



## Council

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An Ordinary Meeting of Lismore City Council will be held at the Council Chambers on Tuesday, 21 November 2023 at 6.00pm

Members of Council are requested to attend.

*Lismore City Council acknowledges the Widjabul Wia-bal people of the Bundjalung nation, traditional custodians of the land on which we meet.*

**Jon Gibbons**  
**General Manager**

14 November 2023



## **ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST**

### **A guiding checklist for councillors, staff and community committees**

#### **Ethical decision making**

- Is the decision or conduct legal?
- Is it consistent with government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Do you stand to gain personally at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

#### **Conflict of interest**

A conflict of interest is a clash between private interest and public duty. There are two types of conflict:

- Pecuniary – an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to yourself or another person or entity defined in part 4 of the Lismore City Council Code of Conduct with whom you are associated.
- Non-pecuniary – a private or personal interest that you have that does not amount to a pecuniary interest as defined in the Lismore City Council Code of Conduct. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.

#### **The test for conflict of interest**

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of "corruption" – using public office for private gain.
- Important to consider public perceptions of whether you have a conflict of interest.

#### **Identifying problems**

- Do I have private interests affected by a matter I am officially involved in?
- Is my official role one of influence or perceived influence over the matter?
- Do my private interests' conflict with my official role?

#### **Disclosure and participation in meetings**

- A councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
  - a. at any time during which the matter is being considered or discussed by the Council or Committee, or
  - b. at any time during which the Council or Committee is voting on any question in relation to the matter.

**No Knowledge** - a person does not breach this clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

**Non-pecuniary Interests** - Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. participate in discussion but not in decision making or vice versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as of the provisions in the Code of Conduct (particularly if you have a significant non-pecuniary interest)

Whilst seeking advice is generally useful, the ultimate decision rests with the person concerned.

# Agenda

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## 1. Opening of Meeting

## 2. Acknowledgement of Country

## 3. Pause for reflection

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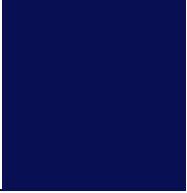
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# **Mayoral Minute(s) and Condolence Motions**

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# Mayoral Minutes

Subject **Mayoral Attendance Report**

TRIM Record No BP23/893:EF19/25-5

That Council receives the Mayoral Attendance Report for October 2023.

## October

- 3 Welcome Blaze Aid to Lismore  
Guest speaker at Lismore Probus Club  
Councillor briefing
- 4 Media conference: Back Lismore campaign
- 5 Our Kids Children's Ward Party Day
- 10 Council meeting
- 11 First North Public Speaking Competition
- 12 Northern Rivers Community Leaders Forum
- 18 Extra Ordinary Council meeting
- 19-21 Lismore Show
- 25 Lismore Croquet Club 90+2 anniversary
- 26 Northern Rivers Community Leaders Forum
- 30-31 Behind the Blue (Police Community Leaders Program)

## Attachment/s

There are no attachments for this report.

TRIM Record No: BP23/893:EF19/25-5



Blaze Aid



Back Lismore campaign



Lismore Show Led Steer Competition



Lismore Croquet Club anniversary



First North Public Speaking Competition



Our Kids Children's Ward Party Day



Behind The Blue with Police Minister Catley

# **Reports of Committees**

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## Report of Committee

Access and Inclusion Advisory Group - 27 September 2023

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

### Attachment/s

1. [↓](#) Minutes

## Access and Inclusion Advisory Group Minutes 27 September 2023

### MINUTES OF THE ACCESS AND INCLUSION ADVISORY GROUP HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 27 SEPTEMBER 2023 AT 2:00PM

*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

Councillors Ekins and Rob; Members Mr Brad Lancaster, Mr Micheal Lynch, Ms Jenny London, Mr John Zambelli, Mr Dan Trestrail, Mr John Jensen, Ms Jess Ambridge, Ms Liss Caldwell, Ms Brigid Richardson, together with Ms Cotterill, Governance & Risk Manager; Mrs Mitchell, Executive Officer, Ms Soady, Acting Community Engagement Coordinator (item 5.1) Ms Olivieri, Community Engagement Officer, Ms Plowright, Senior Marketing Officer (item 5.4), Ms O'Regan, Head Investment and Growth (item 5.5), Mr Dreher, Environmental Strategies Officer (item 5.8).

### Apologies

Julie-Anne Allen

### Confirmation of Minutes

AIAG9/23     **RESOLVED** that the minutes of the 12 July 2023 meeting be accepted.

(Member Lynch/Councillor Rob)

**Voting for:**        Councillors Ekins and Rob and Members Ambridge, Caldwell, Jensen, Lancaster, London, Lynch, Trestrail, Richardson and Zambelli

**Voting against:** Nil

### Disclosure of Interest

Micheal Lynch declared a pecuniary interest as the Northern Rivers Autism Association, which he is the CEO, has received \$5000 from Council.

## Access and Inclusion Advisory Group Minutes 27 September 2023

### 5.1 Election of Chair

AIAG10/23 **RESOLVED** that:

1. the Group elect a Chair
2. the period of appointment be until the end of the Group's term
3. the method of election be by closed voting

(Members Lynch/Lancaster) (BP23/765)

**Voting for:** Councillors Ekins and Rob and Members Ambridge, Caldwell, Jensen, Lancaster, London, Lynch, Trestrail, Richardson and Zambelli

**Voting against:** Nil

### 5.2 Change of Group Name

AIAG11/23 **RESOLVED** that the group requests Council endorse a change of name from Access and Inclusion Advisory Group to Disability Inclusion Advisory Group.

(Members Ambridge/Lynch) (BP23/764)

**Voting for:** Councillors Ekins and Rob and Members Ambridge, Caldwell, Jensen, Lancaster, London, Lynch, Trestrail, Richardson and Zambelli

**Voting against:** Nil

### 5.3 Footpath Accessibility

AIAG12/23 **RESOLVED** that:

1. the group note the discussion.
2. a footpath accessibility/tactile walk be organised for the Access and Inclusion Advisory Group members to attend with Council's Design Services Team in both the Lismore CBD and important precincts and businesses in Goonellabah.

(Councillor Ekins/Member Lynch) (BP23/763)

**Voting for:** Councillors Ekins and Rob and Members Ambridge, Caldwell, Jensen, Lancaster, London, Lynch, Trestrail, Richardson and Zambelli

**Voting against:** Nil

## Access and Inclusion Advisory Group Minutes 27 September 2023

### 5.4 Back Lismore Campaign

AIAG13/23 **RESOLVED** that:

1. the report be noted and accepted.
2. the group consider stories to be shared throughout this campaign, to be inclusive of, and promote positive attitudes and behaviours toward, people with disability.
3. the group put forward any nominations for stories to feature and email appropriate contacts to Lydia Plowright (lydia.plowright@lismore.nsw.gov.au).

(Members Lynch/Caldwell) (BP23/776)

**Voting for:** Councillor Ekins and Members Ambridge, Caldwell, Jensen, Lancaster, London, Lynch, Trestrail, Richardson and Zambelli

**Voting against:** Councillor Rob

### 5.5 Lismore Community Vision and Blueprint

AIAG14/23 **RESOLVED** that:

1. the report be noted and accepted.
2. the group identify key individuals and groups as well as ways to support inclusive participation in the development of the vision and blueprint.

(Member Caldwell/Councillor Rob) (BP23/778)

**Voting for:** Councillors Ekins and Rob and Members Ambridge, Caldwell, Jensen, Lancaster, London, Lynch, Trestrail, Richardson and Zambelli

**Voting against:** Nil

### 5.6 Draft Wade Park Masterplan

AIAG15/23 **RESOLVED** that the group notes the Draft Wade Park Masterplan and provides any relevant feedback.

(Members Jensen/Caldwell) (BP23/769)

**Voting for:** Councillors Ekins and Rob and Members Ambridge, Caldwell, Jensen, Lancaster, London, Lynch, Trestrail, Richardson and Zambelli

**Voting against:** Nil

Member Jenny London left the meeting, the time being 3.59pm

## Access and Inclusion Advisory Group Minutes 27 September 2023

### 5.7 Lismore Youth Precinct and Skatepark

AIAG16/23 **RESOLVED** that:

1. the group notes the project and provides any relevant feedback.
2. Council ensures there is disabled access to the Youth Precinct and Skatepark facilities.

(Member Lynch/Councillor Rob) (BP23/771)

**Voting for:** Councillors Ekins and Rob and Members Ambridge, Caldwell, Jensen, Lancaster, London, Lynch, Trestrail, Richardson and Zambelli

**Voting against:** Nil

### 5.8 Accessibility for Rural Landholder Programme

AIAG17/23 **RESOLVED** that the Group receives and note the report and provides feedback.

(Members Lynch/Richardson) (BP23/762)

**Voting for:** Councillors Ekins and Rob and Members Ambridge, Caldwell, Jensen, Lancaster, London, Lynch, Trestrail, Richardson and Zambelli

**Voting against:** Nil

## Closure

This concluded the business and the meeting closed at 4.17pm.

## Report of Committee

Aboriginal Advisory Group - 20 September 2023

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

### Attachment/s

1. [↓](#) Minutes

## Aboriginal Advisory Group Minutes 20 September 2023

**MINUTES OF THE ABORIGINAL ADVISORY GROUP HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 20 SEPTEMBER 2023 AT 5.00PM**

*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

Councillor Bird, Councillor Ekins, Councillor Rob, Mr Patrick Anderson, Aunty Jenny Smith, Aunty Ros Sten, Aunty Thelma James, Mr Bradley Walker, Ms Veronica Harris

LCC Officers: Mr Gibbons, General Manager; Ms O'Regan, Head Investment and Growth; Mr Wilson, Executive Officer – Customer Experience; Ms Plowright, Senior Marketing Office; Ms Gray, CBD Activation Officer; Ms Sproule, Community Engagement Officer

### Apologies

Councillor Krieg, Ms Leearna Williams

### Disclosure of Interest

Nil

#### 5.1 Draft Wade Park Masterplan

AAG6/23 **RESOLVED** that the group:

1. receive and note the Draft Wade Park Masterplan
2. be provided with an up to date Wade Park Functional Plan
3. provide any relevant feedback through Your Say, when it's put on Public Exhibition.
4. recommends that Council incorporate a 'drop off' area to improve accessibility for entry to the park, and access to the BBQ area for people with mobility challenges.

(Members James/Smith) (BP23/768)

**Voting for:** Councillors Bird, Ekins and Rob and Members Anderson, Harris, James, Smith, Sten and Walker

**Voting against:** Nil

## Aboriginal Advisory Group Minutes 20 September 2023

### 5.2 Lismore Youth Precinct and Skatepark

AAG7/23 **RESOLVED** that the group:

1. notes the project report
2. recommends Council undertake additional targeted consultation as suggested by members, inclusive of school visits, additional community workshop and meeting with youth justice organisations
3. supports additional engagement with youth based organisations

(Members Sten/James) (BP23/770)

**Voting for:** Councillors Bird, Ekins and Rob and Members Anderson, Harris, James, Smith, Sten and Walker

**Voting against:** Nil

### 5.3 CBD Banner Update

AAG8/23 **RESOLVED** that the group:

1. recommend Council seek permission from families of featured individuals in provided photos
2. recommend Council Media staff attend community events to take photos, and seek permission at the time
3. provide additional ideas for images to Council

(Members Anderson/Sten) (BP23/791)

**Voting for:** Councillors Bird, Ekins and Rob and Members Anderson, Harris, James, Smith, Sten and Walker

**Voting against:** Nil

## Altering Order of Business

AAG9/23 **RESOLVED** that the order of business be altered to discuss 5.5 ahead of 5.4

(Councillor Bird)

## Aboriginal Advisory Group Minutes 20 September 2023

### 5.5 Lismore Community Vision and Blueprint

AAG10/23 **RESOLVED** that the group:

1. note and accept the report
2. identify key individuals and groups as well as ways to support inclusive participation in the development of the vision and blueprint

(Councillor Rob/ Member Anderson) (BP23/777)

**Voting for:** Councillors Bird, Ekins and Rob and Members Anderson, Harris, James, Smith, Sten and Walker

**Voting against:** Nil

Councillor Big Rob left the meeting, the time being 6.45PM

### 5.4 Back Lismore Campaign

AAG11/23 **RESOLVED** that the group:

1. note and accept the report
2. consider stories to be shared throughout this campaign, to highlight and support our Aboriginal and Torres Strait Islander community and cultures
3. put forward any nominations for stories to feature to Council

(Members Smith/Anderson) (BP23/775)

**Voting for:** Councillors Bird and Ekins and Members Anderson, Harris, James, Smith, Sten and Walker

**Voting against:** Nil

**Absent:** Councillor Rob

### 5.6 Engaging with our Community

AAG12/23 **RESOLVED** that the group:

1. support the creation of an Aboriginal Engagement Framework document
2. recommend a workshop to review the final draft Aboriginal Engagement Framework document

(Member Smith/Councillor Ekins) (BP23/774)

**Voting for:** Councillors Bird, Ekins and Members Anderson, Harris, James, Smith, Sten and Walker

**Voting against:** Nil

## Aboriginal Advisory Group Minutes 20 September 2023

### Closure

This concluded the business and the meeting closed at 7.15pm.

### **Report of Committee**

Capacity Capability & Recovery Roadmap Project Control Committee - 25 October 2023

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

### **Attachment/s**

1. [↓](#) Minutes 25 October 2023

# Capacity Capability Recovery Roadmap Project Control Committee Minutes 25 October 2023

## MINUTES OF THE CAPACITY CAPABILITY RECOVERY ROADMAP PROJECT CONTROL COMMITTEE HELD IN COUNCIL CHAMBERS ON WEDNESDAY 25 OCTOBER 2023 AT 5.30PM

*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

Councillor Bing (Chair); Councillors Bird (via audio-visual), Cook, Gordon, Hall (via audio-visual), Jensen, Rob; Mr Gibbons, General Manager; Mr Enevoldson, Chief Financial Officer; Mr Butron, Chief Community Officer; Ms Cotterill, Governance & Risk Manager; Mrs Mitchell, Executive Officer – General Manager and Mayor & Councillors

### Apologies and Absences

Apologies: Councillors Colby, Krieg and Ekins; Chief Operating Officer  
Absent: Councillor Guise

### Disclosure of Interest

Nil

Councillor Bird left the meeting, the time being 6:03PM

### Confirmation of Minutes

CCRRP15/23 **RESOLVED** that the minutes of 19 July 2023 be confirmed.

(Councillors Gordon/Bing)

**Voting for:** Councillors Bing, Cook, Gordon, Hall, Jensen and Rob;  
General Manager, Chief Financial Officer, Chief Community Officer

**Voting against:** Nil

# Capacity Capability Recovery Roadmap Project Control Committee Minutes 25 October 2023

## 5.1 Capacity Capability Recovery Roadmap - funding acquittal and progress report to 30 September 2023

CCRRP16/23 **RESOLVED** that the Committee receives and notes the Capacity Capability and Recovery Roadmap funding acquittal and progress report to 30 September 2023.

(Councillors Gordon/Rob) (BP23/852)

**Voting for:** Councillors Bing, Cook, Gordon, Hall, Jensen and Rob;  
General Manager, Chief Financial Officer, Chief Community  
Officer

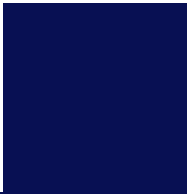
**Voting against:** Nil

## Closure

This concluded the business and the meeting closed at 6.05pm.

# **Reports of the General Manager**

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# Report

<b>Subject</b>	<b>Rezoning Planning Proposal for land at 1055 and 1055A Bruxner Highway</b>
<b>TRIM Record No</b>	BP23/851:AF22/5200
<b>Prepared by</b>	Strategic Planner
<b>Reason</b>	To provide information and seek a resolution on the assessment of a Planning Proposal to rezone land at 1055 and 1055A Bruxner Highway.
<b>Strategic Theme</b>	Our built environment
<b>Strategy</b>	Our land-use planning caters for all sectors of the community.
<b>Action</b>	Ensure land is available and serviced to meet population growth in locations that are accessible, close to services and employment, and suitable for development.

## Executive Summary

In November 2022 Lismore City Council received a Planning Proposal from landowners at 1055 and 1055A Bruxner Highway, Goonellabah (hereby 'the site'). The Planning Proposal seeks to amend the land zones, minimum lot size and height of building controls within the Lismore Local Environment Plan 2012 to enable future residential, commercial, industrial and recreational development across the 75 hectares of the site.

The Planning Proposal outlines the proposed amendments to the LEP and the assessment of various site-specific technical studies.

The site is identified in Lismore Council's Growth and Realignment Strategy (2022) and the supporting addendum that specifically addresses the need for new flood free employment lands in the region. The mix of zonings proposed across the site will allow for the integration of new housing, employment, recreation and community facilities. A Draft Voluntary Planning Agreement (VPA) will also ensure there are opportunities for the affordable relocation of dwellings from high flood-risk areas, as well as the provision of environmental benefits along Tucki Tucki Creek.

The proposal is considered to facilitate suitable and sustainable growth in a strategically situated location for Lismore's future. It is recommended that the Planning Proposal be supported and forwarded to the Department of Planning and Environment (DPE) for a Gateway Determination.

## Recommendation

That:

1. Council supports the Planning Proposal to amend the zone and planning controls for 1055 and 1055A Bruxner Highway, Goonellabah (Lot Lot 42, DP 868366 and Lot 1, DP 957677) as detailed in this report.
2. Council staff submit the Planning Proposal to the Department of Planning and Environment with a request for a Gateway Determination.
3. in line with conditions of the Gateway Determination, Council staff place the Planning Proposal on public exhibition and consult with Government agencies.
4. following close of the public and government agency exhibition period, staff report back to Council.

## Background

In November 2022 a planning proposal was received from Nimble Estates to amend the zoning and associated development standards on two lots at 1055 and 1055A Bruxner Highway, Goonellabah (Lot 42, DP 868366 and Lot 1, DP 957677).

The planning proposal intends to facilitate the future development of the site for residential, industrial and commercial use. It is expected that the proposal will lead to the creation of around 350 residential lots and 150 industrial / commercial lots. The number of individual homes and business sites is not yet known. However, the controls included in the Planning Proposal and an associated site-specific Development Control Plan (DCP) aim to deliver a range of new housing opportunities including medium density housing, live /work precincts and a range of new industrial / commercial opportunities.

Since lodgment, staff have been working with the landowner, Transport for NSW (TfNSW), the Department of Planning and Environment (DPE) and the Northern Rivers Reconstruction Corporation (NRRC) to address key challenges and ensure the best outcomes for the site and for Lismore's future growth.

On Tuesday 18 July 2023 staff provided an overview of the proposal to Councillors at a Council briefing.

Additionally, at the 12 September Council meeting, Councillors resolved to dedicate a strip of Council-owned land (being Lot 299 in DP 1058607) adjacent to the site as public road to enable future access into this proposal site. On Friday 3 November 2023, the NSW government gazetted Lot 299 in DP 1058607 as public road in accordance with the Council resolution.

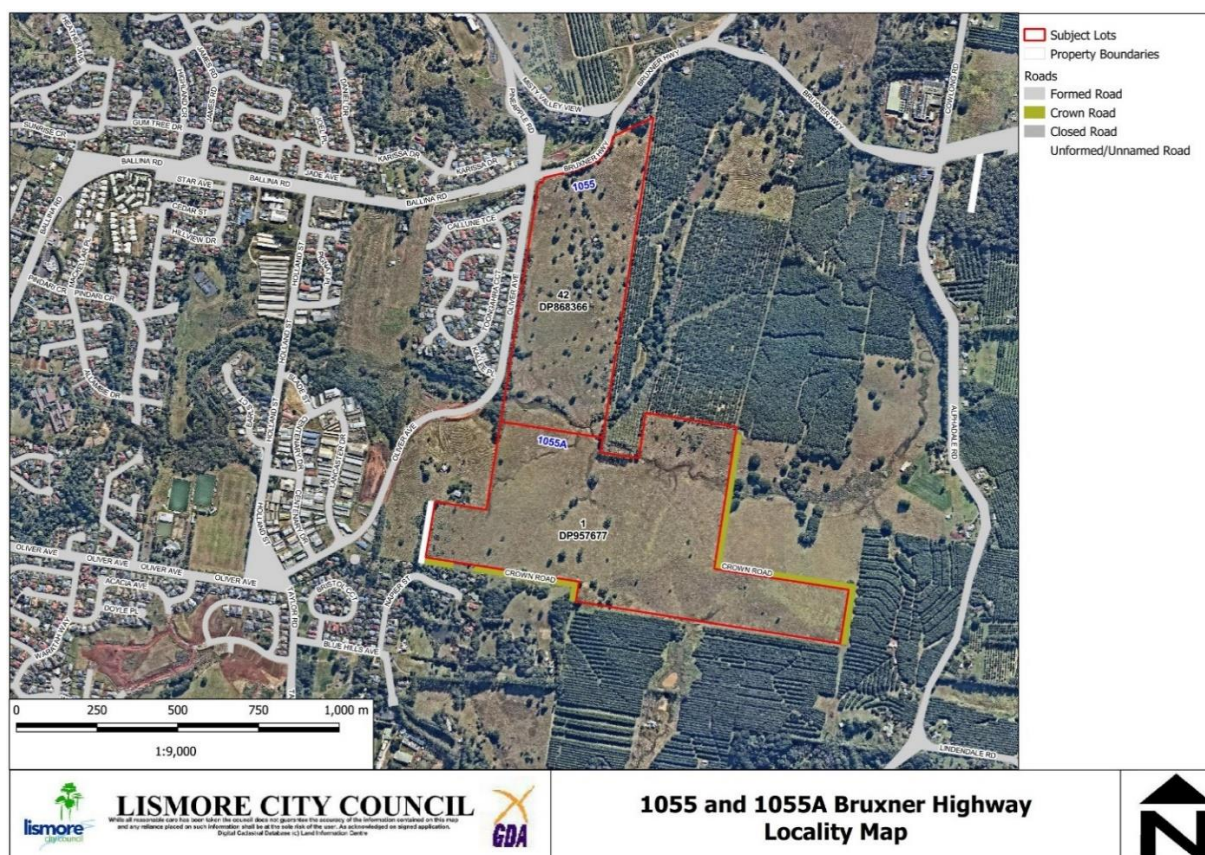
## Characteristics of the subject site

This Planning Proposal applies to land described in the table below and as shown in Table 1 and shown in figure 1.

*Table 1- Subject Lots*

Lot	Deposited Plan	Address	Land area
42	868366	1055 Bruxner Highway	28ha
1	957677	1055A Bruxner Highway	47ha

Figure 1 - The Site



The site has a total of ~75 hectares that sits on the eastern fringe of Goonellabah, an existing urban settlement in the Lismore LGA. It is approximately 3km to the Goonellabah shopping precinct, 5km to Southern Cross University and 8km from the Lismore CBD.

The site sits at the junction of the Bruxner Highway and Oliver Avenue at the Pineapple Road roundabout. Access to the site will be from Oliver Avenue. To the north, west and south of the site is residential and industrial land, and to the east and south of the site is agricultural land currently containing macadamia orchards.

The land is currently used for grazing and is mapped as State Significant Farmland. The site hosts some dilapidated dwellings and a scattering of mature paddock trees. The Tucki Tucki creek, and its tributaries, runs from west to east across the site. The riparian corridor of the Tucki Tucki creek is included in the NSW Biodiversity Values Map.

The majority of the site has a slope of 10-20%, referred to as 'rolling', however there are some areas that are considered 'gently undulating' with a slope of 2-5%.

The subject land is currently zoned RU1 Primary Production. No Height of Building control applies to RU1 zoned land. The current Minimum Lot Size is 40 ha in the north of the site and 20ha in the south.

### Alignment with the Lismore Growth and Realignment Strategy

The northern part of the site is identified in Lismore's adopted growth strategy, the Growth and Realignment Strategy, 2022 (GRS) as being potentially suitable for future residential use, including medium density residential and the incorporation of some commercial areas and a live/work precinct.

The southern part of the site is identified in the GRS as being potentially suitable as part of an expansion of the Goonellabah industrial precinct.

In June 2023, the DPE endorsed part of the site (1055 Bruxner Highway) and conditionally endorsed part of the site (1055A Bruxner Highway) requesting additional information around the need for local industrial land before their full endorsement could be provided. To address this request, and carry out the further investigation, LCC prepared an addendum to the GRS to highlight the need for additional flood-free industrial land and to address concerns about the southern part of the site. The addendum demonstrates the urgent need for flood-free industrial land in Lismore and the Northern Rivers to both support relocation of existing flood impacted businesses and accommodate growth. The addendum was submitted to the DPE in August 2023 and endorsed in September 2023. The Department of Primary Industries provided feedback to the DPE prior to them endorsing the addendum. Both the GRS and its addendum are now published on both LCC's and the DPE's website.

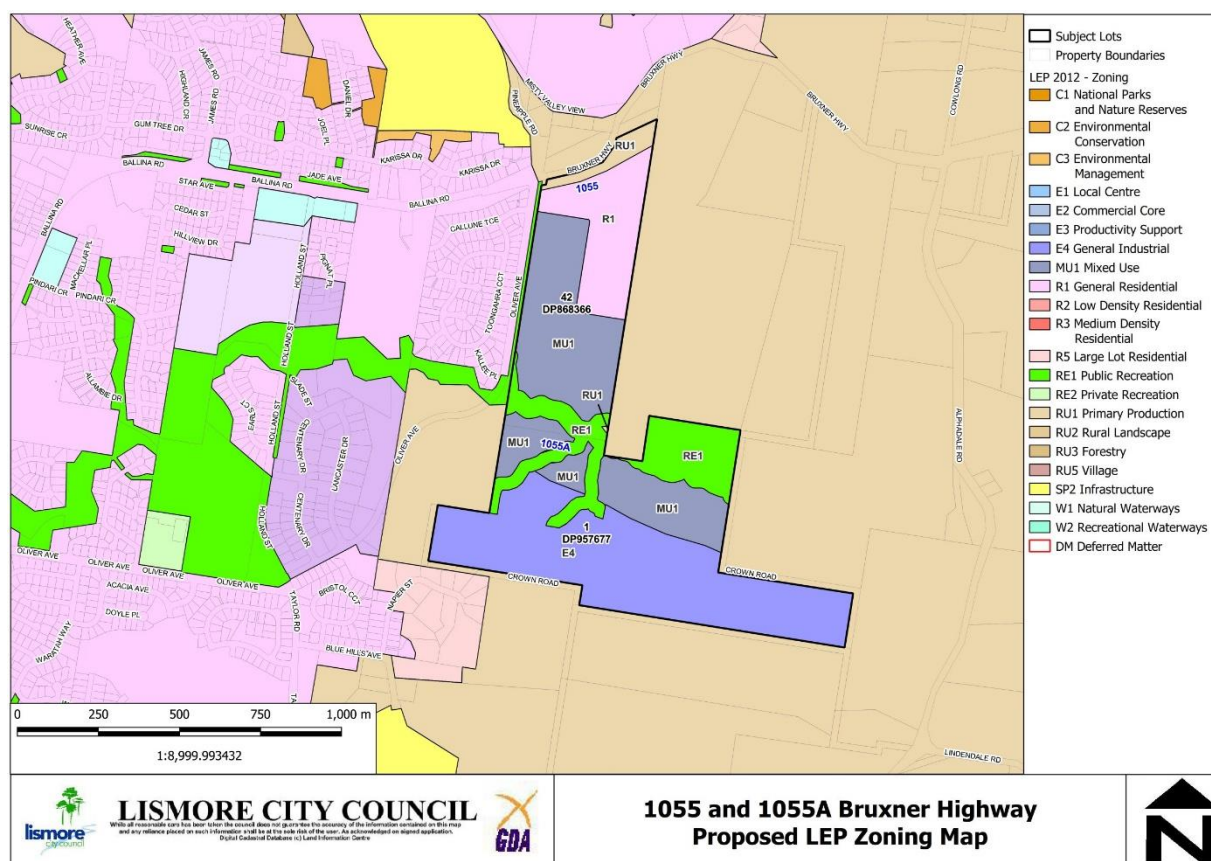
## Proposed changes to the Lismore Local Environmental Plan 2012

The objective of this planning proposal is to amend the Lismore LEP 2012 to enable residential, mixed use and industrial land to meet the needs of the Lismore community.

The intended outcome of this Planning Proposal is to rezone the site to a combination of R1 *General Residential*, MU1 *Mixed Use*, E4 *General Industrial* and RE1 *Public Recreation* as shown in figure 2.

A strip of land at the northern end of the site, fronting the Bruxner Highway, is not proposed to be rezoned. This is to secure land for TfNSW for future realignment of the Bruxner Highway.

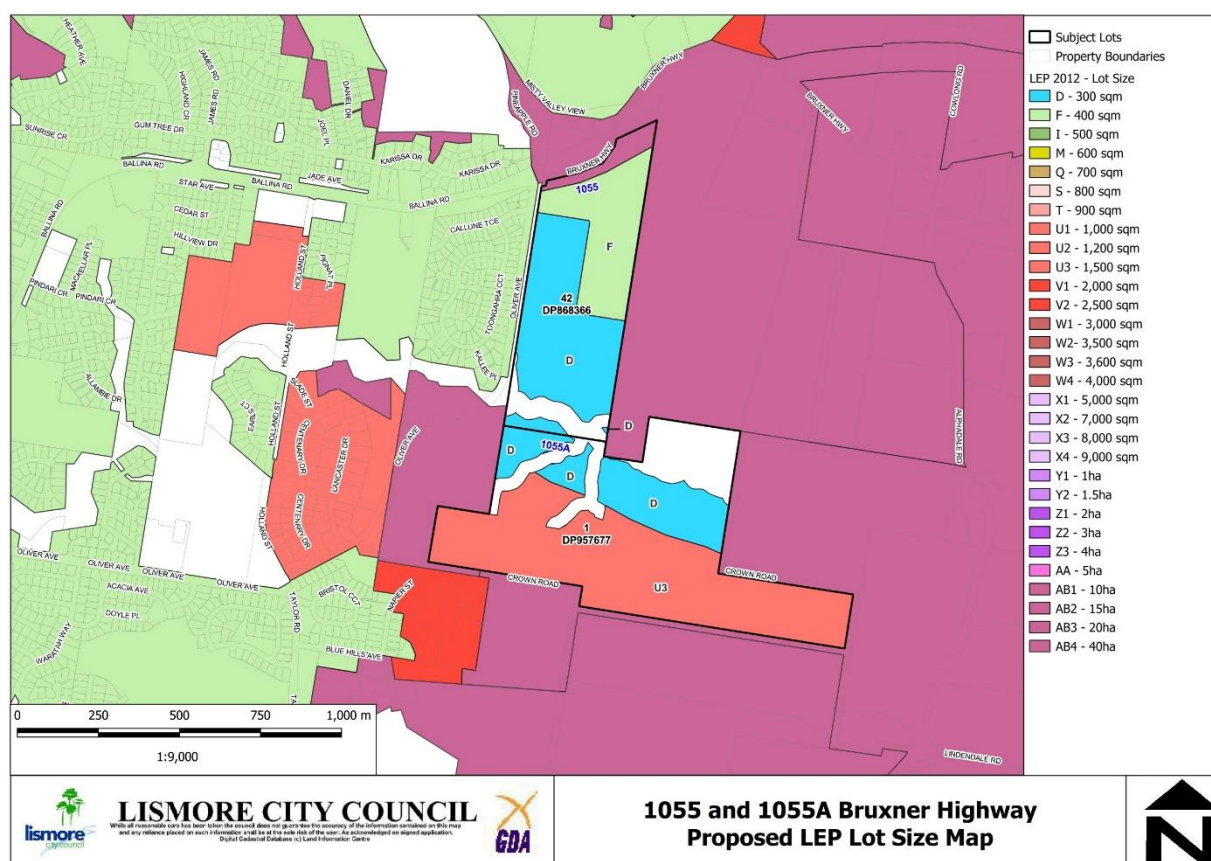
Figure 2 - Proposed Zoning Application



In addition to rezoning the site, the Planning Proposal seeks to amend the Lot Size Map (Sheet LSZ\_005 and Sheet LSZ\_006) to remove the current minimum lot size requirement of 40ha and 20ha and impose the following minimum lot sizes:

- R1 zoned land: a minimum lot size of 400m<sup>2</sup>,
- MU1 zoned land: a minimum lot size of 300m<sup>2</sup>,
- E4 zoned land: a minimum lot size of 1,500m<sup>2</sup>.

