



NOTICE OF COUNCIL MEETING

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, Oliver Avenue, GOONELLABAH on TUESDAY, OCTOBER 12, 2004, at 6.00pm and members of Council are requested to attend.

Paul G. O'Sullivan
General Manager

October 5, 2004

COUNCIL BUSINESS AGENDA

October 12, 2004

PUBLIC ACCESS SESSION:

PAGE NO.

Darran Singh re Report – 2003/04 Financial Reports

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PUBLIC QUESTION TIME:

OPENING OF MEETING AND PRAYER (MAYOR):

APOLOGIES AND LEAVE OF ABSENCE

CONFIRMATION OF MINUTES – 14/9/04

CONDOLENCES

DISCLOSURE OF INTEREST

MAYORAL MINUTES

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NOTICES OF RESCISSION

NOTICES OF MOTION

SUSPENSION OF STANDING ORDERS

(Consideration of the Suspension of Standing Orders to debate matters raised during Public Access).

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MAYORAL MINUTE

Subject/File No: CLUNES WASTEWATER COMMITTEE (CWC)
(S288)

Background:

The CWC was formed in the year 2000 to address the environmental and health issues arising from failing on-site wastewater treatment systems in the village of Clunes. Nominations were called by public advertisements and all of those who submitted nominations were from Clunes. The CWC is made up of 3 Councillors and 10 (6 active) members of the Clunes community. Over a four year period the Committee has identified 6 viable wastewater treatment solutions.

In June 2003, Council resolved to:

- Endorse the Committee's preferred range of Options for Collection and Transport Systems, Treatment Systems, Reuse and Release, and
- Authorise the Committee to proceed with the preparation of the Environmental Impact Statement (EIS).

Consultants Sinclair Knight Merz (SKM) prepared the background information for the EIS process and submitted their Stage 1 report to the CWC in February, 2004. The report identified 6 scheme options comprising treatment plant, effluent storage and reuse by irrigation.

In March 2004, Council endorsed the Committee's recommendations:

- That the CWC's preferred option is on the land owned by Mr Sullivan.
- That the General Manager be authorised to proceed with negotiations with Mr Sullivan with a view to purchase.
- That further investigations regarding alternative reuse sites be commenced as part of the EIS process.

Since August, the communities from Tildon Drive and Eltham have sent a clear message that the process to date has not engaged them. They have called for the Council to ensure that there is effective consultation with them before any final decisions are made.

The work done thus far by the CWC is very valuable but it is recommended that the CWC be expanded to include community members from all potentially affected areas. It is also recommended that the CWC review the SKM options and any other options that are put forward.

Recommendation (MM01)

- 1 A moratorium on the EIS process be put in place pending a Council resolution giving authority to proceed.
 - 2 That the CWC be expanded to include representative stakeholders from other areas.
 - 3 Council advertise and letter drop the appropriate areas to invite representatives from the Wilsons River and Coopers Creek catchments to join the CWC.
 - 4 Council at its November meeting consider the nominations and appoint additional members to the CWC.
 - 5 The SKM Stage 1 Site Options Report and any other options be reviewed by the expanded CWC and the results be reported to the Council for determination of the next steps.
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Subject/File No: 2003/04 FINANCIAL REPORTS
(S854)

Prepared By: Principal Accountant, John Hartley

Reason: Legislative requirement - s416, Local Government Act 1993

Objective: Adoption of the 2003/04 Financial Reports

Management Plan Activity: Financial Services

Background:

Council's 2003/04 Financial Reports have now been completed and audited, with the draft auditor's report received. In accordance with the provisions of the Local Government Act, 1993, (LGA) the following actions must be implemented by Council to allow the financial reports to be finalised:

- a) Adopt the Financial Reports and 'Statement by Councillors and Management' for both the General Purpose Financial Reports and Special Purpose Financial Reports;
- b) Fix a meeting date to present the financial reports to the public; and
- c) Advertise, for a minimum period of seven days prior to the meeting, that the financial reports and the auditor's report are available for public inspection.

In order to comply with these guidelines, Council will need to advertise that the financial reports are to be 'presented' to the public at the next meeting; i.e. November 9, 2004 and that they are available for public inspection up to the day after that meeting.

As Council will have to resolve to adopt the financial reports, a detailed report is presented now and Council's Auditor, Darran Singh, from Thomas Noble and Russell will speak during public access on these reports. This means that the report to the November 9, 2004 meeting will be basically a repeat of this report, but somewhat reduced. While this is considered an anomaly within the reporting requirements of the LGA, it allows the community to discuss any issues with the Council after reviewing the reports.

Information:

A draft copy of the 2003/04 financial reports has been included with the business paper. In respect to the actual content of the financial reports, it is normal practice for staff to provide a detailed analysis of the year's results, as part of the financial reports document. This analysis is included in the section of the reports titled "Financial Reports Review".

As an additional critique of Councils' financial position the *Local Government Financial Health Check Indicators*, which has been developed in conjunction with the Local Government Managers Australia, have been included in this section and provides additional valuable information.

The section titled "Auditor's Report" also provides a guide from the auditor's perspective to the actual results.

To provide more information, a commentary on the key items, being 1) Performance Indicators, 2) Statement of Financial Performance and 3) Statement of Financial Position, is provided below: -

1. Performance Indicators

The key financial performance indicators, as shown in Note 13 of the General Purpose Financial Reports and listed in the following table, remain at satisfactory levels and are relatively consistent compared to the past four financial years.

To clarify the meaning and implication, a simple definition of each indicator is listed below.

- a) Current Ratio - The total cash or cash convertible assets available to meet liabilities within the next twelve months, or current period, expressed on a dollar for dollar basis. So, for 2003/04 Council has \$4.39 available for every \$1.00 owing.
- b) Unrestricted Current Ratio - This is the same as the current ratio except it excludes assets and liabilities, which relate to activities that are restricted to specific purposes by legislation. They include Water, Sewerage and Domestic Waste (for 2003/04 Council has \$3.52 available for every \$1.00 owing)
- c) Debt Service Ratio - The amount used to repay borrowings as a percentage of total operating revenues.
- d) Rate Coverage Ratio – The amount received from rates and annual charge revenues as a percentage of total operating revenues.
- e) Rates and Annual Charges Outstanding Percentage - This percentage is based on the amount outstanding as a percentage of the total amount to be collected for rates and annual charges for the current year & outstanding from previous years.

Performance Indicator	2003/04	2002/03	2001/02	2000/01
Current Ratio	4.39	4.22	4.14	3.78
Unrestricted Current Ratio	3.52	3.01	2.97	2.75
Debt Service Ratio	3.61	4.32	5.04	6.21
Rate Coverage Ratio	43.43	47.30	47.52	43.27
Rates & Annual Charges Outstanding Percentage	8.51	8.47	8.81	9.06

The Debt Service Ratio has again reduced, continuing the trend of the past nine years. The following table shows the reducing impact of principal repayments on revenues over the past four years with a further reduction in 2003/04 of \$186k: -

	2003/04	2002/03	2001/02	2000/01
Item	(\$'000)	(\$'000)	(\$'000)	(\$'000)
Loan principal repayment from revenues	1,150	1,336	1,412	1,774

Based on the borrowing program for major capital works such as the Memorial Baths redevelopment, the flood levee construction, the Goonellabah Leisure Centre (Stage 1) and the CBD redevelopment, this ratio will increase from 2004/05. This change needs to be closely monitored and where possible, offset by additional revenue sources to minimise the impact on Council's ability to deliver services. As a guide, principal repayments are expected to increase in the 2004/05 year to \$1,305.

The level of outstanding rates and charges continues to remain at a satisfactory level and reflects the success of ongoing efforts to collect all debts, in sometimes difficult circumstances.

In terms of liquidity, it should be pointed out that Council's cash funded internal reserves for General Fund amounts to \$15.4 million, an increase from 2002/03 of approximately \$1.5 million. A summary of all reserves held at June 30, 2004 was reported to Council at the September 14, 2004

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meeting. The majority of these funds held relate to "big ticket" items such as information services, community facilities, plant, parks, transport infrastructure, waste and quarry. Reserves are typically held in these areas for two reasons: -

- (i) incomplete works carried forward from one financial year to the next; and
- (ii) future provision for planned major expenditure items. With Council considering a number of major developments over the next few years (i.e. leisure centre, parks, roadworks, flood mitigation, etc) it is essential that these reserves be maintained to be used for the purpose for which they were generated.

As such, Council's liquidity position is strong as we have access to these funds should circumstances deteriorate.

2) Statement of Financial Performance

The "Surplus/(Deficit) from All Activities" for 2003/04 is an \$11,080,000 increase or surplus.

One of the primary objectives for any council should be to maximise the surplus generated from ordinary activities. This surplus can then be applied to capital works and to pay off debt. The following table shows the Surplus/(Deficit) from Ordinary Activities Before Capital Amounts excluding depreciation and net gains/(losses) on the disposal of assets for the last four years. This adjusted operating surplus gives an indication as to the level and trend of funds being used for capital purposes.

	2003/04	2002/03	2001/02	2000/01
Item	(\$'000)	(\$'000)	(\$'000)	(\$'000)
Expenses from Ordinary Activities (excluding depreciation)	37,038	34,438	33,019	29,521
Revenues from Ordinary Activities	48,372	44,406	41,102	41,483
Less any Net Gain/(Loss) on Asset Disposals	2,057	630	(489)	254
Surplus/(Deficit) from Ordinary Activities	9,277	9,338	8,572	11,708

For 2003/04 the surplus from ordinary activities has decreased from the previous year by \$61k (0.65%). Note 16 of the Financial Report gives a summary of variances to the original Management Plan and the 2004 actuals.

Expenses from ordinary activities increased by \$2.6 million (7.55%). The main items were: -

- Employee costs increasing by \$1.3 million, predominately in salary and wages, including award increases, election expenses and payment on termination of long serving employees
- Other expenses increasing by \$400k, - incorporating the cost of 2004 elections (\$103k), street lighting (\$100k), electricity (\$130k) and other minor variances. One offset has been a decrease in legal expenses (\$180k).

Revenues from ordinary activities increased by \$3.9 million (8.93%). The main items were: -

- Rates and annual charges increasing by \$1.2 million. This is in line with the projected increase adopted in the 2003/04 Management Plan. Total variance to the adopted plan was .06%.
- Sale of assets increasing by \$1.4 million.
- Increase in operating grants of \$500k.
- User Charges increasing by \$700k – this incorporates a decrease in RTA charges (state roads not controlled by Council) of \$1 million (-39%).

For Net Gain on Asset Disposals, there was a significant increase of \$1.4 million from the previous year. The main items were gains from the property sales of McKenzie St - \$1.1 million, Molesworth House - \$255k, gasworks residence - \$81k and land at the Lismore Regional Airport - \$64k.

3. Statement of Financial Position

3.1 Net Current Assets

The Net Current Assets represents the net balance of Current Assets and Current Liabilities.

Cash and Investments - Net current assets of \$26,737,000 at 30th June 2004 as compared to \$22,478,000 in June 2003. The 2004 balance includes \$8,226,000 in externally restricted cash in the form of special purpose grants, developer's contributions and restricted water and sewer funds. Council also has allocated \$20,262,000 in internally restricted cash to fund long-term commitments and carry-over works programs. .

After funding internal and external restrictions Council has no unrestricted cash.

Receivables - Current receivables have decreased from \$4,308,000 as at 30th June 2003 to \$4,231,000 at the 30th June 2004. The major movements are in relation to Rates (\$350,000 decrease), RTA (\$540,000 decrease), Private Works (\$330,000 increase) and Net GST receivable (\$190,000 increase)

3.2 Non-Current Assets and Liabilities

Net Non-current assets consist largely of property, plant and equipment, water and sewer infrastructure, Council controlled road and drainage infrastructure, loans, and provisions for employee entitlements. Net Non Current Assets has increased from \$393,472,000 as at 30th June 2003 to \$400,294,000 as at 30th June 2004.

