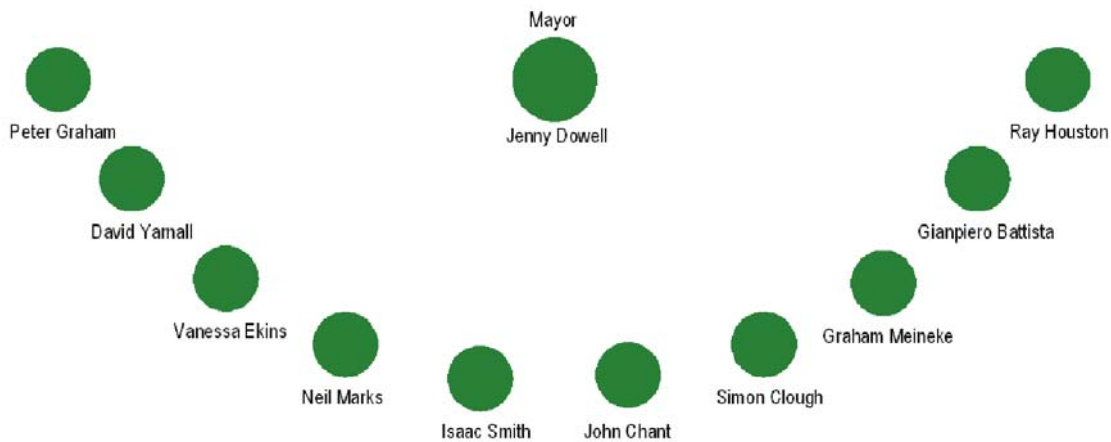


# Notice of Council Meeting



## Ordinary Meeting

An ORDINARY MEETING of LISMORE CITY COUNCIL will be held at the COUNCIL CHAMBERS, 43 Oliver Avenue, GOONELLABAH on Tuesday, 9 March 2010 at 6.00pm and members of Council are requested to attend.

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

2 March 2010



# Agenda

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Opening of Meeting and Prayer (Mayor)

Apologies and Leave of Absence

Confirmation of Minutes

Ordinary Meeting held 9 February 2010

Extra Ordinary Meeting held 23 February 2010

Disclosure of Interest

Public Access Session

Public Question Time

Condolences

Mayoral Minutes

Notice of Rescission Motions

Notice of Motions

Councillor Clough – Outdoor Areas – Smoke Free Policy

Councillor Clough – Energy Efficient Lighting

Altering Order of Business

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

Reports

Nielson Park Turfing ..... 3

Draft Access and Inclusion Plan 2010-2014..... 6

Goonellabah Sports and Aquatic Centre Energy Efficiency ..... 8

Tender T2010-22 – Recyclables Transport and Processing ..... 11

Tender T2010-16 – Organics Shredding ..... 16

Tender T2010-21 – Supply of Mobile Crane ..... 20

Investments – February 2010..... 24

Committee Recommendations

Documents for Signing and Sealing

Financial Assistance - Section 356

Questions Without Notice

Confidential Matters – Closed Council Meeting



# Lismore City Council Community Strategic Plan 2008 - 2018



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

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

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

## Notice of Motion

**Cr Simon Clough** has given notice of his intention to move:

That Council prepare a comprehensive report on adopting a 'smoke free outdoor areas' policy. The report should contain recommendations on; the scope of such a policy, signage requirements, enforcement, including possible penalties, community engagement processes and cost implications.

### Councillor Comment

The Cancer Council NSW supports legislated outdoor smoking bans at public locations where people tend to congregate in close proximity. Although the research on the health effects of second-hand smoke (SHS) exposure in such locations is not as comprehensive as the research on the health effects of SHS exposure in enclosed spaces, the emerging evidence of the danger of SHS is persuasive.

It is also important to consider the implications for children whose health is more easily damaged by SHS and who are also prone to emulate adult behaviour such as smoking.

There are strong environmental reasons for trying to reduce smoking outdoors such as the littering of cigarette butts and their subsequent contamination of waterways, not to mention the risk of fires.

### Staff Comment

#### Compliance Coordinator

Under the provisions of Chapter 16 - Offences Part 2 - Public Places (Section 632) Local Government Act 1993, Council has the ability to erect notices within a public place for the control and/or management of activities. This Section of the Local Government Act would provide the legislative foundation for the development of a policy for the control of smoking within a public place.

The Local Government Act defines a public place as:

- (a) a public reserve, public bathing reserve, public baths or public swimming pool; or
- (b) a public road, public bridge, public wharf or public road-ferry; or
- (c) a Crown reserve comprising land reserved for future public requirements; or
- (d) public land or Crown land that is not:
  - (i) a Crown reserve (other than a Crown reserve that is a public place because of paragraph (a), (b) or (c)); or
  - (ii) a common; or
  - (iii) land subject to the Trustees of Schools of Arts Enabling Act 1902; or
  - (iv) land that has been sold or leased or lawfully contracted to be sold or leased; or
- (e) land that is declared by the regulations to be a public place for the purposes of this definition.

(EF09/631:ED10/3084)

## Notice of Motion

**Cr Simon Clough** has given notice of his intention to move:

That the Council write to the Chief Executive of Country Energy (Council's Network Service Provider) requesting that negotiations between Council and his organisation regarding the installation of the most energy efficient street lighting be expedited.

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### Councillor Comment

Lismore City Council is committed to sustainability and the mitigation of carbon emissions. Fifty-four percent (54%) of Council's carbon emissions come from the use of electricity. One obvious area of reducing carbon emissions is the installation of the latest energy efficient street lighting. Council, in conjunction with other local councils has been negotiating with Country Energy for years to have energy efficient bulbs installed in street lights. There has been very little success. It is time that this situation was brought to the attention of the Chief Executive of Country Energy.

### Staff Comment

#### **Manager Assets**

The notice of motion is supported as the proactive involvement of Country Energy is vital to the success of this initiative.

(EF09/631:ED10/3515)



# Report

<b>Subject</b>	<b>Nielson Park Turfing</b>
<b>File No.</b>	EF09/1031:ED10/3404
<b>Prepared by</b>	Parks Coordinator
<b>Reason</b>	Urgent turfing involving the main field for Lismore Richmond Rovers Football Club.
<b>Objective</b>	Turfing of Nielson Park Main Football Field E2.
<b>Strategic Plan Link</b>	Develop and Support Art, Cultural, Sporting and Tourism Activities
<b>Management Plan Project</b>	Parks and Recreation

## Overview of Report

Council has recently undertaken an unsuccessful seeding program of the Lismore Richmond Rovers Football Field, Nielson Park, East Lismore. In order to have the field ready for play later in the winter season, turfing of the field has been identified as a priority. The Lismore Richmond Rovers Football Club has committed significant funds toward this Council project to ensure the turfing is completed. Council's Parks Coordinator has held meetings with Club representatives in order to achieve a more positive result and has identified two areas of capital project savings to the sum of \$10,800 which could be directed to the turfing project.

## Declaration of Interest – Team Leader - Treatment Plant Operations

*In accordance with the requirements of Council's Code of Conduct for all Council officials to ensure full disclosure in the interests of transparency and probity I wish to declare that I am the Club President of the Lismore Richmond Rovers Football Club and in that capacity have had discussions with Council's Parks Coordinator. In that way I have provided input to the proposal contained in this report.*

## Background

In the winter of 2008 Council's Parks and Recreation staff reviewed the poor performance of the grassed surface at the main football field of Nielson Park, a Council-owned field. This followed concerns by Lismore Richmond Rovers Football Club in previous years. The consensus between staff and the Club at the time was to amend existing soil problems and seed the field with Kikuyu in the summer of 2008/09 in order to resume play in the winter of 2009. At the time, seeding was chosen over the method of turfing due to a limited Council capital project budget.

Since this time two seeding attempts of the field has seen unsatisfactory results; the second being this summer. To ensure play for the 2009 season, the field was over-sown with an annual ryegrass which enabled the Club to play on the surface, albeit at a low quality of play. A second unsuccessful attempt of seeding has again meant that emergency measures are now being assessed in order to have the Club back playing on the surface as soon as possible.

The reason for an unsuccessful germination of the seed appears to be a combination of factors. These include:

- Soil pH complications
- Cultivation of the soil revealed an imported hard, rocky soil at depth
- Anaerobic soils at depth
- Dry and hot conditions following sowing
- Limited and sporadic irrigation at critical times during germination
- Irrigator breakdowns.

Assistance from Richmond Rovers Club members for irrigation was obtained for the majority of the planting and establishment period. For small projects, assistance from club members is often gained during the summer months when Council's mowing staff are fully utilised on mowers and slashers. However, with a number of irrigator breakdowns and Club member work commitments, the seed germination stage was compromised and may have contributed to the poor results.

On recognition of the problem, Council's Parks Coordinator conducted an on-site meeting with Lismore Richmond Rovers Football Club to negotiate alternative field line marking in order to minimise disruptions to the start of the Football season in April 2010. At this meeting the Club also committed itself to assist Council in purchasing and laying the turf on the field in order to have some play on the field this winter. Being the Club's 50<sup>th</sup> registered year, the club members are keen to maximise their play opportunities on the main field. This commitment by the Club is within its means, however, will limit the Club's financial capabilities for the short term.

## Current Situation

The Lismore Richmond Rovers Football Club has committed itself to assist Council delivering the project. Being of an urgent nature, funds for the project will be required by both Council and the Club in order to purchase the turf.

The turfing project has already started with the spraying of the existing weeds. The field has been scheduled for mowing ready for laying. The following budget has been estimated for the project and includes recommendations on who will be responsible for the costs:

<b>Works</b>	<b>Cost (\$)</b>	<b>Funding Source</b>
Weed spraying <i>(completed)</i>	2,500	Existing Parks Maintenance Fund
Preparing existing soil	350	Parks Maintenance Fund
Purchase of Turf	21,000	Funding shared between Rovers and Council Capital Works
Laying Turf	-	Rovers volunteers
Watering <i>(shared between Council and Rovers over a four week period)</i>	900	Parks Maintenance Fund

Council's Parks Coordinator has identified \$5,000 of existing parks capital savings to contribute to the turfing, with a further \$5,800 identified in capital savings from a Sports Facilities Fund project administered by the Sport and Recreation Policy Advisory Group (SRPAG). The convenor of the SRPAG, Council's Community Services Officer - Sport and Recreation, supports the proposal.

The Club's contribution towards this Council project will be \$10,200 in funding, and a further estimated \$6,000 of in-kind labour for laying the turf and follow-up maintenance.



## Other Considerations

Nielson Park Field E2 was one of two fields seeded. Caniaba Street Reserve, home to the South Lismore Celtic Football Club, also undertook an identical seeding project. All cultivation, soil amendments, seeding, and seed type were the same and implemented at the same time as the Nielson Park field. However, the success rate for Caniaba Street Reserve is approximately 80%. With some minor oversowing to come, and potentially a minor delay to the start of the season, the Caniaba Street Reserve should develop well in the coming 12 months without the need for turfing.

## Comments

### Financial Services

Council allocated \$20,000 in 2008/09 for the upgrading of the ground used by the Nimbin Demons Australian Football Club from the Rural Sports Facilities Fund. The works were completed for \$14,200 leaving an uncommitted balance of \$5,800. It is proposed to reallocate these funds and part of a recurrent parks and recreation budget to fund Council's share of the turfing costs at Nielson Park.

## Other staff comments

### Community Services Officer - Sport and Recreation

In the distribution of grants for the 2008/2009 Sports Facilities Fund, \$20,000 was allocated to the Nimbin Australian Football Club to redevelop the field's playing surface. An amount of \$14,200 was expended on that project which is now completed.

An amount of \$5,800 is currently unspent from this project and there are no outstanding applications for funding currently on the books. In discussions with the Manager-Finance, it is considered viable for these funds to be used to support the turfing of the field for the Lismore Richmond Rovers Football Club.

After an inspection of the field, it is agreed that works need to be done urgently. The East Lismore Bowls Club has agreed to assist the Football Club with respect to irrigation.

## Public consultation

No public consultation has taken place for this issue.

## Conclusion

In conclusion, the seeding that has been attempted in good faith has not had a positive result, leaving the Lismore Richmond Rovers Football Club without a main field for at least the start of the football season. Both Club and Council representatives have communicated well during the project and now recommend turfing the facility. The Club has committed itself to assist Council in purchasing the turf for the project.

## Recommendation (IS21)

That Council approve the transfer of funds from existing capital savings from both the Parks Projects Budget and the Sports Facilities Fund to the sum of \$10,800 toward the turfing of Nielson Park Field E2.

# Report

<b>Subject</b>	<b>Draft Access and Inclusion Plan 2010-2014</b>
<b>File No</b>	EF09/95:ED10/3176
<b>Prepared by</b>	Social Planner
<b>Reason</b>	To provide information and seek endorsement of the Plan
<b>Objective</b>	To improve physical and social access to Lismore residents
<b>Strategic Plan Link</b>	Support an Ageing Population Social Inclusion
<b>Management Plan Activity</b>	Develop Access and Inclusion Plan

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## Overview of Report

The five year draft Access and Inclusion Plan aims to ensure that people with disability and other community members have equitable access to infrastructure, services and opportunities provided by Lismore City Council in accordance with the Disability Discrimination Act, 1992. This report seeks endorsed by Council for a period of 28 days public exhibition prior to it being reported back for final consideration.

## Background

The draft Access and Inclusion Plan (AIP) identifies the key priorities and commitments of Lismore City Council (LCC) to meet the needs of people with a disability including Council staff, customers and the communities we work in. The AIP is attached to this report.

It is a practical, working document to guide Council in providing more responsive programs as well as safe, accessible environments and cultures for people with disabilities, older people and those with prams and young children. The draft Plan was developed in consultation with the community.

Desired outcomes of the AIP are that all people in Lismore receive the following:

- the same opportunities to access services, events and public consultations organised by LCC
- the same opportunities to access LCC facilities
- information in a format that will enable them to access information readily
- the same level and quality of service
- accessible mechanisms to make complaints.

The AIP seeks to address six key areas where barriers to access and inclusion exist. These are:

1. Information about Services
2. Physical Access
3. Complaints Procedures
4. Staff Training and Employment Practices
5. Promoting Positive Attitudes
6. Social Access.

When this AIP is adopted by Council it will be lodged with the Australian Human Rights Commission in accordance with the DDA, 1992.

## Implementation

Outcomes will be delivered over 5 years and progress and monitoring will be the responsibility of the Social Planner. All sections of Council have been consulted, through the initial consultation process or individually, and are aware of their responsibilities with respect to outcomes, budgets and timelines identified in the Plan. There is \$15,500 in the budget to implement the bulk of the actions in the AIP.

Some of the items in the action plan are clearly dependant upon budget provision namely:

- City Hall upgrade and stage lift
- bus stop conformance to public transport standards; and
- website upgrade for accessibility.

## Comments

### Financial Services

Council's recurrent budget provides \$15,500 for ongoing implementation of the Access and Inclusion Plan. If this amount is insufficient, a submission to the annual delivery plan process will be required.