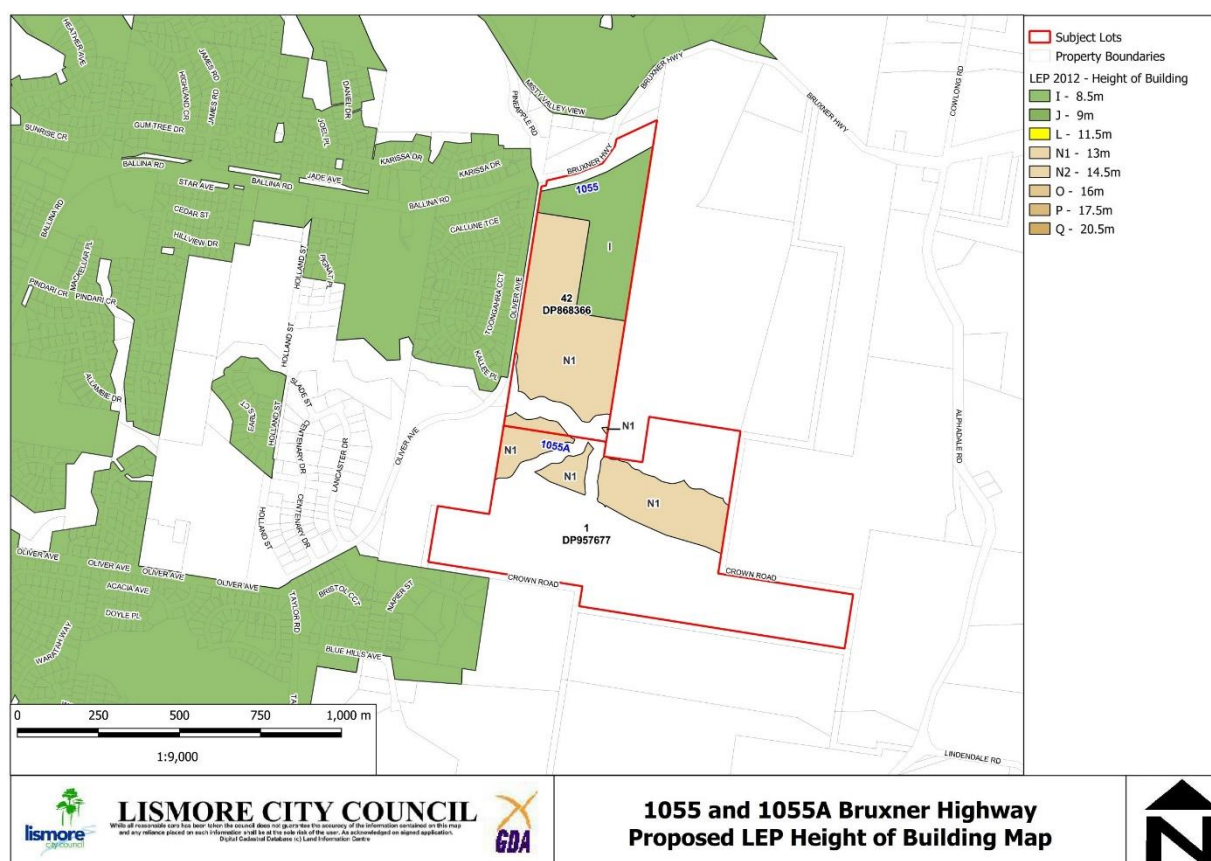
Figure 3 - Proposed Minimum Lot Size



Additionally, the Planning Proposal seeks to amend the Height of Building Map (Sheet HOB\_005 and Sheet HOB\_006) to impose the following maximum height of building control (excluding the RE1 and IN1 zoned land):

- MU1 zoned land maximum building height of 13m
- R1 zoned land: maximum building height of 8.5m

Figure 4 - Proposed Height of Building



The intended outcomes of the amended planning controls through changes to the Lismore LEP are to:

- Provide a diversity of housing options;
- Provide commercial and community land to meet the needs of the new residential community;
- Provide open space areas to meet the needs of the residential community, including, but not limited to, a pedestrian/cycling link along the Tucki Tucki creek reserve;
- Provide a diversity of industrial lots; and
- Retain, enhance and protect the existing environmental qualities on the site.

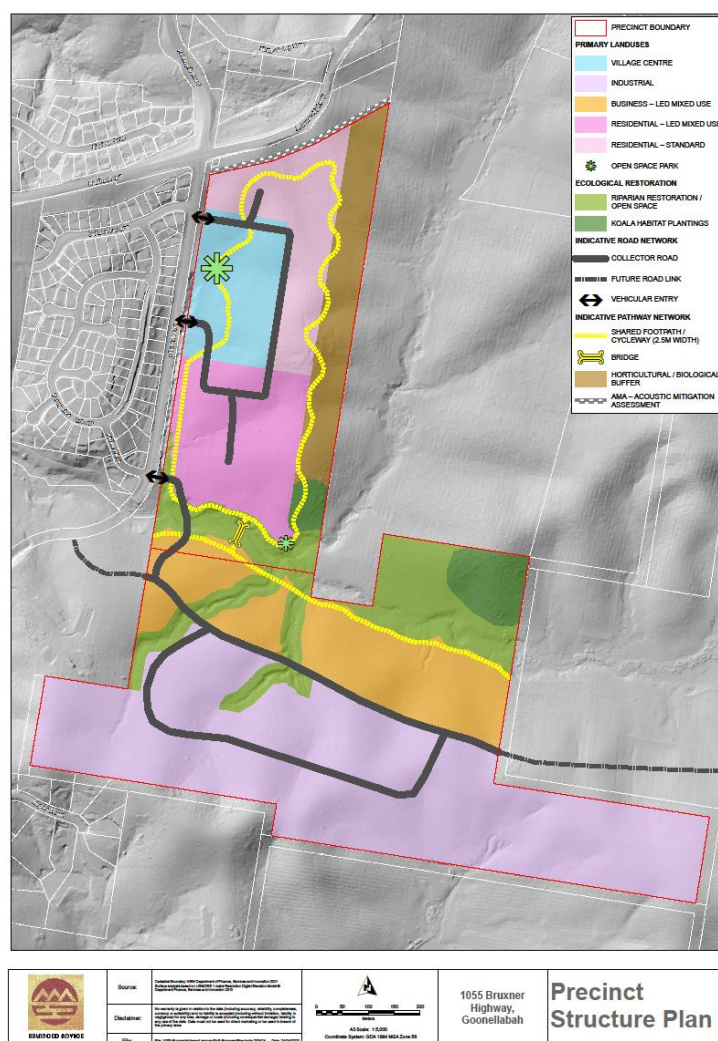
### Planning Controls – Development Control Plan and Voluntary Planning Agreement

Beyond the proposed amendment to the zoning and principal development standards within the LEP, there will be a site specific Development Control Plan (DCP) and a Voluntary Planning Agreement (VPA) to ensure the intended outcomes and objectives for the site will be achieved.

#### Development Control Plan (DCP)

Prior to finalisation of the Planning Proposal, Lismore City Council will introduce a new chapter to Part B of the Lismore Development Control Plan (DCP). This new chapter will set out an overall vision for the site as well as detailed development controls to ensure future development meets the needs of Council and the community. The DCP will also include a final structure plan that will be used to guide future development applications. Figure 5 represents the draft structure plan that breaks the site down into key precincts, including general residential, medium density residential-led mixed use, a local centre, commercial-led mixed-use and industrial. The draft structure plan is also included as an attachment.

Figure 5 - Proposed Structure Plan



This DCP chapter is still a work in progress. It is expected to be reported to Council early in 2024. The process for approving and publishing a DCP differs from a Planning Proposal in that it goes through only three formal stages:

- Resolution from councillors to proceed to public exhibition,
- A period of public exhibition,
- Final resolution from councillors to adopt and publish the new chapter.

Based on this, it is expected that the DCP chapter will be adopted and published prior to the completion of the land rezoning and well in advance of any development applications (DA) being submitted.

#### Voluntary Planning Agreement

On 9 December 2022 the landowners submitted to LCC a preliminary Offer of Intent for a Voluntary Planning Agreement (VPA). See attachment 2. A VPA is a legal instrument that is bound to the land title and will be enforceable at the development application stage.

The VPA for this site will be co-signed by Lismore City Council, the landowners and the NSW Reconstruction Authority (NSW RA). In the VPA, the landowners have offered three main elements:

1. 15 serviced lots at cost price to the NSW RA,
2. 3,000sqm of serviced land at cost price to a registered Community Housing Provider for affordable housing, and
3. Land along the Tucki Tucki creek corridor to be revegetated, development with a shared path and dedicated to Lismore City Council after five years.

#### **Lismore City Council**

**Meeting held 21 November 2023 - Rezoning Planning Proposal for land at 1055 and 1055A Bruxner Highway**

The draft will be reviewed by legal representation and finalised post-gateway.

## Environmental, Social and Economic Impact Assessment

A total of 20 technical reports have been provided to support the Planning Proposal. A summary of the key issues is provided below.

### Environmental and Physical Constraints

#### Biodiversity

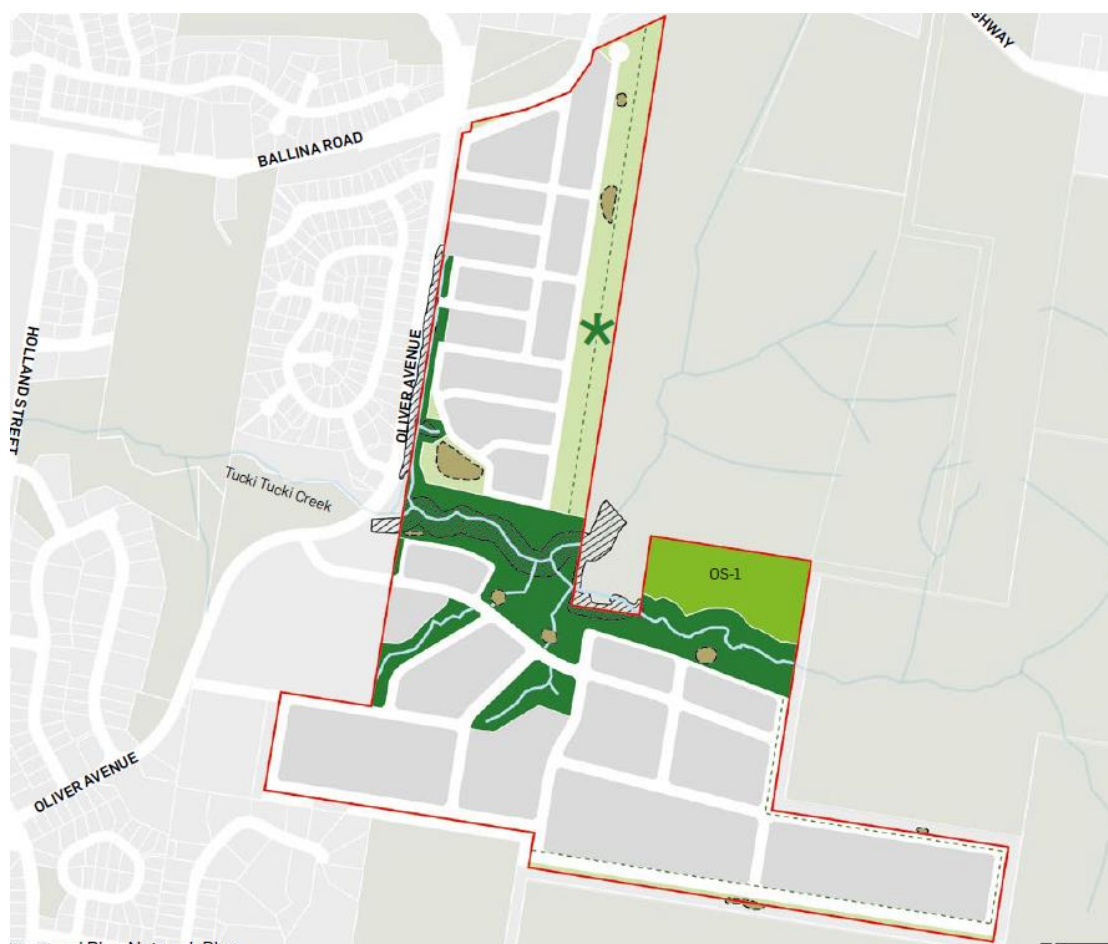
The site contains two small patches of Lowland Rainforest Endangered Ecological Community (EEC) under the NSW Biodiversity Conservation Act, 2016. But these areas would not meet threshold requirements under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). Similarly, there are patches of vegetation that could be recognised as 'Lowland Rainforest in the NSW North Coast and Sydney Basin Bioregions – Endangered Ecological Community'.

Council's ecologist notes that much of the vegetation on the site is unmapped and that there is a high chance that scattered paddock trees are rainforest remnant trees. It is recommended that the scattered trees assessment of the NSW Biodiversity Assessment Method 2020 (BAM) should be applied when assessing impacts on clearing any native vegetation at the Development Application stage.

The ecological report lodged with the Planning Proposal identifies that one threatened flora species (scrub turpentine, *Rhodamnia rubescens*) and evidence of one fauna species (koala, *phascolarctus cinereus*) were confirmed on site. It is not expected that the proposal impacts, with mitigation measures, will require referral. The report also identifies that a targeted survey for Hairy Joint Grass (*Arthraxon hispidus*) will be required as part of any future development application process and that Tucki Tucki Creek is mapped as habitat for the Purple Spotted Gudgeon (*Mogurnda adspersa*) which is a threatened freshwater species. Whilst not identified on the site, future restoration along Tucki Tucki Creek may assist with local recovery of the species.

Outside of the site boundary, but impacted nevertheless, is a strip of Council-owned land along Oliver Avenue. This strip of land, and the corridor of the Tucki Tucki creek, is mapped on the NSW Biodiversity Values Map. As such, any future development application will be required to undertake a Biodiversity Development Assessment Report and calculate offset requirements in accordance with the NSW Biodiversity Assessment Method (2020). It is proposed that the land shown in dark green and marked with 'OS-1' in figure 6, will be the receiving site for biodiversity offsetting.

Figure 6 - Proposed Location for Biodiversity Offset



### Land contamination

Land contamination studies demonstrate that the site is suitable for development. An initial Preliminary Site Investigations report identified that agricultural activities have taken place on the subject land, focusing on the existing and past structures and did not undertake a systematic sampling design across the identified agricultural area. As a result, a further Land Contamination Detailed Site Investigation was submitted to Council that satisfactorily addressed Council's request for information. The two studies together confirm that the site is suitable for the proposed future mixed-use development subject to recommendations included in the reports that involve preparatory works at the Development Application stage.

### Bushfire

The site is partially mapped as being bushfire prone. A Bushfire Constraints and Opportunities Assessment has been prepared that outlines a package of asset protection zones (APZs) suitable for development on the site to ensure the proposal aligns with the Planning for Bush Fire Protection 2019 guide as legislated by the *Environmental Planning and Assessment Act 1979*.

### Geotechnical Issues

The site is defined by several ridges and gullies with a distinct creek line that bisects centrally through the site. Slopes vary on the site but are generally in the order of 7 – 15% with some localised areas being in the order of 26%. These slopes are such that future development can meet current DCP guidelines.

### Flooding

The site is not mapped within the Lismore Flood Planning Area, however, does show on mapping to be affected by creek swelling. In this regard the data suggests that the creek might swell to a level of 140m

### Lismore City Council

Meeting held 21 November 2023 - Rezoning Planning Proposal for land at 1055  
and 1055A Bruxner Highway

AHD. Similar to other areas of Goonellabah a hydraulic/flood assessment is not required, and the applicant has demonstrated that all residential and industrial lots are situated above the 146m AHD contour line which provides adequate freeboard.

## **Potential Land Use Conflict**

This proposal has the potential to impact upon residential zoned land to the north (about 80m) and west (about 70m) and South (about 40m). There is primary production zoned land adjoining the site, including the north (which includes dwellings), south and east. There is intensive agriculture (macadamia plantations) directly to the east, 20m south and 180m to the north. The plantation to the north is situated on R1 General residential land which is subject to an approved residential subdivision.

A Land Use Conflict Risk Assessment (LUCRA) report was submitted to Council to support the planning proposal. The discussion has considered the visual impact, odour impact, pests, chemical use and noise impacts and recommends buffers as outlined in Councils DCP chapter. The LUCRA notes that the proposed buffers will suitably prevent land use conflicts.

## **Significant Farmland**

The site is mapped as State Significant Farmland (SSF). An Agricultural Land Assessment has been lodged with the Planning Proposal that demonstrates, due to the topography and soil types, that the majority of the site is Class 5 Agriculture Land which is not suitable for agricultural enterprises (Class 1 is the best agricultural land and 5 the worst). In endorsing the Growth and Realignment Strategy and its addendum, the DPE liaised with the Department of Primary Industries (DPI). The Planning Proposal discusses the impact on agriculture in more detail in appendix 1, 2 and 3 and demonstrates that the rezoning of this site to a combination of residential, industrial and commercial uses is justified. The North Coast Regional Plan (2041) includes a series of Urban Growth Variation Principles in relation to the rezoning of areas identified as important farmland. These principles have been addressed within the Planning Proposal.

## **Acoustic**

A 'Noise Impact Assessment' (NIA) report has been provided by ATP consulting and has assessed the noise impacts from Bruxner Highway on the proposed residential lots and noise impacts of the proposed employment lots to the proposed and existing surrounding lots. The NIA demonstrated that the proposal can suitably comply with the NSW Road Noise Policy for all residential lots in the development through the addition of a noise barrier along the northern boundary of the development. A section of the land at the boundary of the existing Bruxner Highway has been excluded from the proposal to allow for a potential future realignment of the Bruxner that may necessitate TfNSW acquiring this section of the land. It is expected that future realignment works would include noise buffer solutions within that section of reserved land.

Noise mitigation measures will also be required along the southern boundary of the proposed development to protect existing residents from noise impacts from the employment lands. The NIA proposes two scenarios for compliance that can achieve project trigger levels.

The NIA has not assessed the impacts of traffic noise from Oliver Avenue on the proposed residential lots and it is proposed that this be done post-Gateway. Additionally, it should be demonstrated post-gateway that all noise treatment solutions can be designed to be koala sensitive and in accordance with the Biodiversity SEPP and Lismore's KPOM. This will involve collaboration from the NIA and ecology consultants.

## **Social, economic and cultural heritage impacts**

### **Cultural Heritage**

An Aboriginal Heritage Information Management Systems (AHIMS) search was undertaken and no Aboriginal sites or places were identified within 50 metres of the subject land. The land is also not listed as a heritage item in Schedule 5 of the Lismore LEP 2012. The Cultural Heritage Assessment identified

five Potential Archaeological Deposit (PADs) where it is likely for aboriginal items to be present. The Assessment recommends that these PADs be avoided or excavated and investigated prior to development.

The assessment has been referred to the Ngulingah Local Aboriginal Land Council for a Local Knowledge Holder to review. Ngulingah recommend and request that LCC place a condition on any future development approval to ensure that the developer contract or employ an Aboriginal Cultural Heritage Officer that has experience in Aboriginal Cultural Heritage Surveys to observe and identify any artifacts that may be unearthed during the earth works stage. NLALC should also be invited.

## **Social Assessment**

A Social Infrastructure Needs Assessment was lodged with the Planning Proposal. It focuses on the needs of incoming residents, while also considering local services and facilities to support incoming workers, such as outdoor spaces and childcare. Based on this, a number of key recommendations that have been incorporated into the structure plan, DCP chapter and/ or Voluntary Planning Agreement (VPA). These included:

- Enable childcare centre development within the site.
- Co-locate a parcel of public open space with the proposed Local Centre (e.g. on the lot immediately to the east). Co-locating the Local Centre and park would create a focal point and activity hub within the proposed residential area. This hub would provide an important meeting and gathering point for the local community.
- Consider the provision of amenities within the cleared buffer zone e.g. walking/jogging and cycling path, outdoor fitness equipment, dog park) to increase access to open space and recreational opportunities for the incoming population.
- Investigate opportunities to provide a pedestrian/cycling connection along the Tucki Tucki Creek riparian corridor to provide an east-west connection through the site.

The proposal has been designed to support a thriving community whereby residents are supported by well-designed public spaces and facilities. The site-specific DCP (to be considered separately by Council) and the VPA will ensure the site delivers high-quality, embellished open spaces as well as a co-located community facility and services within the village centre.

The assessment also calculated the need for 68sqm of community facility and 36sqm of library space. Council will need to consider how these additional services can be delivered in the Goonellabah area.

## **Economic**

An Economic Benefits Assessment was lodged with the Planning Proposal. It considers that the construction of the development over a 10 year period is expected to generate 214 jobs per year. Beyond construction, the proposal will generate an additional 4,336 jobs per year, made up of direct and indirect jobs.

The Assessment considers that this will generate an additional \$345.1 million Gross Added Value during construction and \$759 million Gross Added Value through the ongoing jobs and operation as a result of the Proposal.

## **Stormwater**

The applicant has provided a Stormwater Management Report (SWMR) for the full site and anticipated development as a result of the proposal. The report provides recommended measures that will result in post development flows that are reduced from the pre-development conditions.

The basins and underground storage areas have been located and designed so that they will not affect any proposed allotment and will be able to discharge water without affecting any neighbouring property. The use of underground storage tanks would be allowed subject to specific requirements during the Development Application stage.

## Servicing and infrastructure

### Water and wastewater

The site is currently not serviced for water or sewer however preliminary studies show that servicing the site is possible and a number of upgrade and/or delivery options exist. Further work will need to be carried out post-Gateway to determine the most suitable and feasible option.

Water and sewer infrastructure delivery is expected to be the primary barrier to future development of the site and as such Lismore City Council, the landowner and the Northern Rivers Reconstruction Corporation are actively working to determine the most efficient and suitable solution.

Because the site was outside of Lismore City Council's previous growth boundary (prior to the adoption of the Growth and Realignment Strategy in 2022), Council has not planned for nor delivered water and sewer infrastructure that caters to or has capacity to cater to new development of this scale in this location. Existing infrastructure will need to be upgraded (southern trunk main and pump stations) and new infrastructure will have to be provided to the site prior to development. Further investigation is needed to determine if a stage 1 could be delivered on the current network or with a temporary solution.

There are a few streams of ongoing work that together will demonstrate, post-Gateway, how the site will be serviced, these are outlined below:

- Lismore City Council has lodged a grant application to round 2 of the Regional Housing Strategic Planning Fund programme run by the Department of Planning and Environment. If successful, this grant will fund;
  - Detailed designs and costings for the water and sewer infrastructure needed to accommodate the full proposal at this site, including a staging plan; and
  - An Infrastructure Delivery Plan for the site that can be lodged post-gateway that has investigated temporary measures and/or capacity of the current network system to accommodate a stage 1.
- The northern part of the site (1055 Bruxner Highway) is included in the NRRC's Resilient Land Strategy (RLS) which is accompanied by \$100 million in funding. NRRC are currently working through all sites within the RLS to determine which sites they will invest in. LCC and the landowner have been clear with the NRRC that funding will be needed to provide, and fast track, water and sewer infrastructure needs to activate this site. NRRC have indicated they will have provisional information regarding their funding allocation by the end of the calendar year. This will be incorporated into the Infrastructure Delivery Plan and provided post-gateway.
- Strategic Planning staff have liaised with the Water and Wastewater teams regarding this site and the delivery of upgrades that will be necessary into the future. Both teams will work together to ensure LCC can deliver the required works when funding becomes available. A new Development Serving Plan (DSP) for the site may need to be developed, or an amendment to the current Lismore urban plan.

### Roads and traffic

A Traffic and Transport study was lodged with the Planning Proposal. Due to the scale and location of the site, Transport for NSW (TfNSW) has been involved in early reviews of this study. Both LCC's engineer and TfNSW staff raised concerns and issued the landowner with a Request for Further Information. This further information request has now been addressed with an additional study submitted. This study concludes that with a staged delivery of development and road upgrades, the rezoning of this site is suitable. Further amendments to the modelling used in the study will be made post-gateway to ensure the conclusions are robust and as realistic as possible.

### Vehicle Access

Access to the northern part of the site (1055 Bruxner Highway) will be provided directly from Oliver Avenue by way of two entry points. The Council-owned strip of land along the verge of Oliver Avenue has now been gazetted as public road to enable this.

Access to the southern part of the site (1055A Bruxner Highway) is not yet secured, however three options have been identified and will be determined prior to any development application being lodged. The three options are:

1. A third access route into 1055 Bruxner Highway is provided with a new bridge constructed over the Tucki Tucki creek into 1055A Bruxner. This would be at the landowners' cost and is considered achievable by Lismore City Council.
2. Ongoing negotiations between landowner of 245 Oliver Avenue and Nimble Estates be resumed and an agreement subsequently concluded to achieve access via 245 Oliver Avenue.
3. Only if option 2 fails, Lismore City Council enter into negotiations with the third-party landowner at 245 Oliver Avenue and potentially other landowners with properties fronting Oliver Avenue with the aim to enable access directly into the 1055A Bruxner Highway site.

## Overview of the Planning Proposal

The assessment provided in the previous sections of the report show that a rezoning planning proposal can be supported. Table 1 below provides an overview of the planning proposal structured in accordance with the Department of Planning and Environment guidelines for planning proposals. The detailed Planning Proposal report is provided as an attachment 1 to this report.

Table 1 – Summary of the Planning Proposal

REQUIREMENT	JUSTIFICATION
<b>Section A – Need for the Planning Proposal</b>	
<i>Is the planning proposal a result of an endorsed LSPS, strategic study or report?</i>	Yes, the site is identified in Council's Growth and Realignment Strategy (2022) and supporting addendum that have both been endorsed by the DPE.
<i>Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</i>	As such, a Planning Proposal is considered the best means of achieving the objectives.
<b>Section B – Relationship to Strategic Planning Framework</b>	
<i>Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?</i>	The Planning Proposal will give effect to many objectives and intentions of the following regional plans and strategies: <ul style="list-style-type: none"> <li>• North Coast Regional Plan (2041)</li> <li>• Lismore Regional City Action Plan (2036)</li> </ul>
<i>Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?</i>	The Planning Proposal is consistent with objectives contained within the following local strategies and plans: <ul style="list-style-type: none"> <li>• Inspire Lismore2040 - LSPS</li> <li>• Growth and Realignment Strategy</li> <li>• Lismore Community Strategic Plan</li> <li>• Innovate Lismore - Economic Development Strategy</li> </ul>
<i>Is the planning proposal consistent with any other applicable State and regional studies or strategies?</i>	The Planning Proposal is consistent with applicable State and regional studies or strategies.
<i>Is the planning proposal consistent with applicable SEPPs?</i>	The Planning Proposal is consistent (or justifiably inconsistent) with the applicable SEPPs.
	The Planning Proposal is consistent (or justifiably inconsistent) with the applicable Section 9.1 Directions.

REQUIREMENT	JUSTIFICATION
<i>Is the Planning Proposal consistent with applicable s9.1 Ministerial Directions?</i>	
<b>Section C – Environment, Social and Economic Impact</b>	
<p><i>Is there any likelihood that critical habitat of threatened species, populations or ecological communities or their habitats, will be adversely affected because of the proposal?</i></p> <p><i>Are there any other likely environmental effects of the Planning Proposal and how are they proposed to be managed?</i></p> <p><i>Has the Planning Proposal adequately addressed any social and economic effects?</i></p>	<p>A summary of impacts on threatened species and their habitats is provided within this report.</p> <p>Other environmental impacts and the management of these issues have also been addressed within this report.</p> <p>The planning proposal has adequately addressed social and economic impacts.</p>
<b>Section D – Infrastructure (Local, State and Commonwealth)</b>	
<p><i>Is there adequate public infrastructure for the Planning Proposal?</i></p> <p><i>What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?</i></p>	<p>Further detailed work will need to be completed post Gateway to determine the extent and staging of water and sewer upgrades required to service the site.</p> <p>The Traffic and Transport Study concludes that the subject site is suitable for the proposed rezoning as a staged development in relation to the impact of traffic. The updated transport study concluded that the current intersections surrounding the site can operate with acceptable average delays for a 10-year growth scenario with stage 1 of development. Further stages will need to consider an upgrade to the Oliver Ave / Bruxner Hwy roundabout.</p> <p>Details of the vehicle access to the southern part of the site will need to be determined prior to any development application for that part of the site.</p> <p>Lismore Council staff have consulted with the following NSW State agencies:</p> <p><b>Transport for NSW</b> Following consultation with TfNSW, the Planning Proposal was amended to remove the northern 30m of the property to allow for any future realignment of the Bruxner Highway in this location. TfNSW were also consulted on the modelling in the Traffic and Transport Study and there may be a need to model various scenarios to understand infrastructure upgrade requirements in relation to the staging of lots released. Depending on the outcome of this additional modelling, there may be a requirement for road infrastructure upgrades at specific staging triggers, managed through a VPA.</p> <p><b>Department of Planning and Environment</b> The DPE have been consulted about the proposal. In particular they requested an addendum to Lismore's Growth and Realignment Strategy to specifically address the need for the quantum of</p>

REQUIREMENT	JUSTIFICATION
	<p>additional employment land proposed and the conflict with rezoning areas identified as State Significant Agricultural land. The addendum has been conditionally approved by DPE, with input from the Department of Primary Industries.</p> <p>It is recommended that the following agencies are consulted following the Gateway Determination:</p> <ul style="list-style-type: none"> <li>• the Rural Fire Service,</li> <li>• Transport for NSW,</li> <li>• Heritage NSW,</li> <li>• DPE Biodiversity and Conservation Division,</li> <li>• Natural Resource Access Regulator and</li> <li>• Department of Primary Industries</li> </ul>

## Comments

### Finance

Not applicable.

## Public consultation

Council will commence community consultation post Gateway determination. Council staff will carry out the public consultation period in accordance with the conditions set within the Gateway Determination, it is expected that the consultation will include a minimum period of twenty-eight (28) days.

The public exhibition will be advertised on Council's webpages, in Local Matters, through the Planning Portal and via letter to adjoining landowners.

