement – Real Art Works Inc – 110 Magellan Street, Lismore

Licence to occupy approximately 204m² of the ground floor area of C Block 110 Magellan Street Lismore for a period of 12 months from 1 June 2011 for the purpose of display of art works and holding of workshops for people with and without disabilities.

Licence Agreement – WJ & JE McWilliam – Winterton Parade Reserve (P5993)

Renewal of a Licence agreement for grazing over Lots 4 – 18 DP 1005 for five years from 1 July 2011.

Head Lease and Sub Lease – Suite 2, The Cottage, 651 Skyline Road, Goonellabah (P21601)

Negotiations have been ongoing for at least three years for part of the cottage at Lismore Memorial Gardens. As the land upon which the cottage is erected in Crown land negotiations also involved Land and Property Management Authority. The Head Lease from the Minister for Lands to Council is for a term of 15 years commencing 17 July 2009. The Sub Lease from Council to Invocare is for a term of 5 years commencing 17 July 2009

with two options of renewal for 5 years and 4 years 364 days.

(Councillors Smith/Marks) (BP11/635)

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

Voting against: Councillor Ekins

Financial Assistance – Section 356

15.2 Financial Assistance – Section 356 Report

459/11 **RESOLVED** that in accordance with Section 356(1) of the Local Government Act 1993, the assistance to persons as listed above is hereby approved.

Representative Selection – Policy 1.4.10 (GL390.735.15)

Budget: \$1,100

Spent to date: \$558

Michael Gahan has been selected in the Australian AA Baseball Team to play for Australia in the AA World Series in Mexico in August 2011. He is seeking assistance towards the costs (ED11/26909).

\$375

In accordance with policy.

Council Contributions to Charitable Organisations

Waste Facility – Policy 5.6.1 (GL390.965.15)

Budget: \$15,000

Spent to date: \$14,889.780 (June 2011 Budget)

June 2011

Animal Right & Rescue \$45.46

Caroona Opportunity Shop \$35.36

Multitask \$290.90

Nimbin Aquarius Landcare Group \$13.00

Five Loaves \$109.00

Friends of the Koala \$63.63

LifeLine \$162.05

Police Boys Club \$14.55

Westpac Life Saver Helicopter \$58.20

Total \$792.15

In accordance with policy.

Mayor's Discretionary Fund (GL390.485.15)

Budget: \$3,000

Spent to date:\$400

Southern Cross University, School of Arts and Social Sciences are seeking a donation towards the Women's Housing Needs Forum on 4 August 2011 (ED11/26408).

\$100

Gnibi College of Indigenous Australian Peoples are seeking financial support for the Student Education Games in Melbourne in September 2011 (ED11/26842).

\$100

(Councillors Graham/Smith) (BP11/637)

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

Voting against: Nil

Closure

This concluded the business and the meeting terminated at 8.50pm.

CONFIRMED this THIRTEENTH of SEPTEMBER 2011 at which meeting the signature herein was subscribed.

MAYOR