

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN COUNCIL CHAMBERS ON TUESDAY 12 NOVEMBER 2024 AT 10.00AM

Please note: These minutes are subject to confirmation at the next Council meeting. Decisions recorded in the draft minutes are subject to the Council's Code of Meeting Practice in relation to rescinding decisions.

Present

Mayor, Councillor Krieg; Councillors Battista, Bing, Dalton-Earls, Gordon, Guise, Hall, Jensen, Knight-Smith, Rob, Waters together with Mr Gibbons, General Manager; Mr Hartley, Acting Chief Financial Officer; Dr Logan, Chief Operating Officer; Mr Butron, Chief Community Officer; Mr Readman, Manager Technology & Innovation; Mr Parks, Senior Strategic Planner; Mr Schubert, Technology Support Officer; Mr Franey, External Auditor (HLB Mann Judd); Ms Cotterill, Governance & Risk Manager and Mrs Mitchell, Executive Officer to the General Manager & Mayor and Councillors.

Apologies and Applications for Leave of Absence or Attendance by Audio-Visual Link

Nil

Confirmation of Minutes

80/24 A typographical error was corrected by officers for minute 77/24 to amended from resolved to defeated.

RESOLVED that the minutes of the following meeting be confirmed:

- Ordinary Council meeting 15 October 2024
- Extraordinary Council meeting 29 October 2024

(Councillors Gordon/Jensen)

Voting for: Councillors Battista, Bing, Dalton-Earls, Gordon, Guise, Hall, Jensen, Knight-Smith, Krieg, Rob and Waters

Voting against: Nil

Disclosures of Interest

Clr Gordon declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 10.2 Request for Land Acquisition from Council by way of boundary adjustment with Richmond River Gun Club

Nature: I used to be a member of the Richmond River Gun Club years ago

Clr Gordon declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 12.3 Name Change Request from New England Lane to Volpato Lane

Nature: I am known to the Volpato family

Clr Battista declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 12.3 Name Change Request from New England Lane to Volpato Lane

Nature: Florian Volpato was my uncle

Clr Battista declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 12.4 Alternative Light Installation at Lismore City Hall

Nature: I originally put Council in contact with the person who donated the light

Clr Rob declared a Non-Pecuniary, Significant Conflict of Interest for the following item: 9.1 Lismore Flood Risk Management Committee – 25 July 2024

Nature: I was involved with some of the design work involved with the Committee

Clr Rob declared a Non-Pecuniary, Significant Conflict of Interest for the following item: 10.2 Request for Land Acquisition from Council by way of boundary adjustment with Richmond River Gun Club

Nature: I am friends with some of the members of the Club

Clr Rob declared a Non-Pecuniary, Significant Conflict of Interest for the following item: 13.2 Code of Conduct Matter

Nature: This relates to me

Clr Guise declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 9.1 Lismore Flood Risk Management Committee – 25 July 2024

Nature: I live in North Lismore on the floodplain but am a general class of persons that it impacts

Clr Guise declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 11.5 Planning proposal to introduce light industries to RU1, E1 and E2 zones

Nature: I work for NSW Health and my role includes commenting on alcohol licences but I do not comment on Lismore licences

Clr Waters declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 10.3 Nimbin Place Plan

Nature: I am a member for Tuntable Coordination Cooperative and the Nimbin Food Cooperative. I am not a member of the board of management of either. The Tuntable Coordination Cooperative also owns a property in Nimbin village, so if it is mentioned directly I will leave the Chamber

Clr Rob declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 12.3 Name Change Request from New England Lane to Volpato Lane

Nature: Mr Volpato is an acquaintance

Public Forum

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

Matters Arising

10.3 Nimbin Place Plan

FOR	Diana Roberts, Nimbin Chamber of Commerce
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Councillor Knight-Smith left the meeting, the time being 10:23AM

Councillor Knight-Smith returned to the meeting, the time being 10:24AM

FOR	Jane Mari
	James Wickham, Nimbin Youth

Reports of the General Manager

11.4 Nimbin Business Rate Acquittal

FOR	Diana Roberts, Nimbin Chamber of Commerce
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Councillor Jensen left the meeting, the time being 10:42AM

Councillor Jensen returned to the meeting, the time being 10:44AM

12.6 Pine Street Squatters

AGAINST	Miriam Torzillo
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Councillor Bing left the meeting, the time being 11:05AM

Councillor Bing returned to the meeting, the time being 11:06AM

Councillor Hall left the meeting, the time being 11:09AM

Councillor Hall returned to the meeting, the time being 11:11AM

AGAINST	Emma Dorge
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Altering Order of Business

81/24 **RESOLVED** that the order of business be altered to debate the following matters raised during Public Forum:

- 11.6 2023-2024 Financial Report
- 10.3 Nimbin Place Plan
- 11.4 Nimbin Business Rate Acquittal
- 12.6 Pine Street Squatters

(Councillor Hall/Krieg)

Voting for: Councillors Battista, Bing, Dalton-Earls, Gordon, Guise, Hall, Jensen, Knight-Smith, Krieg, Rob and Waters

Voting against: Nil

11.6 2023-2024 Financial Report

MOTION moved that in accordance with Section 419 of the *Local Government Act 1993*, the Audited Financial Statements for the year ended 30 June 2024 and Audit Report are presented to the public and submission invited from the public.

(Councillors Bing/Dalton-Earls)

At this time the External Auditor made a presentation to Council on the Audited Financial Statements

Councillor Dalton-Earls left the meeting, the time being 11:30AM

Councillor Waters left the meeting, the time being 11:30AM

Councillor Hall left the meeting, the time being 11:33AM

Councillor Dalton-Earls returned to the meeting, the time being 11:32AM

Councillor Waters returned to the meeting, the time being 11:32AM

82/24 **RESOLVED** that in accordance with Section 419 of the *Local Government Act 1993*, the Audited Financial Statements for the year ended 30 June 2024 and Audit Report are presented to the public and submission invited from the public.