## Conclusion

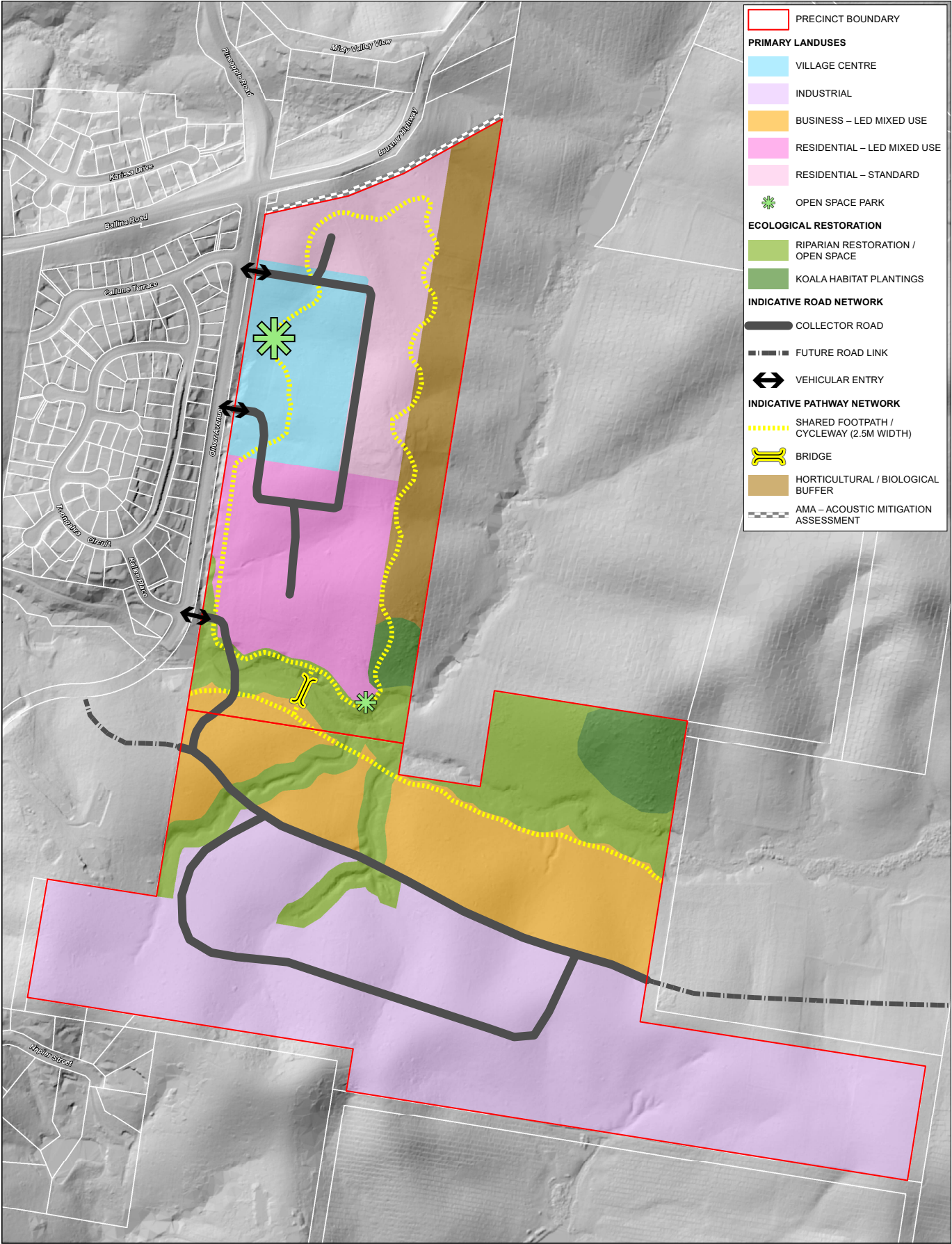
The attached Planning Proposal evaluates the impacts of a proposed development at 1055 and 1055A Bruxner Highway and concludes that the site is suitable of accommodating residential, industrial and commercial land uses.


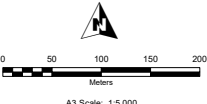
It is recommended that the Planning Proposal be submitted to the DPE for Gateway consideration and then put on public exhibition for public and agency input into the proposal.

Following close of the exhibition period, staff will report back to Council with details of public and state agency comments as well as a final recommendation.

## Attachment/s

1. [↔](#) Planning Proposal 1055 and 1055A Bruxner Highway (Oliver Avenue) .docx (Over 7 pages)
2. [↔](#) DRAFT VPA - 1055 Bruxner Highway, Goonellabah (Over 7 pages)
3. [↓](#) Proposed Structure Plan - working draft



 <p><b>BALANCED ADVICE</b></p>	<p>Source: Cadastral Boundary: NSW Department of Finance, Services and Innovation 2021 Surface analysis based on LIDAR: 1 metre Resolution Digital Elevation Model © Department of Finance, Services and Innovation 2010</p> <p>Disclaimer: No warranty is given in relation to the data (including accuracy, reliability, completeness, currency or suitability) and no liability is accepted (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.</p> <p>File: File: 1055-BruxnerHighwayLismore-Figs-ProposedPrecincts230424 Date: 24/04/2023</p>	 <p>0 50 100 150 200 Metres</p> <p>A3 Scale: 1:5,000 Coordinate System: GDA 1994 MGA Zone 56</p>	<p>1055 Bruxner Highway, Goonellabah</p>	<p><b>Precinct Structure Plan</b></p>
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# Report

<b>Subject</b>	DA22/318 - 117 Magellan St, Lismore - Change of use of a carpark to a mixed use development (Market)
<b>TRIM Record No</b>	BP23/721:DA22/318
<b>Prepared by</b>	Senior Development Assessment Officer
<b>Reason</b>	Called up by Council
<b>Strategic Theme</b>	Our built environment
<b>Strategy</b>	Our land-use planning caters for all sectors of the community.
<b>Action</b>	Ensure a diverse range of land use and development opportunities are available.

## Executive Summary

A Development Application (DA) has been received for 117 Magellan St, Lismore for a change of use of an existing private carpark to be used as a mixed use development comprising a market and events space.

The application does not pose any significant statutory planning issues, is considered low impact and a positive step in the revitalisation of the Lismore CBD. This report addresses relevant considerations under section 4.15 of the *Environmental Planning and Assessment (EP&A) Act 1979* and recommends conditional consent be granted.

## Recommendation

That DA22/318 - 117 Magellan St, Lismore - Change of use of a carpark to a mixed use development (Market), is approved by way of conditional consent.

## Background

The subject site has most recently been approved for use as a private carpark with Council's historical records showing the property was once used as a car sales yard. Below is a description of approvals dating back to the early 1980's.

Description	Account	Description	Description
Development Application	005.2022.00000318.001	DA22/318 - 117 Magellan Street, Lismore - Mixed use development	
Development Application	005.2016.00000317.001	DA16/317 - 117 Magellan Street - Shade sails over secured parking area	Conditional Consent - Council
Development Application	005.2012.00000166.001	Change of use from car yard to car park	Conditional Consent - Council
Development Application	005.1989.00000578.001	Carport extension	Conditional Consent - Council
Building Application	006.1989.00000749.001	Carport	Approved
Development Application	005.1989.00000072.001	Car port	Conditional Consent - Council
Building Application	006.1989.00000071.001	Carport	Approved
Development Application	005.1988.00000151.001	Awning over display area	Conditional Consent - Council
Building Application	006.1988.00000149.001	Awning	Approved
Building Application	006.1982.00000309.001	Shop	Approved

## Description of Proposal

Consent is sought for the change of use of a carpark to a mixed-use commercial development (Market) comprising of assigned areas for mobile food trucks and market stalls to be used on a flexible basis including:

- general craft and produce markets
- specialist food markets using mobile food trucks (with one truck located semi-permanently on the site as depicted on the plans)
- conducting events with acoustic entertainment for which a licence will be sought from Liquor and Gaming NSW
- conducting small scale events and functions such as fundraising morning teas, exhibitions and the like
- provide stall spaces in which a stallholder can design and produce arts, crafts, or other creative products (creative industry)

It is proposed to retro fit an existing storage room existing onsite with accessible toilets. No other permanent structures are proposed on the site, however, works shall be required in order to provide a new disabled pedestrian access onto Magellan St. A plan set of the proposed development can be found in **Attachment 1**.

## Days and hours of operation

The application has proposed for the markets to operate up to four days a week being Thursday, Friday and Saturday 7.30am to 10.00 pm and Sunday between the hours of 7.30am and 6.30pm.

Function events (comprising fund raising events, exhibitions and small conferences) were proposed to be held 10-20 times per year between the hours of 8.30am and 4.30pm. A condition of consent has been applied limiting events to a maximum of 1 day between Thursday and Sunday (inclusive) between the hours of 8.30am and 4.30pm with a maximum of 12 function events per year.

The below conditions of consent have been applied limiting the operations to the following;

*The hours of operation for the markets are Thursday, Friday and Saturday 7.30am to 10.00pm and Sunday between the hours of 7.30am and 6.30pm. Other days of operation may be granted subject to the agreement of Council.*

*Function events are limited to operate on Thursday, Friday and Saturday and Sunday between the hours of 8.30am and 4.30pm. A maximum of 12 function events per year are permitted. Other days of operation may be granted subject to the agreement of Council.*

## Number of stalls

The number and size of stalls comprises:

- 11 stalls with an area 3m x 3m; and
- 7 stalls with an area 3m x 2.7m.

It is proposed a semi-permanent food truck remains operational on the site.

## Maximum number of patrons permitted

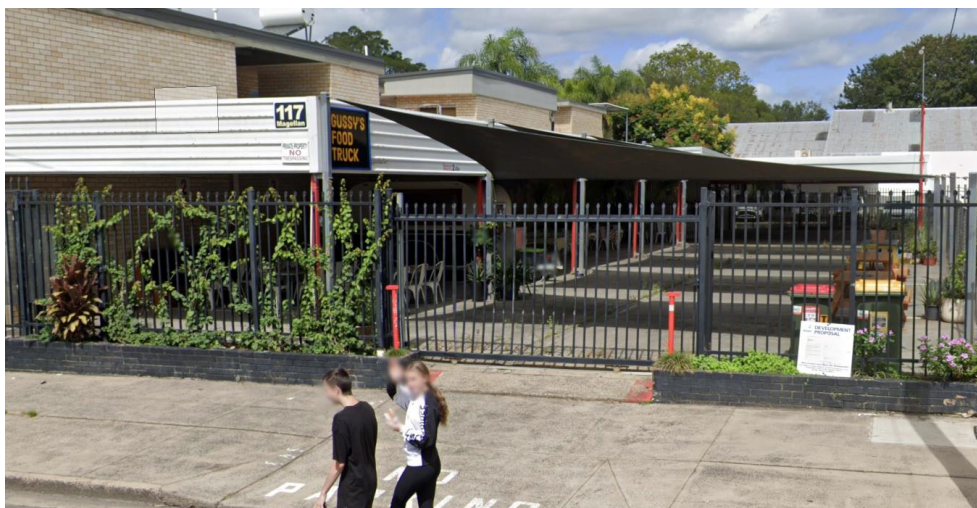
To comply with the provisions of the National Construction Code relating to Health and Amenity the number of toilets and exits provided limit the number of patrons. The maximum number of patrons permitted on the site at one time is limited to one hundred (100) persons. This number is the maximum occupation rate, it is not anticipated that this number of patrons would be always attending.

## Trial period

The application has been conditioned with a trial period of two years. This mechanism is employed into a consent when there are potential issues relating to the impact of a development on a locality. The two year trial period commences at the time that the Occupation Certificate is granted. After the trial period there is an option for the applicant to apply for this condition to be amended (or removed) and grant the development permanent occupation of the site for the proposed use.

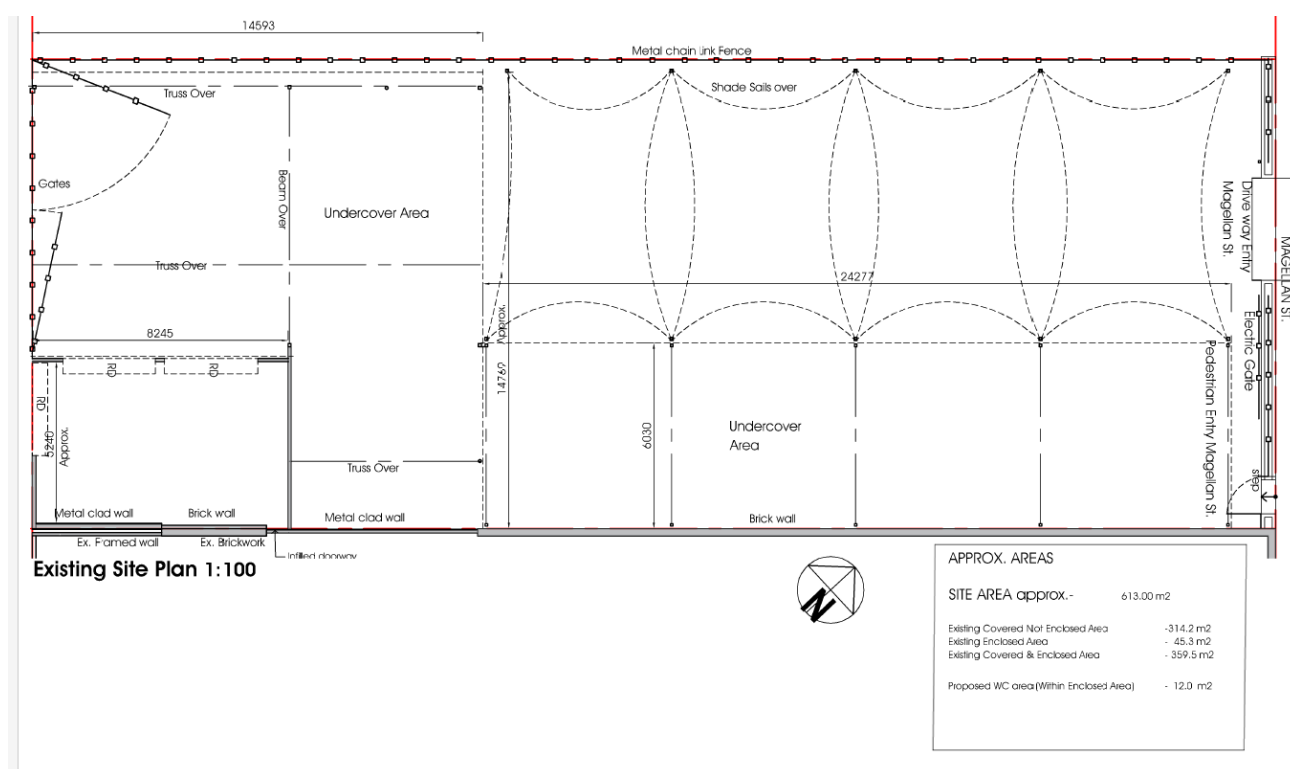
## The Site

The subject site is approximately 613m<sup>2</sup> with direct vehicular access onto Magellan Street. The site is highly modified comprising of a flat sealed surface with a roof and sail shade structures as well as an enclosed structure, previously used for storage, located at the rear of the site.



The land is flood prone. LCC's *Lismore Flood and Floor Levels 1996 (amended March 2006)* shows:

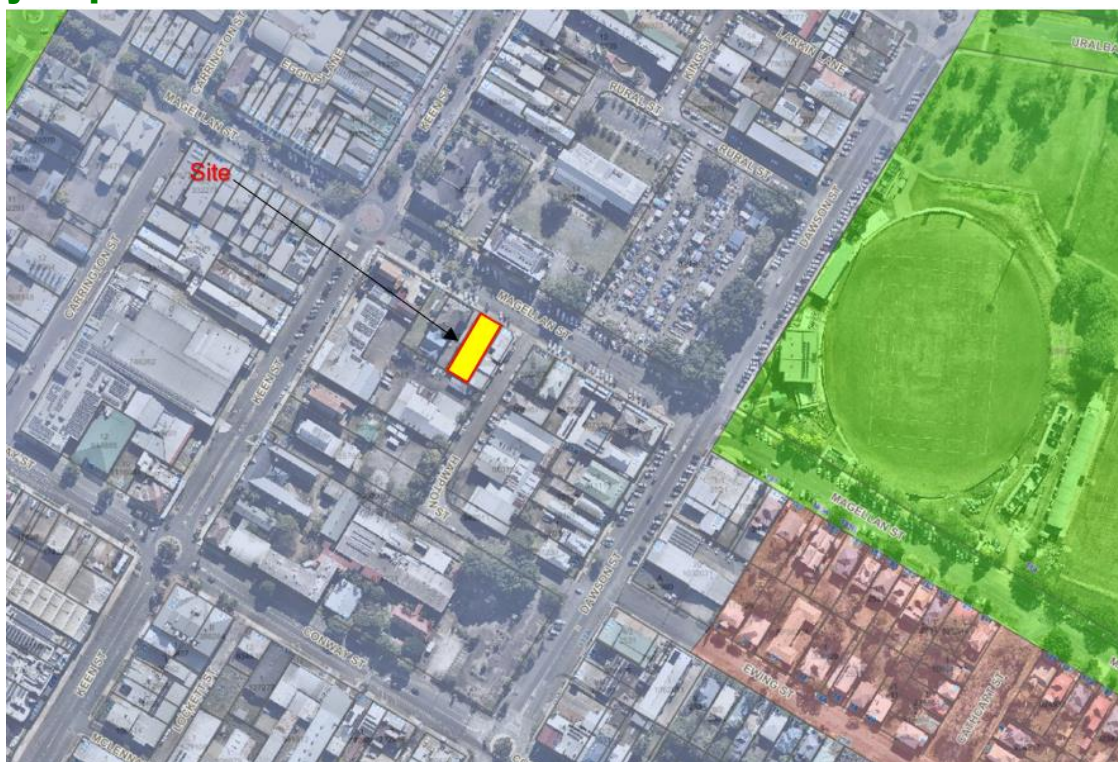
- the height of the land at the 'front gate' is approx. 9.1m (AHD)
- the ground level of the land is approx. 9.46m (AHD) and
- the 1% AEP flood level is approx. 12.4m (AHD).



## Description of Locality

The land is in Lismore's Central Business District (CBD). The surrounding land uses comprise of civic and commercial premises including Northern Rivers Conservatorium, Lismore Library, Lismore Regional Art Gallery and Harold Fredericks Car Park.

## Locality Map



## Statutory Controls

Lismore Local Environmental Plan (LEP) 2012

Zoning – E2 Commercial Core

Heritage Item- No

Flood - Yes

Section 64 contributions - Yes

Section 7.11 contributions - No

Tree preservation order - Yes

Bushfire Prone Land - No

Mapped Primary Koala Habitat - No

Biodiversity values map trigger- No

Drinking Water Catchment- Yes

## Internal Referrals

A referral was sent to Council's Development Engineer, Environmental Health Officer and Building Surveyor all of whom supported the application and provided recommended conditions of consent.

## Consideration

The relevant matters for consideration under Section 4.15 of the *EP&A Act 1979*, are assessed under the following headings:

### **Local Government Act 1993 Approvals**

The proposal requires approval under the provisions of s.68 of the *Local Government Act 1993* for sewerage management, stormwater management and water management work which must be obtained prior to those works being undertaken. This requirement is addressed in relevant conditions of consent.

#### **Lismore City Council**

**Meeting held 21 November 2023 - DA22/318 - 117 Magellan St, Lismore - Change of use of a carpark to a mixed use development (Market)**

## Lismore LEP 2012

### Zone objectives and Zoning Control Tables

Having regard to the provisions of LEP, it is considered that:

- (a) The proposed development is in accordance with clause 2.3 and promotes the specific aims of this plan, the objectives of the zone and the objectives of the controls, and
- (b) The proposal is consistent with the objectives of the zone particularly by providing diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.

As such, consent to the development may be granted.

### Definitions:

There are a number of LEP definitions relating to the subject development as follows -

***mixed use development*** means a building or place comprising 2 or more different land uses.

***food and drink premises*** mean premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or café
- (b) take away food and drink premises
- (c) a pub; and
- (d) a small bar.

**Note:** Food and drink premises are a type of retail premises - see the definition of that term in this Dictionary.

***retail premises*** means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

- (a), (b) (Repealed)
- (c) food and drink premises
- (d) garden centres
- (e) hardware and building supplies
- (f) kiosks
- (g) landscaping material supplies
- (h) markets
- (i) plant nurseries
- (j) roadside stalls
- (k) rural supplies
- (l) shops
- (l) specialised retail premises
- (m) timber yards
- (n) vehicle sales or hire premises.

but does not include farm gate premises, highway service centres, service stations, industrial retail outlets or restricted premises.

**Note:** Retail premises are a type of ***commercial premises*** - see the definition of that term in this Dictionary.

***market*** means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

**Note:** Markets are a type of ***retail premises*** - see the definition of that term in this Dictionary.

**creative industry** means a building or place the principal purpose of which is to produce or demonstrate arts, crafts, design or other creative products, and includes artists' studios, recording studios, and set design and production facilities.

## **Part 2 – Permitted or Prohibited Development**

The subject site is zoned E2 Commercial Core. Mixed-use developments, retail, markets and food and drink premises are all permissible with development consent.

## **Part 4 Principal development standards**

### **4.3 Height of buildings**

There are no changes proposed to the existing building heights of approximately four meters.

## **Part 6 Additional local provisions**

### **6.4 Drinking water catchments**

The proposed development is designed to avoid any significant adverse impact on water quality and flows.

## **Part 5 Miscellaneous provisions**

### **5.10 Heritage conservation**

The subject site does not contain a Heritage item nor is it in a Heritage Conservation Area. The site is opposite Northern Rivers Conservatorium Arts Centre and the Lismore Regional Gallery which both contain buildings listed as local heritage items (Former Lismore High School). The proposed development is not anticipated to have any negative impact on opposing heritage items.

## **Lismore Development Control Plan (DCP)**

### **Chapter 2 Commercial Development - Urban Design in the Lismore CBD**

The Commercial Development DCP is mainly concerned with the built form of new buildings and renovation treatments of existing. There are no development controls directly related to changes of use.

The primary objective of this Chapter is to create an aesthetically pleasing, comfortable, safe, and functional CBD streetscape environment, which improves upon the existing distinctive built form and locational attributes of the city.

New buildings, or redevelopment of existing buildings, should include in the design:

- weather protection for pedestrians
- energy efficiency
- crime prevention design principles
- disabled access
- respect for streetscape and adjoining buildings.

The proposed development is consistent with these requirements.

## **Chapter 7 Off Street Carparking**

Historically the subject site has been approved as a car yard/motor showroom and potentially has parking credits associated with this approval, however documentation on historical levies provided are incomplete and Council's records are unclear. The site had a change of use from a car yard/motor showroom to a private carpark so it should be noted the carpark is private and does not contribute to the availability of free public parking.

An assessment has been undertaken with respect to chapter 7 of the DCP as follows. Section 7.7.3 *Requirements within the Lismore CBD* applies to the site. The Fixed Car Parking Rate for the CBD is no less than 3.3 car spaces/100m<sup>2</sup> of gross floor area (GFA) (as defined in the Lismore LEP) shall be required for development within the CBD/City Centre.

The development is not erecting new buildings but relying on food trucks and food stalls that do not generate additional GFA. Therefore, as no additional GFA is proposed, the DCP does not trigger a requirement for onsite parking to be provided.

Notwithstanding the above it was considered the development had the potential to generate a considerable increase in traffic between Thursday to Sunday and the development was not proposing to provide any parking onsite. In this regard, a traffic impact assessment was requested to demonstrate the existing road network has the capacity to cater for the increase and to justify the existing on-street and off-street parking spaces are sufficient for the proposed development.

In response, the applicant has supplied a traffic study and a parking assessment of the proposed development. The parking assessment stated upwards of 30% of patrons would be cross utilisation users within the CBD area and the peak traffic demand of the development would be 80 trips less 30% cross utilisation = 56 trips per hour. These 56 trips per hour equates to only 28 car visitations (i.e. trip to and from = 2 trips). This is an average of one additional car visitation to the locality per two minutes.

Identified within the parking assessment, it was found that within a 200m radius of the site, there is a minimum of 275 public car parking spaces with many cross-street intersection access points. It was concluded in the submitted traffic study that this additional one car visitation per two minutes would have an insignificant impact upon the capacity and function of the street network system adjoining the site.

Council's Development Engineers concurred with this assessment and concluded the development will not create undue impact upon the existing street system.

Therefore, having regard to the following circumstances:

- historically no publicly available on-site car parking has been provided on the land and its use for commercial purposes
- there is a surplus of on-street car parking in the CBD
- the development is not generating additional GFA (as defined in the LEP)
- the use is consistent with the strategic directions of Imagine Lismore Community Strategic Plan 2017-2027, Inspire Lismore 2040 Local Strategic Planning Statement and Lismore Regional City Action Plan 2021
- there is approximately 120 on-street car parking spaces in Magellan St between Dawson St and Keen and approximately 300 car parking spaces in the Harold Fredericks Carpark.
- the proposed use will operate nominally outside conventional retail business hours and some of the patrons visiting the proposed development after work are likely to have parked their vehicles at normal / all day parking areas adjoining the central business district, and
- the *Section 94 Contributions Plan (2014)* does not seek additional contributions for car parking.

No further car parking is required, and the development complies with this chapter.

## Chapter 8 Flood Prone Lands

The subject site is classified as being in a Flood Fringe Area. Controls applying to new commercial and industrial development in the High Flood Risk Area and the Flood Fringe Area are not applicable where a change of use is proposed. Where minor extensions to the existing floor space are proposed, the proposal will be considered on its merits.

The proposed development is for mixed commercial development comprising of temporary structures such as market stalls and food trucks that are easily removable in the event of a flood. There are no new structures proposed that could influence flood waters and cause further impacts to adjoining buildings. The proposal is considered an acceptable land use for the subject site, a flood evacuation plan is conditioned providing that all the temporary structures on-site need to be completely evacuated as soon as flood evacuation order is issued by State Emergency Service (SES).

## Section 7.11 Contributions Plan

Council's Policy 11.3.3 *Infrastructure Contributions Discount Policy*, provides for the Change of Use of Commercial Premises within an employment zone will be exempt from payment of Lismore City Council Section 64 water and sewer levies and any development contributions required under the Section 94 Contribution Plan (2014) or any subsequent plan, provided the business:

1. utilises the fabric of an existing building and does not increase, by more than 10%, the operational and/or public areas of that building; and
2. does not require additional Council owned and operated infrastructure for either its reticulated water service or its wastewater service.

As the proposal is within an employment zone and complies with the above requirements the application does not attract levies.

## Likely Impacts of the Development

### ENVIRONMENTAL APPRAISAL

### CONSIDERED

- |   |     |
|---|-----|
| 1. Statutory Controls   | Yes |
| 2. Policy Controls  | Yes |
| 3. Design in relation to existing building and natural environment                                      | Yes |
| 4. Landscaping/Open Space Provision   | Yes |
| 5. Traffic generation and Carparking provision  | Yes |
| 6. Loading and Servicing facilities   | Yes |
| 7. Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.) | Yes |

All likely impacts of the proposed development have been considered within the context of this report with further detail provided below.

### Traffic impact

The existing use generates 4.3 trips per hour and the proposed 18 market stalls, and three food trucks is expected to generate additional 80 trips per hour. However, as the development is very much city central and would attract a significant cross utilisation, it is reasonable to expect 30% of the patron's cross utilisation within the CBD area. Therefore, 56 trips per hour traffic can be expected from the proposed development.

Description	Number	Peak Generation	Hourly Trips
Market Stall	18	4 per stall	72 trips
Food Trucks (Use Market Stall Rate)	3	4 per truck / stall	12 trips
Existing Showroom	613m2	0.7 per 100m2	4.3 trips CREDIT
Total			79.7 trips peak hr Say 80 trips

Table 1– Traffic Generation

These 56 trips per hour equates to only 28 car visitations (i.e.. trip to and then from = two trips). This is an average of 1 additional car visitation to the locality per two minutes. With the one car visitation per two minutes, the development will not have adverse impact upon the capacity and function of the street network system adjoining the site.

## **Pedestrian safety**

Footpath is present along the frontage of the property and there will be no change in existing pedestrian safety as all mobile food trucks will be exiting the vehicle access in forward direction and pedestrians has a dedicated 1m wide entry into site directly from the footpath. An accessible access ramp is to be provided from the footpath to the site.

## **Parking maneuvering**

The existing parcel of land is approved for the use of car park and there are no additional permanent structures with the proposed development. Considering these criteria, the mobile food truck can maneuver and exit the vehicle access in forward direction with no more than 3-point maneuvering.

## **Stormwater**

The proposed development is over the existing concrete hard stand surface and therefore there will be no increase in the existing stormwater discharge.

## **Noise impacts**

The development proposed is on land zoned as E2 Commercial Core with proposed operating hours of 7:30am to 10.00pm on Thursdays to Saturdays and 7:30am to 6:30pm on Sundays. The proposed use of the land has the potential to generate noise similar to a beer garden or outdoor restaurant.

The statement of environmental effects adequately addresses noise issues and proposes the following noise attenuation measures:

- no amplified music
- restricting the time of live entertainment to 10.00pm
- limiting the space available for live entertainment to under the existing fixed roofing
- noise plan of management to manage all noise sources.

A plan of management has been conditioned in the draft consent.

## **Suitability of the site for the development**

The subject site is zoned E2 Commercial Core where retail / commercial activities are the primary land uses. The proposed development achieves the aims of the LEP, satisfies the objectives of the zone and markets are a permissible land use. The fact the stalls/food trucks are temporary and easily removed is a positive aspect of the application regarding the high flood risk precinct that the site is located.

The following assessment criteria were investigated in determining the suitability of the site for the development.

## **Vehicular access/sight distance**

The existing vehicle access is approximately 3.3m wide and sealed. According to DCP commercial premises require a dedicated entry and exit vehicle access or a 6m wide vehicle access to meet requirements. However, Council's Development Assessment Officer is of the opinion the existing vehicle access can be used for the proposed development without any upgrade considering the following reasons:

- the proposed development has no on-site parking facility and people can use 275 on-street and off-street car parking spaces normally available within 200m of the proposed development
- the access is only used by a mobile food truck and the food truck movement per day through this access is very negligible or less than five vehicles per day
- the use of the premises is for mixed commercial development comprising the flexible / interchangeable use of the land for temporary use.

## Sight distance (visibility)

There is enough sight distance along Magellan Street considering the urban speed environment and the location of existing access.

## Flooding

The site is mapped as being affected by 1% AEP flood event at 12.3m AHD. The proposed development is for mixed commercial development comprising the flexible/interchangeable use of the land for temporary use and there will be no construction of permanent structures. A flood evacuation plan has been conditioned that requires all the temporary structures on-site to be completely evacuated as soon as a flood evacuation order is issued by State Emergency Service (SES).

## Contaminated land

The subject parcel is not identified as potential contaminated land on Council's register. The previous uses of the site as a car yard and motor show room does not trigger a potentially contaminating activity under Schedule 1 of Council's Regional Policy for the Management of Contaminated Land. The site is fully concreted, and the commercial use of the site is not changing. No further technical reporting is required.

## Liquid Trade Waste (LTW)

As the proposed activities on the land include multiple food related facilities both semi-permanent and intermittent mobile service providers on an as-needs-be basis which will require appropriate management of LTW.

The proposed development nominates that waste shall be disposed of offsite. Wastewater must be disposed of lawfully, and under no circumstances is liquid waste to be discharged on site. All sinks and hand wash basins should be provided with sanitary traps. A condition of consent has been included to this end.

At completion of the two-year trial period, should the applicant apply to continue the use of the site for the approved current activities, a S68 application for the installation of an appropriate approved grease arrestor will be required.

## Public consultation

The application was notified in accordance with the provisions of *Community Consultation Plan – Appendix 1 (Council's Community Engagement Strategy and Community Participation Plan) for the Notification and Advertising of Development Applications* and received 25 submissions of support and no objections.

