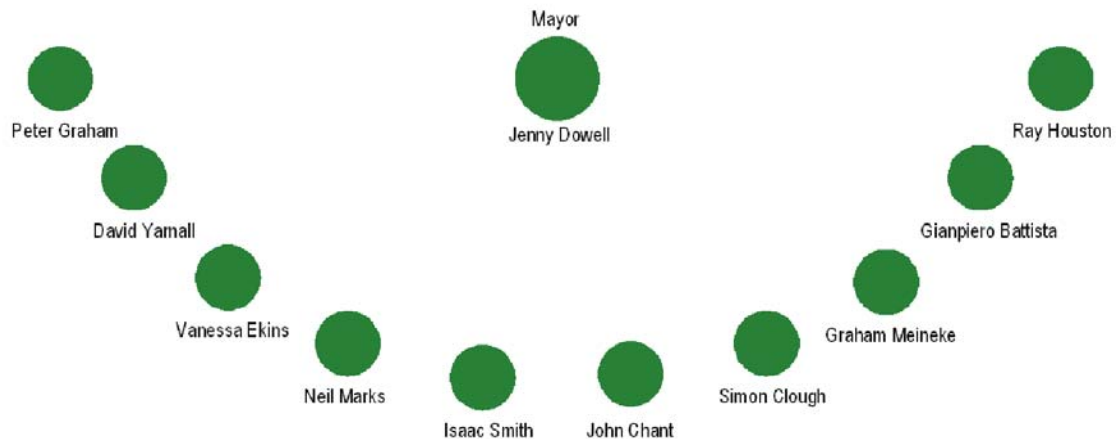


# Notice of Council Meeting



## Ordinary Meeting

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An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at  
the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on  
**Tuesday June 9, 2009**  
and members of Council are requested to attend.

Paul G. O'Sullivan  
**General Manager**

June 2, 2009



# Agenda

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Opening of Meeting and Prayer (Mayor)

Apologies and Leave of Absence  
Councillor John Chant

Confirmation of Minutes  
Ordinary Meeting held on May 12, 2009.

Disclosure of Interest

Public Access Session

Public Question Time

Condolences

Mayoral Minutes

Notice of Rescission Motions

Notice of Motions  
Councillor Battista – Management Plan 2009/10-12: Plant Replacement Program  
Councillor Yarnall – Roads Asset Management Plan  
Councillor Smith – Smoking Ban at Bus Shelters, Footpaths & Roadsides

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

Reports

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Nominations for the Joint Regional Planning Panel .....45

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Investments – May, 2009 .....60

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Committee Recommendations

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# Lismore regional city

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

## Notice of Motion

**Cr Gianpiero Battista** has given notice of his intention to move at the next meeting of Council:

1. That Council exclude from the Management Plan 2009/10-12 the amount of \$3,503.000 (capital works) assigned to the Plant Replacement Program;
2. The Council staff prepare and present to Council a report on the costs incurred by the above decision; and
3. That the funds, less the identified costs, be made available for other projects upon deliberation by Council.

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### Councillor Comment

The rationale for this notice of motion is to delay, not to stop, for a year the amount of capital work funds assigned to the Replacement Plant Program as indicated on page 11 of the Draft Management Plan. It is understood that a decision as such will have a cost represented by increased maintenance and lost value of those plants although in consideration of others projects not yet identified by the public submissions and by us the Councillors I feel that a one year delay is reasonable and achievable.

### Staff Comment

#### Manager Finance

The Notice of Motion is not supported as it is based on principles that are contrary to best practice plant and equipment financial management.

The 2009/10-2012 Management Plan provides approximately \$3.5 million for plant replacement with \$2.88 million in General Fund, \$235,500 in Sewerage Fund and \$383,500 in Water Fund. These amounts represent the net cost of plant replacement proposed for 2009/10. All plant replacements are funded from the plant reserve, a pool of funds accumulated over an extended period of time, specifically for the purpose of replacing plant.

The objective of the plant reserve is to 'ensure adequate funds are available to purchase a responsive and modern plant fleet at the optimum replacement opportunity'. To achieve this outcome, all plant ownership, operating and maintenance costs are paid from the plant reserve, and all plant hire income (the amount charged when a plant item is used) and sale proceeds are paid into the plant reserve. The main financial reason for this approach is to eliminate the need to find funding in the annual budget for plant replacements.

A further reason that the Notice of Motion is not supported relates to Point 3, which will result in the plant reserve having insufficient funds available to replacement plant at the most cost effective opportunity. If plant hire income is used for projects other than plant replacement, Council will need to find the funds to enable plant replacement from rates revenue in future budgets. This methodology is not financially sustainable.

## Notice of Motion

As to when is the optimum plant replacement opportunity, a Ten (10) Year Plant Replacement Plan is soon to be completed. This will be presented to Councillors at a Workshop in July 2009. This presentation will provide Councillors with more detailed plant information including the optimum plant replacement.

In regards to the cost of deferring plant replacements, it is possible to assess this on a plant item by plant item basis. The costs would include increased operating, maintenance and repair costs, loss in the sale or trade-in price and the hidden cost of having plant 'off road' instead of being on the job. Another consideration is the opportunity cost/benefit associated with timely plant replacement, including improved productivity.

Finally, it should be noted that funds collected in Sewerage Fund and Water Fund can only be used for projects within the individual funds.

### **Manager Business Services**

The Notice of Motion is not supported. Council's plant reserve fund is self-generating – the funds are accumulated over the life of the machinery and are derived from the hiring of the machinery to projects financed from various sources of revenue.

The replacement value of Council's total plant fleet is around \$25 million. If we assume an average fleet replacement age of 8 years. Council needs to spend around \$3 million per annum to maintain the fleet in a satisfactory condition.

Council are already behind with the plant replacement program as a result in part of previous restrictions in expenditure. To bring the fleet back in line with acceptable plant replacement criteria a total of \$7.8 million would be required in 2009/10. A further delay to the replacement program for one year would require an expenditure of over \$10 million in 2010/11. The Fleet Manager is currently working on the ten year replacement plan to even out expenditure requirements.

If the accumulated funds from plant hire income are spent on activities other than fleet replacement the principle of hiring plant to works projects is redundant. The hire rates are set to cover the cost of replacement over the expected life of the equipment. In effect it would be necessary to continue to own the machines to twice the normal replacement period to regenerate these funds or significantly increase the hire rates, the latter option having its own negative budgetary impact – most noticeable higher costs charged to the roads budget.

Consequently, either the funds voted by Council for operational, construction and maintenance works will need to increase, or less work will be achieved for the funds available. Manipulation of the true cost of plant ownership is a financially unsustainable practice.

A further potential but unpredictable consequence of delays in plant replacement, is major failure of machinery. Increased downtime arising from increased maintenance requirements is a serious cost to operations, often requiring the hiring of equipment to supplement the fleet. With all budgets under pressure, increased costs will have an impact on the level of service provided by the Council's operations.

Given the imminent detailed presentation of a comprehensive Plant Replacement Plan the terms of this Notice of Motion are both inappropriate and pre-emptive. Council would be ill advised to make decisions with such far reaching consequences before considering all of the relevant information.

(ED09/5915:EF09/631)

## Notice of Motion

**Cr David Yarnall** has given notice of his intention to move at the next meeting of Council:

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

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### Councillor Comment

The State Govt has required Councils to assess their infrastructure assets at "fair value". This requires Council to value their road network assets including what we should be spending and what type of service delivery residents can expect similar to that which occurred with water and sewerage in 2008/09. Preliminary figures of \$10 million have been suggested by Council's Finance Department that will need to be incorporated into Council's Financial Management Plan in 2010/11. This report has been in the process of being prepared for four years yet has not been presented to Council. Council needs to be proactive to assess and establish solutions to deal with the effects of the "fair value" assessment of our road infrastructure.

### Staff Comment

#### **Manager, Assets and Support Services**

The preparation of asset management plans has been delayed due to reasons not entirely within the control of management, nor indeed the Council. Undertaking the "fair value" exercise for roads will be only part of the preparation of an asset management plan. The Department of Local Government recently deferred the requirement to complete a valuation of road asset using fair value principles until June 30, 2010 in recognition of the scale of the task.

The suggested deadline of the end of September for completion of a draft asset management plan is not achievable with existing resources. Staff are currently preparing a revised timetable for completion of the roads asset management plan and this will be reported to Council at the July meeting.

(ED09/5972:EF09/631)

## Notice of Motion

**Cr Isaac Smith** has given notice of his intention to move at the next meeting of Council:

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

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### Councillor Comment

Smoking and second hand smoke has been clearly identified as a health hazard and complaints about smoking in bus shelters have been coming in from local residents who use our public transport system.

This risk of exposure to the toxic chemicals used in cigarettes is increased in an enclosed area. While bus shelters are not fully enclosed, they do provide shelter from winds which clearly indicates that the air within a bus shelter flows less freely.

As bus routes are designed to include major services they take in our hospitals, schools and shopping centres where the best possible health message should be conveyed. Residents travelling to Hospital on public transport for treatment, particularly the frail and aged should not be subject to conditions which hinder their health and recovery.

This ban would also have a positive impact on issues such as amenity, maintenance and waste, as butts would be less prevalent and damage would be reduced. This would also improve the quality of our waterways and gardens.

Banning smoking from our bus shelters would stop the toxic, smelly, pollutants harming our residents and our environment and will deliver a better quality of life for users of public transport and others entering our local facilities.

### Staff Comment

#### **Acting Manager Environmental Health and Building Services**

The concept of banning smoking in bus shelters and the immediate surrounding area can be legally achieved under the Local Government Act, with the installation of signs and by possibly identifying the exclusion zones. However, the implementation and enforcement would be very difficult, raising numerous matters including the following:

1. Lismore City Council currently has a total of 99 bus shelters in and around the Lismore LGA. This includes 52 urban shelters, which are predominantly on major thoroughfares i.e. Lismore CBD, Ballina Road, Dawson Street, and Goonellabah. The remaining 47 shelters are located in the outlying rural areas.
2. The length and depth of the enforcement zones would not be significant enough and/or resolve the litter situation. Smokers could just stand outside the exclusion area, with Council unable to enforce the infringement. In practical terms, the length and width of these areas will never be adequate. At the hospital, patients, visitors and the like may stand just outside the exclusion zone and continue to smoke.
3. Experience with other Councils has shown smoking bans only work for the immediate nominated



## Notice of Motion

area when heavily enforced, and that people tend to move outside them and continue to smoke. At Mosman in Sydney for example, smoking was banned on the beach, so people smoked in the water, beyond the Council's jurisdiction (the high water mark), defeating the purpose of the exclusion zone.

4. Resourcing the enforcement would also prove difficult, having consideration for current workloads and the other responsibilities of the Rangers. It may also create a no-win situation where we become criticised for not enforcing the exclusion zones following the erection of the signs.
5. In the case of the hospital negative reactions are inevitable if Council officers issue the infringement notices to persons receiving medical treatment.
6. Enforcement will also prove difficult when attempting to issue a penalty notice, due to false names and addresses being given. Council has no authority to require persons to provide identification. The Rangers can request to observe identification, but if the person refuses there is nothing they can do to determine the proof of identity. The process of collection by the State Debt Office will then be fruitless, if false details are given.

In the case of the hospital the most appropriate resolution to this matter may be for Council to engage in discussions with the North Coast Area Service and or the Lismore Base Hospital itself requesting them to provide a designated covered smoking area for patients, staff, visitors and the general public. Butt bins could be included within this area.

(ED09/6054:EF09/631)

# Report

<b>Subject</b>	<b>Development Application No. 2009/158 (Youth Plaza)</b>
<b>File No</b>	DA09/158:AD09/31513
<b>Prepared by</b>	Consultant Planner and endorsed by Development Assessment Planner
<b>Reason</b>	Application for Council development requires Council determination
<b>Objective</b>	Determination of the Development Application
<b>Strategic Plan Link</b>	Economic Development, Quality of Life
<b>Management Plan Project</b>	Development Assessment

## Overview of Report

The proposed development involves the construction of an Outdoor Recreation Area (Youth Plaza) associated with the existing Goonellabah Sports and Aquatic Centre (GSAC). The particular components of the proposed Youth Plaza, include: a 'skate plaza' providing a range of skate infrastructure and a skate bowl, a ½ sized basketball court, a stage for amplified music and entertainment, recreation free play areas, an art wall, associated earthworks and landscaping.

The aim of the Youth Plaza is to create a multi-purpose venue for young people which will allow multiple groups of people to access, meet and use the facility simultaneously by providing different active and passive areas.

Key issues associated with the proposal include: crime prevention and anti-social activities potential, after-daylight hours use, noise and vehicle parking.

Advertising and Notification of the Development Application was undertaken in accordance with Council Policy. No submissions were received.

As detailed in this report, the assessment of the application undertaken by Council's Development Engineer, Environmental Health Officer, Building Surveyor, Parks Co-ordinator and the NSW Police's Crime Prevention Officer, indicates that potential adverse impacts of such land uses are adequately addressed by the proposed design and conditions of development consent.

The proposed Youth Plaza is considered to result in a significant public benefit to both Goonellabah and broader localities.

## Background

The subject Development Application (DA), for an Outdoor Recreation Area (Youth Plaza) associated with the Goonellabah Sports and Aquatic Centre (GSAC) was lodged with Council on April 17, 2009.

Lismore City Council (LCC) has consulted extensively with the local community and potential user groups as part of the design and development for the GSAC and the Youth Plaza.

The site of the Youth plaza is classified as 'community land' under the Local Government Act 1993. Council proposes however to re-classify the land to 'operational land' and has commenced this process via the preparation and exhibition of draft Local Environmental Plan No. 40 and conducting a public hearing.

The site of the proposed Youth Plaza is currently vacant and has previously been used for temporary stockpiling of fill.

## Proposal:

To undertake an Outdoor Recreation Area (Youth Plaza) associated with the existing Goonellabah Sports and Aquatic Centre (GSAC).

The particular components of the proposed Youth Plaza, include:

- a 'skate plaza' providing a range of skate infrastructure including ledges, rails, stairs, banks, ramps and a skate bowl;
- a ½ sized basketball court;
- a stage for amplified music and entertainment;
- recreation free play areas;
- art walls;
- associated earthworks; and
- landscaping.

The Youth Plaza is proposed to be used during daylight hours only, with no provision being made for skate lighting.

## Applicant:

Lismore City Council.

## Location:

Lot 5 DP 1011282, known as No. 44B Oliver Avenue Goonellabah.

Lot 631 DP 810600, known as No. 21 Gordon Blair Drive, Goonellabah.

## Zoning:

The land is zoned 3(a) Business under the provisions of the Lismore Local Environmental Plan 2000. The proposed use is permissible in the zone.

## Independent Assessment of Development Application

As Council owns the lands subject of this proposal, an external Town Planning Consultant, being Malcolm Scott, was engaged to prepare the Statement of Environmental Effects to accompany the DA.

In accordance with standard practice for the assessment of applications for Council's own developments, the Planning Services Section similarly engaged an external Town Planning Consultant, being Warren Rackham, to carry out the statutory development assessment and prepare a Development Assessment report to Council.

## Key Issues:

The proposal represents a part fulfilment to long-term planning proposals for community facilities provision at Goonellabah. It is a key element of youth facility planning for daylight recreational activity.

Key issues of the proposal will be:

- Crime prevention and anti-social activities potential;
- After-daylight hours use;
- Noise;
- Vehicle parking; and
- Positive outcome for youth needs.

### Crime Prevention and CPTED Principles

Concerns for potential anti-social activity within the proposed youth plaza have been foremost during the whole of the planning process, and extensive considerations have been made. Skate parks are very popular in most developed urban areas throughout Australia (and the western world) and Goonellabah is no exception. The plaza has been professionally designed, giving full cognisance to best-practice design principles. The design, location (with good visual surveillance from Oliver Avenue and the adjacent car park), daylight hours use only and implementation of a management plan, combine to ensure that the issue of crime prevention has been covered to a satisfactory level.

### After-hours Use

The application has been submitted as a 'daylight hours use' only. There has been some discussion (generated by the Police's Crime Prevention Officer) about providing night lights until at least ½ an hour after the adjacent sports facility closes. This however is seen as an adverse move, as any such lighting will encourage the facility to become (defacto or otherwise) a night-time entertainment area as well. It is not desirable to encourage youth to use the facility at night for reasons outlined below in this report. There is, in any case, likely to be adequate light overspill from the adjacent sports centre car park for evening surveillance of the area.

### Vehicle Parking

The new Goonellabah Sports and Aquatic Centre was assessed as requiring 123 parking spaces, and has provided 133 spaces, being 10 in excess. There are no parking parameters developed by either State or Local Governments and Roads and Traffic Authority (RTA) standards advise "... the number of parking spaces required is best determined by the nature of the proposed development". Given: most other Councils have approved skate parks under the acceptance of 'existing parking facilities' within or near reserves; the general age groups of potential skate park users; and the fact that there are 13 of the sports and aquatic centre parking spaces right across the front of the proposed skate park area, it would appear reasonable for the excess of 10 spaces to be accepted as the parking complement for the facility as they directly front the site.

### Positive Outcome

This facility has been long-planned and its benefit to the local community (and indeed the wider community) can hardly be questioned. It should go a long way in plugging the gap for youth sport and activity in the area.

## Independent Assessment of Application

### 1. Site / Site History

The 'Youth Plaza' will be located on part of the land occupied by the newly completed Goonellabah Sports and Aquatic Centre, being Lot 631 DP 810600, 21 Gordon Blair Drive and Lot 5 DP1011282, 44B Oliver Avenue, Goonellabah.

Apart from temporary stockpiling, the land has been undeveloped until the completion of the sports and aquatic centre.

### 2. Surrounding Properties and Environs

The land fronts a major road artery, Oliver Avenue. Immediate precincts of the 'Youth Plaza' site are the: Goonellabah Sports and Aquatic Centre, vacant 3(a) Business Zoned land, Goonellabah Shopping Centre, Telstra Call Centre, Lismore City Council's Corporate Centre, a Church, Tucki Tucki Creek and its vegetated riparian zone. All of this 'core' area forms the 'Goonellabah Town Centre' and is circumferenced by urban residential subdivision.

### 3. Proposal

It is proposed to construct an open air 'Youth Plaza' on the land between the newly completed sports and aquatic centre and Oliver Avenue, Goonellabah. This 'Plaza' will comprise a skate plaza (including ramps, banks and ledges, and a skate bowl), a half-sized basketball court; a stage for entertainment (with potential for amplified music) and a recreation 'free play' area. Additional amenities proposed are barbeque facilities, seating, shade structures, water bubblers, 'art walls' and landscaping.

The skate area is approximately 1,200 square metres in area and is located between the southern end of the new sports and aquatic centre, and Oliver Avenue, Goonellabah.

Vehicular access is directly from Oliver Avenue to parking spaces immediately in front of the skate area. Pedestrian links are from Oliver Avenue and from the sports centre off Gordon Blair Drive. There is also an 'informal' path link across Council land to the Goonellabah Shopping Centre, and in future times this link may become formalised.

The site has previously been publicly used as a soil stockpile area from the Goonellabah shopping centre construction, however this has also been cleared back concurrent with the sports centre development, banks graded, stabilised and planted out with suitable species, or retained. Little further excavation is proposed to construct the skate park.

No amenities or toilets are proposed, however patrons will use the facilities in the adjacent sports centre. There is also a kiosk within the centre which caters for drinks and basic food items. Bubblers will be provided in the skate park. Rubbish bins will be provided and cleared as per normal Council maintenance. Barbeques are not included at this stage, but may be considered at a later time.

The plan includes 3 'art walls', presumably for murals, which for security sake should be no higher than 900mm each.

The Youth Plaza is proposed to be used during daylight hours only, with no provision being made for skate lighting.

The application proposes that a management plan be prepared for operation of the Youth Plaza, which will fall under the overall responsibility of the GSAC manager.

## 4. Public Notification

The application was notified in the local press, and all immediately surrounding landowners notified by letter. By closing date May 8, 2009 no submissions were received as a result of public notification.

## 5. Consideration Under Section 79C of the E.P. & A Act

### 5.1 **Any Environmental Planning Instruments**

#### 5.1.1 **State Environmental Planning Policies (SEPPS)**

##### SEPP 55 – Remediation of Land

Council, in its assessment of the GSAC building (DA 2007/507), considered a contaminated land assessment for the site and is satisfied that the site is suitable for the proposed Youth Plaza.

##### SEPP (Infrastructure) 2007

If the land had been classified as a public reserve under the Local Government Act 1993, SEPP (Infrastructure) 2007 would have permitted the proposed development without the need to obtain development consent.

#### 5.1.2 **Regional Environmental Plan (REP)**

Clause 82 applies – “The Council shall not grant consent to the development of sporting fields or other specialised recreational facilities unless it has considered the need for access by the Community to the facilities and included relevant conditions in its approval to achieve an acceptable level of public access”.

This development is fully accessible to the public and complies with Clause 82.

#### 5.1.3 **Lismore Local Environmental Plan (LEP)**

There are no specific clauses in the LEP that have special controls on the type of development proposed. The use is defined as a ‘Recreation Area’ under the provisions of the LEP.

The proposed use is permissible, only with development consent, in the 3(a) Business zoning and meets the objectives of the zone.

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

There are no draft EPI’s on exhibition.

### 5.3 **Any Development Control Plan**

Lismore Development Control Plan:

- Chapter 7 – Off Street Parking
- Chapter 9 – Outdoor Advertising and Structures
- Chapter 13 – Crime Prevention through Environmental Design

#### **Chapter 7 – Off Street Parking**

The ‘Youth Plaza’ will be constructed adjacent to the existing Goonellabah Sports and Aquatic Centre building and car park, and immediately adjacent to 13 of the car spaces as provided for the new centre. The new centre was assessed as requiring 123 parking spaces, however as 133 were provided in the design, 133 were conditioned in that approval. In this regard, there are 10 excess parking spaces currently in existence at the sports and aquatic centre car park.

This Chapter of the Lismore DCP does not provide specific car parking requirements for “skate parks” or “basketball courts”. Accordingly, an extensive ‘search’ has been made to try and ascertain an appropriate parking ratio requirement for skate parks – to other Councils in Australia, professional skate park designers and the RTA. It appears that no specific standards exist, and

that almost all other Council's appear to have 'absorbed' estimated parking needs for their skate parks into their existing recreational area off-street car parks, or indeed adjacent on-street parking.

The RTA's 'Guide to Traffic Generating Developments' states that "recreational and tourist facilities" are site and type specific in their operation and traffic generation, often with seasonal variations in usage. Ideally, analysis of proposed development should be based on surveys of similar developments".

Estimations from other urban areas of comparable size (for example: Orange and Bathurst) are that the maximum number of vehicles parked at their respective facilities at weekends range from five to eight vehicles. Given the age group of the potential users of the Goonellabah facility and the fact that it is strategically well located at the Goonellabah 'town centre' and on major local access routes, it is anticipated that most users will arrive on foot (board, bike) or indeed be dropped off. It is certainly not desirable to promote any parking at any time on Oliver Avenue, however the Goonellabah facility has the luxury of having parking spaces already existing right in front of the intended location, and there are 10 spaces in excess of the requirements of the sports centre. This is indeed a bonus that appears to not have been available to all other areas surveyed. As such, it is considered a fair and reasonable outcome to 'adopt' these 10 excess spaces as being adequate and satisfactory to cater for the 'additional' parking needs of the Youth Plaza / Skate Park.

It is also important to balance up the situation of "Community benefits – v – dis-benefits". In this case, and with the bonus of 10 excess parking spaces aside, one has to weigh up the benefits of having a valuable youth asset in place as against the provision of parking spaces for it which appears to be the case adopted by many other Council's in accepting existing spaces as adequate. As already stated, Goonellabah has the advantage of 10 spaces on-site, plus other off-street opportunities in the locality should those ever be needed.

### **Chapter 9 – Outdoor Advertising and Structures**

The 'Youth Plaza' will be served with appropriate signage including Welcome, Conditions of Use and Public Notices / By-Laws Signs. Those are appropriate to the site and the development. The only addition is the request for 'No Smoking' to be added to the Public Notice / By-Laws section.

### **Chapter 13 – Crime Prevention through Environmental Design (CPTED)**

The Crime Prevention issues in relation to this application have been discussed in some detail, both in the early preparation and formulation of the proposal and in the Development Application itself. The development has the advantage that, being a new construction, CPTED principles can be incorporated into the design and construction to fully eliminate the types of possibilities that occur in trying to apply CPTED principles to existing situations and built environments.