(Councillors Bing/Dalton-Earls) (BP24/909)

Voting for: Councillors Battista, Bing, Dalton-Earls, Gordon, Jensen, Knight-Smith, Krieg, Rob and Waters

Voting against: Councillor Guise

Absent: Councillor Hall

10.3 Nimbin Place Plan

MOTION moved that Council:

1. adopt the attached Nimbin Place Plan
2. consider an annual allocation of capital works funding in the Delivery Program and Operational Plan for the next four years to deliver on the priority projects identified
3. amends the Nimbin Place Plan so that references to the “Rainbow Road Walking Track” refer to “Rainbow Walk”
4. note feedback about the need for a traffic management plan and water hoses for street planters and seek their integration into the Nimbin Place Plan

(Councillors Guise/Waters)

Councillor Rob left the meeting, the time being 11:37AM

Councillor Rob returned to the meeting, the time being 11:38AM

Councillor Hall returned to the meeting, the time being 11:38AM

FORESHADOWED MOTION that the Nimbin Place Plan be adopted excluding the areas known as 9 Sibley Street and/or Peace Park until after a Plan of Management under section 35 of the *Local Government Act* has been completed for the relevant community land.

(Councillor Rob)

Motion withdrawn.

83/24

RESOLVED that Council:

1. adopt the attached Nimbin Place Plan
2. consider an annual allocation of capital works funding in the Delivery Program and Operational Plan for the next four years to deliver on the priority projects identified
3. amends the Nimbin Place Plan so that references to the “Rainbow Road Walking Track” refer to “Rainbow Walk”
4. note feedback about the need for a traffic management plan and water hoses for street planters and seek their integration into the Nimbin Place Plan
5. undertake a Plan of Management for the community land at 9 Sibley Street when a funding source is identified

(Councillors Guise/Waters) (BP24/899)

Voting for: Councillors Battista, Bing, Dalton-Earls, Gordon, Guise, Hall, Jensen, Knight-Smith, Krieg, Rob and Waters
Voting against: Nil

Councillor Dalton-Earls left the meeting, the time being 12:01PM

Councillor Dalton-Earls returned to the meeting, the time being 12:02PM

11.4 Nimbin Business Rate Acquittal

MOTION moved that Council:

1. accepts the financial report provided by the Nimbin Chamber of Commerce for the expenditure of the Nimbin Business Rate for the period 1 October 2023 to 30 September 2024
2. release the 2024-2025 Nimbin Business Rate amount of \$17,900 (excluding GST) to the Nimbin Chamber of Commerce
3. supports an adjustment of the acquittal reporting period to align with standard end of financial year reporting requirements from 1 October to 30 September to 1 July to 30 June
4. roll over any unspent funds in any given year to the following financial year

(Councillors Waters/Knight-Smith)

Councillor Knight-Smith left the meeting, the time being 12:08PM

Councillor Knight-Smith returned to the meeting, the time being 12:11PM

84/24 **RESOLVED** that Council:

1. accepts the financial report provided by the Nimbin Chamber of Commerce for the expenditure of the Nimbin Business Rate for the period 1 October 2023 to 30 September 2024
2. release the 2024-2025 Nimbin Business Rate amount of \$17,900 (excluding GST) to the Nimbin Chamber of Commerce
3. supports an adjustment of the acquittal reporting period to align with standard end of financial year reporting requirements from 1 October to 30 September to 1 July to 30 June
4. roll over any unspent funds in any given year to the following financial year

(Councillors Waters/Knight-Smith) (BP24/914)

Voting for: Councillors Battista, Bing, Dalton-Earls, Gordon, Guise, Hall, Jensen, Knight-Smith, Krieg and Waters
Voting against: Councillor Rob

12.6 Pine Street Squatters

Could the General Manager please advise if Council has entered into any agreement with the NSW Reconstruction Authority to allow squatters to occupy buy back properties in Pine Street, North Lismore?

If not, does Council have any enforcement powers over the squatters?

Is rubbish being collected from these properties by Council and if so, who is paying for the collection service?

General Manager's response:

The *Inclosed Lands Protection Act 1901* (NSW) is the primary legislation addressing trespassing on private property and certain types of public land.

Section 4 of the *Inclosed Lands Protection Act 1901* makes it an offence to enter into "inclosed lands" without permission. "Inclosed lands" are defined as land surrounded by a fence, wall, or other barrier, and may include private homes, farms, business properties, and some government lands.

The *Law Enforcement (Powers and Responsibilities) Act 2002* (LEPRA) grants NSW Police the authority to remove or arrest individuals trespassing on property in certain situations. Under LEPRA, police have powers to stop, search, and detain individuals they suspect of trespassing or other criminal behaviour, and they can remove trespassers from properties at the request of the property owner.

Council have liaised with NSW Reconstruction Authority and have been advised that they are currently working in partnership with NSW Police, Sheriff's Office and Homes NSW in response to the occupations. Council have not entered into any agreement with NSW Reconstruction Authority to allow squatters to occupy buy back properties in Pine Street, North Lismore. Nor does Council have the jurisdiction or appropriate enforcement powers to manage trespassing (squatting).

From time to time bins have been collected from these buyback properties in Pine St as part of collections routes, to reduce the risk of illegal dumping of rubbish.

Mayoral Minute(s) and Condolence Motions

Reports of Committees

9.1 Lismore Flood Risk Management Committee - 25 July 2024

MOTION moved that the minutes from the 25 July 2024 meeting be received and the recommendations contained therein be adopted.

(Councillors Rob/Jensen)

At this point Councillor Rob declared a Non-Pecuniary, Non-Significant conflict of interest as he is on the committee for Richmond Landcare which is heavily involved in nature-based solutions.

85/24 **RESOLVED** that the minutes from the 25 July 2024 meeting be received and the recommendations contained therein be adopted.

(Councillors Rob/Jensen) (BP24/813)

Voting for: Councillors Battista, Bing, Dalton-Earls, Gordon, Guise, Hall, Jensen, Knight-Smith, Krieg, Rob and Waters

Voting against: Nil

9.2 Local Traffic Committee - 21 August and 23 October 2024

86/24 **RESOLVED** that the minutes from 21 August and 23 October 2024 meetings be received and the recommendations contained therein be adopted.