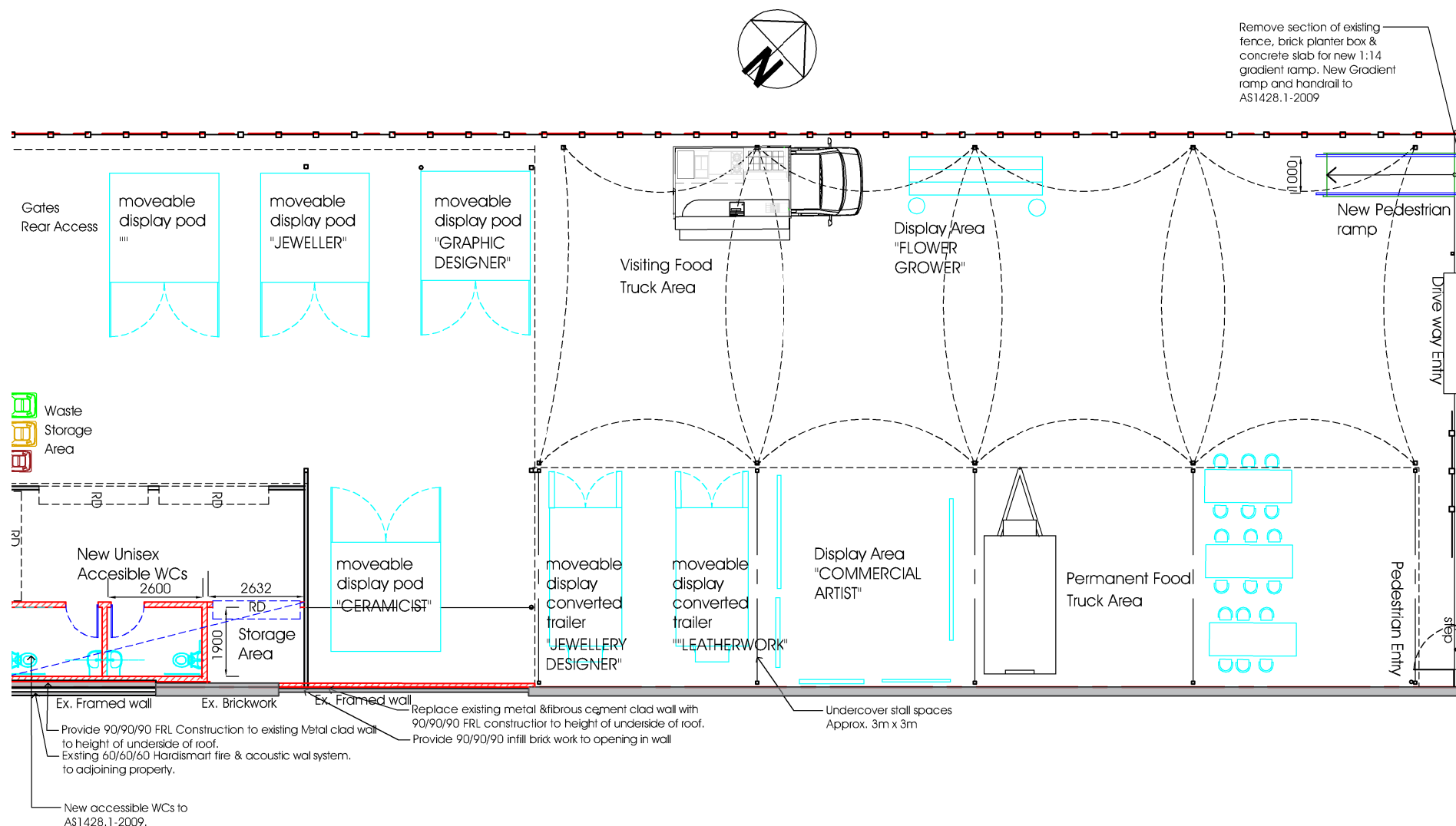
## Conclusion

The proposed development is a permissible land use in an appropriately zoned commercial precinct. The objectives of the E2 Commercial Centre zone include supporting development that provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces, the proposal satisfies this objective.

The proposal is considered positive with respects to the economic development of the CBD through attracting people back into the locality. The development complies with the relevant statutory requirements. As such, the application is recommended for approval on a two-year trial basis. **Attachment 2** provides recommended Draft Conditions of Consent.

## Attachment/s

1. [↓](#) Attachment 1 - Proposed Plans
2. [↓](#) Attachment 2 - Draft Conditions



### Proposed Site Plan - Market 'Pods' - Emerging Creative Industries 1:100

Please note : Layout is indicative of a proposed Market 'Pods' Event for Entrepreneurs to showcase products/work

**littleleftfield**  
 Building Design & Drafting  
 creator of Architecture NSW (BDA) 0412 799 681

**bdaa**  
 BUILDING DESIGNERS

**Change of Use**  
**@ 117 Magellan Street, Lismore**  
**for Satiu Super Fund Pty Ltd**

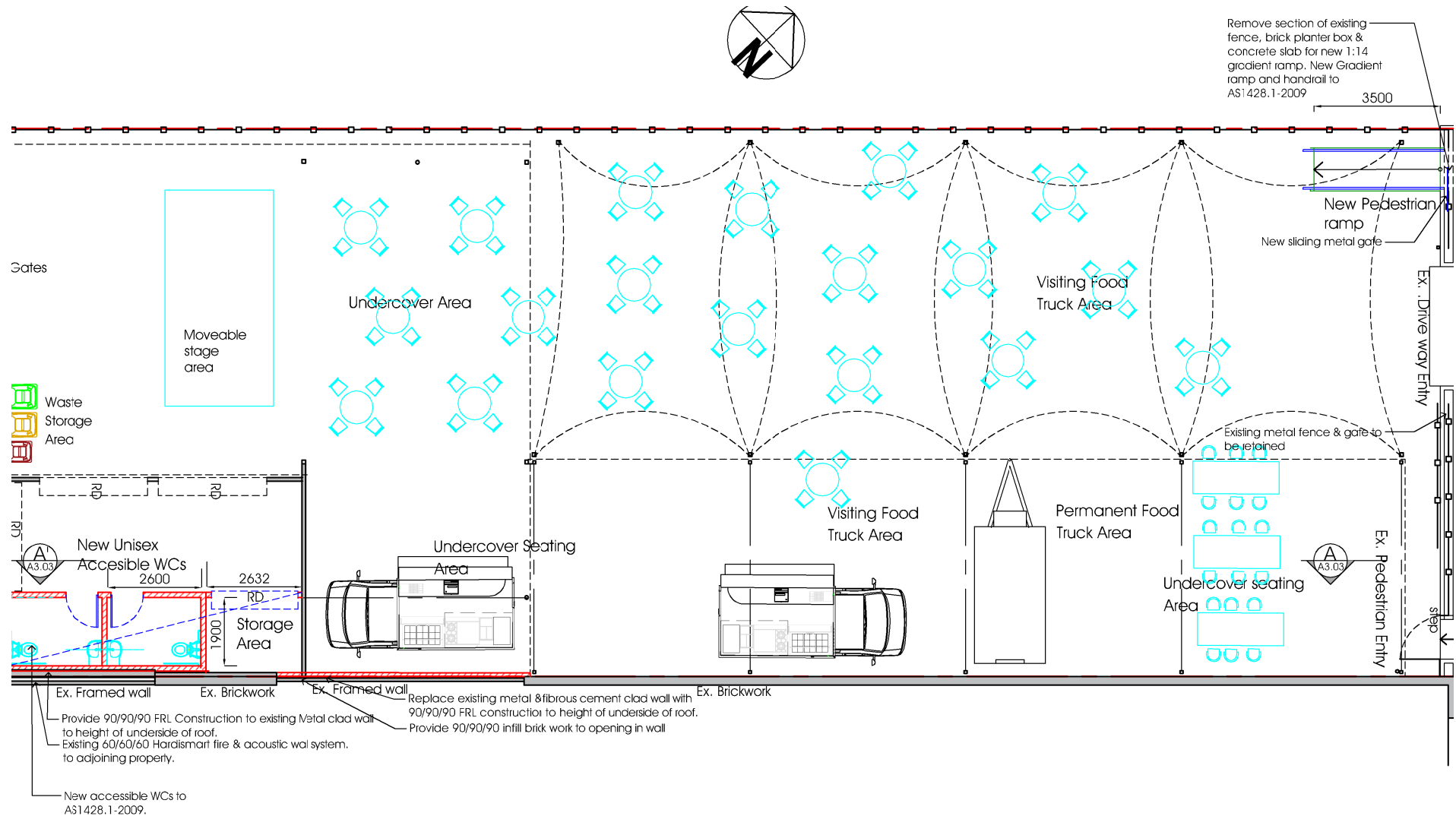
Proposed Site Plan -  
 Market 'Pods'  
 1:100 @ A3

DRAWING: **MQ** SCALE: **AS NOTED**  
 STATUS: **DA SUBMISSION** DATE: **15.08.22**  
 FILE NAME: **117 Magellan St** DWG NO: **A3 06** No. IN SET: **08**

ISSUE	DATE	AMENDMENT

**Lismore City Council**

**Meeting held 21 November 2023 - DA22/318 - 117 Magellan St, Lismore - Change of use of a carpark to a mixed use development (Market)**



### Proposed Site Plan - 'Pop Up' Licenced event with Acoustic Entertainment 1:100

Please note : Layout is indicative of a proposed 'Pop Up' Event such as a 'Comedy Night'



NOTES:  
- DO NOT SCALE DRAWINGS.  
- USE WRITTEN DIMENSIONS ONLY.  
- VERIFY ALL DIMENSIONS & LEVELS ON SITE

**bdca**  
BUILDING DESIGNERS

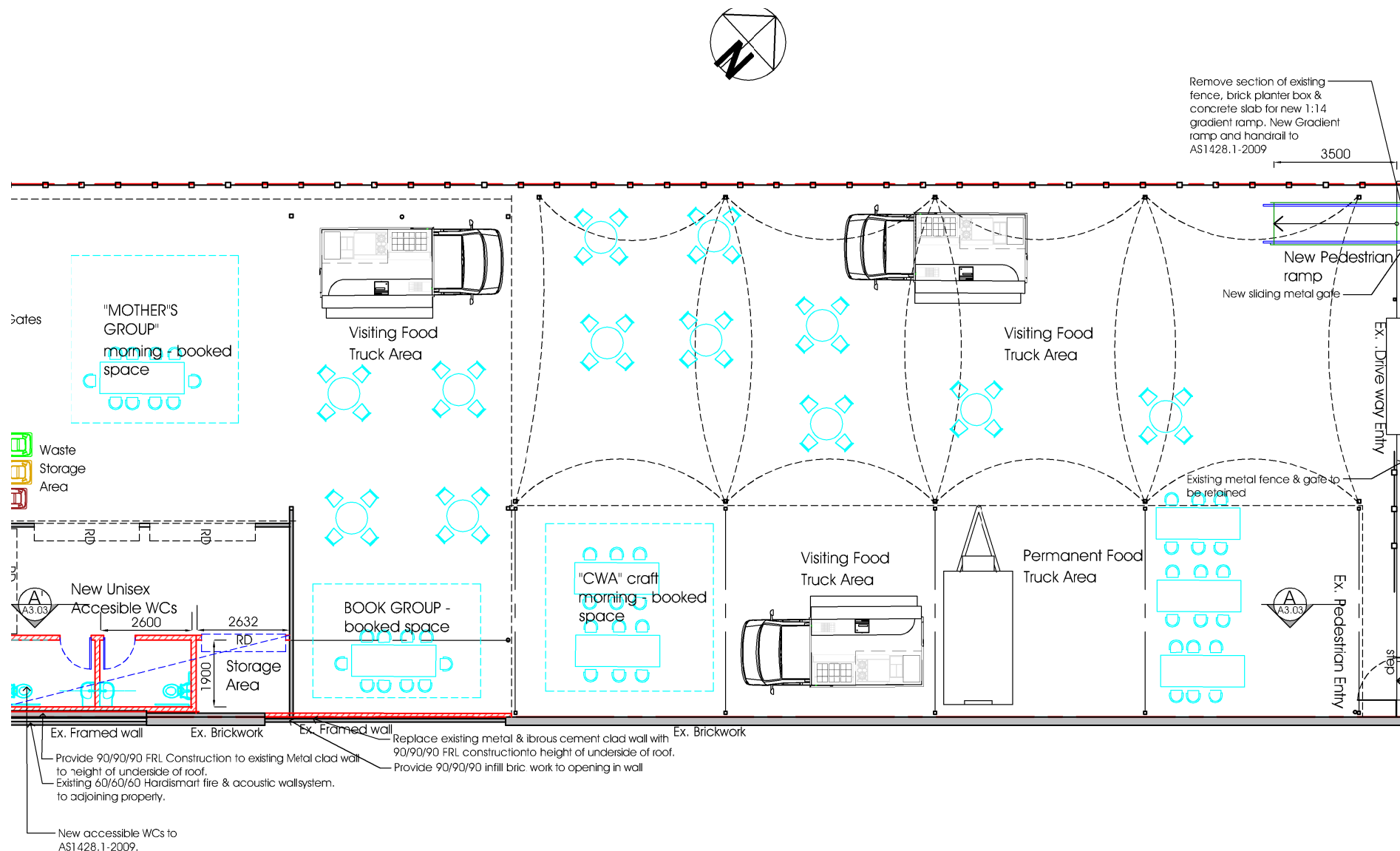
**Change of Use**  
**@ 117 Magellan Street, Lismore**  
**for Satiu Super Fund Pty Ltd**

Proposed Site Plan -  
'Pop Up' Event  
1.100 @ A3

DRAWING: **MQ** SCALE: **AS NOTED**  
STATUS: **DA SUBMISSION** DATE: **15.08.22**  
FILE NAME: **117 Magellan St** DWG NO: **A3 07** No. IN SET: **08**

ISSUE	DATE	AMENDMENT
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**AMENDMENT**



### Proposed Site Plan - Function Events 1:100

Please note: Layout is indicative of a proposed Function Event

**littleleftfield**  
Building Design & Drafting  
Geoffrey & Associates (NSW) Pty Ltd  
0412 799 661

**bdac**  
BUILDING DESIGNERS

**Change of Use  
@ 117 Magellan Street, Lismore  
for Satiu Super Fund Pty Ltd**

Proposed Site Plan -  
Function Event  
1:100 @ A3

DRAWING: **MQ** SCALE: **AS NOTED**  
STATUS: **DA SUBMISSION** DATE: **15.08.22**  
FILE NAME: **117 Magellan St** DWG NO: **A2 NR** No. IN SET: **NR**

ISSUE	DATE	AMENDMENT

**Lismore City Council**

**Meeting held 21 November 2023 - DA22/318 - 117 Magellan St, Lismore - Change of use of a carpark to a mixed use development (Market)**

## Draft Conditions of consent for DA22/318

### A. CONDITIONS THAT IDENTIFY APPROVED DEVELOPMENT

#### Development in accordance with plans

1. The development being carried out shall be substantially in accordance with following as endorsed with Council's approval stamp, and the supporting documents submitted with the application, except where amended by the following conditions.

Plan Description	Drawn by	Drawing No.	Date
Existing Site Plan	Alittleleftfield	A3.01	15/08/22
Existing Roof Plan	Alittleleftfield	A3.02	15/08/22
Proposed Site Plan – 'Food Themed Market'	Alittleleftfield	A3.03	15/08/22
Proposed Site Plan – "Market Day"	Alittleleftfield	A3.04	15/08/22
Proposed Elevation	Alittleleftfield	A3.05	15/08/22

In the event of any inconsistency between conditions of this approval and the drawings/documents submitted as part of the application, the conditions of this approval prevail.

**Reason:** To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information.

#### Trial Period

2. Lot 4 DP 559267, No. 117 Magellan Street is approved for a two (2) year trial period (commencing from the issue of the Occupation Certificate) for the use as a mixed use development (market) and events space.

**Reason:** To correctly describe what has been approved.

### B. CONDITIONS THAT REQUIRE MATTERS TO BE COMPLETED PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

3. **Prior to the issue of any Construction Certificate**, for the sem-permanent food truck that is to remain on-site, demonstrate compliance with AS 4674 – 2004 Design, construction and fit-out of food premises, the Food Act 2003, the Australia and New Zealand Food Standards Code and associated legislation for the "semi-permanent" food van.

**Reason:** To comply with applicable standards.

4. **Prior to the issue of any Construction Certificate** the proponent shall lodge an application under s68 of the Local Government Act and obtain approval from Council for the water supply and sewerage works required for this development.
  - a) The proponents shall not commence any water supply, sewerage or liquid trade waste works without having first been issued with an approval under s68 of the Local Government Act and stamped approved plans from Council.
  - b) The lodgement of an application shall be accompanied by application and inspection fees in accordance with Council's current schedule of fees and charges.

**Reason:** Condition imposed by Council in accordance with the provisions of s68 of the Local Government Act and the Liquid Trade Waste Management Guidelines by the Department of Planning Industry and Environment (DPIE).

**C. CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT****General**

5. The building works under the terms and conditions of this Development Consent must not be commenced until:
- (a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
    - (i) The Council; or
    - (ii) An accredited certifier.

Before work is commenced Council must be informed in writing of the name and accreditation number of the Principal Certifying Authority who has been appointed to do the work.

**Reason:** Required by Clause 81A of the Environmental Planning and Assessment Act, 1979.

6. Provide an on-site sign, in prominent visible position, stating:
- (a) That unauthorised access to the site is not permitted, and
  - (b) Showing the name of the builder or person responsible for the site and a telephone number at which such person can be contacted outside working hours.

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

7. Temporary toilet facilities must be provided on the site, prior to commencement of building work and must be maintained until permanent facilities are provided.

**Reason:** To ensure the provision of minimum amenities to the site.

8. Structural Engineering details for the structural steelwork must be submitted to the Principal Certifying Authority prior to the work commencing.

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

9. All plumbing works shall be subject to a 'Notice of Work' issued by the licensed plumber prior to works commencing. Inspection fees apply. Fees are in accordance with Council's schedule of fees and charges and are required to be paid prior to any inspection/s. It is the licensed plumber's responsibility to monitor the requirements for inspection and payment of inspection fees.

**Reason:** Required by Clauses 12 and 13 of the Plumbing and Drainage Act 2011.

**D. CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

10. All water supply, sewerage and liquid trade waste management work shall be carried out in accordance with the conditions of approval issued by Council under s68 of the Local Government Act.

**Reason:** To ensure that any works required by Council are completed in accordance with any approval issued by Council.

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

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

12. Within two (2) days of commissioning works the licensed plumber shall submit to Council a Certificate of Compliance and a "sewerage service diagram" using a NSW Fair Trading pre-formatted Service Plan template.

***Reason:** Required by Clauses 15 and 16 of the Plumbing and Drainage Act 2011.*

13. All waste materials generated from construction and/or demolition works shall only be disposed at licensed waste management facilities capable of receiving the waste as classified under the NSW Environmental Protection Authority (EPA) guideline document 'Waste Classification Guidelines: Part 1 Classifying Waste 2014' or managed in accordance with the NSW Environment Protection Authority *Resource Recovery Orders* and *Resource Recovery Exemptions* made under the *Protection of the Environment Operations (Waste) Regulation 2014*.

***Reason:** To preserve the environment and existing or likely future amenity of the neighbourhood.*

14. The hours of work for any offensive noise generating activity relating to the construction of the proposed development are to be limited to the following time restrictions:

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

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

***Reason:** To preserve the environment and existing or likely future amenity of the neighbourhood.*

#### **E. CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE**

15. Prior to commencement of the use of the site all works proposed are to be completed and an Occupation Certificate issued.

***Reason:** To ensure compliance with the provisions of the Environmental Planning and Assessment Act.*

16. **Prior to the issue of any Occupation Certificate** access to the site and facilities for disabled persons must be provided and constructed in accordance with the requirements of AS 1428.1 "Design for Access and Mobility" and Part D of the Building Code of Australia.

***Reason:** To ensure equity in access.*

#### **Flood Evacuation Plan**

17. **Prior to the issue of any Occupation Certificate** the proponent shall submit to Council a flood evacuation plan for the development. This plan shall identify the following:

- The height at which the Lismore (Wilsons River) Rowing Club station (Station No 058176) needs to reach before evacuation procedures begin.
- The procedure for evacuation of staff and the actions taken to minimise damage to any equipment, goods or other property being stored in the development.
- The procedure to completely remove all temporary structures from the site once the flood evacuation warning is issued by State Emergency Service (SES).
- The available evacuation routes out of Lismore.

*Reason: To ensure the safe evacuation of the development during a flood event*

#### **Plan of Management**

18. **Prior to the commencement of operations and issue of any Occupation Certificate**, a Plan of Management (PoM) shall be implemented for the site. The PoM should include, but not necessarily be limited to;
- noise sources associated with live entertainment, patrons, the operation of mechanical plant and equipment.
  - Identify procedures for the safe installation and removal of market stalls.
  - Identify procedures for waste management for market stalls and visiting food trucks.
  - Provide an induction program for new employees outlining appropriate work practises to minimise noise.

The Plan of Management shall be regularly reviewed and remain contemporary and be available for inspection by a Council Officer upon request. **No amplified music is allowed onsite.**

*Reason: To minimise the impact of noise arising from the development on the neighbourhood.*

19. **Prior to the issue of any Occupation Certificate** all water supply and sewerage work shall be completed in accordance with an approval issue by Council under s68 of the Local Government Act. The NSW Licensed plumber shall issue a Certificate of Compliance and a sewerage services diagram to Council following completion of the work.

*Reason: Condition required by Council to ensure all works are complete and the premises suitable for operation and use in accordance with the development consent.*

20. **Prior to the issue of any Occupation Certificate**, provide portable fire extinguisher/s, suitable to address the relevant risk, in accordance with AS2444.

*Reason: Required by Clause E1.6 Building Code of Australia.*

#### **F. ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

21. No advertising sign(s) is to be erected or displayed without prior submission of a development application to, and approval from, Council, unless the proposed signage is consistent with the terms and conditions of Exempt Development in *State Environmental Planning Policy (Industry and Employment) 2021* or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

*Reason: To preserve the amenity of the area and traffic safety.*

#### **Offensive Noise**

22. The development shall not result in the emission of offensive noise as defined in the *Protection of the Environment (Operations) Act, 1997*.

Offensive noise means:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
- (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
  - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or

(b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

**Reason:** *To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 4.15(b))*

23. The maximum number of patrons permitted on the site at one time is limited to one hundred (100) persons.

**Reason:** *To comply with the provisions of the National Construction Code relating to Health and Amenity (the number of toilets and exits provided limit the number of patrons).*

24. Only one food truck (as identified on the stamped approved plans) is to remain operational on site semi-permanently. No other food trucks or market stalls are to remain overnight, the site is to be vacated nightly other than the food truck identified in the stamped approved plan.

**Reason:** *To identify what has been granted approval.*

25. The hours of operation for the markets are Thursday, Friday and Saturday 7.30am to 10pm and Sunday between the hours of 7.30am and 6.30pm. Other days of operation may be granted subject to the agreement of Council.

**Reason:** *To correctly describe what has been approved.*

26. Function events are limited to operate on Thursday, Friday and Saturday and Sunday between the hours of 8.30am and 4.30pm. A maximum of 12 function events per year are permitted. Other days of operation may be granted subject to the agreement of Council.

**Reason:** *To correctly describe what has been approved.*

27. Food preparation and serving of food, which includes beverages, is to be carried out in accordance the requirements of the *Food Act 2003, Food Standards Australia New Zealand (FSANZ)* in particular, *Standard 3.2.2: Food Safety Practices and General Requirements and Standard 3.2.3: Food Premises and Equipment.*

**Reason:** *To comply with the Food Safety Standards and to ensure public health and safety.*

#### **Temporary Food Trucks**

28. Food preparation and serving of food is to be carried out in accordance with *NSW Guidelines for Temporary Food Events*. The minimum requirements of the *Food Standards Australia New Zealand (FSANZ)* must be complied with in particular, *Standard 3.2.2: Food Safety Practices and General Requirements and Standard 3.2.3: Food Premises and Equipment.*

**A complete list of stallholders and their current Lismore City Council registration numbers must be provided to Council 10 working days prior to the event for assessment.**

**Reason:** *To comply with Councils "North Coast Regional Market Stalls", Policy, the Food Safety Standards and to ensure public health and safety.*

#### **Liquid Waste**

29. Wastewater must be disposed of lawfully and under no circumstances is liquid waste to be discharged onsite. All sinks and hand wash basins should be provided with sanitary traps.

**Note:** After the trial period, should a 4.55 modification to extend the use of the development be sought an application under s68 of the Local Government Act must be made to Council for liquid trade waste works.

**Reason:** *Condition required by Council to ensure the appropriate management of Liquid Trade Wastes and protection of the environment.*

30. All waste materials stored or kept on the site must be maintained in a neat, tidy, and orderly manner and in a sanitary condition at all times. All waste generated at the site must be properly managed to prevent any littering and to ensure no other nuisances are caused.

**Reason:** *To prevent the creation of unsightly, disorderly or insanitary conditions.*

31. The installation and operation of all external and security lighting must always comply with the requirements of AS 4282 – *Control of the Obtrusive Effects of Outdoor Lighting*.

**Reason:** *To protect the amenity of the neighbourhood and motorists.*

## Report

<b>Subject</b>	<b>Transfer of Crown Road to Council - Trevan Road, East Lismore</b>
<b>TRIM Record No</b>	BP23/400:CDR23/1668
<b>Prepared by</b>	Property Officer
<b>Reason</b>	Seeking consent to transfer part of Crown road to Lismore City Council.
<b>Strategic Theme</b>	Our built environment
<b>Strategy</b>	Our city and village services are well managed and maintained.
<b>Action</b>	Provide a road network that is safe and serviceable.

### Executive Summary

This report seeks a resolution from Council to apply to NSW Department of Industry for Ministerial consent to transfer part of a Crown road shown in the images below (being part of Trevan Road running east from Keen Street), to Lismore City Council to facilitate development application conditions.

This section of Trevan Road is a formed road recorded in Lismore City Council's asset register and is also included in Council's sealed road maintenance program.

There are no fees payable by Council to lodge a road transfer application.

### Recommendation

That:

1. Council submit an application to NSW Department of Industry requesting part of a Crown road, being the formed section of Trevan Road, East Lismore and as described in this report, be transferred to Lismore City Council
2. to meet the criteria of NSW Department of Industry, the General Manager submit a letter with the application giving consent to the transfer of Crown road as described in this report

### Background

In January 2023 Council received a Development Application (DA) for Lot 4 in DP 776090, being 38 Trevan Road, East Lismore. Deferred commencement consent was issued on 28 September 2023 to undertake the following works:

- the change of use of an existing three (3) unit light industrial units as two (2) self-storage units and one (1) small scale animal boarding or training establishment
- construction of a new three (3) unit light industrial building at the rear of the site to be used as self-storage units
- associated earthworks, stormwater management and carparking works
- removal of one (1) Jacaranda tree located on the eastern boundary.

Condition 9 of the development consent states to enable works within the road reserve, Trevan Road is to be transferred from Crown Lands to Lismore City Council as the Roads authority prior to the issue of any Construction Certificate, (refer extract from development consent below). Council cannot authorise works within the road reserve for the development unless it is the consent authority for the road. To satisfy the condition of consent and allow the applicant to undertake works within the road reserve approved in the development consent, the applicant seeks the Crown road transfer as shown on Images 2 and 3 outlined green below.

## Crown road transfer

9. Trevan Road is to be transferred from Crown Lands to Lismore City Council as the Roads Authority. Details demonstrating compliance with this condition must be submitted to and approved by the *Certifier* prior to the issue of any **Construction Certificate**.

**Reason:** To enable works within the road reserve.

Image 1 – Extract from DA5.2023.2.1 Consent

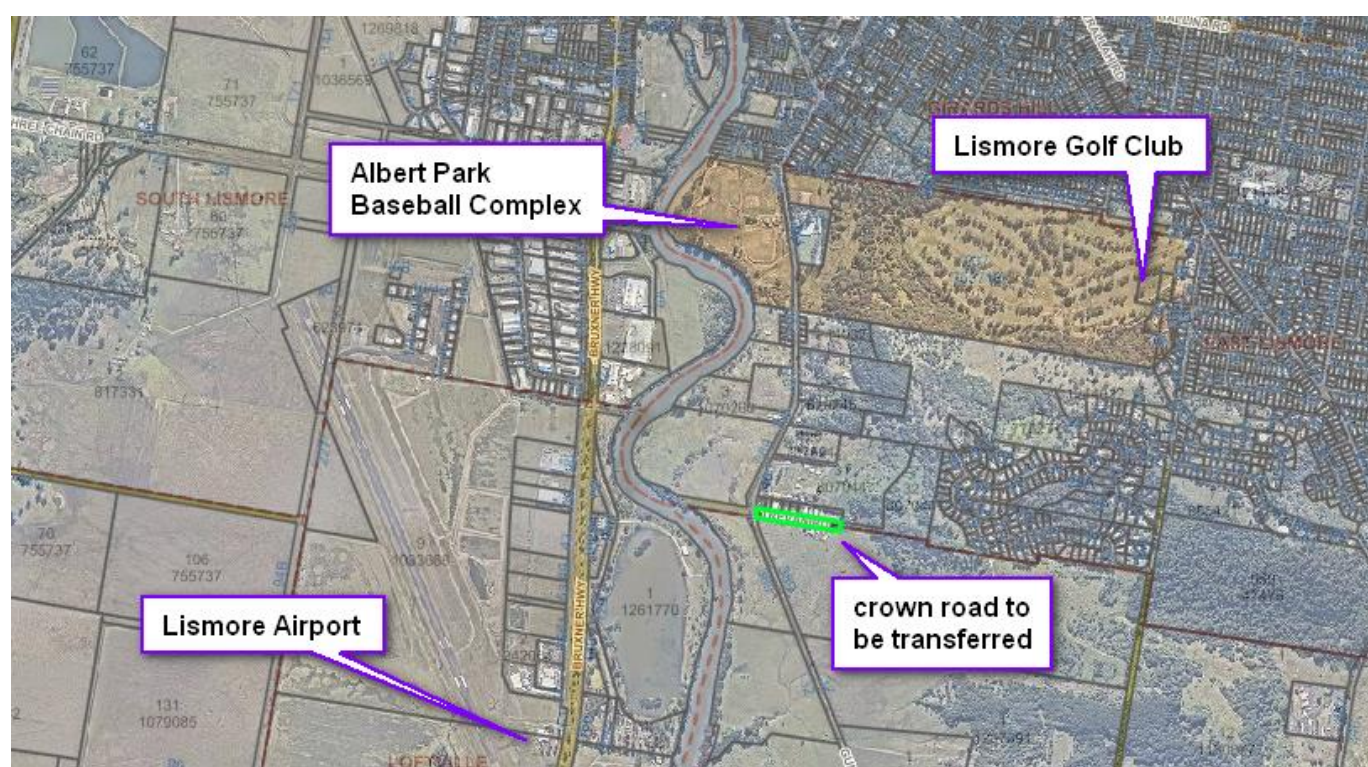


Image 2 – Aerial locality plan showing proposed transfer of Crown road to Lismore City Council

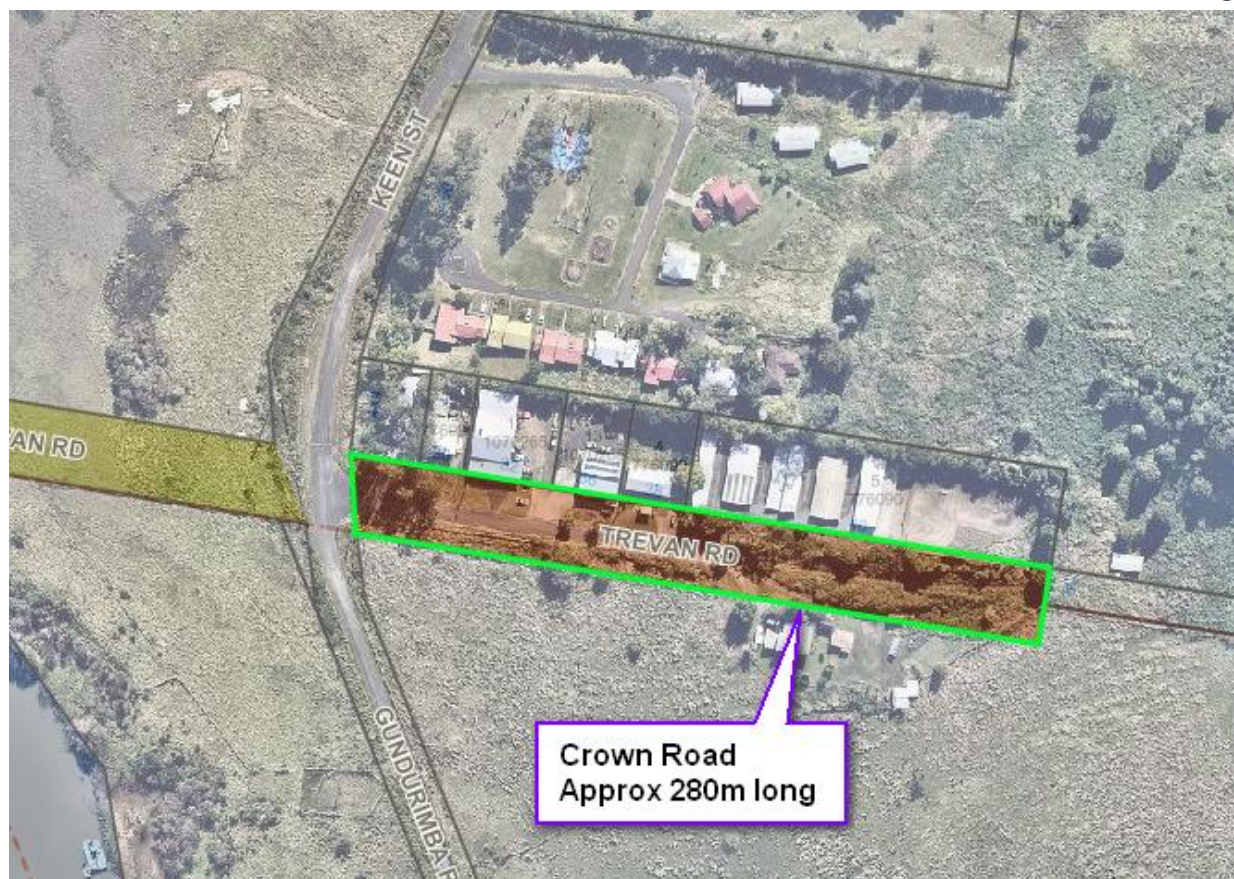


Image 3 – Aerial Image of Trevan Road showing proposed transfer of Crown road marked green (approx. 280m)

While the Crown is the Road authority for Trevan Road, this section of Trevan Road has been recorded in Lismore City Council's Asset register and currently forms part of Council's Sealed Road Maintenance program which is assessed every year for reseal. Subject to Customer Requests, the outcome of the reseal assessment and budget - maintenance may be scheduled to be undertaken on the road at Council's expense. Given the road is currently maintained by Council, transferring the road to Council will have little to no impact on Council's budget.