For the most part, the 'Youth Plaza' will be a great asset to the community and the youth of the area, however there are potential safety, security and anti-social issues associated with such land uses. With this in mind, control measures are as follows:

- CPTED principles have been incorporated into the design. It is particularly noted that the Youth Plaza is located in a position which receives good visual surveillance from the adjacent main artery Oliver Avenue, and also from patrons arriving and leaving the adjoining sports and aquatic centre;
- the Youth Plaza has been designed to reduce the potential for concealment and entrapment areas. In this regard, any walls incorporated into the design do not exceed 900mm in height;
- a Management Plan (yet to be developed) will be required (condition of consent) to be initiated prior to the plaza coming into operation, which puts into place management procedures to be followed by the Goonellabah Sports and Aquatic Centre staff, particularly in the event of any untoward action be spotted or reported within the Youth Plaza (and indeed the land around the sport centre itself);
- the Youth Plaza will be included on the list of Council's properties that is regularly checked by

its security patrols;

- landscaping of the Youth Plaza Area will be undertaken in accordance with CPTED principles to maintain casual surveillance and reduce potential concealment areas;
- the Youth Plaza is to be maintained by Lismore City Council and therefore will have the appearance of being well maintained and cared for; and
- additional conditions requested by the NSW Police have been included in recommended conditions of approval.

The adjoining sports and aquatic centre is approved to operate until 9.30pm, Monday to Friday and until 8.00pm weekends and public holidays, so these times cover the 'daylight hours' that the youth plaza is restricted to. The NSW Police generally support the proposal, however have recommended that the youth plaza be lit "at all times when the adjoining sports and aquatic facility is operational, with a time delay or manual shut-off, at least half an hour after those premises close". In this regard, the NSW Police anticipates that patrons will use the Youth Plaza area in hours of darkness using the flow over effect from the sports and aquatic centre building and car park lighting and that they will have a legitimate reason to be in the area – that is waiting for a family member using the complex.

Such formal lighting however, has not been adopted in the recommendation below, as if the youth plaza was to be lit, it would be a direct encouragement for a legitimate night-time activity which, at this stage, is not desirable given:

- the increased potential for adverse social and crime issues at the site;
- the reduction in casual surveillance of the facility from Oliver Avenue, due to a decrease in traffic;
- the increased potential for adverse noise impact in the more sensitive evening period; and
- the ongoing cost of lighting the facility.

As mentioned above in this report, a Management Plan will be required to be prepared (condition of consent) to outline the procedures to be followed by the Goonellabah Sports and Aquatic Centre staff in the management of the Youth Plaza.

Contrary to the Police's assessment, the flow over lighting from the sports and aquatic centre building and car park is not considered to enable the legitimate use of the Youth Plaza. In addition, the Youth Plaza has been intentionally sited and designed so as to achieve a high level of casual surveillance and to minimise potential concealment areas. In this regard, the non-lighting of the Youth Plaza area is not considered to unreasonably impact upon its safety or compromise the safety and security of the adjacent sports and aquatic centre car park.

Skate parks are a recognised outdoor recreational facility throughout Australia and indeed the western world, and this one is no exception. Given that there has been incidence of youth related problems in the area in the past, the youth plaza is seen as a valuable facility which should go a long way towards giving local youth a sense of place, and something to be proud of. It may be that future modifications are required, but with the current design checks in place, full encouragement is given to proceeding with the project subject to recommended conditions.

#### **5.4 Any Matters Prescribed By The Regulations**

There are no specific matters.

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

The site has been disturbed for a number of years, being used as 'temporary' soil storage from the earlier Goonellabah Shopping Centre, so that any well designed and landscaped development will be a marked visual improvement.



## Flora/Fauna

The land has been previously disturbed, and site clearing (and replanting) carried out as a result of the sports and aquatic centre development. There will be no effects on habitat or flora and fauna values as a result of continuing with the skate park area.

## Noise

By virtue of its use, there will be noise associated with the Youth Plaza (skateboarding, basketball and loud voices). Due to the separation to nearest residences, and given that the skate park is only to be used during daylight hours, it is doubtful that these typical user-noises will have adverse interference to the residential neighbourhood. What may be an issue however is if any amplified music or other is to be played. Whilst this development application foreshadows amplified music (on the 'stage' within the design) it should be a condition that ANY amplified event be subject to a Council approved Noise Management Plan providing a management structure for such activities.

Council's Environmental Health Officer has reviewed the proposal (including the submitted acoustic report) and provides the following comments:

*The proposal is to provide a youth space providing recreational opportunities to embellish those already provided through the Goonellabah Sports and Aquatic Centre (GSAC). As with outdoor recreational spaces there is a potential for the generation of offensive noise emissions linked to the proposed activities provided, time, duration and frequency of the same. In this particular case, there is the potential for amenity impacts as the key recreational activities being designed for are: skating and basketball in a generally self managed environment.*

*To evaluate this issue the applicant has engaged an acoustic consultant to undertake a noise assessment. The noise assessment undertaken by Noise and Sound Services concludes that all of the adopted noise goals (based on the NSW Industrial Noise Policy) can be met for the development however it is recommended that the facility not be used after 10.00 pm or before 7.00 am on any day.*

*The noise goal of 39 dB(A) (performance goal for assessment) is considered reasonable in recognition that it is based on the adoption of the evening shoulder period rating background level of 34 dB(A) plus 5 dB(A) as previously measured at 14 Allingham Place for the GSAC development. This figure can be compared to the day time figure of 41 dB(A). The more conservative figure has been adopted in response to additional background recordings undertaken at Cockatoo Crescent which was to provide alternative recordings less affected by road traffic noise and therefore in combination providing a more representative design figure for Oliver & Graeme Avenue receivers. The methodology and assessment outcomes are supported.*

*The times of use nominated within the noise assessment report are subsequently amended by the Statement of Environmental Effects which states that the site will be day time use only as no external lighting will be provided. The day time use only of the facility is supported as it is the least sensitive period of a day in relation to noise exposure. It is recommended that signage identify that the facility should not be used until 7 am as recommended by the noise assessment report, to manage early morning use, potential amenity impacts and to allow the facility to be managed under the proposed GSAC structure.*

*The noise assessment further states that no amplified music or drums of any kind should be played at the facility without an additional assessment report. This position is consistent with the Statement of Environmental Effects which states that:*

*"As at this time the frequency and duration of events where amplified music and entertainment may be used is unknown. Prior to conducting such events separate applications under Section 68 of the Local Government Act 1993 will be made to Council".*

*The assessment of special events under the provisions of Section 68 of the LGA for public open spaces is an acceptable process. In this case however it is understood that the classification of the land is being changed from community land to operational land. Under this new classification the opportunity to seek further approvals under Section 68 is lost.*

*It is therefore recommended that any proposed special events undertaken on-site be subject to a Council approved Noise Management Plan providing a management structure for such activities. This position recognises that such use is approved, however events that wish to utilise amplified music, etc.. (activities recognised by the noise assessment as requiring further assessment) will need to be supported by an assessment process that justifies the potential impacts against recognised noise assessment criteria (time,*

*duration, frequency, volume, social and economic impacts).*

Conditions of Consent are proposed to regulate the use of the facility and its hours of operation.

### **Stormwater Management**

The Statement of Environmental Effects nominates that the stormwater from the proposed development will be connected to the GSAC treatment system which consists of self-draining bio-retention basins currently under construction as part of the Tucki Tucki Creek rehabilitation works. Under this proposal storm waters will be treated to reasonably satisfy the qualitative performance standards of Council's Stormwater Management Plan.

Council's Development Engineer raises no objection, subject to conditions of consent, to the proposed stormwater management measures for the proposed Youth Plaza.

### **Sun Protection**

Council's Environmental Health Officer makes the following comments in relation to this issue:

*Council has an adopted Sun Protection Strategy which provides performance standards for the provision of shade for playground and public reserves. It can be reasonably be argued that although the land is being re-classified as operational land the use is of a nature that would trigger the requirements of the policy. However in stating that, it is considered reasonable that the proposed recreational facility be assessed in combination with the GSAC facility, as it is ancillary to that facility. On this foundation it can be clearly demonstrated that the recreational facility as a whole satisfies the quantity performance goals of the policy being:*

- *Protective shade should be provided for not less than 30% of the overall area of any public reserve devoted to informal recreation.*
- *All play equipment should be at least partially located in protective shade.*
- *Permanent shade should be provided for every BBQ facility or picnic area at a rate of approximately 6.5 sq m/BBQ or picnic table.*

*The design however does provide strategically located shaded seating areas (rest and/or viewing areas) within the facility.*

### **Water and Sewer**

The development application nominates the provision of new water bubblers, taps and also outlines that the existing toilet facilities within the adjacent sports and aquatic centre will be available to users of the Youth plaza. In view of this increased demand, water and sewer levies have been applied to the Development Consent.

### **Economic**

The skate park will probably be an 'economic neutral' development as it is a free public sporting and recreational facility, being non-competitive and not a finance raising operation. As a daylight-only facility and without dedicated lighting there should be no operational costs as well.

### **Social**

The development has undergone a specific social impact assessment. It has long been recognised that community facilities for younger generations have been badly needed in the Goonellabah area, and this facility can only be seen as a positive step in providing a dedicated 'young person's facility' to help plug that gap.

The social impact assessment has however also identified areas of potential adverse impact including anti-social behaviour, noise and lighting, graffiti, litter and 'safety' concerns, and provides a number of mitigating strategies to counter the various concerns. In addition to the highly visible location and quality design, a primary aspect of mitigation is the identification of the need for a comprehensive Management Plan for the Youth Plaza, to be prepared prior to occupation of the facility (or within three months of issue of the Construction Certificate). It is considered that the social impacts have been capably identified, together with relevant alleviation / mitigation strategies and proposed management options.

**5.6 The Suitability of the Site for the Development**

The site is well situated for the proposal. It is within the precinct of the Goonellabah Town Centre, is adjacent to the new Goonellabah Sports and Aquatic Centre and has good access and visual surveillance directly from the main artery, Oliver Avenue. In addition, Lismore City Council has long earmarked this location for youth and community facilities.

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

No submissions were received following notifications made in accordance with adopted procedures.

**5.8 The Public Interest**

There has been considerable public interest in the provision of a recreational community facility in this area for many years, and the new Goonellabah Sports and Aquatic Centre has provided this. The 'Youth Plaza' is a very worthwhile adjunct to the new facility, and reinforces the commitment by Council to provide good facilities 'in the public interest'. It will also provide the much needed facility for the youth of the area that has been 'on the drawing boards' for quite some time. The public interest is well served by this proposal.

## 6. Referral Comments

**6.1 Internal****6.1.1 Manager Finance & Administration Comments**

Not required.

**6.2 External**

An external submission was made to the NSW Police, seeking CPTED assessment and comment. A number of issues were identified including height of items, shade, pathways, area maintenance, and graffiti removal. These have been included into the Management Plan requirements, or conditions of recommended approval.

One item raised by NSW Police is for dedicated lighting of the area, until at least half an hour after the adjoining centre closes, to enhance the safety of the 'Youth Plaza' and adjacent car park area while the sports and aquatic centre is open. This aspect has been considered at some length, however it is believed that as it is desired to promote the legitimate use of the skate area during daylight hours only, lighting the area will only encourage and indeed formalise its use at night time – which should be avoided.

## 7. Summary

The proposed development is, in reality, a relatively straight-forward application for a sports / recreational facility for the City. Had it been located within a public reserve, it could have been approved without the need for a development application and the accompanying application process (i.e. it would be a 'Part 5' application only).

All elements and aspects are perfectly normal for skate parks, and it really devolves down to three primary issues – car parking needs, noise and CPTED / Crime Prevention considerations. With the latter it is almost impossible to be wholly predictive with operating outcomes which will only become evident after the facility becomes operational.

When considering the siting, design and adoption of a definitive Management Plan, it is believed that the Youth Plaza should operate to the great benefit of the young community in the area. In the event that any continuing problems arise, it would be expected that remedial action would in any case be quickly taken – which may require variation to the Management Plan and / or Development Application, or additional facilities, structures or control measures. This may of course involve an additional Development Application to be lodged. So with this in mind, there is all encouragement in promoting an approval to this most worthwhile community project.

## Conclusion

The provisions of the Environmental Planning and Assessment Act 1979 have been observed and upheld in the processing of this application. The proposal represents a part fulfilment to long-term planning proposals for community facilities provision at Goonellabah. It is a key element of youth facility planning for daylight recreational activity.

Council's Manager Planning Services and Development Assessment Planner have reviewed the Consultant's report and endorse the conclusions and recommendations contained therein.

## Recommendation (PLA15)

- A. That Council grant delegated authority to the General Manager, subject to the concurrence of the Development Assessment Panel, to approve variations of a minor nature and/or arithmetic nature to conditions of consent applied to this application except where a particular condition has been specifically identified as requiring Council consent if it is to be varied; **AND**
- B. That Council, as the consent authority, approve Development Application 2009/158 for the construction of an Outdoor Recreation Area (Youth Plaza) and associated earthworks and Landscaping, subject to the following conditions:

### CONDITIONS OF CONSENT

#### STANDARD

1 In granting this development consent, Council requires:

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

and be substantially in accordance with the stamped approved plan(s) Drg No's 72015 – DA00 to DA06 inclusive dated 17.04.09 and/or supporting documents submitted with the application. Copies of the approved plan are attached to this consent.

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

#### DRAINAGE

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

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

3 The proponent is responsible for ensuring that the existing stormwater pipe in the easement is not damaged while performing the works. If the existing stormwater pipe is damaged during the course of performing the works, the proponent will:

- notify Council immediately when the breakage occurs, and
- repair the damage at no cost to Council.

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

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

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

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

**Reason:** *To preserve public health and safety*

## **BICYCLE PARKING FACILITIES**

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

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

## **BUILDING**

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

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

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

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

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

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

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

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

**Reason:** *To ensure compliance with statutory requirements.*

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

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

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

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

**Reason:** *To provide equality of access.*

## **ENVIRONMENTAL HEALTH**

- 13 Erosion and Sediment control measures shall be put into place and be properly maintained to prevent soil erosion and the transport of sediment from the site and into natural or constructed

drainage lines or watercourses. Measures must

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

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

All control measures must be regularly inspected and be maintained to ensure they operate to the design requirements and to meet all relevant environment protection standards. Weather patterns must be monitored and be coordinated in with the inspection and maintenance procedures. Control measures are to remain in place until the site has been adequately sealed, revegetated or landscaped to prevent soil erosion.

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

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

## SIGNAGE

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

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

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

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

## PARKS AND RESERVES

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

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

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

to the fencing in the immediate area.

**Reason:** *To protect the landscaped areas.*

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

**Reason:** *To ensure adequate provision of services.*

#### **PLANNING & CRIME PREVENTION**

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

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

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

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

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

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

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

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

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

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

**Reason:** *To ensure compliance with CPTED principles.*

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

**Reason:** *To ensure compliance with CPTED principles.*

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

**Reason:** *To ensure compliance with CPTED principles.*

## LANDSCAPING

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

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

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

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

## WATER AND SEWER

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

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

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

The levies are those applicable as at the date of the original consent. If these levies are not paid within twelve (12) months of the date of the original consent, the rates shall be increased on an



annual basis in accordance with the prevailing Australian Bureau of Statistics Consumer Price Index (Sydney), as applicable at the time of payment.

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

**LISMORE CITY COUNCIL**

**DEVELOPMENT CONSENT NO:** 2009/158

**ADDRESS:** 21 Gordon Blair Drive & 44B Oliver Avenue, Goonellabah

**IMPORTANT TO NOTE**

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

To be read in conjunction with advice of development consent.

The levies imposed by Condition No. 26 are identified in this Schedule.

The rates and amounts shown against the various items are those current at the date of this notice. If these levies are not paid within twelve (12) months of the date of this consent these rates shall be increased annually from the date of this notice, in accordance with the percentage increase from the date of approval to the date of payment, as notified by the CPI (Sydney).

The following Levies are charged under and amounts payable are set out below.

<b>Levy Area</b>	<b>Account No.</b>	<b>No. of ET's</b>	<b>Cost Per ET</b>	<b>Amount Payable</b>
Water and Sewerage Headworks Levies are charged under Section 306 of the Water Management Act 2000 and amounts payable are set out below.				
<b>Water Headworks</b>				
<b>Urban Reservoir Zone – Lismore Water</b>	503	0.43	1170	\$503
<b>Rous County Council (Except Nimbin)</b>	509	0.43	3600	\$1,548
<b>Sewerage Headworks</b>				
Lismore Sewer	507	0.63	7310	\$4,605
<b>Total</b>				<b>\$6,656</b>

**ET'S CORRECT - PLANNING SERVICES OFFICER** ..... **DATE** ...../...../.....

The cost per ET is in accordance with the relevant Lismore Contributions Plan and/or Section 64 Plan applicable, as at the date of development application approval.

**LEVIES CORRECT - FINANCIAL SERVICES OFFICER** ..... **DATE** ...../...../.....

Total levies at current rates (actual amount to be calculated when final plan submitted).

A COPY OF THIS ADVICE MUST BE PRESENTED WHEN MAKING PAYMENT DATE:

RECEIPT NO: CASHIER:

# Report

<b>Subject</b>	<b>Community Garden</b>
<b>File No</b>	ED09/5940:EF09/2184
<b>Prepared by</b>	Manager Community Services
<b>Reason</b>	Response to Notice of Motion at the April 2009 meeting requiring a report to Council following the identification of a suitable site.
<b>Objective</b>	That Council supports the principle of a community garden and endorses community consultation to seek feedback on the proposal
<b>Strategic Plan Link</b>	Quality of Life
<b>Management Plan Project</b>	Community Services

## Overview of Report

This report identifies two potential sites for the establishment of a community garden. The report recommends Council staff and the Rainbow Region Community Farm undertake community consultation in order to engage and seek feedback from the community.

## Background

Rainbow Region Community Farm (RRCF) Inc. has approached Council to secure a site in Lismore for a proposed Community Garden to promote healthy eating and active lifestyles. The community garden would be an example or 'showcase' of what can be achieved by local groups and families, and would incorporate education and training opportunities across a range of horticultural areas.

RRCF is auspiced by Northern Rivers Social Development Council, and has received \$180,000 from the federal Department of Health and Ageing for the project. RRCF has worked with Council staff for the past two years in an effort to identify a suitable site. Their requirements are summarised as follows:

<b>Location of land</b>	Preferably within walking distance of the CBD for equitable accessibility; close to public transport; centrally located for the entire Lismore community.
<b>Type of land</b>	Flat, for adequate accessibility, and preferably with a northerly aspect to allow gardening through winter, preferably not flood prone.
<b>Size of land</b>	Between 4,000m <sup>2</sup> and 7,000m <sup>2</sup> (approximately between 1 and 2 acres). This will allow a number of individual garden plots approximately 2m x 2m (4m <sup>2</sup> ) which will form part of a larger garden area (approximately 10m x 10m) with paths linking the smaller plots. Other garden areas include a raised garden for people with a disability, a shared community garden, demonstration gardens, small plots for community organisations, and 'no dig' gardens.

<b>Buildings and amenities</b>	Small lockable shed for garden tools. Shade pergola with concrete or paved floor to serve as an education facility. Toilets / grey water system.
<b>Parking</b>	Parking for a maximum of 10 vehicles at any one time. Walking and cycling to the garden will be encouraged.

However, due to RRCF's requirements and the limited amount of flood free lands available, a suitable site has not yet been secured largely due to flood issues, land size and DCP requirements in lands located in and around the CBD area.

Council staff have been liaising with RRCF for some time and have investigated a number of potential sites, including Elizabeth Gardens, Southern Cross University, Lismore Showgrounds, Albert Park, Bob Gates Recreational Reserve, Nesbitt Park, Brewster Street and Terania Street. Elements such as flooding, soil, stormwater, wastewater disposal, crime prevention and community safety, amenity and accessibility, and relationship to future projects have been reviewed with respect to each site. Following these assessments all sites with the exception of Brewster Street and Terania Street have been deemed unsuitable. The table below sets out a comparative assessment of the sites currently under review.

<h2>Community Garden Site</h2>	
<b>Brewster Street site</b>	<b>Terania Street site</b>
<ul style="list-style-type: none"> <li>Choice of sites – land ticks most boxes, and is regarded as being the most appropriate site.</li> </ul>	<ul style="list-style-type: none"> <li>Site is acceptable from a personal safety perspective.</li> </ul>
<ul style="list-style-type: none"> <li>Site provides both natural and casual surveillance.</li> </ul>	<ul style="list-style-type: none"> <li>Site is community based with good natural and casual surveillance. The site is one hectare in size.</li> </ul>
<ul style="list-style-type: none"> <li>Central location – could be a feature for the CBD; attracts locals and tourists; central for attracting participation from whole community.</li> </ul>	<ul style="list-style-type: none"> <li>Current Council grazing site. No crime reported. Site has no history of criminal or anti-social behaviour. Not centrally located and therefore may limit participation by people who live in other areas.</li> </ul>
<ul style="list-style-type: none"> <li>Nearby houses – persons nearby.</li> </ul>	<ul style="list-style-type: none"> <li>Nearby houses – persons nearby.</li> </ul>
<p><b>Relationship to future projects</b></p> <ul style="list-style-type: none"> <li>Site complements the planned work on swales; will be compatible with plans for stormwater treatment within Browns Creek and Lismore Park future development.</li> </ul>	<p><b>Relationship to future projects</b></p> <ul style="list-style-type: none"> <li>Slaters Creek remediation plans and community and cultural development will have a bearing on this site even though site and creek are not adjacent but the community involvement will be advantageous.</li> </ul>
<p><b>Flooding</b></p> <ul style="list-style-type: none"> <li>Borderline high risk and fringe, afforded some protection from levee wall.</li> </ul>	<p><b>Flooding</b></p> <ul style="list-style-type: none"> <li>High risk, exposed to higher risk on western side of levee.</li> </ul>
<p><b>Stormwater</b></p> <ul style="list-style-type: none"> <li>Level block with good drainage provided.</li> <li>Stormwater treatment within Browns Creek will be compatible with this activity and should be complementary.</li> </ul>	<p><b>Stormwater</b></p> <ul style="list-style-type: none"> <li>Poor drainage, uneven block with central gully acting as a backwater and collection point for stormwater.</li> <li>Possible OHS issues (liabilities) relative to drainage issues.</li> </ul>

Brewster Street site	Terania Street site
<p><b>Soils</b></p> <ul style="list-style-type: none"> <li>• Related to drainage capabilities. Soils alluvial and dispersive will need some conditioning for plantings.</li> <li>• No history of activities associated with contamination.</li> </ul>	<p><b>Soils</b></p> <ul style="list-style-type: none"> <li>• Related to drainage/ inundation. Alluvial soils but highly exposed to being water logged, difficult for plantings.</li> </ul>
<p><b>Wastewater disposal</b></p> <ul style="list-style-type: none"> <li>• Reticulated sewerage available.</li> <li>• Composting toilet is more likely to gain approval due to a number of considerations.</li> </ul>	<p><b>Wastewater disposal</b></p> <ul style="list-style-type: none"> <li>• Reticulated sewerage system available.</li> <li>• Unlikely to gain approval for alternative systems i.e. composting toilet, grey water re-use due to drainage issues.</li> </ul>
<p><b>Amenity and accessibility</b></p> <ul style="list-style-type: none"> <li>• Most accessible site for community groups and schools. The adjoining pre-school is engaged and would take on a sense of ownership.</li> <li>• Enhancement of Lismore Park encourages community involvement and currently encourages access.</li> </ul>	<p><b>Amenity and accessibility</b></p> <ul style="list-style-type: none"> <li>• Currently under pastoral lease so the perception would need to be changed.</li> </ul>
<ul style="list-style-type: none"> <li>• Need a policy in place for flood evacuation.</li> </ul>	<ul style="list-style-type: none"> <li>• Need a policy in place for flood evacuation.</li> </ul>
<ul style="list-style-type: none"> <li>• The formal proposal needs a proper assessment by Police</li> </ul>	<ul style="list-style-type: none"> <li>• The formal proposal needs a proper assessment by Police</li> </ul>
<ul style="list-style-type: none"> <li>• An alternative site would provide natural caretakers while the occupier workers are absent</li> </ul>	<ul style="list-style-type: none"> <li>• Natural caretakers and occupier workers surround the site. Service station is also across the road.</li> </ul>
	<ul style="list-style-type: none"> <li>• Area could be added to further enhance Slaters Creek regeneration – Management Strategy</li> </ul>
<ul style="list-style-type: none"> <li>• the site would encourage bicycle and pedestrian access due to central location and proximity to town; public transport nearby</li> </ul>	<ul style="list-style-type: none"> <li>• More persons could walk to the site and public transport likely would be more regularly available – buses on route to Nimbin and Dunoon/The Channon – via Terania Street.</li> </ul>
	<ul style="list-style-type: none"> <li>• North Lismore residents have historically been supportive of the Community Garden proposal</li> </ul>
<ul style="list-style-type: none"> <li>• Parking could be provided in the buffer zone between preschool and community garden</li> </ul>	<ul style="list-style-type: none"> <li>• Parking – onsite parking is required as part of the development</li> </ul>

The Rainbow Region Community Farm has not requested any additional resources or requirements from Council, apart from the use of appropriate land. The ability to be self-sustaining was a requirement of the initial funding submission to the Department of Health and Ageing.