## Other staff comments

### Manager, Integrated Planning

The Access and Inclusion Plan is fully supported.

## Public consultation

The draft AIP was developed in consultation with the Lismore Access Committee and included extensive consultation with local people with disability and disability organisations. Internal consultation occurred through a workshop and individual meetings. The Access Committee has endorsed the final draft.

## Conclusion

The draft Access and Inclusion Plan, 2010–2014 provides Lismore City Council with the opportunity to improve services to vulnerable groups within the community. The outcomes of the implementation of the Plan over 5 years will:

- eliminate discrimination in an active way
- improve services to existing customers
- enhance organisational image
- reduce the likelihood of accidents and complaints
- increase the likelihood of successfully defending complaints and avoiding legal action
- allow for planned and managed changes to business or services
- open up new markets and attract new customers.

## Recommendation

That Council:

1. endorse the exhibition of the draft Lismore City Council Access and Inclusion Plan, 2010 – 2014 for a period of 28 days.
2. at the conclusion of the public exhibition period that the draft Lismore City Council Access and Inclusion Plan, 2010 – 2014 be reported back to Council for final adoption.

# Report

<b>Subject</b>	<b>Goonellabah Sports and Aquatic Centre Energy Efficiency</b>
<b>File No.</b>	EF09/1801:ED10/3326
<b>Prepared by</b>	Manager - Assets
<b>Reason</b>	To advise Council of the result of an assessment and investigations into energy usage at the Goonellabah Sports and Aquatic Centre following an initial period of operation.
<b>Objective</b>	To have Council endorse expenditure to expand the solar heating system used to heat the pool water.
<b>Strategic Plan Link</b>	Mitigate Climate Change at a Local Level
<b>Management Plan Project</b>	Goonellabah Sports and Aquatic Centre

## Overview of Report

Council at its meeting of 13 October 2009 considered a notice of motion from Councillor Ekins and resolved:

- “1. Council prepare a report on accessing the \$1million climate change fund for the GSAC solar heating augmentation with an estimated cost of \$50,000 and savings of \$15,000 per annum.
2. Council prepare a report on accessing the same fund for the GSAC photo voltaic cells to enable self sufficient electricity generation at an estimated cost of \$475,000.
3. Council seek grants from both State and federal Governments for these projects”.

Investigations have been undertaken and this report outlines the results. It is recommended that Council proceed immediately with expansion of the solar water heating system for the pool and consider funding the installation of a 10Kwh PV cell system as part of the 2010/11 budget process.

## Background

Construction of the Goonellabah Sports and Aquatic Centre was completed in early 2009 and the centre opened to the public on Saturday, 4 April 2009. The building contains a number of energy efficient features, in particular in relation to the heating of the pool water.

### Solar Heating Augmentation

One of the components of the heating system for the pool water is the use of solar heating panels on the roof of the building. An arrangement of 20, sp200 Rinnai panels contribute to the heating of the pool water and hot water for the showers in the amenities. The balance of heating requirements is met by a gas heating system. At the time of the GSAC design it was estimated that the solar panels would contribute on average 8-9% of the water heating requirements for the building. The percentage of solar contribution varies throughout the year with the seasons.

Inform Energy, consultants used by the Principal Contractor for the construction of GSAC, have undertaken a site inspection and assessment of the existing system and have provided suggestions on providing the most cost effective upgrade to the solar array and have also made recommendations

regarding operational improvements that could be made to enhance the efficiency of the system. Their recommended option is to expand the solar array to a total of 50 panels. Coupled with the other identified efficiency improvements, these measures are projected to increase the solar contribution to approximately 30% of the heating requirements in the centre.

At the time of the GSAC design it was estimated that the annual gas operating costs would be reduced by approximately \$5,600 per annum as a result of solar contribution of 8-9% of heating requirements. Extrapolating these figures for the expanded 30% solar contribution, additional savings of approximately \$13,000 per annum could be achieved. It must be remembered that some of these savings are a result of improving the efficiency of the existing system as opposed to the installation of additional solar panels.

The cost of installing the additional solar panels is estimated at approximately \$37,000 giving a payback period of 2.85 years.

### Photo Voltaic Cells

Photovoltaic (PV) cells generate electricity when exposed to sunlight. Solar panels are described by their maximum current output under standard test conditions. A typical solar panel of 1.4 m<sup>2</sup> in area will produce 160 watts (W) of electricity in full sunshine. Cloudy skies or high air pollution will reduce this output significantly.

Based on the electricity usage at GSAC since the building opened, it has been calculated that the annual electricity consumption for the centre will be approximately 981,448 Kwh.

Enquiries to companies that specialise in the provision of solar energy solutions indicate that there are many issues for Council to consider. In particular the current system of subsidy from the Federal Government is a major consideration. In simple terms the current system allows a consumer to install up to a 10Kw PV cell system per metered site and "sell" the power generated back to the electricity grid. The income generated can then be used to offset the cost of electricity use in the building.

A 10Kw system would cost approximately \$47,000 to install and generate around \$9,300/annum in income for Council. This equates to a payback period of five (5) years.

To install any PV cell system in excess of 10Kw capacity, and connect it to the electricity grid would not be beneficial for Council as no income would be received for power generated beyond the 10Kw limit. In essence, Council would be providing free electricity to the grid.

The only alternative would be for Council to install a separate PV cell and battery system (not connected to the power grid), to meet part or all of the electricity needs for GSAC. To assess such a proposition would require considerable further investigation and is beyond the capabilities of staff. A consultant would need to be employed to further progress such an option.

However, as a guide staff have been able to ascertain that a 30Kw PV cell system would cost approximately \$150,000 to install. This does not include any allowance for the cost of batteries to store the power. A 30Kw system would meet approximately 6% of the power needs for GSAC and save Council around \$11,000 per annum based on current electricity costs. This equates to a payback period of approximately 13.5 years, without considering the costs for battery storage.

A further consideration is that the roof area required for the PV cells is considerable. A 30Kw system requires approximately 240m<sup>2</sup> of roof area for the PV cells.

## Comments

### Financial Services

It is proposed to utilise part of the Council's CCP Implementation Fund (Fund) to fund the expansion of the solar heating system for the GSAC building. The Fund is sourced from Council's reserve funds that would otherwise be invested in managed funds or direct securities. It is not specifically attributable to any one of the many reserves held, however due to financial reporting requirements must be attributable to at least one as at 30 June each year.

The use of the Fund is supported as the proposed expansion will provide savings in operational costs and has a payback period less than ten years.

For Councillor's information, the payback period is calculated using the capital costs (\$37,000) divided by the estimated savings in heating costs. Even after factoring in borrowing costs equivalent to lost interest revenues (using the Bank Bill Swap Rate of 4.61%) the repayment period is approximately three (3) years.

## Other staff comments

### Manager - Arts, Tourism and Leisure

Electricity and gas unit costs are expected to rise significantly over the next few years. The further expansion of solar panels or the introduction of photovoltaic cells is fully supported as an effective means of reducing the Centre's energy costs.

## Public consultation

Not applicable.

## Conclusion

In conclusion the analysis conducted regarding the expansion of the solar heating system for the GSAC building shows that for a cost of approximately \$37,000, Council can achieve annual savings of approximately \$13,000, giving a payback period of 2.85 years. It is recommended that Council consider funding this work as soon as possible.

In regard to the PV cells, the current regulations only allow Council to receive income for up to a 10Kwh system for each metered site that Council operates. Such a system would cost Council approximately \$47,000 to purchase and install and deliver an annual income to Council of approximately \$9,300. This equates to a payback period of five (5) years. This option is considered worth pursuing further and funding should be considered as part of Council's budget process.

It would be possible for Council to install a separate PV cell and battery system to provide power to GSAC but this would require considerable further investigation and the engagement of a suitable consultant. It is not intended to pursue this matter due to resource constraints.

## Recommendation (IS19)

That:

1. The report be received and noted.
2. Council access its CCP Implementation Fund to provide the capital cost of \$37,000 to expand the solar heating system at the Goonellabah Sports and Aquatic Centre.
3. Council consider any funding for the provision of a 10Kwh photovoltaic cell system on the Goonellabah Sports and Aquatic Centre as part of the delivery plan and 2010/11 budget process.



# Report

<b>Subject</b>	<b>Tender T2010-22 – Recyclables Transport and Processing</b>
<b>File No.</b>	T10/22:ED10/3267
<b>Prepared by</b>	Manager - Commercial Services
<b>Reason</b>	To inform Council of tenders received for the provision of comingled recyclables transport and processing services.
<b>Objective</b>	To obtain Council approval to award the contract for comingled recyclables transport and processing services.
<b>Strategic Plan Link</b>	Integrated Waste Cycle Management
<b>Management Plan Project</b>	Waste Services

## Overview of Report

This report details the evaluation of tenders received in relation to the provision of comingled recyclables disposal services and the recommendation to negotiate a contract with Visy Pty Ltd. This tender is a joint tender for Lismore City and Ballina Shire Councils.

## Background

Comingled recycling disposal is currently costing Council \$65 per tonne in external costs for cartage to Carrara and a gate fee for processing. In 2009/2010 this cost will approximate \$260,000.

At various times staff have looked at the option of building a Material Recovery Facility (MRF) in Lismore, however, volumes need to be around 10,000 tonne per annum (tpa) to make this option viable. Industry information suggests that at the 10,000 tpa rate the facility will on average break even. Lismore recovers approximately 4,000 tonne of comingled recyclable material per year. Ballina Shire Council also collects 4,000 tonne of similar material annually. Discussions have been held with Ballina Council regarding the possibility of constructing a joint facility but this a difficult issue to resolve in the short term. Additionally the current estimate for the cost to construct a suitable MRF is \$3 million dollars, plus purchase of a site suitable for both parties. In October 2009 Lismore and Ballina signed a Memorandum of Understanding which is designed to foster joint initiatives in waste management practice.

As an interim measure to enable progress in this area, Tender T2010-22 was called in December 2009 for the cartage and processing of both Lismore and Ballina Councils' recyclables. This tender had the aim of delivering a lower unit rate over the next two years to allow further assessment and the possible development of alternative proposals.

The request for tender was advertised in the '*Weekend Star*', the '*Courier Mail*' and the '*Sydney Morning Herald*', as well as "Tenderlink" through Lismore City Council's web page. Tender documents were received from two (2) companies by the close of tender at 2.00pm, Thursday, 21 January 2010.

The Tenderers were:

- Visy Recycling
- Polytrade Recycling.

Visy Recycling is arguably the largest recycling operator in Australia with its closest processing plant at Carrara on the Gold Coast. The recyclables from Lismore and Ballina are currently processed at this facility. Visy offered several alternative proposals including a base rate for the two-plus-two year arrangement and alternatives with discounts for increased volumes and longer term (four and ten year) arrangements. Visy also included a price for delivery to the Gibson Island MRF should the Carrara facility be closed at a future date.

Polytrade Recycling is a specialist plastics recycling company which operates throughout Australia and is expanding into general resource separation activities with MRFs in Melbourne and Chinderah. It has offered a flat rate for either the two-plus-two or four year alternatives.

## Tender Evaluation

An evaluation panel comprising the Contracts Administration Officer, Manager-Commercial Services and Ballina Council's Manager- Waste, Water and Sewer undertook the assessment of tenders. The panel used the following criteria as the basis for the comparative evaluation of tenders:

Criteria	Weighting (%)
1. Total Price	40%
2. Capability and Experience	30%
3. Quality and safety	10%
4. Environment and community	10%
5. Local Content (min10%)	10%

Price and capability were the two major considerations in the evaluation as there are no local providers of the services and almost all activities occur in the Tenderers' facilities. Results of the assessment are attached in Appendix A.

In summary there is virtually no difference between the companies on all except the pricing aspect of the evaluation. It could be argued that Visy has a larger capacity for recycling on an Australia wide basis but for the purposes of Lismore's tender both are more than capable of meeting our requirements.

From a price perspective even without the added discounts for joint volumes and a straight four-year period, Visy's pricing offers a \$3.60 per tonne advantage over Polytrade and an \$8.60 per tonne advantage from current costs. The four-year Visy option provides a \$13.80 advantage in Year One over current costs and is indexed to CPI. The 10-year Visy proposal offers another \$2.10 per tonne advantage - a total of \$15.90 per tonne better than current prices. Locking in to a 10-year deal will severely limit Council's ability to take advantage of any changes in the recycling industry for a significant period. In the past high sales values for recyclable products have driven gate fees down, and currently the prices for some of these commodities are on the increase, which in turn is impacting on the current reduced pricing for gate fees.

Based on our current levels of 4,000 tpa these discounts would provide annual savings of:

- \$34,300 for the 2+2 year price
- \$55,200 for the 4-year price
- \$63,600 for the 10-year price.

However, if Visy were to close its Carrara operation our costs would be \$8.55 higher than currently paid and \$13.55 higher than the Polytrade offer per tonne, based on the 2+2 year prices.

## Joint Tender Benefits

For some time now the Ballina and Lismore waste managers have held discussions on various opportunities to take advantage of their geographical proximity and combined waste volumes. None of these have come to fruition to date. This tender and a joint Organic Shredding tender are two opportunities for the councils to progress a mutually beneficial co-operation in waste management activities.

The benefit to Lismore and Ballina co-operating on waste initiatives is borne out in the additional discount offered by Visy as follows:

- Every tonne over 8,000 tonnes per annum – discount of \$1.50 per tonne
- Every tonne over 12,000 tonnes per annum – discount of \$2.50 per tonne
- Every tonne over 16,000 tonnes per annum – discount of \$3.75 per tonne.

Lismore and Ballina will jointly collect approximately 9,000 to 10,000 tonne per annum under current arrangements.

Whilst there are some slight differences in pricing at the two sites it is proposed that all benefits and costs associated with the tender will be shared.

## Comments

### Financial Services

The tender process for Comingled Recyclables Transport and Processing will result in the best overall arrangement for Council and the savings identified will be included and factored into future Waste Management budgets. As such, the recommendations are supported.

## Other staff comments

Not required.

## Public consultation

Not required

## Conclusion

There are significant savings to be made for both Lismore City and Ballina Shire Councils by accepting the new rates from Visy for a straight four (4) year supply arrangement based on the Carrara Proposal. Additional savings can be made from increased volumes by Lismore and Ballina jointly accepting the tender. Any move to Gibson Island would be detrimental to both councils financially; therefore Council should only enter a Visy agreement on the condition that if supply to Carrara is withdrawn the contract is voided.

Therefore, Council should not accept the tender at this stage until these minor matters are resolved.