(Councillors Hall/Bing) (BP24/944)

Voting for: Councillors Battista, Bing, Dalton-Earls, Gordon, Guise, Hall, Jensen, Knight-Smith, Krieg, Rob and Waters

Voting against: Nil

At this point the meeting adjourned for a short recess, the time being 12:41PM

The meeting resumed at 1:00PM

Matters Arising

10.1 Questions on Notice

87/24

RESOLVED that:

1. the Question on Notice response provided in this report be noted
2. a briefing be held relating to a Koala Advisory Group prior to or during the advisory groups briefing

(Councillors Rob/Krieg) (BP24/843)

Voting for: Councillors Battista, Bing, Dalton-Earls, Gordon, Guise, Hall, Jensen, Knight-Smith, Krieg, Rob and Waters

Voting against: Nil

10.2 Request for Land Acquisition from Council by way of Boundary adjustment with Richmond River Gun Club

88/24

RESOLVED that Council alter points 3 and 4 of Resolution 47/24 adopted on 13 August 2024 (reference BP24/977) to read as follows:

That:

1. Council resolve to sell part of 313 Wyrallah Road, Monaltrie (Lot 2 DP 1213261) as outlined in this report, directly to the Richmond River Gun Club Incorporated being the adjoining landowner of 340 Wyrallah Road, Monaltrie (Lot 1 DP 1213261)
2. the General Manager be delegated authority to negotiate final boundaries of the proposed boundary adjustment
3. **the fee for the acquisition of land be \$1.00**
4. **all costs associated with the sale and boundary adjustment be borne by Richmond River Gun Club including but not limited to survey, Council fees, Council's legal fees, valuation fees, and plan registration fees**
5. the General Manager be delegated authority to sign the following documents:
 - Subdivision Certificate
 - Contract for Sale of Land
 - Memorandum of Transferand any other documents necessary to implement this resolution

(Councillors Gordon/Battista) (BP24/977)

Voting for: Councillors Battista, Bing, Dalton-Earls, Gordon, Hall, Jensen, Knight-Smith, Krieg and Rob

Voting against: Councillors Guise and Waters

Reports of the General Manager

11.1 2023 - 2024 Annual Report

89/24

RESOLVED that the:

1. 2023–2024 Annual Report be received and endorsed
2. report be published to the Lismore City Council website and be provided to the Minister for Local Government by 30 November 2024

(Councillors Bing/Gordon) (BP24/981)

Voting for: Councillors Battista, Bing, Dalton-Earls, Gordon, Hall, Jensen, Knight-Smith, Krieg, Rob and Waters

Voting against: Councillor Guise

11.2 2021 - 2024 State of our City Report

90/24

RESOLVED that the 2021–2024 State of our City Report:

1. be received and endorsed
2. is appended to the 2023-2024 Annual Report and published on Council's website

(Councillors Battista/Bing) (BP24/982)

Voting for: Councillors Battista, Bing, Dalton-Earls, Gordon, Hall, Jensen, Knight-Smith, Krieg and Waters

Voting against: Councillors Guise and Rob

11.3 Sewer Lining Program

91/24

RESOLVED that Council approve the release of an additional \$593,243.08 from Sewer Reserves to be allocated to the Capital Renewals Mains budget.

(Councillors Bing/Jensen) (BP24/970)

Voting for: Councillors Battista, Bing, Dalton-Earls, Gordon, Hall, Jensen, Knight-Smith, Krieg, Rob and Waters

Voting against: Councillor Guise

11.5 Planning proposal to introduce certain light industries to RU1, E1 and E2 zones

92/24

RESOLVED that Council:

1. supports the planning proposal to introduce additional light industries to the Lismore Local Environmental Plan (LEP) 2012
2. prior to forwarding the Planning Proposal to the Department of Planning, Housing and Infrastructure, it be amended to enable light industries as permitted with consent in the RU1 zone, and High Technology Industry as prohibited in the RU1 zone
3. forwards the planning proposal to the Department of Planning, Housing and Infrastructure (DPHI) seeking a Gateway determination and proceeds to public exhibition in accordance with any Gateway requirements
4. confirms that should any objections be made during the public exhibition stage that the General Manager will report back to Council. If no objections are made, the General Manager will proceed in making the LEP

(Councillors Battista/Bing) (BP24/688)

Voting for: Councillors Battista, Bing, Dalton-Earls, Gordon, Hall, Jensen, Knight-Smith, Krieg, Rob and Waters

Voting against: Councillor Guise

11.7 Investments - August, September & October 2024

MOTION moved that the report be received and noted.

(Councillors Bing/Hall)

Councillor Dalton-Earls left the meeting, the time being 1:51PM

93/24

RESOLVED that the report be received and noted.

(Councillors Bing/Hall) (BP24/955)

Voting for: Councillors Battista, Bing, Gordon, Hall, Jensen, Knight-Smith, Krieg and Rob

Voting against: Councillors Guise and Waters

Absent: Councillor Dalton-Earls

11.8 September 2024 Quarterly Budget Review Statement

MOTION moved that Council adopts the attached September 2024 Quarterly Budget Review Statement and approve the recommended variations.

(Councillors Bing/Gordon)

Councillor Dalton-Earls returned to the meeting, the time being 1:54PM

94/24 **RESOLVED** that Council adopts the attached September 2024 Quarterly Budget Review Statement and approve the recommended variations.

(Councillors Bing/Gordon) (BP24/983)

Voting for: Councillors Battista, Bing, Dalton-Earls, Gordon, Hall, Jensen, Knight-Smith, Krieg and Waters

Voting against: Councillors Guise and Rob

11.9 Pecuniary Interest Returns

MOTION moved that the report be received, and the tabled Pecuniary Interest Returns be acknowledged.

(Councillors Bing/Hall)

Councillor Jensen left the meeting, the time being 2:11PM

Councillor Jensen returned to the meeting, the time being 2:13PM

95/24 **RESOLVED** that the report be received, and the tabled Pecuniary Interest Returns be acknowledged.