## Public consultation

Based on advice from the Rainbow Region Community Farm, the Brewster Street site is the preferred site to develop a community garden. The site forms part of Lismore Park and the Plan of Management does not prevent this type of community activity occurring. It should be noted that a Development Application (DA) is not required for gardening or landscaping elements, however the installation of any buildings such as toilets or sheds would require a DA.

It is therefore proposed, subject to Council approval, to undertake community consultation around the two sites in order to inform and engage the community. Community consultation will comprise a letterbox drop of relevant information, advertisements in the local paper, a survey and onsite information day coordinated by Council staff and the Rainbow Region Community Farm.

## Comments

### Financial Services

From a financial perspective, the draft 2009/10 Budget does not provide for any direct contribution from Council towards this project. As such, it is assumed that there is no direct contribution from Council, (other than staff time and minor administrative costs) required to develop, maintain or operate the community garden.

This being the case, it is suggested that in addition to seeking community feedback on the proposal, an agreement should be developed that clearly set out each party's roles and responsibilities.

## Other staff comments

### Assets Engineer

Council's Property Officer was involved in the investigation of Council land assets to determine suitability for use as a community garden. Both the Terania Street and Brewster Street sites are classified Community Land. A licence over the approved site is proposed to ensure effective oversight of the project and to identify the responsibilities of the licensee.

### Co-ordinator of Environmental Strategies

The principles of sustainability underpin this proposal and relate extremely well with the up-coming food and community sustainability projects such as 'Food Connect Northern Rivers' which will offer support for the Community Garden. Soil structure and composition would perform slightly better at the Brewster Street site yet determining any potential contamination of the soil would need to be undertaken by the RRCF. The location of the Community Garden is dependent on community acceptance, and the Brewster Street site would be the preferred option from an environmental and sustainability perspective.

## Conclusion

The establishment of a Community Garden has received initial support from Council and community groups alike. Unfortunately the Rainbow Region Community Farm's needs and Council's available land have been difficult to marry, however the options discussed within this report provide the best options available to date. Feedback from the community will provide valuable information and will no doubt inform the decision making process.

## Recommendation

That Council:

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

# Report

<b>Subject</b>	<b>Proposed 2009/2010 Roads Capital Works Programme</b>
<b>File No.</b>	DJP:VLC:EF09/1392, ED09/6052
<b>Prepared by</b>	Manager - Operations
<b>Reason</b>	To inform Council of the proposed roads capital works programme for 2009/2010 as recommended by the Infrastructure Assets Policy Advisory Group (IAPAG).
<b>Objective</b>	To obtain Council's approval for the 2009/2010 Roads Capital Works Programme.
<b>Strategic Plan Link</b>	Improve Roads, Cycleways and Footpaths
<b>Management Plan Project</b>	Roads

## Overview of Report

This report provides a recommended Roads Capital Works Programme for the 2009/2010 financial year. The recommended programme has been developed using Council's objective road reconstruction point scoring system.

## Background

The Infrastructure Assets PAG met on May 28, 2009 to consider projects to be recommended for inclusion in the 2009/2010 Road Capital Works Programme.

Council's current policy for the distribution of funds between the urban and rural road network is on a needs basis through the points system with a cap of 2/3<sup>rd</sup>s placed on the proportion of the total funding that can be used in either the rural or urban area.

## Road Funding Available

General Road Funding	2009 / 2010 (\$)
Revenue - General	\$1,677,000
Roads Federal Assistance Grants Programme	1,165,300
Roads to Recovery Programme	913,500
	<b>\$3,755,800</b>

Please note there are many other line items in the Roads Section of the draft budget. However, they apply to infrastructure other than roads, such as stormwater drainage, footpaths, cycleways, bridges, etc.

The Infrastructure Assets PAG has also recommended that the traditional \$200,000 allocated towards the bitumen sealing of gravel roads be deferred for a period of three (3) months in light of the recent major flood event. Council will be eligible for Natural Disaster funding from the State Government for the restoration of flood damaged gravel roads. Once the amount of flood restoration funding is known and approved by the NSW Roads & Traffic Authority, a more informed decision can be made with regards to the re-allocation of this budget item.



## Urban / Rural Allocation

In accordance with the Infrastructure Assets PAG recommendation, funds were distributed on a network needs basis through the objective points system. Based on this, a 50:50 funding split between Urban and Rural areas was again adopted, which was the best fit based on the points system and project cost estimates to match the available roads funding.

The Infrastructure Assets PAG adopted this funding split for the 2009/2010 financial year after the deduction of the traditional \$200,000 for the sealing of gravel roads and the \$50,000 for safety related repair/ improvement works.

Road Type	2009 / 2010 (\$)	Proportion
Urban Roads	1,752,900	50%
Rural Sealed Roads	1,752,900	50%
	<b>\$3,505,800</b>	
Bitumen Sealing Gravel Roads	200,000	
Safety Projects	50,000	
	<b>\$3,755,800</b>	

## Urban Roads Capital Works Priority List

Detailed below is the current list and ranking of urban capital works projects that have been evaluated and cost estimated by Council's engineering staff:

Rating	Road Name	Location	Estimate	Score
1	Wyrallah Road	Dalley to Oliver Streets	510,000	73
2	Leycester Street Roundabout	Hindmarsh Street	120,000	69
3	Wyrallah Road	Esmonde to Dalley Streets	420,000	65
4	New Ballina Road	Balmer Avenue	480,000	62
5	Dibbs Street	Ballina Road to Music Street	400,000	62
6	Cynthia Wilson Drive.	Rifle Range Road to Fig Tree Drive	240,000	61
7	Conway Street	Keen to Molesworth Streets	500,000	58
8	New Ballina Road	Rotary Drive	350,000	58
9	Avondale Avenue - Stage 1	First Avenue to Wyrallah Road	440,000	56
10	Zadoc Street	Molesworth to Keen Streets	440,000	55
11	Gaggin Lane	Brewster to Diadem Streets	250,000	53
12	Ostrom Street	From Casino Street	490,000	53
13	New Ballina Road	Hunter to O'Flynn Streets	450,000	52
14	Bellevue Ave	High Street to Donnans Road	480,000	52
15	Diadem Street - Stage 1	Uralba Street to Gaggin Lane	405,000	52
16	Avondale Avenue - Stage 2	Second Avenue to First Avenue	440,000	51
17	Centre Street	Casino to Charles Streets	430,000	51
18	Phyllis Street	Wilson to Crown Streets	440,000	51
19	Jubilee Street	Diadem to Hunter Streets	290,000	50

Rating	Road Name	Location	Estimate	Score
20	Cooling Street	High to Mackay Streets	260,000	48
21	Kareela Avenue	Valley View Drive to Donnans Road	60,000	48
22	Diadem Street - Stage 2	Gaggin Lane to Leycester Street	330,000	48
23	Bounty Street	Molesworth Street to End	330,000	47
24	Dawson Street	Ballina Road to Parkes Street	340,000	47
25	Elizabeth / College Streets	Wyrallah Road to Caldwell Avenue	380,000	47
26	Newbridge Street	Union to Wilson Streets	100,000	47
27	O'Flynn Street - Stage 1	New Ballina Road to High Street	440,000	44
28	O'Flynn Street - Stage 2	New Ballina Road to High Street	700,000	44
29	Ubrihien Street	Dibbs Street to Shelley Avenue	520,000	44
30	Walker Street	College Street to Military Road	580,000	44
31	Wyrallah Road Roundabout	Dalley Street Roundabout	270,000	44
32	McKenzie Street	Crescent to Dibbs Streets	270,000	43
33	McKenzie Street	Diadem to Hunter Streets	390,000	43
34	Aurora Street	Dibbs to Nielson Streets	620,000	42
35	Esmonde Street	Elton Street to Wyrallah Road	380,000	42
36	Webster Street	Wilson to Crown Streets	440,000	42
37	Brewster Street	Drain to Ballina Road	495,000	41
38	Molesworth Street	Ballina Road to Junction Street	450,000	41
39	Cathcart Street	Conway to Magellan Streets	305,000	41
		<b>Total</b>	<b>\$15,235,000</b>	

### Rural Roads Capital Works Priority List

Detailed below is the current list and ranking of rural capital works projects that have been evaluated and cost estimated by Council's engineering staff:

Priority rating	Road Name	Location	Estimate	Score
1	Wyrallah Road (Ferry)	1.1km–2.1km Sth Wyrallah Ferry Road	440,000	72
2	Whian Whian Road - Stage 1	1.0km–1.8km Nth MR306 (Dunoon Road)	310,000	69
3	Rosebank Road - Stage 2	1.4km–2.0km Nth Corndale Road	320,000	68
4	Cawongla Road - Stage 2	6.5km–7.5km Nth Rock Valley Road	360,000	68
5	Dorroughby Road	Corndale Road - Nth 0.8km	320,000	66
6	Wyrallah Road (Tuckean)	Tuckean Island Road – 1km Sth	400,000	62
7	Cowlong Road	Lavis Road to McKenzie Road	360,000	62
8	Numulgi Road – Stage 1	0.9km-1.9km Nth Woodlawn Road	400,000	62
9	Cawongla Road - Stage 3	7.3km-8.2km Nth Rock Valley Road	390,000	61
10	Boatharbour Road - Stage 1	Eltham Road – 1km Sth	350,000	61
11	Boatharbour Road - Stage 2	Alexander Lane – 1km Nth	350,000	61

Priority rating	Road Name	Location	Estimate	Score
12	Newton Drive	Tunable Falls Road	420,000	61
13	Whian Whian Road - Stage 2	MR306 (Dunoon Road) to Bridge	320,000	60
14	Boatharbour Road - Stage 3	Cameron Road – 1km Nth	350,000	60
15	Whian Whian Road - Stage 3	Ashlin Road – 0.8km Sth	300,000	59
16	Numulgi Road - Stage 2	2.1km-3.1km Nth Woodlawn Road	350,000	59
17	Numulgi Road - Stage 3	3.5km-4.0km Nth Woodlawn Road	200,000	59
18	Tucki Road - Stage 1	4.4km-5.4km Nth Wyrallah Road	350,000	58
19	Tucki Road - Stage 2	3.4km-4.4km Nth Wyrallah Road	350,000	58
20	Tucki Road - Stage 3	2.5km-3.4km Nth Wyrallah Road	315,000	58
21	James Gibson Road - Stage 1	4.5km-5.1km East Corndale Road	270,000	57
22	James Gibson Road - Stage 2	3.3km-4.5km East Corndale Road	500,000	56
23	Boatharbour Road - Stage 4	6.0km-7.0km Nth Bangalow Road	350,000	55
24	Cawongla Road - Stage 4	10.8km-11.7km Nth Rock Valley Road	280,000	52
25	Cawongla Road - Stage 5	12.2km-12.8km Nth Rock Valley Road	240,000	52
26	Boatharbour Road - Stage 5	5.3km-6.0km Nth Bangalow Road	250,000	52
27	Cawongla Road - Stage 6	9.5km-10.4km Nth Rock Valley Road	250,000	48
28	Cawongla Road - Stage 7	13.4km-13.8km Nth Rock Valley Road	250,000	48
29	Cawongla Road - Stage 8	13.8km-15.2km Nth Rock Valley Road	560,000	48
30	Woodlawn Road	2nd Railway Bridge to Savins Road	450,000	48
31	Crofton Road	0.1km-0.5km Nth Nimbin Road	250,000	47
32	Pinchin Road - Stage 3	3.7km-4.7km East Nimbin Road	350,000	47
33	Tatham Road	Bruxner Highway - 2.3km south	800,000	47
34	Pearson Road	McKenzie Road - Eltham Road	650,000	47
35	Keerrong Road	Various Sections	600,000	47
36	Kilgin Road	Various Sections	500,000	47
37	Rosehill Road	Rock Valley Road Intersection	300,000	47
		<b>Total</b>	<b>\$13,805,000</b>	

## Proposed 2009/2010 Roads Capital Works Programme

The following programme of works is recommended by the Infrastructure Assets Policy Advisory Group:

<b>2009/2010 Works Programme (Recommended by Infrastructure Assets PAG)</b>	<b>Points</b>	<b>(\$)</b>
<b><u>Urban Roads</u></b>		
Wyrallah Road, East Lismore (Dalley to Oliver Streets)	73	\$510,000
Leycester/Hindmarsh Streets Roundabout	69	\$122,900
New Ballina Road (Balmer Avenue)	62	\$480,000
Dibbs Street (Music Street to Ballina Road)	62	\$400,000
Cynthia Wilson Drive (Rifle Range Road to Fig Tree Drive)	61	\$240,000
		<b>\$1,752,900</b>
<b><u>Rural Roads</u></b>		
Wyrallah Road (South Wyrallah, Ch 1.1km - 2.1km)	72	\$440,000
Whian Whian Road - Stage 1 (Ch1.0km – 1.7km)	69	\$310,000
Rosebank Road - Stage 2 (Ch 1.4km – 2.1km)	68	\$320,000
Cawongla Road - Stage 2 (Ch 6.5km – 7.5km)	68	\$360,000
Dorroughby Road (Corndale Road)	66	\$322,900
		<b>\$1,752,900</b>
<b><u>Safety Related Repair/ Improvement Works</u></b>		
Rosebank Road crest removal (Rosebank Hall)		<b>\$50,000</b>
<b>TOTAL :</b>		<b>\$3,555,800</b>

## 2008/2009 Capital Works Programme Update – Conway Street

The construction of Conway Street - Stages 1 & 2 has been delayed, between Ballina Road and Keen Street. This delay is due to the condition of an underground service, being Sewer Rising Main No. 3. This pressure main has reached the end of its serviceable life and has failed several times within the section of Conway Street proposed to be upgraded. The replacement of this main is now scheduled to be completed within the next nine (9) months, at which time the road upgrade works for Conway Street, between Ballina Road and Keen Street, will be able to commence.

Accordingly the Infrastructure Assets PAG has recommended that Stage 2 of the Conway Street upgrade be substituted for the upgrade of Dibbs Street in the 2009/2010 capital works programme. Both projects are the equivalent monetary value, being \$400,000. This would allow the upgrade of Dibbs Street to be brought forward and to help prevent further delays in the delivery of the Urban Roads Capital Works Programme.

## Gravel Roads Initial Seals Priority Listing

The Infrastructure Assets PAG has recommended that the traditional \$200,000 allocated towards the initial sealing of gravel roads, not be re-allocated to the unsealed maintenance budget at this stage. It was recommended that in light of the recent flood event, which will qualify Council for State Government funding through the Natural Disaster program towards the restoration of flood damaged gravel road pavements, that this allocation be reconsidered at the next Infrastructure Assets PAG meeting.

Listed below is the current priority listing for the Initials seals of gravel roads:

Priority rating	ROAD NAME	LOCATION	Length (km)	Cost (\$)	SCORE
1	Lillian Rock Road	Blue Knob	0.800	<b>160,000</b>	52
2	Mountain Top Road	Mountain Top	5.700	<b>855,000</b>	42
3	Sheehan Road	East Coraki	2.800	<b>420,000</b>	41
4	Terania Ck Road	Terania Creek	1.200	<b>180,000</b>	39
5	Fredericks Road	Caniaba	1.800	<b>270,000</b>	38
6	Borton Road	Tullera	1.900	<b>285,000</b>	38
8	Military Road	East Lismore	0.400	<b>80,000</b>	37
9	Boggumbil Road	Blakebrook	1.800	<b>270,000</b>	34
11	Bentley Road	Tullera	3.200	<b>480,000</b>	34
12	Emerson Road	Rosebank	3.900	<b>585,000</b>	30
13	Hayden Road	Koonorigan	0.700	<b>105,000</b>	28
14	Pinchin Road	Goolmangar	3.800	<b>570,000</b>	28
15	Caniaba Road	Caniaba	1.100	<b>165,000</b>	27
16	Missingham Road	Dunoon	2.750	<b>412,500</b>	25
17	Keerrong Road	Keerrong	5.600	<b>840,000</b>	24
18	Swan Bay Road	Coraki	5.400	<b>810,000</b>	24
19	Munro Road	Dunoon	2.000	<b>300,000</b>	24
20	Pelican Creek Road	Caniaba	3.100	<b>465,000</b>	23
21	Cross Road	Numulgi	3.800	<b>570,000</b>	23
22	Graham Road	Marom Creek	1.250	<b>187,500</b>	22
23	Ridgewood Road	Rosebank	2.300	<b>345,000</b>	21
24	Grennan Road	Tregeagle	1.400	<b>210,000</b>	20
25	Henson Road	Wyrallah	1.800	<b>270,000</b>	20
26	Mathieson Lane	Tucki Tucki	1.000	<b>150,000</b>	18
27	Riverview Park	Lismore	0.175	<b>26,250</b>	18
28	Booerie Creek Road	Booerie Creek	2.500	<b>375,000</b>	16
			<b>Total</b>	<b>\$9,386,250</b>	

### Initial Bitumen Sealing of Military Road, East Lismore

Council resolved at its meeting of April 14, 2009 the following, "Council requests the sealing of Military Road be considered by the Infrastructure Assets Policy Advisory Group."

Consequently, the Infrastructure Assets PAG considered this request and resolved to adopt the existing priority rating system for the bitumen sealing of gravel roads. Accordingly the bitumen sealing of Military Road was recommended to remain ranked as the number eight (8) priority within this programme.

### Footpath Construction – Donnans Road

The Infrastructure Assets PAG was also asked to consider the construction of a new concrete footpath along Donnans Road, from High Street to Cooling Street. The cost of this project has been estimated to be \$120,000.

Currently, there is an allocation of \$112,000 within the 2009/2010 draft budget for the renewal of Council's existing ageing footpath network. The footpaths in the urban area are inspected on an annual basis and condition rated providing a risk rating score. The reason for inspections is to reduce Council's potential public liability in this high risk area. The risk rating system takes into account several factors such as pedestrian use, size of trip points and surface condition. There is currently a forward works programme for the renewal of Council's existing footpath network to the value of \$1,038,411.

The Infrastructure Assets PAG has recommended that the Donnans Road footpath be assessed by staff, for possible side-arm slashing and trimming of vegetation, as well as minor shoulder enhancement works, within Council's existing urban roads maintenance budget, and not utilise these essential footpath maintenance funds.

## Comments

### Financial Services

The draft 2009/10 Budget provides \$3,555,800 for road construction works. It also provides for \$200,000 that was previously allocated for roads construction to be re-allocated to unsealed rural roads maintenance.

Based on the recommendations, the \$200,000 re-allocated to unsealed rural roads maintenance would be transferred back to the sealing of unsealed rural roads. These funds would then be quarantined until such time Council considered a further report on their use.

## Other staff comments

Not required

## Public consultation

This proposed 2009/2010 Roads Capital Works Programme has been discussed and is recommended by the Infrastructure Assets PAG which met on May 28, 2009.

## Conclusion

This report has recommended a programme of roads capital works to be undertaken during the 2009/2010 financial year that has been evaluated in accordance with Council's road reconstruction point scoring system.

These projects will ensure Council's road infrastructure network remains viable and efficient for the community's benefit.

## Recommendation (IS32)

That:

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

# Report

<b>Subject</b>	<b>Lismore Lake Pool Closure</b>
<b>File No</b>	P24540:ED09/5924
<b>Prepared by</b>	Manager Community Services
<b>Reason</b>	Request from Council via budget process
<b>Objective</b>	To provide alternatives for access to existing aquatic facilities to lessen the impact of the Lake Pool's closure
<b>Strategic Plan Link</b>	Quality of Life
<b>Management Plan Project</b>	Community Services

## Overview of Report

The report provides several options for the Lismore community to access Council's aquatic facilities assuming the closure of the free Lismore Lake Pool.

## Background

As a result of an assessment of the current condition of the Lake pool together with a recent safety audit from Royal Life Saving, the Council proposed to not fund as part of the 2009/10 draft Management Plan the Lismore Lake Pool upon recognition of the significant costs required to upgrade and operate the facility to comply with relevant guidelines.

It is acknowledged that the Lake pool is a popular venue for many people during the summer months in particular, and its closure will have some impact on those users. In order to minimise that impact, a number of options are proposed to provide affordable access to Council's existing aquatic facilities. These options are associated with the Lismore Memorial Baths and the Goonellabah Sports and Aquatic Centre (GSAC), and may be considered separately or in totality.

## Options

- Lismore Memorial Baths - Dollar Sundays**
  - \$1.00 entry per person for the entire day.
  - Every Sunday from November to February.

**Comment:** This is a very viable option. The Memorial Baths are in relatively close proximity to the Lake Pool and will be able to accommodate regular Lake Pool users. A review of financial data for the period December 2008 – April 2009 indicates that entrance fee revenue on Sundays averages \$634 per Sunday. If this figure was applied to 18 Sundays from November 2009 – February 2010, the approximate revenue lost would be \$11,412. Depending on the numbers accessing the Memorial Baths it is estimated that between one and two additional staff would be required for lifeguard and kiosk/reception duties to cater to the extra users. Based on casual rates additional costs for the same period would amount to approximately \$9,216 (two staff for eight hours per day). The total cost to Council for this option is approximately \$20,628, less \$1.00 entry generated per person across the 18 week period.

- Goonellabah Sports and Aquatic Centre – Dollar Sundays**

- \$ 1.00 entry per person from 3.00pm – 5.00pm on Sundays

**Comment:** Consideration was given to offering a similar discounted entry of \$1.00 as proposed above to the GSAC during specific periods. This has not been recommended on the grounds that such a modification to GSAC entry fees would be applicable to every admission and not just disenfranchised regular users of the closed Lake Pool. The recommended fee for casual admission to the GSAC Leisure Waters area in 2009/10 is \$4.00 and a reduction to \$1.00 for all casual Sunday entries between 3.00pm and 5.00pm would result in a net loss of revenue for GSAC during these times as all admissions would benefit from the reduced fee proposed and it is not envisaged that a significant number of Lake Pool users would avail themselves of GSAC if the Lismore Memorial Baths were available.

Accordingly this proposal is not considered viable or in the best interests of Council's overall aquatic operations.

### 3. 'Carnivale Days' at Goonellabah Sports and Aquatic Centre

- Two free entry days to the aquatic area to be held per year
- A range of free activities and events will be conducted throughout the Centre

**Comment:** This is a preferable option that could be developed as part of the Centre's promotional strategy whereby patrons will be encouraged to use the pool free of charge and to participate in a range of events and activities that will promote the Centre and clubs and associations throughout Lismore.

More importantly, if used in conjunction with the proposed 18 Memorial Baths "\$1.00 Sundays" the 'Carnivale Days' would be scheduled outside the dates identified in Option 1 and this affords a significant and real community benefit to not only the Lake Pool users but delivers 'across the board' social benefits to all residents of; and visitors to Lismore during these periods.

### 4. Vouchers

**Comment:** Vouchers, similar to the Waste Facility Vouchers sent out in annual rates notices, were considered, however due to the uncertainty of the vouchers actually reaching existing Lake Pool users, it was not considered a reliable or viable option.

## Comments

### Financial Services

The recommended options include (1) Lismore Memorial Baths - Dollar Sundays and (3) 'Carnivale Days' at the Goonellabah Sports and Aquatic Centre.

The financial impact of option (1) is twofold being reduced revenue (estimated at \$11,412) and possibly increased staff costs (estimated at \$9,216). This equates to approximately \$1,000 per Sunday.

If this option were adopted in total, the draft 2009/10 Budget would need to be amended by \$18,200 increasing the deficit to \$24,100. This could be reduced by decreasing the number of Sundays this option is offered.

In regards to option (3), this strategy can be accommodated in the Goonellabah Sports and Aquatic Centre operating budget.



## Other staff comments

Manager Goonellabah Sports and Aquatic Centre

The closure of the Lismore Lake Swimming Pool is considered consistent with contemporary aquatic facility management and operations because of:

1. Safety issues associated with unsupervised water situations.
2. Financial planning and responsibilities associated with operating three aquatic facilities with varying degrees of patronage and the associated Council subsidies of each.
3. The ageing nature of the lakeside facilities and its infrastructure.

The capital development of Council's two main pools (LMB and GSAC) over the past five years and Council's considerable financial commitment to operate these two facilities on behalf of the community suggest the retention of the ageing Lake Pool facility when linked to the identified operating issues of (a) annually increasing maintenance costs and (b) the 'flagged' public safety issues means it is difficult to build a rational or defensible business case for such a recommendation.