## Recommendation (IS17)

That:

1. In accordance with Clause 178(1)(b) of the Local Government (General) Regulation, Council decline to accept any tenders for T2010-22 – Recyclables Transport and Processing.
2. In accordance with Clause 178(3)(e) of the Local Government (General) Regulation, Council resolve to enter into negotiations with Visy Pty Ltd to for T2010-22 – Recyclables Transport and Processing.
3. In accordance with Clause 178(4)(a) of the Local Government (General) Regulation, the reasons that Council declines to invite fresh tenders are that:
  - (a) Council has already conducted a tender process and received an adequate response,
  - (b) the respondents to that process are capable of delivering the services that Council requires,
  - (c) Council's process clearly identified a preferred Tenderer but there are some minor matters that need to be resolved and clarified prior to awarding a contract,
  - (d) those matters are not of a nature that the content or requirements of the tender would alter,
  - (e) a satisfactory outcome can be achieved through a negotiation process and there is no need to call for fresh tenders.
4. The General Manager be authorised to enter negotiations and finalise a contract on behalf of Council.
5. The Mayor and General Manager be authorised to execute the Contracts, once finalised, on Council's behalf and attach the common seal.

**Appendix A**

Tender T2010-22

**Recyclables Transport and Recycling**

Tendered by: **Visy Recycling**

**Polytrade Recycling**

	Criteria	Weighting from Tender Docs	Tender 1		Tender 2	
			Raw Score	Weighted & calculated	Raw Score	Weighted & calculated
1	Total Price (out of 10; against average)	40%	7.1	2.82	6.5	2.62
2	Capability and Experience (out of 10)	30%	10.0	3.00	9.0	2.70
3	Quality and Safety (out of 10)	10%	10.0	1.00	10.0	1.00
4	Environment and Community (out of 10)	10%	10.0	1.00	10.0	1.00
5	Local Content Minimum 10% (Out of 10)	10%	0.0	0.00	2.0	0.20
		100%		7.82		7.52
	<b>Overall score out of 100</b>			78.21		75.19

# Report

<b>Subject</b>	<b>Tender T2010-16 – Organics Shredding</b>
<b>File No.</b>	T10/16:ED10/3296
<b>Prepared by</b>	Manager - Commercial Services
<b>Reason</b>	To inform Council of tenders received for the provision of organics shredding services.
<b>Objective</b>	To obtain Council approval to award the contract for organics shredding services.
<b>Strategic Plan Link</b>	Integrated Waste Cycle Management
<b>Management Plan Project</b>	Waste Services

## Overview of Report

This report details the evaluation of tenders received in relation to the provision of organics shredding services and the recommendation to award the tender to Mulching Matters Pty Ltd. This tender is a joint tender for Lismore City and Ballina Shire Councils.

## Background

Council has operated the organics shredding pad at the Wyrallah Road Waste Facility since 2006. For much of that time a hired high speed horizontal grinder (shredder) has been used to process the material into compost. The cost of hiring this machine jumped significantly in late 2009 when the previously hired machine was sold by the hiring company and no replacement was forthcoming. A machine owned by a Melbourne organics processing company was eventually sourced but at a significant cost. This machine is costing \$293 (plus GST) per hour with a 30 hour per week minimum hire. Actual shredding requirements are for around 16 to 20 hours per week.

The cost of purchasing a new machine is approximately \$900,000. A long term lease/loan would likely be the acquisition method as a purchase of this size would severely deplete waste operation reserves.

As part of discussions with Ballina Shire Council under the Memorandum of Understanding for developing a joint approach to waste management, it was determined that there was a possibility of the two councils making use of one machine, thus spreading the costs significantly. Prior to going to tender for such a machine it was agreed to explore the market availability and cost of suitable contractors to undertake the work. The result of this tender would then be used to determine whether it is cost effective to do the work in-house or contract it out.

Tender T2010-22 was called in December 2009 for the shredding of both Lismore and Ballina Councils' organic products – green waste, organics and timber. This tender had the aim of delivering a lower unit rate over the next two years to allow further assessment and the possible development of alternative proposals.

The request for tender was advertised in the '*Weekend Star*', the '*Courier Mail*' and the '*Sydney Morning Herald*', as well as "Tenderlink" through Lismore City Council's web page. Tender documents were received from six (6) companies by the close of tender at 2.00pm, Thursday, 21 January 2010.



The tenders received were:

<b>Tenderer</b>	<b>Price per Tonne (&gt;4,000T/yr)</b>
Mulching Matters Pty Ltd	\$17.30
Eric Child & Sons	\$17.50
Tropical Mulch Group	\$18.00
BTM Group	\$18.30
Davis Earthmoving	Non-conforming Tender
Green Care Mulching	\$37.50

## Tender Evaluation

An evaluation panel comprising the Contracts Administration Officer, Manager-Commercial Services and Ballina Council's Manager–Waste, Water and Sewer undertook the assessment of tenders. The panel used the following criteria as the basis for the comparative evaluation of tenders:

<b>Criteria</b>	<b>Weighting (%)</b>
1. Total Price	40%
2. Capability and Experience	30%
3. Quality and safety	10%
4. Environment and community	10%
5. Local Content (min10%)	10%

Price and capability were the two major considerations in the evaluation. Results of the assessment are attached in Appendix A.

Four of the companies - Mulching Matters, Eric Child, Tropical Mulch and BTM - submitted prices that were within a dollar per tonne of one another and significantly cheaper than the other tenders.

One contractor – Davis Earthmoving proposed to visit the sites on a two monthly basis whereas the tender called for a monthly shredding cycle. They were therefore deemed as a non complying tender and eliminated from further analysis.

All of the Tenderers rated highly on capability and environmental criteria, having well established operations and suitable equipment. Mulching Matters and Tropical Mulch has extensive experience with Council contracts. Eric Child and BTM have largely focussed on construction and clearing type contracts which are much simpler and easier work that waste shredding.

Many of the contractors have had no experience with shredding full kerbside organics as Lismore is one of a handful of councils with this type of collection. Mulching Matters and Tropical Mulch visited the sites and are aware of the conditions and material to be shredded.

Mulching Matters and Tropical Mulch have extensive OH&S systems in place whilst the others supplied evidence of lesser but largely workable systems. Eric Child's safety systems were marginal.

BTM Group is based at Murwillumbah, however it sub-contracts its work to Spot-On Plant Hire based in Logan. All of the operators would source local supplies (fuel, accommodation, etc.) and possibly some labour in conducting the activities.

## Internal Comparison

To establish a comparison against the tender prices, calculations were made as to what the works could be estimated to cost internally, using known costs from existing operations. The estimated cost to do the work in-house in conjunction with Ballina Council is \$21.87 per tonne and to do it on a stand-alone basis is \$22.84 per tonne. This means that Council would be better off by approximately \$45,000 per year using the lowest tender prices by entering into the joint tender arrangement.

It currently takes around 15 hours per week to shred our organic material – equivalent to eight full days per month; that is 96 days or 750 hours per year. This enables us to shred approximately 10,000 tonne of material which corresponds to 104 tonne per day or 13 tonne per hour.

The Tenderers under consideration for this tender utilise larger equipment than those we use and therefore should be able to complete the work in a week per site for each month.

## Joint Benefits Tender

The benefit to Lismore and Ballina Councils co-operating on waste initiatives is borne out in the attraction of large contractors to these tenders providing best possible pricing.

Lismore and Ballina will jointly collect approximately 20,000 tonne per annum of organic material under proposed arrangements and this tender will facilitate the efficient processing of this material and overall reduce the volumes of waste disposed to landfill.

## Comments

### Financial Services

The tender process for Organics Shredding will result in the best overall arrangement for Council and the savings identified will be included and factored into future Waste Management budgets. As such, the recommendations are supported.

### Other staff comments

Not required.

### Public consultation

Not required.

## Conclusion

Council needs to purchase a shredding machine in its own right, co-purchase a machine with Ballina Shire Council, or tender out the shredding of the organics waste stream. The cheapest alternative presented to Council from this review is to tender out the works.

## Recommendation (IS18)

That:

1. Council enter into a contract with Mulching Matters Pty Ltd for the supply of organics shredding services for the tendered price of \$17.30 per tonne for a period of two (2) years, with an option at Council's absolute discretion, to extend the contract for a further two (2) years.
2. The Mayor and General Manager on behalf of Council be authorised to execute the contract and attach the Common Seal of the Council.

**Tender T2010-16      Organics Shredding**

		Tendered by:										
			Mulching Matters P/L		Eric Child & Sons		Tropical Mulch Group		BTM Group		Green Care Mulching	
Criteria	Weighting from Tender Docs	Tender 1		Tender 2		Tender 3		Tender 4		Tender 5		
		Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	
1	Total Price (out of 10; against average)	40%	7.5	2.98	7.4	2.97	7.3	2.94	7.3	2.92	4.5	1.79
2	Capability and Experience (out of 10)	30%	10.0	3.00	7.0	2.10	10.0	3.00	8.0	2.40	9.0	2.70
3	Quality and Safety (out of 10)	10%	10.0	1.00	5.0	0.50	10.0	1.00	8.0	0.80	7.0	0.70
4	Environment and Community (out of 10)	10%	8.0	0.80	8.0	0.80	8.0	0.80	8.0	0.80	8.0	0.80
5	Local Content Minimum 10% (Out of 10)	10%	5.0	0.50	5.0	0.50	5.0	0.50	5.0	0.50	4.0	0.40
		100%		8.28		6.87		8.24		7.42		6.39
	<b>Overall score out of 100</b>			82.80		68.69		82.39		74.22		63.90

Ranking	
Rank Company	Score
1 Mulching Matters P/L	82.80
2 Tropical Mulch Group	82.39
3 BTM Group	74.22
4 Eric Child & Sons	68.69
5 Green Care Mulching	63.90

# Report

<b>Subject</b>	<b>Tender T2010-21 – Supply of Mobile Crane</b>
<b>File Nos.</b>	T10/21:ED10/3399
<b>Prepared by</b>	Fleet Services Coordinator
<b>Reason</b>	To seek approval from Council to purchase a major plant item.
<b>Objective</b>	To provide information to Council relevant to the selection of suitable replacement plant so an informed decision can be made.
<b>Strategic Plan Link</b>	Efficient use of Council resources.
<b>Management Plan Project</b>	Fleet Operations

## Overview of Report

Council's 2009/10 Management Plan includes budget allowance for replacement of a lift and carry articulated mobile crane. An earlier invitation for tenders attracted no responses and this was reported to Council. It was resolved by Council that a selective quotation process be entered into and the results reported. This is the report of the outcome of that process.

Four companies were contacted, provided with the specification, and asked to provide a quotation. Quotations were duly received. This report with attachments presents the interpretation by staff of the information received, assessment of the machines offered, the results of comparison of the machines and a recommendation by staff of the machine considered most appropriate for Council's operations.

## Background

### Crane

There are many crane types each with their specific uses. Cranes are broadly divided into mobile and fixed. Of the many crane types, Council has need of a "pick and carry" or "lift and carry" mobile crane. This is an articulated, four wheel drive machine, with the boom mounted on the section forward of the articulation point, and the motor and ballast mounted in the rear section. Cranes are potentially very dangerous to operate due to the nature of their work, so the manufacture and operation of cranes is highly regulated with each machine and many of its components requiring periodic mandatory certification.

The primary purpose for which Lismore City Council needs a pick and carry crane is for bridge construction and maintenance. These operations require accurate, delicate placing of large heavy components like girders, often from an uneven bank below the bridge. A four wheel drive, pick and carry crane is the only tool able to serve the purpose. Although primarily allocated to the bridge crews, Council's current crane is used widely supporting various operations, examples of which are: concrete construction; pipe laying; roads construction and maintenance; tree transplants with parks and gardens; guardrail installations; flood work, etc.

It has been recognised by Council staff that hire of 'elevating work platforms' (scissor lifts and cherry pickers), could be reduced if a 'personnel basket' were acquired with the new crane. The additional operations that the crane could then support would include: banner hanging, sign erection, painting, buildings maintenance, tree surgery, etc; and will also provide safer methods of carrying out some of the bridge works.

## Process

Tender T2009-20 for the same specification was advertised previously and attracted no responses. This fact was reported to Council in March 2009 when it was resolved to enter into a selective quotation process with the results being reported back to Council, hence this report.

Four companies were contacted, provided with the specification, and asked to provide a quotation. Responses were received from all four companies, two of which resulted in quotations. Of the other two, one advised that it did not have a suitable product (their smallest crane was too large); and although the other company expressed an interest in quoting, no quote has been received despite follow-up contact.

The quotations received did not address all the points in Council's specification and quote forms. After a number of telephone calls and emails, the eventual outcome is summarised in the following table:

<b>Company:</b>	<b>Dellgale</b>	<b>James Equipment</b>	<b>DRA Construct</b>	<b>Terex Cranes</b>
<b>Make:</b>	Zoomlion / Linmac	Tadano	Humma	Franna
<b>Model:</b>	<b>No quote received</b>	<b>No suitable product</b>	20-25	AT-20
<b>Manufactured:</b>			Perth, WA	Brisbane, Qld
<b>Price:</b>			\$395,709.00	\$394,000.00

Staff assessed the submitted information and both the Franna and the Humma cranes appeared to suit Council's needs. Demonstrations of each were arranged.

Council staff attended a demonstration in Brisbane of a privately owned Humma crane. DRA Construct was not able to have a representative attend but the crane owners were generous with their resources, and Council staff received a satisfactory demonstration of a Humma crane, plus useful feedback from the owner and operators.

Council staff also toured the Terex Brisbane factory and received a comprehensive demonstration of the Franna crane.

## Selection

Comparison of the two machines was made using Council's established methods. A summary of the comparisons is presented in Attachment A. The preferred choice of Council staff and operators is the Franna crane. Some of the major points of differentiation between the Franna crane and the Humma crane are:

- The Franna has 'hook compensation' whereby the height of the hook is maintained whilst the boom is extended and retracted; the Humma does not. This is important for fine control.
- The Franna has a two speed winch with 'creep' speed. The Humma has a single speed winch. This also is important for delicate load control.
- Humma has longer reach and greater lifting capacity.
- Humma has all boom sections powered; Franna has last section manual.

- The build quality on the Franna reflects the years of product refinement. DRA Construct is still working out better designs and methods.
- The Humma has airbag suspension versus the semi-elliptical springs on the Franna. Besides improving the ride, this is said to (and likely to), save wear on the articulation joint of the Humma.
- For Lismore City Council, Brisbane rather than Perth is a preferable location should any major repairs be necessary. It would cost at least \$13,000 to ship the crane to Perth and back.
- Both machines have 12 months / 1,000 hour warranty.
- The weight of these cranes (around 20.0 tonnes) means that braking is critical to driving safety and we have some very steep roads in our area. The Franna is fitted with an exhaust brake which enhances driving safety. The Humma has wheel brakes only.

## Disposal

Council currently owns a 1998 Franna AT-14 pick and carry (14 tonne) mobile crane, Plant No. 204. It is in fair condition showing 5,410 hours and is almost 12 years old. Since 1998 there have been many developments in crane technology and safety systems. Mandatory 10-year re-certification of Council's AT-14 crane in 2008 required a number of safety systems to be fitted, which has effectively reduced the safe operating capacity of the crane. Even before this, Council engineers and operators had recognised the need for a crane of higher capacity but other plant items took priority. Council can expect to receive a good return from sale of this item given it is in fair condition and is re-certified. Recent auction results suggest that a sale price over \$100,000 is achievable.