Property, Plant and Equipment –

Plant, Property and Equipment has increased from \$393,665,000 in 2003 to \$405,208,000 in 2004.

The major elements capitalised in 2004 being:

- Non- cash Developer Contributions: Roads and Drainage Network -\$2,457,000 (\$614,000 –2003), Water Supply network -\$120,000 (\$227,000-2003)
- Council's constructed / purchased land, building and other infrastructure assets were: Memorial Baths Development - \$2,401,000, Road construction - \$1,323,000, Sewer Disinfection unit - \$ 1,961,000

Loans – Total loan debt has increased from \$7,669,000 in 2003 to \$13,089,000 in 2004 – a total increase in debt of \$5,420,000.

Additional borrowings in 2004 of \$6,570,000 were drawn to fund the Aquatic facilities - \$3,430,000, Flood levee - \$2,330,000, Drainage \$500,000, Nimbin car park \$160,000 and flood prone properties \$150,000.

Borrowings of \$5,305,000 have been scheduled for 2005 being for general fund CBD redevelopment, Drainage and Aquatic facilities. Principal repayments are expected to increase to \$1,305,000 (\$1,150,000-2004)

Manager - Finance & Administration Comments

Incorporated in the body of the report.

Public Consultations

In accordance with the LGA, the financial reports are to be advertised for public comment.

Other Group Comments

Not required.

Author's Response to Comments from Other Staff

Noted.

Conclusion

Council remains in a relatively sound financial position. The strong performance in 2004 has resulted from a number of factors which may not be of a long term nature.

Council is under increasing pressure to deliver more or improved services and facilities to the community and given Council's annual constraints, conservative but prudent financial management should be maintained.

Recommendation (COR34)

That Council:

- 1 Adopt the 2003/04 Financial Reports and 'Statement by Councillors and Management' for both the General Purpose Financial Reports and Special Purpose Financial Reports, with the Mayor and Deputy Mayor delegated to sign on behalf of Council,
- 2 Present the Financial Reports to the public at the November 9, 2004 Council meeting, and
- 3 Advertise the presentation of the Financial Reports to the public from October 28, 2004 and invite both inspection and submission if desired.

Subject/File No: DRAFT DEVELOPMENT CONTROL PLAN (DCP) 47 – “Waste Minimisation” and draft amendments to DCP 14 – “Residential Development”; DCP 26 – “Industrial Development Standards”; and DCP 40 – Complying Development.

Prepared By: Lesley Trott – Waste Minimisation Officer

Reason: Close of exhibition period.

Objective: Council’s adoption of DCP 47, and draft amendments to DCP 14, DCP 26 and DCP 40.

Management Plan Activity: Waste Minimisation

Background:

At its meeting of August 10, 2004 Council considered a report on the adoption of Development Control Plan (DCP) 47, and associated amendments to DCP’s 14, 26 and 40.

The intention of DCP 47 is to encourage the reuse and recovery of C&D waste during construction/demolition activity, and is relevant to demolition and construction work for all residential, commercial and industrial development. The DCP requires the provision of waste separation and reuse/recycling of inert materials (such as bricks, concrete etc); scrap metal and reusable timber, where possible. A Waste Management Plan would be required with a development application (DA), detailing waste and recycling/reuse strategies for the development.

To ensure that ongoing waste minimisation practices, (such as providing enough storage space for separate waste recycling and organics bins), are taken into account during the project design stage, it is also necessary to amend DCP 14 –“Residential Development”; DCP 26 -“Industrial Development Standards” (Part 1); and DCP 40 “Complying Development”.

A copy of Development Control Plan No. 47 and associated amendments to Development Control Plan’s No. 14, 26 and 40 are included as attachments to this report.

Manager - Finance & Administration Comments

Not required.

Public Consultations

Council resolved to place draft DCP 47 and associated amendments on public exhibition for a period of 28 days. The exhibition period closed on Monday 27 September 2004, and Lismore City Council received no comments.

Other Group Comments

Manager Environmental Health & Building Services

Council’s Planning Services, Building Services and Environmental Health sections had input into the preparation of DCP 47 and associated amendments to DCP’s 14, 26 and 40.

Manager Planning Services

An additional minor change to DCP 40 Complying Development was exhibited with the alteration outlined above. This minor change permits the development of ‘Acupuncture Treatment Premises’ as complying development provided the business meets the requirements of the NSW Skin Penetration Guideline. There were no objections to this proposal.

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Draft DCP 47 – Waste Minimisation

The State Government requires that alteration to provisions for 'complying development' cannot come into effect unless the date of Council's adoption of the DCP is included in the Local Environmental Plan. A report on the amendment to the LEP is also included in this Business Paper.

DCP 47 and the amendments to DCPs 14 and 26 will come into effect with a notice in the newspaper within 28 days of Council's decision. The amendment to DCP 40 Complying Development will come into effect with the gazettal of Amendment No. 21 to the Lismore LEP.

Recommendation (PLA01)

That Council adopt DCP 47 – "Waste Minimisation" and associated amendments to DCP 14 – "Residential Development"; DCP 26 – "Industrial Development Standards" and DCP 40 – "Complying Development".

Subject/File No: DRAFT CULTURAL PRECINCT MASTER PLAN (S857)
Prepared By: Manager Special Projects and Properties, Lindsay Walker and Manager Community Services, Wendy Adriaans
Reason: Close of Public Exhibition
Objective: Councils adoption of Master Plan
Management Plan Activity: Property and Community Services

Background:

At its ordinary meeting of June 8, 2004 Council resolved that;

1. Council publicly exhibit the Draft Master Plan for 28 days.
2. Council invite all interested parties, including those who made submissions to the Draft Plan, to review the document and provide further comment.
3. All submissions be reviewed by the Cultural Precinct Project Team and a further report and amended Master Plan be brought back before Council for adoption.

The Draft Master Plan was placed on public exhibition from Thursday June 17, until Wednesday July 14, 2004. The Draft Master Plan was made available to the public at Councils administration centre Goonellabah, CBD Centre Magellan Street and the City Library. An extract of the Plan was also made available at Councils website and staff responded to numerous telephone enquiries.

A total of 21 submissions were received and reviewed by the Project Team at its August 17, 2004 meeting. Several submissions praised the Master Plan and its components, however the majority of submissions identified the need to retain a level of parking in close proximity to the library building for disabled and aged patrons. The loss of ground floor library facilities was also of concern. These issues are acknowledged.

Submission summary:

The 21 submissions received have been summarised and categorised as set out below.

Library Parking

1. Concern was raised that the draft plan removes the current off-street car parking, currently provided immediately adjacent to the library. Although multi-storey parking is to be provided at some stage on this site, it is believed that this will be too far away for many of the library's users.

Comment:

The Project Team recognises the validity of this argument and considers that designated parking be provided for library patrons, in close proximity to the building. In this regard the parking could be established near the large fig tree to the east of the library or in Magellan Street if the traffic and pedestrian flow paths are altered. In either case, the parking can be provided without compromising the broader concept of the Master Plan.

2. The mobile library must park immediately adjacent to the library to exchange its books. The current parking is just large enough. Rather than remove the car parking, make a feature of it by paving it, and surrounding the paved area with raised planting bins, and attractive seating. It could then double as a parking area and stage area for outdoor activities – an events space and dynamic outdoor creative environment.

Comment:

The need to provide a loading area, a manoeuvring area and a secure parking area for the Mobile Library truck has long been recognised. The specific information relating to this area will form part of the detail planning brief which will follow the adoption of the Master Plan and will not be overlooked.

3. CBD Congestion, the traffic flow in the area is ridiculous. The only good change has been the library, at last with enough accessible parking, now it seems we are likely to lose that as well.

Comment:

CBD traffic flows were considered as part of the input into the development of the Master Plan. The fine scale traffic management plans will be developed following the adoption of the broad scale objectives of the Master Plan.

4. While the cultural precinct has its merits, I do object to the removal of the parking at the rear of the library. The household service is also impacted by the plan with the possibility of the ground floor being utilised for retail/alcohol outlets.

Comment:

The inclusion of a jazz club / wine bar on the site is a direct response to ideas put forward during the public consultation conducted prior to the development of the Draft Master Plan. The location of these elements under the Library is questioned, given the library's continued growth in patronage. The relocation of the elements would not compromise the framework set out in the Master Plan and can be determined later, in consultation with the library staff.

5. Retain 313 car spaces – no mention is made of the loss of car parks required and currently allocated to the library and the Conservatorium except that this area is to become town square.

Comment:

It is difficult to determine the number of car spaces which should be provided on the site until the final land use elements are confirmed and sized. Notwithstanding this, the Project Team recognises the need to maintain the availability of 313 car spaces for public use over and above other car parking requirements generated by site usage.

6. The multi level car parking facility, will it be free? What security precautions will there be?

Comment:

The multi level car parking will replace the existing on ground parking and it would be anticipated that its usage would be free. The issue of security has not yet been considered in detail, but will form part of the considerations for final design plans.

Library ground floor proposals

1. Against the proposal to remove valuable room on the ground floor below Lismore library that is required to adequately provide its services to residents. Without these rooms the library service would fall behind to become quickly overcrowded once again, as it has been for decades.

A wine bar is not the ideal addition to such a cultural centre, there are many public bars and clubs very close by. The bar is unnecessary and I hope that this element of the proposal is not accepted by council.

Draft Cultural Precinct Master Plan

2. In just one three month period Jan to March 04, 37,000 persons visited the library. LCC's current book vote will ensure that the book stocks are maintained and slowly but steadily increased in order to keep pace with the growing demand. It is clear that the library must plan to extend its current premise which at a maximum 1800m² including all 3 floors, was only just large enough to meet State Library standards in 2002. The plan should incorporate means to extend the floor area of the library to meet the steadily growing demand.
3. The toy library will soon relocate in the ground floor area of the library. No thought has been given as to where the toy library will then be located – there can be no room for a bookshop in the present library building.
4. People drop children off to go to Library now as they feel safe but won't be able to do so if there is a wine bar. Additionally, security for library staff late at night could become a problem.

Comment:

Refer to previous comment regarding recognition of increasing library patronage and the need to plan for same.

Building design/inclusions

1. I am supportive of many aspects of this proposal, but would like to express some views regarding aesthetics. While box shaped buildings now make up the main stream, I would like to draw attention to the fact that 'iconic' experimental architecture such as the Sydney Opera House tends to make its mark through a departure from the straight line, and particularly the box, if such buildings are incorporated into Art in the Heart, they need to do the same.

Comment:

The Master Plan did not seek to establish the aesthetics of the site. The architectural interpretation of the Master Plan and the public building will be the subject of a separate competition and public consultation.

2. The plan calls for a Lismore cultural precinct trust, the area librarian, museum curator and art gallery director must surely be representatives on this trust. Proposed staffing of art gallery and museum, is high on managers etc, but only one customer service officer?

Comment:

The management structure for both the site and the individual buildings is not yet determined. As the design of the buildings is advanced their staffing and management requirements will be met and relevant staff consulted.

3. Relocate the transit centre – why? To encourage pedestrian movement to the site? A transit centre in Dawson street would be a traffic nightmare.

Comment:

The development of the Cultural Precinct will generate significant levels of pedestrian movements on the site and it was considered that the relocation of the Transit centre to a location on Lismore's main arterial corridor had merit.

4. Artful awnings – is this to destroy the beautiful heritage listed conservatorium building? This would be a gross act of public funded vandalism. Lismore has allocated NO money to public art except for a mural, lollypop and donut.