(Councillors Bing/Hall) (BP24/967)

Voting for: Councillors Battista, Bing, Dalton-Earls, Gordon, Guise, Hall, Jensen, Knight-Smith, Krieg, Rob and Waters

Voting against: Nil

11.10 Minutes from External Committees and Organisations

MOTION moved that Council notes the draft minutes of Rous County Council, Arts Northern Rivers and Northern Rivers Joint Organisation.

(Councillors Bing/Knight-Smith)

Councillor Hall left the meeting, the time being 2:16PM

96/24 **RESOLVED** that Council notes the draft minutes of Rous County Council, Arts Northern Rivers and Northern Rivers Joint Organisation.

(Councillors Bing/Knight-Smith) (BP24/879)

Voting for: Councillors Battista, Bing, Dalton-Earls, Gordon, Guise, Jensen, Knight-Smith, Krieg, Rob and Waters

Voting against: Nil

Absent: Councillor Hall

Notices of Motion / Questions with Notice

12.1 Mayoral Attendance Report

MOTION moved that Council receives the Mayoral Attendance Report for September and October 2024.

(Councillors Krieg/Bing)

Councillor Guise left the meeting, the time being 2:23PM

Councillor Guise returned to the meeting, the time being 2:24PM

97/24 **RESOLVED** that Council receives the Mayoral Attendance Report for September and October 2024.

(Councillors Krieg/Bing) (BP24/894)

Voting for: Councillors Battista, Bing, Dalton-Earls, Gordon, Guise, Jensen, Knight-Smith, Krieg and Waters

Voting against: Councillor Rob

Absent: Councillor Hall

12.2 IP&R engagement

98/24

RESOLVED that:

1. the community engagement program endorsed by Council at the April 2024 meeting be superseded and updated to reflect the available time frame and legislative requirements for Council to undertake engagement for a new Community Strategic Plan (for resolution of Council prior to 30 June 2025 as required under the *Local Government Act 1993*)
2. Council DO NOT establish a Reimagine Lismore Advisory Panel and provide a letter to the applicants thanking them and explaining the panel is no longer required as Council is refocusing its efforts towards its Community Strategic Plan

(Councillors Gordon/Battista) (BP24/985)

Voting for: Councillors Battista, Bing, Dalton-Earls, Gordon, Jensen, Krieg, Rob and Waters

Voting against: Councillors Guise and Knight-Smith

Absent: Councillor Hall

12.3 Name Change Request from New England Lane to Volpato Lane

Can the General Manager please explain exactly why Council is not progressing the name change request from New England Lane to Volpato Lane, and exactly when and how the previously privately owned and unnamed section of road connecting Conway Street to New England Lane was also named New England Lane after it was donated to Council?

General Manager's response:

The Geographical Names Board (GNB) is the official body for naming and recording details of road names in the state of New South Wales. All road naming is done in line with the policy outlined in the NSW Address Policy and User Manual, which was produced by the GNB.

As per the 13 August 2024 Council resolution, the proposal to rename New England Lane to Volpato Lane was submitted to the GNB on 22 August 2024. On the 26 August 2024 the Geographical Names Board **rejected** the proposal.

Reason for rejection:

Under 6.7.9 of the Addressing Policy Road names are intended to be enduring, and the renaming of roads is discouraged unless there are compelling reasons for a change. Issues that can prompt renaming include the redesign of a road, changed traffic flow, mail or service delivery problems, duplication issues and addressing problems.

Guideline breaches:

6.7.9 Road names are intended to be enduring, and the renaming of roads is discouraged unless they are compelling reasons for change.

Council may not proceed with a proposal to name or rename a road against an objection made by a relevant party except with the approval of the Minister who administers the Roads Act 1993. A resolution is required to submit an application to the minister.

New England Lane

Council records indicate the majority of New England Lane was established as road reserve as early as 1884 as shown on DP 1627 (refer extract in Image 1 below). The lane was named "New England Lane" by Government Gazette on 5 July 1966 (refer image 2 below, the attached notice of motion BP24/630 and previous business paper BP24/784).

The remaining 10 metre section of New England Lane, which includes the Right of Way and serves as a continuation of New England Lane, was dedicated to the Council as a public road in 2015 through the registration of DP 1208701 (refer Image 3). DP 549628 demonstrates the Right of Way over 218 Molesworth Street, Lismore (refer Image 4 and attached notice of motion).