## Comments

### Financial Services

The 2009/10-2012 Management Plan provides for the replacement of this plant item in the 2009/10 Budget (\$181,600). As the amount included in the Budget is insufficient to fund the after trade amount (\$294,000), the replacement of a MacDonald Three-Point Roller (\$183,000) will be deferred in 2009/10 to enable purchase of the crane this financial year.

Future plant hire rates for the new crane will be increased to recover the full purchase cost and allow for the replacement of the deferred roller.

## Other staff comments

Not required.

## Public consultation

Not required.

## Recommendation (IS20)

That:

1. Council purchase from Terex Cranes a Franna AT-20 mobile crane at a cost of \$394,000 plus GST.
2. Council sell by auction Plant No. 204, being a Franna AT-14 mobile crane.



**Attachment A**

Tender T2010-21		<b>LIFT AND CARRY ARTICULATED MOBILE CRANE OF 18 TONNE LIFT CAPACITY RATING</b>									
		Tender 1		Tender 2		Tender 3		Tender 4			
		Dellgale		James Equipment		DRA Construct		Terex QLD			
		Zoomlion / Linmac		Tadano		Humma		Franna			
		no quote received		no suitable product		20-25 (20 tonne)		AT-20			
	Criteria	Weighting from Tender Docs	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	
1	Total Price (out of 10; against average)	40%	10.0	0.00	10.0	0.00	6.8	2.72	6.8	2.72	
2	Capability and Experience (out of 10)	45%	0.0	0.00	0.0	0.00	5.3	2.40	7.2	3.23	
3	Quality and Safety (out of 10)	3%	0.0	0.00	0.0	0.00	6.0	0.18	8.0	0.24	
4	Environment and Community (out of 10)	2%	0.0	0.00	0.0	0.00	4.5	0.09	7.5	0.15	
5	Local Content Minimum 10% (Out of 10)	10%	0.0	0.00	0.0	0.00	4.0	0.40	5.0	0.50	
		100%		0.00		0.00		5.79		6.84	
	<b>Overall score out of 100</b>			0.00		0.00		57.87		68.38	

# Report

<b>Subject</b>	<b>Investments – February 2010</b>
<b>File No</b>	EF09/2209:ED10/3471
<b>Prepared by</b>	Management Accountant
<b>Reason</b>	Required by Local Government Act, 1993, Local Government (General) Regulations 2008 and Council's investment Policy
<b>Objective</b>	To report on Council's Investments
<b>Strategic Plan Link</b>	Best-Practice Corporate Governance
<b>Management Plan Project</b>	Financial Services

## Overview of Report

Investments as at 28 February 2010 are estimated to be \$28,460,371 subject to final market valuations typically provided after month end.

The interest rate reported for February 2010 is estimated to be 4.21% which is the same as the Bank Bill Swap Rate for the period. The final interest return may vary due to actual returns achieved on investments advised after month end.

## Background

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

## Report on Investments

- |  |              |
|--|--------------|
| • <i>Confirmation of Investments – at Market Value – 31 January 2010</i> | \$25,605,859 |
| • <i>Estimated Investments – at Market Value – 28 February 2010</i>      | \$28,460,371 |

The current rate of return on investments for February 2010 is estimated to be 4.21% which is the same as the Bank Bill Swap Rate for the period. The rate of return reported has been calculated using actual returns where available and estimates based on the previous period balance and interest rates. The methodology used to calculate estimates appears reasonable in light of discussion with the portfolio advisor.

There are still a number of investments not paying coupons. These include investments in Blackrock Care & Maintenance Fund, Longreach – Series 25 and five Lehman Brothers related investments that are terminating. These investments are shown on the 'Estimated Interest' attachment with an estimated interest rate and weighted interest for the period of zero.

In regards to the Blackrock Care & Maintenance Fund, as this fund is being independently managed with a view to its ultimate termination, the payment of a coupon is dependent on funds available net of costs. A coupon payment has not been recognised as a return on investment this month.

## **Quarterly Investment Report**

Each quarter Council's independent Investment Advisors prepare a Quarterly Investment Report on the investment holdings compared to the Target Credit Quality, Counterparty Exposure, Target Asset Allocation and Target Maturity Profile. The report for the December Quarter has recently been received and discussed with Brett Westbrook, Director of CPG Research and Advisory. Councillors have previously been provided with a copy of this report along with a brief summary of the contents.

## **Richmond Tweed Regional Library**

To meet compliance requirements associated with being the Executive Council for Richmond Tweed Regional Library, Council must report on investments held by the Library each month. For the month ended 28 February, 2010 the estimated total value of investments held by Richmond Tweed Regional Library is \$2,015,862. The current rate of return on the library's investments for February 2010 is estimated to be 5.47%.

## **Attachments**

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

- Capital Value Movements including name of institution, lodgement date and maturity date. The Balance Sheet valuation from the 2008/09 Financial Report or the current year purchase price is now displayed on this attachment.
- Estimated Interest showing interest rate and estimated interest earned for the period. The weighted interest for the period calculation is now based on the current market value of investments.
- Total Investment Portfolio held by month with last year comparison - graphical
- Investment by Type - graphical
- Weighted Average Interest Rate with bank bill swap rate and last year comparison – graphical
- Investment by Institution as percentage of total portfolio – graphical

## Comments

Financial Services

N/A

## Other staff comments

N/A

## Public consultation

N/A

## Conclusion

A report on investments is required to be submitted to Council monthly. This report meets that requirement. For February 28, 2010, investments total \$28,460,371 and the annualised rate of return was 4.21%.

This report includes investment information for the Richmond Tweed Regional Library. As Council is the Executive Council for the Richmond Tweed Regional Library, this information must be reported to Council monthly.

## Recommendation

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

**Capital Value Movements  
Summary of Investments held as at  
28 February, 2010**

Name of Investment / & Counterparty	Type of Investment	Rating	Assessment of return of Capital	Purchase Date	Maturity Date	Last Date Confirmed Valuation Available	Balance Sheet Valuation (Note 1)	Current Market Value (Note 4)	
<b>Cash Based Returns</b>									
Blackrock Care & Maintenance Fund	Managed Fund	A	High	15/10/2008	N/A	19/02/2010	\$ 2,243,051	\$ 2,620,694	Note 3
CBA Business On Line Banking A/c	Cash Management Account	Cash	High	N/A	N/A	19/02/2010	\$ 4,163,000	\$ 4,163,000	
Macquarie Cash Management Trust	Cash Management Account	Not Rated (Note 7)	High	1/9/2006	N/A	19/02/2010	\$ 250,671	\$ 250,671	
ANZ High Yield Cash Account	Cash Management Account	AA	High	N/A	N/A	19/02/2010	\$ 1,030,414	\$ 1,030,414	
Southern Cross Credit Union	Term Deposit	Not Rated (Note 7)	High	6/1/2010	8/3/2010	6/01/2010	\$ 2,000,000	\$ 2,000,000	
IMB Banking & Financial Services	Term Deposit	A2	High	18/1/2010	19/3/2010	18/01/2010	\$ 2,000,000	\$ 2,000,000	
Credit Union Australia (CUA)	Term Deposit	Not Rated (Note 7)	High	5/2/2010	6/4/2010	5/02/2010	\$ 2,000,000	\$ 2,000,000	
Suncorp Bank	Term Deposit	A-1	High	8/2/2010	9/4/2010	8/02/2010	\$ 2,000,000	\$ 2,000,000	
SGE Credit Union	Term Deposit	Not Rated (Note 7)	High	12/2/2010	13/4/2010	12/02/2010	\$ 2,000,000	\$ 2,000,000	
Newcastle Permanent	Term Deposit	A2	High	18/2/2010	19/4/2010	18/02/2010	\$ 1,000,000	\$ 1,000,000	
Westpac Banking Corporation	Term Deposit	AA	High	4/12/2009	4/12/2010	4/12/2009	\$ 2,000,000	\$ 2,000,000	
Newcastle Permanent	Term Deposit	A2	High	18/12/2009	20/12/2010	18/12/2009	\$ 1,000,000	\$ 1,000,000	
Summerland Credit Union	Term Deposit	Not Rated (Note 7)	High	17/1/2010	17/1/2011	17/01/2010	\$ 1,000,000	\$ 1,000,000	
Merrill Q A/A FRN / CBA	Floating Rate Note	A+	High	22/3/2005	8/6/2010	31/01/2010	\$ 949,250	\$ 994,090	
Bishopsgate (Wentworth)	Floating Rate CDO	AA	High	1/9/2006	20/9/2010	30/06/2009	\$ 435,100	\$ 435,100	Note 5
Herald Limited (Quartz)	Floating Rate CDO	B+	Low	1/9/2006	20/12/2010	30/06/2009	\$ 13,572	\$ 13,572	Note 5
Cypress (Lawson)	Floating Rate CDO	BBB+	Low	1/9/2006	30/12/2010	30/06/2009	\$ 379,500	\$ 379,500	Note 5
Deutsche Bank CG Yield Curve Note	Euro Bond	Not Rated (Note 7)	High	1/9/2006	18/10/2011	30/06/2009	\$ 247,500	\$ 247,500	Note 5
BELO (Kalgoorlie)	Commodity Backed Security	AA+	High	1/9/2006	27/2/2012	30/06/2009	\$ 580,440	\$ 580,440	Note 5
Magnolia (Flinders)	Floating Rate CDO	BB+	Low	1/9/2006	20/3/2012	30/06/2009	\$ 210,000	\$ 210,000	Note 5
Omega (Henley)	Floating Rate CDO	CCC	Low	1/9/2006	22/6/2012	30/06/2009	\$ 126,200	\$ 126,200	Note 5
Beryl (Esperance 2)	Floating Rate CDO	BB+	Low	1/9/2006	20/3/2013	30/06/2009	\$ -	\$ -	Note 5
Corsair (Torquay)	Floating Rate CDO	CCC-	Low	1/9/2006	20/6/2013	30/06/2009	\$ 59,400	\$ 59,400	Note 5
Zircon (Merimbula)	Floating Rate Note	C	Low	1/9/2006	20/6/2013	30/06/2009	\$ -	\$ -	Note 5
Corsair (Kakadu)	Floating Rate CDO	CCC	Low	1/9/2006	20/3/2014	30/06/2009	\$ 124,550	\$ 124,550	Note 5
Longreach - Series 25	Equity Linked Investment	AA-	High	2/4/2007	4/4/2014	30/06/2009	\$ 662,600	\$ 666,140	Note 2
Helium (Scarborough)	Floating Rate CDO	CCC-	Low	1/9/2006	23/6/2014	30/06/2009	\$ 2,200	\$ 2,200	Note 5
Beryl (Global Bank Note)	Floating Rate Note	C	Low	1/9/2006	20/9/2014	30/06/2009	\$ -	\$ -	Note 5
Zircon (Coolangatta)	Floating Rate CDO	C	Low	1/9/2006	20/9/2014	30/06/2009	\$ -	\$ -	Note 5
Aphex (Glenelg)	Floating Rate CDO	CCC+	Low	1/9/2006	22/12/2014	30/06/2009	\$ 60,900	\$ 60,900	Note 5
Bendigo Bank FR Sub Debt	Subordinate Debt	Not Rated (Note 7)	Medium	1/9/2006	14/12/2015	19/02/2010	\$ 440,100	\$ 499,700	Note 5
Elders Rural Bank Sub Debt	Subordinate Debt	Not Rated (Note 7)	Medium	1/9/2006	16/3/2016	19/02/2010	\$ 864,000	\$ 996,300	Note 5
Zircon (Miami)	Floating Rate CDO	C	Low	1/9/2006	20/3/2017	30/06/2009	\$ -	\$ -	Note 5
<b>Investment on Hand</b>							<b>\$ 27,842,448</b>	<b>\$ 28,460,371</b>	

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

Suncorp Bank	Term Deposit	A-1	High	8/1/2010	8/2/2010	8/02/2010	\$ 2,000,000	\$ 2,000,000
Credit Union Australia (CUA)	Term Deposit	Not Rated (Note 7)	High	21/12/2009	18/2/2010	21/12/2009	\$ 1,000,000	\$ 1,000,000