Scenario 1 and 2 – the art gallery is the most important, I don't believe it should incorporate a museum. Gymnasium – artists need work, sales and commissions, not gyms. Community hall – why build more?. Childcare/restaurant – excuse to make concept palatable. Car park and residential units – Oakes Oval car parking would be sent into neighbouring streets.

Comment:

The provision of footpath weather protection for a site as significant as the Cultural Precinct was considered essential. The aesthetic treatment of the protection would be consistent with the heritage elements of the site.

5. "no scale or sense of place... no focus, grace or poise... everything rectangular and all stairs straight. Streetscape disappointing and entrances all look like back doors". Swing gallery/museum building 90 degrees to be parallel or slight angle to street, set well back from street with steps up to welcoming yet impressive entrance. Camphor tree could be retained or turned into sculpture. Addition of spiral element to layout could result in more interesting design.

More appropriate to use 'alternative' materials like poles, corrugated iron, stained glass, ceramics, mud brick, local rock etc, using local designers and builders.

Comment:

The Master Plan sought only to determine broad brush space usage and did not purport to represent the architectural design of the various elements. The Project Team is currently preparing a brief for an architectural design competition for the gallery/museum building. It is proposed that once this design has been adopted by Council, it will be the model for all the other buildings which will be constructed on the site.

6. In wrong place, shockingly designed, will not benefit local artists or community and conflicts with existing arenas of cultural and community life in Lismore. Proposed development will increase traffic congestion; look outwards and make Lismore more vibrant (across the river). Too much emphasis on commercial side of project; should be more community orientated; scope for community and cultural enhancement, e.g. marketplace, green areas, nightlife.

Unfair for Council to be involved in development approval. Private developer unlikely to get approval for such a large development; Planning Department has advised it will not allow residential studios in flood prone land, even if it is above 1:100 year level.

Comment:

The Draft Master Plan followed extensive community consultation. The outcome will never be acceptable to everyone. DIPNR had input into the recently amended Clause 22 of the Lismore LEP and was consulted prior to the adoption of DCP No. 7. Neither of these prohibit the proposed residential elements of the Draft Master Plan.

7. Certain assumptions in Master Plan are out of touch with gallery practice & unsympathetic to regional architectural style. Frameless glass box protrudes westward flouts basic requirement of conservation, i.e. a controlled light environment and presents significant energy requirements for air-conditioning.

Locating staff offices and research facilities on ground floor unacceptable in flood zone. Main gallery designed as one room. Not most practical or flexible option for gallery.

Impractical to locate main gallery at front of building at a distance from storage areas and goods lift. Goods lift access is into storage area which clearly reduces usable storage in all of the storage spaces.

Southern Cross University (SCU) exhibition space will require its own entrance and storage space. Issues of co-operation between Regional Art Gallery and SCU such as cost-effective sharing of reception/surveillance facilities for supervision not well developed in this plan.

Comment:

Gallery staff will be consulted prior to the preparation of a brief for the design of the gallery/museum building.

Units

1. Residential units, it is hardly the place for it in the CBD with the constant traffic, lack of views, excessive heat in summer and cold in winter, and above all, flood prone.
2. Concerned over the cost of the proposal, is there sufficient demand in Lismore for persons who are willing to live in this location at the expected price they are going to pay?
3. CBD Lacks cultural hub – Council should not be in the business of planning and designing residential units and retail complexes.
4. Accommodation in CBD – an independent analysis should be carried out.
5. Struggling artists can't afford rent on brand new studio. Unfair to established commercial interests in community; Council should develop existing community buildings in preference to building totally new one.

Comment:

The public consultation conducted prior to the presentation of the Draft Master Plan identified strong support for a CBD residential area. The development of some residential areas is considered compatible with the Cultural Precinct.

Project support

1. Congratulations Lismore City Council for supporting such a fantastic civic development as the Lismore Cultural Precinct. I feel the benefits and flow ons from this will be of great benefit for Lismore and the region as a whole. Regarding the Commercial sector – has council considered approaching a high profile tenant such as Myer? The customer drawing capacity of such a client, attracting people from all over the region would be invaluable.
2. Supports overall concept; integrated project will have beneficial effect on Northern Rivers economy, particularly Lismore. Supports incorporation of new site sustainability technologies, i.e. solar power. Rooftop restaurant should be very popular. The residential component should be increased in terms of number of floors and units.
3. Support statements in Executive Summary of Master Plan, e.g. “The Centre needs to harness unique culture/nature synergy of the district...” “The Centre needs to be a landmark for sustainable environments; a place that provides energy-efficient spaces for creative people to create, interact, network and cross-fertilise their ideas.” Preferred location would be running across site from North to South with longer face to courtyard.

Cultural Precinct Project Team Comments

The Project Team for the Cultural Precinct met on August 17, 2004 and considered the submissions to the Draft Master Plan.

The Project Team recognises the value of the public submissions and undertook to include the information gained into future more detailed planning. The Project Team also determined that the architectural design competition for the gallery/museum building be accelerated as this building will influence the future aesthetics of the site.

Manager - Finance & Administration Comments

The 2004/05 Management plan has an allocation of \$30,000 for Art in the Heart - being for the feasibility study and the architectural design competition.

Other Group Comments

Nil.

Author's Response to Comments from Other Staff

Not required.

Conclusion

The Draft Master Plan was generally well received and valid issues raised as a result of the public submissions can be addressed in the subsequent design phase of the development.

It is not considered useful or necessary to redraw the Master Plan as its basic philosophies and objectives were not questioned.

Recommendation (GM04)

That Council:

- 1 Adopt the Lismore Cultural Precinct Draft Master Plan as exhibited.
- 2 That the Project Committee proceed to the preparation of specifications for an architectural competition for an environmentally sustainable building for the art gallery/museum.
- 3 That competition results be reported back to Council prior to the adoption of the successful concept design.

LISMORE CITY COUNCIL - Meeting held October 12, 2004

Subject/File No: AMENDMENT TO DCP 39 EXEMPT DEVELOPMENT AND LISMORE LEP (S890 & S739)

Prepared By: Planning Services

Reason: Public exhibition period closed

Objective: To increase the types of development permissible without consent.

Management Plan Activity: Strategic Planning

Background:

Draft Amendment No. 2 to Development Control Plan 39 – Exempt Development aimed to permit the erection of sunshade sails without Council's consent on land zoned 5 Special Uses – Education. This draft amendment was exhibited and no submissions were received.

Previously, Council has considered and adopted Amendment No. 1 to DCP 39 Exempt Development. Alterations to DCP 40 Complying Development are described elsewhere in this Business Paper. However, the State Government has determined that alterations to provisions for exempt and complying development have no effect until the date of Council's adoption of those provisions is included within the LEP. Amendment No. 21 to the LEP contains the proposed date of adoption of Amendments 1 and 2 to DCP 39 Exempt Development, and Amendment 1 to DCP 40 Complying Development.

Copies of Amendment 21 to Lismore LEP and Amendment No. 2 to DCP 39 are in the Attachments.

Manager - Finance & Administration Comments

Not required.

Public Consultations

The LEP amendment was exhibited for 28 days and no submissions were received. Similarly, there were no submissions regarding the alteration of DCP 39.

Other Group Comments

The alterations are the result of requests from the Environmental Health & Building Services Section.

Author's Response to Comments from Other Staff

No required.

Conclusion

Amendment 21 to the Lismore LEP will enable the implementation of alterations to Council's development control plans for exempt and complying development. These DCP alterations will come into effect with the gazettal of Amendment 21.

Recommendation (PLA03)

That Council:

- 1 Adopt Amendment No. 2 to DCP 39 Exempt Development, and
- 2 Adopt Amendment 21 to Lismore Local Environmental Plan and forward it to the Minister for Infrastructure, Planning & Natural Resources with a request that the plan be made.

Subject/File No: DRAFT AMENDMENT NO. 5 TO DCP NO.14 – RESIDENTIAL DEVELOPMENT (S461)

Prepared By: Strategic Planner – Bruce Blackford

Reason: Close of exhibition period.

Objective: Council's adoption of draft amendments to DCP 14.

Management Plan Activity: Strategic Planning

Background:

At its meeting of August 10, 2004 Council considered a report on two proposed amendments to Development Control Plan (DCP) No.14 – Residential Development and resolved to place the draft amendment on public exhibition for a period of 28 days.

The first of the proposed amendments related to expanded dwellings and proposed that a new definition be inserted into DCP 14 as follows:

- a) all buildings are contained within a radius no greater than 20 metres from the centre of the main building; and
- b) only one kitchen and laundry facility are provided and the kitchen and living area are contained within the main building; and
- c) all outbuildings are connected to the main building by paths with an all-weather surface; and
- d) no separate driveway, car parking area or carport is provided to any outbuilding.

The second amendment related to minimum requirements for the provision of garbage bin areas in residential development and was proposed as an outcome of draft DCP No 47 - Waste Minimisation.

Manager - Finance & Administration Comments

Not required.

Public Consultations

The draft amendment was exhibited from August 30 to September 27, 2004. One submission was received in response to the public exhibition. The submission objects to the expanded dwelling aspect of the draft amendment. The submission states that in relation to Multiple Occupancies, expanded dwellings are “a vital part of providing economical living space at lower cost by sharing kitchen bathroom and laundry but having separate private space.” The submission argues that the previous 60 metre circle allowed significant flexibility in siting component buildings and should be kept, or at the very least, the 20 metre radius should be measured from the perimeter and not the centre of the building. A copy of the submission and the draft DCP amendment are attached.

Comment:

An expanded dwelling is a single dwelling only that is accommodated in two or more buildings. It is distinct from a Multiple Occupancy (MO) which involves three or more dwellings on a single rural property, although any single dwelling house on a MO may comprise an expanded dwelling. It is not an objective of expanded dwellings to permit the sharing of kitchen, bathroom and laundry facilities by multiple households. Sharing of such facilities on Multiple Occupancy developments is permissible where a development provides a ‘community building’ specifically for these purposes. There are generally no restrictions on the siting of a community building on a MO which may be for the shared use of any number of dwellings.

However expanded dwellings are not a mechanism for achieving additional dwellings to that already approved under a MO development. Council has a responsibility to ensure that expanded dwellings are used only for the purposes of a single dwelling whether it is part of a MO or whether it is a single house on a rural property. Proposed changes to the controls are aimed at achieving this and it is considered that limiting the siting of other structures to within 20 metres of the main building containing kitchen and living facilities (40 metre diameter overall) is a reasonable requirement for a group of buildings whose purpose is to function as a single dwelling only.

Other Group Comments

Council's Building Services and Environmental Health sections had input into the preparation of this amendment.

Recommendation (PLA02)

That council adopt draft amendment No. 5 to Development Control Plan 14 – Residential Development as exhibited and give public notice of its adoption in accordance with the requirements of the Environmental Planning and Assessment Regulation.

Subject/File No: APPLICATION TO CLOSE PART OF HANLON STREET,
SOUTH LISMORE
(R6922)

Prepared By: Manager-Special Projects & Properties, Lindsay Walker

Reason: To comply with DA 04/591

Objective: To obtain Council resolution

Management Plan Activity: Roads

Background:

Hanlon Street is an unformed road running southerly from Casino Street to the railway. The road is approximately 110m long.

The lots adjoining on the west have practical and legal access to Casino Street and neither use nor rely on Hanlon Street.

Hanlon Street although unformed supports a large open drain in its western side which allows stormwater from Casino Street to flow to the railway line and on towards Hollingsworth Creek.

On the east of Hanlon Street the corner lot has practical and legal access to Casino Street. The other lot on the east has legal access to Hanlon Street, but no practical access due to the street being unformed. Further to the east of this lot is another which does not have any legal or practical access to any street.