The Crown road transfer meets criteria (f) listed in the attached Transferring Crown Roads to Council document as the Crown road was constructed and is being maintained by Council to facilitate access as part of Council's local road network. Council cannot authorise works within the Road reserve for the development unless it is the consent authority for the road. Transfer places Council in a position to formally manage the road in accordance with pre-existing access and traffic conditions. This includes road standards requirements and administration of compliance against these requirements.

Under the *Local Government Act*, 1993 the making of an application to the Minister cannot be delegated. As such, this report seeks a resolution from Council to submit an application to NSW Department of Industry for Ministerial consent to transfer the relevant section of road to Council.

There are no fees payable by Council to lodge a road transfer application. Once Ministerial consent is given to transfer the road, the NSW Department of Industry at its own cost will administer the transfer and publish a notice of the road transfer to Council in the *NSW Government Gazette*. Once the gazette has been published, the road transfer will be formalised to become a Council road/ asset.

Should Council not consent to the Crown road being transferred to Council there is a risk the development process will be delayed. It should be noted a Crown road can be transferred to Council without consent if the applicant applies directly to Crown. However, it is the practice of the NSW Department of Industry to consult with the affected Council before processing a Crown road transfer in this manner.

## Comments

### Finance

The recommendation is supported as printed.

## Conclusion

For the development and planning reasons noted in this report, Council approval is sought to apply to NSW Department of Industry requesting the Crown road (being part of Trevan Road running east from Keen Street/Gundurimba Road), to be transferred to Council to facilitate the development.

## Attachment/s

1. [Download](#) Criteria for transferring Crown roads to Councils

## Transfer of a Crown road to other road authorities

There are two types of transfers administered by the department on behalf of the minister:

1. Crown road transfer at the request of council or another roads authority
2. transfer initiated by the department, where a Crown road is assessed as having a future use that exceeds the original intention of providing an avenue of legal access.

A Crown road can be transferred to council without consent; however it is the practice of the department to consult with the affected council before processing a Crown road transfer. Each proposed transfer will be considered on a case by case basis.

These guidelines establish a set of principles that guide Crown road transfers to council. The department's aim is to reduce the volume of disputed transfers with councils by providing a clearer process and improved communication.

The criteria for determining whether a Crown road is suitable for transfer to council or another roads authority (such as the RMS) are outlined in the Requirements section of Administration of Crown Roads policy. Crown roads are considered suitable for transfer to another roads authority when they meet one or more of the following criteria:

**Table 1. Criteria for the transfer of a Crown road**

Criteria	Explanation
a. The road authority requests transfer of a Crown road, including for the purpose of Section 44 of the Roads Act.	To initiate the road transfer process, the request by a roads authority such as local council or RMS is to be in writing and accompanied by diagram depicting the extent of road subject of the transfer.
b. The Crown road provides formed road access to urban or rural areas or provides formed road access within country towns, villages, local communities and public areas.	These roads generally service public traffic where the road has been named by council for addressing purposes and council has traditionally maintained or repaired the road. The transfer formalises the administrative arrangements to rest with the relevant council as the appropriate roads authority to manage the road as part of their road network.
c. Road works on a Crown road are proposed by someone other than the department that require development consent under the <i>Environmental Planning &amp; Assessment Act 1979</i> (EP&A Act).	This allows council to regulate the standard to which road access should be established and issue a construction certificate as the relevant roads authority under the Roads Act.
d. Development consent has been granted by a council that requires use of a Crown road to service a development that is causing an increase in traffic.	A key issue influencing the use of affected Crown roads is incremental traffic increasing developments and local council's role in development consent, planning and public road management. The responsibility for managing these roads would rest with Council as the relevant roads authority.
e. A Crown road is required to be maintained to a standard specified as a condition of development consent.	Transfer places the onus on council, as the consent authority, to manage the road in accordance with the requirements of the development approval. If standards were not specified by council as a condition of consent, transfer may still apply on the basis that road works were not required as the Crown road already conformed to council's access standards to service the development.
f. A Crown road was constructed or is being maintained by a council to	This places council in a position to formally manage the road in accordance with pre-existing access and traffic conditions. This includes

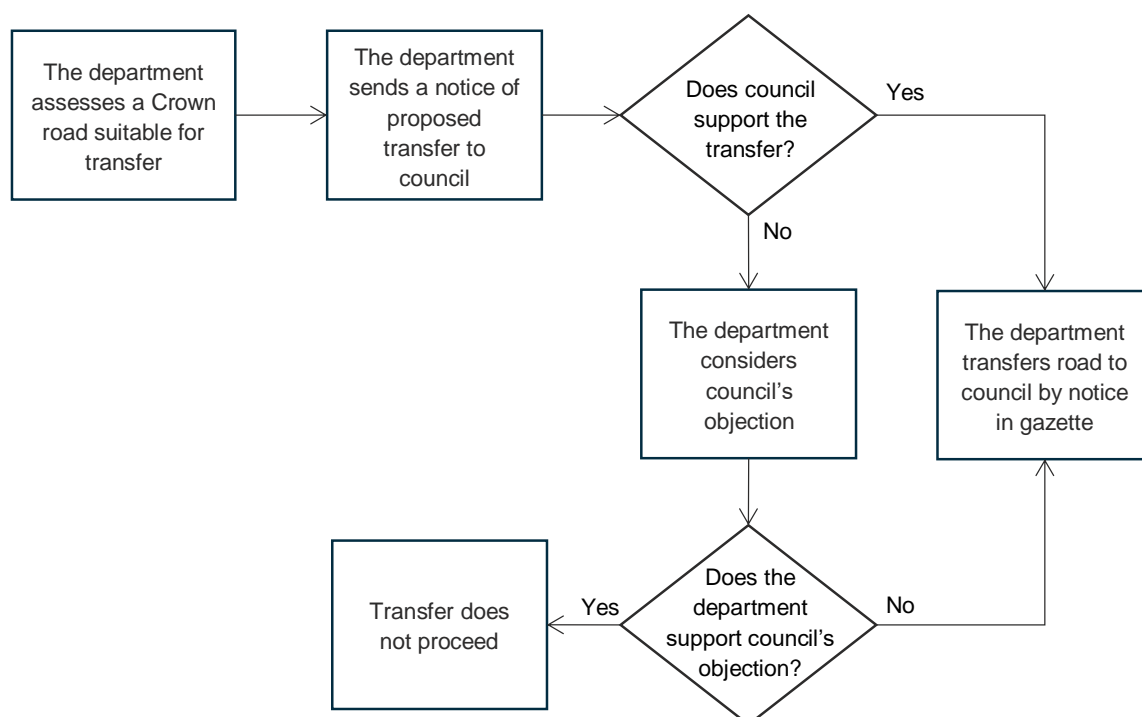
Criteria	Explanation
facilitate access, as part of its local road network, which may include drainage structures such as a bridge or culverts.	road standards required and administration of compliance against its requirements.
g. Construction or upgrade of a Crown road is required to meet standards required by a council.	This delivers outcomes that are consistent with council's long- established role in managing public roads as part of the local road network for residential and rural needs.
h. A council objects to the sale or closure of a Crown road on the grounds that the road is required for public access.	This preserves the road for current and future access needs.

The road transfer criteria apply to actions undertaken in respect to roads in the past, present and future and are not limited by the date that the Crown Roads Policy and these guidelines were adopted.

The department will not support objections where it is suggested the road is not generally used by the public. Guidance provided in the above criteria supports the continued transfer of Crown roads to local councils. The established criteria are consistent with previous and present legislation and may be applied to matters arising before and after the publication of these guidelines.

The following claims are also not considered valid reasons for a council to decline a department-initiated road transfer:

- **road condition**—where council objects to the transfer on the basis that the road is in a state of disrepair or does not conform to council minimum standards, and/or
- **financial implications**—where council objects to the transfer based on (potential) costs incurred. Local councils have the ability to levy funds through development contributions, rates and grants for road repair and maintenance.



## Report

<b>Subject</b>	<b>Investments - October 2023</b>
<b>TRIM Record No</b>	BP23/890:EF22/122-2
<b>Prepared by</b>	Manager Finance
<b>Reason</b>	Required by Local Government Act 1993, Local Government (General) Regulations 2021 and Council's Investment Policy
<b>Strategic Theme</b>	Leadership and participation
<b>Strategy</b>	We provide effective management and responsible governance.
<b>Action</b>	Ensure the efficient and effective operation of Council.

### Executive Summary

The *Local Government Act 1993* (Section 625), *Local Government (General) Regulation 2021* (Clause 212) and Council's Investment Policy requires a monthly report be submitted to Council on investments. The report is to include the source and amount of funds invested, investment portfolio performance for the period and a statement of compliance in relation to the requirements of the *Local Government Act 1993*.

All investments with various financial institutions have been made in accordance with the *Local Government Act 1993* and *Local Government (General) Regulation 2021*.

This report includes the period to 31 October 2023.

- The face value\* of the portfolio as of 31 October 2023 - \$129,217,568

\*The face value represents the purchase price of investments.

In addition, Council has approximately \$2.645 million held in various bank accounts; being operational accounts; restricted funds held for grants or held in trust. These are not included in the Investment portfolio.

The percentage of the portfolio invested in Socially Responsible Investments (SRI) has decreased to 41% from the previous month of 42%, or from \$56.1 million to \$53.1 million.

The portfolio balance will fluctuate from month to month depending on the timing of payments, rates and grant funds being received.

**Investments returns** – for October Council returned 4.75% compared to the Annualised Bank Bill Index bank of 4.01%.

Council's total return for the financial year 2023/24 is 4.63% compared to the Annualised Bank Bill Index bank of 4.27%.

## Recommendation

That the report be received and noted.

## Background

The *Local Government Act 1993* (Section 625), *Local Government (General) Regulation 2021* (Clause 212) and Council's Investment Policy requires a monthly report be submitted to Council on investments. The report is to include the source and amount of funds invested, investment portfolio performance for the period and a statement of compliance in relation to the requirements of the *Local Government Act 1993*.

## Report on Investments

	Current Month Face Value*	Current Month Current Value**	Previous Month Face Value	Previous Month Current Value	Average Return	AusBond BB Index Annualised Return	Fossil Free Invest
September	\$129,217,568	\$130,949,021	\$135,468,703	\$137,016,398	4.75%	4.01%	41.00%

\*The face value represents the purchase price of investments.

\*\*The current value is the value of investments at today's date and includes any interest owed but not paid

The portfolio balance will fluctuate from month to month depending on the timing of payments, rate receipts and grant funds received. In October Council incurred normal operational expenses, such as employee costs, creditors, and expenditure in relation to capital works program. Council also received reimbursement of grant funds and rates income.

In addition, Council has approximately \$2.645 million held in various bank accounts; being operational accounts; restricted funds held for grants or held in trust. These are not included in the Investment portfolio.

### Ethical Investments\*.

Where the opportunity arises Council will seek SRI products, however the investment product will be considered in the context of Council's overall cashflow requirements, the opportunity costs of the product and the security of the investment. Presently there is only a small financial opportunity cost between these investments and other available investment products, however this will be monitored for future investments.

Council value of ethical investments as of 31 October was \$53,111,568, this is a decrease from the previous month of approximately \$3,000,000. The percentage of the portfolio held in SRI has decreased to 41% from the previous months 42%.

\* Note - this includes Fossil Fuel Free Investments

**Portfolio structure** - Council is limited in its investment options in accordance with the Minister's Investment Order and the Investment Policy adopted by Council. The current portfolio is split between cash and fixed deposits. These offer a lower return to other products however have a greater security around capital protection.

# Lismore City Council

## Executive Summary - October 2023

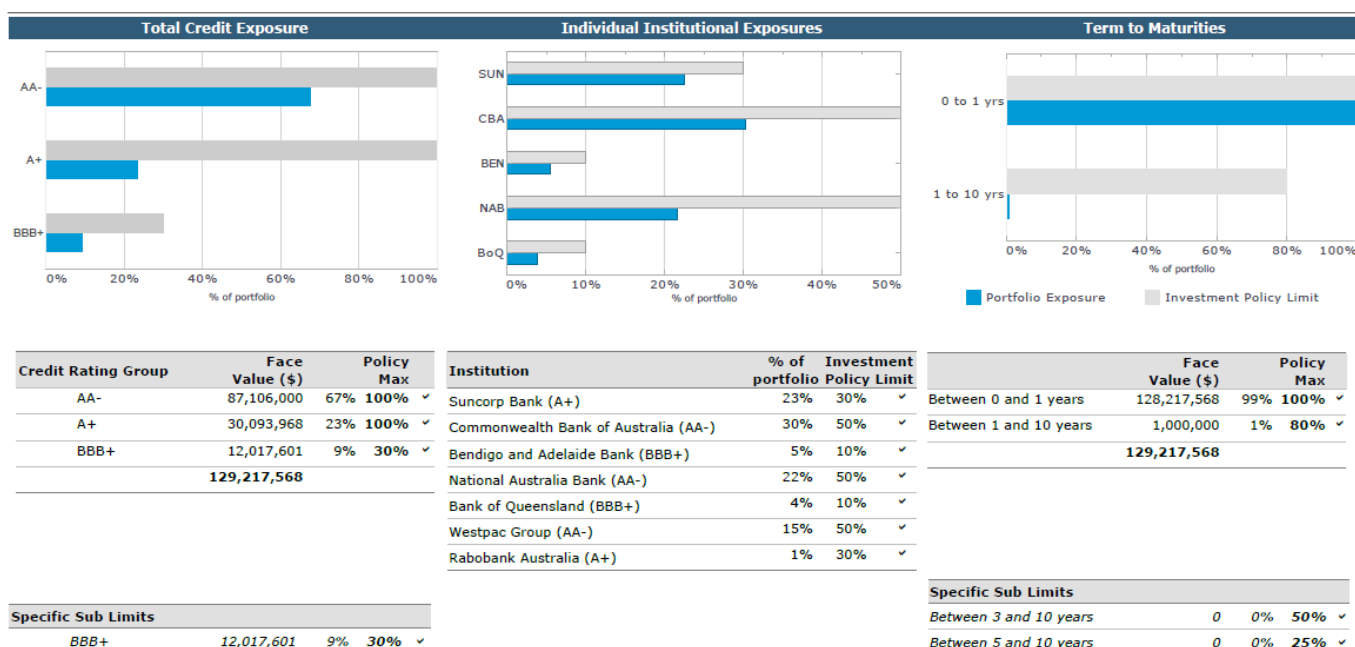
### Investment Holdings

	Face Value (\$)	Current Value (\$)	Current Yield (%)
Cash	13,106,000	13,106,000	4.1000
Term Deposit	116,111,568	117,843,021	4.8469
	<b>129,217,568</b>	<b>130,949,021</b>	<b>4.7712</b>

## Compliance with Policy Requirements

### Lismore City Council

#### Investment Policy Compliance Report - October 2023



✓ = compliant  
X = non-compliant

## (Ethical) Investments

As part of the current policy framework and within the limits of prevailing legislation, Council's investments will be made in consideration of the principles of ethical investment management.

Where possible investments are made to achieve the intention of the investment policy of Council around Ethical Investments, however this must be made within the constraints of the current market, the availability of investment products, maintaining a diverse portfolio that minimises the risk to Council's capital and ensuring compliance with Council's investment policy.

The availability of suitable investments products that fits within the "Fossil Free" category and is within the current policy compliance is limited.

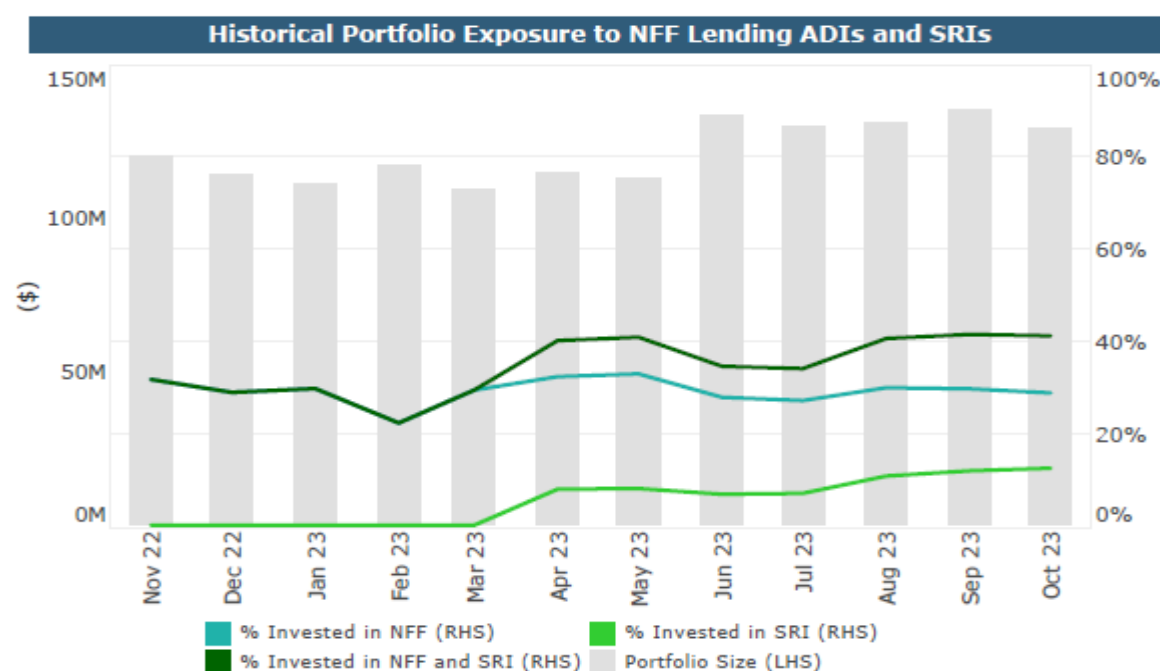
Council will seek SRI products; however, the investment products will be considered in the context of Council's overall cashflow requirements, the opportunity costs of the product and the security of the investment.

## Lismore City Council Environmental Commitments Report - October 2023

Current Breakdown			
ADI Lending Status *	Current Month (\$)	Previous Month (\$)	
Fossil Fuel Lending ADIs			
Bank of Queensland	5,000,000	5,000,000	
Commonwealth Bank of Australia	39,106,000	38,357,135	
National Australia Bank	28,000,000	32,000,000	
Westpac Group	4,000,000	4,000,000	
	76,106,000 59%	79,357,135	59%
Non Fossil Fuel Lending ADIs			
Bendigo and Adelaide Bank	7,017,601	10,017,601	
Rabobank Australia	1,000,000	1,000,000	
Suncorp Bank	29,093,968	29,093,968	
	37,111,568 29%	40,111,568	30%
Socially Responsible Investment			
Westpac Group (Green TD)	16,000,000	16,000,000	
	16,000,000 12%	16,000,000	12%
	129,217,568	135,468,703	

\* source: Marketforces

Percentages may not add up to 100% due to rounding



## **Maintaining adequate liquidity to progress flood restoration works.**

An additional constraint on Council moving to Ethical Investments is the requirement to maintain appropriate liquidity to ensure flood restoration works continue within an acceptable timeframe whilst waiting for reimbursement from NSW and Australian Government agencies.

The following amounts have been included in the Investment Portfolio, Commonwealth Bank of Australia \$13,106,000. This is short term overnight money account and is used for liquidity purposes, that is to provide access to funds to meet Council's short term payment commitments. This account is a fossil fuel investment however Council is restricted in its options of available providers to provide short term liquidity whilst providing returns greater than the cash rate.

If these accounts are excluded, then Council's Ethical Investment ratio is 45.74%.

## **Comments**

### **Responsible Accounting Officer**

All investments with various financial institutions have been made in accordance with the *Local Government Act 1993* and *Local Government (General) Regulation 2021*.

## **Conclusion**

A report on investments is required to be submitted to Council monthly.

The value of the portfolio for October 2023 is provided.

## **Attachment/s**

1. [🔗](#) 2023 October Investments Report (Over 7 pages)

# Report

<b>Subject</b>	<b>2022/23 Reserves (Internally Restricted)</b>
<b>TRIM Record No</b>	BP23/891:AF23/3718
<b>Prepared by</b>	Manager Finance
<b>Reason</b>	Annual report on internally restricted reserve balances and movement and Policy review
<b>Strategic Theme</b>	Leadership and participation
<b>Strategy</b>	We provide effective management and responsible governance.
<b>Action</b>	Ensure the efficient and effective operation of Council.

## Executive Summary

For financial reporting purposes Council must categorise its cash, cash equivalents and investments as either externally restricted or internally restricted. Funds that are externally restricted, typically by legislation, can only be used for the purpose received. Funds internally restricted can be used for any purpose determined by Council.

As internally restricted funds can be used for any purpose determined by Council, the Council adopted Policy 1.5.10 – Reserves Policy to provide guidance on the criteria to be applied for funds to be internally restricted. While specific purpose unexpended loans are also considered internally restricted funds, the fact they are borrowed for a specific purpose and typically used for that purpose results in it not being reported as reserves.

Council's Reserve Policy requires an annual report to be submitted to Council which shows reserve movements and balances for the year ending 30 June.

The policy categorised reserves as follows:

- held on behalf of other parties
- Special Rate Variation
- carry forward or revote works
- emergencies
- economic development and growth
- public infrastructure and building assets

Council has identified \$36.260 million in funding is required in internal reserves however as 30 June 2023 Council did not have sufficient unrestricted cash to fund these reserves. This is a timing issue only. At the date of the reserve calculation, 30 June 2023, Council was owed \$13.735 million for grant expenditure incurred and not reimbursed. It is recommended that when these grant funds are reimbursed, that these funds are applied to fully fund the identified reserves of \$36.26 million.

In accordance with the Reserves Policy and reporting requirements Council can only recognise reserves that are held as cash, therefore the Internally Restricted Reserves held as cash was \$22.832 million as at 30 June 2023.

Commentary on reserves is provided within the report and a summary and detailed listing of reserves as at 30 June 2023 is attached.

## Recommendation

That:

1. Council adopts the 2022/23 Reserves (Internally Restricted) annual report which has internally cash reserves of \$22,832,700 as of 30 June 2023
2. internal reserves used to fund grant funds owed as of 30 June 2023 be reimbursed when funding is received

## Background

Policy 1.5.10 – Reserves (Internally Restricted) requires an annual report to be submitted to Council detailing all reserve movements. The purpose of this report is to satisfy that requirement.

As at 30 June 2023, the Internally Restricted Reserves totalled \$22.833 million. There has been an overall decrease in the amount of reserve from 2021/22 of \$8.050 million.

Council had incurred costs associated with grant projects and was awaiting reimbursement of these funds as at June 2023. Council has used internally restricted reserves to fund these projects in 2023 and will receive the reimbursement in the 2024 financial year.

The total amount of funding used from internal reserves to temporarily fund grant projects whilst awaiting reimbursement was \$13.428 million. It is recommended when these grant funds are reimbursed, funds are used to replenish cash reserves and fully fund the projects identified within the reserve report.

## Commentary

Provided below is a description of the individual reserve categories. This should be read in conjunction with the 2022/23 Reserves (Internally Restricted) Summary attachment which shows the Reserve Balances 1/7/2022, Transfer to Reserves and Transfer from Reserves during the year, and the Reserve Balances 30/6/2023, and the 2022/23 Reserves (Internally Restricted) Detail that shows the closing amount for all reserves held.

Included in the Reserves are the proposed Carried Forwards, Revotes and Adhocs:

- Carry forward amounts relate to where approved budgets for works, services, goods, materials and facilities have started or are contracted to start before the end of the financial year and will continue to completion in the following financial year.
- Revote amounts relate to where approved budgets have not commenced before the end of the financial year and it is intended to seek approval to proceed in the following financial year.
- Adhocs – Council has identified a project that requires funding in 2023/24 and aligns with Council's strategic direction.

Any adjustment to the budget or use of funds will be reported in the applicable Quarterly Budget Statement.

A copy of the proposed 2023 Carried forwards, Revotes and Adhocs has been attached for Council's information.

## Held for Other Parties – Balance \$Nil

The funds held in this reserve acknowledge that Council holds funds on behalf of other parties.

## Special Rate Variation – Balance \$1,504,700

The funds held in this reserve reflect unexpended special rate variation funds or funds held to implement special rate variation purposes.

### Carry Forward and Revote Works– Balance \$11,780,000

The funds held in this reserve relate to carry forward or revote amounts from 2022/23 to 2023/24. This list excludes carry forward or revote works funded from externally restricted funds.

Carry Forward or Revote Works - Balance	\$	11,780,000
<b>Major item being:</b>		
Strategic Planning - projects	\$	102,700
Art Gallery - LCC contribution to Grant - Temporary Library Fit out	\$	106,000
Technology Works in progress	\$	129,000
Destination & Economy - programmes	\$	130,000
Waste LCC contribution to Grant- Better Waste & Recycling	\$	159,600
Parks & Gardens - Grant LCC contribution	\$	264,000
On Site Sewerage Management	\$	341,100
Drainage Projects	\$	368,000
Art Gallery Insurance Instalment - Replacement of Artworks	\$	604,800
Roads -	\$	725,800
Employee Leave Entitlements	\$	2,150,000
Financial Assistance 2024 paid in advance	\$	6,546,600

### Emergencies – Balance \$Nil

The funds held in this reserve are to provide funding for emergencies including natural disasters, pandemics, or essential/critical business failures. These funds have been used to fund grant expenditure whilst Council is waiting for reimbursement from the funding body. The target balance of this reserve is \$1,100,000.

### Economic Development and Growth - Balance \$Nil

The funds held in this reserve are to provide funding to support implementation of the Economic Development Strategy and economic growth opportunities. These funds have been used to fund grant expenditure whilst Council is waiting for reimbursement from the funding body. The target balance of this reserve is \$1,000,000.

### Public Infrastructure and Buildings Assets - Balance \$9,548,000

The funds held in this reserve are to provide funding for asset renewal, rehabilitation or remediation requirements excluding road infrastructure. The target balance of this reserve is \$3,000,000.

The major works included in this reserve is:

Public Infrastructure & Building Assets - Balance	\$	\$9,548,000
Base Reserve as per Policy - Public Infrastructure & Building Assets	\$	-
DA Contributions to Public Art	\$	49,200
Albert Park - LCC contribution to Grant	\$	91,000
Flood Mitigation - Voluntary Property Acquisition Program	\$	122,800
Quarry - Compliance - Pre-coat retaining wall rectification/ refit required by Resource Regulator	\$	160,000
Building - Optical Fibre Flood Offices	\$	161,000
Nimbin Caravan Park Entrance	\$	230,000
Building - Roof Repairs Corporate Centre	\$	260,000
Tucki Creek Corridor Acquisitions (Lismore Contributions Plan)	\$	278,000
Pocket Park Sales Proceeds	\$	331,100
Lismore Memorial Baths Start up Costs	\$	430,000
Buildings - TERANIA Building restoration not covered by flood funding	\$	450,000
Street Lighting - LED upgrade	\$	939,000
Waste Remediation- 2023/24 budget Works	\$	2,308,400
Affordable Housing Initiative	\$	3,713,800

## Policy Review

It is a requirement of Policy 1.5.10 – Reserves (Internally Restricted) that it be reviewed once during the term of Council. A review of the Reserve Policy was undertaken in November 2022.

## Comments

### Finance

Contained within the report.

## Public consultation

Not required.

## Conclusion

The Reserves are in accordance with the Reserve Policy 1.5.10 and are required to undertake works planned within the adopted 2023/24 Operational Plan or considered to be required to address future works or projects of Council.

## Attachment/s

1. [↓](#) 2023 Internally Restricted Reserves Summary
2. [↓](#) 2023 Internally Restricted Reserves Detail
3. [↓](#) 2023 Carried Forward Revotes and Adhocs
4. [↓](#) Reserve Policy 1:5:10

**2022/23 RESERVES (INTERNALLY RESTRICTED) SUMMARY**

Reserve Category	Cash Reserve Balances 01/07/22	Transfer to Reserves	Transfer from Reserves	Gross Balance	Amount used to fund Grant works - interim Funding only	Cash Reserve Balances 30/06/23**
Held for Other Parties*	-		-	-		-
Special Rate Variation	<b>1,543,000</b>	485,550	523,850	1,504,700		<b>1,504,700</b>
Carry Forward or Revote Works	<b>12,054,000</b>	9,700,740	6,407,440	15,347,300	3,567,300	<b>11,780,000</b>
Emergencies	<b>1,100,000</b>	-	-	1,100,000	1,100,000	-
Economic Development & Growth	<b>1,000,000</b>	-	-	1,000,000	1,000,000	-
Public Infrastructure and Building Assets	<b>15,185,900</b>	10,726,200	8,603,600	17,308,500	7,760,500	<b>9,548,000</b>
<b>TOTAL RESERVES</b>	<b>30,882,900</b>	<b>20,912,490</b>	<b>15,534,890</b>	<b>36,260,500</b>	<b>13,427,800</b>	<b>22,832,700</b>

\*Held for Other Parties - Excludes Richmond Tweed Regional Library

\*\*Funds held as cash as 30 June 2023.

**Note**

As at the 30 June 2023 Council had provided Cashflow for Grant projects and was waiting for reimbursement from the funding body.