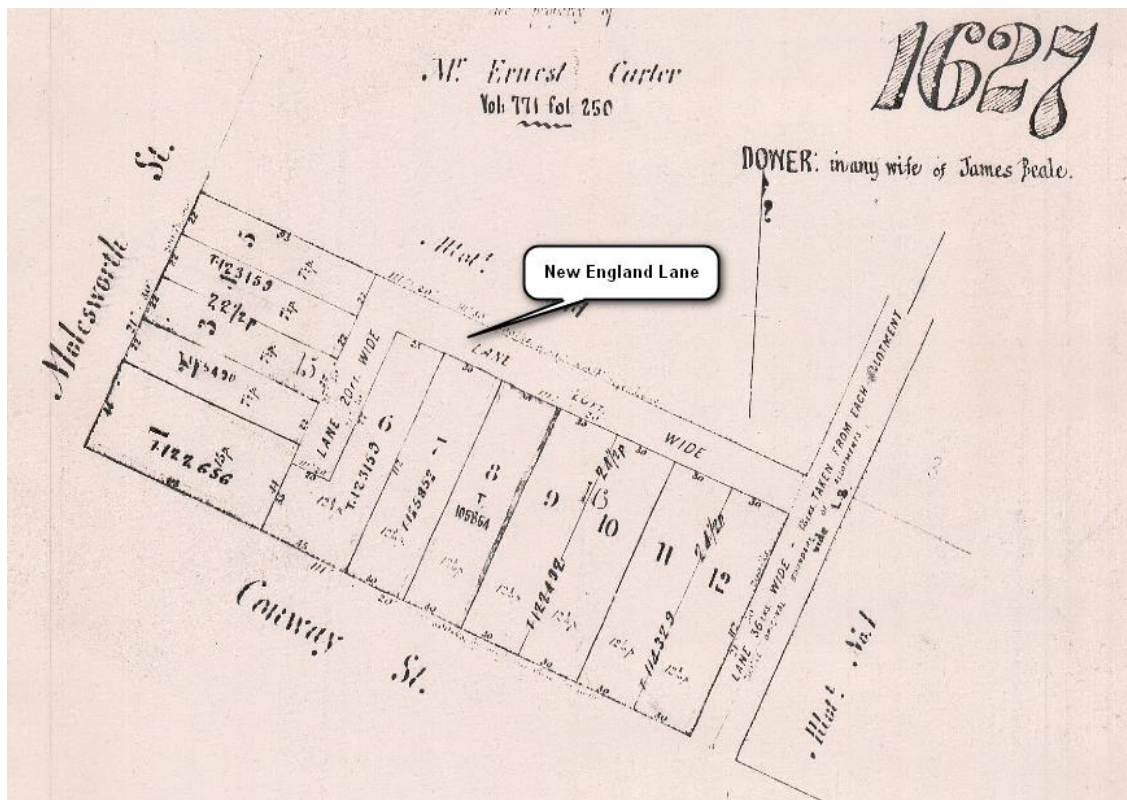


Image 1 DP 1627

LISMORE CITY COUNCIL.—NAMING OF ROADS.—Local Government Act, 1919, Ordinance No. 30, Clause 53 (ii).—Notice is hereby given that in accordance with Ordinance No. 30, Clause 53 (ii), the following roads have been named:—ROADS REFERRED TO: (1) Glasgow Lane South: A lane 20 feet wide running in a north-easterly direction from Magellan Street between the Richmond River and Molesworth Street for a distance of approximately 200 feet. (2) County Lane: A lane 20 feet wide running in a generally east-westerly direction at the north-eastern end of Carrington Street for a distance of approximately 350 feet. (3) Carrington Street: A lane 27 feet wide between Larkin Lane and the north-eastern end of Carrington Street running parallel to Molesworth Street for a distance of approximately 264 feet. (4) Eggins Lane: A lane 20 feet wide running generally south-westerly then north-westerly from Larkin Lane and Carrington Street and generally parallel to Keen Street for a distance of approximately 680 feet. (5) King Street: A lane 20 feet wide running south-westerly from Woodlark Street to the Lismore High School grounds for a distance of approximately 363 feet. (6) Rural Street: A lane 63 feet wide from Dawson Street running north-westerly for a distance of approximately 330 feet thence 30 feet wide for a distance of approximately 149 feet and south-westerly for a distance of approximately 165 feet. (7) Church Lane: A lane 20 feet wide running north-easterly from Woodlark Street between Keen and Dawson Streets and parallel to them for a distance of approximately 332 feet. (8) Richmond Lane: A lane 20 feet wide running south-easterly from Keen and Dawson Streets between Zadoc and Woodlark Streets and parallel to them for a distance of 660 feet. (9) Shire Lane: A lane 20 feet wide running north-westerly from Carrington Street to the rear of the Public Works Office for a distance of approximately 110 feet. (10) **New England Lane: A lane 20 feet wide running north-westerly and then south-westerly from Carrington Street to the rear of Robinson's Garage between Conway and Magellan Streets for a distance of 185 feet.** B. C. STEVENS, Town Clerk, Council Chambers, Lismore, 5th July, 1966. 7490—\$7.60

Image 2 – Extract from NSW Government Gazette - 15 July 1966

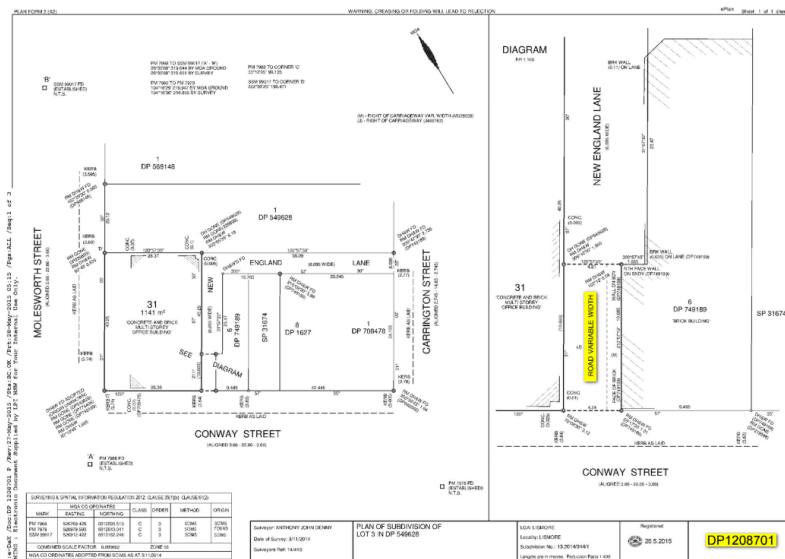


Image 3 DP1208701 Dedicating road reserve.