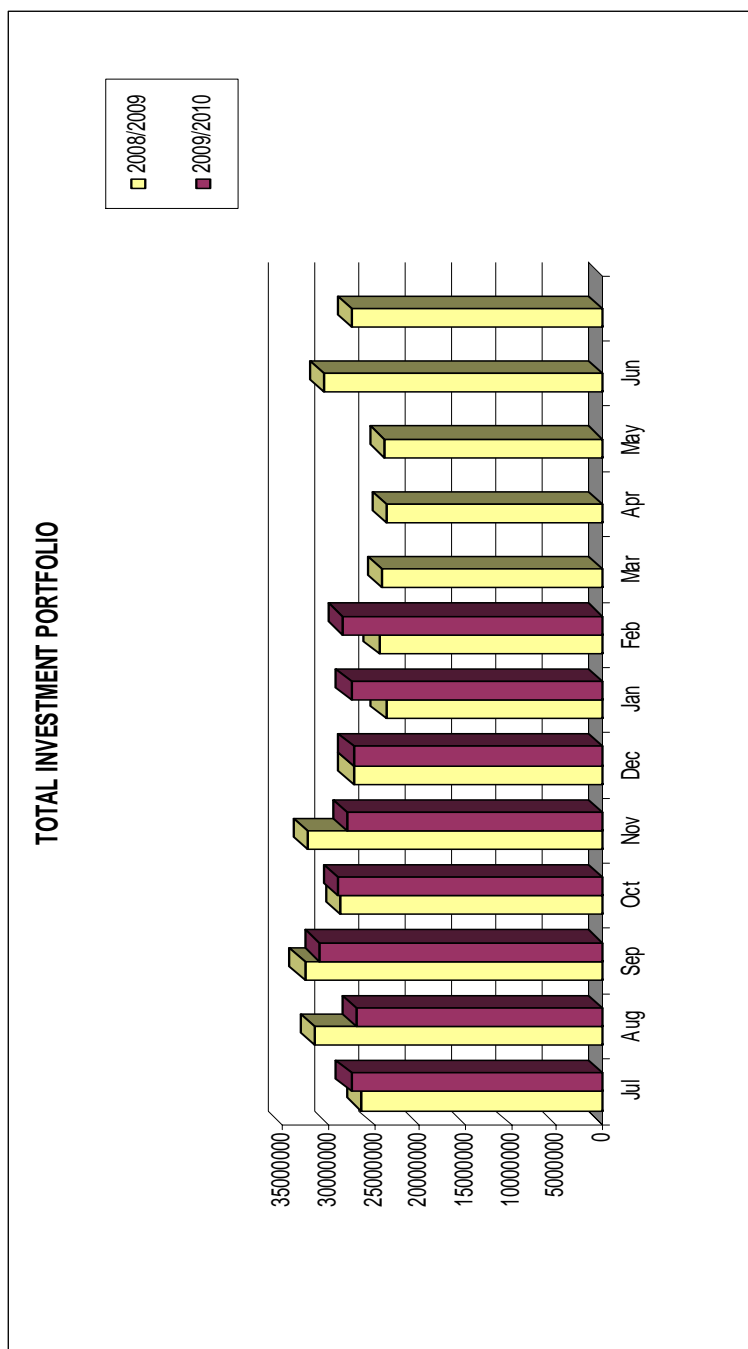
**\$ 30,842,448    \$ 31,460,371**

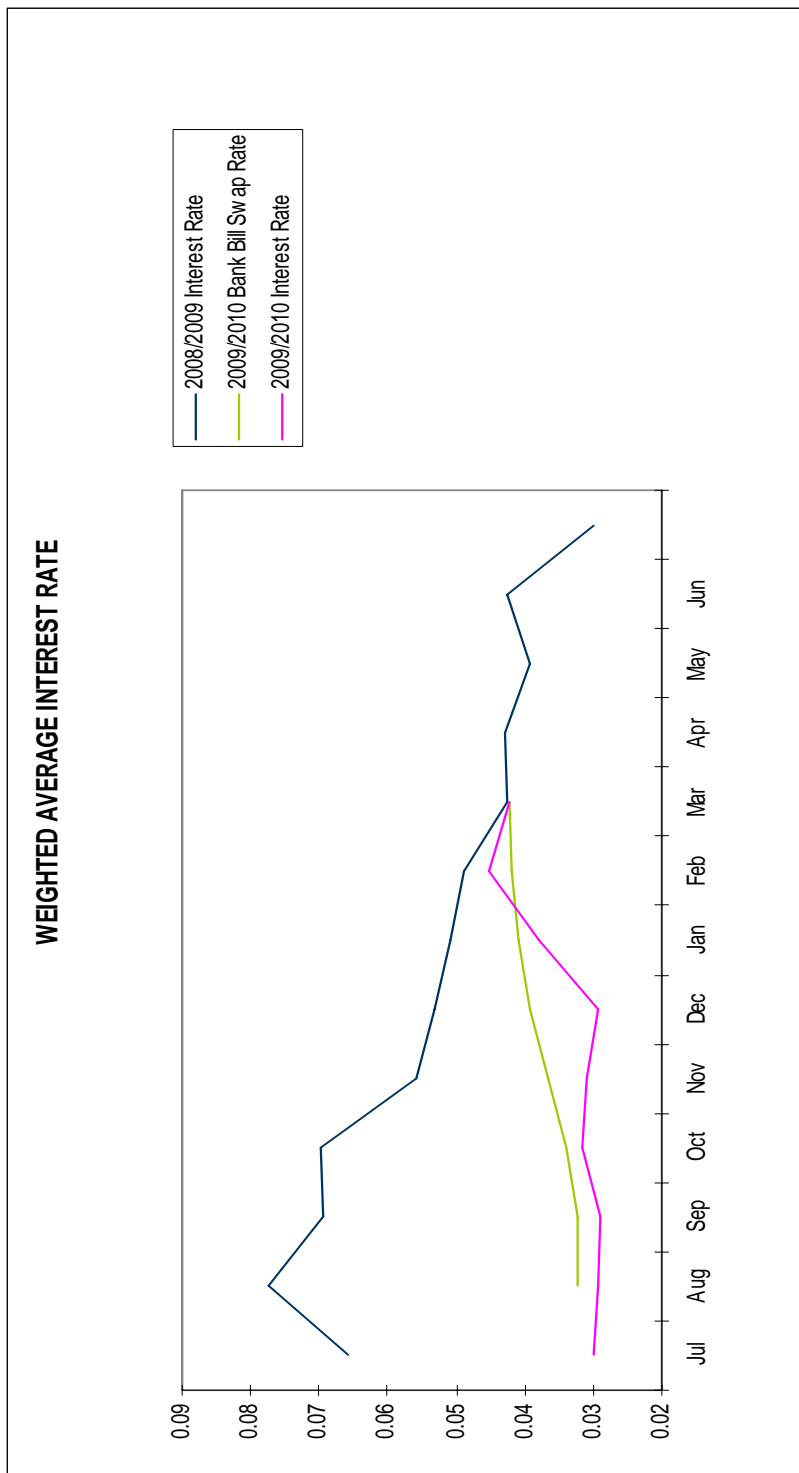
Note 1: Balance Sheet Valuation is the value reported in Council's Financial Report as at 30 June, 2009 or the purchase price for investments purchased post 30/06/09  
 Note 2: Capital Guaranteed note if held to maturity  
 Note 3: The Balance sheet Valuation is the Market Value as at 30/6/09 plus additions less redemptions during the year.  
 Note 4: Latest estimates based on information provided by investment managers and prior period performance.  
 Note 5: Market Value is the Capital Value of the investment and any accrual of income.  
 Note 6: These investments were redeemed during the period and impact on the interest return for the period. They are not part of the Balance of Investments Held.  
 Note 7: These Counterparties & Products are authorised under the Minister Order and require no minimum Credit Rating.

**"Indicative" Source of Funds**

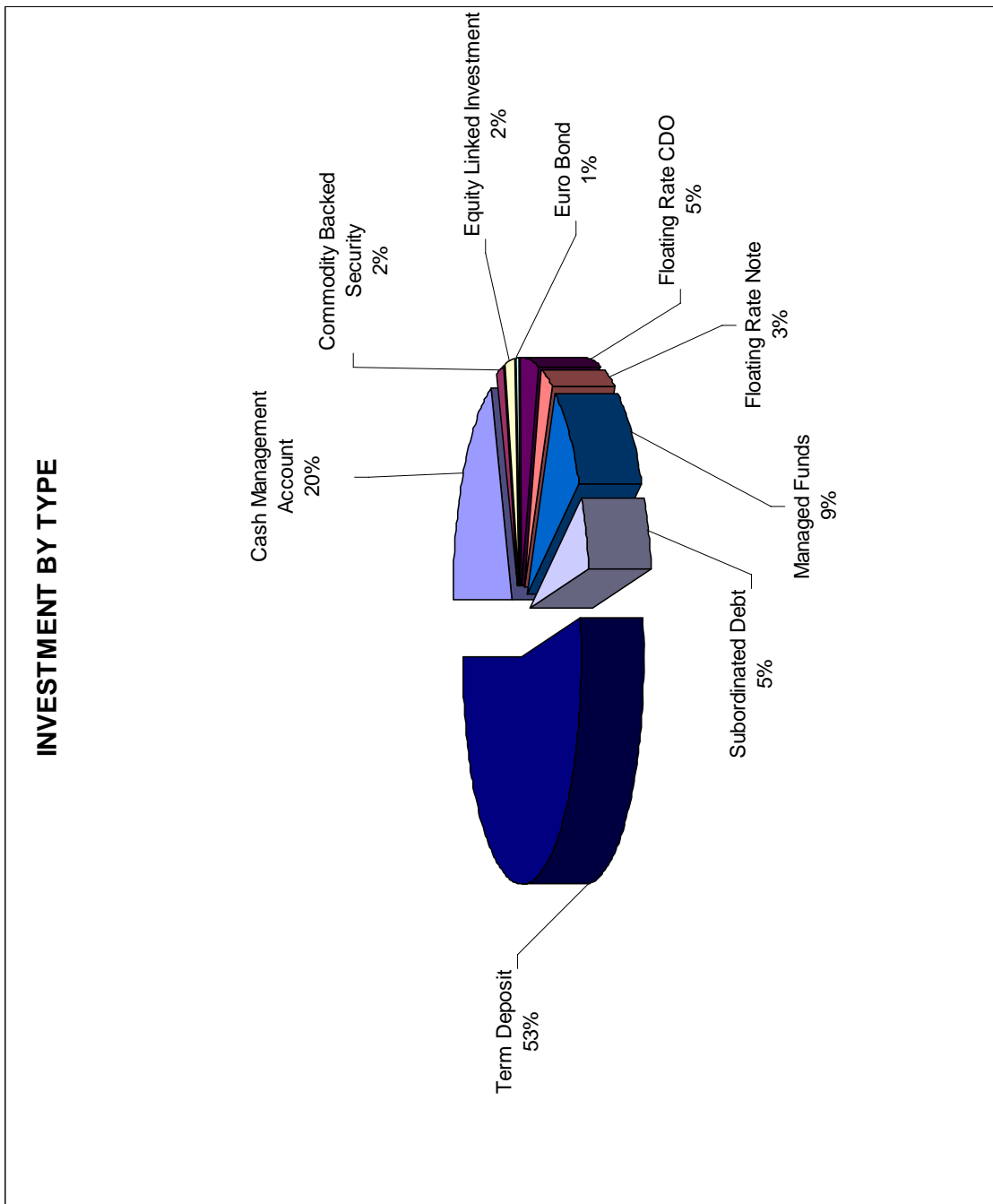
Externally Restricted	22,537,768
Internally Restricted	5,922,603
	<u>\$ 28,460,371</u>



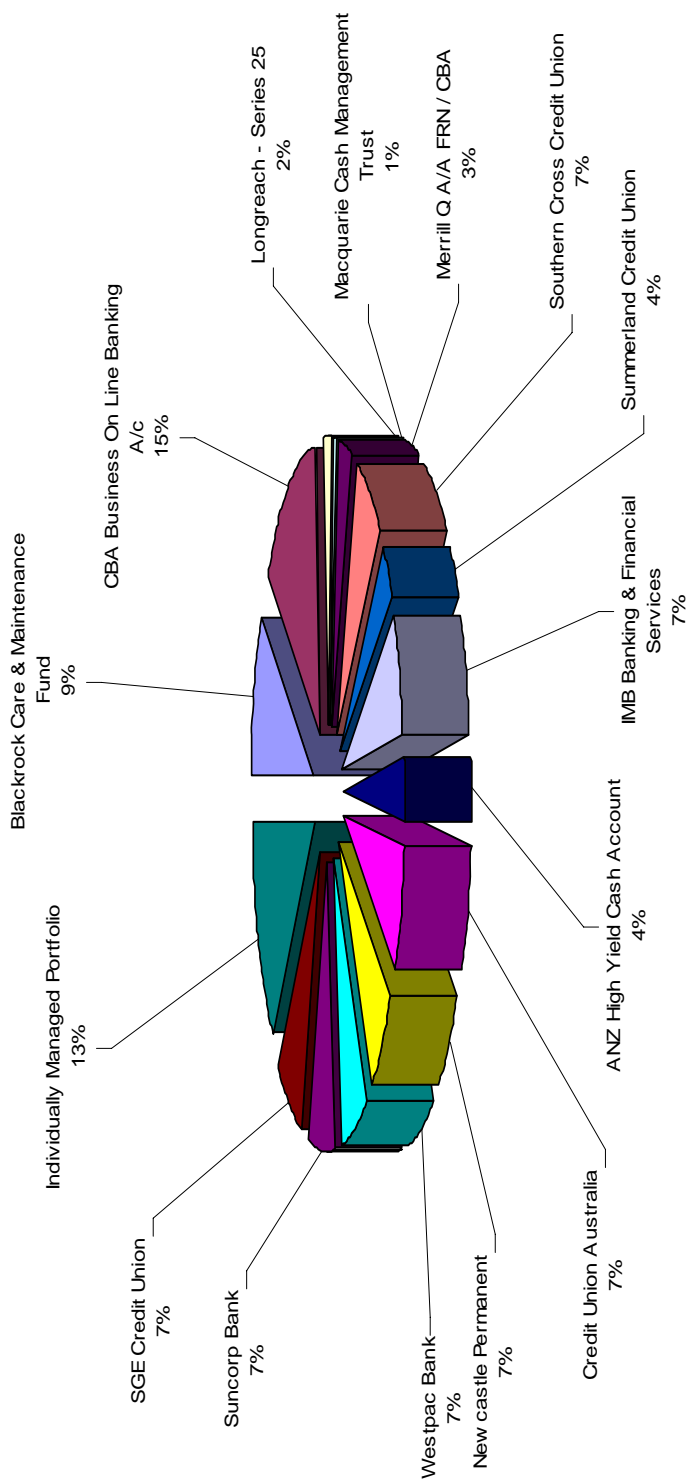








## Investment by Institution



MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD ON 17 FEBRUARY 2010 AT  
10.00am.

(EF09/1963:ED10/3131)

	<b>Present</b>	Councillor Jenny Dowell ( <i>Chairperson</i> ), Bronwyn Mitchell ( <i>on behalf of Thomas George, MP</i> ), Frank Smallman ( <i>RTA</i> ), Snr Const Rob Clarke ( <i>Lismore Police</i> ).
	<b>In Attendance</b>	Bill MacDonald ( <i>Traffic &amp; Emergency Services Coordinator</i> ).
TAC1/10	<b>Apologies</b>	An apology for non-attendance on behalf of Thomas George MP was received and accepted.
TAC2/10	<b>Minutes</b>	The Committee was advised that the minutes of the Traffic Advisory Committee meeting held on 16 December 2009 were confirmed by Council on 9 February 2010.

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**Disclosure of Interest**

Nil

**Part 'A' – Committee Recommendations**

**Northern Rivers Cycling Club – Cycle Road Race Application - Dungarubba**

Submitting application for approval of road races from 1 April 2010 to 31 March 2011 which commence at Dungarubba.

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The proposed cycle road races have been held in this location for the past couple of years without incident. Council's Rural Works Engineer has advised that there are no maintenance or construction works planned to be carried out within the race route in the current financial year, however this cannot be confirmed for the next financial year at this stage. No objection was given to the proposed races provided Council is indemnified against any incident that may occur as a result of the races. The course will need to be checked by the organisers prior to each event as road conditions will vary and it may not be possible to carry out maintenance to suit individual events. It should be the organisers' responsibility to assess the condition of the route prior to each event and decide if it is safe to proceed.

**TAC3/10 Recommendation:** That approval be granted in accordance with the traffic management plan submitted provided the above conditions are included, and that the races are conducted in accordance with the NSW Guidelines for Bicycle Road Races. (CI10/1311:EF09/1304)

**New South Wales Police Service – 'No Stopping' in Cullen Street, Nimbin**

Requesting consideration of altering the existing 'No Stopping' zone to allow Police vehicles to park in front of the apex to Allsopp Park at the intersection of Cullen and Sibley Streets.

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As mentioned in the request Police have utilised the area in question for a number of years for safety and efficiency reasons. The proposed alterations would allow Police to park in this area and remove any ambiguity that might currently arise. It was suggested that it may be more suitable to adjust the signposting to read 'No Stopping Emergency Vehicles Excepted' rather than specifically relating to Police vehicles.

**TAC4/10 Recommendation:** That the existing 'No Stopping' zone in front of the apex to Allsopp Park at the intersection of Cullen and Sibley Streets be altered to read 'No Stopping Emergency Vehicles Excepted'. (CI10/3131:R1701)

**DA 5.2010.1.1 – Proposed Liquor Outlet (Dan Murphy's)**

Snr Development Assessment Planner Rod Mallam forwarding a copy of the above development application and seeking comment.