Amount owed to Council \$ 13,735,054

**Being:****Major Grants**

Roads - Non Flood Recovery \$ 1,437,000

3,567,300

Natural Disaster \$ 3,660,884

**Other** \$ 2,503,000

Oakes/Crozier Oval Upgrade - Commonwealth \$ 3,940,700

Oakes/Crozier Upgrade - State \$ 2,193,470

*In accordance Council's Reserve Policy Council internally restricted reserves have been used to fund this cash flow requirement  
When the payments are received the reserves will be increased to reflect the true cash required.*

## 2022/23 RESERVES (INTERNALLY RESTRICTED) DETAILED

	Gross	Applied to fund grants owed	Cash Reserve - Financial Reports
<b>Held for Other Parties - Balance</b>	\$ -	\$ -	\$ -
North East Weight of Loads Group (NEWLOG)	\$ -		\$ -
<b>Special Rate Variation - Balance</b>	\$ 1,504,700		\$ 1,504,700
Biodiversity Management Strategy	\$ 657,900		\$ 657,900
Business Promotion	\$ 304,300		\$ 304,300
City Safe	\$ 542,500		\$ 542,500
<b>Carry Forward or Revote Works - Balance</b>	\$ 15,347,300	(\$3,567,300)	\$ 11,780,000
Art Gallery - LCC contribution to Grant - Temporary Library Fit out	\$ 106,000		\$ 106,000
Art Gallery Insurance Instalment - Replacement of Artworks	\$ 604,800		\$ 604,800
Art Gallery Program Delivery	\$ 11,700		\$ 11,700
Art Gallery Youth Week Grant - LCC contribution to Grant	\$ 1,200		\$ 1,200
Buildings - Laurie Allen Centre Flood Damage 2017	\$ 44,000		\$ 44,000
Destination & Economy - Tourism Drive Maps	\$ 15,500		\$ 15,500
Destination & Economy - programmes	\$ 130,000		\$ 130,000
Drainage Projects	\$ 368,000		\$ 368,000
Emergency Services - Levy	\$ 13,500		\$ 13,500
Emergency Services - Flood Diversion - interest on grant projects	\$ 38,000		\$ 38,000
Employee Leave Entitlements	\$ 3,000,500	(\$850,500)	\$ 2,150,000
Environmental Strategies - State of the Environment Report	\$ 15,000		\$ 15,000
FAGS General 100% paid in advance 2024	\$ 5,221,300	(\$1,116,800)	\$ 4,104,500
FAGS Roads 100% paid in advance 2024	\$ 2,442,100		\$ 2,442,100
Lismore Airport - Airside and Lighting Upgrade	\$ 13,500		\$ 13,500
On Site Sewerage Management	\$ 341,100		\$ 341,100
Parks & Gardens - Albert Park Grant project - interest on Grant projects as per deed	\$ 99,600		\$ 99,600
Parks & Gardens - Albert Park Redevelopment Stage 2 - LCC contribution to Grant	\$ 11,400		\$ 11,400
Parks & Gardens - Oakes Oval/Crozier Field - LCC contribution to Grant	\$ 103,000		\$ 103,000
Parks & Gardens - Open Space Assets Capital/Renewal Projects	\$ 50,000		\$ 50,000
Roads - Bounty St - LCC contribution to Grant	\$ 79,400		\$ 79,400
Roads - Dunoon Rd - LCC contribution to Grant	\$ 302,000		\$ 302,000
Roads - LCC contribution to Grant - Nimbin Road Mass action	\$ 26,000		\$ 26,000
Roads - The Channon Rd - LCC contribution to Grant	\$ 193,800		\$ 193,800
Roads - The Channon Rd - LCC contribution to Grant	\$ 124,600		\$ 124,600
Roads - Work Capacity	\$ 1,600,000	(\$1,600,000)	\$ -
Strategic Planning - development of DCP project 2023/2024	\$ 8,000		\$ 8,000
Strategic Planning - Flood Plan Management Plan - LCC	\$ 11,000		\$ 11,000
Strategic Planning - Flood Plan Management Plan - Rous	\$ 10,000		\$ 10,000
Strategic Planning - Parking Study	\$ 19,200		\$ 19,200
Strategic Planning - Walking & Cycling Strategy	\$ 34,400		\$ 34,400
Strategic Planning Projects - Climate Resilience	\$ 20,100		\$ 20,100
Technology Works in progress - Lismore Centra Tourist Park - Front Gate Camera Enclosure	\$ 9,000		\$ 9,000
Technology Works in progress - 10 x Stainless Steel Covers for Pole Cabinets	\$ 7,700		\$ 7,700
Technology Works in progress - Conduit and Pit Install for Waterford Park	\$ 17,700		\$ 17,700
Technology Works in progress - Disaster Dashboard Annual Renewal Fee	\$ 4,400		\$ 4,400
Technology Works in progress - Haul Optical Fibre Cable, Supply & install	\$ 2,500		\$ 2,500
Technology Works in progress - Lismore Centra Tourist Park CCTV	\$ 900		\$ 900
Technology Works in progress - Lock Hardware Changes-V2 at Lismore City Council C	\$ 26,300		\$ 26,300
Technology Works in progress - Old Municipal Building Wall Mount Fibre& CCTV Patch	\$ 10,500		\$ 10,500
Technology Works in progress - Prepaid Support and Design Hours	\$ 5,000		\$ 5,000
Technology Works in progress - Supply & Install Holland Ave Street Cabinet L, etc	\$ 40,000		\$ 40,000
Technology Works in progress - Supply Service Labour for the Handover Process of	\$ 2,600		\$ 2,600
Technology Works in progress - SUV 2WD CZ 67 XS 03/06/2023 to 03/07/2023	\$ 1,200		\$ 1,200
Technology Works in progress - SUV 2WD CZ 67 XS 03/07/2023 to 03/08/2023	\$ 1,200		\$ 1,200
Waste LCC contribution to Grant- Better Waste & Recycling	\$ 159,600		\$ 159,600
<b>Emergencies - Balance</b>	\$ 1,100,000	(\$1,100,000)	\$ -
Emergencies	\$ 1,100,000	(\$1,100,000)	\$ -
<b>Economic Development &amp; Growth - Balance</b>	\$ 1,000,000	(\$1,000,000)	\$ -
Economic Development & Growth	\$ 1,000,000	(\$1,000,000)	\$ -
<b>Public Infrastructure &amp; Building Assets - Balance</b>	\$ 17,308,500	(\$7,760,500)	\$ 9,548,000
Affordable Housing Initiative	\$ 3,713,800		\$ 3,713,800
Albert Park - LCC contribution to Grant	\$ 91,000		\$ 91,000
Base Reserve as per Policy - Public Infrastructure & Building Assets	\$ 1,287,500	(\$1,287,500)	\$ -
Building - Optical Fibre Flood Offices	\$ 161,000		\$ 161,000
Building - Roof Repairs Corporate Centre	\$ 260,000		\$ 260,000
Buildings - TERANIA Building restoration not covered by flood funding	\$ 450,000		\$ 450,000
DA Contributions to Public Art	\$ 49,200		\$ 49,200
Flood Mitigation - Voluntary Property Acquisition Program	\$ 122,800		\$ 122,800
Street Lighting - LED upgrade	\$ 939,000		\$ 939,000
Leisure Activities GSAC - Gym equipment replacement	\$ 23,700		\$ 23,700
Lismore Memorial Baths Start up Costs	\$ 430,000		\$ 430,000
Nimbin Caravan Park Entrance	\$ 230,000		\$ 230,000
Pocket Park Sales Proceeds	\$ 331,100		\$ 331,100
Quarry - asset depreciation (+ surplus result 22/23)	\$ 722,300	(\$722,300)	\$ -
Quarry - Compliance - Pre-coat retaining wall rectification/ refit required by Resource Regulator	\$ 160,000	\$0	\$ 160,000
Tucki Creek Corridor Acquisitions (Lismore Contributions Plan)	\$ 442,000	(\$164,000)	\$ 278,000
Waste - 2024/25	\$ 636,700	(\$636,700)	\$ -
Waste - Lismore Recycling and Recovery Centre - Container Dome for Glass Cullet - Current storage of	\$ 50,000	(\$50,000)	\$ -
Waste Remediation- 2023/24 budget Works	\$ 2,308,400		\$ 2,308,400
<b>To fund projects included in the 2023/24 Operational Plan funded through loan funding</b>			
Fleet Replacement - replace borrowings	\$ 1,500,000	(\$1,500,000)	\$ -
Waste - 2023/24 budget Works Replace Borrowings budgeted Works	\$ 3,400,000	(\$3,400,000)	\$ -
<b>Total Reserves</b>	\$ 36,260,500	(\$13,427,800)	\$ 22,832,700
<b>Amount required to fund Grants funds owed as at 30 June 2023</b>	(\$13,427,800)		
<b>Cash &amp; Cash Equivalents not subject to external restrictions</b>	\$ 22,832,700	(\$13,427,800)	\$ 22,832,700

## Summary Sheet

## CFWD, Revotes &amp; Adhocs (Note Grants are not included)

Director or Program Manager	Program	Works/Service Description	Reason/s why not completed in 2022/23 and justification to carry forward?	Amount Recommended
<b>Ad hoc &amp; revotes</b>				
COO	Waste	Asphalt Dismantle Works - Hardstand and Precoat Retaining Wall	Statutory requirement. Focus was on flood recovery in other areas of portfolio (Waste, Airport). Now pending outcome of Life of Mine Plan (drilling of resource in progress) to ensure effective and efficient working of the Quarry pit. Outcomes of Life of Mine Plan will guide layout of operations going forward including precoat of aggregates.	\$ 160,000
CCO	Strategic Planning	Arts & Culture - Temporary Library Fit out		\$ 106,000
CCO	Roads	Nimbin Road Mass action - LCC contribution		\$ 26,000
CCO	Roads	Roads - Work Capacity	Provide capacity to undertake additional works once adopted program is completed	\$ 1,600,000
COO	Waste	Waste - 2023/24 budget Works Replace Borrowings budgeted Works		\$ 3,400,000
COO	Waste	Lismore Recycling and Recovery Centre - Container Dome for Glass Cullet - 2 x shipping containers, container dome structure and hardstand floor for all weather storage of recovered glass cullet. Required to ensure glass cullet is clean and dry to attract best commodity price and recover Exchange for Change credits. Current storage of glass is outside, creates wet product not desirable for processors.		\$ 50,000
COO	Waste	Fleet Replacement - replace borrowings	Provision to replacement proposed borrowings for fleet by reserves	\$ 1,500,000
COO	Waste	LED Street Lighting Upgrade	Project completed by Country Energy 2023 - required to pay the bill	\$ 939,000
COO	Waste	Nimbin Caravan Park Entrance	Upgrade road work at entrance	\$ 230,000
COO	Waste	Building - Optical Fibre Flood recovery Offices	Building - Optical Fibre Flood recovery Offices	\$ 161,000
				<b>\$ 8,172,000</b>

## Summary Sheet

## CFWD, Revotes &amp; Adhocs (Note Grants are not included)

Director or Program Manager	Program	Works/Service Description	Reason/s why not completed in 2022/23 and justification to carry forward?	Amount Recommended
<b>Carried Forwards</b>				
COO	Finance	FAGS General 100% paid in advance 2024		\$ 5,221,300
COO	Finance	FAGS Roads 100% paid in advance 2024		\$ 2,442,100
CCO	Liveable & Active Communities	Lismore Memorial Baths - Funds to purchase operational equipment damaged/destroyed by 2022 floods necessary for the Lismore Memorial Baths to be fully functional		\$ 430,000
CCO	Strategic Planning	Climate Resilience Strategy	Project put on hold post flood	\$ 20,100
CCO	Strategic Planning	Walking & Cycling Strategy	Project commenced but not completed, Budget was \$34,900, spent \$570, deduct \$3,370 to cover over expenditure on W6877	\$ 34,400
CCO	Strategic Planning	DCP -funds received 2022/23 for development of DCP project 2023/2024		\$ 8,000
CCO	Strategic Planning	Strategic Planning - Flood Plan Management Plan - Rous		\$ 10,000
CCO	Strategic Planning	Strategic Planning - Flood Plan Management Plan - LCC		\$ 11,000
CCO	Roads	LCC Contribution Waste grant - Better Waste & Recycling		\$ 159,600
CCO	Liveable and Active Communities	Art Gallery Artist Fees - Contractors	Artist fees required for exhibitions already scheduled from June to November. These were unspent in 22/23 as the pop-up gallery only opened mid-way through the FY. However these are required in addition to the 23/24 budget for this line item.	\$ 4,100
CCO	Liveable and Active Communities	Art Gallery - Youth Week	Youth Week Not delivered in 2023. Event will take place in April 2024. \$3000 of the total \$6,500 budget remaining is being requested to carry forward to make up for a lesser budget approved in 23/24.	\$ 3,000

## Summary Sheet

## CFWD, Revotes &amp; Adhocs (Note Grants are not included)

Director or Program Manager	Program	Works/Service Description	Reason/s why not completed in 2022/23 and justification to carry forward?	Amount Recommended
<b>Carried Forwards cont'd</b>				
CCO	Destination and Economy	Continued delivery of ArtVenture Project	The project has commenced, however experienced delays due to Landlord uptake. Considerable investment in resources, planning and development has occurred including the preparation of images for installation on premise windows. The delay was unavoidable, as without the support of Landlords, the project cannot proceed. During late June, engagement was extended to Landlords including face to face, additional phone calls and a mail out to secure program support. If project funding is not carried forward, this will result in NO Business Activation programs being able to be delivered in 2023/24. It will also mean the ArtVenture Walking Trail, managed by Tourism, will not be able to be delivered.	\$ 130,000
CCO	Liveable and Active Communities	Art Gallery Program/Production costs	Program/Production costs required to continue delivery of the program to June 2024 due to the rescheduling of exhibitions with pop-up opening only in February 2024 (LRG lost 7 months of programming) These funds are LCC/LRG co-contribution to Create NS Multiyear funding (W6861)	\$ 1,800
CCO	Liveable and Active Communities	Art Gallery Public Programs	Projects ongoing to June 2024 - unable to deliver full program, these funds are committed to creative recovery projects. These funds are also the co-contributions from LCC/LRG for the Australia Council for the Arts Public Program funding arrangement (W781)	\$ 2,800
CCO	Destination and Economy	Tourism Asset Development - Tourism Drive Maps	This project was underway in June with Media and Communication and Destination and Economy staff liaising with specialist illustration providers. The project deliverables are developed and ready for activation, however have not been done so yet, due to the procurement procedure requiring three quotes. This has been extremely difficult to obtain, however was secured in early July. If project funding is not carried forward, this will diminish the organisations capabilities to deliver essential Tourism Collateral during 2023/2024.	\$ 15,500
CFO	Information Technology	Dash Security Group	\$9022.50 Still Outstanding	\$ 9,000
CFO	Information Technology	Elford's Energy Pty Ltd	Still Outstanding	\$ 17,700
CFO	Information Technology	Hitech Network Solutions	Still Outstanding	\$ 40,000
CFO	Information Technology	Hitech Network Solutions	Still Outstanding	\$ 5,000
CFO	Information Technology	Australian Fibreoptic Solutions	Still Outstanding	\$ 2,500
CFO	Information Technology	Northern Rivers Joint Organisation	Still Outstanding	\$ 4,400

## Summary Sheet

## CFWD, Revotes &amp; Adhocs (Note Grants are not included)

Director or Program Manager	Program	Works/Service Description	Reason/s why not completed in 2022/23 and justification to carry forward?	Amount Recommended
<b>Carried Forwards cont'd</b>				
CFO	Information Technology	Hitech Network Solutions	Still Outstanding	\$ 10,500
CFO	Information Technology	Hertz Craftview Pty Ltd	Still Outstanding - Car has been returned, not sure why Nola hasn't completed this one.	\$ 1,200
CFO	Information Technology	Dash Security Group	Still Outstanding	\$ 26,300
CFO	Information Technology	Dash Security Group	Still Outstanding	\$ 2,600
CFO	Information Technology	Hitech Network Solutions	Still Outstanding	\$ 7,700
CFO	Information Technology	Hertz Craftview Pty Ltd	Still Outstanding - Car has been returned, not sure why Nola hasn't completed this one.	\$ 1,200
CFO	Information Technology	Dash Security Group	Final invoice received, but there's an issue with receipting that Anne is working on.	\$ 900
COO	Drainage Construction	James St	Works almost complete, delayed due to weather and resource constraints.	\$ 80,000
COO	Drainage Construction	Newbridge St	Works commenced, delayed due to weather and resource constraints.	\$ 288,000
COO	Building Maintenance	Operating Expenses/F&PM - Other/Facilities & Property	Replace Roof at the Corporate Centre	\$ 260,000
				<b>\$ 9,250,700</b>



<b>Policy title:</b>	<b>RESERVES POLICY</b>
<b>Policy number:</b>	<b>1.5.10</b>
<b>Objective:</b>	<b>To state the intended use and management of reserve funds</b>
<b>Link to community vision/service:</b>	<b>Leadership and participation</b>
<b>Program Area:</b>	<b>Finance</b>
<b>Policy created: 11/10/05</b>	<b>Council reviewed: 11/10/05, 10/10/06, 24/10/07, 21/10/08, 20/10/09, 26/10/10, 27/10/11, 23/10/12, 08/10/13, 14/10/14, 13/10/15, 10/5/16. 11/09/18, 26/11/19, 13/4/21</b>
<b>Last reviewed by staff: 13/4/21</b>	<b>TRIM Ref: ED21/9605</b>

## BACKGROUND

This Policy is to clearly state the intended use of and management of reserve funds – cash, cash equivalents and investments – held by Council that can be used for any purpose determined by Council. For financial reporting purposes these are called ‘Internal Restrictions’ or ‘Unrestricted’ funds.

## PURPOSE

Council controlled funds are to be reserved for the following purpose: -

- Funds Council holds on behalf of other parties, or
- Unexpended Special Rate Variation funds, or
- Carry forward or revote works funds, or
- Emergencies, or
- Economic development and growth, or
- Public infrastructure and buildings assets.

## OPERATION GUIDELINES

- Funds Council holds on behalf of other parties
  - Applies to all funds that meet this category description.
- Unexpended Special Rate Variation funds
  - Applies to all funds that meet this category description.
- Carry forward or revote works funds
  - Applies to all funds that meet this category description.
- Emergencies
  - Definition: To provide funding for emergencies including natural disasters, pandemics, or essential/critical business failures.
  - Target Balance: Maximum Amount – \$1.1 million.

- Rules of Use:
  - a. All other funding sources must be used first.
  - b. Cannot be used for other reserve purposes, unless resolved by Council and lawful.
  - c. Cannot be used for Sewerage or Water Fund activities.
- e) Economic development and growth
  - Definition: To provide funding to support implementation of the Economic Development Strategy and economic growth opportunities.
  - Target Balance: Maximum Amount – \$1.0 million
  - Rules of Use:
    - a. Used as a co-contribution or investment for a project that has an approved business case and is included in the Delivery Program or Operational Plan and supports the Economic Development Strategy or economic growth.
    - b. Cannot be used for other reserve purposes, unless resolved by Council and lawful.
    - c. Cannot be used for Sewerage or Water Fund activities.
- f) Public infrastructure and buildings assets
  - Definition: To provide funding for asset renewal, rehabilitation or remediation requirements excluding road infrastructure.
  - Target Balance: \$3.0 million.
  - Rules of Use:
    - a. Must be used for renewal, rehabilitation or remediation of assets that will continue to provide functions/services specified in the Operational Plan or Delivery Program.
    - b. Where multiple assets seek access to funds the Council will resolve expenditure based on meeting legislative or public service obligations e.g. where the Council needs to choose between rehabilitating the quarry to get a better sale price or rehabilitating the waste facility to meet EPA requirements, the Council would choose the later as the best use of this reserve.
    - c. Cannot be used for other reserve purposes, unless resolved by Council and lawful.
    - d. Cannot be used for Sewerage or Water Fund activities.

## MANAGEMENT

- Council to determine all reserves movements.
- Interest paid on reserves will be calculated using the average of opening/closing balances and CPI.
- All reserves must be cash, cash equivalent or investment funded. There will be no internal loans or working capital components.
- A summary of reserve balances and movements is to be reported with each Quarterly Budget Review Statement.
- An annual report must be presented to Council each year detailing all reserve movements.
- The Policy is to be reviewed at least once during each Council term.

## Report

<b>Subject</b>	September 2023 Quarterly Budget Review Statement
<b>TRIM Record No</b>	BP23/895:CDR23/1757
<b>Prepared by</b>	Manager Finance
<b>Reason</b>	In accordance with Clause 203, Local Government (General) Regulation 2021, Council approval is required to amend the 2023/2024 Budget to reflect the actual or anticipated result
<b>Strategic Theme</b>	Leadership and participation
<b>Strategy</b>	We provide effective management and responsible governance.
<b>Action</b>	Ensure the efficient and effective operation of Council.

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## Executive Summary

The Quarterly Budget Review Statement (QBRs) for the quarter ended 30 September 2023 outlines the proposed adjustments to the 2023/2024 budget, including carry forward works and unexpended grants from the 2022/2023 budget year.

The forecast consolidated financial results and cash position reported in the QBRs are:

	Original Budget	Revised Budget
Net Operating Result – Surplus	\$193,671,654	\$152,463,328
Net Operating Result before Capital Grants & Contributions –Deficit	(\$12,892,387)	(\$15,577,910)
Funding Sources (Consolidated) & Cash Position – Surplus	\$180,791	\$569,816

### Council's Underlying Financial Result

The 2023/2024 budget result has been unfavourably impacted by the addition of carry forward works and unexpended grants where works had commenced in the 2022/2023 budget year but will be completed in the 2023/2024 budget year. Revenues have been recognised in the 2022/2023 budget year however the matching expenses will not be incurred until the 2023/2024 budget year. This is adversely impacting the operating result before capital grants and contributions by **(\$2,926,873)**.

After adjusting for carry forward works, the operating result before capital grants and contributions has improved by \$241,350.

There has been a net reduction in Council's capital works program of \$15.384 million, this includes an increase associated with carry forward works of **(\$5.122)** million. The major decrease relates to a reduction of \$32 million in projected natural disaster works on roads to a revised total of \$82.5 million. This is due to delays in funding timelines which is further detailed in the report.

Council's unrestricted cash result has improved to a project surplus of \$569,816, mainly due to an increase in the Financial Assistance Grant (FAG). The FAG for 2023/2024 has assumed that Council will receive 100% of the 2024/25 in advance in June 2024, similar to what occurred in June 2023. If the Federal Government decides not to continue advance payments as in previous years, the operational result of Council will be unfavourably impacted. This will not impact the net funded position of Council, that is the funds available in 2023/24 to undertake the delivery of services. Confirmation of the timing of funding will not be advised until May/June 2024.

### Outlook for 2023/2024

Ongoing Flood Recovery – Council's original budget for 2023/2024 included a significant level of natural disaster restoration works of \$174.7 million. As advised to Council the original budget was an estimate only and would be subject to changes as funding submissions are approved. The September QBRs shows a reduction of \$32 million in projected natural disaster restoration works on roads to a revised estimate of \$82.5 million. This has resulted from changes in expected funding timelines with the State Government and as a result. These budgets will be subject to significant change each quarter.

Inflationary pressure - there is increasing pressure on the cost of delivery of services due to ongoing inflationary pressures. Management has been able to absorb these increases in the September Quarter, however there is a risk that if the cost of supplies continues to rise, management may have to revise its planned spend to ensure it meets its budgeted targets.

### Long Term Financial Plan

Whilst Council's underlying financial position as of 30 September 2023 is anticipated to be satisfactory, having regards to the adopted 2023/2024 Operational Plan, there are indicators that require immediate attention to ensure long-term financial sustainability. Council is taking steps to address this through the Capacity, Capability and Recovery Roadmap funding. The revised flood recovery works program may impact Council's Asset Management Plan and the Long-Term Financial Plan projections; however, the overall adopted Plan is still considered achievable. Council will review the plan as part of the development of the 2024/25 Operational Plan.

The details of changes and other financial information is contained in the attachments to this report.

## Recommendation

That Council adopts the attached September 2023 Quarterly Budget Review Statement and approve the recommended variations.

## Background

The *Local Government (General) Regulation 2021* requires the annual budget to be monitored on an ongoing basis and a quarterly budget review statement prepared and reported to Council. The content is mandated by the NSW Office of Local Government.

The September 2023 Quarterly Budget Review Statement (QBRs) includes the recommended changes to the budget for the quarter ended 30 September 2023. To meet financial reporting purposes, the QBRs has been prepared on a consolidated basis with internal transactions eliminated.

Only variations that can be reliably quantified or where there is substantial risk in meeting budget expectations have been reported.

For clarity, where an amount is 'favourable' to Council's financial result for the year or financial position as of 30 June, it will be shown as a positive number (un-bracketed). Where an amount is 'unfavourable' to Council's financial result for the year or financial position as of 30 June, it will be shown as negative number (bracketed).

## September 2023 QBRs – Consolidated Summary

### Financial Results

The following table summarises the movements in the 2023/2024 budget from the original budget adopted in June 2023, to the revised budget position on 30 September 2023:

Item	Adopted 2023/24 Budget	Carry Forward & Unexpended Grants	<u>Recommended Changes</u> <u>September 2023</u> <u>QBRs</u>	Revised 2023/24 Budget
Net Operating Result for the Year	\$193,671,654	(\$15,384,758)	(\$25,823,568)	\$152,463,328
Net Operating Result for the Year before Capital Grants & Contributions	(\$12,892,387)	(\$2,926,873)	\$241,350	(\$15,577,910)
Funding Sources (Consolidated) & Cash Position – Surplus	\$180,791	\$0	\$389,025	\$569,816

The net operating result for the year before capital grants and contributions has declined to a projected loss of (\$15.58) million. The results for September Quarter have been unfavourably impacted by the addition of carry forward works and unexpended grants in relation to works that had commenced in the 2022/2023 financial year but completed in the 2023/2024 financial year (that is revenues recognised in the 2022/2023 financial year with matching expenses incurred in the 2023/2024 financial year). It is important to note that the underlying budget position has not been impacted and these changes are required to expend funds in accordance with grant conditions, complete budgeted works that commenced prior to June 2023 but were not completed and to include works where funds have been set aside from the 2022/2023 budget for completion in 2023/2024.

The accounting implications of revenue recognition in accordance with accounting standards has contributed to the decline in the projected operating result before capital grants and contributions. When the impact of carry forwards is excluded, the operating result before capital grants and contributions improved by \$241,350.

The ongoing delays with natural disaster funding timelines is impacting the capital works budget and change each quarter based on the outcomes of funding submissions. The natural disaster restoration budget for roads has been decreased by \$32 million to a projected total of \$82.5 million because of these delays and budgets will need to be closely monitored and adjusted in future quarterly reviews. An ongoing loss before capital grants and contributions is not financially sustainable in the long term, however Council is taking steps to address this as part of the Capacity, Capability and Recovery Roadmap funding.

The cash position forecast has improved to an unrestricted surplus of \$569,816.

## **Carry Forward Budgets and Unexpended Grants**

Carried forward budgets include works where a budget was previously approved by Council, works had commenced in the previous year and had funding sources of either unexpended grants or reserves held on 30 June 2023. In accordance with clause 211 (3) of the Local Government (General) Regulation 2021, these do not require Council approval as budgets were approved in a previous year and works are committed to.

Carry forward works include **(\$1.44)** million in operating expenditure and **(\$5.12)** million in capital works. The main changes in carried forward budgets are detailed below:

### *Income from continuing operations*

- The decrease in operating grants and contributions of **(\$1,485,700)** relates to the Regional and Local Roads Repair Program grant of \$2,216,669, with all grant funds having been received in the 2022/2023 financial year.
- The decrease in capital grants and contributions of **(\$12,457,885)** is due to a number of grants that were budgeted to be received in 2023/2024, however, were received in 2022/2023. These include \$4,953,274 in natural disaster funding for the restoration of Council's buildings, along with \$3,155,284 in natural disaster funding for roads, with an advance payment having been received in 2022/2023. There has been \$2,752,538 in unexpended grants for various Fixing Country Bridges projects brought forward, decreasing capital grant income for 2023/2024 and **(\$1,960,651)** for the Urban Sports Precinct project brought forward from unexpended grants, decreasing current year income. There have been other minor adjustments to capital grants and contributions budgets, accounting for other increases and decreases based on what was actually received in the 2022/2023 financial year against what was included in the original budget for the 2023/2024 financial year.

### *Expenses from continuing operations*

- The increase in materials and services of **(\$1,441,173)** is mainly due to the carry forward of grant funded projects including the Nimbin Village Wayfinding project of **(\$380,280)**, Regional and Local Roads Repair and Pothole repair program grant funded works of **(\$216,705)**, Safer Cities Her Way program of **(\$177,531)**, Business Facilitation works of **(\$130,000)** as well as a number of smaller grant funded projects.

### *Acquisition of Assets*

- The increase in capital works budgets of **(\$5,122,664)** is mainly due to road rehabilitation and footpath works of **(\$2,661,994)**, along with various other projects. The major changes include:
  - Lismore Employment Lands (Oliver Avenue) remaining grant funds of **(\$1,342,400)**
  - Dunoon Road rehabilitation works **(\$454,800)**.
  - The Channon Road rehabilitation works **(\$207,700)**.
  - Gungas Road rehabilitation works **(\$161,100)**.
  - Various other road rehabilitation works **(\$495,994)**.
  - CBD footpath upgrade works **(\$279,892)**.
  - Bushfire Recovery Fund – Nimbin Walking Trail **(\$450,286)**.
  - Lismore Memorial Baths start-up equipment **(\$386,700)**.
  - Lismore Library Flood Recovery grant funded works **(\$325,427)**.
  - Essential Community Sports Program grant funded works **(\$245,545)**.

- Oakes Oval Lighting and other capital upgrades **(\$318,000)**.

Carry forward works of **(\$6,563,837)** have been funded by unexpended grants of \$18,436,215, developer contributions of \$23,607 and reserve funds of \$2,047,600. This funding has been offset by a reduction in operating grants and contributions of **(\$1,485,700)** and capital grants of **(\$12,457,885)** due to revenues having been received in the 2022/2023 financial year.

### **Variations Recommended for September Quarter**

A summary of the recommended changes requiring Council approval for the September quarter are as follows:

<b>Income from continuing operations</b>	<b>Amount</b>
User charges and fees	<b>(\$80,000)</b>
Other revenues	\$450,300
Grants and contributions – operating	\$1,575,111
Grants and contributions – capital	<b>(\$26,064,918)</b>
<b>Total income from continuing operations (decrease)</b>	<b>(\$24,119,507)</b>

The main changes in income from continuing operations are detailed below:

- User Charges and fees are projected to decrease by **(\$80,000)** primarily due to decreased food premises registration fees and reduction in onsite sewerage applications, partially due to business closures because of the February 2022 flood.
- Other revenues have increased by \$450,300 due to an insurance claim being received for the Art Gallery for exhibitions and artwork damaged because of the February 2022 flood.
- Operating grants and contributions have increased by \$1,575,111. This is due to an increase in the Financial Assistance Grant of \$936,500. This assumes that Council will receive 100% of the 2024/2025 in advance in June 2024, the same as 2023 year. There has also been a reclassification of part of the Sports Priority Needs Program grant as operating, being \$646,011.
- Capital grants and contributions are projected to decrease by **(\$26,064,918)**. This is primarily due to an estimated reduction in natural disaster funding for roads of **(\$32,000,000)**. This stems from a shift in the expected funding timelines originally provided by the State Government. Offsetting this decrease, is the inclusion of the budget for the Rail Trail with capital funding of \$5,459,900.
- Further details of recommended changes in operating income from continuing operations are included in the QBRS document.

<b>Expenses from continuing operations</b>	<b>Amount</b>
Employee benefits and oncosts	\$37,000
Materials and services	<b>(\$1,689,311)</b>
Net share in associated entities	<b>(\$51,750)</b>
<b>Total expenses from continuing operations (increase)</b>	<b>(\$1,704,061)</b>

The main changes in expenses from continuing operations are detailed below:

- Materials and services budgets have increased by **(\$1,689,311)**. This is mainly due to inclusion of Council's contribution of **(\$853,300)** to Essential Energy to upgrade existing streetlights to LED. This project is estimated to generate electricity savings of \$133,000 per annum and has been funded from reserves. The other major increase is due to the reclassification of part of the Sports Priority Needs Program grant as operating, being **(\$646,011)**.
- Further details of recommended changes in operating income from continuing operations are included in the QBRS document.