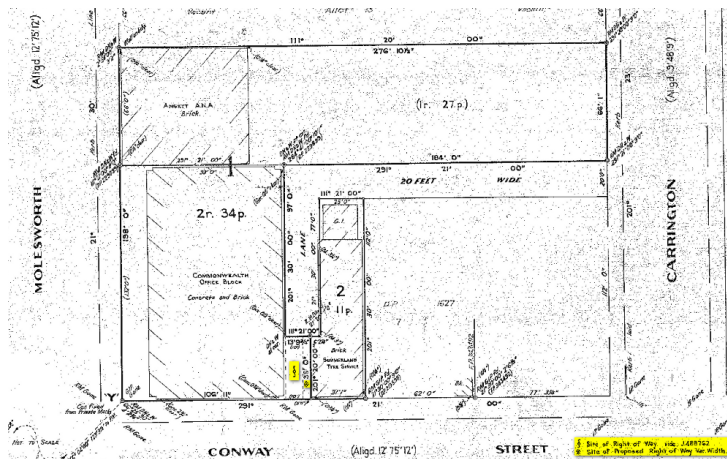


Image 4 DP 549628

LISMORE CITY COUNCIL.—NAMING OF ROADS.—Local Government Act, 1919, Ordinance No. 30, Clause 53 (ii).—Notice is hereby given that in accordance with Ordinance No. 30, Clause 53 (ii), the following roads have been named:—ROADS REFERRED TO: (1) Glasgow Lane South: A lane 20 feet wide running in a north-easterly direction from Magellan Street between the Richmond River and Molesworth Street for a distance of approximately 200 feet. (2) County Lane: A lane 20 feet wide running in a generally east-westerly direction at the north-eastern end of Carrington Street for a distance of approximately 350 feet. (3) Carrington Street: A lane 27 feet wide between Larkin Lane and the north-eastern end of Carrington Street running parallel to Molesworth Street for a distance of approximately 264 feet. (4) Eggins Lane: A lane 20 feet wide running generally south-westerly then north-westerly from Larkin Lane and Carrington Street and generally parallel to Keen Street for a distance of approximately 680 feet. (5) King Street: A lane 20 feet wide running south-westerly from Woodlark Street to the Lismore High School grounds for a distance of approximately 363 feet. (6) Rural Street: A lane 63 feet wide from Dawson Street running north-westerly for a distance of approximately 330 feet thence 30 feet wide for a distance of approximately 149 feet and south-westerly for a distance of approximately 165 feet. (7) Church Lane: A lane 20 feet wide running north-easterly from Woodlark Street between Keen and Dawson Streets and parallel to them for a distance of approximately 332 feet. (8) Richmond Lane: A lane 20 feet wide running south-easterly from Keen and Dawson Streets between Zadoc and Woodlark Streets and parallel to them for a distance of 660 feet. (9) Shire Lane: A lane 20 feet wide running north-westerly from Carrington Street to the rear of the Public Works Office for a distance of approximately 110 feet. (10) New England Lane: A lane 20 feet wide running north-westerly and then south-westerly from Carrington Street to the rear of Robinson's Garage between Conway and Magellan Streets for a distance of 185 feet. B. C. STEVENS, Town Clerk, Council Chambers, Lismore, 5th July, 1966. 7490—\$7.60

99/24

RESOLVED that following consultation with the Volpato family, Council appeal to the Geographical Names Board and if unsuccessful write to the relevant Minister seeking approval to rename New England Lane to Volpato Lane.

(Councillors Knight-Smith/Rob) (BP24/986)

Voting for: Councillors Battista, Bing, Dalton-Earls, Gordon, Guise, Jensen, Knight-Smith, Krieg, Rob and Waters

Voting against: Nil

Absent: Councillor Hall

Councillor Dalton-Earls left the meeting, the time being 03:03PM

12.4 Alternative Light Installation at Lismore City Hall

Can the General Manager please outline the costs involved with installing the alternative light installation at Lismore City Hall close to the corner of Ballina Road and Molesworth Street, when it was installed, any maintenance and other costs incurred since installation, any issues or delays securing any parts, its purpose, whether it has been successful in achieving its purpose, how much energy it has generated since it was installed, and why more of the alternative light installations never progressed?



General Manager's response:

The light was installed in 2012. Unfortunately, Council does not have current information regarding its operational status following the 2022 flood. At this time, there are no plans for repairs or maintenance.

100/24 **RESOLVED** that the installation be removed when a funding source is identified.

(Councillors Rob/Battista) (BP24/987)

Voting for: Councillors Battista, Bing, Gordon, Jensen, Knight-Smith, Krieg, Rob and Waters

Voting against: Councillor Guise

Absent: Councillors Dalton-Earls and Hall

12.5 Actual Council Meeting Costs

Please provide the actual costs associated with providing the last four meetings of the previous council term broken down to each individual line item, if any actual extra income was paid to staff who attended, how many staff are required to attend, why and their role titles, how the work not done by staff attending business hours meetings will be addressed, and if staff members not completing their scheduled work due to attending council meetings will be required to make up the time elsewhere?

General Manager's response:

Answers will not be provided for specifics for employees and wages. The catering costs for the last four Council meetings were \$475, \$480, \$450, \$570. The last one was for the end of term dinner.

In terms of personnel, you cannot host a Council meeting without support, including technology and governance. Executive members are present to answer questions from Council and provide information as required.

In terms of making up time, that is managed by supervisors. In most situations employees are not paid, there is lost productivity with meetings held at night time with time taken in lieu. Support costs are different in night and day time meetings.

Councillor Knight-Smith left the meeting, the time being 3:16PM

Confidential Matters – Closed Council Meeting

101/24	RESOLVED that Council now exclude the press and public and meet in Closed Council to consider the following matters;
Item	13.1 Tender VP424295 - Esmonde Street CCTV Inspection and Pipelining Project
Grounds for Closure Public Interest	Section 10A(2) (d i): Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
Item	13.1 Code of Conduct Matter
Grounds for Closure Public Interest	Section 10A(2) (l): Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: Alleged contraventions of any code of conduct requirements applicable under section 440.
(Councillors Bing/Gordon)	
Voting for:	Councillors Battista, Bing, Gordon, Guise, Jensen, Krieg and Waters

Voting against: Councillor Rob
Absent: Councillors Dalton-Earls, Hall and Knight-Smith

Resumption of Open Council

When the Council had resumed its former sitting, the Mayor reported that Council, meeting in Closed Session, had RESOLVED:

13.1 Tender VP424295 - Esmonde Street CCTV Inspection and Pipelining Project

That:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the tender from Interflow Pty Ltd for Contract PR24/51 Esmonde Street CCTV Inspection & Pipelining Project Works, for the sum of \$374,427.50 (ex GST)
2. delegation be provided to the General Manager to finalise and execute the contract and any other documentation required to give effect to this resolution
3. a redacted copy of this report be released as a public document
4. the General Manager be delegated authority to approve variations deemed to be necessary and appropriate within their financial delegations

(Councillors Battista/Bing) (BP24/875)

Voting for: Councillors Battista, Bing, Gordon, Guise, Jensen, Knight-Smith, Krieg, Rob and Waters

Voting against: Nil

Absent: Councillors Dalton-Earls and Hall

13.2 Code of Conduct Matter

That:

1. Councillor Rob be formally censured for the breaches under section 440G of the *Local Government Act 1993*
2. the matter be referred to the Office of Local Government for further action under the misconduct provisions of the *Local Government Act 1993*

(Councillors Guise/Waters) (BP24/961)

Voting for: Councillors Battista, Bing, Gordon, Guise, Jensen, Knight-Smith, Krieg and Waters

Voting against: Nil

Absent: Councillors Dalton-Earls, Hall and Rob

Closure

This concluded the business and the meeting terminated at 4.09pm.