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The proposal involves the demolition of the building on the former North Coast Mazda site at 68 Ballina Road and houses at 47, 51 & 53 Ewing Street and construction of a liquor outlet. Vehicular and pedestrian access to the site is proposed via Ballina Road with all delivery and waste movements accessing via Ewing Street. 68 onsite car parking spaces will be provided as well as 12 bicycle spaces. Plans and additional information on traffic issues were tabled at the meeting. The Committee had no objection to the proposed development provided the following comments are included in Council's conditions of consent:

- All road works shall be designed and constructed in accordance with the relevant Australian Standards and Austroads guidelines to the satisfaction of Council.
- 'No Stopping' signs shall be installed to prohibit kerb-side parking as indicated in the proposal.

**TAC5/10 Recommendation:** That the above measures be included in Council's conditions of consent. (DA10/1)

**Carla Tipping – Precious Plants, 74 Conway Street, Lismore**

Raising concerns regarding ongoing problems of motorists parking across their driveway blocking access and requesting consideration of installing signs to prohibit parking in this area.

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The driveway in question services the nursery and the adjoining Curtains and Blinds premises. As this is an ongoing problem the erection of 'No Stopping' signs would seem appropriate.

**TAC6/10 Recommendation:** That 'No Stopping' be introduced on the northern side of Conway Street from the western side of the driveway in front of 72 Conway Street to the eastern end of the driveway in front of 76 Conway Street. (R7307)

## Part 'B' – Determined by Committee

**Sabina Baltruweit - Signage on Terania Creek and Ross Roads**

Requesting erection of signage both sides of a culvert on Terania Creek Road just before Ross Road (from The Channon) and at a 90° curve on Ross Road which has very low visibility.

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Appropriate warning signs on each approach to the culvert on Terania Creek Road have been recently erected. Ross Road is a dead end road of gravel formation approx. 400m in length. General road alignment and width would dictate that motorists would need to drive to conditions. There are two cuttings leading up to the property at the end of the road, one within Council's maintenance limits and the other further on. The majority of motorists would be local and be familiar with existing conditions. An additional warning sign prior to the first cutting on Ross Road is not considered warranted.

**TAC7/10 It was agreed:** That the writer be advised that warning signage is not considered to be warranted on Ross Road. (CI09/25877:R3354)

**Pamela Smith – Extension 80kph zone on Rous Road**

Requesting extension of the 80kph zone beyond the 'Reduce Speed to Conditions' sign recently erected near Connor Road along Rous Road. to the boundary with Ballina Shire.

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Rous Road was recently assessed by the RTA to determine the appropriate speed limit along its length with the result that an 80kph speed limit was introduced on the section from east of McIntosh Road to just past Connor Road. Whilst a further extension of the 80kph speed limit was not considered warranted the issue of centre line marking around bends and over crests was referred to Council's Roads Section. This is yet to be assessed.

**TAC8/10 It was agreed:** That the speed limits on Rous Road remain as currently signposted and the writer be advised that the need for centre line marking will be investigated in the near future. (CI09/25949:R6610)

**Monika Boenigk – Warning Signage at bottom of Stony Chute Road**

Drawing attention to a very deceptive bend at the turnoff to Campbell Road where several accidents have occurred and suggesting a warning sign be erected alerting drivers.

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Whilst Stony Chute Road is now sealed for its entire length, much of it is winding in nature with many bends prior to the one in question. It would be obvious to motorists that care would need to be taken and prevailing conditions adhered to. The bend on which the Campbell Road intersection exists is not considered peculiar to the rest of the road and specific warning signage is not warranted.

**TAC9/10 It was agreed:** That the writer be advised that the location has been inspected and bearing in mind conditions generally along Stony Chute Road, additional warning signs are not considered warranted. (CI09/26003:R2105)

**Catharina Burckhardt – Relocation of 50kph Signs at James Gibson Road**

Advising she intends building at No. 84 James Gibson Road and requesting 50kph signs be relocated to encompass her entrance which is only 90 metres outside the current 50kph zone.

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Development along James Gibson Road past the end of the existing 50kph speed limit is currently rural in nature. Any extension of this speed limit prior to further development occurring would not be logical to the motorist and consequently compliance would be low.

**TAC10/10 It was agreed:** That it be suggested to the writer that a further submission be made once any further development along the road occurred. (CI10/851:R3902)

**RTA – Speed Camera Request on Cullen Street, Nimbin**

Requesting that the results of a recent speed survey be put to the Committee for information.

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As a result of Ministerial correspondence for the installation of a speed camera in Cullen Street, Nimbin, classifiers were installed to ascertain the extent of any problem that may exist. It was determined that the 85<sup>th</sup> percentile speed was 46kph which indicates that there is not a significant speeding issue in Cullen Street and consequently the need for a speed camera is not warranted.

**TAC11/10 It was agreed:** That the results of the recent survey be noted and that the need for a speed camera is not warranted. (R1701)

**Red Inc. – Accessible Parking Bay in Magellan Street**

Raising concerns regarding access to the existing 5 minute parking bay on the southern side of Magellan Street outside what used to be the old State Bank (Commonwealth).

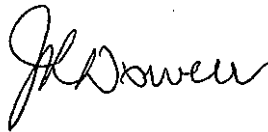
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The 5 minute parking bay was installed to assist in providing space for Red Inc. to drop off and pick up its clients who attend the Red Inc. premises at the rear of the old bank site. Unfortunately its popularity has grown to the extent that access onto the bay is limited largely due to the existence of the ATM facility. Immediately to the east of the 5 minute bay is a 'No Parking' bay and then a 'Loading Zone' towards the Keen Street intersection. At an onsite meeting with Council Rangers it was agreed that rather than install an accessible parking bay, it would be better if some leniency could be given to drivers of vehicles who displayed an accessible parking sticker and who were obviously engaged in dropping off or picking up clients who may have mobility problems. This would provide more parking options.

**TAC12/10 It was agreed:** That the existing parking restrictions be retained and that Red Inc. be advised of the proposal as outlined above. (R7313)

**Closure**

This concluded the business and the meeting terminated at 10.35am.



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**Chairperson**



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**Traffic and Emergency  
Services Coordinator**

## Financial Assistance - Section 356

**a) Council Contributions to Charitable Organisations****Waste Facility – Policy 5.6.1 (GL390.965.15)**

Budget: \$11,000      Spent to date: \$9,087.94

Animal Right &amp; Rescue \$22.73

Challenge Foundation \$202.36

Five Loaves \$164.73

Friends of the Koala \$34.18

Lismore Soup Kitchen \$6.36

LifeLine \$280.00

Saint Vincent De Paul \$74.18

Westpac Life Saver Helicopter \$33.64

**Total****\$818.18***In accordance with policy.***b) Development & Other Application Fees – Policy 1.4.7 (GL390.200.15)**

Budget: \$300      Spent to date:\$751.45

***Dunoon and District Sports & Recreation Club Limited*** requesting Council waive 100% of the development application and construction fees (\$2,007.80) associated with the ground improvements and installation of floodlighting at Balzer Park, Dunoon (CI10/654, EF09/544).

Comment: The total project cost is estimated at \$70,000 of which \$20,000 has come from Council's Rural Sports Facilities Fund and \$30,000 from the State Government's Building Community Partnerships. The balance has been raised by the local community. In accordance with policy, a donation of 100% should apply, but considering Council has already donated \$20,000 to this project, a variation to policy in this situation is recommended.

***Recommendation:*** In accordance with clause A2 of the policy, but acknowledging a sustainable contribution to this project has already been made, a reduced donation of 50% of the development application and construction fees apply.

*In accordance with policy.***\$1,003.90**



### g) Miscellaneous Donations

#### Lismore City Library – Room Hire Charges

**MISA Lifestyle Support Program** requesting Council waive or radically reduce the room hire charges (\$302.50) for their use of a meeting room at the Lismore City Library for two hours per fortnight from 1 February to 30 June 2010 to facilitate lifestyle support groups.

Comment: If Council were to treat this request the same as regular community based hirers of the Lismore City Hall not charging an entrance fee, then in accordance with Policy 8.4.2 – Section 356 Donations, City Hall Rentals, a 25% reduction in hire charges would apply (CI10/5034).

**Recommendation:** A donation of 25% of the rental charges apply.

**\$75.63**

**Lifeline Northern Rivers** is requesting Council waive hire fees at Oakes Oval for one day, Saturday, 5 June 2010, to hold their Charity Football Cup. Hire fees would total approximately \$790 for the event including Oval, Gordon Pavilion and Canteen hire (CI10/4344).

**Recommendation:** It is recommended that hire fees be waived subject to the event organiser cleaning the Gordon Pavilion and removing all litter and waste from the facility. The lighting fee of \$144 per hour will still apply.

**\$790.00**

**Southern Cross Deaf Rugby Union** is requesting Council waive hire fees of \$370 for Crozier Field plus lighting fees for a match with SCU Gold Coast on 20 March 2010 (CI10/547).

**Recommendation:** It is recommended that the hire fees be waived subject to the event organiser cleaning the facility and removing all litter and waste. The lighting fee (\$51.50) will still apply.

**\$370.00**

### Recommendation

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

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, 9 FEBRUARY 2010, AT 6.00PM.**

**Present**

Mayor, Councillor Dowell; Councillors Clough, Chant, Ekins, Graham, Houston, Marks, Meineke, Smith and Yarnall, together with the General Manager; Executive Director Infrastructure Services; Executive Director Sustainable Development; Manager Finance; Manager Development and Compliance; Strategic Planning Coordinator; Business Facilitator; Corporate Compliance Coordinator; Communications Coordinator and; Personal Assistant to the General Manager.

1/10 **Apologies/  
Leave of  
Absence**

**RESOLVED** that an apology be received and accepted on behalf of Councillor Battista and a leave of absence be granted for Councillor Houston from 1-3 March 2010 and Councillor Marks from the 19 February to 7 March 2010.

(Councillors Yarnall/Smith)

2/10 **Minutes**

The minutes of the Ordinary Meeting held on 8 December 2010 were confirmed.

(Councillors Houston/Clough)

**Disclosure of Interest**

Councillor Clough declared a significant conflict of interest in the following item:  
**Report – Tender T2010-18 – Hire of Various Trucks and Plant**

Nature of Interest: This report includes the Harding family company and I am related to the Hardings by marriage and the family is very close to mine.

Councillor Clough declared a significant conflict of interest in the following item:  
**Report – Tender T2010-15 – Contract Crushing**

Nature of Interest: This report includes the Harding family company and I am related to the Hardings by marriage and the family is very close to mine.

Councillor Chant declared a pecuniary conflict of interest in the following item:  
**Report – Tender T2010-18 – Hire of Various Trucks and Plant**

Nature of Interest: Part owner of company.

Councillor Chant declared a pecuniary conflict of interest in the following item:  
**Report – Tender T2010-20 – Asphalt Management Services**

Nature of Interest: Part owner of company.

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

**Report – Sport and Recreation Policy Advisory Group Membership**

Nature of Interest: Current director of Football Far North Coast, employee of nominee.

## Public Access Session

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

**Tony Riordan – Notice of Motion – Urban Land Release Strategy**

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Mr Riordan advised that he was a landowner of the North Lismore Plateau land and a long term supporter of the development of this land for urban land use. He outlined the history of the land, delays in its progression and its suitability. He urged Council to progress this matter.

**Lorraine Vass – Report – DA 5.2008.652.2 - Subdivision at Chitticks Access**

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Ms Vass, President of the Friends of the Koalas supported the use of conditions of consent to protect koalas in this development.

**Paul Bennett – Report – NORTEC Employment and Training – Financial Assistance**

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Mr Bennett outlined the role and activities on NORTEC and the benefits that small business incubators bring to local small business and the community.

**Brain Best – Report – Sale of Council Properties**

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Mr Best, President of the Lismore Theatre Company supported the proposed action detailed in the report. He stressed the desire of the company to establish a permanent home.

**Kerry Johnson – Report – Sale of Council Properties**

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Mr Johnson detailed the activities of ACE Coast, the economic and social benefits that it brought to the city. She expressed a desire for ACE to stay in the Terania Building either as a long term tenant or an owner.

## Notice of Motions

**TransGrid Power Line**

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3/10

**RESOLVED** that:

1. Council notes that TransGrid plans to build a 330kV power line from Bonshaw, west of Tenterfield, to Lismore costing up to \$283 million.
2. Council calls on TransGrid to engage consultants to independently assess projected electricity demand, demand management, energy efficiency and local power generation options for the New South Wales Far North Coast.
3. Council communicates its request for an independent assessment to TransGrid, the

NSW Minister for Energy, and the NSW Finance Minister and Treasurer as shareholding ministers of TransGrid.

(Councillors Clough/Ekins)

**Voting against:** Councillors Meineke, Chant, Marks and Graham.

(EF09/631:ED10/699)

### **Urban Land Release Strategy**

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Formal notice being given by Councillor Meineke it was MOVED that Council, subsequent to amending the Urban Lands Release Strategy (ULRS) to include Pineapple Road (as per the Resolution of Council's December 2009 meeting):

1. Include in the ULRS the area known as the North Lismore Plateau (shown as Area A on the attached 'Stocktake' plan) and;
2. As part of this process, Council meet with the relevant landowners in a 'Structure Planning' session that will smooth Area A's inclusion in the ULRS.

(Councillors Meineke/Marks)

An AMENDMENT WAS MOVED that Council begin discussion with the North Lismore Plateau land owners with a view to developing the plateau.

(Councillors Clough/Smith)

On submission to the meeting the AMENDMENT was DEFEATED.

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

**Voting for:** Councillors Dowell, Houston, Clough and Smith.

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

4/10

**RESOLVED** that Council, subsequent to amending the Urban Lands Release Strategy (ULRS) to include Pineapple Road (as per the Resolution of Council's December 2009 meeting):

1. Include in the ULRS the area known as the North Lismore Plateau (shown as Area A on the attached 'Stocktake' plan) and;
2. As part of this process, Council meet with the relevant landowners in a 'Structure Planning' session that will smooth Area A's inclusion in the ULRS.

(Councillors Meineke/Marks)

**Section 375A Voting Record**

**Voting for:** Councillors Meineke, Chant, Marks, Ekins, Yarnall and Graham.

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

(EF09/631:ED10/1896)

**Lismore Tourist Caravan Park**

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5/10 **RESOLVED** that as a matter of urgency Council prepare a report on relocating the Tourist Caravan Park on the corner of Dawson and Woodlark Streets to a safe less flood prone position.

(Councillors Clough/Meineke)

**Voting against:** Councillors Graham and Chant.

(EF09/631:ED10/786)

**CBD Infrastructure Improvements**

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6/10 **RESOLVED** that Council staff prepare a report on the cost of improving the visual appearance of footpaths in the CBD and surrounding walkways and that the above report be referred to the Assets and Infrastructure Policy Advisory Group for comment prior to being presented to Council.

(Councillors Graham/Smith)

(EF09/631:ED10/1917)

**Purchasing Policy**

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7/10 **RESOLVED** that Council hold a workshop on the procurement policy, including an examination of the local content provisions.