Team Leader Lismore Memorial Baths

The Memorial Baths is an ideal venue to provide an alternative for Lake Pool users because of its location. \$1.00 entry to a modern, state level facility is considered to be an extremely reasonable compensation for Lake Pool users. Some loss of Memorial Baths revenue as a result of \$1.00 entry could be offset by increases to kiosk sales, however a cap to the number of Sundays offered is preferred to contain expenditure, i.e. December to February (13 Sundays). This period is the peak time for pool users in general and would be of most benefit to Lake Pool users.

## Public consultation

Following the May 2009 Council budget meeting it was resolved to provide several options for discussion prior to seeking community comment.

## Conclusion

The above options have been proposed to provide equitable access to Lismore's aquatic facilities in response to the possibility that Lismore Lake Pool may not be reopened. The Options (1) and (3) can be accommodated by the management of both facilities. With respect to all options listed, it should be noted that both the Lismore Memorial Baths and the Goonellabah Sports and Aquatic Centre currently operate at a significant deficit and the option or options selected should not place too great a burden on the operating capacity and financial result of these facilities. In light of current financial realities, Option 1 (Dollar Sundays) and Option 3 ('Carnivale Days') are the recommended options.

## Recommendation

That Council:

1. Endorse Option 1 (Dollar Sundays) as outlined in the report for the Lismore Memorial Baths for the 2009 – 2010 financial year as the most appropriate arrangement to offset the closure of the Lismore Lake Pool.
2. Endorse Option 3 ('Carnivale Days') as outlined in the report at the Goonellabah Sports and Aquatic Centre to provide an opportunity for free access to the Centre on given days.

# Report

<b>Subject</b>	<b>Home Club Status for Swim Clubs</b>
<b>File No</b>	P6768:ED09/5925
<b>Prepared by</b>	Sport and Recreation Project Officer
<b>Reason</b>	Request from Council to Sport and Recreation Policy Advisory Group
<b>Objective</b>	To determine eligibility for Home Swim Club status
<b>Strategic Plan Link</b>	Quality of Life
<b>Management Plan Project</b>	Community Services

## Overview of Report

“Home Club” status for Swim Clubs at the Memorial Baths was discussed at the August 2008 Ordinary Council meeting where it was resolved to refer the matter to the Sports and Recreation Policy Advisory Group for discussion. This report provides some background to the “Home Club” status issue and outlines the Sport and Recreation Policy Advisory Group’s recommendation.

## Background

The following background is provided for the benefit of the new Council. Two local swimming clubs, the Lismore Workers Swim Team (LWST) and the Lismore Indoor Swim Team (LIST) made submissions to Council during the 2008-2009 budget process, requesting home club status at the Lismore Memorial Baths. Staff prepared a report for the August 12, 2008 Council meeting, and the following resolutions were recorded:

1. That Council encourage the potential amalgamation of the Lismore Indoor Swim Team and the Lismore Workers Swim Team.
2. That this matter be brought before the next Sports and Recreation Policy Advisory Group for discussion.

### Home Club status

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

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

### Existing arrangements

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

The Lismore Indoor Swim Team is based at The Summit Sports and Fitness Centre. The Club is an amateur not-for-profit local organisation. The majority of parents involved with the club are Lismore ratepayers. The club was requesting home club status as is granted to the LWST to enable its swimmers to train in a 50m outdoor facility without paying additional lane hire fees. Moreover, the club had claimed it is already a home club given that it operates out of Lismore and that there is therefore no difference between the LIST and the LWST. If home status was approved, the club had indicated, during their 2008 presentation, that most of its summer training sessions would take place at the Memorial Baths in addition to holding club nights and other competitions, and they would revert to their indoor facility at The Summit during the winter season. At the May 2009 SRPAG meeting the requirements of the LIST changed to some degree and this is outlined later in the report.

### Impact of providing home status to more than one club

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

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

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

A "Home Swim Club" has an official home and provided winter training facilities were adequate would allow the club to operate effectively from one base.

### Club Statistics

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

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

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

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

*(The 08/09 figures are not yet available)*

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

## Swimming NSW

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

## Capacity for attracting major events

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

## Options

Several options have been proposed in order to resolve this issue. They include:

1. The Lismore Workers Swim Team is given sole “home club” status.  
**Comment:** This is a continuation of the existing arrangements and provides the opportunity for one major club to develop by using the facility to train and compete, and to secure major swimming meets to be held at the Memorial Baths. Other clubs who wish to use the Memorial Baths would be required to pay lane hire fees as per the Fees and Charges schedule (\$15 per lane per hour).
2. Both clubs be given “home club” status.  
**Comment:** This option may provide some additional revenue for the Memorial Baths, however it might also destabilise the operations of the LWST. Given the LIST has an existing home base at The Summit, this option is not recommended.
3. The clubs be encouraged to amalgamate into one club with a common purpose and direction.  
**Comment:** This solution would appear to have merit in principle, however the willingness of the clubs to cooperate is uncertain. Lismore City Council could play an active role in facilitating discussions.
4. That the Lismore Indoor Swim Team be given free lane hire at different times to those currently used by the Lismore Workers Swim Club (i.e. after 6.00pm on weekdays). ‘Home Club’ status does not apply to the Lismore Indoor Swim Team.  
**Comment:** This solution would solve most of the current difficulties as the two clubs would use the pool at different times. In the long term, a strategic view to the amalgamation of both clubs should be encouraged.

## Comments

### Financial Services

The Lismore Memorial Baths 2009/10 Fees and Charges includes the various facility hire charges (lane hire, pool or part pool hire and facility or part facility hire). The charge for lane hire in 2009/10 is \$15 per lane per hour.

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

From a long term financial perspective, it is important for the Lismore Memorial Baths to have at least one financially viable swimming club operating permanently from the facility.

## Other staff comments

### **Lismore Memorial Baths Team Leader**

The Memorial Baths has the capacity to service an additional club with respect to lane availability either at 4.00pm or 6.00pm on most weekdays. Any initiatives that would increase the visitation rate of the centre should be seriously considered.

### **Sport and Recreation Policy Advisory Group Support Officer**

The Sport and Recreation Policy Advisory Group was sympathetic to the needs of both clubs and following lengthy deliberations and questions, proposed a compromise which allows the Lismore Indoor Swim Team cheaper access to the Memorial Baths without obtaining 'home club' status. This proposal is detailed as Option 4.

## Public consultation

### **Presentation to Sport and Recreation Policy Advisory Group from Club representatives**

Both Clubs were invited to address the Sport and Recreation Policy Advisory Group meeting held on May 20, 2009. The Lismore Workers Swim Team reaffirmed their current position on the matter with assertions similar to those contained in this report. The representative from the Lismore Indoor Swim Team informed the Group that "Home Club" status was not as important to the club as gaining cheaper access to the facility through free lane hire, and that they would only require the Lismore Memorial Baths facility once per week as they would use The Summit Pool at other times. The possibility of amalgamation was put to both club representatives but it appears unlikely in the current circumstances.

Both Clubs were contacted advising them of the Sport and Recreation Policy Advisory Group's recommendation and responded as follows.

Comments from the Lismore Indoor Swim Team:

- The offer is appreciated.
- The 6.00pm start will be difficult for primary school children as far as going to bed at a reasonable hour is concerned.
- The Committee is willing to accept the offer and will do its best to manage the training schedule around the allocated time.
- Could a time table of Events be provided to the LIST?

Comment from the Lismore Workers Swim Team:

- "We are appreciative of the PAG Committee's consideration of the issues raised by both clubs and are in acceptance and agreement with the recommendations to be put to Council".

## Conclusion

The recommendation provides a direction that satisfies both clubs in that the Lismore Workers Swim Team retains 'home club' status, and the Lismore Indoor Swim Team will not be charged lane hire fees (subject to conditions outlined).

## Recommendation

That Council:

1. Confirm the Lismore Workers Swim Team as the “Home Club” as per current arrangements with the Lismore Memorial Baths.
2. Waive the lane hire fee for the Lismore Indoor Swim Team on weekdays after 6.00pm when the pool is not used by Water Polo or the Lismore Workers Swim Team or for pre booked events.

# Report

<b>Subject</b>	<b>Annual Remuneration Fee for Mayor and Councillors</b>
<b>File No</b>	ED09/5923:EF09/643 (S38)
<b>Prepared by</b>	Corporate Compliance Coordinator
<b>Reason</b>	Determination by Local Government Remuneration Tribunal
<b>Objective</b>	Adopt Mayoral and Councillor fee for 2009/10
<b>Strategic Plan Link</b>	Leadership by Innovation
<b>Management Plan Project</b>	Councillors

## Overview of Report

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

## Background

Pursuant to Section 241 of the Local Government Act 1993, the Local Government Remuneration Tribunal has determined the annual fees to be paid to Mayors and Councillors during the period July 1, 2009 to June 30, 2010. The Tribunal has determined that there will be an increase of 2.5 percent for all minimum and maximum fees for Councils.

Lismore City Council is categorised as a Regional Rural Council and Council needs to determine the annual fee to be paid within the minimum and maximum range as determined by the Tribunal. If Council does not fix a fee, the amount defaults to the minimum.

In 2008/09, Council resolved not to increase its fees. In the draft budget currently on exhibition, Council has provided for a 3.5 percentage increase in fees.

## Councillor Fee

The Councillor fee for Regional Rural Councils is a minimum fee of \$7,040 and a maximum fee of \$15,500.

Current Fee		\$14,540
2.5 % increase	\$363	\$14,903
3.5 % increase	\$509	\$15,049
Maximum Fee 6.6 % increase	\$960	\$15,500

## Mayoral Fee

The Mayoral fee for category 3 Councils is a minimum fee of \$14,980 and a maximum fee of \$33,840.

Current Fee		\$31,740
2.5 % increase	\$793	\$32,533
3.5 % increase	\$1,111	\$32,851
Maximum Fee 6.6 % increase	\$2,100	\$33,840

## Comments

### Financial Services

The draft 2009/10 Budget provides for the current fees to be increased by the 3.5% rate pegging allowance.

The impact on the draft 2009/10 Budget of 2.5% increase instead of 3.5% would be a saving of approximately \$1,900.

## Other staff comments

Not required.

## Public consultation

Not required.

## Recommendation

That Council determine the fee payable for Councillors and the Mayor for 2009/10.



# Report

<b>Subject</b>	<b>Nominations for the Joint Regional Planning Panel</b>
<b>File No</b>	ED09/5693:EF09/825
<b>Prepared by</b>	Corporate Compliance Coordinator
<b>Reason</b>	Request from the NSW Department of Planning
<b>Objective</b>	To determine Council nominations
<b>Strategic Plan Link</b>	Leadership by Innovation
<b>Management Plan Project</b>	Councillors

## Overview of Report

This report provides details of the establishment and core functions of the Joint Regional Planning Panels (JRPPs) by the NSW Department of Planning. The reports asks Council to nominate two delegates and one alternate delegate and provides recommendations and selection criteria.

## Background

The NSW Government has established, as part of its planning reforms, Joint Regional Planning Panels (JRPPs) to determine development proposals of regional significance. These are defined as:

1. Commercial, residential, retail and tourism with capital investment value (CIV) between \$10M and \$100M;
2. Public and private community infrastructure and ecotourism with a CIV of more than \$5M e.g. schools, community halls, libraries etc;
3. Designated development (Environmental Impact Statement (EIS) required);
4. Certain major coastal developments; and
5. If Council is the proponent or is conflicted in relation to a development with a CIV of more than \$5M.

The JRPPs will commence operation of July 1, 2009.

The core functions of JRPPs will be to:

1. Exercise certain consent authority functions in regard to regional development applications; and
2. Where requested, advise the NSW Minister for Planning on planning or development matters or environmental planning instruments in respect to the JRPP's region.

Development Applications for projects classed as regional development will be assessed by Council officers. The Council Officer's assessment and recommendation will then be referred to a JRPP for determination. The JRPP's will be made up of three regional members appointed by the Minister and two local members nominated by the Council.

Council is now requested by the Department to nominate two delegates and one alternate to the JRPPs. It should be noted that the Department is currently advertising for the three regional members.

## **Local Government Association**

The Local Government Association has called on its members not to nominate any local representatives until the State Government has clarified how the panels will operate.

This is essentially a continuation of a campaign against the concept of the Panels by the Association, a campaign supported by this Council.

The arguments against nominating panel members are, thin at best, or a repeat of the arguments already raised against JRPP's.

The matter for Council is whether it wishes to accept the reality of the State's position or to continue the campaign against JRPP's in the manner suggested by the Association.

The consequences of not submitting nominations could not be determined at the time of writing this report but should be available by the Council meeting.

## **Selection Criteria**

Attached to the report is the Information Package for Council nominees and the following selection criteria are taken from this document:

It is important for the JRPPs to consist of members from a diverse background with a broad range of skills and experience. The selection criteria includes:

- Senior level experience in dealing with multiple stakeholders
- High level communication skills
- Capability to drive high profile outcomes in a credible and authoritative manner
- High level analytical skills; and
- Knowledge of the assessment of complex developments and planning matters.

In addition, at least one of the two Council nominees must have a high level of expertise in one or more of the following fields:

- Planning
- Architecture
- Heritage
- The environment
- Urban design
- Land economics
- Traffic and transport
- Law
- Engineering
- Tourism

## Comments

Financial Services

No additional cost involved.

## Other staff comments

Not requested.

## Public consultation

The public has had an opportunity to self nominate for the JRPP through the State Government advertising program.

## Conclusion

Having regard to these criteria, it is proposed that the nominees be the Mayor and the Executive Director of Development and Governance with the Manager of Planning Services as the alternate delegate.

## Recommendation

The Council:

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



NSW GOVERNMENT  
**Department of Planning**

## **EXPRESSIONS OF INTEREST AND NOMINATIONS FOR THE JOINT REGIONAL PLANNING PANELS**

### **Information Package for Council Nominees**

**May 2009**

## 1. Joint Regional Planning Panels

### 1.1. About Joint Regional Planning Panels

The NSW Government's planning reforms, aimed at delivering a more efficient and transparent planning system, include the establishment of Joint Regional Planning Panels (JRPPs).

The NSW Government is now requesting councils to nominate two persons to become members of the relevant JRPP. Each council should also nominate an alternate member, who could replace a council nominee if unavailable.

The NSW Government is also currently seeking Expressions of Interest (EOIs) for candidates interested in being appointed as State members of the JRPPs. This is being done through an advertised EOI processes.

The objective of JRPPs is to create a panel of people with appropriate expertise to determine development proposals of regional significance providing stronger decision making through greater expertise, independence and regional knowledge.

Six regions are proposed to be established covering metropolitan and regional areas of NSW (see figure one). The JRPPs are planned to commence operation on 1 July 2009.

### 1.2. Functions of JRPPs

The functions of JRPPs are to:

1. Exercise certain consent authority functions for 'regional development'; and
2. Where requested, advise the NSW Minister for Planning on planning or development matters or environmental planning instruments in respect to the JRPPs' region.

JRPPs will also have such other functions as are conferred on them by the *Environmental Planning and Assessment Act 1979* (EP&A Act). For example, JRPPs may have a role in relation to Local Environmental Plans (LEPs). This may include being appointed as the Relevant Planning Authority (RPA) for a LEP or, where requested by the Minister, reviewing or providing advice in respect of a proposed LEP. Where a JRPP is appointed as an RPA for a LEP, the Minister may also delegate plan making powers to the JRPP. JRPPs may also, in limited circumstances, be appointed by the Minister to exercise the functions of planning assessment panels under s.118 of the EP&A Act.

A regional panel is not subject to the direction or control of the Minister, except in relation to the procedures of a regional panel and to the extent provided for in the EP&A Act.

### 1.3. Commencement of JRPPs

Under the current Planning Reform Implementation Program, JRPPs are targeted to commence operation on 1 July 2009.

### 1.4. Support and Training

The Department of Planning will provide to Councils a detailed guideline to assist them prepare for the commencement of JRPPs. These guidelines will provide information on how JRPP matters are dealt with.

Prior to the commencement of the JRPPs, the DoP will conduct information sessions throughout the State for council staff, stakeholders and the community.

A Code of Conduct, based on the local government Model Code of Conduct, will be provided to all JRPP members.

Persons appointed as Panel members will be required to attend a training program that will be developed and provided by the DoP.

### **1.5. Council's role in relation to matters under consideration by the JRPP**

The assessment of applications to be determined by the JRPPs is to be undertaken by the relevant council officers in which the proposed development is located. The council officers are to submit their assessment report and recommendations to the JRPP for determination.

Whilst the council will not be the determining body for JRPP matters, the council will have the opportunity to provide its views about any matters that are to be considered by a JRPP. The council's view may be provided to a JRPP by way of a submission in the same way that any other submissions about the matter are provided to a JRPP for its consideration in determining a matter.

The JRPP must consult the council prior to determining a matter which is likely to have significant financial implications for the council.

### **1.6. Consultation with stakeholders**

The DoP is currently engaged in a consultation process regarding aspects of JRPPs. Elements of the policy may be varied as a result of the consultations or further reviews that may be undertaken.

The performance of JRPP will be monitored regarding the number and type of DAs determined by JRPP and timeframes. This information will provide the basis for any reviews or regional boundary adjustments.

## **2. Membership of JRPPs**

The JRPPs are to consist of five members as follows:

**State Members:** Three State members appointed by the Minister, each having expertise in *one or more* of the following: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, tourism or government and public administration.

In appointing the State members, the Minister is required to have regard to the need to have a range of expertise represented among the panel's members. One of the State members will be appointed as the Chairperson of the JRPP. Each panel may elect a State member to be a Vice-Chairperson.

**Council Members:** Two council members appointed by each council that is situated in a part of the state for which a JRPP is appointed. At least one council nominee is required to have expertise in *one or more* of planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism. Important additional selection criteria are listed in Section 2. It will be a matter for each council to identify how the nominees are to be selected. Guidance for councils in selecting their nominees is available in Section 3.

The council nominees will automatically become members of the JRPP for matters in that council's local government area.

If a council within the area of a JRPP fails to nominate one or more council nominees, a JRPP may still exercise its functions in relation to the area of the council concerned.

**Alternates:** A council may, from time to time, appoint a person to be the alternate of a member nominated by the council, and may revoke any such appointment.

### 3. Administrative and other matters

Administrative and technical support for the operations of the JRPPs will be provided by the PAC Panel Secretariat and through the Regional Branches of the Department of Planning.

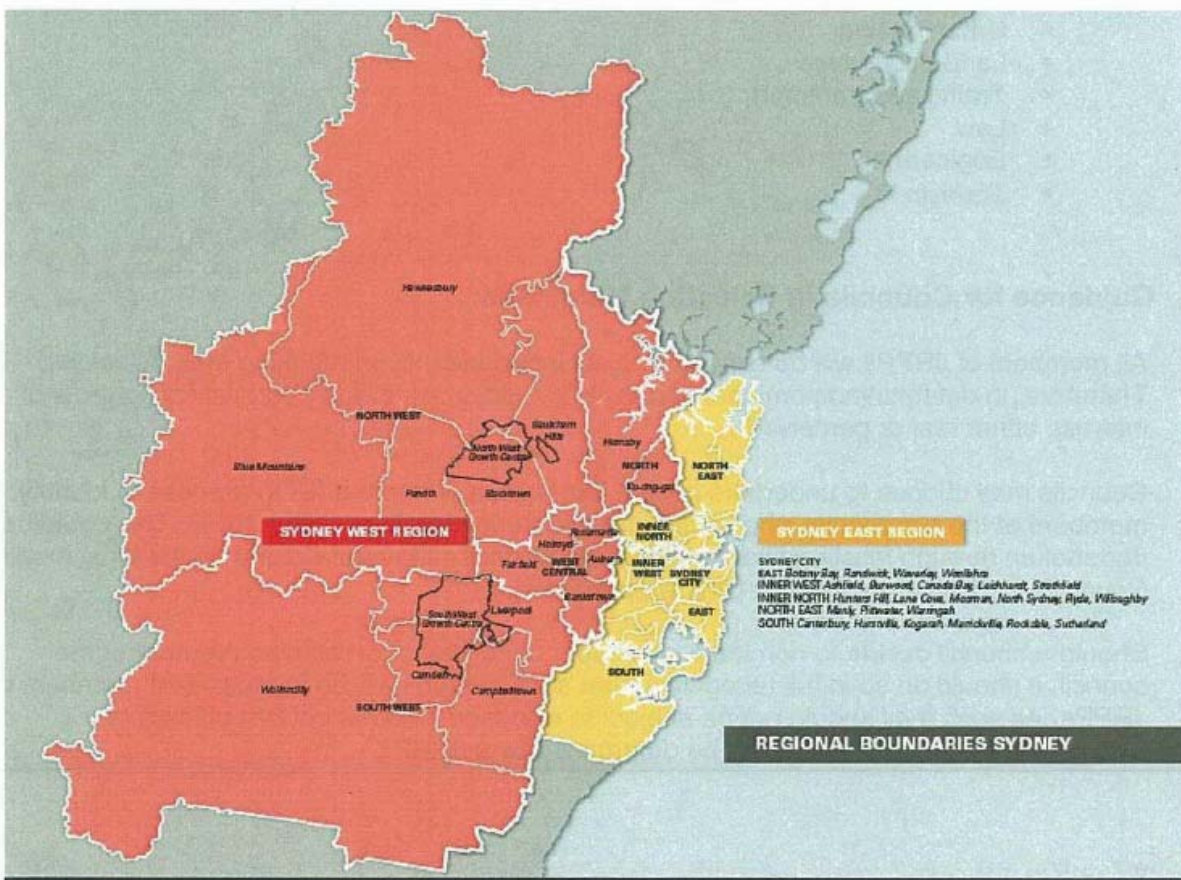
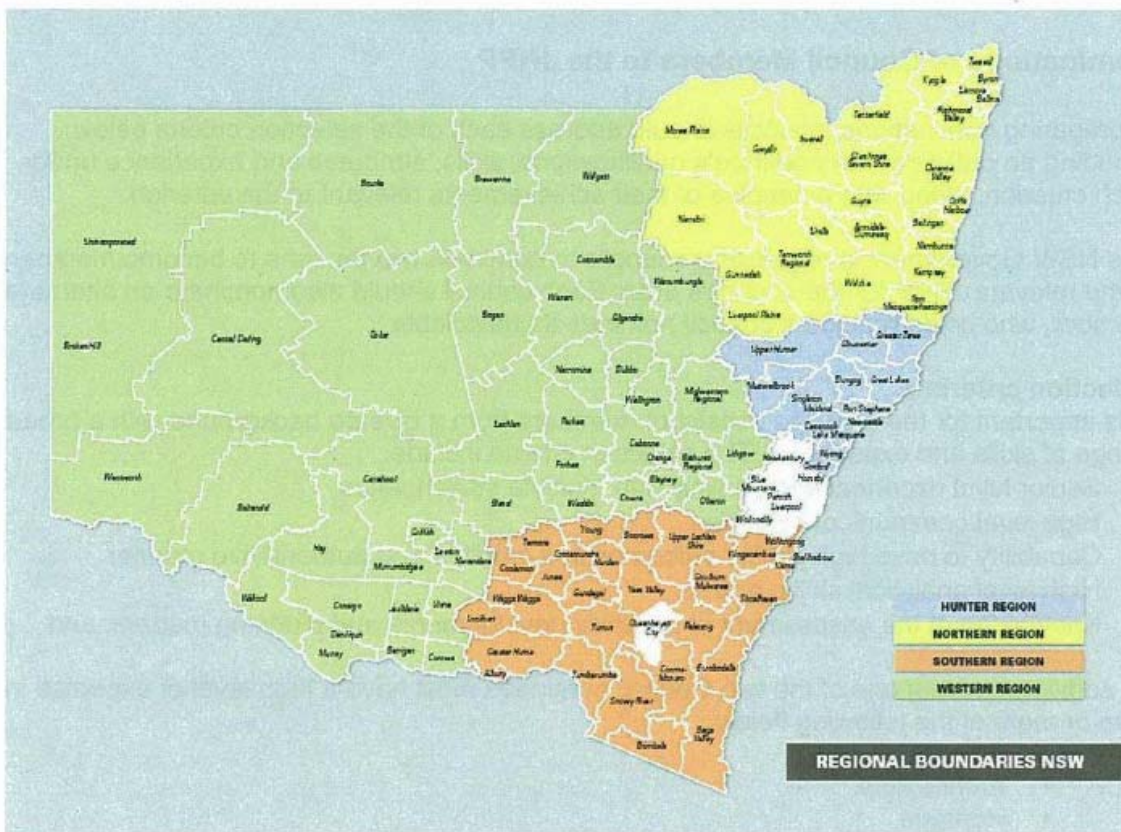
JRPPs are independent bodies, accountable to the Minister, but otherwise not subject to the direction and control of the Minister. JRPP members will be required to act at all times in accordance with best practice probity and accountability requirements and to demonstrate impartiality in the exercise of their functions.