A development application has been lodged to realign the common boundary of the previously mentioned two lots on the east of Hanlon Street, such that they would both have legal access to the street. For this proposal to proceed as initially conceived it would require that the applicant construct Hanlon Street.

This would not be in either the applicants or Council best interests.

The alternative is to close part of Hanlon Street and sell same to the applicant and landowner said application would then be required to construct a driveway standard access over the closed and sold part of Hanlon Street for their two lots. Council would retain ownership of the remaining, unclosed, section of Hanlon Street and the integrity of the existing Drain and surrounds would be maintained.

Manager - Finance & Administration Comments

This proposal is supported on the basis that the closed road will be sold at market value and all costs associate with the closure will be borne by the party seeking the closure.

Public Consultations

Not required.

Other Group Comments

Manager Planning Services:

The land is zoned 2(f) Residential (Flood Liable). Clause 52 of the Lismore LEP, 'Subdivision of Land in Zone No. 2(f)' states that Council cannot consent to subdivision within that zone if the subdivision is for the purpose of erecting a dwelling. The purpose of this clause is to prevent the proliferation of housing in areas subject to flood hazard.

Therefore Council could not consent to the resubdivision, or boundary adjustment, of the lots adjoining Hanlon Street. However, no objection is seen to the proposed closure of part of Hanlon Street if the adjoining lots remain in their current configuration. In this case Council could consent to the erection of dwellings if they complied with Development Control Plan No. 7 - Flood Prone Lands.

Manager Roads and Parks:

The above proposal seems a pragmatic approach to the current situation. It is unlikely a formed road will ever be required in this location.

It is essential we maintain the capacity to drain stormwater through this area. The remaining road reserve provides ample opportunity to achieve this.

Author's Response to Comments from Other Staff

As noted in the comments by the Manager-Planning Services, Clause 52 of the Lismore LEP prohibits the subdivision application currently before Council.

Notwithstanding this there currently exists two lots which cannot be physically accessed until Hanlon Street is made serviceable.

If Council does not proceed to close and sell a section of Hanlon Street to the adjoining landowner as recommended in this report it will at some time in the future receive a land use application for one or both of the existing lots and will be forced to require the construction of Hanlon Street to service this application.

It is considered that the recommendation as printed is preferable to a construction of Hanlon Street.

Conclusion

The closure and incorporation of part of Hanlon Street into land adjoining on the east will;

- Rectify an existing anomaly in the lot pattern of the area and allow a land locked lot to have street frontage.
- Remove the necessity for the proposed development to construct Hanlon Street to a road width as set out in the DCP when a driveway width is more appropriate.
- Ensures that the existing open drain remains operational and within Council control.
- Ensure that property owners on the west of Hanlon Street retain their existing road frontages.

Recommendation (GM01)

1. That the application to close the eastern part of Hanlon Street, South Lismore, be endorsed by Council and lodged with the Crown for gazettal as operational Council land when Council receives a satisfactory undertaking that the future adjoining land use will be for commercial or industrial purposes.
2. That Council sell the abovementioned closed road to the adjoining landowner at market price.
3. All costs associated with the road closure be borne by the party seeking such closure.
4. That the General Manager and Mayor be authorised to sign and affix the council seal to land transfer documents and plans of survey as may be necessary to expedite this resolution.

LISMORE CITY COUNCIL - Meeting held October 12, 2004

Subject/File No: PURCHASE OF COUNCIL PLANT - one (1) new 6 x 4 Tipping Truck for Rural Roadworks Construction and Maintenance Work (CS:T24028)

Prepared By: Fleet Manager - Col Starr

Reason: To inform Council of purchases of major plant items.

Objective: To seek Council's approval for the purchase of one (1) new 6x4 Tipping Truck4.

Management Plan Activity: 1.12 - Plant Operations

Background:

Tenders closed on June 22nd 2004 for the supply of one (1) new 6 x 4, Tipping Truck for Rural Roadworks construction and maintenance work.

Lismore City Council's Roadworks replacement of the three (3) 4x2 tipping trucks, (All being Isuzu FVR900 Medium wheelbase tippers), are to be replaced by two 4x2 tippers and one is to be upgraded to a 6x4 tipper.

The 4x2 tippers will be normally based for works within the urban environment whereas the 6x4 (Tender T24028) will be utilised in the rural roadworks areas.

There were a total of seven (7) trucks offered from four (4) dealerships in this tender to supply new trucks with nine (9) offers to purchase the trade-in truck (V117).

Consultation with the users of this truck (Rural Roadworks – City Works Group) resulted in the replacement truck being upgraded in capacity from a 4x2 tipper, due to the type of works being carried out (drainage maintenance and construction).

Reliability is critical for all of the Lismore City Council trucks due to the minimum number of fleet vehicles being supported and used by LCC operations.

Back-up support is another important factor to be considered, prolonged downtime due to lack of manufacturer or dealer support overloads the available time frame for the closure of roads and bridges during construction and maintenance.

Trucks and Tipping bodies Tendered

Listed below are the units offered for supply to LCC in this tender.

Full technical and tender evaluation details are also listed in the attachments marked as '**Attachment A & B – Tender T24028**'

Truck & Tipping Bodies	Supplier
1. Mitsubishi FM51KD2RFAA/Universal and Peak bodies	Murwillumbah Truck Centre of Murwillumbah NSW
2. Isuzu FVZ1400 / Obieco body	Northern Rivers Isuzu of Lismore NSW
3. Isuzu Giga 385CXZ / Obieco body	Northern Rivers Isuzu of Lismore NSW
4. Sterling LT7500/Obieco and Big Red-Peak-Universal bodies	Southside Agencies of Lismore NSW
5. UD Nissan CW385/Obieco and Big Red-Peak-Universal bodies	Southside Agencies of Lismore NSW
6. Mercedes Benz 2632K/33/Obieco- and Big Red-Peak-Universal bodies	Southside Agencies of Lismore NSW
7. Scania P94GB6X4NZ –Shepard and -Peak- bodies	K & J Trucks of Coffs Harbour NSW

LISMORE CITY COUNCIL - Meeting held October 12, 2004

Purchase of Council Plant – 6 x 4 Tipping Truck

Of the seven truck tenders offered two (2) were NOT within the minimum specifications as listed by LCC staff.

An evaluation panel comprising of Messrs Col Starr (Fleet Manager), Chris Allison (Contracts Officer), Darren Patch (Engineer – Rural Roadworks), Peter Brewer-Charles (Supervisor - Rural Roadworks) assessed the tenders in part or in full, as per the criteria set out in the tender documents.

The evaluation criteria determines the suitability of all of the units offered in this tender for *capability, quality, safety, operational functionality and conformity to the minimum specifications given*. The results of these evaluations are shown in '**Attachment A**'

Full truck and Tipping Body evaluations are listed in '**Attachment B**'

Key Points to Consider:

- Purchase best possible combination of truck and tipping body to carry out the tasks as required, when required.
- Proven back-up support from supplier and manufacturer of both units.
- Operator comfort with 'Ergonomic Design' and operating considerations (OH&S).
- Ability to keep truck working with minimal maintenance and repair time.

Acting Group Manager – City Works

The best opportunity to upgrade equipment is when it is due for replacement. Such an opportunity has arisen with this plant item. The upgraded truck will improve the efficiency of work in the rural area.

This report has followed a thorough assessment procedure and I support the recommendations

Manager-Finance & Administration Comments

Funding is available in road plant reserves for the replacement of this machine, with the 2004/05 Management plan having available \$300,000 tipper trucks.

Other Group Comments

Not required

Conclusion

The LCC Roadworks crews have an important role within Council, they construct and maintain the entire road system in this Council's area, which are Council's largest assets.

The ability to be able to carry out all of their duties without downtime is important, especially during flood and storm damage occasions.

The purchase of this truck (6x4) will improve the efficiency of this crew.

Staff Involvement

Acceptance of any proposed vehicle purchase by operating staff is important as it enhances a long operating life. Keeping this fact in mind, City Works – Roadworks section and LCC Fleet & Workshop staff have inspected the available trucks. All of those staff and users who inspected the trucks available were convinced that the Mitsubishi truck is the better purchase for the LCC application as required.

LISMORE CITY COUNCIL - Meeting held October 12, 2004

Purchase of Council Plant – 6 x 4 Tipping Truck

Author's Comments:

Not required

Recommendation (GM03)

That Council purchase one (1) only **Mitsubishi** truck with the **Peak Engineering** Tipper body as tendered (T24028) from **Murwillumbah Truck Sales of Murwillumbah NSW** for the cost of **\$161,455.00** (*includes GST*) and accept their trade-in offer for V117 of **\$48,000.00**

LISMORE CITY COUNCIL - Meeting held October 12, 2004

Subject/File No: PURCHASE OF COUNCIL PLANT - Two (2) new 4x2 Tipping Trucks for Roadworks Construction and Maintenance Work.
(CS:T24027)

Prepared By: Fleet Manager - Col Starr

Reason: To inform Council of purchases of major plant items.

Objective: To seek Council's approval for the purchase of two (2) new 4x2 Tipping Trucks.

Management Plan Activity: 1.12 - Plant Operations

Background:

Tenders closed on June 22nd 2004 for the supply of two (2) new 4x2, Tipping Trucks for Roadworks construction and maintenance work.

Lismore City Council's Roadworks currently operate with three (3) of these types of trucks, all being Isuzu FVR900 Medium wheelbase tippers, two are to be replaced by 4x2 tippers and one is to be upgraded to a 6x4 tipper.

The two 4x2 tippers will be normally based for works within the urban environment whereas the 6x4 (Tender T24028) will be utilised in the rural roadworks areas.

There were a total of six (6) trucks offered from three (3) dealerships in this tender to supply the new vehicles and nine (9) offers to purchase outright the trade-in trucks (V115 & V116).

Consultation with the users of these trucks (Urban Roadworks – City Works Group) resulted in the replacement trucks to be equal in size and capacity to the current trucks being replaced.

Reliability is critical for all of the Lismore City Council trucks due to the minimum number of fleet vehicles being supported and used by LCC operations.

Back-up support is another important factor to be considered, prolonged downtime due to lack of manufacturer or dealer support overloads the available time frame for the closure of roads and bridges during construction and maintenance.

Trucks and Tipping bodies Tendered

Listed below are the units offered for supply to LCC in this tender.

Full technical and tender evaluation details are also listed in the attachments marked as '**Attachment A & B – Tender T24027**'

Truck & Tipping Bodies	Supplier
1. Mitsubishi FM65FH1RFAE/Universal	Murwillumbah Truck Centre of Murwillumbah NSW
2. Mitsubishi FM65FH2RFAE/Universal	Murwillumbah Truck Centre of Murwillumbah NSW
3. Isuzu FVR950 / Obieco	Northern Rivers Isuzu of Lismore NSW
4. Isuzu FVR950HD / Obieco	Northern Rivers Isuzu of Lismore NSW
5. UD NissanPK245/Obieco and Big Red-Peak-Universal bodies	Southside Agencies of Lismore NSW
6. Mercedes Benz 1623/Obieco- and Big Red-Peak-Universal bodies	Southside Agencies of Lismore NSW

LISMORE CITY COUNCIL - Meeting held October 12th, 2004

Purchase Of Council Plant T24027 (4x2 Tipping Trucks)

All of the six truck tenders offered were within the minimum specifications as listed by LCC staff.

An evaluation panel comprising of Messrs Col Starr (Fleet Manager), Chris Allison (Contracts Officer), Dean Baldwin (Engineer – Urban Roadworks section), and Harry Wilson (Supervisor – Urban Roadworks) assessed the tenders in part or in full, as per the criteria set out in the tender documents.