(Councillors Clough/Graham)

(EF09/631:ED10/1916)

**Public Access Sessions**

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8/10 **RESOLVED** that public access session at Council meetings, section 63, part 2 of Lismore Council's Code of Meeting Practice, be changed to read: 'Public access session slots be limited to five minutes'.

(Councillors Yarnall/Houston)

**Voting against:** Councillors Chant, Meineke and Graham.

(EF09/631:ED10/1914)

**Reports**

**DA 5.2008.652.2 - Subdivision at Chitticks Access**

A MOTION was MOVED that Council as the Consent Authority modify Development Consent 2008.652 in respect to a proposal for the subdivision of rural land into three 40ha lots and one lot of 38.6ha, on land described as 53 Chitticks Access, Caniaba, Lot 2 DP 592124 by granting part approval to application No. DA2008.652.2 under the provisions of Section 96 of the Environmental Planning and Assessment Act, only in so far as will provide for the following:

1 Condition 9 is deleted.

2 New conditions 9A, 9B and 9C be added as follows:

9A No koala feed tree species may be removed from any of the blocks. Koala feed tree species are those listed in Schedule 2 to State Environmental Planning Policy No 44: Koala Habitat Protection and in Table 1 - Preferred koala habitat species for the Lismore Area as determined by Phillips and Callaghan (AKF) (1995a) and Harris (1999) in Lismore City Council (2003). Lismore City Council Draft Comprehensive Koala Plan of Management for the south-eastern portion of the Lismore local government area - June 2003 (Part B: Background Information. p.15.).

**Reason:** *To minimise loss of koala habitat.*

9B A koala population and habitat assessment monitoring report in respect of the land must be submitted to Council and approved prior to lodgement of the application for subdivision certificate.

**Reason:** *To enable Council to determine the extent of the local koala population and habitat.*

9C All fencing associated with the subdivision shall be:

- i) Fences where the bottom of the fence is minimum of 300mm above ground level to allow all koalas to move underneath or;
- ii) Fences that facilitate easy climbing by koalas; for example, sturdy chain mesh fences, or solid style fences with timber posts on both sides at regular intervals of approximately 20m or;
- iii) Open post and rail or post and wire (not barbed wire).

This condition does not apply to dog enclosures as required by condition 7.

**Reason:** *To enable the movement of koalas across the land.*

3 Condition 7 be amended as follows:

7 Dogs to be kept suitably restrained and/or in a suitably designed enclosure at all times while not working. A suitable enclosure to contain dogs will have fencing of a type that would effectively contain dogs and which will preclude koalas. These

enclosures are restricted to the area immediately adjacent to the dwelling. Fences that are intended to preclude koalas should be located away from any trees that could allow koalas to cross the fence.

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

- 4 The proposed deletion of Conditions 6 is refused, for the following reason:

*The area of road to be closed is made redundant by the road works and opening of another section of public road that is required to access the subdivision.*

(Councillors Ekins/Clough)

An AMENDMENT WAS MOVED that Council as the Consent Authority modify Development Consent 2008.652 in respect to a proposal for the subdivision of rural land into three 40ha lots and one lot of 38.6ha, on land described as 53 Chitticks Access, Caniaba, Lot 2 DP 592124 by granting part approval to application No. DA2008.652.2 under the provisions of Section 96 of the Environmental Planning and Assessment Act, only in so far as will provide for the following:

- 1 Condition 9 is deleted.

- 2 The proposed deletion of Conditions 6 and 7 is refused, for the following reasons:

- a) *The area of road to be closed is made redundant by the road works and opening of another section of public road that is required to access the subdivision; and*  
b) *To minimise the potential risk to koalas from roaming dogs.*

(Councillors Meineke/Graham)

On submission to the meeting the AMENDMENT was DEFEATED.

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

**Voting for:** Councillors Meineke, Chant, Marks and Graham.

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

9/10

**RESOLVED** that Council as the Consent Authority modify Development Consent 2008.652 in respect to a proposal for the subdivision of rural land into three 40ha lots and one lot of 38.6ha, on land described as 53 Chitticks Access, Caniaba, Lot 2 DP 592124 by granting part approval to application No. DA2008.652.2 under the provisions of Section 96 of the Environmental Planning and Assessment Act, only in so far as will provide for the following:

- 1 Condition 9 is deleted.

- 2 New conditions 9A, 9B and 9C be added as follows:

- 9A No koala feed tree species may be removed from any of the blocks. Koala feed tree species are those listed in Schedule 2 to State Environmental Planning Policy No 44: Koala Habitat Protection and in Table 1 - Preferred koala habitat species for the Lismore Area as determined by Phillips and Callaghan (AKF) (1995a) and Harris (1999) in Lismore City Council (2003). Lismore City Council Draft Comprehensive Koala Plan of Management for the south-eastern portion of the Lismore local government area - June 2003 (Part B: Background Information. p.15.).



**Reason:** *To minimise loss of koala habitat.*

- 9B A koala population and habitat assessment monitoring report in respect of the land must be submitted to Council and approved prior to lodgement of the application for subdivision certificate.

**Reason:** *To enable Council to determine the extent of the local koala population and habitat.*

- 9C All fencing associated with the subdivision shall be:

- i) Fences where the bottom of the fence is minimum of 300mm above ground level to allow all koalas to move underneath or;
- ii) Fences that facilitate easy climbing by koalas; for example, sturdy chain mesh fences, or solid style fences with timber posts on both sides at regular intervals of approximately 20m or;
- iii) Open post and rail or post and wire (not barbed wire).

This condition does not apply to dog enclosures as required by condition 7.

**Reason:** *To enable the movement of koalas across the land.*

- 3 Condition 7 be amended as follows:

- 7 Dogs to be kept suitably restrained and/or in a suitably designed enclosure at all times while not working. A suitable enclosure to contain dogs will have fencing of a type that would effectively contain dogs and which will preclude koalas. These enclosures are restricted to the area immediately adjacent to the dwelling. Fences that are intended to preclude koalas should be located away from any trees that could allow koalas to cross the fence.

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

- 4 The proposed deletion of Conditions 6 is refused, for the following reason:

*The area of road to be closed is made redundant by the road works and opening of another section of public road that is required to access the subdivision.*

(Councillors Ekins/Clough)

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

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

**Voting against:** Councillors Meineke, Chant, Marks and Graham.

(DA 5.2008.652.1:ED10/236)

### **NORTEC Employment and Training – Financial Assistance**

- 10/10 **RESOLVED** that Council in respect to NORTEC's proposed business incubator at 8 Slade Street, Goonellabah and to the request in respect of the compliance fees/charges:

- 1 Provide in principle support to donating \$10,818.00 in compliance fees (construction certificate, plumbing approvals and associated inspection fees) being a variation of Council's Policy 1.4.7 in respect of the 30% maximum.
- 2 This donation be funded via the budget deficit.
- 3 The payment of the estimated \$32,427.15 Section 64 and 94 fees be deferred for three years subject to the provision of an acceptable security.
- 4 The proposed donation and deferral of charges be advertised for twenty eight days and reported back to Council for a final decision.
- 5 Continue to support the proposal by the provision of in-kind services via support from the Business Facilitator.

(Councillors Graham/Smith)

(EF09/385:ED10/818)

### **Sale of Council Properties**

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11/10

**RESOLVED** that:

1. Council proceed with an expression of interest process in regard to the potential sale of its Bounty Street property where the Lismore Neighbourhood Centre is located and the Terania Building.
2. Council note the progress and proposed timetable for the expression of interest process for the potential sale or lease of the Nimbin Caravan Park.
3. The results of the processes outlined in Points 1 and 2 be reported back to Council for further consideration prior to any decision to proceed with a sale of each property.
4. Pursuant to Sections 27 and 31 of the *Local Government Act 1993*, Council resolve to reclassify the property known as 603 Ballina Road, being lot 1 in DP 815940 and on which the Rochdale Theatre is located, from community to operational land for inclusion in the new comprehensive Local Environmental Plan consistent with the standard instrument.

(Councillors Clough/Houston)

(P28203-03:ED10/1856)

**Review of Infrastructure Services**

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12/10 **RESOLVED** that expressions of interest be called from competent independent consultants to undertake a review of Infrastructure Services using the method of *Fixed Sum – Supplying Key Performance Indicator Information* outlined in the body of the report.

(Councillors Clough/Yarnall)

**Voting against:** Councillors Graham and Ekins.

(EF09/113:ED10/796)

**December 2009 Quarterly Management Plan Review**

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13/10 **RESOLVED** that the report be received and noted.

(Councillors Marks/Smith)

(EF09/1726:ED10/775)

**December 2009 Quarterly Budget Review**

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14/10 **RESOLVED** that:

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

(Councillors Clough/Smith)

**Voting against:** Councillor Ekins.

(EF09/592:ED10/849)

**Public Art Policy**

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15/10 **RESOLVED** that:

1. The revised Public Art Policy as attached to be exhibited for a period of twenty eight days before the matter being reported back to Council for final consideration.
2. The draft Public Art Procedure be made available for information during the public exhibition period.

(Councillors Marks/Meineke)

(EF09/1849:ED09/18874)

**Richmond Tweed Regional Library – Development of Business Model**

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16/10

**RESOLVED** that:

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

(Councillors Smith/Yarnall)

(EF09/74:ED10/1889)

**Customer Service Charter**

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17/10

**RESOLVED** that Council adopt the draft Customer Service Charter as presented.

(Councillors Yarnall/Smith)

(EF09/277:ED10/402)

At this juncture Councillor Smith left the meeting.

**Sport and Recreation Policy Advisory Group Membership**

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18/10

**RESOLVED** that Council readvertise the position for a member of the sports and recreation policy advisory group to see if there are more candidates for the position.

(Councillors Marks/Meineke)

(EF09/1922:ED09/19809)

At this juncture Councillor Smith returned to the meeting.

**Classification of Land –18/40 Three Chain Road, South Lismore**

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19/10

**RESOLVED** that in accordance with the requirements of the *Local Government Act 1993*, the property described as Lot 201 in DP 1076367, being 18/40 Three Chain Road, South Lismore, be classified as operational land.

(Councillors Graham/Marks)

(P28927:ED10/176)

**Road Closure – off Kyogle Road, Fernside**

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20/10

**RESOLVED** that:

1. Council consent to the application to close the unformed, unnamed road reserve separating Lot 4 in DP 883293 and Lot 129 in DP 755742, indicated in red colour on the aerial photograph included in the report and it be forwarded to the Land and Property Management Authority.
2. All costs associated with the closure are to be met by the applicant.
3. The applicant be required to consolidate the portion of closed road with the adjoining lots.

(Councillors Graham/Marks)

(EF09/1443, P27026, P14815:ED10/799)

**Road Closure – Ingram Road, Wyrallah**

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21/10

**RESOLVED** that:

1. Council consent to the application to close the portion of road reserve (5,072m<sup>2</sup>) separating Lots 2 and 3 in DP 542597 indicated in blue colour on the plan included in this report, to be exchanged for the area of land to be dedicated road (4,959m<sup>2</sup>) indicated in red colour to formalise the road reserve over the constructed road.
2. Upon closure, the portion of closed road (5,072m<sup>2</sup>) indicated in blue colour on the plan, will vest in Council as operational land and shall be transferred to the adjoining landowner without payment for the land component.
3. The applicant shall undertake to bind their heirs and successors to the payment of all costs associated with the road opening, closing and consolidation.
4. All costs associated with the road opening, closing and land consolidation are to be met by the applicant. Council is to pay its own legal costs in relation to the land transfer.
5. The Mayor and General Manager be authorised to sign and seal documentation associated with the road opening, closing, land consolidation and transfer.

(Councillors Graham/Houston)

(R5205:ED10/813)

At this juncture Councillors Clough and Chant left the meeting.

**Tender T2010-18 – Hire of Various Trucks and Plant**

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22/10

**RESOLVED** that Council adopt the attached schedules until 30 June 2010 with six (6) monthly reviews occurring, with a view to Council extending the agreement, at its absolute discretion, up to a maximum period contract to 30 June 2012.

(Councillors Smith/Marks)  
(T10/18: ED10/843)

At this juncture Councillor Clough returned to the meeting.

**Tender T2010-20 – Asphalt Management Services**

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23/10

**RESOLVED** that:

1. A contract for the supply of asphalt plant management services is awarded to State Asphalt Services Pty Ltd for a period of two (2) years, with an option at Council's absolute discretion to extend the contract for a further two (2) years.
2. The Mayor and General Manager on behalf of Council be authorised to execute the contract and attach the Common Seal of the Council.

(Councillors Houston/Meineke)

(T10/20:ED10/1485)

At this juncture Councillor Chant returned to the meeting and Councillor Clough left the meeting.

**Tender T2010-15 – Contract Crushing**

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24/10

**RESOLVED** that:

1. Council adopts a panel of suppliers for the contract for a period of two (2) years, with an option at Council's absolute discretion to extend the contract for a further two (2) years.
2. Council implement the following order of priority for the engagement of crushing contractors for quarry works as required:

1. SEE Civil Pty Ltd
2. Texas Class Pty Ltd
3. Moresload Pty Ltd
4. M&M Crushing Pty Ltd
5. Holme's Pty Ltd
6. On-Trax Crushing and Screening Pty Ltd
6. Screenmasters Australia Pty Ltd
7. Terragon Mobile Crushing
8. Jeff Page Earthmoving
9. Civworx
10. Santin Quarry Products

(Councillors Graham/Yarnall)

(T10/15; ED10/876, ED10/1468, ED10/1469)

At this juncture Councillor Clough returned to the meeting.

**Tender T2010-23 - Water Main Replacement**

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25/10

**RESOLVED** that:

1. The contract for water main replacement (T2010-23) be awarded to Coe-Drilling Pty Ltd from the clarified rates submitted (the estimated price of the works being \$425,425.00 plus GST).
2. The Mayor and General Manager be authorised to execute the contracts on Council's behalf and attach the Common Seal of the Council.

(Councillors Yarnall/Houston)

(T10/23:ED10/1846)

**Tender Request for Financial Assistance – Lismore Thistles Soccer Club Inc.**

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26/10

**RESOLVED** that Council agree to Lismore Thistles Soccer Club Inc. request to provide a loan of \$12,000 over a three year period with annual repayments and interest calculated at the Bank Bill Swap (BBSW) rate.

(Councillors Meineke/Yarnall)

(EF09/723:ED10/135)

**Investments – December, 2009 and January, 2010**

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27/10

**RESOLVED** that the report be received and noted.

(Councillors Clough/Yarnall)

(EF09/2209:ED10/1976)

## Committee Recommendations

**Traffic Advisory Committee – 16 December 2009**

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28/10

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

(Councillors Clough/Yarnall)

(EF09/1963:ED10/671)



## Financial Assistance - Section 356

29/10 **RESOLVED** that in accordance with Section 356(1) of the Local Government Act 1993, the assistance to persons as listed is hereby approved.