### 4. Coverage of JRPPs

Six regions are proposed, corresponding with the existing DoP regions. These are:

- Northern Region
- Hunter Region
- Southern Region
- Sydney Metro East Region; and
- Sydney Metro West Region.

Currently, it is proposed that matters in the Western Region will be covered by the existing Planning Assessment Commission (PAC). The JRPP provisions do not apply in the City of Sydney, where the Central Sydney Planning Committee (CSPC) will continue to function.





## 5. Nominations of Council Members to the JRPP

In preparing nominations, councils should address each of the selection criteria below including an outline of the nominee's qualifications, skills, attributes and experience under each criterion, along with examples of their achievements relevant to the criterion.

The NSW Government is requesting councils to nominate two persons to become members of the relevant JRPP for the council's area. Each council should also nominate an alternate member, who could replace a council nominee if unavailable.

### Selection criteria

It is important for the JRPP to consist of members from a diverse background with a broad range of skills and experience. The selection criteria include:

- Senior level experience in dealing with multiple stakeholders
- High level communication skills
- Capability to drive high profile outcomes in a credible and authoritative manner
- High level analytical skills; and
- Knowledge of the assessment of complex developments and planning matters; and

In addition, *at least one* of the two Council nominees must have a high level of expertise in *one or more* of the following fields:

- Planning
- Architecture
- Heritage
- The environment
- Urban design
- Land economics
- Traffic and transport
- Law
- Engineering
- Tourism.

## 6. Guidance for Councils in Selecting Nominees

All members of JRPPs will be expected to act independently in reaching their decisions. Therefore, in determining nominees, councils should consider the potential for conflicts of interest, either real or perceived.

Councils may choose to undertake a local Expression of Interest (EOI) process to identify members of the community who would make suitable members of the JRPP. This could be undertaken through existing channels such as Council's Mayoral Column in the local media, Council's website or newsletter (where applicable).

Should a council decide to nominate a member of its staff or an elected member of the council, it should do so in full recognition that such persons will be independent members of JRPPs. As such they should not be subject to influence by other council officers or Councillors on matters that are to be determined by a JRPP.

## 7. Responsibilities of Members

The responsibilities of JRPP members are to:

- Exercise their functions in accordance with statutory requirements as set out in the EP&A Act and associated regulations
- Comply with the approved JRPP Code of Conduct
- Promote a sense of confidence in the JRPPs as independent decision making bodies
- Establish and maintain effective working relationships with the councils in the relevant JRPP region
- Foster a positive working relationship with other JRPP members, the Panel Secretariat and the Department of Planning
- Follow approved JRPP procedures and participate in regular reviews of procedures, to ensure efficient and effective practices are adopted
- Perform their functions with integrity, impartiality, honesty, conscientiousness, care, skill, diligence; and
- Participate in/chair panel meetings or hold public hearings or panel meetings in a timely, efficient and cost-effective manner while having proper regard to the issues.

## 8. Appointment Terms and Conditions

### 8.1. Statutory Position

JRPPs are statutory bodies representing the Crown. Each council within a JRPP region is to nominate two members (and an alternate member) to sit on the JRPP with respect to matters that are within that council's area.

### 8.2. Term of Appointment

The term of appointment for council panellists is up to three years. Councils may nominate a shorter time period if they desire.

### 8.3. Remuneration

A JRPP member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine.

### 8.4. Private Interests

As part of the consideration of nomination of members to a JRPP, it is suggested that councils require nominees to declare any private interests that may conflict with the public duties they would be required to perform if nominated to a JRPP.

### 8.5. Pecuniary Interests

If a member of a JRPP has a pecuniary interest in a matter being considered or about to be considered at a meeting of a JRPP, and the interest appears to raise a conflict with the proper performance of the member's duties in relation to consideration of the matter, the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the JRPP. Unless otherwise determined, the member must not be present during any deliberations by the panel with respect to the matter or take part in any decision of the panel with respect to the matter.

### 8.6. Other Matters

- i. **Dealing with the Media:** A protocol will be prepared whereby the Chairperson can comment on decisions and respond to questions.

- ii. **Disclosure or misuse of information:** Members are required under the Act not to unlawfully disclose or use any information received in connection with carrying out their duties under the Act.
- iii. **Appropriate use of Secretariat Resources:** The JRPP must use resources provided by the Panel Secretariat and the DoP in an effective and efficient manner; and not use such resources for private purposes.
- iv. **Removal from office:** A council may remove any of its nominees from office at any time. The Minister may remove a State or council member from office if the Independent Commission Against Corruption (ICAC) recommends that consideration be given to the removal of the member because of corrupt conduct by that member.
- v. **Vacancies:** A vacancy in the office of a member occurs if the member:
  - Dies, or
  - Completes a term of office and is not reappointed, or
  - Resigns the office by instrument in writing addressed to the Minister or applicable council, as the case requires, or
  - In the case of a council nominee, is removed from office by an applicable council or by the Minister where ICAC recommends removal, or
  - In the case of a State member is removed from office by the Minister or by the Governor under Chapter 5 of the *Sector Employment and Management Act 2002*, or
  - Is absent from three consecutive meetings of the regional panel of which reasonable notice has been given to the member personally or by post, except on leave granted by the panel or unless the member is excused from the panel for having been absent from those meetings, or
  - Becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
  - Becomes a mentally incapacitated person, or
  - Is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more and is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.
- vi. **Regulations:** Regulations may be made in relation to the procedures of regional panels in exercising their functions, the provision of information and reports by regional panels and other matters.

## 9. Notification of council members

Each council should provide advice of the two persons it has nominated to become members of the relevant JRPP for its area.

Such advice should be should be provided by **Friday 5 June, 2009** in writing to:

Director-General  
NSW Department of Planning  
GPO Box 39  
Sydney NSW 2001

# Report

<b>Subject</b>	<b>Water Saving Measures – Odds ‘n Evens</b>
<b>File No.</b>	ED09/5941:EF09/1697,
<b>Prepared by</b>	General Manager
<b>Reason</b>	Introduction of Permanent Water Saving Measures
<b>Objective</b>	To determine Lismore City Council’s position on the Odds ‘n Evens program within Permanent Water Saving Measures proposed by Rous Water.
<b>Strategic Plan Link</b>	Water and Waste Cycle
<b>Management Plan Project</b>	Water Supply Services

## Overview of Report

The purpose of this report is to determine Lismore City Council’s position regarding Permanent Water Saving Measures (PWSM) proposed by Rous Water. Of particular concern is that the draft PWSM proposed by Rous Water does not include the Odds ‘n Evens program currently in place within Lismore City Council’s local government area.

## Background

Over the past 15 years Lismore City Council, Rous Water and other councils within the region have been actively promoting a range of measures to reduce per capita water consumption. This has included the development of educational programs, the offering of rebates on the purchase of water efficient appliances and encouraging residents to adopt ‘voluntary’ restrictions on the use of water outdoors.

Some important components of this regional strategy are the Regional Demand Management Plan and the Regional Water Management Strategy. Both these documents have been prepared by Rous Water in consultation with constituent councils and the wider community. The Regional Demand Management Plan was first prepared in 1997 and has been periodically updated since then. The Regional Water Management Strategy was first adopted in 2004. Rous Water is currently revising both these documents. As part of this revision it is proposed to introduce new Permanent Water Saving Measures (PWSM). The PWSM are a list of voluntary restrictions on the use of water outdoors. The proposed PWSM will replace current Ongoing Water Conservation Measures developed in late 2003, which were incorporated within the Regional Water Management Strategy adopted the following year.

An important player in implementing the Regional Demand Management Strategy is the Regional Demand Management Steering Committee (RDMSC). This is an advisory committee, made up of representatives from Rous Water and the four constituent councils. The RDMSC coordinates the implementation of demand management initiatives and fulfils an important liaison role between the various councils.

It is only two short years ago that this Council, in response to heightened community awareness about the finite water resources available generally, enthusiastically adopted the Odds 'n Evens household water management system for Lismore residents. Odds 'n Evens was accompanied by a public awareness education program and in community survey results it was resoundingly adjudged to be a positive initiative of Lismore City Council. This can be interpreted as meaning, that the residents are comfortable with the message about water conservation and that they related to the importance of that issue. It also says that the community doesn't clearly distinguish between the roles of Lismore City Council and Rous Water in this area of community education.

Odds 'n Evens is a voluntary program under which property owners with a street address with an odd number only water their gardens on odd days of the month; while property owners with a street address with an even number only water their gardens on even days of the month. The program has never been adopted by other Councils in the region, with the exception that last time Level 1 water restrictions were imposed across the region, these restrictions incorporated an Odds 'n Events provision within them.

## Summary of Review Process

As part of the current review of the Regional Demand Management Plan and Regional Water Management Strategy, Rous Water commissioned some research to determine community attitudes with respect to the implementation of Permanent Water Saving Measures. This research indicated that there was strong support for the implementation of PWSM within the community. The research also indicated that the majority of people surveyed, across all four council regions, were aware of Odds 'n Evens and were supportive of its introduction.

Following receipt of the final community survey report, the RDMSC developed a list of draft PWSM to be submitted to Rous Water's elected Council. The draft list of PWSM prepared by the RDMSC included Odds 'n Evens and a range of other measures, including a restriction on the times at which watering of gardens could be undertaken.

The initial draft list of PWSM was considered by Rous Water Council in February 2009, who deleted Odds 'n Evens from the list but ratified the remaining measures. This amended list was then circulated to constituent councils for comment. Ballina, Byron and Richmond Valley Councils have all indicated their support for the amended draft PWSM. Lismore City Council wrote to Rous Water requesting that Odds 'n Evens be reinstated, while indicating support for the remaining measures.

Rous Water Council reconsidered the draft PWSM, including comments received from constituent councils at its meeting of May 2009. At this meeting, Rous Water again endorsed the draft PWSM (excluding Odds 'n Evens), and approved them for placement on public exhibition.

Lismore City Council is entitled to forward a submission to Rous Water during the public exhibition of the proposed PWSM and would also have the opportunity to make further comment after submissions have been considered by Rous Water, prior to final determination. The dilemma is that the elected Council of Rous Water has unilaterally, and without a communicated explanation, twice rejected the inclusion of the Odds 'n Evens program. It clearly requires another level of representation to change that position.

On the basis of popular local support and the simplicity of the message Lismore City Council has invested significant educational resources in the Odds 'n Evens program. Water demand management relies on changes to user behaviour and this can be achieved through multiple mechanisms – these include penalties, pricing, education and incentives.

A uniform approach to demand management across the region is highly desirable. This would simplify public education and promotion of water conservation measures, and avoid the possibility of confusing residents through sending mixed messages. Even so, the fact is that for at least five years Lismore Water has resourced an active demand management program which complements the work of Rous Water whereas the active involvement of Ballina, Byron and Richmond Valley has been somewhat less. It appears that they have relied mainly on the Rous program. The point is that there are differing levels of engagement across the Rous region and it is far from certain that a "uniform approach" is the

only preferred model – particularly under a voluntary regime. Any water saved under any structured program surely is valuable.

In terms of assessing the effectiveness of Odds 'n Evens, the data available fails to give a clear picture. Lismore City Council has achieved significant reductions in water consumption following the introduction of this program. However, similar trends were observable in the year prior to its introduction. Other councils in the region have achieved reductions in water consumption over the same period without having introduced Odds 'n Evens.

Historical data indicates that water consumption figures are subject to significant variation from season to season and year to year and are affected by a number of different factors such as climate, weather, pricing policy as well as behavioural influences. Consequently, it is not possible to clearly say whether Odds 'n Evens has resulted in a significant reduction in water consumption within the Lismore local government area. Conversely, it is not possible to say that it has not.

## Comments

### Financial Services

The draft 2009/10 Budget provides \$150,000 for demand management initiatives. This budget would be used to fund any costs incurred by Lismore City Council in implementing the regional Permanent Water Saving Measures and any Lismore based enhancements.

## Other staff comments

### Water Education Officer

I support retention of the Odds 'n Evens program on the basis that it has been a success in Lismore and there is no reason that this should be abandoned because other Council areas are unwilling to invest resources.

Lismore City Council has a three year contract until December 2010 with Phil Dudman to be a spokesperson and be on all promotional material associated with the Odds 'n Evens program. Lismore City Council has also invested significant funds in signage infrastructure and promotional materials. Funding has been applied for under the Odds 'n Evens banner that, if successful, will be available from January 2010 to conduct a community survey to gauge the impacts of this Council's water education programs.

### Communications Coordinator

Change interventions that focus on changing behaviour are most likely to generate a more expedient and lasting change.

Even a small set of behaviours, spread by a small number of people creates new routines and a different way of thinking which constitutes sustainable change.

That is the case for Odds 'n Evens. Residents are asked to think about how and when they should use outdoor water and make small changes to their current practices, which result in raising awareness for outdoor water saving and challenging their accustomed norms.

The Odds 'n Evens program challenges residents to change their mind and attitude about how they use outdoor water and to make deliberate changes to the way they do things in the garden.

The Odds 'n Evens campaign, whilst only directed to Lismore residents until now, has had a reach far beyond the Lismore LGA as media sources broadcast across the far north coast and Lismore Council has used radio, television and print mediums for advertising and promotions.

Promoting Odds 'n Evens to the wider far north coast community is recommended, the notion is already out there and it has already been demonstrated that the program raises awareness, provokes decision-making, and influences outdoor water use towards using less water in the garden.

## Public consultation

The introduction of PWSM by Rous Water will be the subject of an ongoing public consultation process with exhibition of *draft* PWSM anticipated in June 2009, followed by further consultation between Rous Water and constituent councils.

## Conclusion

The review of the Regional Demand Management Plan, the Regional Water Management Strategy and the proposed implementation of Permanent Water Saving Measures (PWSM) is considered to be a positive initiative.

At present, somewhat of an impasse has developed between Rous Water and Lismore City Council regarding the inclusion of Odds 'n Evens within the PWSM. Lismore City Council needs to determine the extent to which it supports Odds 'n Evens as a demand management initiative.

Water consumption data collated since the implementation of Odds 'n Evens fails to clearly demonstrate whether Odds 'n Evens has, or has not, had a significant impact on water consumption trends within the Lismore local government area.

It is also acknowledged that opinions are expressed that the Odds 'n Evens water conservation system is not effective but with the public sentiment in favour, and lasting memories of how dry it can be, a permanent regime of Odds 'n Evens has merit – water conservation is largely about behaviour change, aided and encouraged by effective education. The Odds 'n Evens system is simple and has the added advantage of attracting neighbourly peer pressure. It was intended to be promoted as a permanent measure aimed at sustainable water management and it is just as relevant through the autumn and winter. Lismore City Council has established credentials in natural resource management so we should be outspoken on this related matter.

Accordingly, based on proven community support for the concept, an absence of justification to abandon the system, evidence that there is no negative impact and the acknowledgement that any promotion campaign is focussed on behavioural change to achieve water savings there is every reason for the Odds 'n Evens program to continue.

## Recommendation (IS30)

That:

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

# Report

<b>Subject</b>	<b>Investments – May, 2009</b>
<b>File No</b>	ED09/6032:EF09/586
<b>Prepared by</b>	Management Accountant
<b>Reason</b>	Required by Local Government Act 1993, Local Government (General) Regulations 2008 and Council's Investment Policy
<b>Objective</b>	To report on Council Investments
<b>Strategic Plan Link</b>	Leadership by Innovation
<b>Management Plan Project</b>	Financial Services

## Overview of Report

Council investments as at 31 May 2009 are estimated to be \$23,878,892 subject to final value of funds held under separate management being advised shortly.

The interest rate reported for May 2009 is estimated to be 4.26% and is above the Bank Bill Swap Rate for the same period of 3.11%. The final interest return may vary due to actual returns achieved in the funds held under separate management.

A capital and income distribution was received from BlackRock Care and Maintenance Fund during May. The base capital value and the estimated current market value of the investment have been adjusted to reflect the capital distribution. The income distribution has been used to calculate the estimated interest for the period.

A further investment, Magnolia (Flinders) has fallen below the Ministers Order of acceptable credit rating. Advice has been received from Council's independent investment advisor, CPG Research & Advisory that after taking into account the considerations listed in the Department of Local Government's Circular 09-10, and the New Investment Order, it is not in Council's interests to sell this investment.

## Background

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

### Report on Investments

- |  |              |
|--|--------------|
| • <i>Confirmation of Investments – at Market Value – 30 April 2009</i> | \$21,595,010 |
| • <i>Estimated Investments – at Market Value – 31 May 2009</i>         | \$23,878,892 |



The current rate of return on investments for May 2009 is estimated to be 4.26% and is above the Bank Bill Swap Rate for the same period of 3.11%. The rate of return reported has been calculated using actual returns where available and estimates based on the previous period balance and interest rates. The methodology used to calculate estimates appears reasonable in light of discussion with the portfolio advisor.

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

### **BlackRock Care & Maintenance Fund**

A distribution of both income and capital was received from the BlackRock Care & Maintenance Fund (BlackRock) on 14 May, 2009. CPG Research and Advisory have advised that a revaluation of units will take place at the end of the month. For reporting purposes, the base capital value and the estimated current market value have been reduced by the cash amount received (\$158,977.36).

A distribution of income was also received (\$66,877.72). This has been used to determine an estimated interest rate for the month for the BlackRock investment. This has inflated the estimated interest rate for the portfolio to 4.26%. If the distribution had not been received from Blackrock the estimated interest rate for the portfolio would be 2.96%.

### **Terminating Investments**

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

CPG Research and Advisory have advised that it would still be prudent not to accrue any interest on these investments until further information becomes available.

### **Investments Outside Ministers Order**

CPG Research and Advisory notified us that during late April/early May, the Magnolia (Flinders) investment was downgraded to a rating that now falls outside the Ministers Order for approved investments. This investment has been downgraded from AA to BBB-. Council has \$300,000 invested in Magnolia (Flinders) with a maturity date of 20 March, 2012.

As with previous downgraded investments, CPG Research and Advisory have considered the guidelines in the Department of Local Government Circular 08/10 and the new Investment Order for assessing whether it is practicable to sell securities once they fall outside the Ministers' Order. They have advised that the value realisable on sale will almost certainly understate the income value to be expected in retaining this security. There is no indication that coupons will fail to be paid when due in the near future.

### **Investment Policy and Strategy Review**

A workshop on the review of Council's Investment Policy and Strategy was planned for May 26, 2009 but due to the regional flooding, it had to be postponed. A late July date is being considered, but yet to be confirmed.

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

## Attachments

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

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

## Staff comments

Not Applicable

## Public consultation

Not Applicable

## Conclusion

A report on investments is required to be submitted to Council monthly. This report meets that requirement. For May 31, 2009, investments total \$23,878,892 and the annualised rate of return was 4.26%.

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

In regards to the five investments directly affected by the Lehman Brothers Holdings bankruptcy, it is still difficult to predict an accurate time frame for the completion of the close-out due to the current financial situation, and there is no further indication at this stage on the expectations of capital recovery.

A distribution of both capital and income has been received from BlackRock Care and Maintenance Fund during the month. The capital reduction has been reflected in both the Base Capital Value and Estimated Current Market Value of the investment held. The income payment has been used to determine the estimated interest rate for the period, inflating the interest rate for the overall portfolio to 4.26%.

A downgrade in credit rating of one investment is reported, but based on advice received from Council's independent investment advisor, it is recommended that Council continue to hold this investment.

## Recommendation

That:

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

**Capital Value Movements  
Summary of Investments held as at  
31 May, 2009**

Name of Investment / & Counterparty	Type of Investment	Rating	Assessment of return of Capital	Purchase Date	Maturity Date	Last Date Confirmed Valuation Available	Base Capital Value	Estimated Current Market Value (Note 4)	
<b>Cash Based Returns</b>									
Longreach - Series 25	Equity Linked Investment	AA-	High	2/4/2007	4/4/2014	30/04/2009	\$ 1,000,000	\$ 656,200	Note 1,2
Blackrock Care & Maintenance Fund	Managed Fund	A	High	15/10/2008	N/A	22/05/2009	\$ 2,869,887	\$ 2,523,540	Note 3
Merrill Q A/A FRN / CBA	Floating Rate Note	A+	High	22/3/2005	8/6/2010	30/04/2009	\$ 1,000,000	\$ 901,190	Note 1
Summerland Credit Union	Term Deposit	Not Rated (Note 7)	High	21/5/2009	20/7/2009	21/05/2009	\$ 1,000,000	\$ 1,000,000	Note 1
ASPRIT III Trust	Equity Linked Investment	AA	High	13/7/2007	13/7/2013	31/03/2009	\$ 2,000,000	\$ 1,742,000	Note 1,2
Credit Union Australia (CUA)	Term Deposit	Not Rated (Note 7)	High	22/5/2009	21/6/2009	22/05/2009	\$ 2,000,000	\$ 2,000,000	Note 1
Southern Cross Credit Union	Term Deposit	Not Rated (Note 7)	High	8/5/2009	10/7/2009	8/05/2009	\$ 2,000,000	\$ 2,000,000	Note 1
IMB Banking & Financial Services	Term Deposit	A2	High	1/5/2009	2/6/2009	1/05/2009	\$ 2,000,000	\$ 2,000,000	Note 1
CBA Business On Line Banking A/c	Cash Management Account	Cash	High	N/A	N/A	22/05/2009	\$ 3,782,000	\$ 3,782,000	Note 1
Macquarie Cash Management Trust	Cash Management Account	Not Rated (Note 7)	High	1/9/2006	N/A	22/05/2009	\$ 246,921	\$ 246,921	Note 1
ANZ High Yield Cash Account	Cash Management Account	AA	High	N/A	N/A	22/05/2009	\$ 1,979,528	\$ 1,979,528	Note 1
Bishopsgate (Wentworth)	Floating Rate CDO	AA	High	1/9/2006	20/9/2010	22/05/2009	\$ 500,000	\$ 465,670	Note 1,5
Herald Limited (Quartz)	Floating Rate CDO	BB+	Low	1/9/2006	20/12/2010	22/05/2009	\$ 30,000	\$ 21,747	Note 1,5
Cypress (Lawson)	Floating Rate CDO	BBB+	Low	1/9/2006	30/12/2010	22/05/2009	\$ 500,000	\$ 467,450	Note 1,5
Deutsche Bank CG Yield Curve Note	Euro Bond	Not Rated (Note 7)	High	1/9/2006	18/10/2011	22/05/2009	\$ 250,000	\$ 210,250	Note 1,5
BELO (Kalgoorlie)	Commodity Backed Security	AA+	High	1/9/2006	27/2/2012	22/05/2009	\$ 700,000	\$ 586,950	Note 1,5
Magnolia (Flinders)	Floating rate CDO	BBB-	Low	1/9/2006	20/3/2012	22/05/2009	\$ 300,000	\$ 230,370	Note 1,5
Omega (Henley)	Floating Rate CDO	CCC	Low	1/9/2006	22/6/2012	22/05/2009	\$ 400,000	\$ 270,280	Note 1,5
Beryl (Esperance 2)	Floating rate CDO	BB+	Low	1/9/2006	20/3/2013	22/05/2009	\$ 400,000	\$ 119,535	Note 1,5
Corsair (Torquay)	Floating Rate CDO	CCC-	Low	1/9/2006	20/6/2013	22/05/2009	\$ 500,000	\$ 266,150	Note 1,5
Zircon (Merimbula)	Floating Rate Note	C	Low	1/9/2006	20/6/2013	22/05/2009	\$ 300,000	\$ 93,450	Note 1,5
Corsair (Kakadu)	Floating Rate CDO	CCC	Low	1/9/2006	20/3/2014	22/05/2009	\$ 500,000	\$ 217,755	Note 1,5
Helium (Scarborough)	Floating rate CDO	CCC-	Low	1/9/2006	23/6/2014	22/05/2009	\$ 200,000	\$ 112,520	Note 1,5
Beryl (Global Bank Note)	Floating Rate Note	C	Low	1/9/2006	20/9/2014	22/05/2009	\$ 150,000	\$ 221,596	Note 1,5
Zircon (Coolangatta)	Floating Rate CDO	C	Low	1/9/2006	20/9/2014	22/05/2009	\$ 500,000	\$ 153,550	Note 1,5
Aphex (Glenelg)	Floating Rate CDO	B	low	1/9/2006	22/12/2014	22/05/2009	\$ 500,000	\$ 301,035	Note 1,5
Bendigo Bank FR Sub Debt	Subordinate Debt	Not Rated (Note 7)	Medium	1/9/2006	14/12/2015	22/05/2009	\$ 500,000	\$ 434,600	Note 1,5
Elders Rural Bank Sub Debt	Subordinate Debt	Not Rated (Note 7)	Medium	1/9/2006	16/3/2016	22/05/2009	\$ 1,000,000	\$ 853,700	Note 1,5
Zircon (Miami)	Floating Rate CDO	C	Low	1/9/2006	20/3/2017	22/05/2009	\$ 50,000	\$ 20,905	Note 1,5
<b>Investment on Hand</b>							<b>\$ 27,158,336</b>	<b>\$ 23,878,892</b>	