CONFIRMED 10 December 2024 at which meeting the signature herein was subscribed.

MAYOR

Confidential Report

Report

Subject	Tender VP424295 - Esmonde Street CCTV Inspection and Pipelining Project
TRIM Record No	BP24/875:AF24/4129
Prepared by	Capital Delivery Engineer
Reason	To advise Council of tenders received to remediate 350.0 meters of the inlet pipe that feeds Esmonde Street reservoir, and seek approval to award the contract.
Strategic Theme	Our built environment
Strategy	Our city and village services are well managed and maintained.
Action	Provide a safe water supply and associated services.
Grounds for Closure	Section 10A(2) (d i):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Executive Summary

The purpose of this tender is to select a suitably qualified company with the availability, capability and experience to undertake the required works to line the inlet pipe feeding Esmonde Street Reservoir.

This report details the evaluation of the respondents' submissions to the tender and provides a recommendation to Council to accept the tender from Interflow Pty Ltd.

Recommendation

That:

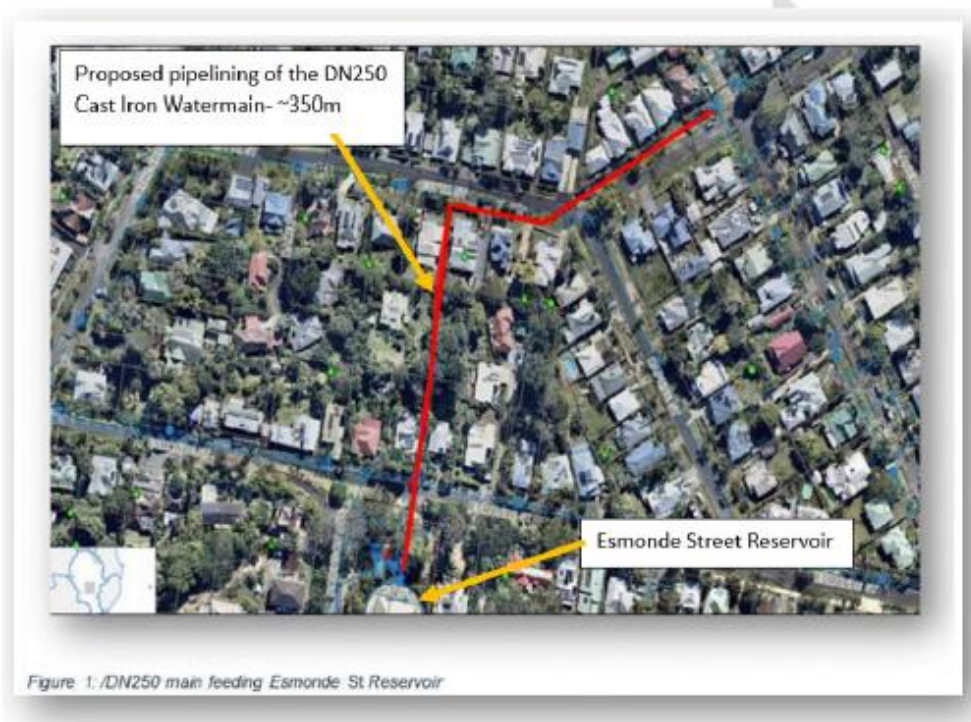
1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the tender from Interflow Pty Ltd for Contract PR24/51 Esmonde Street CCTV Inspection & Pipelining Project Works, for the sum of \$374,427.50 (ex GST)
2. delegation be provided to the General Manager to finalise and execute the contract and any other documentation required to give effect to this resolution
3. a redacted copy of this report be released as a public document
4. the General Manager be delegated authority to approve variations deemed to be necessary and appropriate within their financial delegations

Confidential Report

Background

The tender aims to select a qualified company with the necessary capability, experience and availability to conduct pipelining work on the inlet pipe feeding the Esmonde Street Reservoir. This work is part of the Water Capital Renewal Mains Program for the 2024-2025 financial year.

The existing 350m DN250 cast iron main supplying the Esmonde Street Reservoir runs beneath and near residential dwellings as shown in Figure 1 below. Cast iron mains, especially those around 100 years old, are prone to brittleness and major failures, as seen recently on Keen Street with a smaller diameter main. Failure of the Esmonde Street main could cause significant damage to nearby dwellings and pose risks to occupants. A thorough analysis of construction methods determined that pipelining is the preferred approach due to its non-destructive nature and minimal impact on residential properties.



Tender Submissions

A total of two tender submissions were received by the close of tender on 4 September 2024 and are listed below:

- [REDACTED]
- Interflow Pty Ltd

The tender was open for at least 21 days and the statistics are shown below.

<i>Tendering Method</i>	<i>Open Tendering</i>
<i>Tender Opened</i>	13 August 2024
<i>Tender Closed</i>	4 September 2024

Confidential Report

VendorPanel statistics for the tender are shown below.

Statistics for this request <hr/> Name: ESMONDE STREET CCTV INSPECTION & PIPELINING PROJECT Ref: VP424295	Number of suppliers who've read it : 58 Number of suppliers intending to respond : 0 Number of responses in draft : 0 Number of responses submitted : 2
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Tender Evaluation Panel

The tender evaluation panel comprised of Water and Wastewater Technical Officer and Water Capital Delivery Engineer.

The evaluation was conducted in accordance with the Local Government Tendering Guidelines, Regional Procurement Tendering Code of Conduct and Tendering Evaluation Principles and Process.