The evaluation criteria determines the suitability of all of the units offered in this tender for *capability, quality, safety, operational functionality and conformity to the minimum specifications given*. The results of these evaluations are shown in '**Attachment A**'

Full truck and Tipping Body evaluations are listed in '**Attachment B**'

Key Points to Consider:

- Purchase best possible combination of truck and tipping body to carry out the tasks as required, when required.
- Proven back-up support from supplier and manufacturer of both units.
- Operator comfort with 'Ergonomic Design' and operating considerations (OH&S).
- Ability to keep truck working with minimal maintenance and repair time.
- Functionality of tipping body to suit specific urban tasks.

Acting Group Manager – City Works

Trucks provide an essential resource for Council's road maintenance and construction activities. The existing trucks have reached a point where it is economical to replace them.

This report has followed a thorough assessment procedure and I support the recommendations.

Manager-Finance & Administration Comments

Funding is available in road plant reserves for the replacement of this machine, with the 2004/05 Management plan having available \$300,000.

Other Group Comments

Not required

Conclusion

The LCC Roadworks crews have an important role within Council, they construct and maintain the entire road system in this Council's area, which are Council's largest assets.

The ability to be able to carry out all of their duties without downtime is important, especially during flood and storm damage occasions.

The purchase of these trucks will maintain the efficiency of this crew.

Staff Involvement

Acceptance of any proposed vehicle purchase by operating staff is important as it enhances a long operating life. Keeping this fact in mind, City Works – Roadworks section and LCC Fleet & Workshop staff have inspected the available trucks.

All of those staff and users who inspected those trucks available were convinced that the Isuzu is the better purchase for the LCC application as required.

LISMORE CITY COUNCIL - Meeting held October 12th, 2004

Purchase Of Council Plant T24027 (4x2 Tipping Trucks)

Author's Comments:

Not required

Recommendation (GM02)

That Council purchase two (2) only **Isuzu FVR950HD** trucks with the **Obieco** Tipper bodies as tendered (T24027) from

- **Northern Rivers Isuzu of Lismore** for the cost of **\$122,190.50** (*includes GST*) each and accept the
- **Private offer to purchase V115 & V116** from Valley Motor Auctions of Kotara NSW for **\$47,777.00** each

Subject/File No: REPLACEMENT OF COUNCIL PLANT – Vehicle No. 218 (Bomag BC601RD) - Supply of one new 36 Tonne (Approx.) Waste Landfill Compactor (CS:T25004)

Prepared By: Fleet Manager - Col Starr

Reason: To inform Council of replacement / purchases of major plant items.

Objective: To seek Council's approval for the purchase of one (1) new Waste Landfill Compactor (36 Tonnes Approx)

Management Plan Activity: 1.12 - Plant Operations

Background:

Tenders closed on August 8th, 2004 for the supply of one (1) new 36 Tonne (Approx.) Waste Landfill Compactor. Lismore City Council is currently operating one compactor, and this is based at the Wyrallah Road Waste Facility/Landfill.

The machine being replaced was purchased in 1991 and was also originally anticipated to have an 8 year lifespan with Lismore City Council, however due to low usage for several years, this machine's term with LCC was extended to this current financial year.

The size of the current compactor (30+ Tonnes operating weight) has been suitable for the majority of LCC operations initially, but due to opportunities of prices of new machines, a 36 Tonnes operating weight is preferred.

The heavier machine has the added advantage of better compaction of garbage on the landfill site.

Also with this tender, finance and maintenance contract options were advertised and requested. The finance option is necessary due to a smaller than required amount of funds available for the replacement of the unit as well as the additional garbage truck passed by Council in the February 2004 meeting.

The current machine (Bomag) has been relatively light in maintenance for such a large machine working in such adverse conditions which is why a maintenance contract option was factored into this tender.

There were a total of three (3) types of machines offered for supply in this tender, with their options of maintenance contracts, along with two (2) finance only options and two (2) alternative tenders to rent/hire only.

In the attachments there are the comments from the Manager – Northern Rivers Waste (Acting) along with the pricing and machinery evaluations.

Utilisation and reliability are critical for all of the operations in the Waste Landfill area, especially as this is the only compactor and is used 7 days each week.

Back-up support is another important factor to be considered, especially given that prolonged downtime due to lack of manufacturer or dealer support can result in chaos on the landfill site and in the worst case, LCC may not be able to meet their EPA licence requirements.

Consultation with the users of this Compactor (Northern Rivers Waste – Business & Enterprise Group) is reflected throughout the entire evaluation and recommendation of this tender process.

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Replacement Of Council Plant – V218 (N. R. Waste Compactor)

There were a total of three (3) Compactor machines tendered with finance and maintenance contract options, two (2) tenders for finance only and two (2) tenders for rent/hire only.

Compactor Units Tendered

Listed below are the units offered for supply to LCC in this tender.

Full technical and tender evaluation details are also listed in the attachments marked as 'Attachment A & B – Tender T25004'

Supply Compactor Unit only		Supplier
1.	Bomag BC772RB	BT Equipment of Brisbane Qld.
2.	Tana G360	GCM Enviro. P/L of Sydney NSW.
3.	Caterpillar 826G	Westrac of Sydney NSW.
Rental only of Compactor Unit		Supplier
4.	Bomag BC772RB	North West Services of Proserpine Qld.
5.	Bomag BC772RB	Select Materials Handling of Unanderra NSW.
6.	Caterpillar 826G	Select Materials Handling of Unanderra NSW.
Lease of Compactor Unit		Supplier
7.	Bomag BC772RB	BT Equipment of Brisbane Qld.
8.	Tana G360	GCM Enviro. P/L of Sydney NSW.
9.	Caterpillar 826G	Westrac of Sydney NSW.
10.	Bomag BC772RB	National Australia Bank
11.	LCC choice of machine	Capital Finance

Note: Nil Private offers to purchase the LCC machine (V218) was received:

All of the machines offered within these tenders meet specifications as laid down by LCC staff.

An evaluation panel comprising of Messrs Col Starr (Fleet Manager), Chris Allison (Contracts Officer), Craig Kelly (Group Manager – B&E), Phil Klepzig (Landfill Manager [Acting] – Northern Rivers Waste), Shawn Moore (Operator – Northern Rivers Waste) assessed the tenders in part or in full, as per the criteria set out in the tender documents.

The evaluation criteria determines the suitability of all of the units offered in this tender for *capability, quality, safety, operational functionality and conformity to the minimum specifications given*. The results of these evaluations are shown in 'Attachment A'

Full Compactor technical evaluations are listed in 'Attachment B'

Key Points to Consider:

- Purchase best possible Compactor unit to carry out the tasks as required, when required with maximum compaction.
- Proven back-up support from supplier and manufacturer of unit.
- Safety to the general public on and around LCC worksites.
- Operator comfort with 'Ergonomic Design' and operating considerations (OH&S).
- Ability to keep Compactor working with minimal maintenance and repair time.
- Increased usability on various work slopes.

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Replacement Of Council Plant – V218 (N. R. Waste Compactor)

NOTE:

As this is an open calculation operating lease, firm pricing can only be fixed for 14 days from lodgement, it is important to note that if interest rates increase, then this lease will increase, but, if interest rates decrease, this saving will be passed onto LCC. All lease figures with interest calculations will be effective from date of delivery of machine to Lismore City Council.

Principal Accountant's Comments

Funding is available as part of 2004/05 Management plan.

Group Manager – Business & Enterprise

This compactor is a critical piece of equipment in the ongoing management of the landfill. The existing plant has exceeded its original expected life by 50% and this is testimony to a number of factors including the quality of the machine. The time has now arrived for the replacement of that machine to ensure that the required performance levels are met.

A number of staff have had involvement in the tender evaluation and Council has sought feedback from other Councils in the region on their preferred options. Based on the written submissions made, verbal presentations by the plant providers and field visits to inspect the plant items in operation, I support the recommendation to select the Bomag machine. This is based on a range of factors including the value for money this option presents. All of the machines inspected are capable of undertaking the task but it is the overall view that the Bomag is the preferred option in particular for conditions particular to the Wyrallah Road Landfill.

Balanced with this assessment were a range of additional factors to the method of best financing the machine and maintaining the machine within the fleet. The compactor represents a unique piece of equipment in the fleet. The machine is also for landfill operation only without any likelihood of reuse in another area of Council in the future. For these reasons there was no compelling case to own this item of plant. The finance options provide the Council with a fixed rate of operating cost per hour of use and this allows the Council to know with certainty the ongoing cost of operation. This presents a finance cost to Council however it allows Council to utilise funds earmarked for the replacement of this item for other projects of greater need on the landfill site. The rate per hour calculated for this machine is consistent with the current rate per hour being charged for the existing compactor.

Other Group Comments

Not required

Author's Comments:

Not required

Conclusion

To maintain the high standard of compaction within the landfill operations of NR Waste, the best machine available to do the job is required, because of the EPA requirements on landfill, especially waste landfill, the machine evaluated to do the best job out weighs some pricing differentials.

LCC's current machine has been efficient with the compaction of waste at the Wyrallah Road Waste site so the standards for a replacement machine were high to start with.

The machines tendered are higher in overall operating weight for a more efficient result in this site.

LISMORE CITY COUNCIL - Meeting held 12 October, 2004

Replacement Of Council Plant – V218 (N. R. Waste Compactor)

As almost all of the Compactors tendered have been tested on sites, the evaluation by LCC staff was extensive. Note: The Caterpillar machine is a new model with only one machine available to evaluate, this machine is based in New Zealand so an equivalent (Slightly earlier model but same size and operating weight) machine was evaluated in Ipswich in Queensland.

The Bomag machine has worked admirably at the LCC waste landfill site and is shown to best suit Council's operations and needs, especially in this location.

Staff Involvement:

Acceptance of any proposed machine purchase by operating staff is important as it enhances a long operating life. Keeping this fact in mind, Northern Rivers Waste and LCC Fleet staff has inspected the available Compactors. All of those staff and users who inspected the Compactors available were convinced that the Bomag unit is the better purchase for the LCC application as required

Recommendation (GM01)

That Council sign an agreement for an operating lease for supply of machine only of one (1) only **Bomag BC772RB Compactor** unit as tendered (T25004) from **BT Equipment, Rocklea, Qld.** On a eight (8) year lease for the cost of **\$765,547.20** (*includes GST*) and accept their Trade-in offer for Councils Compactor (Fleet No. 218) of **\$132,000.00** (*Cheque refund to LCC*)

LISMORE CITY COUNCIL - Meeting held October 12, 2004

Subject/File No: QUOTATIONS - LAYING OF THE WATER MAINS AND ASSOCIATED WORKS AT KEEN STREET (S82)

Prepared By: Asset Manager, Lismore Water – Janaka Weeraratne

Reason: To inform Council of quotations invited and received for the laying of the water mains and associated works at Keen Street

Objective: To obtain Council approval to award the Quotation

Management Plan Activity: Water Main Replacement Programme

Background:

The office estimate for the supply of labour for the laying of 100mm and 150 mm diameter water mains and associated works in Keen Street between Magellan Street and Woodlark Street was \$80,000. This was with Council to supply all materials (pipes, manproof fencing and bitumen restoration). As the estimated cost for these works was below \$100,000, quotation documents were prepared instead of tender documents and four contractors were invited to quote for the works. These works are required for the beautification and reconstruction of Keen Street scheduled for January 2005.

The contractors who were invited to quote were Ballina Council, Ballina Pipelines, Camglade Pty. Ltd and Gradwells. Two of these contractors, Gradwells and Ballina Pipelines declined this offer because of their current workload.