**Investments Redeemed during period (Note 6)**

Summerland Credit Union	Sub Debt	Not Rated (Note 7)		21/5/2004	21/5/2009	1/10/2008	\$ 1,000,000	\$ 1,000,000
ANZ High Yield Account	Cash Management Account	AA		N/A	N/A	22/05/2009	\$ 200,000	\$ 200,000
Credit Union Australia	Term Deposit	Not Rated (Note 7)		22/4/2009	22/5/2009	22/04/2009	\$ 2,000,000	\$ 2,000,000
BlackRock Care & Maintenance Fund	Managed Fund	A		15/10/2008	N/A	22/05/2009	\$ 158,977	\$ 158,977

**\$ 30,517,313      \$ 27,237,869**

**Total Capital Movement - Gain/(Loss)**

**Adjusted Capital loss reported for 2007/08**

**Capital Movement since 01/07/08 - Gain/(Loss)**

**\$ (3,279,444)**

**\$ (3,228,424)** Note 8

**\$ (51,020)**

Note 1:  
Note 2:  
Note 3:  
Note 4:  
Note 5:  
Note 6:  
Note 7:  
Note 8:

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

**"Indicative" Source of Funds**

Externally Restricted	13,603,805
Internally Restricted	10,275,087
	<u>\$ 23,878,892</u>

**Estimated Interest  
Summary of Investments held as at  
31 May, 2009**

Name of Investment / & Counterparty	Type of Investment	Rating	Annualised Coupon / Interest Rate	Estimated Current Value (Note 6)	Estimated Interest for Period	Weighted Interest for Period	
<b>Cash Based Returns</b>							
Longreach - Series 25	Equity Linked Note	AA-	0.00%	\$ 656,200	\$ -	0.00%	Note 2,5
Blackrock Care & Maintenance Fund	Managed Fund	A	13.20%	\$ 2,523,540	\$ 28,291	1.30%	Note 1,3
Merrill Q A/A FRN - CBA	Floating Rate Note	A+	3.43%	\$ 901,190	\$ 2,628	0.12%	
Summerland Credit Union	Term Deposit	Not Rated	3.50%	\$ 1,000,000	\$ 863	0.04%	
ASPRIT III Trust	Wholesale Managed Investment	AA	0.00%	\$ 1,742,000	\$ -	0.00%	Note 2,5
Credit Union Australia (CUA)	Term Deposit	Not Rated	4.21%	\$ 2,000,000	\$ 2,076	0.10%	
Southern Cross Credit Union	Term Deposit	Not Rated	4.10%	\$ 2,000,000	\$ 5,167	0.24%	
IMB Banking & Financial Services	Term Deposit	A2	3.60%	\$ 2,000,000	\$ 6,115	0.28%	
CBA - Business On Line Banking A/c	Cash Management Account	Cash	2.85%	\$ 3,782,000	\$ 9,155	0.42%	
Macquarie Cash Management Trust	Cash Management Account	Not Rated	2.14%	\$ 246,921	\$ 448	0.02%	
ANZ High Yield Cash Account	Cash Management Account		3.30%	\$ 1,979,528	\$ 5,548	0.28%	
Bishopgate (Wentworth)	Floating Rate CDO	AA	4.67%	\$ 465,670	\$ 1,982	0.10%	
Herald Limited (Quartz)	Floating Rate CDO	BB+	4.51%	\$ 21,747	\$ 115	0.01%	
Cypress (Lawson)	Floating Rate CDO	BBB+	4.33%	\$ 467,450	\$ 1,837	0.09%	
Deutsche Bank CG Yield Curve Note	Euro Bond	Not Rated	5.33%	\$ 210,250	\$ 1,131	0.06%	
BELO (Kalgoorlie)	Commodity Backed Security	AA+	4.46%	\$ 586,950	\$ 2,654	0.13%	
Magnolia (Flinders)	Floating rate CDO	BBB-	4.51%	\$ 230,370	\$ 1,149	0.06%	
Omega (Henley)	Floating Rate CDO	CCC	3.83%	\$ 270,280	\$ 1,300	0.07%	
Beryl (Esperance 2)	Floating rate CDO	BB+	0.00%	\$ 119,535	\$ -	0.00%	
Corsair (Torquay)	Floating Rate CDO	CCC-	4.21%	\$ 266,150	\$ 1,788	0.09%	
Zircon (Merimbula)	Floating Rate Note	C	0.00%	\$ 93,450	\$ -	0.00%	
Corsair (Kakadu)	Floating Rate CDO	CCC	4.01%	\$ 217,755	\$ 1,703	0.09%	
Helium (Scarborough)	Floating rate CDO	CCC-	4.33%	\$ 112,520	\$ 735	0.04%	
Beryl (Global Bank Note)	Floating Rate Note	C	0.00%	\$ 221,596	\$ -	0.00%	
Zircon (Coolangatta)	Floating Rate CDO	C	0.00%	\$ 153,550	\$ -	0.00%	
Aphex (Glenelg)	Floating Rate CDO	B	4.28%	\$ 301,035	\$ 1,816	0.09%	
Bendigo Bank FR Sub Debt	Subordinate Debt	Not Rated	3.52%	\$ 434,600	\$ 1,496	0.08%	
Elders Rural Bank Sub Debt	Subordinate Debt	Not Rated	3.72%	\$ 853,700	\$ 3,162	0.16%	
Zircon (Miami)	Floating Rate CDO	C	0.00%	\$ 20,905	\$ -	0.00%	
<b>Investment on Hand</b>				<b>\$ 23,878,892</b>	<b>\$ 81,158</b>	<b>3.84%</b>	

Note 4

**Investments Redeemed during period**

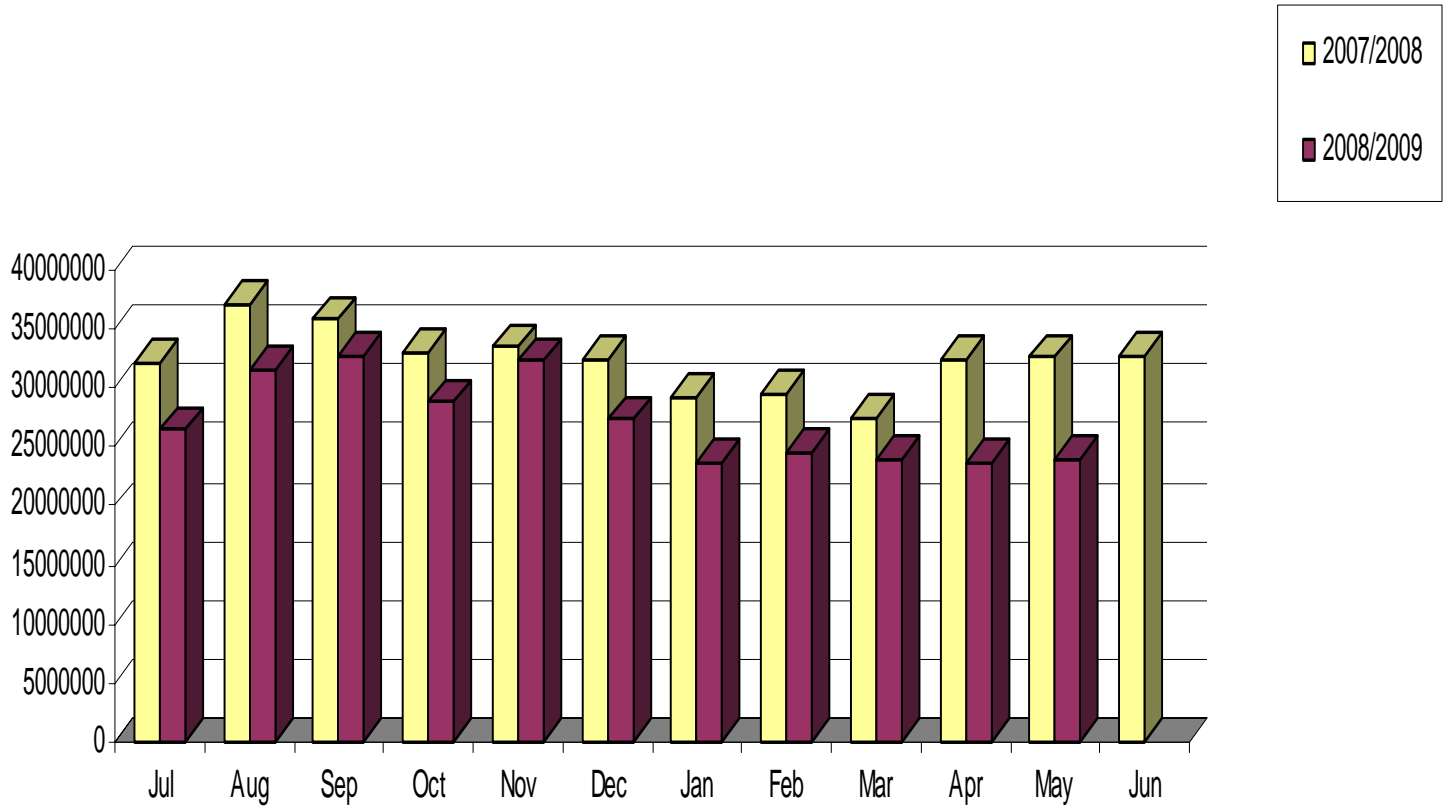
Summerland Credit Union	Sub Debt	Not Rated	5.61%	\$ 1,000,000	\$ 3,228	0.16%
ANZ High Yield Account	Cash Management Account	AA	3.90%	\$ 200,000	\$ 321	0.02%
Credit Union Australia	Term Deposit	Not Rated	4.05%	\$ 2,000,000	\$ 4,882	0.24%
BlackRock Care & Maintenance Fund	Managed Fund	A	0.00%	\$ 158,977	\$ -	0.00%

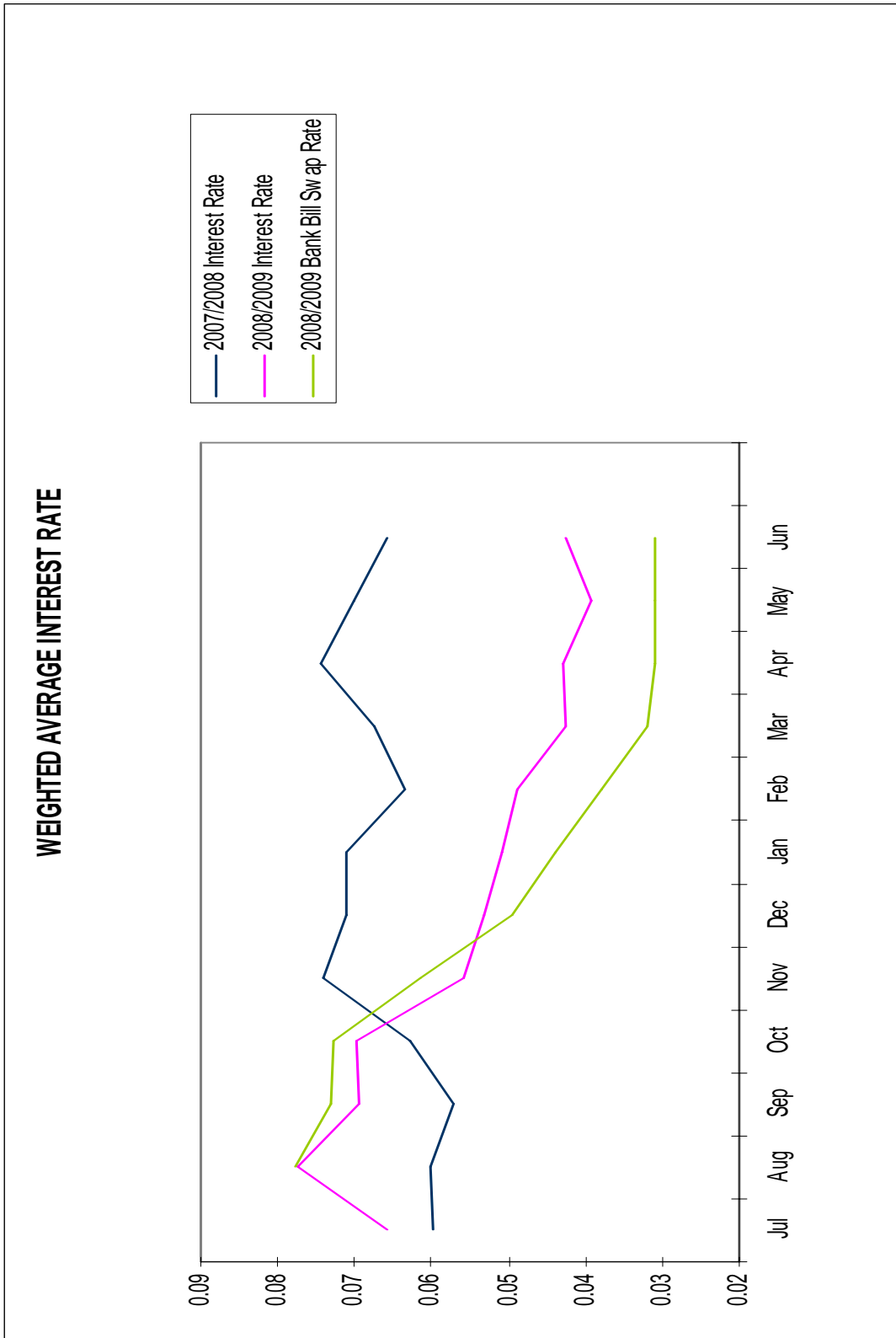
**31/5/2009 4.26%**

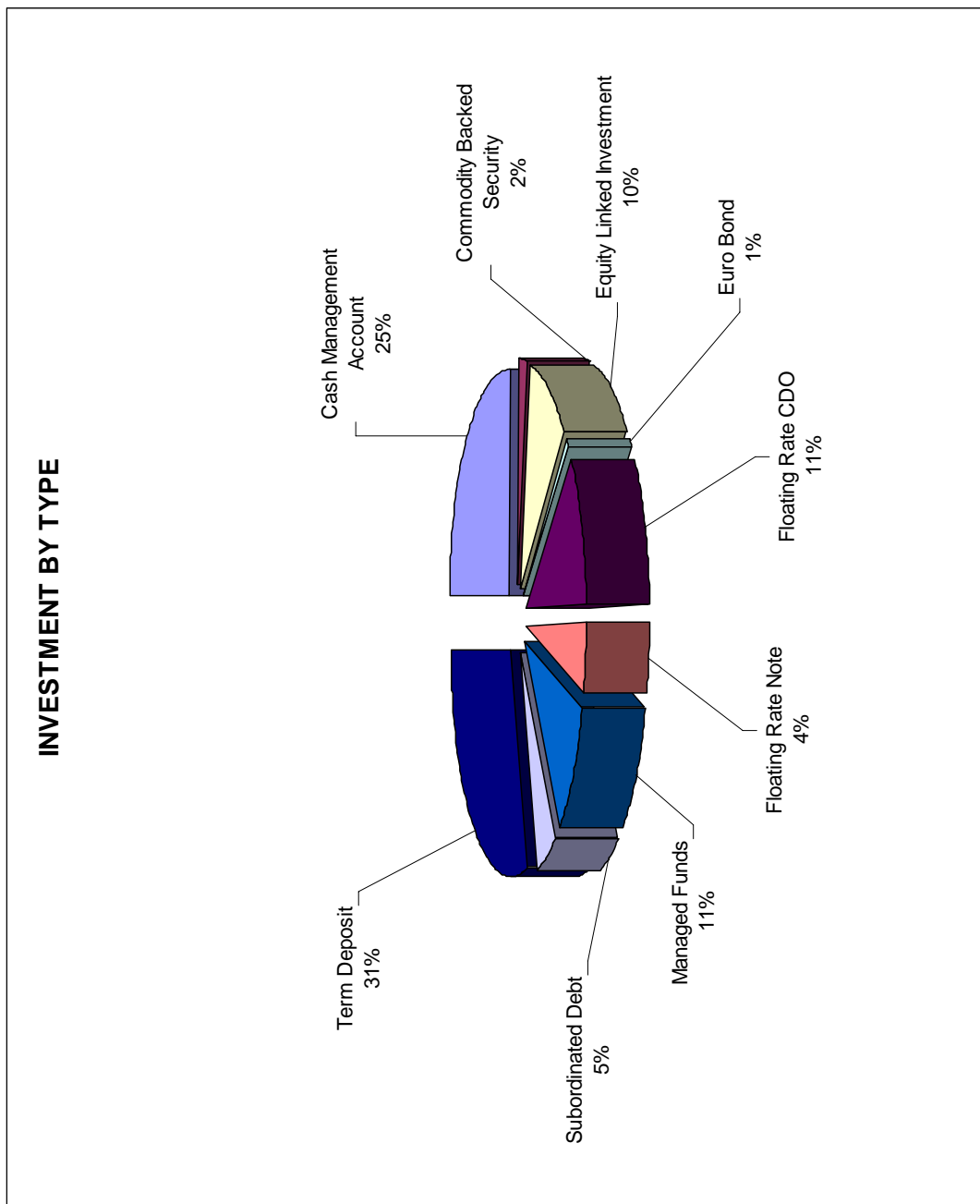
**\$ 27,237,869 \$ 89,589**

- Note 1: Interest return is calculated on (actual interest + plus accrued interest + plus realised gains - losses on disposal - expenses) / principal value  
 Note 2: Capital Guaranteed note if held to maturity  
 Note 3: Managed Funds interest rate is calculated as an annualised rate based on the interest earned for the previous quarter.  
 Note 4: Estimated Interest for Period is calculated by multiplying the annualised rate by the estimated current value 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.

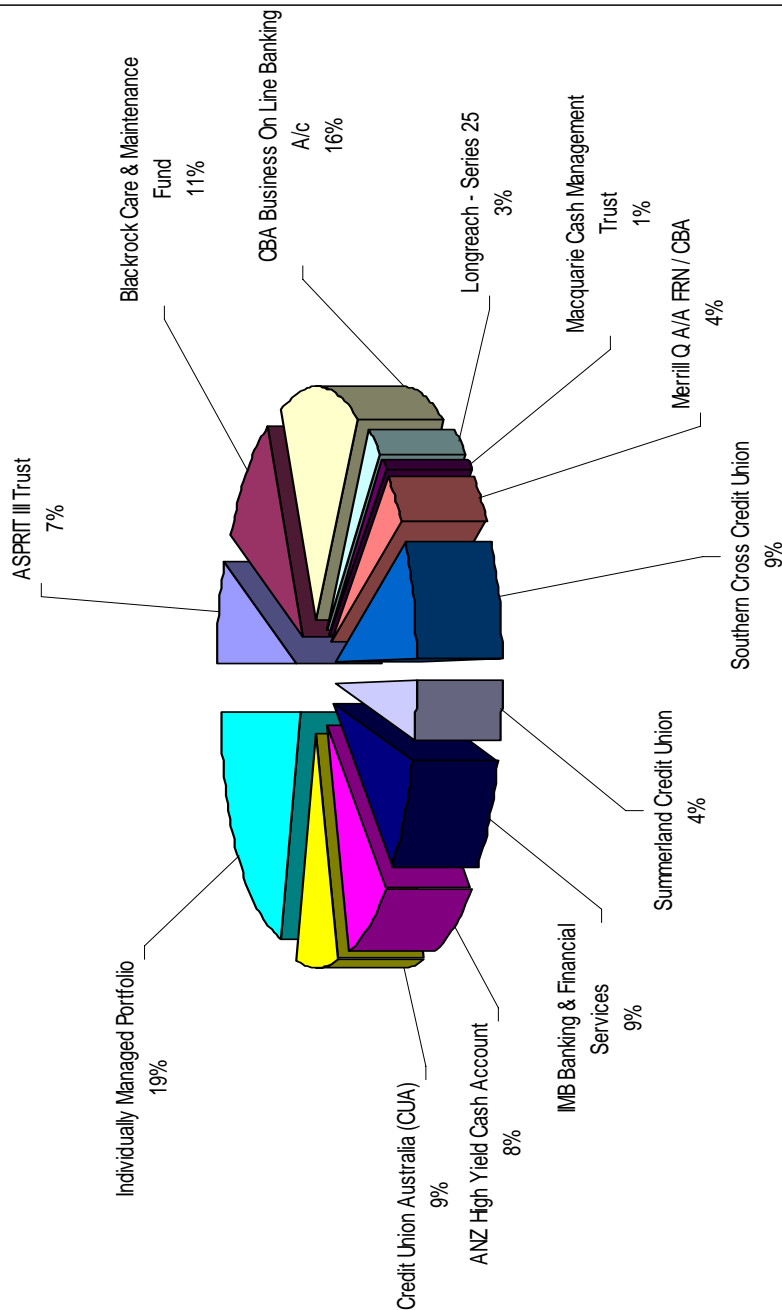
### TOTAL INVESTMENT PORTFOLIO







# Investment by Institution





# Report

<b>Subject</b>	<b>Sustainable Transport Reference Group Membership</b>
<b>File No.</b>	ED09/6039:EF09/2016
<b>Prepared by</b>	Road Safety Officer
<b>Reason</b>	Council needs to endorse the new reference group.
<b>Objective</b>	Council to select membership.
<b>Strategic Plan Link</b>	Infrastructure, Leadership by Innovation, Quality of Life
<b>Management Plan Project</b>	Road Safety, Traffic

## Overview of Report

This report provides details of the nominations for membership of the Sustainable Transport Reference Group.

## Background

Council needs to select members for the Sustainable Transport Reference Group for the current Council term. It was resolved at the March Council meeting that the membership of the Sustainable Transport Reference Group would be confirmed as:

- Lismore City Council (Manager-Assets & Support Services and Road Safety Officer).
- Northern Rivers Social Development Council (Transport/Community Development)
- North Coast Area Health Service (Directorate population planning and health promotion)
- Northern Rivers Community Transport (and additional Aboriginal representative)
- Lismore Taxis
- Bus & Coach Association (Urban and Rural)
- Kirklands/Lismore Bus Lines
- Ministry of Transport
- 3 x community representatives.

To this end letters were sent to community organisations requesting nominations for organisation representatives and adverts for community nominations were issued in the '*Northern Rivers Echo*' on April 9 and 16, 2009. The nominations received have been compiled in this report.

## Organisation Representatives

Nominations are:

Northern Rivers Social Development Council	Linda Lomman	<ul style="list-style-type: none"> <li>• Strong networks built across the Northern Rivers area.</li> <li>• 15 years experience in transport issues and solutions.</li> <li>• Eight (8) years transport sector knowledge.</li> <li>• Skilled in social research and community development.</li> </ul>
North Coast Area Health Service	Maryann Anderson	<ul style="list-style-type: none"> <li>• Active transport Advocate.</li> <li>• Provides links to relevant health promotion initiatives and funding opportunities.</li> <li>• Skilled in program planning, implementation, evaluation, funding submissions and active transport options/opportunities.</li> </ul>
Northern Rivers Community Transport	Leonie Watson	<ul style="list-style-type: none"> <li>• Provide advice concerning aboriginal transport.</li> <li>• Aboriginal representative.</li> <li>• Over 16 years experience as an Aboriginal Transport Development Officer.</li> </ul>
Northern Rivers Community Transport	Colleen Thomas	<ul style="list-style-type: none"> <li>• Provide advice on practical/planning issues.</li> <li>• Knowledge of service gaps, barriers and trends.</li> <li>• Provide innovative ideas on partnerships with other service providers such as taxis and buses.</li> <li>• Representative for the frail and elderly, people with disabilities, youth, isolated communities and the transport disadvantaged.</li> <li>• 12 years experience working for Northern Rivers community transport and dedicated to sustainable transport solutions.</li> </ul>
Lismore Taxis	Stephen Haywood	<ul style="list-style-type: none"> <li>• Provide a balance of opinion between community and government.</li> <li>• Provide advice in relation to private transport requirements.</li> <li>• Previous experience as a member of the Public Transport Policy Advisory Group.</li> </ul>
Northern Rivers Buslines	Dene Petty	<ul style="list-style-type: none"> <li>• Provide a perspective in terms of local public transport.</li> <li>• Six (6) years experience in public transport in and around the Lismore area.</li> </ul>
Ministry of Transport	Ben Riley	<ul style="list-style-type: none"> <li>• Ability to assist in linkages with transport stakeholders.</li> <li>• Provide industry input.</li> <li>• Representative in terms of community development and stakeholder management.</li> </ul>
Bus & Coach Association	Graeme Waller	<ul style="list-style-type: none"> <li>• Provide industry input.</li> <li>• 20 years experience with buses.</li> </ul>

## Community Representatives

Nominations are:

Nathan Kesteven	<ul style="list-style-type: none"> <li>• Interest in promoting and developing improved transport in the Lismore City Council region.</li> <li>• Interest in health and the environment.</li> <li>• Involvement in the Public Transport Advisory Committee from 1999 to 2001.</li> </ul>
Assoc. Professor Robert Weatherby	<ul style="list-style-type: none"> <li>• Member of Lismore Public Transport Committees since 1993.</li> <li>• Member of the Late Nighter Bus Committee.</li> <li>• Interest in infrastructure, integrated land use and sustainable activities.</li> <li>• Strong academic background.</li> <li>• Completed extensive research in public transport.</li> <li>• Knowledge of local issues.</li> </ul>

Councillors will note that only two nominations were received for three (3) community representative positions. It is considered appropriate that the group can proceed with only two (2) representatives.