Capital Works Budget	Amount
Plant & Equipment	(\$50,000)
Land, Buildings & Other Structures	(\$5,664,684)
Roads, Bridges & Footpaths	\$30,815,327
Wastewater	(\$4,590,600)
Other Assets	(\$2,700)
<b>Total Capital Works decrease</b>	<b>(\$20,507,343)</b>

- The increase in land, buildings and other structures is primarily due to the inclusion of the Rail Trail budget of (\$5,459,900). Other increases include (\$450,000) for the Terania Building and (\$161,000) for the Carrington Street Building, with works funded from reserves. Offsetting these increases is a decrease in capital expenditure of \$518,976 for the Sports Priority Needs program, mainly due to a reclassification as operating expenditure.
- The decrease in roads, bridges and footpaths of \$30,815,327 is mainly due to the projected decrease in natural disaster works of \$32 million to an estimated total of \$82.5 million. This is due to shifts in expected funding timelines and the budget for these works is subject to significant change over the balance of the financial year. Council has been successful in obtaining grant funding for various footpath construction projects through the Get NSW Active program totalling \$692,073 which has partially offset the decrease in natural disaster works.
- Wastewater capital expenditure has increased by (\$4,590,600). This is mainly due to an increase of (\$4,578,600) in the Northern Front project on Pineapple Road, which is due for completion in March 2023. This project includes grant funding of \$1,400,000, with the balance funded from sewer reserves.
- Further details of recommended changes in operating income from continuing operations are included in the QBRS document.

### Key Performance Indicators

Of the seven KPI's included in the September QBRS report, two are unfavourable compared to the benchmarks. These are summarised below:

Key Performance Indicator	Original Budget 2023/2024	Revised Budget 2023/2024	Benchmark
Operating Performance Ratio	(8.15%)	(10.48%)	> 0.00%
Own Source Operating Revenue Ratio	28.88%	32.88%	> 60.00%
Unrestricted Current Ratio	2.63x	2.63x	> 1.50x
Debt Service Cover Ratio	3.45x	3.11x	> 2.00x
Rates & Annual Charges Outstanding Percentage	9.36%	9.36%	< 10.00%
Cash Expense Cover Ratio	14.37 months	14.37 months	> 3 months
Building & Infrastructure Renewals Ratio	649.40%	608.60%	>= 100.00%

Operating Performance Ratio (unfavourable) – the decrease in this ratio is mainly due to carry forward works and quarterly adjustments for works that have been added to the expenditure budget without a matching revenue, as these works are funded from unexpended grants and reserves where revenue was received in previous years and held in the balance sheet.

Own Source Operating Revenue Ratio (unfavourable) – this ratio is impacted by an unprecedented level of grant funding, particularly in relation to natural disaster funding post the February 2022 flood.

Further details on Council's KPI's are contained in the QBRS document.

## Other comments

### Inflationary Pressures

Council's budgets continue to be impacted by inflationary pressures. Management has been able to absorb this within existing budgets in the September quarter, however there is a risk if the cost of supplies continues to rise, management may have to reduce its planned spend to ensure it meets its budgeted targets.

### Financial Assistance Grant Assumptions

The September QBRs includes a projected increase in the Financial Assistance Grant income budget of \$936,500. This is partially due to an adjustment of the 2023/2024 base grant and CPI and population adjustment payment of \$406,800. The balance of the grant income budget assumes that Council will receive 100% of the 2024/2025 grant in advance as was the case in June 2023. Any change to the Federal Government's decisions around advance payments will have an impact on Council's operating result before capital grants and contributions.

### Capacity, Capability and Recovery Roadmap

The original budget included \$8,545,000 for the Capacity, Capability and Recovery Roadmap program. No changes have been made in the September QBRs as the project is currently under review. Any changes to the budget will be reported in future Quarterly Budget Reviews.

## Conclusion

The September QBRs has seen the projected operating result before capital grants deteriorate to a projected loss of **(\$15.58)** million. This is due to the inclusion of carry forward works from the 2022/2023 budget year. When the impact of carry forwards is excluded, the operating result has improved by \$241,350. The capital works budget has decreased by **(\$15.4)** million, primarily because of delays with natural disaster funding timelines, offset by the inclusion of carry forward works. Council's unrestricted cash result has improved to a projected surplus of \$569,816 and Council's projected financial position at year end remains satisfactory.

## Attachment/s

1. [↗](#) Quarterly Budget Review Statement 30 September 2023 (Over 7 pages)

# Report

<b>Subject</b>	<b>Nimbin Special Business Rate Variation Acquittal</b>
<b>TRIM Record No</b>	BP23/838:EF19/217-5
<b>Prepared by</b>	Manager Destination & Economy
<b>Reason</b>	To enable Council to accept the financial reports provided to acquit the expenditure of the Nimbin Special Business Rate Variation Levy.
<b>Strategic Theme</b>	A prosperous and vibrant city
<b>Strategy</b>	Our community has diverse business and industry, as well as opportunities for investment and growth.
<b>Action</b>	Support and encourage a diverse and competitive mix of business and industry.

## Executive Summary

Following Council resolution of 12 October 2021, the Nimbin Chamber of Commerce are required to provide Council an annual acquittal of the Nimbin Special Business Rate Variation Funds.

## Recommendation

That Council:

1. confirms the financial report provided by the Nimbin Chamber of Commerce for the expenditure of the Nimbin Special Rate Variation Levy for the period 1 October 2022 to 30 September 2023
2. releases the 2023/24 Nimbin Special Rate Variation Levy amount of \$17,100 (excluding GST) to the Nimbin Chamber of Commerce

## Background

The Nimbin Special Business Rate Variation Levy provides an annual amount from rate revenue to promote business activity on behalf of businesses within the Nimbin business centre. The rate amount for the 2022/23 period was \$16,500 (excluding GST + adopted rate increase of 3.6%). This fund is expended by the Nimbin Chamber of Commerce.

The acquittal reporting is for the period 1 October 2022 to 30 September 2023. The details of the acquittal are included in Attachment 1 – Nimbin Special Business Rate Variation Levy Acquittal 2022-2023.

## Comments

### Finance

The recommendation is supported as printed.

## Public consultation

Not required.

## Conclusion

The acquittal report provided by the Nimbin Chamber of Commerce for the expenditure of the Nimbin Special Business Rate Variation Levy has been received. The financial report represents a fair and accurate assessment of the expenditure for the period 1 October 2022 to 30 September 2023 including outcomes achieved for the Nimbin community and is supported by staff.

An invoice for the 2023/24 period of \$17,100 (excluding GST + CPI) has been received (Attachment 2).

## Attachment/s

1. [↓](#) Nimbin Special Business Rate Variation Levy Acquittal 1 October 2022 to 30 September 2023
2. [↓](#) Nimbin Chamber of Commerce Inc Invoice 1139 Nimbin SBRVL 2023/24



NIMBIN CHAMBER OF COMMERCE Inc  
ABN: 49 142 400 194

✉ 81 Cullen St., Nimbin, NSW 2480  
🌐 [www.nimbinaustralia.com.au](http://www.nimbinaustralia.com.au)  
@ [chamber@nimbinaustralia.com.au](mailto:chamber@nimbinaustralia.com.au)

To Tina Irish  
Economic Development Manager  
Lismore City Council  
By email Nimbin, the 2nd October 2023


The Nimbin Chamber of Commerce Committee is very grateful for the generous funding received for Aquarius 50 and Illuminate Nimbin. These events and the maintenance of the murals keep the magic of Nimbin alive and benefit Nimbin businesses. **Experiencing the magic and uniqueness of Nimbin is what keeps visitors coming and makes Nimbin one of the Northern Rivers' top destinations.** We are also grateful for the major road repairs that are underway which will allow normal access to Nimbin.

#### Nimbin SBRVL – Acquittal for Period 1 October 2022 to 30 Sept 2023

Item	Date	Transaction detail (paid to)	Keywords	Description (project)	Outcomes anticipated/achieved	Expenditure AUD	Income AUD
	21-22 financial year			SBRVL Levy	<i>Carried forward for Aquarius 50 cf report 21-22. "The Chamber had committed a minimum of \$10,000 to the Aquarius 50 celebration – funded from the SBRVL"</i>		9 141.44
	22-23 financial year			SBRVL Levy			16 500.00
	February 2023	Nimbin Tax and accounting	Finances	Migration Quickbooks online	Quickbooks licence. The migration allowed more people to be involved in financial management and to share tasks. The previous system was managed externally and was not designed for multi-user use. Quickbooks also allows for customised reporting and provides a better financial overview of classes and projects.	250.01	
	June 2023	Rondo Holding	Finances	Migration Quickbooks online	Support from consultant bookkeeper for migration to Quickbooks online. Quickbooks migration completed.	770.00	




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	Various throughout acquittal period	Nimbin Good Times advertising	Promotion	Publication of a monthly Chamber chat and associated promotion of various Chamber initiatives in a well-respected and well-circulated local newspaper.	Provides transparency to the business community Raises awareness of the Chamber's work. Attendance at specific events increases as a result of promotion.	330.00	
	February 2022		Events	Sponsorship of 10-day celebration (Mai 12-21) of the original Aquarius Festival, held in Nimbin in 1973 (50 year anniversary). 	In collaboration with the Nimbin community, Bundjalung Nation and the Nimbin Aquarius Foundation Incorporated, Aquarius 50 was the celebration of the legacy and philosophy of those who breathed new life into the Rainbow Region. Each day explored a theme inspired by the legacy of the 1973 Festival. Culture, health and well-being, spiritual practices, environmental issues, community, art, fashion and music as well as plenty of engaging activities for kids. The festivities woke up the Aquarius spirit and highlighted what our community has to offer to the world. Nimbin is a very special place and that's why visitors come. Many of the talks were captured on film, providing valuable, high quality material on the history of Nimbin that can be utilised in the future . <a href="https://www.aquarius50.com.au/">https://www.aquarius50.com.au/</a>	10 000.00	
	October 2022	Kitty van Vuuren	Events	Grant consideration Aquarius 50		250.00	
	October 22 - July 23	Nimbin Community Centre Inc.	Donation	Donation to the Nimbin Wai:bal Aboriginal Cultural Centre (WACC)	Balance of support started in 21-22 Thanks to the financial support of many individuals - and the Chamber on behalf of the business community - the Cultural Centre has been revived after a serious hiatus during Covid. Art for sale and support from organisations such as Rekindling the Spirit, as well as various youth initiatives and celebrations during NAIDOC week, have put the Cultural Centre on a much firmer footing for the future. No effort has been spared by those involved in the centre, and today the Indigenous Cultural Centre seems to have risen from the ashes. In recognition of the space's positive impact on the community, the Chamber has agreed to make a monthly donation of \$100 as an indication of the business community's support - to be reviewed every 12 months. <a href="https://www.nimbincommunity.org.au/news/nimbin-aboriginal-cultural-centre-rises-again">https://www.nimbincommunity.org.au/news/nimbin-aboriginal-cultural-centre-rises-again</a>	1 000.00	
		CWA	Donation	Support disaster recovery	Disaster recovery support for CWA, which plays a key role in organising support in the event of a disaster (support committed for 3 years)	552.00	
	September 2023	 Join us for our first networking event, a place where we can share resources and inspiration as we grow and run our businesses here.	Events	First event creation on the Women in business group Nimbin	There has been an incredible amount of interest in the formation of a Nimbin Women in Business group. To help facilitate this important networking and support group, the Chamber offered to help fund the inaugural event held on Saturday 22 July. Just under 25 people attended the first event and the number of members in the FB group is growing every day. During this first event, women were able to network and lay the foundations for a more regular group. Participants worked together to identify vision and needs. A sub-committee has been set up to come up with concrete proposals to bring these ideas to life and to think about concrete operational elements for the group.	325.00	

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					This is arguably one of the most successful community events despite being held on a cold evening in June. According to the police between 1500 and 1800 people attended the evening with a focus on family activities. Many local shops remained open and the restaurants and cafés on the main street were at full capacity. The organisers received amazing feedback. The fact that the event took place in the rather quiet winter period was warmly welcomed by the restaurateurs, who were able to generate interesting revenues. The event also has the merit of offering support to artists who have endured 4 very difficult years between natural disasters and covid. No fewer than 57 local artists and performers were employed for the event. Shops and restaurants also hired additional staff. The event undeniably had a very positive impact on the local economy. This kind of event also contributes to the life of Nimbin and to people staying and consuming there		
June 2023	Illuminate Nimbin	Events	Sponsorship of the 2nd edition of Illuminate Nimbin community celebration			2 500.00	
March 2023	Samuel Herren	Tourism	Village signage completion		Relocation of signage (signage project: improve visitor experience + aim to increase length of stay of visitors by providing more information about the village and surrounding area)	48.35	
May 2023	North Coast Insurance	Insurance	Annual public Liability Insurance		Adequate public liability insurance is essential to cover events held under the auspice of the Chamber (Illuminate, AQ50, Women in Business,...) and to obtain grant funding.	471.91	
Various throughout acquittal period	B&B Nimbin Community Centre Inc.	Venue	Venue hire for meetings, interviews and workshops			161.82	
		Mural	The general mural streetscape in Nimbin is iconic, a vital part of village identity and a major drawcard for tourists. Pictures: Illuminate Nimbin				
		Mural	News Agency Murals Artwork - dismantle and remove the mural		This project had been put on hold in 21-22 until the weather was less humid.		
			News Agency Murals Artwork - material			409.73	
June 2023	Nimbin Community Centre Inc.	Mural	Nimbin Wai:bal Aboriginal Cultural Centre (WACC) Mural restoration		Contribution to the restoration project of the large mural by Burri Jerome (on the front wall), which had several areas of graffiti on it. Removal of graffiti, repair of damaged paint and application of anti-graffiti paint. This was part of the landscaping and amenity improvement process in front of the Aboriginal Cultural Centre on Sibley St.	988.23	
Various throughout acquittal period	VentralP	Communication	Google Workspace		This is a monthly fee that covers google workspace	229.64	
November 2022	Dogwhistle	Communication	Uploading business listings to our website		Being displayed on our website is a major asset for local businesses	300.00	
May 2023	Dogwhistle	Website	Website migration to WIX platform		Net cost, less LCC contribution of AUD 1500, to migrate the website from the Evolved platform to the Wix platform. Migration required as the Evolved platform was no longer being operated. Design new page templates, migrate content to page templates, create member directory and member page profiles, adjust links to Visit Nimbin website, set up Google Analytics.	1 398.00	

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	May 2023		Website	Website hosting WIX 23-24	Annual cost of Wix hosting	456.00	
	September 2023	Roots Festival	Events	Sponsorship Roots Festival	The Nimbin Roots Festival offers local businesses a unique opportunity to gain prominent exposure within our community and beyond. Through this highly anticipated event, they can increase their visibility, attract a diverse audience of festival-goers, and demonstrate their commitment to supporting the vibrant cultural and economic life of Nimbin. 14-15 October 2023	1 000.00	
	July- September 2023	Aether agency	Communication and social media	New DCM Position from mid July	The Aether Agency: new DCM position 2 hours a week from mid-July AUD 40.-/hour. Benefits to the chamber and therefore local businesses: Update of the Chamber website. Develop and implement the social media strategy, actively engaging with the community. Efficient email management: ensuring that messages are allocated correctly and responded to promptly. Produce marketing materials (brochures, newsletters and digital content to promote Chamber events, initiatives and member businesses). Data Analysis and Reporting: Analytical tools to track website traffic and social media engagement to measure campaign effectiveness and make informed decisions for continuous improvement.	2 940.59	
	September 2023	NIMBIN NETWORKING EVENT			The Chamber's general meeting (31.08.2023) not only provided our members with valuable insights from government agencies and local business presentations, but also provided a fantastic networking opportunity. Businesses were able to make meaningful connections, share industry knowledge and explore potential collaborations, making it a must-attend event for both current members and businesses looking to join our vibrant community".	850.00	
	September 2023	Nimbin's World Poetry Cup		Sponsorship Nimbin's World Poetry Cup	The Nimbin Poetry World Cup has become something of an institution and it helps to promote Nimbin and its magic in a very positive light". 2-3 September 2023	500.00	
					Total Expenditure	25 731.28	
					Total Income		25 641.44
					Closing period Balance	-89.84	

Notes:

Your sincerely  
David Hyett, President  
On behalf of the management committee

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Nimbin Chamber of Commerce Inc

81 Cullen Street  
Nimbin NSW 2480  
chamber@nimblnaustralia.com.au  
www.nimblnaustralia.com.au  
ABN 49142400194



Tax Invoice

INVOICE TO  
Tina Irish  
Lismore City Council  
Manager Economic Development, PO Box 23A, Lismore 2480

INVOICE 1139  
DATE 18/10/2023  
TERMS Net 30  
DUE DATE 15/11/2023

DATE	ACTIVITY	DESCRIPTION	GST	QTY	RATE	AMOUNT
	SBRVL	Contribution for 23/23	GST	1	17,100.00	17,100.00
						-----
SUBTOTAL						17,100.00
GST TOTAL						1,710.00
TOTAL						18,810.00
						-----
BALANCE DUE						<b>A\$18,810.00</b>

Nimbin Chamber of Commerce Inc  
BSB 728 728  
Account No 222 060 93

Nimbin Chamber of Commerce Inc  
BSB 728 728 Account No 222 060 93  
Please give your name or invoice number as a reference  
Page 1 of 1

# Report

<b>Subject</b>	<b>Lismore City Council's Priority Projects Register</b>
<b>TRIM Record No</b>	BP23/881:CDR23/1506
<b>Prepared by</b>	Manager Desintation & Economy
<b>Reason</b>	To develop and mantain Council's Priority Projects Register.
<b>Strategic Theme</b>	Leadership and participation
<b>Strategy</b>	We continue to grow our reputation and capacity as a regional city.
<b>Action</b>	Support initiatives that grow Lismore City as a regional centre.

## Executive Summary

The development of Lismore City Council's Priority Projects Register is identified as an activity within the Lismore City Council's Operational Plan 2023-24. E5.5.01 requires Council to 'Develop and maintain Council's identified priority projects register'. This report outlines the process undertaken to develop the Register and the prioritisation of its top five (5) projects.

## Recommendation

That Council adopt the Priority Projects Register (Attachment 1) incorporating the identified priorities below (in order of priority):

1. Resilience Feasibility Study including Water Security and Flood Mitigation
2. Regional Airport Master Planning and Redevelopment
3. Northern Rivers Rail Trail Stage 2 (South Lismore to Booyong)
4. Event Legacy Program
5. Riverside Precinct Development (Bridge to Bridge)

## Background

Lismore City Council's Operational Plan 2023-24 requires Council to 'Develop and maintain Council's identified priority projects register'. The Priority Projects Register sets out a range of significant projects and priorities that can be delivered by Council or through partnerships that contribute to economic, social, infrastructure or cultural initiatives through large scale infrastructure, program delivery or multiple benefits.

Establishing a Priority Projects Register enables Council to support the future allocation of resources, identify risks and opportunities, facilitate prioritisation and deliver efficiencies. Importantly the Priority Projects Register focuses on projects to support the stability and growth of the local government area. The development of the Priority Projects Register ensures Lismore City Council has a list of prioritised proposals in the early stages of project development that can be interrogated for feasibility, return on investment and economic, social, environmental and cultural benefit, prior the commencement of project delivery.

As proposals progress through the Priority Projects Register process, a suite of 'shovel-ready' projects will be developed, ensuring Lismore City Council is best placed to lead or collaborate with others to respond to long-term opportunities and challenges through future funding opportunities, election commitments and partnership opportunities.

The Priority Projects Register and its identified top five priorities has been developed in collaboration with Council's elected members and staff over a nine week period. The details of the process are outlined below:

- a. Councillor Briefing informed councillors of the Priority Projects Register process (29 August 2023).
- b. Staff invited to provide input, identifying projects for consideration (September 2023)
- c. Councillors provided with staff input and asked to identify additional projects for consideration (10 October 2023)
- d. Councillors participated in a workshop to discuss projects identified by staff and councillors and were provide opportunity to present additional projects for inclusion (17 October 2023)
- e. Councillors provided with the aggregated Priority Projects Register list detailing twenty six (26) projects contributed by councillor and staff, for consideration and individual councillor prioritisation
- f. Councillors participated in a workshop where the top five (5) projects were presented, and provided councillors the opportunity to discuss the prioritisation outcomes (31 October 2023)

Through Councillors individual prioritisation, the following five (5) projects were identified (in order of priority) as prioritised projects within the Priority Projects Register:

## **1. Resilience Feasibility Study including Water Security and Flood Mitigation**

*Undertake a study to explore flood mitigation, adaptation and resilience measures across our community. This will deliver confidence to our community and underpin everything we do and ensure projects in the future adapt and respond to our environment and minimise exposure to risk.*

## **2. Regional Airport Master Planning and Redevelopment**

*Undertake a master planning exercise to understand the redevelopment opportunities of the Lismore Regional Airport. This work will ensure we develop our airport to meet our communities future needs. These studies will help us identify what kinds of opportunities our Lismore Regional Airport can offer to our community over the next 20 years and will include some feasibility studies to understand economic opportunity.*

## **3. Northern Rivers Rail Trail Stage 2 (South Lismore to Booyong)**

*The NRRT is a 130km recreational walking and cycling trail within the disused corridor from Casino to Murwillumbah. This project will deliver a commitment to the remainder of the Lismore LGA section of the track that will increase both the economic and social / recreational benefits to Lismore.*

## **4. Event Legacy Program**

*The Event Legacy Program will plan, organise and deliver a special series of events across the Lismore LGA occurring over the period of a month, each year. Events will draw people from nearby regions and interstate to Lismore and its villages. The Program will put Lismore on the map as a go-to place for these events and will grow as this annual event evolves.*

## **5. Riverside Precinct Development (Bridge to Bridge).**

*Based on previous community input through the 'Bridge to Bridge' project this will design and develop Lismore's central riverside precinct into a creative and active area including the exploration of a pedestrian bridge link between South Lismore and the Lismore CBD. The precinct will entice interaction with Lismore's river system. A staged approach will ensure embellishments can be developed gradually and the project can adapt as our community reconnects with its river system. This precinct will become a new nature-based tourism drawcard for Lismore.*

The five projects identified through this process reflect Council's current priorities. This does not preclude the progression of any other projects within the Priority Projects Register or those identified within Council's Community Strategic Plan. Certain projects identified in the Register may include Council taking an advocacy and supporting role and may not necessarily be funded or led by Council.

## Comments

### Finance

Long term strategy development, that is sound strategic planning and modelling, is essential for the financial sustainability of Council.

This should include the development of sound business cases for any project which identifies the financial cost to Council over short and long term, the return on investment (both Financial and non-financial) and the sources of funding to address short and long-term costs of the project to Council.

The inclusion of any project should be considered as part of the development of the Strategic Plans of Council and included in Council's Long Term Financial Plan in order to assess the impact on Council's ability to meet all its commitments both over the long term and the short term.

The recommendation is supported as printed.

## Public consultation

Not required.

## Conclusion

Councillors and staff were involved in a collaborative consultation process to identify and consider projects for inclusion into Lismore City Council's Priority Projects Register. The Priority Projects Register reflects Council's current position, including the prioritisation of five (5) projects. The Priority Projects Register will be maintained and reported back to Council on an annual basis. At times, maintenance will be more frequent to support changes in elected membership, budget processes and strategic direction.

Following Council's adoption of the Priority Projects Register, staff will commence project development activities.

## Attachment/s

1. [Priority Projects Register \(November 2023\)](#)



## Priority Projects Register

The Priority Projects Register details projects identified by Councillors and Staff through individual input and workshop discussion as at 24 October 2023.

Identified and <u>prioritised</u> projects	
Project Name	Description
Resilience Feasibility Study (Identified Priority 1 @ November 2023)	Undertake a study to explore flood mitigation, adaptation and resilience measures across our community. This will deliver confidence to our community and underpin everything we do and ensure projects in the future adapt and respond to our environment and minimise exposure to risk.
Regional Airport Master Planning and Redevelopment (Identified Priority 2 @ November 2023)	Undertake a master planning exercise to understand the redevelopment opportunities of the Lismore Regional Airport. This work will ensure we develop our airport to meet our communities future needs. These studies will help us identify what kinds of opportunities our Lismore Regional Airport can offer to our community over the next 20 years and will include some feasibility studies to understand economic opportunity.
Northern Rivers Rail Trail Stage 2 - South Lismore to Booyong (Identified Priority 3 @ November 2023)	The NRRT is a 130km recreational walking and cycling trail within the disused corridor from Casino to Murwillumbah. This project will deliver a commitment to the remainder of the Lismore LGA section of the track that will increase both the economic and social / recreational benefits to Lismore.
Event Legacy Program (Identified Priority 4 @ November 2023)	The Event Legacy Program will plan, organise and deliver a special series of events across the Lismore LGA occurring over the period of a month, each year. Events will draw people from nearby regions and interstate to Lismore and its villages. The Program will put Lismore on the map as a go-to place for these events and will grow as this annual event evolves.
Riverside Precinct Development (Bridge to Bridge) (Identified Priority 5 @ November 2023)	Based on previous community input through the 'Bridge to Bridge' project this will design and develop Lismore's central riverside precinct into a creative and active area including the exploration of a pedestrian bridge link between South Lismore and the Lismore CBD. The precinct will entice interaction with Lismore's river system. A staged approach will ensure embellishments can be developed gradually and the project can adapt as our community reconnects with its river system. This precinct will become a new nature-based tourism drawcard for Lismore.

Identified and <u>unprioritised</u> projects	
Project Name	Description
Master Planned Medium Density Precinct	Provide affordable and pleasant medium density living spaces for workers, families and older residents from the Northern Rivers region in a master planned, community hub.
Disaster / Climate Ready Public Buildings	Retrofit established buildings to ensure disaster resilience including solar and battery power, back-up generators, cold storage, water storage, air conditioning. Retrofit GSAC facility to ensure the building is disaster resilient and can operate as an evacuation centre or staging ground for emergency services if required. Identify other Council facilities that can be put onto standalone battery power. Identify airconditioned public buildings that can operate as heat refuge if required. Partner with SCU to ensure university facilities are similarly disaster / climate ready.
Dunoon Dam	Deliver water security for our region, required for the growth of the region, as well as Lismore LGA.
Detention Basin(s)	Delivery of retention basin(s) above or within the headwaters, to reduce the likelihood of flooding and provide water security as well as flood security against the residences and business buildings in the floodway.
Abandoned School Purchase Program	Negotiate with State and Federal authorities to purchase the schools which have been abandoned since the flood, in order to turn into housing or temporary housing for those who are most vulnerable in our community (Richmond River, Trinity).
Expansion of Flood Free Employment (Industrial) Lands	Exploring the expansion of Lismore's Employment Lands (industrial land) to meet the growing needs of businesses in the Northern Rivers region through the development of a business plan will ensure we consider opportunities to retain and support business expansion and facilitate economic growth. This project will also deliver the necessary infrastructure to activate this land. This will be delivered in alignment with the timing of the NSW Government's Bruxner Highway realignment.
Lismore CBD Bypass Investigations	Deliver a bypass for Lismore as a matter of urgency. Investigate some earlier ideas for bypassing the Bruxner Highway around the CBD including considerations to make bridges such as Hollingworth Creek bridge wider to support high traffic volumes along the Bruxner Highway.

Identified and <u>unprioritised</u> projects	
Project Name	Description
Drainage System Upgrades	Replace, clean, or upgrade all open drainage systems.
Water Security and Flood Mitigation	Exploration of a number of water management opportunities including cleaning our rivers, detention basins, additional water storage such as Dunoon Dam (which will also bring visitors to the region and cultural and learning centre for our indigenous community), planting of trees at source and along the banks and potential channels. We need to work with experts in this area from CSIRO.
Developing Art and Education Spaces	Utilise existing empty buildings throughout the Lismore local government area for supportive art and educational spaces.
Residential Development Activation	Provide infrastructure to enable the build of up to 3,500 new residential homes within the LGA. This project will deliver improved outcomes for our local community and importantly support economic stability and growth.
Solar Water Management	Understand what is happening with the solar water management centre at the waste management depot.
Lismore Centre for Water Management Excellence	Create the Lismore Centre for Water Management Excellence. This centre will be a symbol of how we manage water and protect ourselves from floods and drought. It will demonstrate smart ways to deal with natural disasters and through collaboration with universities, organisations and researchers share innovative solutions for climate change.
Nimbin Library, Tourism and Cultural Facility (co-located)	Create a new library, tourism, and cultural facility in Nimbin. This place will not only be a library but also a community hub with meeting spaces for everyone to use. As planning is undertaken, a temporary place should be identified to rent or utilise existing council owned land, to allow us to offer these services to the community within upcoming budgets and help us to obtain a better understanding of our community needs for a facility of this nature.
Flood Free Cultural Precinct including Library, Gallery, Exhibition Centre and Museum	Create an exciting flood free cultural precinct that's going to be the heart of our region. This includes a library, art gallery, exhibition centre, conference facilities, performing arts centre, museum, and a whole cultural hub. This will be our Regional Gallery and Cultural Facility.

Identified and <u>unprioritised</u> projects	
Project Name	Description
Lismore City FibreNet Infrastructure Expansion	The Lismore City FibreNet Infrastructure Expansion project is a big effort to boost and expand our city's fibre network. This project will make sure Lismore is set to make the most of new and transforming technology. This digital transformation is a key part of bringing new life to our economy and Council business operations.
Recycled Purified Water Pilot	Development and delivery of a pilot Water Purification System project within the LGA.
Magpie Centre Local Aboriginal Cultural Facility incorporating a youth and community centre	The establishment of a centre within Goonellabah to support Aboriginal Cultural Development, Youth engagement and community activation.
Nimbin Water Security	Exploration and delivery of infrastructure to support the delivery of water security to the village of Nimbin.
Regional Waste Cell	Investigations to support the establishment of a Regional Waste Cell encompassing areas across the Northern Rivers region in regional cooperation to manage waste and resource recovery.
Pedestrian Link Bridge	A pedestrian bridge across the river connecting the Lismore CBD directly with the South Lismore Railway Precinct to support business centre activations and compliment the Northern Rivers Rail Trail project.

## Report

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

**This report does not support the Council seal being stamped on documents that don't meet the criteria of:**

- a) Council Corporate Procedure 1.1.36, which purpose is to limit use of the Council seal to documents required by law to be signed under seal; and
- b) The General Manager's delegations to grant leases and licenses at the time these agreements were negotiated, which avoids commercial disadvantage to Council and the proposed occupiers that could suffer if agreements were required to be reported to Council prior to being agreed.