Confidentiality and probity were maintained throughout the process.

Methodology

The following criteria and weightings were used to assess submissions received:

Criteria	Group Summary	Weighting
1	Total Price	[REDACTED]
2	Capability and Experience	
3	WH&S, Risk Management and Quality Management Systems	
4	Local Content	
5	Methodology and Products Used	

Tenders were ranked in respect of each criteria as follows:

Rating	Description	Score (example)
Excellent	Exceeds requirements in all ways, with very little or no risk	10
Very Good	Meets requirements in all ways, exceeds it in some, little risk involved	8-9
Good	Meets the requirement and is workable, acceptable risk	6-7
Marginal	Nearly meets requirement, workable but may be deficient or limited in some areas, some element of risk	4-5
Poor	Offer is difficult to assess against criteria, high risk	1-3
Non-compliant	Tenderer has either stated non-compliance, demonstrated non-compliance, or there is insufficient information to assess	0

Tender Price ([REDACTED])

- Comparison of tenders received
- Value for money

Confidential Report

Capability, Experience and Availability ()

- Demonstrated capability
- Technical skills and ability
- Availability to meet project timeframes
- Certifications/ licences
- Appropriate resources
- Methodology
- Relevant experience
- Financial capacity

WH&S, Risk Management and Quality Management System ()

- WH&S system, policies and management
- Risk assessment
- Evidence of satisfactory WHS management
- Quality Management Systems/ Plan

Local Content ()

- Tenderers were scored on their response to this Tender Schedule in accordance with Council's Local Supplier preference policy requirements

Product, methodology fit for purpose & life extension to asset ()

- Methodology aligns with best practice principals
- Products used do not negatively affect drinking water quality - no volatiles

Sections 166-177 Local Government (General) Regulation 2021

The tender evaluation was pursuant to Section 177 of the *Local Government (General) Regulation 2021*. Contractors were selected on VendorPanel as an Open Tendering selection and the tender was advertised on VendorPanel and Council's web site for a duration of at least 21 days.

Evaluation Results

The tender submissions were carefully reviewed and vetted by a panel consisting of the following Council officers:

- Water & Wastewater- Capital Delivery Engineer
- Water & Wastewater- Water Technical Officer

The table below shows the engagement matrix of the applied and vetted scores and their given weighting.

Scoring Criteria	Interflow
Total Price (ex GST)	\$384,601.50
Price Score ()	6.74
Capability & Experience ()	8.00
WHS, Environmental & Quality Systems ()	8.00
Local Content ()	7.00
Methodology and Products Used ()	8.00
Total Weighted Score out of 100	71.68

Table: Scoring matrix

Confidential Report

Evaluation Summary

Capability & Experience ()

- This will be the first UV lining project using the Saertex Redex Lining system for water infrastructure. The panel was not concerned, as the submission cited multiple UV lining projects for sewer infrastructure. No historical project budgets supplied.
- **Interflow:** Have provided comment that they have installed this system 20 times across the region. Historical project costs have been similar or far exceeding the costs of this project.

Interflow was scored slightly higher due to their experience delivering projects with their system. They also provided Council with historical project budgets, allowing the Panel to assess their ability to deliver the scope of this project.

WHS, Environment & Quality Systems ()

- Certified - Quality Management Systems ISO 9001:2015; Occupational Health & Safety Systems 45001:2018 & Environmental Management Systems 14001:2015
- **Interflow:** Certified - Quality Management Systems ISO 9001:2015; Occupational Health & Safety Systems 45001:2018 & Environmental Management Systems 14001:2015

Both contractors received equal scores, as they provided evidence of the relevant ISO certification. Additionally, the council was not aware of any historical fines for either contractor. Both also submitted management plans, systems, or procedures related to the required systems.

Local Content ()

- The business is located outside the LGA and did not provide any commentary regarding local content spending, despite this being a key metric identified in the original project scope. Additionally, Council's procurement policy, which emphasises local content, was included in the VendorPanel request documents, yet no reference or commitment to this was made in the submission. The contractor did not advise Council of how their engagement shall benefit the economy of Lismore.
- **Interflow:** Interflow's business operates outside the LGA but have expressed its intent to reinvest approximately 20% of the project revenue back into the local economy if awarded the tender. This will be achieved by prioritising local suppliers for fuel and oils, purchasing incidental tools and equipment from local hardware stores, and supporting local hospitality and food sectors through the spending of their operations team. Additionally, Interflow emphasised its commitment to proactive engagement with the Lismore community and contributing to reconciliation efforts in the area.

Methodology & Products Used ()

- : The proposal suggests a technical design life of 100 years for the system. However, the methodology provided was limited, lacking a detailed program explaining how the works would be carried out. Additionally, no mobilisation date or GANTT chart was provided to outline the project timeline. While the contractor did specify a three-week construction period and a two-week lead time for the liner, the panel raised concerns regarding the contractor's lack of experience in delivering this type of system. This inexperience was potentially reflected in their inability to supply a thorough methodology and program with sufficient supporting documentation, which left the panel making assumptions. The system's pressure rating is aligned with the specifications provided in the project scope.

Confidential Report

- **Interflow:** The proposed solution has a minimum life extension of 50 years. The submission included a cover letter that provided the panel with a high-level overview of the system. The methodology was detailed, ensuring the panel had clarity on how the works would be conducted, leaving little room for assumptions. Additionally, they supplied a comprehensive project approach, covering critical elements such as traffic management, risk assessment methodology, and demobilisation procedures. Their project timeline suggested completion within the financial year, accounting for a 12-week lead time for the liner. The system's pressure rating is aligned with the specifications provided in the project scope.

Budget

The estimated budget allocated for this project is \$411,870.25. This amount comprises of \$374,427.50 (tendered lump sum) plus 10% project contingency as the project has been classified low risk.

The total budget allocation for the 2024-2025 Water Capital Renewal Mains Program is \$2,755,900. As of the time of writing this memo, current expenditure is \$835,491, and committed costs amount to \$1,052,083.

Comments

Finance

The recommendation as printed is supported.

Attachment/s

There are no attachments for this report.