Quotations for these works were called on 10th September 2004 and closed on 2.00 pm, Tuesday, 28th September 2004.

Quotation Examination:

The quotations received are summarised below:

	Quotation Price	Corrected Quotation Price	Estimate for rate only items	Adjusted Quotation Price
Ballina Shire Council	\$126,410	\$138,430	\$29,400	\$167,830
Camglade Pty. Ltd.	\$129,712	\$129,712	\$10,800	\$140,512

The prices shown above are exclusive of GST.

The reasons that the quotations received were above the office estimate are because of the difficult nature of the works, the increase in the scope of the works during detailed design and the need to undertake all the works during the weekends.

Under normal circumstances, tenders would be required to be called for any works exceeding \$100,000. It is recommended that in this particular case, tenders not be called and that the quotations received be accepted for the following reasons:

- Calling tenders will most likely not give Council any better outcome as the two quotations received are from the two contractors that provided Council with the lowest tenders for the other water mains works that closed on 27th July 2004.
 - The works need to be undertaken during the weekends which means the work is best suited to a local contractor
 - The potential for a tender process at this stage to delay associated Keen Street works.
-

LISMORE CITY COUNCIL - Meeting held October 12, 2004

Quotations - Laying of the water mains and associated works at Keen Street

This quotation is a schedule of rates quotation. The "quotation price" is the estimated price of the works as inserted in the quotation form by the tenderers using their respective rates.

On examination of the schedule of quantities and prices submitted by the contractors, it was observed that there were some arithmetical errors and omissions in the schedule. The "corrected quotation price" takes into account these errors and omissions.

Further, the pricing schedule contains some "rate only" items viz. fitting of water meters to existing service lines, extra excavations in the pipe trench, rock excavations etc. The "adjusted quotation price" takes account estimated quantities of these "rate only" items.

An evaluation panel consisting of Ravi Ariyasinghe (Contracts Engineer, Lismore Water), Janaka Weeraratne (Asset Manager, Lismore Water) and Rod Haydon (Water and Wastewater Inspector, Lismore Water) undertook the assessment of tenders.

The tender submitted by Camglade Pty. Ltd. has provided the best proposal for this project, when compared to the tender submitted by Ballina Shire Council.

Referee Check

Council has contracted Camglade Pty. Ltd. for several previous projects of a similar nature. The works under each contract have been performed to a high standard.

Manager - Finance & Administration Comments

The 2004/05 Management Plan has an allocation of \$712,000 for mains replacement. The funding for this project is to be shared between City Works and Water.

Public Consultations

Undertaken as part of the Keen Street works.

Other Group Comments

Not required

Author's Response to Comments from Other Staff

Not Required

Conclusion

Camglade Pty. Ltd. is considered to have the ability for completing the works satisfactorily. It is recommended that the quotation for the laying of the water mains at Keen Street be awarded to Camglade Pty. Ltd. at the rates submitted.

Recommendation (BE01)

The quotation for the laying of 100/150 mm diameter water mains and associated works be awarded to Camglade Pty. Ltd. at the rates submitted. (The estimated price for these works is \$129,712 plus GST and \$10,800 for rate only items.)

LISMORE CITY COUNCIL - Meeting held October 12, 2004

MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD SEPTEMBER 15, 2004 AT 10.00 AM. (WMacD:VLC:S352)

Present: Councillors Merv King (*Chairperson*), and John Hampton, Ms Bronwyn Mitchell (*on behalf of Mr Thomas George, MP*), Mr Lance Vickery (*Roads and Traffic Authority*), Snr Const Brian Buckley (*Lismore Police*), together with Mrs Wendy Johnson (*Road Safety Officer*), and Messrs Bill Moorhouse (*Group Manager-City Works*) and Bill MacDonald (*Co-Ordinator – Traffic & Law Enforcement*).
In attendance for Item No. 1, Messrs Bob Ingram, Stan Kafes and David Thomson.

Apologies: Apologies for non-attendance on behalf of Messrs Thomas George, MP, and John Daley were received and accepted and leave of absence granted.

Minutes of Traffic Advisory Committee Meeting – August 18, 2004

Members were advised that the Minutes of the meeting held on August 18, 2004 were adopted by Council at its meeting of September 14, 2004.

Disclosure of Interest: Nil

Business Arising:

1. **Proposed Woolworths Petrol Station – Nos. 99-103 Diadem Street, Lismore**

(Refer Item 9 of Minutes of July 21, 2004)

Mr Moorhouse clarified that the Committee's main concern was the fact that under the current proposal, motorists leaving from beneath Lismore Square would be required to drive out onto Diadem Street and then back into the service station if they wished to purchase petrol. It was seen as much more appropriate if customers could gain access from beneath the Square directly into the service station.

Mr Ingram was invited to outline the proposal for the service station and tabled a revised plan showing an additional access point from the shopping centre carpark onto the service road. However, there were some concerns that this would create additional hazards between shoppers and service vehicles using this road. It was suggested that the possibility of reversing the entry/exit points may reduce the number of potential conflict points on Diadem Street. The representatives undertook to further investigate the above concerns and suggestions.

(04-9531:D040394)

2. **New Ballina Road, Lismore Heights – Traffic Congestion at Shell Service Station**

(Refer Item 7 of Minutes of August 18, 2004)

Mr MacDonald advised that he had spoken with the assistant manager onsite but he had been unable to offer any solution to the current problems.

TAC82/04 **RECOMMENDED** that a letter be written to the owners of the site requesting that they attend a future meeting to discuss queuing problems and possible solutions.
(R6408,P7199)

3. **Intersections of Bruxner Highway and Barker / Atfield Streets, South Gundurimba**

(Refer Item 2 of Minutes of July 21, 2004)

A plan showing an amended intersection layout was tabled at the meeting. It was noted that the cost of the proposed works was \$60,000.

TAC83/04 **RECOMMENDED** that the plan be forwarded to the RTA for approval, together with a request that the RTA fund the proposed works. (R4807,R4823,R4822)

4. **Intersection of Ballina Street (SH16) and Hunter Street – Lane Adjustments**
(Refer Item 10 of Minutes of July 21, 2004)
A plan was tabled at the meeting showing a revised lane layout that would allow sufficient space for westbound motorists on Ballina Street to manoeuvre around propped vehicles turning right into Hunter Street.
- TAC84/04** **RECOMMENDED** that the plan be forwarded to the RTA for approval.
(R6002,R6030)
5. **Intersection of Boatharbour Road and Cameron Road, Boatharbour**
(Refer Item 6 of Minutes of February 19, 2003)
A plan was tabled showing an intersection upgrade that would eliminate current site distance problems. The estimated cost of these works was \$400,000. It was suggested that the proposed upgrade of the intersection should be considered as part of any future land developments within the area in question. (R4408,R4503)
- Correspondence:**
6. **South Lismore Seafood;** requesting limited time parking be applied to the front of its premises at No. 15 Casino Street, South Lismore.
Mr MacDonald advised that he had met the writers onsite with the Police representative to discuss the issue. Other businesses in the immediate area were also consulted.
- TAC85/04** **RECOMMENDED** that ¼hr parking be introduced for the last four (4) marked bays on the northern side of Casino Street adjacent to the seafood business.
(04-9036:S353,R6907)
7. **Blue Hills College;** drawing attention to a number of traffic and pedestrian issues in the vicinity of the school and seeking a solution.
It was acknowledged that the issue of footpath construction leading up to the college was one for the Roads & Parks Section to assess. The location of the existing School Zone signage was inspected and found to be approximately 120m from the front entrance to the college. This was considered appropriate.
(04-9491:S352,R6493)
8. **M Oliver;** requesting a reduced speed zone of 80 kph and additional warning signs be installed on Kyogle Road (MR544), west of the current 60 kph speed zone at South Lismore.
- TAC86/04** **RECOMMENDED** that '60 Ahead' signs be erected approximately 200m-300m prior to the commencement of the 60 kph zone. (04-9574:S346,R2707)
9. **Rock Valley Hall Inc;** requesting a 50 kph speed zone be applied to the section of Rock Valley Road, from Quilty Road to 100m north of the Rock Valley Post Office.
Whilst the introduction of a 50 kph zone both sides of the Rock Valley Post Office was not considered warranted, it was suggested that additional signage on the approaches would improve the current situation.
- TAC87/04** **RECOMMENDED** that a 55 kph speed plate be added to the existing 'curve' warning signs on the approaches to the corner near the Post Office as well as additional hazard markers around the bend.
- TAC88/04** **FURTHER RECOMMENDED** that guideposts be installed along the road shoulder between the bend and the Post Office to stop motorists parking in this area.
(04-10023:S346,R2402)

10. **Ms R Knight**; drawing attention to the need for wildlife signage on Dunoon Road from Cusack Road to a point past the Tullera Village.
TAC89/04 **RECOMMENDED** that this matter be referred to the National Parks & Wildlife Service for assessment of the need for any native wildlife signage requirements.
(04-9484:R3407)

General Business:

11. **Rock Valley Road – ‘No Stopping’ Zone at Post Office**
R Smith had requested the Committee consider installing ‘No Stopping’ signs between the bend on Rock Valley Road and the Rock Valley Post Office.
It was noted that this item had been dealt with previously in a recommendation that guideposts be installed. (R2401)

12. **Tuckurimba Road – Warning Signs**
R Hunt had requested signage be erected at the bottom of Tuckurimba Hill to slow motorists coming up the hill.
TAC90/04 **RECOMMENDED** that ‘Road Narrows’ and ‘Slow Down’ warning signs be erected at the end of the straight on Tuckurimba Road prior to the hill. (R5504:MR04-3490)

13. **Nimbin Road, Blakebrook – Traffic Hazard**
The Committee discussed J Greber’s concerns regarding the number of motorists losing control of their vehicles on the bend on Nimbin Road (MR142), near Blakebrook Quarry.
TAC91/04 **RECOMMENDED** that ‘curve’ warning signs including a 55 kph plate underneath be erected both sides of the bend prior to the Blakebrook Quarry entrance, in addition to the erection of a ‘Trucks Turning’ warning sign prior to the bend for Nimbin bound motorists. (R2801:MR04-3507)

14. **Parking Facilities - Bounty Street, Lismore**
Ms L Terracini had requested consideration be given to introducing 2hr parking in front of the City Hall at Bounty Street to resolve the current problem of motorists parking all day in this area thereby limiting daytime access to events held at the City Hall.
TAC92/04 **RECOMMENDED** that 2hr parking be introduced on the southern side of Bounty Street, between the driveway opposite Carrington Street and Molesworth Street. (R7301)

15. **Parking Facilities – Pound Street, Lismore**
Ms C Allen had raised concerns about the congestion caused at Pound Street as a result of teachers and staff parking on both sides of the road. An onsite inspection was held prior to the meeting. However, Ms Allen was not home at the time. Mr MacDonald undertook to follow up and discuss the issue, and bring back to the Committee if required. (R6053)

16. Riding of Skateboards/Bicycles on Pedestrian Crossing - Casino Street, South Lismore

M Herrmann had raised concern for a number of 'close calls' involving youths on bikes and skateboards using the pedestrian crossing on Casino Street at Union Street. It would appear there have been a number of incidents where youths have been traveling north along the footpath in front of the Station Hotel on bikes and skateboards and not taking proper care when using the pedestrian crossing.

TAC93/04 **RECOMMENDED** that investigations be carried out into the possibility of installing a railing at the start of the crossing on the southern side of Casino Street that could be positioned to act as a chicane. (R6907)

17. Pedestrian Crossing – Dalley Street, East Lismore

Ms M Brown raised concern regarding restricted visibility of pedestrians using the crossing in front of the Lismore High School due to vehicles being parked too close to the marked crossing.