## Comments

Financial Services

Not required.

## Other staff comments

Not required.

## Public consultation

The call for community representative nominations was advertised in Lismore City Council's "City News" in the *'Northern Rivers Echo'*, April 9 and 16, 2009.

## Conclusion

All the nominees have been included for consideration by Councillors. All have the appropriate qualifications and motivations for being involved.

## Recommendation (IS31)

That:

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

## Attachment – Nominations

## Sustainable Transport Reference Group

## ORGANISATION REPRESENTATIVES - NOMINATION FORM

Thank you for your interest in Lismore City Council's Sustainable Transport Reference Group. Your organisation has been determined as a key member of the Sustainable Transport Reference Group.

The number of places in this Group have been determined by Lismore City Council (as listed below). Therefore, could you please nominate the best representative for your organisation.

- 1 x Northern Rivers Social Development Council (Transport/Community Development)
- 1 x North Coast Area Health Service (Directorate population planning and health promotion)
- 2 x Northern Rivers Community Transport (incl. Aboriginal representative)
- 1 x Lismore Taxis
- 1 x Bus & Coach Association (Urban and Rural)
- 1 x Kirklands/Lismore Bus Lines
- 1 x Ministry of Transport

Name: Linda Hammer  
 Telephone No. <sup>work</sup> Home 66201850 Mobile 0416 277 244  
 Email: transport@nrsdc.org.au  
 Address: 22 Culter St Lismore NSW 2480

What contribution could the nominee make to the Sustainable Transport Reference Group?

Networked across Northern Rivers  
 15 years experience in Transport issues & solutions.

Advise the particular community group or perspective your nominee will represent?

(Please provide details)

Northern Rivers Social development Council

What skills and knowledge will the nominee bring to the Sustainable Transport Reference Group?

Social research, community development  
 8 years transport sector knowledge.

Please use additional sheets if necessary.

have your **say**

Applications can be sent via mail: The General Manager Lismore City Council  
 PO 23A LISMORE NSW 2480 or emailed to: [council@lismore.nsw.gov.au](mailto:council@lismore.nsw.gov.au)  
 or faxed: To the attention of the General Manager: 02 66250400.

Nominations will be received up until Friday 1<sup>st</sup> May, 2009.

If you require help completing this form or have any further questions please contact Lisa Marshall on 66250500.



## Sustainable Transport Reference Group

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- 1 x Bus & Coach Association (Urban and Rural)
- 1 x Kirklands/Lismore Bus Lines
- 1 x Ministry of Transport

Name MARYANN ANDERSON

Telephone No. Home (02) 6624 7497 Mobile 0414 728 059

Email maryann.anderson@ncahs.health.nsw.gov.au

Address C/- Lismore Community Health, Level 3, 29 Molesworth St.  
Lismore NSW 2480

What contribution could the nominee make to the Sustainable Transport Reference Group?

- 1) Active transport advocate
- 2) Provide links to relevant health promotion initiatives & funding opportunities

Advise the particular community group or perspective your nominee will represent?

(Please provide details)

Health Promotion Unit of the Population Health,  
Planning & Performance Directorate, NCAHS

What skills and knowledge will the nominee bring to the Sustainable Transport Reference Group?

- 1) Program planning, implementation & evaluation; 3) Submission writing for funding
- 2) active transport options & opportunities;

Please use additional sheets if necessary.

have your **say**

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- 2 x Northern Rivers Community Transport (incl. Aboriginal representative)
- 1 x Lismore Taxis
- 1 x Bus & Coach Association (Urban and Rural)
- 1 x Kirklands/Lismore Bus Lines
- 1 x Ministry of Transport

Name Leonie Watson  
 Telephone No. Home 02 66280260 Mobile 0409 398549  
 Email leonie@nrct.org  
 Address P.O. Box 1788, Lismore NSW 2480

What contribution could the nominee make to the Sustainable Transport Reference Group?

Provide advice concerning Aboriginal transport.

Advise the particular community group or perspective your nominee will represent?

(Please provide details)

Aboriginal representative from Northern Rivers Community Transport.

What skills and knowledge will the nominee bring to the Sustainable Transport Reference Group?

6 and a half years experience as an Aboriginal Transport Development Officer.

Please use additional sheets if necessary.

have your **say**

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 PO 23A LISMORE NSW 2480 or emailed to: [council@lismore.nsw.gov.au](mailto:council@lismore.nsw.gov.au)  
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- 2 x Northern Rivers Community Transport (incl. Aboriginal representative)
- 1 x Lismore Taxis
- 1 x Bus & Coach Association (Urban and Rural)
- 1 x Kirklands/Lismore Bus Lines
- 1 x Ministry of Transport

Name..... Colleen Thomas.....  
 Telephone No. Home..... 66 280 337..... Mobile..... 04 27 898 919.....  
 Email..... colleen@nrct.org.....  
 Address..... P.O.Box 1788 Lismore 2480.....

What contribution could the nominee make to the Sustainable Transport Reference Group?

offer advice on practical/planning issues relating to groups represented. knowledge of service gaps, barriers and trends. Innovative ideas on partnerships with other service providers, taxis, buses etc.

Advise the particular community group or perspective your nominee will represent?

(Please provide details)

Representing frail and elderly, people with disabilities, youth, isolated communities and transport disadvantaged.

What skills and knowledge will the nominee bring to the Sustainable Transport Reference Group?

I have 12 years experience working for NR Community Transport and I'm dedicated to sustainable transport solutions, e.g. instrumental in instigating the car-pooling project.

Please use additional sheets if necessary.

have your **say**

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 PO 23A LISMORE NSW 2480 or emailed to: [council@lismore.nsw.gov.au](mailto:council@lismore.nsw.gov.au)  
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# Sustainable Transport Reference Group

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- 1 x North Coast Area Health Service (Directorate population planning and health promotion)
- 2 x Northern Rivers Community Transport (incl. Aboriginal representative)
- 1 x Lismore Taxis
- 1 x Bus & Coach Association (Urban and Rural)
- 1 x Kirklands/Lismore Bus Lines
- 1 x Ministry of Transport

Name..... STEPHEN HAYWOOD

Telephone No. Home 66 291441 Mobile 0403 661 914

Email.....

Address LOT 1 ELUNES ROAD, ELUNES  
EL- ELUNES P.O. 2480.

What contribution could the nominee make to the Sustainable Transport Reference Group?

A balance of opinion between community/government,  
and private transport requirements.

Advise the particular community group or perspective your nominee will represent?

(Please provide details)

LISMORE TAXI CO-OP LTD.  
1 LITTLE KEEN, ST. LISMORE.

What skills and knowledge will the nominee bring to the Sustainable Transport Reference Group?

PREVIOUS years experience of the Public Transport  
Advisory Group.

Please use additional sheets if necessary.

have your **say**

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PO 23A LISMORE NSW 2480 or emailed to: [council@lismore.nsw.gov.au](mailto:council@lismore.nsw.gov.au)  
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# Sustainable Transport Reference Group

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- 2 x Northern Rivers Community Transport (incl. Aboriginal representative)
- 1 x Lismore Taxis
- 1 x Bus & Coach Association (Urban and Rural)
- 1 x Kirklands/Lismore Bus Lines
- 1 x Ministry of Transport

Name..... DEWE PETTY  
 Telephone No. Home 66261499 Mobile 0408 661 767  
 Email..... dpetty@nrbuslines.com.au.  
 Address..... 76 MILITARY ROAD LISMORE NSW.

What contribution could the nominee make to the Sustainable Transport Reference Group?  
Perspective of the local public transport (buses) operator.

Advise the particular community group or perspective your nominee will represent?  
 (Please provide details)

NORTHERN RIVERS BUSLINES

What skills and knowledge will the nominee bring to the Sustainable Transport Reference Group?  
6 years experience in Public Transport (Buses) in and around the Lismore City Council area.

Please use additional sheets if necessary.



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 PO 23A LISMORE NSW 2480 or emailed to: [council@lismore.nsw.gov.au](mailto:council@lismore.nsw.gov.au)  
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## Sustainable Transport Reference Group

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- 2 x Northern Rivers Community Transport (incl. Aboriginal representative)
- 1 x Lismore Taxis
- 1 x Bus & Coach Association (Urban and Rural)
- 1 x Kirklands/Lismore Bus Lines
- 1 x Ministry of Transport

Name BEN RILEY  
 Telephone No. Home 6621 9424 Mobile 0419 685 385  
 Email ben.riley@transport.nsw.gov.au  
 Address level, Po Box 693, Lismore 2480

What contribution could the nominee make to the Sustainable Transport Reference Group?

To assist in linkages with transport stakeholders. Provide industry input.

Advise the particular community group or perspective your nominee will represent?

(Please provide details)

Ministry of Transport - NSW Govt.

What skills and knowledge will the nominee bring to the Sustainable Transport Reference Group?

Community Development + stakeholder Mgt.

Please use additional sheets if necessary.

have your **say**

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 PO 23A LISMORE NSW 2480 or emailed to: [council@lismore.nsw.gov.au](mailto:council@lismore.nsw.gov.au)  
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# Sustainable Transport Reference Group

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- 2 x Northern Rivers Community Transport (incl. Aboriginal representative)
- 1 x Lismore Taxis
- 1 x Bus & Coach Association (Urban and Rural)
- 1 x Kirklands/Lismore Bus Lines
- 1 x Ministry of Transport

Name..... GRAEME WALLER  
 Telephone No. Home 66226266 Mobile 0428 255284  
 Email..... Waller's bus company @ bigpond.com  
 Address..... P.O. Box 163  
Lismore NSW 2480

What contribution could the nominee make to the Sustainable Transport Reference Group?  
ALL BUS RELATED INFORMATION IN THE  
LOCAL AREA

Advise the particular community group or perspective your nominee will represent?

(Please provide details)

BUS & COACH ASSOCIATION

What skills and knowledge will the nominee bring to the Sustainable Transport Reference Group?

20 YEARS BUS EXPERIENCE

Please use additional sheets if necessary.

have your **say**

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 PO 23A LISMORE NSW 2480 or emailed to: [council@lismore.nsw.gov.au](mailto:council@lismore.nsw.gov.au)  
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# Sustainable Transport Reference Group

## COMMUNITY REPRESENTATIVES - NOMINATION FORM

Thank you for your interest in Lismore City Council's Sustainable transport Reference Group. Please note that the number of places on this group is limited. Council will choose community representatives as members of the Group that will provide the broadest perspective and range of skills and knowledge.

Name..... NATHAN KESTEVEN  
 Telephone No. Home 02 66995672 Mobile 0428 351956  
 Email..... n.gikazil@bigpond.com  
 Address..... 607 WHIAM WHIAM RD,  
WHIAM WHIAM, NSW 2480

What contribution could you make to the Sustainable Transport Reference Group?

INTEREST IN PROMOTING AND  
DEVELOPING IMPROVED TRANSPORT  
IN THE LCC REGION

Advise the particular community group or perspective you will represent? (Please provide details)

PRINCIPALLY I AM OF THE  
OPINION THAT PUBLIC T-PORT  
IS GOOD FOR HEALTH AND THE ENVIRONMENT

What skills and knowledge will you bring to the Sustainable Transport Reference Group?

I WAS ON THE PUBLIC  
TRANSPORT ADVISORY COMMITTEE  
FROM 1999 TO 2001

Please use additional sheets if necessary

have your **say**

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 PO 23A LISMORE NSW 2480 or emailed to: [council@lismore.nsw.gov.au](mailto:council@lismore.nsw.gov.au)  
 or faxed: To the attention of the General Manager: 02 66250400.

Nominations will be received up until Friday 1<sup>st</sup> May, 2009.

If you require help completing this form or have any further questions please contact Lisa Marshall on 66250500.



Lismore City Council  
 Sustainable Transport Reference Group  
 COMMUNITY REPRESENTATIVES – NOMINATION FORM  
 Name: Assoc.Professor Robert Weatherby  
 Telephone No. Home 6625-2285 Work: 6620-3671  
 Email: [rweather@scu.edu.au](mailto:rweather@scu.edu.au)  
 Address: P.O.Box 508, Lismore, N.S.W., 2480

***What contribution could you make to the Sustainable Transport Reference Group?***

I have been a member of Public Transport Committees of Lismore City Council since 1993. I have chaired subgroups for planning the Transit Centre at Spinks Park and Public Transport Promotion Weeks. Over these years I have contributed significantly to the work of these committees including chairing the Public Transport Advisory Panel from 1995 to 2005. I was a member of the Steering group for the Public Transport Study conducted by consultants Veitch Lister. I have written materials for the Council as a member of the committees and was the key contributor to the "Going Places" brochure which provides information about public transport and accessibility in the Lismore LGA. I was a member of the Public Transport PAG from 2005. I presented public transport issues to a Council Workshop in March 2008. I am a member of the Late Nighter Bus Steering Committee. In the Public Transport Action Plan, it is important for the role of public transport to be recognised to provide Lismore with sustainability and economic efficiency. Public Transport however continues to be placed behind the use of the private car in priority and requires continued promotion and exposure for its value to be recognised. The role of the Reference Group in advising Council on ways to provide this recognition is critical for Council in its plans for environmental sustainability, economic development and community service provision. The overall contribution of public transport to Lismore's growth is important as over the next 20 years it is expected that there will be significant population growth in the region. Road congestion will increase and increased use of public transport (not replacement of the private car) as a part of the solution is important to consider. With limited resources, Lismore City Council needs to make the most informed decisions possible on how to deal with this including what ability it may have to provide infrastructure and how it may integrate land use for public transport to be the most effective. As a person with considerable knowledge in the public transport policy area including publications and conference presentations, I can bring this expertise to Lismore City Council via the Sustainable Transport Reference Group. I would remain as active in working for the Sustainable Transport Reference Group as in previous Council committee work I have undertaken.

***Advise the particular community group or perspective you will represent?***

I do not represent a particular community group. I also do not officially represent my employer, Southern Cross University. However as an academic, I have the perspective that comes from being so. There is an important role for SCU in terms of how it generates passenger trips and acts as a passenger generator. The use of local roads infrastructure to access the campus and what efficiencies and sustainable activities can be achieved are a key role for input by the Sustainable Transport Reference Group. I would like to see Lismore continue as a leader in environmental sustainability and continue with its leadership in public transport issues for local government that it has been recognised for since the early 1990's.

***What skills and knowledge will you bring to the Sustainable Transport Reference Group?***

I can bring the following skills and knowledge:

- Academic background with extensive teaching and research experience and also University Admin/committee work such as (currently) Chair of Academic Board Appeals Committee and the Health Sciences Research Committee.
- Conference presentations and research consultancies in public transport and appeared before government inquiries into transport.
- Facilitated Council workshops on public transport issues across the Northern Rivers region
- Have a teaching area of "Healthy Active Lifestyles" which includes the role of urban infrastructure, land use and planning, public transport, social policy and provision of services such as sporting fields, adequate access via footpaths and cycleways and appropriate road design.
- Knowledge of local public transport services, legislation with respect to public transport and current public transport vehicle design trends.
- Knowledge of issues related to "street furniture" such as bus stop signage, shelters, seating and bicycle racks.
- Knowledge of the current worldwide thinking on economic development and the role of good public transport provision to ensure its success e.g. the current policies in North America and Europe for "Transit Oriented Development".

If any further information is required, please contact me on 6620-3671 or email [rweather@scu.edu.au](mailto:rweather@scu.edu.au).

Assoc. Professor Robert P.Weatherby, 28 April 2009  
 P.O.Box 508,  
 Lismore, N.S.W., 2480

**MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING  
HELD ON MAY 20, 2009, AT 10.00 AM.**

**(EF09/1963)**

	<b>Present</b>	Councillor Jenny Dowell ( <i>Chairperson</i> ), Karen Wilson on behalf of Thomas George, MP, Liz Smith ( <i>RTA</i> ), Snr Const Rob Clarke ( <i>Lismore Police</i> ).
	<b>In Attendance</b>	Garry Hemsworth ( <i>Executive Director-Infrastructure Services</i> ), Lisa Marshall ( <i>Road Safety Officer</i> ), John Daley and Bill MacDonald ( <i>Traffic &amp; Emergency Services Coordinator</i> ).
TAC18/09	<b>Apologies</b>	An apology for non-attendance on behalf of Thomas George, MP, was received and accepted.
TAC19/09	<b>Minutes</b>	The Committee was advised that the minutes of the Traffic Advisory Committee meeting held on April 15, 2009, were confirmed by Council on May 12, 2009.

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**Disclosure of Interest**

Nil

**Part 'A' – Committee Recommendations**

**The Channon Craft Market Inc. – Traffic Management Plan**

Raising concerns about the increasing dangers presented to people attending The Channon Craft Markets and suggesting a number of measures to improve safety. Includes a Traffic Management Plan.

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This item was referred from the April Committee meeting. The management committee has requested consideration of imposing a temporary 40 kph speed limit on The Channon Road on Market Days to reinforce current restrictions on parking and other warning signage that is already in place on Market Days. Concerns have been expressed for the safety of both Market staff who place out the existing signage and for the significant number of pedestrians who walk along the road to gain access to the Markets after parking.

The proposed temporary 40 kph speed limit would operate on The Channon Road from Currie Road down to the existing 50 kph speed limit on the approach to The Channon Village. Ms Smith advised that Council could authorise the introduction of a temporary 40 kph speed limit the same as was done for roadworks. This could be a one-off for a specific day on each month. A record of when the signs were opened and closed would need to be maintained by the organisers.

**TAC20/09 Recommendation:** That approval be granted for the introduction of a temporary 40 kph speed limit on The Channon Road from Currie Road down to the existing 50 kph speed limit on the approach to The Channon Village on Market Days and that the Market organisers ensure that their staff have the appropriate training in accordance with the RTA guidelines.  
(CI09/2514:R3301)

**Andrew Heathcote – Intersection of Larkin Lane and King Street**

Relaying concerns from nearby businesses that vehicles are not giving way at the intersection and thereby compromising the safety of road users in this area.

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The intersection is currently controlled by Give Way signs on both legs of King Street giving priority to traffic flows on Larkin Lane. Visibility at the intersection is compromised due to several adjoining properties being developed up to the boundary extremities. Stop signs would be appropriate given the limited sight distance.

**TAC21/08 Recommendation:** That Stop signs and associated holding lines be installed on both legs of King Street at its intersection with Larkin Lane. (R7314,R7315)

**Our Lady of Lourdes School – Dibbs Street**

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

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

**TAC22/09 Recommendation:** That a No Parking Zone be introduced on the western side of Dibbs Street between the marked pedestrian crossing and the driveway to Marian Court Units. (R6020)

**National Aboriginal and Islander Day of Celebration (NAIDOC) 2009**

Forwarding details of the proposed NAIDOC celebrations and associated road closure for the event.

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The proposed celebrations will be held in Heritage Park and Riverside Park on Thursday, July 9, 2009 between 6.30 am and 3.20 pm. Due to the large numbers expected to attend the event, it is proposed that Victoria Street be closed at 7.30 am and re-open at 3.30 pm. In order to ensure the safety of participants, the carpark at the entrance to Heritage Park will also be closed during these hours.

**TAC23/09 Recommendation:** That approval be granted for the closure of the carpark and the proposed road closures as outlined and shown on the accompanying traffic management plan. (EF09/1338)

**Lismore Turf Club – 2009 Lismore Truck Parade**

Requesting approval for the proposed parade and submitting a traffic management plan for this year's event which is to be held on Saturday, August 1, 2009.

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The parade will consist of a procession of vehicles starting from the racecourse at 10.00 am, proceeding along Molesworth Street to Heritage Park where they will turn around and return back along Molesworth Street to the racecourse. The organisers anticipate approximately 100 vehicles will take part and should take approximately 1 hour. The traffic management plan has been further modified to take into account some concerns from last year.

**TAC24/09 Recommendation:** That approval be granted for the parade as outlined and shown on the traffic management plan. (CI09/4165: EF09/1881)

## Part 'B' – Determined by Committee

### **Frank Roseby – Dangerous Traffic Situation on Invercauld Road**

Raising concerns regarding the dangerous situation created at Invercauld Road between Stevenson Street and Julie Crescent due to the narrow road width, a crest and parked vehicles along the eastern side.

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Whilst the section of road in question does reduce considerably when vehicles are parked parallel to the kerb, traffic in this area is predominately local and drivers would be aware of the current situation and take due care. Until funds become available to widen the road there is little else that can be done apart from the erection of a suitable warning sign. Prohibiting parking in front of the residences on Invercauld Road is not considered warranted. It was noted that any road widening would more than likely depend on when the owner of the adjacent land carried out further subdivision.

- B-09-05:1 **It was agreed:** That a 'Road Narrows' symbol warning sign be erected on Invercauld Road, just south of Stevenson Street, and that the matter of road widening be referred to Council's Operations Section for consideration of funding in a future works programme.  
(CI09/3980:R6465)

### **Rosebank Rural Fire Brigade – Warning Signs Repentance Creek Road**

Requesting the installation of warning signs on Repentance Creek Road both sides of the Brigade Station.

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Due to a bend in the road close to the location of the fire station, vision of oncoming traffic along Repentance Creek Road is restricted when turning into the fire station from the south. Apart from the erection of suitable warning signage there is little that can be done to improve the current situation.

- B-09-05:2 **It was agreed:** That a 'Turning Traffic' warning sign be erected on Repentance Creek Road both sides of the Rosebank Fire Station entrance.  
(CI09/3157:R8688)

### **Australia Post – Street Posting Box and Mail Zone, Molesworth Street**

Requesting establishment of a designated Australia Post Mail Zone outside Lismore Newsagency, 142 Molesworth Street, Lismore.

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An onsite meeting was held with the writer to confirm intentions and the need for a dedicated parking bay adjacent to the proposed postal box. It was pointed out that parking in Molesworth Street was highly desirable and any loss would have a negative impact on overall efficiency. It was agreed that as access to the box was only required twice per day, the Australia Post vehicle could park in the adjacent parking browsing lane adjacent to the centre parking.



- B09-05:3 **It was agreed:** That approval be given to install the proposed post box in Molesworth Street provided a dedicated kerbside parking bay is not required and note the alternative proposal as agreed to by Australia Post. (CI09/3517:R7322)

**Jane Waters – Problem at Traffic Lights outside Goonellabah Public School**

Drawing attention to the danger of vehicles exiting an accounting firm premises located on Ballina Road directly adjacent to the traffic lights and the lack of vision afforded to drivers of changes to the light phases.

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An inspection of the site confirmed that a sign already exists on the inside of the fence of the property in question advising those exiting onto Ballina Road to check and stop on a red light at the pedestrian crossing. One of the traffic lights is also visible from the driveway to ensure motorists are able to assess what action is appropriate. Whilst it would appear that the property owners are already aware of the potential hazard, a letter from Council reinforcing the writer's concerns would assist. Ms Smith advised that the RTA had already written to the property owner on August 1, 2008 which resulted in the existing signage being erected.

- B-09-05:4 **It was agreed:** That a further letter be written to Rosh-Tech Computer Systems advising of concerns received by Council and reinforcing the need for them to ensure their clients and staff are aware of the potential hazard as outlined above. (ED09/4313: R6408)

**Kerrie Lyon, Lyon Architects – Driveway/Roundabout Issues–121 Ballina Road**

Drawing attention to the danger when entering and exiting their driveway and the shrubbery at the safety rail on the corner of Wyrallah and Ballina Roads which blocks drivers' vision.