(Councillors Graham/Smith)

**a) Donations to Rural Halls – Policy 1.4.11 (GL390.680.15) (GL390.705.15)**

Budget: \$29,000 and \$16,600                      Spent to date: \$29,000.00 and \$15,325.99

**Recommendation:** In accordance with policy, a donation towards maintenance and rates is made to the following 29 rural halls:-

<u>Rural Hall</u>	<u>Maintenance</u>	<u>Rates</u>	<u>Total</u>
Eltham Public Hall	\$1,000.00	\$591.11	\$1,591.11
Corndale Hall	\$1,000.00	\$577.85	\$1,577.85
Clunes Public Hall	\$1,000.00	\$961.02	\$1,961.02
Keerrong Public Hall	\$1,000.00	\$646.80	\$1,646.80
Rock Valley Public Hall	\$1,000.00	\$555.04	\$1,555.04
Rosebank Public Hall	\$1,000.00	\$832.44	\$1,832.44
Ruthven Public Hall	\$1,000.00	\$476.02	\$1,476.02
Whian Whian Public Hall	\$1,000.00	\$729.02	\$1,729.02
South Gundurimba Hall	\$1,000.00	\$363.57	\$1,363.57
Caniaba Literary Institute	\$1,000.00	\$787.36	\$1,787.36
Blue Knob Public Hall	\$1,000.00	\$495.64	\$1,495.64
Koonorigan Hall	\$1,000.00	\$657.41	\$1,657.41
Coffee Camp Public Hall	\$1,000.00	\$548.68	\$1,548.68
Numulgi Public Hall	\$1,000.00	\$742.28	\$1,742.28
Tullera Public Hall	\$1,000.00	\$832.44	\$1,832.44
Nimbin School of Arts	\$1,000.00	\$1,513.41	\$2,513.41
Goolmangar School of Arts	\$1,000.00	\$707.80	\$1,707.80
Jiggi School of Arts	\$1,000.00	\$646.80	\$1,646.80
Repentance Creek Hall	\$1,000.00	\$657.41	\$1,657.41
Dungarubba Memorial Hall	\$1,000.00	Non Rateable	\$1,000.00
Dorroughby Hall	\$1,000.00	Non Rateable	\$1,000.00
Dunoon Hall	\$1,000.00	Non Rateable	\$1,000.00
Wyrallah Hall Association	\$1,000.00	Non Rateable	\$1,000.00
Tregeagle Hall	\$1,000.00	Non Rateable	\$1,000.00
Bexhill School of Arts	\$1,000.00	Non Rateable	\$1,000.00
Roy Waddell Community Centre	\$1,000.00	Non Rateable	\$1,000.00
The Channon Hall	\$1,000.00	Non Rateable	\$1,000.00
Billen Cliffs Hall	\$1,000.00	Non Rateable	\$1,000.00
Tuntable Creek Hall	\$1,000.00	Non Rateable	\$1,000.00
<b>Totals</b>	<b>\$29,000.00</b>	<b>\$13,322.10</b>	<b>\$42,322.10</b>

**b) Donations to Community Organisations – Policy 1.4.14 (GL390.151.15) (GL390.300.15) (GL390.310.15) (GL390.355.15) (GL390.565.15) (GL390.570.15)**

**(GL390.705.15) (GL390.441.15) (GL390.447.15)**

Budget: \$2,000, \$5,000, \$2,000, \$700, \$4,600, \$2,000, \$16,600, \$1,000, \$20,000 and \$40,000.

Spent to date: \$2,000.00, \$56.75, \$2000.00, \$700.00, \$4,600.00, \$2,000.00, \$15,325.99, \$1,000.00, \$10,000.00 and \$23,333.31.

**Recommendation:** In accordance with policy and the 2009/10 Budget, a donation is made to the following organisations:

Budget: \$5,000                      Spent to date: \$5,035.00

<b>Clunes Old School Association</b>	<b>\$2,000.00</b>
<b>Far North Coast Life Education</b>	<b>\$5,000.00</b>
<b>Friends of the Koala</b>	<b>\$2,000.00</b>
<b>Richmond River Historical Society</b>	<b>\$700.00</b>
<b>North Coast Academy of Sport</b>	<b>\$4,600.00</b>
<b>North Coast National A&amp;I Society</b>	<b>\$2,000.00</b>
<b>NSW Police Citizens Boys Club</b>	<b>\$805.00</b>
<b>Nimbin A&amp;I Society</b>	<b>\$553.90</b>
<b>Nimbin Headers Sports Club</b>	<b>\$644.99</b>
<b>Home Garden Education Club</b>	<b>\$1,000.00</b>
<b>Lismore Showgrounds Trust</b>	<b>\$20,000.00</b>
<b>NORPA (Cultural Program)</b>	<b>\$40,000.00</b>

**c) Donations to Rural Fire Brigades (GL1080.595.15)**

Budget: \$5,000                      Spent to date: \$5,035.00

**Recommendation:** In accordance with the approved 2009/10 Budget, a donation of \$265 is made to the following Rural Fire Brigades:

<b>Brigade Name</b>	<b>Amount</b>
<b>Wyrallah</b>	<b>\$265.00</b>
<b>Tuncester</b>	<b>\$265.00</b>
<b>Tullera</b>	<b>\$265.00</b>
<b>The Channon</b>	<b>\$265.00</b>
<b>Stoney Chute</b>	<b>\$265.00</b>
<b>Rosebank</b>	<b>\$265.00</b>
<b>Nimbin</b>	<b>\$265.00</b>
<b>Lower River</b>	<b>\$265.00</b>
<b>Larnook</b>	<b>\$265.00</b>
<b>Jiggi</b>	<b>\$265.00</b>
<b>Goolmangar</b>	<b>\$265.00</b>
<b>Northern Rivers Operational Support Brigade</b>	<b>\$265.00</b>

Council Minutes  
9 February 2010

<b>Dunoon</b>	<b>\$265.00</b>
<b>Clunes</b>	<b>\$265.00</b>
<b>Caniaba</b>	<b>\$265.00</b>
<b>Boatharbour</b>	<b>\$265.00</b>
<b>Blue Knob</b>	<b>\$265.00</b>
<b>Bentley</b>	<b>\$265.00</b>
<b>Alphadale</b>	<b>\$265.00</b>
<b>Total</b>	<b>\$5,035.00</b>

**d) Council Contributions to Charitable Organisations**

**Waste Facility – Policy 5.6.1 (GL390.965.15)**

Budget: \$11,000      Spent to date:\$7,624.86

**December 2009**

Animal Right & Rescue \$29.55

Five Loaves \$178.00

Friends of the Koala \$44.00

LifeLine \$280.00

Salvation Army \$9.09

Westpac Life Saver Helicopter \$27.27

**Total                      \$567.91**

**January 2010**

Animal Right & Rescue \$27.27

Challenge Foundation \$97.82

Five Loaves \$155.45

Friends of the Koala \$17.09

Lismore Soup Kitchen \$18.18

Lismore Soup Kitchen (Oct-Dec 2009) \$840.00

LifeLine \$280.00

Westpac Life Saver Helicopter \$27.27

**Total** **\$1,463.08**

*In accordance with policy.*

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

Budget: \$2,700 Spent to date:\$1,495.40

Uniting Care Lismore Regional Mission is seeking a donation towards their *No Room at the Inn* Christmas Concert which was held on 21 December, 2009 (C109/25127).

**\$100**

District 69 Southern Division of Toastmasters is seeking sponsorship for their annual conference in Coolangatta/Tweed Heads (C110/1540).

**\$50**

**f) Development and Other Application Fees – Policy 1.4.7 (GL390.200.15)**

Budget: \$300 Spent to date: \$498.45

**Lismore Community Garden** requesting Council waive 100% of the development application fees (\$506.00) associated with the creation of a community garden on Council land at 50 Brewster, Lismore (C110/654, EF09/544).

**Recommendation:** In accordance with clause A1 of the policy, a donation of 50% of the development application fees approved.

**\$253.00**

*In accordance with policy.*

## Documents for Signing and Sealing

30/10 **RESOLVED** that the following documents be executed under the common seal of the Council.

**Easement for underground power cables – Lot 1 DP 1018474 (P27569)**

Easement for underground power cables two meters wide in favour of Country Energy along part of the north eastern boundary of the Riviera Car Park.

**Licence – Cappuccinos Coffee Lounge - opposite 74 Molesworth Street, Lismore (P21874)**

Licence for outdoor dining over the carriageway adjacent to the premises at 74 Molesworth Street, Lismore comprising an area of 57.19m<sup>2</sup> for the permitted use as outdoor dining. Licence is in accordance with Lismore City Council Policy 5.2.24, Carriageway and Kerbside Lands Use. Term of the licence is for twelve months.

**Licence – Subway – opposite 106 Molesworth Street, Lismore (P23360)**

Licence for outdoor dining over the carriageway adjacent to the premises at 106 Molesworth Street, Lismore, comprising an area of 41.4m<sup>2</sup> for the permitted use as outdoor dining. Licence is in accordance with Lismore City Council Policy 5.2.24, Carriageway and Kerbside Lands Use. Term of the licence is for twelve months.

(Councillors Meineke/Marks)

(EF10/4:ED10/1936)

## Confidential Matters – Closed – Closed Meeting

31/10 **RESOLVED** that the Council exclude members of the press and public from the meeting and move into Closed Council Meeting to consider the following matter:

<b>Item</b>	<b><i>Proposed Sale of Land – Simeoni Drive, Goonellabah</i></b>
<b>Grounds for Closure</b>	<b>Section 10A(2) (c):</b>
<b>Public Interest</b>	Discussion of this matter in an open meeting would on balance be contrary to the public interest because information that would, if disclosed, confer a commercial advantage of a person with whom the Council is conducting (or proposes to conduct) business.

(Councillors Chant/Marks)

## Resumption of Open Council

Council having met in Closed Council to consider the following report entitled:

**Proposed Sale of Land – Simeoni Drive, Goonellabah**

Recommends that Council adopt the following recommendations:

That:

1. The General Manager be authorised to conduct and finalise negotiations, including stormwater arrangements, with the prospective purchasers for the sale of the land with the purchase price not being below the range of the valuation.
2. The General Manager and Mayor be authorised to sign and seal the contract for the sale of land, together with all other legal instruments necessary to effect the land sale.

32/10 **RESOLVED** that the recommendation of Council meeting in Closed Council be received and adopted.

(Councillors Graham/Smith)

**Voting against:** Councillor Ekins.

(P30259:ED10/741)

## Closure

This concluded the business and the meeting terminated at 10.00pm.

CONFIRMED this Ninth day of March 2010 at which meeting the signature herein was subscribed.

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**MAYOR**

**MINUTES OF THE EXTRA ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN THE COUNCIL CHAMBER, GOONELLABAH ON TUESDAY, 23 FEBRUARY 2010 AT 6.00PM.**

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

33/10 **Apologies/ Leave of Absence** **RESOLVED** that an apology be received and accepted on behalf of Councillors Marks and Chant.  
(Councillors Graham/Houston)

### Disclosure of Interest

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

**Report – Draft Lismore LEP Amendment No. 38 and Planning Agreement -237 Gungas Road, Nimbin**

Nature of Interest: Report relates to my client's development.

At this juncture Councillor Meineke left the meeting.

### Public Access Session

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

**Geoff Shearman – Report – Draft Lismore LEP Amendment No. 38 & Planning Agreement – 237 Gungas Road, Nimbin**

Mr Shearman the owner of 237 Gungas Road spoke on the planning agreement with emphasis on the road works and the requirement for a bond. He requested a review on how the road works were to be calculated, preferring a per lot formula and a review of the bond and the form it could take.

At this juncture Councillor Meineke returned to the meeting.

### Altering Order of Business

34/10 **RESOLVED** that the order of business be altered to debate the following matters raised during Public Access:

Draft Lismore LEP Amendment No. 38 & Planning Agreements – 237 Gungas Road, Nimbin.

(Councillors Yarnall/Battista)

At this juncture Councillor Meineke left the meeting.

## Reports

### Draft Lismore LEP Amendment No. 38 & Planning Agreement – 237 Gungas Road, Nimbin

## Suspension of Standing Orders

- 35/10 **RESOLVED** that Standing Order be suspended to allow a Councillor briefing on this issue.  
(Councillors Houston/Clough)

## Resumption of Standing Orders

- 36/10 **RESOLVED** that standing orders be resumed.  
(Councillors Clough/Smith)
- 37/10 **RESOLVED** that the terms of the draft Planning Agreement associated with draft LEP Amendment 38 for 237 Gungas Road, Nimbin remain unchanged, with the exception of the amendments agreed to by staff and the land owner and as detailed in points 3, 4 and 5 under the heading Land Owner Concerns in this report.

### Section 375A Voting Record

**Voting For:** Councillors Dowell, Houston, Clough, Yarnall, Ekins and Smith.

**Voting Against:** Councillors Graham and Battista.

(EF09/1794:ED10/1933)

At this juncture Councillor Meineke returned to the meeting.

### Southern Trunk Main Wastewater Project

A MOTION was MOVED that:

1. Council enter into a loan agreement with the State Government, providing \$6.0 million in interest free loans towards financing of the proposed Southern Trunk Main, in accordance with the Local Infrastructure Fund Program.
2. In accordance with Section 55 (3) of the *Local Government Act*, Council enter into a contract with NSW Public Works to provide project management services for pre-construction activities related to the Southern Trunk Main project.
3. The 2009/10-2012 Management Plan be amended to include a \$6.0 million loan from the Local Infrastructure Fund for the Southern Trunk Main.
4. The Division of Local Government be advised of the additional borrowing.
5. Council amend its *Strategic Business Plan for Wastewater Services* to increase the estimate for the proposed Southern Trunk Main.
6. The Mayor and General Manager be authorised to sign and affix the Council Seal to the loan agreement or any other documents deemed necessary to complete this resolution.



(Councillors Graham/Smith)

## Suspension of Standing Orders

38/10 **RESOLVED** that Standing Order be suspended to allow to a Councillor briefing on this issue.

(Councillors Yarnall/Houston)

## Resumption of Standing Orders

39/10 **RESOLVED** that standing orders be resumed.

(Councillors Graham/Yarnall)

40/10 **RESOLVED** that:

1. Council enter into a loan agreement with the State Government, providing \$6.0 million in interest free loans towards financing of the proposed Southern Trunk Main, in accordance with the Local Infrastructure Fund Program.
2. In accordance with Section 55 (3) of the *Local Government Act*, Council enter into a contract with NSW Public Works to provide project management services for pre-construction activities related to the Southern Trunk Main project.
3. The 2009/10-2012 Management Plan be amended to include a \$6.0 million loan from the Local Infrastructure Fund for the Southern Trunk Main.
4. The Division of Local Government be advised of the additional borrowing.
5. Council amend its *Strategic Business Plan for Wastewater Services* to increase the estimate for the proposed Southern Trunk Main.
6. The Mayor and General Manager be authorised to sign and affix the Council Seal to the loan agreement or any other documents deemed necessary to complete this resolution.

(Councillors Graham/Smith)

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

(EF09/2511:ED10/2869)

## Closure

This concluded the business and the meeting terminated at 8.33pm.

CONFIRMED this Ninth day of March 2010 at which meeting the signature herein was subscribed.

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**MAYOR**