TAC94/04 **RECOMMENDED** that investigations be carried out to ensure that 'No Stopping' signs are in place on the approaches to the crossing to provide sufficient sight distance to motorists of pedestrians using the crossing, as well as the need for zigzag linemarking on the approaches. (R7426)

This concluded the business and the meeting terminated at 11.45 am.

CHAIRPERSON

**TRAFFIC & LAW
ENFORCEMENT CO-ORDINATOR**

DOCUMENTS FOR SIGNING AND SEALING

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

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

Recommendation:

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

Transfer Granting Easement for water supply pipeline over Lot 1/DP 952545 and Lot 521/DP 843447 known as 75 Tuntable Falls Road, Nimbin. The easement will run from Council's existing DE Williams dam to Tuntable Falls Road.
(04-10268: P24894,P15912)

SECTION 356 DONATIONS

a)	Mayor's Discretionary Fund (GL2033.26)			
	Budget:	\$2,700	To date:	\$70
	➤	Magic Mania – entertainment for disadvantaged children – sponsorship for 3 children + carers		\$105.00
	➤	Jyllie Jackson – contribution to registration fee to attend the Regional Arts Aust. National Conference 2004 at Horsham, Vic.		\$100.00
b)	City Hall Reductions in Rental – Policy 8.4.2 (GL2033.2)			
	Budget:	\$8,100	To date	\$203.40
	➤	Youngstar2.com In accordance with policy		\$80.91
	➤	Lismore Neighbourhood Club In accordance with policy		\$265.91
	➤	Northern Rivers Writers Centre In accordance with policy		\$44.55
	➤	Goonellabah Quilters In accordance with policy		\$288.37
c)	Banners – Policy 1.4.14 (GL2033.8)			
	Budget:	\$700	To date:	\$205.00
	➤	Promotion of World Aids Day – 22/11/04 to 5/12/04 (1 week) In accordance with policy		\$145.00
	➤	Women Reclaim the Night – 29/10/04 (1 week) In accordance with policy		\$145.00
d)	Licence Fees Payable by Charitable Organisations – Policy 1.4.7 (GL2033.7)			
	Budget:	\$300	To date:	\$34.20
	➤	Blue Knob Hall Committee – reimbursement 30% of DA fee for signs. In accordance with policy		\$60.00

Recommendation:

In accordance with Section 356(1) of the Local Government Act 1993, the donations to persons as listed above are hereby approved for distribution.

CONFIDENTIAL MATTERS – COMMITTEE OF THE WHOLE

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

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

- a) personnel matters concerning particular individuals (other than councillors);
- b) the personal hardship of any resident or ratepayer;
- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;
- d) commercial information of a confidential nature that would, if disclosed:
 - prejudice the commercial position of the person who supplied it, or
 - confer a commercial advantage on a competitor of the council, or
 - reveal a trade secret;
- e) information that would, if disclosed, prejudice the maintenance of law;
- f) matters affecting the 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 ground of legal professional privilege;
- h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

Recommendation:

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

Item 1: Mayoral Minute - General Manager's Performance Review

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

The contents of the report are of a personnel matter involving a particular individual.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, SEPTEMBER 14, 2004 AT 6.00PM.

Present: Mayor, Councillor King; Councillors Chant, Dowell, Ekins, Graham, Hampton, Henry, Irwin, Meineke, Swientek and Tomlinson, together with the General Manager; Group Managers- Corporate & Community Services, City Works, Planning & Development, Business & Enterprise; Manager-Finance & Administration, Manager-Communications & Community Relations, Manager-Community Services, Administrative Services Manager and Team Leader-Administrative Support.

163/04 **Apologies/**
Leave of
Absence: An apology for non-attendance on behalf of Councillor Crimmins was received and accepted and leave of absence granted.
Leave of absence was approved for Councillor Tomlinson for the period September 25-30, 2004.
(Councillors Irwin/Meineke)

164/04 **Minutes:** The minutes of the Ordinary Meeting held on August 10, 2004, were confirmed.
(Councillors Chant/Hampton)

PUBLIC ACCESS SESSION:

Prior to the commencement of the meeting, a Public Access Session was held at which Council was addressed by the following:-

Kim Curtis re Notice of Motion – Smoke-free Areas

(See Minute No. 168/04)

Ms Curtis spoke in support of the proposal to ban smoking in playgrounds. She cited the health of her children and the general acceptance of the community to such a ban.
(04-9376: S226)

Beth Wallach – 2004/05 Management Plan – Supplementary Budget Workshop (The Channon Walkway)

(See Minute No. 169/04)

Ms Wallach spoke of the difficulties of accessing Coronation Park via the current road. She stressed the support of the community for the footpath and thanked Council for its support for the project.
(S880)

David Yarnall – 2004/05 Management Plan – Supplementary Budget Workshop (Gravel Roads)

(See Minute No. 169/04)

Mr Yarnall spoke in support of the additional funding for gravel roads.
(S880)

Damian Chapelle re Lismore LEP – Draft Amendment No. 17 – Minshul Crescent & Dunoon Road

(See Minute No. 170/04)

Mr Chapelle spoke in support of the proposal. He outlined the history of the proposal and its compliance with all relevant planning controls. He urged Council to support the LEP Amendment.
(S870)

Kerrie Ellis re S356 Donation to Rotary Club of Summerland Sunrise Inc. – Hire of City Hall

(See Minute No. 183/03)

Mrs Ellis outlined the proposed exhibition and the beneficiaries of the sale that would accompany the exhibition. She acknowledged the discount given on the hire fee but sought Council's indulgence for further assistance.

(04-8752: P6816)

CONDOLENCES:

Late Roy Doepel

Mr Doepel was a respected High School teacher, past president of Lismore RSL and involved in SES.

165/04 The Mayor moved that Council's expressions of sympathy be conveyed to the family of Mr Doepel and the motion was carried with members standing and observing the customary moment's silence.

(S75)

DISCLOSURE OF INTEREST:

S459

Councillor Ekins declared an interest in the confidential report "*Sale of Land for Unpaid Rates*".

Councillor Meineke declared an interest in S356 Donations (member of Summerland Sunrise Rotary Club).

RESCISSION MOTION:

Determination of Development Applications

Formal notice having been given by Councillors Irwin, Dowell and Tomlinson it was MOVED that the Council decision on development applications to come to Council be rescinded (Min. 150/04).

(Councillors Irwin/Tomlinson)

On submission to the meeting the motion was DEFEATED

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

(04-8686,04-8697: S371)

Draft LEP Amendment No. 16 – Airport Industrial Estate

166/04 Formal notice having been given by Councillors Hampton, Chant and Henry it was **RESOLVED** that the following motion (145/04) be rescinded.

"Council:

- 1 Adopt draft LEP Amendment No. 16 to rezone part Lot 532 DP 825929 and part Lot 2 DP 577321 Bruxner Highway, South Lismore from 1(r) Riverlands and 5 Special Uses zone to 4(a) Industrial zone; and
- 2 Use its delegations under section 69 of the EP& A Act to forward a report to the Minister for Infrastructure, Planning and Natural Resources together with a request that the Minister make the Plan.
- 3 Council prepare a Development Control Plan for this development."

(Councillors Hampton/Chant)

Voting Against: Councillors Irwin, Tomlinson, Ekins, Dowell and Swientek.

(04-8926: S865)

NOTICE OF MOTIONS:

Determination of Development Applications

Formal notice was given by Councillor Irwin that –

- 1 The previous policy in regard to DAs to be considered by the Council be retained.
- 2 That an extra column called Objections be added to the DAP listing for Councillors, which should indicate the number and form of objections received.

(04-9931: S371)

The Mayor ruled part 1 of the motion out of order and Councillor Irwin did not proceed with part 2.

Annual General Waste Collection – North and South Lismore

Formal notice having been given by Councillor Irwin it was **MOVED** that in view of the increased impact of the flood levee on North and South Lismore, and in the interests of minimising the amount of material dispersed during a flood, the residents be given 2 extra tip vouchers per annum.

(Councillors Irwin/Tomlinson)

On submission to the meeting the motion was **DEFEATED**.

Voting Against: Councillors Swientek, King, Graham, Hampton, Henry and Meineke.
(04-8704: S106,S765,S593)

Draft LEP Amendment No. 16 – Airport Industrial Estate

167/04

Formal notice having been given by Councillor Hampton it was **RESOLVED** that Council –

- 1 Adopt draft LEP Amendment No. 16 to rezone part Lot 532 DP 825929 and part Lot 2 DP 577321 Bruxner Highway, South Lismore from 1(r) Riverlands and 5 Special Uses zone to 4(a) Industrial zone; and
- 2 Use its delegations under section 69 of the EP& A Act to forward a report to the Minister for Infrastructure, Planning and Natural Resources together with a request that the Minister make the Plan.
- 3 That DCP No. 26 (Industrial Development Standards) be amended to incorporate new clauses to:
 - a) address best practice on-site stormwater management;
 - b) provide landscaping provisions to enhance rather than screen the estate from the Bruxner Highway.

(Councillors Hampton/Graham)

Voting Against: Councillors Irwin, Ekins and Swientek.
(04-8924: S865)

Smoke-free Areas

Formal notice having been given by Councillor Dowell it was **MOVED** that Council ban smoking within 10 metres of all children's playground equipment and erect signage to indicate that the designated areas be smoke-free.

(Councillors Dowell/Irwin)

AN AMENDMENT WAS MOVED that Council conduct an investigation of the issues associated with restricting smoking at children's playgrounds and present its recommendations for Council's consideration.

(Councillors Henry/Hampton)

On submission to the meeting the amendment was **DEFEATED**

Voting Against: Councillors Irwin, Tomlinson, Ekins, Dowell, Swientek, King and Meineke.

- 168/04 **RESOLVED** that Council ban smoking within 10 metres of all children's playground equipment and erect signage to indicate that the designated areas be smoke-free.
(Councillors Dowell/Irwin)
(04-9376: S226)

Committee Review

Formal notice having been given by Councillor Ekins it was MOVED that council review its committee structure on the following basis -

- 1 The review take place when Council's five year strategic plan is adopted by Council.
- 2 Council consult with committee members on how the committees meet the needs of the Strategic Plan.
- 3 That the review outcome be discussed at a workshop of Councillors.

(Councillors Ekins/Dowell)
On submission to the meeting the motion was DEFEATED.