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Whilst the writer has confirmed that taking due care when entering the driveway is probably the only practical solution, ensuring the shrubbery on the corner of Ballina Road and Wyrallah Road is kept low would assist in maintaining maximum available sight distance for the Lyons when exiting their driveway onto Ballina Road. It was pointed out to the writer during discussions that longer term, the proposed traffic lights for this intersection would significantly improve the current situation.

- B-09-05:5 **It was agreed:** That the matter of maintaining the shrubbery on the corner of Ballina Road and Wyrallah Road at a suitable level to afford maximum visibility of oncoming traffic be referred to Council's Parks and Gardens area for its attention. (ED09/4305:R6408)

**Caniaba Public School Council – Sharp Bend and 40kph School Zone**

Seeking support for the installation of flashing lights for the existing School Zone signage and a warning sign for the right-angle bend east of the school on Caniaba Road.

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Caniaba Public School is somewhat unique in the region in that school hours start at 8.30 am and finish at 2.30 pm. Whilst the RTA approved this variation some time ago and signage has been altered accordingly, problems are still being experienced with motorists not adhering to the prevailing School Zone speed limit, possibly partly due to its different start and finish times. The inclusion of flashing lights at the School Zone signage on the approaches to the school would assist in ensuring a higher degree of compliance.

Safety around the sharp bend east of the school would benefit from the installation of a 'curve' warning sign. Classifiers would be installed on Caniaba Road to determine current volumes.

- B-09-05-6 **It was agreed:** That Council support the school's application for the inclusion of flashing lights for Caniaba Public School, as a priority, on the existing School Zone signage and this be forwarded to the RTA and further that a 'Curve' warning sign and appropriate speed plate be erected on Caniaba Road for west-bound traffic on the sharp bend prior to the school.  
(C109/3920; R4701)

**Peter Barrett – Dixon Place and Rotary Drive Pedestrian Safety**

Outlining concerns for the safety of pedestrians walking up and down Rotary Drive due to the wide mouth of the intersection and the approach speeds of some motorists entering and leaving Dixon Place.

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The footpath along Rotary Drive has recently been upgraded and usage would appear to have increased. Residences and units in Dixon Place are predominately occupied by university students with a reasonably high turnover once courses are completed. This could potentially expose pedestrians to a higher number than normal of motorists not necessarily familiar with prevailing conditions and footpath usage. The installation of a centre median and associated pedestrian refuge would assist in calming traffic at the intersection and provide a staged crossing point for pedestrians.

- B-09-05:7 **It was agreed:** That this matter be referred to Council's Design Services area with a view to the preparation of a plan and estimate for the installation of a centre median and associated pedestrian refuge on Dixon Place at its intersection with Rotary Drive with installation proceeding pending the availability of funding.  
(C109/2970; R7112)

**DA09/145 – 805 Ballina Road, Goonellabah – 58 Lot Subdivision**

The Traffic Advisory Committee to comment on relevant traffic issues.

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The subdivision does not have direct vehicular access onto Ballina Road and it would appear from figures provided that existing intersections will cater for any predicted growth in volumes as a result of the new subdivision. Ms Smith advised that the RTA would be submitting a separate response to Council on the proposed subdivision.

- B-09-05:8 **It was agreed:** That the information provided be noted and no objection recorded pending separate advice from the RTA.  
(DA09/145)

**Joanne Gibson – Broadwater Road**

Drawing attention to the problem of cane and quarry trucks speeding along Broadwater Road and suggesting the speed limit be reduced.

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This matter was raised at the previous meeting where it was agreed that further counts be undertaken to ensure an accurate assessment of any speeding problem could be carried out. The classifiers were left in place for a month with the results indicating that the 85<sup>th</sup> percentile speed was 104 kph. The sign posted speed limit is 100 kph. Heavy vehicle speeds were predominately between 80 kph-100 kph indicating that there was no significant problem with excessive speed. No further action is warranted.

B-09-05:9 **It was agreed:** That the results of the survey be noted and the writer be advised that these indicated that a reduction in speed limit was not considered warranted. (CI09/1009: R5802)

**RED Inc. – Keen Street Pedestrian Crossing**

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

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Mr MacDonald advised that there had been insufficient time to carry out the necessary survey and it was hoped this would be available for the next meeting.

B-09-05:10 **It was agreed:** That the above be noted.

(R7313-06)

**Closure**

This concluded the business and the meeting terminated at 10.50 am.

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**Chairperson**

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**Traffic and Emergency  
Services Coordinator**

## Financial Assistance - Section 356

**a) Mayor's Discretionary Fund (GL390.485.15)**

Budget: \$2,700 To date: \$1,800

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

**\$200**

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

**\$50**

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

**\$50**

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

**\$50**

### Recommendation

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

## Documents for Signing & Sealing

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

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

### Recommendation

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

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

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

## Confidential Matters–Closed Council Meeting

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

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

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

### Clause 34 of Council Code of Meeting Practice

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

### Recommendation

That the Council exclude members of the press and public from the meeting and move into Closed Council Meeting to consider the following matters:

<b>Item</b>	<b><i>Executive Director – Infrastructure Services – Contract of Employment obligations</i></b>
<b>Grounds for Closure</b>	<b>Section 10A(2) (a):</b>
<b>Public Interest</b>	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to personnel matters concerning a particular individual.

# Report

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**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY MAY 12, 2009, AT 6.00PM.**

**Present** Mayor, Councillor Dowell, Councillors Battista, Clough, Ekins, Graham, Houston, Marks, Meineke, Smith and Yarnall, together with the General Manager, Executive Director Infrastructure Services, Executive Director Development and Governance, Manager Finance, Manager Planning Services, Strategic Engineer Water and Sewer, Contracts Engineer, Corporate Compliance Coordinator, Communications Coordinator and Personal Assistant to the General Manager.

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

48/09 **Minutes** The minutes of the Ordinary Meeting held on April 14, 2009, were confirmed subject to it being noted that Councillors Ekins and Clough voted for resolution 50/09.

(Councillors Graham/Smith)

**Disclosure of Interest**

(S451)

Councillor Yarnall declared a non-significant conflict of interest in the following item:

**Notice of Motion – Roseview Estate**

Nature of Interest: Members of the McLean's Ridges community donated and assisted with my election campaign.

Councillor Houston declared a non-significant conflict of interest in the following item:

**Notice of Motion – Roseview Estate**

Nature of Interest: Some of the opponents to this development supported my campaign for election to Council. My decision is to remain in the Chambers and to debate and vote on the issue.

Councillor Dowell declared a non-significant conflict of interest in the following item:

**Notice of Motion - Roseview Estate**

Nature of Interest: Some of the opponents to this development supported my campaign for election to Council. There were less than significant financial contributors and assistance with handing out of flyers on polling day.



Councillor Battista declared a non-significant conflict of interest in the following item:

**Notice of Motion – Public access to toilets in the CBD**

Nature of Interest: I have a business in the CBD.

Councillor Clough declared a non-significant conflict of interest in the following item:

**Notice of Motion – Public access to toilets in the CBD**

Nature of Interest: I have a business in the CBD.

Councillor Yarnall declared a non-significant conflict of interest in the following item:

**Notice of Motion – Planning Review**

Nature of Interest: Members of the McLeans Ridges community donated and assisted with my election campaign.

## Public Access Session

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

**Gail Wergs – Notice of Motion – Planning Review**

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Ms Wergs contended that the Planning Review as proposed denied again the residents of the McLeans Ridges a chance to have a voice in the planning process. She supported the Notice of Motion.

**Allison Bath – Notice of Motion – Roseview Estate**

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Ms Bath advised the McLeans Ridges Community Group supported the Notice of Motion. She spoke against the development and focussed on the adverse cost impact she claimed the development would have on Council.

**Lesley Pritchard – Report – DA 2007/465 – Proposed Senior’s Living Development, 175 Dawson Street, Girards Hill**

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Ms Pritchard outlined the need and purpose of the development, focusing on the elderly and people with disabilities. She outlined the support of the State Government for such developments and detailed the management structure. She spoke to the design elements of the development.

**Kate Melzer – Report – DA 2007/465 – Proposed Senior’s Living Development, 175 Dawson Street, Girards Hill**

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Ms Melzer advised she was a local resident. She spoke against the development in support of the recommendation. She raised issues in respect to bulk, height, scale and density. She raised concerns about the building materials to be used and the impact on the privacy of the adjoining residents.

## Condolences

### **John Richmond Hampton**

Mr John Hampton passed away on Friday April 21, 2009, after a long illness.

John was born, raised and education in Lismore. He devoted his working life to serving the community he loved, with thirteen years in civil engineering with Richmond River County Council, Tweed Shire and Gundurimba Councils and then eighteen years as a town planner at Lismore City Council until retirement in 1995.

In September 1999 John stood for Council and was elected as a Councillor to represent the community of Lismore where he lived, a position he held for 9 years of which 4 years I had the privilege of sitting beside him. John guided me through the toils of Council meetings sharing many thoughts and comments on Council debates in the chamber, this was an honour and a privilege for me.

John was always there for the people of Lismore who sought his advice and knowledge of Council issues that would continue the progress and growth of Lismore.

John will be sadly missed by his Council colleagues and friends but mostly by his wife and best friend Margaret, cherished daughters Elizabeth and Catherine and grandchildren Lilly, James and Alex.

The Mayor moved that Council's expressions of sympathy be conveyed to the family of Mr Hampton and the motion was carried with members standing and observing the customary moment's silence.

## Notice of Motions

### **Planning Review**

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49/09 Formal notice having been given by Councillor Yarnall it was **RESOLVED** that:

In the interest of transparency and open government, the current 'best practice' planning review be instructed to:

1. Accept written submissions from the public for a period of 21 days.
2. Accept public submissions only that address the guidelines of the 'best practice review'.
3. With the exception that public submissions be accepted regarding the recent rezoning at McLeans Ridges.

(Councillors Yarnall/Clough)

**Voting against:** Councillors Dowell, Meineke, Graham, Marks & Smith.

On submission to the meeting the voting being tied, the Mayor declared the motion approved on her casting vote.

(ED09/4052:EF09/631)

**Roseview Estate**

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50/09 Formal notice having been given by Councillor Houston it was **RESOLVED** that:

1. The developers of the proposed Roseview Estate be requested to sign the draft Planning Agreement within 60 days or to withdraw their submission to rezone the land at 15 Roseview Road McLeans Ridges until the revision of the Lismore Rural Housing Strategy is completed and ratified.
2. Should the developer not sign the Agreement or withdraw their application within the 60 days, a report be prepared outlining Councils options pertaining to the rezoning application.

(Councillors Houston/Battista)

**Voting against:** Councillors Meineke, Graham & Marks.

(ED09/4050:EF09/631)

**Public Access to Toilets in the CBD**

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Formal notice having been given by Councillor Clough A MOTION was MOVED that:

Council liaises with businesses in the CBD area to encourage them to make their toilets available to the public. Council also provides a guide to those toilets that is also available to the public.

(Councillors Clough/Houston)

AN AMENDMENT was MOVED that:

Council refer the matter of CBD toilets, their location and availability, to the new City Centre Manager and the SBRVL Committee to investigate.

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

(Councillors Battista/Marks)

**Voting against:** Councillors Clough & Yarnall.

51/09 **RESOLVED** that Council refer the matter of CBD toilets, their location and availability, to the new City Centre Manager and the SBRVL Committee to investigate.

(Councillors Battista/Marks) (ED09/4055:EF09/631)

## Reports

### **Development Application No. 2007/465 – Proposed Senior’s Living Development, 175 Dawson Street, Girards Hill**

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52/09 **RESOLVED** that:

1. Council, as the consent authority, seek written approval from the Minister to refuse Development Application 2007/465 for the Erection of a SEPP (Seniors Living) 2004 Development, comprising: Six (6) self-contained units, on-site car parking, earthworks, landscaping and infrastructure works, for the following reasons:
  - 1.1 **Neighbourhood Amenity and Streetscape** – The proposed development does not contribute to the quality and identity of the area, does not retain, compliment or sensitively harmonise with the Girards Hill Heritage Conservation Area and does not adopt building heights at the street frontage that are compatible in scale with adjacent development (*SEPP (Seniors Living) 2004 – Clause 31 and Chapter 12 – Heritage Conservation of the Lismore DCP, LEP and EP&A Act s79C(1)(b) & (c)*).
  - 1.2 **Accessibility** – The accessible pathways within the proposed development do not provide convenient wheelchair access from Units 2 and 3 to the common areas and facilities associated with the development (*SEPP (Seniors Living) 2004 – Clause 36 and EP&A Act s79C(1)(b) & (c)*); and
  - 1.3 **Public Interest** – The proposed development is contrary to the Public Interest as it has incremental detrimental affect on the heritage conservation area (EP&A Act – s79C(1)(e)).
2. Council delegate authority to the General Manager or his appointed representative to, as required by Section 116E of the Environmental Planning and Assessment Act 1979, negotiate amendments to the development with the applicant that:
  - 2.1 Reduces the density and scale of the proposed development to be consistent with the character and streetscape of the conservation area; and
  - 2.2 Provides convenient accessible pathways from the ground floor units to the common areas of the development.
  - 2.3 The applicant be encouraged to submit an application that complies with the density in Councils DCP Chapter 1 i.e. 200 metres square/1bedroom unit and 250 metres square/2 bedroom unit.
3. This matter be referred back to Council for determination.

(Councillors Meineke/Graham)

#### **Section 375A Voting Record**

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

**Voting against:** Nil

(AD09/4450:DA07/465)

**Proposed Connection of North Woodburn to Woodburn-Evans Head Wastewater Scheme**

53/09 **RESOLVED** that:

1. Council resolve to execute under seal the attached draft Memorandum of Understanding between Lismore City Council and Richmond Valley Council.
2. Council endorse the proposed demarcation of responsibilities as outlined in the section of this report entitled *Proposed Pressure Sewer Systems and Definition of Responsibilities for Installation, Operation and Maintenance*.

(Councillors Graham/Clough) (ED09/3954 & ED09/2876:EF09/2351)

**Strategic Companion Animals Management Plan**

54/09 **RESOLVED** that Council endorse the draft Strategic Companion Animals Management Plan being placed on public exhibition for a one month period and a further report to be provided to Council on the matter.

(Councillors Smith/Houston) (ED09/3954:EF09/491)

**Replacement of Road Compaction Roller – Plant No. 350**

A MOTION was MOVED that:

1. Council purchase from Atlas Copco Construction Equipment Australia a Dynapac CA 612 PD roller as tendered, the price of which will be \$232,188.00 including Goods and Services Tax.
2. Council dispose of Plant No. 350 (Bomag BW217PD-2) by trade to Atlas Copco Construction Equipment Australia for \$35,000.

(Councillors Graham/Yarnall)

Procedural Motion

55/09 **RESOLVED** that consideration of this matter be considered deferred until after consideration of the Funding for Industrial and Commercial Land report.

(Councillors Marks/Battista) (ED09/1889:T09/22)

**Tenders for Sewer Rising Main No. 3 Replacement – Stage 1**

A MOTION was MOVED that:

1. Council accept the tender in the sum of \$4,010,270 (incl GST) from COE Drilling Pty Limited for the replacement of Sewer Rising Main No. 3 - Stage 1.
2. The General Manager be authorised to enter a contract with COE Drilling Pty Limited to undertake the work in accordance with their tender.
3. The relevant documentation be executed under seal of Council.

(Councillors Graham/Marks)

Procedural Motion

56/09 **RESOLVED** that consideration of this matter be deferred and be considered in Closed Council Meeting.

(Councillors Battista/Smith) (ED09/3562:T09/15)

**March 2009 Quarter Management Plan Review**

57/09 **RESOLVED** that the report be received and noted.

(Councillors Clough/Houston)

**Voting against:** Councillor Ekins

(ED09/4160:EF09/1726)

**March 2009 Quarterly Budget Review Statement**

58/09 **RESOLVED** that:

1. Council adopt the March 2009 Quarterly Budget Review Statement for General, Water and Sewerage Funds.
2. This report is forwarded to Council's Auditor for information.

(Councillors Meineke/Marks)

**Voting against:** Councillor Ekins

(ED09/4468:EF09/582)

**Funding for Industrial and Commercial Land**

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59/09 **RESOLVED** that:

1. Council seek approval from the Department of Local Government to borrow \$3 million to partially fund industrial land development and commercial land acquisition.
2. On approval from the Department of Local Government, the General Manager proceeds to borrow \$3 million.

(Councillors Meineke/Marks)

**Voting against:** Councillors Battista & Ekins.

(ED09/4469:EF09/592)

**Replacement of Road Compaction Roller – Plant No. 350**

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60/09 **RESOLVED** that:

1. Council purchase from Atlas Copco Construction Equipment Australia a Dynapac CA 612 PD roller as tendered, the price of which will be \$232,188.00 including Goods and Services Tax.
2. Council dispose of Plant No. 350 (Bomag BW217PD-2) by trade to Atlas Copco Construction Equipment Australia for \$35,000.

(Councillors Graham/Yarnall)

(ED09/1889:T09/22)

At this juncture Councillor Clough left the meeting.

**Rates & Charges Hardship Policy**

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61/09 **RESOLVED** that:

1. Council adopt the Rates & Charges Hardship Policy.
2. Policy 6.1.2 Water Meters – Hardship Response is deleted.

(Councillors Marks/Smith)

(ED09/4470:EF09/1920)

At this juncture Councillor Clough returned to the meeting.

**Investments held by Council – April, 2009**

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62/09 **RESOLVED** that Council receive and note the report.

(Councillors Graham/Houston) (ED09/4471:EF09/586)

### **Goods and Services Tax – Council Compliance**

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63/09 **RESOLVED** that Council submit a Goods and Services Tax Certificate to the Department of Local Government certifying the payment of voluntary GST for May 1, 2008 to April 30, 2009 signed by the Mayor and Deputy Mayor.

(Councillors Clough/Smith)

(ED09/4471:EF09/586)

At this juncture Councillor Ekins left the meeting.

## Committee Recommendations

### **Traffic Advisory Committee**

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64/09 **RESOLVED** that the minutes of the Traffic Advisory Committee of April 15, 2009 be received and adopted.

(Councillors Clough/Houston) (S352) (EF09/1963)

At this juncture Councillor Ekins returned to the meeting.

## Documents for Signing and Sealing

65/09 **RESOLVED** that the following documents be executed under the Common Seal of the Council:

#### **Easement for underground powerlines – Lots 3 & 4 Sec 18 DP758615 (P25245, P25246)**

Easement for underground powerlines two metres wide and variable in favour of Country Energy along part of the eastern and southern boundaries of the Richards Oval.

#### **Deed of Release – Lot 22 DP1133005 – Airport Industrial Estate (P29421, P30506)**

In accordance with the Council report and subsequent resolution dated February 8, 2005 regarding the sale of land at the Airport Industrial Estate, Council entered into a contract for the sale of land to Hills Transport Investments Pty Ltd on April 24, 2008.

The purchaser breached the essential terms of the contract and failed to complete when required to do so. Council terminated the contract. To enable the matter to be resolved, agreement has been reached that the deposit (\$100,000) be released to Council and the parties release each other in relation to the matter. Upon exchange of the Deed of Release between the parties the matter will be at an end. Council will be at liberty to re-list the property for sale.

#### **Option to renew Lease to ACE North Coast Inc – Lot 1 DP776471 (P28293)**

Renew the Lease to ACE North Coast Inc for premises known as the Terania Building at 59 Magellan Street, Lismore for the option period of two years.



**CROWN RESERVE TRUST MATTER:**

The following document be executed under the Common Seal of the Council as Crown Reserve Trustee of Bexhill Reserve Trust – Reserve No R90794.

**Licence for access to Open Air Cathedral, Bexhill – Reserve 90794 – Lot 204 DP755686 – Grace Road, Bexhill (P22062, P11133)**

In accordance with Council resolution of December 11, 2007 to sign and seal the licence granting access to the Open Air Cathedral at Bexhill over Reserve 90794, the term be increased to ten years, as agreed by all parties to the licence.

(Councillors Graham/Meineke) (S352)

## Financial Assistance - Section 356

66/09 **RESOLVED** that in accordance with Section 356(1) of the Local Government Act 1993, the assistance to persons as listed is hereby approved.

(Councillors Clough/Graham) (S352)

**a) Council Contributions to Charitable Organisations**

**Policy 5.6.1 (ALLOCATION: 390.965.15)**

Budget: \$10,000 To date: \$8,930.34

Animal Right & Rescue \$0.00

Challenge Foundation \$106.09

Five Loaves \$116.45

Friends of the Koala \$6.36

Lismore Soup Kitchen Inc \$0.00

LifeLine \$210.00

Lismore & Dist Police Boys Club \$0.00

Saint Vincent De Paul \$22.64

Salvation Army \$64.91

Westpac Life Saver Rescue Helicopter \$6.36

Shared Vision Aboriginal Corporation \$0.00

TOTAL

**\$532.81**

*In accordance with policy.*

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

Budget: \$2,700 To date: \$1,200

Australian Navy Cadet TS Lismore is a youth training organisation based at Ballina directed at young people twelve and a half to twenty years of age that encourages personal development, team work and leadership. The organisation is seeking financial assistance to place a pontoon and a walkway beside the unit in Endeavour Close, Ballina. (CI09/2579)

**\$50**

Hearing Voices Choir has been invited to Sydney to sing and launch a CD at the Mental Health Coordinating Council Annual Conference. The organisation is seeking financial assistance towards the travel costs. (CI09/3372)

**\$50**

Far North Coast Country Women's Association are seeking a monetary donation towards the 2009 educational grants, which assists school children from years 7-12 who may experience financial difficulty associated with their studies. (CI09/2932)

**\$300**

North Coast Region Music Teachers' Association hosts an HSC Music Enrichment program for 2 days at Southern Cross University. It is open to year 11 and 12 music students across the North Coast region. This year it will be on June 14-15. The organisation is seeking financial assistance for transportation costs. (ED09/4237)

**\$100**

The Elsa Dixon Employment Program (EDAEP) encourages job opportunities and career advancement for Aboriginal Australians. The organisation is seeking financial assistance. (ED09/4566)

**100**

## Confidential Matters – Closed Council

67/09 **RESOLVED** that the Council exclude members of the press and public from the meeting and move into Closed Council to consider the following matters:

<b>Item</b>	<b><i>Sale of Land for Unpaid Rates</i></b>
<b>Grounds for Closure Public Interest</b>	<b>Section 10A(2) (a):</b> Discussion of this matter in an open meeting would on balance be contrary to the public interest because it concerns the personal matters of individuals.

**Item** ***Tenders for Sewer Rising Main No. 3 Replacement – Stage 1***

**Grounds for  
Closure  
Public  
Interest**

**Section 10A(2) (d):**

Discussion of this matter in an open meeting would on balance be contrary to the public interest because it is commercial information of a confidential nature.

(Councillors Smith/Clough)

## Resumption of Open Council

That Council having met in Closed Council to consider the following reports entitled:

**Sale of Land for Unpaid Rates  
Tenders for Sewer Rising Main No. 3 Replacement – Stage 1**

Recommends that Council adopt the following recommendations contained in these reports:

**Sale of Land for Unpaid Rates**

1. That in accordance with Section 713 of the Local Government Act 1993, Council sells the properties covered by assessment numbers 15688 and 18773.
2. That the General Manager certify in accordance with Section 713 (3) of the Local Government Act, 1993, that the properties covered by Council assessment numbers 15688 and 18773 have five or more year's outstanding rates.
3. That the General Manager, by delegated authority, determine the date of the sale, subject to the provisions and timeframe set out in Section 715(1)(a) of the Local Government Act 1993.
4. That the General Manager, by delegated authority, be authorised to accept an arrangement to pay the outstanding rates and charges and/or withdraw any assessment from the proposed sale at his discretion.
5. That the General Manager be authorised to determine the place of the sale and appoint an auctioneer to carry out the sale.
6. That the Mayor and General Manager, by delegated authority, be authorised to sign any documents required by and relating to the sale of land for unpaid rates including the contract of sale and transfer, and to be executed under the Common Seal of Council.

**Tenders for Sewer Rising Main No. 3 Replacement – Stage 1**

1. Council accept the tender in the sum of \$4,010,270 (incl GST) from COE Drilling Pty Limited for the replacement of Sewer Rising Main No. 3 - Stage 1.
2. The General Manager be authorised to enter a contract with COE Drilling Pty Limited to undertake the work in accordance with their tender.
3. The relevant documentation be executed under seal of Council.
4. The letter from Jemena be received and noted.

68/09 **RESOLVED** that the recommendations of Council meeting in Closed Council be received and adopted.

(Councillors Clough/Graham)

## Closure

This concluded the business and the meeting terminated at 9:36pm.

CONFIRMED this June 9, 2009 at which meeting the signature herein was subscribed.

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MAYOR