Voting Against: Councillors Swientek, King, Chant, Graham, Hampton and Henry.
(04-8928: S36)

REPORTS:

2004/05 Management Plan – Supplementary Budget Workshop

- 169/04 **RESOLVED** that the report be received and -
- 1 The submissions listed in 'Attachment A' are supported and as specifically nominated, the 2004/05 Budget be increased by \$371,800, funded \$105,000 from the budget surplus and \$266,800 from the land sale reserve.
 - 2 Policy No 5.6.1 be amended to provide for Council to contribute towards waste disposal charges up to the value of two (2) tonnes per month per approved charity, and other highlighted minor changes.
 - 3 City Works undertake a review of our footpath/cycleway plan and prepare a report on priorities and funding levels.
 - 4 That in accordance with Section 356(1) of the Local Government Act, Council agree to provide the following donations to: -
 - a) Blue Knob Hall Committee - \$1,348 for the painting of the Blue Knob Hall.
 - b) Vietnam Veterans Association - \$3,400 towards a stained glass window for St Andrew's Church, Lismore.
 - c) NORPA - \$15,000 towards a cultural development program.
- (Councillors Irwin/Tomlinson) (S880)

Lismore LEP – Draft Amendment No. 17 - Minshul Crescent & Dunoon Road

- 170/04 **RESOLVED** that the report be received and Council –
- 1 Adopt draft LEP Amendment No. 17 to amend Lismore City Local Environmental Plan 2000 to include an enabling clause for rural residential development on Lot 4, DP580081 and Lots 1, 2 and 6 DP 258403. ; and
 - 2 Upon receipt of the bond for the intersection works Council use its delegations under section 69 of the EP& A Act to forward a report to the Minister for Infrastructure, Planning and Natural Resources together with a request that the Minister make the Plan.
- (Councillors Irwin/Meineke) (S870)

Crime Prevention Plan

- 171/04 **RESOLVED** that the report be deferred for consideration at the next meeting of Council to be held on October 12, 2004 to allow for the inclusion of necessary changes required by the Crime Prevention Division of the NSW Attorney General's Department.
(Councillors Irwin/Hampton) (S717)

Cultural Development Plan

- 172/04 **RESOLVED** that the report be received and –
- 1 That Council endorse the attached draft Cultural Development Plan.
 - 2 That the draft Cultural Development Plan be placed on public exhibition for a period of 28 days.
- (Councillors Irwin/Chant) (S86)

Social and Community Plan

- 173/04 **RESOLVED** that the report be received and -
- 1 Council note that the draft Social & Community Plan will be placed on public exhibition for a period of 28 days and that Councillors receive a copy of the revised Plan prior to this.
 - 2 Following exhibition, a further report be presented to Council in November to adopt the final plan.
- (Councillors Irwin/Graham) (S429)

Application to Close Part of Gallagher Drive, Lismore Heights

A MOTION WAS MOVED that the report be received and Council lease the subject land for a peppercorn rent to the interested adjoining landowner and retain ownership of the land.

(Councillor Swientek)

The motion lapsed for want of a seconder.

- 174/04 **RESOLVED** that the report be received and -
- 1 That the application to close the small area of Gallagher Drive as set out in this report be endorsed by Council and lodged with the Crown for gazettal as operational Council land.
 - 2 That Council sell the abovementioned closed road to the adjoining landowner for \$1,000.
 - 3 All costs associated with the road closure and its consolidation with the adjoining Lot 1 in DP 249779 be borne by the proprietor of the said Lot 1.
 - 4 That the General Manager and Mayor be authorised to sign and affix the Council seal to land transfer documents and survey plans as may be necessary to effect this resolution.
- (Councillors Hampton/Chant) (R7115)

2003/04 Reserves (Internally Restricted Assets)

- 175/04 **RESOLVED** that the report be received and Council -
- 1 Adopt the cash reserve balances for June 30, 2004 of \$21,564,426 as detailed on Attachment A.
 - 2 Amend Policy 1.5.10 – as detailed in Attachment B with the exception that under **Aims**, the wording be changed to *include “that management actively monitor the reserves to ensure that they are appropriate and not too high”* and that under **Reporting**, the inclusion of a new point (b) *“that the estimated level of reserves as at June 30 be reported to Council in conjunction with the draft Management Plan and Budget”*.
- (Councillors Tomlinson/Irwin) (S854)

Tenders for Water Main Replacement, Various Locations

- 176/04 **RESOLVED** that the report be received and –
- 1 The contract for the water main replacement at various locations be awarded to Camglade Pty Ltd at the rates submitted. (The estimated price of the works is \$641,053 plus GST and the estimate for “rate only items” is \$19,030 plus GST.)

- 2 The Mayor and General Manager be authorised to execute the Contract on Council's behalf and attach the Common Seal of the Council.
(Councillors Dowell/Irwin) (T25001)

Tenders for Mobile Library Trailer

- 177/04 **RESOLVED** that the report be received and Council accept the tender from Specialised Vehicle Manufactures for the cost of **\$362,450.00 (excl GST)** + optional extra's (to be negotiated) for the design, supply and delivery of a mobile library trailer for the Richmond Tweed Regional Library.
(Councillors Swientek/Dowell) (T24025)

Rating Structure Review

- 178/04 **RESOLVED** that the report be received and –
- 1 That Council not appoint Councillors to a Rating Strategy Working Party at this time.
 - 2 The information sought from the Rating Workshop held on August 24, 2004 be presented to a further Rating Workshop, to be held in either October or November 2004.
- (Councillors Swientek/Hampton) (S384)

2004 Annual Local Government Association Conference

- 179/04 **RESOLVED** that the report be received and the Deputy Mayor, Councillor Chant and Councillors Dowell and Tomlinson attend the conference as voting delegates, with the General Manager and Councillor Swientek attending as observers.
(Councillors Hampton/Graham) (S569)

Payment of Expenses and Provision of Facilities Policy

A MOTION WAS MOVED that the report be received and Council adopt the Payment of Expenses and Provision of Facilities policy as exhibited.
(Councillors Swientek/Hampton)

AN AMENDMENT WAS MOVED that the report be received and Council adopt the Payment of Expenses and Provision of Facilities policy as exhibited, subject to the word "spouse" being changed to "spouse/partner".
(Councillors Irwin/Ekins)

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

Voting Against: Councillors Swientek, Graham and Hampton.

- 180/04 **RESOLVED** that the report be received and Council adopt the Payment of Expenses and Provision of Facilities policy as exhibited, subject to the word "spouse" being changed to "spouse/partner".
(Councillors Irwin/Ekins) (S9)

COMMITTEE RECOMMENDATIONS:

Traffic Advisory Committee 18/8/04

- 181/04 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.
(Councillors Irwin/Graham) (S352)

DOCUMENTS FOR SIGNING AND SEALING:

182/04 **RESOLVED** that the following documents be executed under the Common Seal of Council:-

Reserve No. 85348 Lismore Spinks Park Reserve Trust – Lease Agreement to Lismore Croquet Club

Lease of clubhouse, lawns and surrounds for 5 years from 1/1/04 to 31/12/08.
(04-8907: P6765)

Subdivision Plan - Parmenters Road

Plan of part of Parmenter Road for title issue under the Roads Act 1993. Lot 1 is road and is intended to be closed and vested in Council.
(S324: R2902)

Deed of Agreement – Council and Gava – Caniaba Road

An agreement to be entered into between LCC and Keven Eric & Karen GAVA of 96 Caniaba Road, Caniaba, for the realignment of Caniaba Road in which they will provide 790m² of their property for road widening in return for a new fence and driveway. No money will be exchanged but LCC will also be responsible for all survey and road dedication costs.
(P14839,R4701)

Licence Agreement – Council and Linknet Communications NSW Pty Ltd

Non-exclusive licence to locate/operate antennae for telecommunication purposes on Wyreema Water Reservoir from 1/9/04 to 31/8/07.
(04-9866: P4031)
(Councillors Hampton/Graham)

SECTION 356 DONATIONS:

183/04 **RESOLVED** that the report be received and in accordance with Section 356(1) of the Local Government Act 1993, the donations to persons as listed are hereby approved for distribution.

- a) **Mayor's Discretionary Fund** (GL2033.26)
Budget: \$2,700 To date: \$110.00
- Nimbin Women's Bowling Club - Sponsorship of Gala Day (04-8391: S140) \$40.00
 - Summit Sports & Fitness Centre – prizes for trivia night in October (04-9321: S140) \$40.00
 - Richmond River High School – support for Kieren Alexander to attend workshop in Sydney as member of National Shakespeare festival team to compose some music for a performance in Sydney during next school holidays. \$100.00
- b) **Representative Selection** – Policy 1.4.10 (GL2033.6)
Budget: \$1,100 To date: \$644.00
- Joel Parrey – member of Australian Karate team to compete in Oceania titles in Fiji from September 1-4, 2004 (04-8922:S140) In accordance with policy \$322.00
 - Ari Carr – member of Australian Karate team to compete in Oceania titles in Fiji from September 1-4, 2004 (04-9284:S140) In accordance with policy \$322.00

c)	City Hall Reductions in Rental – Policy 8.4.2 (GL2033.2)		
	Budget: \$8,100	To date: \$203.40	
	➤ Rotary Club of Summerland Sunrise Inc. (04-8752: P6816)		
	In accordance with policy		\$154.80
	➤ Lismore Symphony Orchestra Inc. (04-9051: P6816)		
	In accordance with policy		\$49.00
	➤ Blue Hills College (04-9721: P6816)		
	In accordance with policy		\$89.40
d)	Sister City (GL2033.18)		
	Budget \$7,500	To date: \$1,813.99	
	➤ Japan Centre		
	Support for Isabella A' Capella tour of Japan.		\$2,000.00
e)	Civic Pride Advisory Panel		
	Budget \$20,000	To date: NIL	
	Lismore Garden Club - 2004 Lismore Garden Show		\$1,000.00
f)	Licence Fees Payable by Charitable Organisations – Policy 1.4.7 (GL2033.7)		
	Budget: \$300	To date: NIL	
	➤ Our Kids – NR Children's Health Fund		
	Reimbursement 30% of S68 application fee for temporary fence – Lismore Wine Fair on September 19.		
	In accordance with policy		\$34.20
g)	2004/05 Management Plan – Budget Submissions (GL 2948.2)		
	Budget: \$10,000		
	➤ Roy Waddell Community Centre – repairs and renovations to Centre.		\$10,000.00
h)	Banners – Policy 1.4.14 (GL 2033.8)		
	Budget: \$700	To date: NIL	
	➤ Summerland Early Intervention - 19/7/04 to 1/8/04 (allow 1 week)		
	In accordance with policy		\$60.00
	➤ Lismore Legacy Division - 30/8/04 to 5/9/04 (1 week)		
	In accordance with policy		\$145.00
i)	Council Contributions to Charitable Organisations – Waste Facility (Policy 5.6.1) (GL 2033.15)		
	Budget: \$6000	To date: NIL	
	Donations - July-Aug 2004:		
	In accordance with policy		
	➤ Animal Rights & Rescue		\$5.45
	➤ Challenge Foundation of NSW		\$101.84
	➤ Five Loaves		\$ 45.36
	➤ Friends of the Koala		\$20.07
	➤ Lifeline		\$110.00
	➤ Life Community Church Op Shop		\$58.90
	➤ Saint Vincent De Paul		\$33.49
	➤ Salvation Army		<u>\$110.00</u>
			\$485.11

184/04 **CONFIDENTIAL MATTERS - COMMITTEE OF THE WHOLE:**
RESOLVED that Council now exclude the press and public and meet in Committee of the Whole to consider the following matter:

S459

Councillor Ekins declared an interest in this matter and left the Chamber during discussion and voting thereon.

Sale of Land for Unpaid Rates
(Councillors Irwin/Graham) (S384)

RESUMPTION OF OPEN COUNCIL:

When the Council had resumed its former sitting, the General Manager reported that Council, meeting in Committee of the Whole, had resolved to exclude the press and public during its consideration of the beforementioned matters to preserve the confidentiality of the financial and personal information of ratepayers

AND IT NOW RECOMMENDED

Item 1:

- 1 That in accordance with 713 of the Local Government Act 1993 , Council, sell the properties covered by Council assessment numbers :-
1337, 2014, 1627, 3765, 9573, 11613, 3156, 13197, 13229, 14701, 16056,17051,17922, that the General Manager has certified in accordance with Section 713 (3) of the Local Government Act, 1993, have five or more year's outstanding rates.
- 2 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.
- 3 That the General Manager 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.
- 4 That the General Manager be authorised to determine the place of the sale and appoint an auctioneer to carry out the sale.
- 5 That documents required by and related to the sale of land for unpaid rates, the contract and transfer, be executed under the Common Seal of Council

185/04 **RESOLVED** that the General Manager's report of Council meeting in Committee of the Whole be received and adopted.
(Councillors Hampton/Irwin) (S384)

This concluded the business and the meeting terminated at 9.25 pm.

CONFIRMED this 12TH day of OCTOBER, 2004 at which meeting the signature herein was subscribed.

MAYOR