### Executive Summary

The attached Annexure provides details on the following documents to be executed under delegated authority by the General Manager:

- |               |  |
|---------------|--|
| <b>Item A</b> | <b>Transport Asset Holding Entity (TAHE) Rail Trail Lease to Lismore City Council (ABN 60 080 932 837)</b> over approximately 16.3km of the disused railway line between Back Creek Bridge at Bentley and the Union Street railway bridge at Lismore (not including either bridge)<br>(Ref: AF23/410). |
| <b>Item B</b> | <b>TAHE Rail Trail Lease to Lismore City Council (ABN 60 080 932 837)</b> over South Lismore train station and platform, 38 Union Street, South Lismore (Ref: AF23/410).   |
| <b>Item C</b> | <b>Renewal of Sublease (for Head Lease AG631488) to Invocare Australia Pty Limited (ACN 060 060 031)</b> over Suite 2, "The Cottage", 651 Skyline Road, Goonellabah (Ref:AF16/247).  |

That Council notes the following documents be executed as negotiated under delegated authority by the General Manager:

- |               |  |
|---------------|--|
| <b>Item A</b> | <b>TAHE Rail Trail Lease to Lismore City Council (ABN 60 080 932 837)</b> over approximately 16.3km of disused railway line between Back Creek Bridge at Bentley and the Union Street railway bridge at South Lismore (not including either bridge) for: <ul style="list-style-type: none"> <li>the undertaking of infrastructure works, including the demolition and removal of the track infrastructure and the construction, installation and commissioning of the Rail Trail</li> <li>the operation and maintenance of the Rail Trail</li> <li>all associated activities consistent with, and ancillary and compatible to the use of the premises as a Rail Trail.</li> </ul> (Ref:AF23/410) |
| <b>Item B</b> | <b>TAHE Rail Trail Lease to Lismore City Council (ABN 60 080 932 837)</b> over South Lismore train station and platform, 38 Union Street, South Lismore (being part Lot 2 in DP 1006135) for recreation, tourism and related purposes only.<br>Ref:AF23/410)   |
| <b>Item C</b> | <b>Renewal of Sublease to Invocare Australia Pty Limited (ACN 060 060 031)</b> over Suite 2, "The Cottage", 651 Skyline Road, Goonellabah (being part Lot 588 in DP 728678) for business purposes: commercial operation of a funeral director.<br>Ref:AF16/247)  |

## Attachment/s

1. [!\[\]\(dd544d7628bd03e83f1b4a6b74788a16\_img.jpg\)](#) Additional Details - Documents for Signing
2. [!\[\]\(f914110d2abcf3f1e9abc599e1a0e446\_img.jpg\)](#) Transport Administration (General) Amendment (Northern Rivers Rail Trail - Bentley to Lismore) Regulation 2023


## Additional Details

### Documents for Signing - Council meeting 21 November 2023

The Documents for Signing recommend the following occupancy agreements be signed by the General Manager under existing delegations.

Item A: TAHE Rail Trail Lease to Lismore City Council over the disused railway line between Bentley and Lismore (Ref: AF23/410)	
Background	Both the General and Authorising Regulations under the <i>Transport Administration Act</i> , 1988 have now been approved at the Executive Council meeting and gazetted. This requirement was raised at the Councillor Briefing on 17 October 2023 during the staff presentation on the Northern Rivers Rail Trail Bentley to Lismore project.  Now that the Regulations (refer attachment) have been adopted, Council and the Transport Asset Holding Entity of New South Wales (TAHE) are able to formally enter into the Rail Trail Lease.
Leased Area	Over approximately 16.3km of the disused railway line between Back Creek Bridge at Bentley and the Union Street railway bridge at South Lismore (not including either bridge).
Lessee	Lismore City Council (ABN 60 808 932 837).
Rent	\$1 per annum, considered paid and received.
Outgoings	All charges appurtenant to the land.
Concurrent Lease and Subletting Arrangement	The Rail Trail lease takes effect as a concurrent lease for any existing lease or license granted by TAHE to any third party over the Leased Area before the Commencement Date. Once the Rail Trail lease has commenced, Council may grant any sublease or license over the Leased Area for uses which are consistent with a Rail Trail (including recreational, tourism or community and related purpose).  All rent received by Council from any tenant, subtenant, licensee or occupier of any part of the Leased Area must be used only for the maintenance (including upgrade and replacement), of the Rail Trail and any improvements and must not be applied by Council for any other purpose.
Permitted Use	<ul style="list-style-type: none"> <li>The undertaking of the infrastructure works, including the demolition and removal of the track infrastructure and the construction, installation and commissioning of the Rail Trail.</li> <li>The operation and maintenance of the Rail Trail.</li> <li>All associated activities consistent with, and ancillary and compatible with the use of the Premises as a Rail Trail.</li> </ul>
Term	30 years (being the maximum term permitted).
Staff Comment	The Northern Rivers Rail Trail is 130km from Casino to Murwillumbah. The trail is a significant nature based tourism and recreational infrastructure project that will secure NSW's position in the growing Rail Trail market.  In 2022 Lismore City Council was awarded a grant of \$9.86 million for the construction of a 16km Rail Trail between Bentley and the Lismore Train Station through the Federal Government's Building Better Regions Fund. By entering into the Rail Trail lease Council will be in a position to award tenders so infrastructure works may commence.

	<p>Lismore City Council has provided its ongoing support for the Rail Trail project, as seen at its Ordinary Council meetings resolving in:</p> <p>December 2014 - Supports Rail Trails in the rail line corridor between Casino and Murwillumbah.</p> <ul style="list-style-type: none"><li>- Communicate this decision to NOROC (NRJO) Byron, Tweed and Richmond Valley Councils. State MPs, State Minister for Transport.</li></ul> <p>March 2015 - Support Northern Rivers Rail Trail Inc Expression of Interest for Murwillumbah to Casino Rail Trail.</p> <p>March 2022 - Endorse execution of the funding deed with the Australian government.</p>
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Item B: TAHE Rail Trail lease to Lismore City Council over South Lismore Train Station Building and Platform (Ref: AF23/410)	
Background	<p>Transport Asset Holding Entity of New South Wales (TAHE) has committed funds to repair the South Lismore Station up to the standards pre-2022 flood. TAHE has commenced these works, which include:</p> <ul style="list-style-type: none"> <li>Heritage approvals, internal and external repairs, replacement of decayed timber, windows, roofs, doors, facia, gutters, all plumbing, electrical, repainting, installing security and other options such as removal of suspended concrete platform and air conditioning requirements.</li> </ul> <p>Once the building is returned to standard, TAHE will vary or amend the Rail Trail lease (Item A above), to include a footprint of the station building and platform into the Rail Trail lease.</p>
Leased Area	<p>South Lismore train station building and platform, 38 Union Street, South Lismore (being part Lot 2 in DP 1006135) as outlined red below:</p> 
Lessee	Lismore City Council (ABN 60 808 932 837)
Rent	\$1 per annum, considered paid and received.
Outgoings	All charges appurtenant to the land.
Permitted Use	For recreation, tourism or related purposes that are consistent with, and ancillary and compatible with the use of the Premises as a Rail Trail.
Term	30 years (being the maximum term permitted).

Item C: Renewal of Sublease (for Head Lease AG631488) to Invocare Australia Pty Limited (Ref:AF16/247)	
Background	The Sublease with Invocare expired on 16 July 2023. Invocare has requested a new 5-year lease, subject to the Variation of Head Lease AG631488, between Council and Crown Lands being finalised.
Crown Land Manager	Lismore City Council
Crown Reserve	Crown Reserve 85839, gazetted 17 June 1966 for Cemetery Purposes.
Leased Area	Suite 2, "The Cottage", 651 Skyline Road, Goonellabah (being part Lot 588 in DP 728678)
Sublessor	Lismore City Council (ABN 60 808 932 837)
Sublessee	Invocare Australia Pty Limited (ACN 060 060 031)
Term	5 years to expire on 16 July 2028 (being one year prior to Head Lease AG631488 expiry date)
Rent	Current rent (subject to initial market rent review) + annual CPI.
Condition of Sublease	Variation of Head Lease AG631488 between Council and Crown Lands being entered into for a further term of five years (to expire on 16 July 2028).



New South Wales

# Transport Administration (General) Amendment (Northern Rivers Rail Trail— Bentley to Lismore) Regulation 2023

under the

Transport Administration Act 1988

Her Excellency the Governor, with the advice of the Executive Council, has made the following regulation under the *Transport Administration Act 1988*.

JENNY AITCHISON, MP  
Minister for Regional Transport and Roads

## Explanatory note

The object of this regulation is to provide for the following matters consequent on the enactment of the *Transport Administration Amendment (Rail Trails) Act 2022*—

- (a) the authorisation of the use and lease of land along the rail corridor for the disused Casino to Murwillumbah railway line between the Back Creek Bridge at Bentley and the Union Street railway bridge at Lismore for recreation, tourism or related purposes,
- (b) the circumstances in which a sublease of an authorised lease may be entered into,
- (c) the matters that must be included in an authorised lease or sublease,
- (d) the termination of an authorised lease by the Minister administering the *Transport Administration Act 1988*.

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Published LW 27 October 2023 (2023 No 585)

Transport Administration (General) Amendment (Northern Rivers Rail Trail—Bentley to Lismore) Regulation 2023 [NSW]

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**Transport Administration (General) Amendment (Northern Rivers Rail Trail—Bentley to Lismore) Regulation 2023**

under the

Transport Administration Act 1988

**1 Name of regulation**

This regulation is the *Transport Administration (General) Amendment (Northern Rivers Rail Trail—Bentley to Lismore) Regulation 2023*.

**2 Commencement**

This regulation commences on the day on which it is published on the NSW legislation website.

Transport Administration (General) Amendment (Northern Rivers Rail Trail—Bentley to Lismore) Regulation 2023 [NSW]  
Schedule 1 Amendment of Transport Administration (General) Regulation 2018

## Schedule 1 Amendment of Transport Administration (General) Regulation 2018

### [1] Part 3B

Insert after Part 3A—

#### Part 3B Rail trails

##### 15B Use and lease of land for recreation and tourism—the Act, s 99E(2)(a)(i) and (b) and (3)

- (1) This clause applies to the land along the rail corridor for the disused Casino to Murwillumbah railway line between the Back Creek Bridge at Bentley and the Union Street railway bridge at Lismore, not including either bridge, that is vested in TAHE as at 1 September 2023 (the *specified land*).
- (2) The specified land may be used for recreation, tourism or related purposes.
- (3) Railway tracks and other works may be removed from the specified land for the purposes of the use of the land under subclause (2).
- (4) The rail infrastructure owner of the specified land may enter into a lease of the land with a local council or joint organisation for the use of the land for recreation, tourism or related purposes.

##### 15C Subleases of authorised leases—the Act, s 99E(9)(b)

A sublease of an authorised lease of land under clause 15B(4) may be entered into only for the use of the land for recreation, tourism or related purposes.

##### 15D Matters that must be included in authorised leases and subleases—the Act, s 99E(9)(c)

An authorised lease or sublease must include the matters set out in Schedule 2.

##### 15E Termination of authorised leases—the Act, s 99E(7) and (9)(d)

The Minister must not terminate an authorised lease unless the Minister—

- (a) consults with the lessee regarding the proposed termination, and
- (b) consults with the Minister administering the *Regional Development Act 2004*, and
- (c) gives at least 3 months notice of termination to the lessee.

### [2] Schedule 2

Insert after Schedule 1—

## Schedule 2 Matters that must be included in authorised leases and subleases

clause 15D

### Part 1 Authorised leases

#### 1 Biosecurity management plan

A requirement for the lessee to—

Transport Administration (General) Amendment (Northern Rivers Rail Trail—Bentley to Lismore) Regulation 2023 [NSW]  
Schedule 1 Amendment of Transport Administration (General) Regulation 2018

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- (a) adopt a biosecurity management plan under the *Biosecurity Act 2015* that addresses vegetation and weed control on the leased land and adjoining land, and

**Note—** See the *Biosecurity Regulation 2017*, Part 2, Division 12.

- (b) comply with the plan.

## **2 Protection of environmental, cultural and heritage assets**

A requirement for the lessee to—

- (a) ensure the protection of environmental, cultural and heritage assets on the leased land, and
- (b) take reasonable steps to protect environmental, cultural and heritage assets on adjoining land.

## **3 No subleasing of whole leased land**

A prohibition on the subleasing of the whole of the leased land.

## **4 Termination by lessor**

A permission for the lessor to terminate the lease if 1 or more of the following happen—

- (a) the lessee does not comply with a requirement or prohibition imposed by this part,
- (b) the lessee uses the leased land, or permits the leased land to be used, for purposes other than recreation, tourism or related purposes,
- (c) the leased land is not used for recreation, tourism or related purposes for a continuous period of 12 months,
- (d) the leased land is used in a way that creates a risk to the safety of the public or an adjoining landowner,
- (e) the lessee fails to maintain the leased land and the lessor is concerned about the continued safe use of the land.

## **5 Erection of structures**

A requirement that the lessee obtain the permission of the rail infrastructure owner for the erection of structures on the leased land.

# **Part 2 Subleases**

## **6 Termination of sublease if authorised lease terminated by Minister**

The automatic termination of the sublease when the authorised lease is terminated by the Minister under the Act, section 99E(7), including that no compensation is payable by the lessee to the sublessee because of the termination.

# Report

<b>Subject</b>	Australia Day Awards Committee
<b>TRIM Record No</b>	BP23/886:EF18/64-4
<b>Prepared by</b>	Executive Officer - General Manager and Mayor & Councillors
<b>Reason</b>	To resolve the formation of the Australia Day Awards Committee and its Terms of Reference
<b>Strategic Theme</b>	Leadership and participation
<b>Strategy</b>	We provide effective management and responsible governance.
<b>Action</b>	Ensure the efficient and effective operation of Council.

## Executive Summary

Council does not have a formalised process for assessing and determining the winners of the Lismore City Council Australia Day Awards.

To ensure consistency and governance it is proposed to establish an Australia Day Committee, comprising the Mayor and two councillors.

## Recommendation

That Council:

1. establish the Australia Day Awards Committee
2. adopt the Terms of Reference attached to this report
3. delegate authority to the Committee to determine the award winners
4. elect Councillors Krieg, ..... to the Committee for 2024

## Background

At the July 2023 Council meeting the following motion was passed:

**RESOLVED** that a workshop be held to formulate a process for the selection of Australia Day Award winners.

(Councillors Rob/Krieg) (BP23/534)

**Voting for:** Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Jensen, Krieg and Rob

**Voting against:** Nil

Council officers have been unable to find any current policy or procedure to determine winners for the Australia Day Awards held each year.

In the past an ad hoc panel has been convened, comprising councillors, Council officers, previous winners and community members.

## **Public consultation**

Not required.

## **Conclusion**

To develop a process for Australia Day Awards a committee should be established.

## **Attachment/s**

1. [!\[\]\(ed14f692bc41a245f1e4dc29d72a04c2\_img.jpg\)](#) Australia Day Award Committee Terms of Reference



# AUSTRALIA DAY AWARDS COMMITTEE

## TERMS OF REFERENCE

### 1. Role

The Australia Day Awards Committee (Committee) assess and determine the winners of the Lismore City Council (Council) Australia Day Awards.

### 2. Membership

The group consists of:

- The Mayor (to preside as Chairperson)
- two councillors

Council will appoint all members to the Committee.

Membership of the group will be revoked:

- if the group is dissolved by Council
- if Council receives a written resignation from the member
- in accordance with the procedures for the Administration of the Model Code of Conduct for Local Councils in NSW
- if resolved by Council

### 3. Term of Membership

At the first Council meeting following an election, new councillor representatives on the Committee will be elected for the term.

### 4. Replacement of Members

Replacement members will be appointed by resolution of Council.

If a vacancy occurs within six months of the end of the term, the member will not be replaced.

### 5. Committee Limitations

The Committee is unable to:

- direct council officers
- commit Council to any expenditure unless specific delegation has been resolved by Council
- waive or amend Council policies

Only the Mayor is authorised to speak publicly or issue press releases on behalf of Council.

## 6. Meeting Protocol

The Committee will meet in October each year to confirm the Award categories and following the closing of nominations prior to Australia Day.

A quorum of the group is half plus one of the appointed members at the time of the meeting.

Meeting duration will be a maximum of 90 minutes.

Members will be provided copies of all nominations a minimum of seven days prior to the meeting.

Resolutions will be by majority vote via a show of hands and recorded in the minutes.

Proxy votes will not be accepted.

Minutes will be prepared at each meeting and distributed to members.

The minutes will be reported to the February Council meeting for noting.

## 7. Code of Conduct

Members must:

- adhere to the applicable Lismore City Council Code of Conduct
- make positive contributions during meetings in a polite and respectful manner

## 8. Review of Terms of Reference

Terms of Reference will be reviewed by Council at least once each council term. The Committee can recommend changes to the terms of reference for consideration by Council.

## 9. Decisions of the Committee

Decisions of the Committee are final and no correspondence will be entered into.

All councillors will be confidentially notified of the winners prior to public announcement.

## Reports

<b>Subject</b>	Minutes from External Committees and Organisations
<b>TRIM Record No</b>	BP23/885:EF13/463-5
<b>Prepared by</b>	Executive Officer - General Manager and Mayor & Councillors
<b>Reason</b>	To note minutes from external committees and organisations
<b>Strategic Theme</b>	Leadership and participation
<b>Strategy</b>	Our decisions and actions are open, transparent, effective and in the interests of all.
<b>Action</b>	Manage Council meetings and provide support to Councillors in fulfilling their role.

### Executive Summary

Lismore City Council has representatives that attend and participate in many external organisations and committees.

### Recommendation

That Council notes the draft minutes of Rous County Council.

### Attachment/s

1. [Download](#) Rous County Council 18 October 2023

**MINUTES OF THE ORDINARY MEETING OF ROUS COUNTY COUNCIL HELD  
WEDNESDAY, 18 OCTOBER 2023 AT THE ADMINISTRATION OFFICE, 218-232  
MOLESWORTH STREET, LISMORE**

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**1 OPENING OF MEETING**

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The Chair opened the meeting at 10.02 am.

In attendance:

Councillors

- Cr Robert Mustow, Richmond Valley Council (Chair)
- Cr Sharon Cadwallader, Ballina Shire Council (Deputy Chair)
- Cr Rod Bruem, Ballina Shire Council
- Cr Michael Lyon, Byron Shire Council
- Cr Sarah Ndiaye, Byron Shire Council
- Cr Andrew Gordon, Lismore City Council
- Cr Big Rob, Lismore City Council
- Cr Sandra Humphrys, Richmond Valley Council

Council Officers

- Phillip Rudd, General Manager
- Andrew Logan, Group Manager Planning and Delivery
- Helen McNeil, Group Manager People and Performance
- Geoff Ward, Group Manager Corporate and Commercial
- Jonathan Patino, Finance Manager
- Guy Bezroucho, Project Manager - Relocation and Properties
- Robyn Waldron, Executive Assistant/Minute Taker
- Noeline Smith, Executive Secretary
- Luka Taylor, Information Technology Systems Administrator
- James Clarke, ICT Support Officer

Other attendees

- Richard Watkinson, Thomas Noble & Russell

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**2 ACKNOWLEDGEMENT OF COUNTRY**

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*Rous County Council acknowledges the Traditional Custodians of the land upon which we work and live. We pay our respects to the Elders of the past, present and emerging and acknowledge their continuing connection to Country who will guide us on our shared journey to the future.*

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**3 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE OR ATTENDANCE  
BY AUDIO-VISUAL LINK BY COUNCILLORS**

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Nil.

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Rous County Council Ordinary Meeting Minutes 18 October 2023

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#### 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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**RESOLVED [43/23]** (Cadwallader/Bruem) that the Minutes of the meeting held 18 August 2023 be approved as presented.

Confirmation of Minutes of previous meeting (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Robert Mustow and Cr Big Rob	6
Against	None	0
Abstain	None	0
Conflict of Interests	None	0
Absent	Cr Sarah Ndiaye, Cr Michael Lyon	2
<b>Carried</b>		

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#### 5 DISCLOSURE OF INTEREST

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Nil.

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#### 6 MATTERS OF URGENCY

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Nil.

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#### 7 NOTICES OF MOTION / QUESTIONS WITH NOTICE

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Nil.

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#### 8 GENERAL MANAGER REPORTS

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##### 8.1 2024 Council meeting schedule

**RESOLVED [44/23]** (Cadwallader/Humphrys) that Council determine its meeting schedule for 2024 with meetings to be held on the third Wednesdays commencing 10.00am at the Rous County Council Administration Office on:

- 14 February
- 17 April
- 19 June
- 14 August
- October (to be determined following 14 September LG Elections)
- 11 December

*Note: The meeting dates for February and August were incorrect and will be updated via a Council report in December 2023. Correct dates are 21 February and 21 August.*

2024 Council meeting schedule (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Robert Mustow and Cr Big Rob	6
Against	None	0
Abstain	None	0
Conflict of Interests	None	0
Absent	Cr Sarah Ndiaye and Cr Michael Lyon	2
<b>Carried</b>		

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Rous County Council Ordinary Meeting Minutes 18 October 2023

Cr Sarah Ndiaye arrived 10.07am.

## **9 GROUP MANAGER CORPORATE AND COMMERCIAL REPORTS**

### **9.1 Annual Financial Reports and Audit Report for Year Ended 30 June 2023**

**RESOLVED [45/23]** (Gordon/Cadwallader) that Council:

1. In accordance with section 413 (2c) of the *Local Government Act 1993* and clause 215 of the *Local Government (General) Regulation 2021*, adopt the 2022/23 Audited Financial Reports and "Statement by Councillors and Management" for both the General-Purpose Financial Reports and the Special Purpose Financial Reports, with the Chairperson and Deputy Chairperson delegated to sign on behalf of Council.
2. Advertise the presentation of the draft 2022/23 Financial Reports to the public from 20 October 2023 for seven days and invite both inspection and submissions.
3. Forward a copy of the 2022/23 Audited Financial Reports to the Office of Local Government.
4. Present the 2022/23 Audited Financial Reports to the public at an additional meeting of Council on 15 November 2023 to be held at 10.00am at the Rous County Council Administration Office.

<b>Annual Financial Reports and Audit Report for Year Ended 30 June 2023 (Resolution)</b>		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	7
Against	None	0
Abstain	None	0
Conflict of Interests	None	0
Absent	Cr Michael Lyon	1
<b>Carried</b>		

### **9.2 Quarterly Budget Review Statement for the quarter ending 30 September 2023**

**RESOLVED [46/23]** (Rob/Humphrys) that Council note the results presented in the Quarterly Budget Review Statement as at 30 September 2023 and authorise the variations to the amounts from those previously estimated.

<b>Quarterly Budget Review Statement for the quarter ending 30 September 2023 (Resolution)</b>		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	7
Against	None	0
Abstain	None	0
Conflict of Interests	None	0
Absent	Cr Michael Lyon	1
<b>Carried</b>		

Cr Michael Lyon arrived 10.13am.

Rous County Council Ordinary Meeting Minutes 18 October 2023

### 9.3 Amendment to 2020/21 Loan Borrowing Terms

**RESOLVED [47/23]** (Humphrys/Bruem) that Council:

1. Receive and note the report.
2. Authorise the amendments to the associated loan documentation to be completed under Seal.
3. Authorise any future amendments to the associated loan documentation which are considered of a minor nature and not adverse to Council to be completed under Seal.

<b>Amendment to 2020/21 Loan Borrowing Terms (Resolution)</b>		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Abstain	None	0
Conflict of Interests	None	0
Absent	None	0
<b>Carried</b>		

## 10 GROUP MANAGER PLANNING AND DELIVERY REPORTS

### 10.1 Drought Management Plan Update

**RESOLVED [48/23]** (Cadwallader/Ndiaye) that Council:

1. Receive and note report.
2. Support the implementation of an interim drought management response based on the existing Drought Management Plan (2016).
3. Endorse the adoption of the proposed Interim Water Restrictions System, as outlined in the report.

<b>Drought Management Plan Update (Resolution)</b>		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Abstain	None	0
Conflict of Interests	None	0
Absent	None	0
<b>Carried</b>		

### 10.2 Renewable Energy and Emissions Reduction Plan (REERP)

**RESOLVED [49/23]** (Bruem/Cadwallader) that Council note and receive the report and:

1. Endorse the adoption of the Renewable Energy and Emissions Reduction Plan (2023) with its recommendations, including achieving net zero for Rous by 2050.
2. Endorse the allocation of budgets to the Renewable Energy Projects as listed in the report and inclusion of the projects in the capital works program out to 2028.

<b>Renewable Energy and Emissions Reduction Plan (REERP) (Resolution)</b>		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Abstain	None	0
Conflict of Interests	None	0
Absent	None	0
<b>Carried</b>		

## 11 POLICIES

### 11.1 Policies Review

**RESOLVED [50/23]** (Bruem/Humphrys) that Council:

1. Revoke the following policies and any policy revived as a result of the revocation:
  - (a) Work Health Safety dated 20 October 2021
  - (b) Drinking Water Quality dated 21 March 2018
  - (c) Privacy dated 17 August 2022
  - (d) Public Interest Disclosures dated 17 August 2022
2. Approve the revised policies of the same name outlined in and attached to the report.

<b>Policies for review (Resolution)</b>		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Abstain	None	0
Conflict of Interests	None	0
Absent	None	0
<b>Carried</b>		

## 12 INFORMATION REPORTS (COVER REPORT)

**RESOLVED [51/23]** (Rob/Bruem) that the following information reports be received and noted:

1. Investments – September 2023
2. Water production and consumption – September 2023
3. Reports/Actions pending.

<b>Information reports (Resolution)</b>		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Abstain	None	0
Conflict of Interests	None	0

Rous County Council Ordinary Meeting Minutes 18 October 2023

Absent	None	0
<b>Carried</b>		

### 13 CONFIDENTIAL MATTERS

#### MOVED TO CLOSED COUNCIL

**RESOLVED [52/23]** (Cadwallader/Humphrys) that Council move into Closed Council with the press and public excluded from the meeting based on the grounds detailed below:

Report	Workplace consolidation – Gallans Road update
Grounds for closure	Section 10A(2)(d) commercial information of a confidential nature that would, if disclosed: i) prejudice the commercial position of the person who supplied it.

The meeting moved to Closed Council at 10.26am.

Move to Closed Council (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Abstain	None	0
Conflict of Interests	None	0
Absent	None	0
<b>Carried</b>		

#### RESUME TO OPEN COUNCIL

**RESOLVED [53/23]** (Ndiaye/Cadwallader) that the meeting resume to Open Council.

The meeting moved to Open Council at 10.49am.

Move to Open Council (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Abstain	None	0
Conflict of Interests	None	0
Absent	None	0
<b>Carried</b>		

The General Manager read to the meeting the following resolution of Council:

#### 13.1 Workplace Consolidation - Gallans Road Update

**RESOLVED [54/23]** (Mustow/Cadwallader) that Council:

1. Notes the procurement approach outlined in the report, including the outcome of the expression of interest and the intended Request for Tender process with selected tenderers.

2. Approve amendments to the project budget as per 'revised estimates' in Table 4 of the report.
3. Delegate the General Manager authority to negotiate and execute the project contract(s) to the value identified in Table 4 of the report.
4. Receives quarterly project updates as per project probity plan.

<b>Workplace consolidation – Gallans Road update (Resolution)</b>		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Abstain	None	0
Conflict of Interests	None	0
Absent	None	0
<b>Carried</b>		

#### **14 CLOSE OF BUSINESS**

There being no further business the meeting closed at 10.50 am.

Report

Financial Assistance – Section 356

a) Mayor’s Discretionary Fund	
Budget: \$3,000	Spent to date: \$0
Clunes Carols	
Assistance for waste services for the annual Christmas event	\$450
Tropical Fruits	
Sponsorship of the Mayor’s Award in their Art Exhibition.	\$250

Recommendation

In accordance with Section 356(1) of the *Local Government Act* 1993, assistance of \$450 to Clunes Carols and \$250 to Tropical Fruits is hereby approved.

Attachment/s

There are no attachments for this report.

## Report

<b>Subject</b>	<b>Mayor's Discretionary Fund</b>
<b>TRIM Record No</b>	BP23/932:EF19/114-5
<b>Prepared by</b>	Executive Officer - General Manager and Mayor & Councillors
<b>Reason</b>	To authorise the Mayor to approve requests for funding from the Mayor's Discretionary Fund
<b>Strategic Theme</b>	Leadership and participation
<b>Strategy</b>	We collaborate with other agencies to achieve great outcomes.
<b>Action</b>	Develop working relationships with government, non-government, private sector and community-based agencies.

### Executive Summary

The Mayor often receives requests for financial support from members of the public, educational institutions and community groups. These requests generally require a short turnaround, not always enough time to seek a Council resolution.

This report seeks to delegate the Mayor approval to authorise requests for funding.

### Recommendation

That:

1. Council authorise the Mayor to approve funding requests from the Mayor's Discretionary Fund
2. any approvals be reported via City Notes

### Background

The Mayor often receives requests for financial support from members of the public, educational institutions and community groups. These requests generally require a short turnaround, not always enough time to seek a Council resolution.

Each year \$3,000 is allocated to Section 356 donations, also known as the Mayor's Discretionary Fund. Generally requests are for under \$500.

The *Local Government Act 1993* section 356, states –

*356 Can a council financially assist others?*

*(1) A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.*

*(2) A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.*

- (3) *However, public notice is not required if—*
- (a) the financial assistance is part of a specific program, and*
  - (b) the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and*
  - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and*
  - (d) the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.*
- (4) *Public notice is also not required if the financial assistance is part of a program of graffiti removal work.*

When a request is received it is reported to Council for resolution.

Council officers have been unable to find in records any eligibility criteria. However, historically requests are only considered from people or organisations within the Lismore local government area.

## **Attachment/s**

There are no attachments for this report.

# **Notices of Motion / Questions with Notice**

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## Notice of Motion / Question with Notice

**Councillor Big Rob** has put the following question with notice:

Can the General Manager please provide the current rent, annual rental increase, and the total current rates for all leased Council properties, explain whether all costs associated with all leased Council properties are paid for by the tenants, and highlight any lease terms exceeding the maximum term under current legislation explaining how any such leases were lawfully authorised?

### Attachment/s

1. [OLG Practice Note No. 1 - Public Land Management](#) (Over 7 pages)

**TRIM Record No:** BP23/925:EF19/25-5

### General Manager's response:

Negotiations for every Lismore City Council lease and licence have taken place individually over an extended period, in some cases more than 30 years ago. The terms and conditions outlined in these agreements are specific to each property. Collecting all the requested information poses a significant challenge due to its resource-intensive nature as our existing systems lack the capability to easily consolidate specific details of leases, maintenance, outgoings and annual increases.

A review of Council's records discovered that the majority of long term leases (over 21 years) were over Operational land and therefore within legislative requirements. As per OLG Practice Note No. 1 Public Land Management (refer attachment), "*Operational*" land has no special restrictions other than those that may apply to any piece of land. Council can lease the land for as long as it desires.

An example of an Operational lease is the Lismore & District Workers' Club lease for the Sports Club at Goonellabah, being a 99 year lease from 1991–2090, with an option to purchase the land at any time during the leased term, subject to the conditions outlined in Clause 12.

Two long term leases were found over Community land:

1. Telstra 2013-2033– authorised under the *Local Government Act 1993* (s.46(1)(a)) – *A Lease or Licence may be granted for the provision of public utilities and works associated with or ancillary to public utilities.*
2. Scout Association over the Scout Hall 2005–2025 - In accordance with an express authorisation in the Plan of Management applying to the land (s.46(1)(b)) for one of the purposes listed in s.46(1)(b) of the Act, provided that purpose is consistent with the core objectives of the categorisation of the land (s46(2)).

The *Local Government Act 1993* s.46-s.46A of requires that tenders must be invited for all leases etc of Community land for a period over five years unless the lease is to be granted to a not for profit (NFP) organisation, and that leases not be granted for more than 21 years. The Scout Association is a NFP entity and the lease is for 21 years.

Our reviews to date indicate there are no leases exceeding the maximum term under current legislation.

## Notice of Motion / Question with Notice

**Councillor Adam Guise** has given notice of intention to move:

That Council modify the Code of Meeting Practice to include the requirement for Public Access for Extraordinary meetings.

### ***Councillor Comment***

#### **Outcome Sought**

The current Code of Meeting Practice is silent on the requirements for public access at Extraordinary meetings. Extraordinary meetings have been called in circumstances to rush through decisions, such as rescissions, without giving the community the opportunity to speak. Whether the public can speak at these meetings should not be left at the discretion of the General Manager and Mayor. Like ordinary meetings, extraordinary meetings should include the opportunity for Public Access.

#### **Cost of Implementing**

Nil

#### **Funding Source**

Not applicable

#### **Staff Consulted**

Not applicable

### ***Staff Comment***

#### **Governance & Risk Manager**

The outcome could be achieved by updating clause 4.1 of the Code of Meeting Practice to exclude the word ordinary.

##### Current clause 4.1

The council holds public forums during each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting.

##### Proposed clause 4.1

The council holds public forums during each meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting.

Amendment to the Code of Meeting Practice requires it be placed on public exhibition for a period of no less than 28 days and Council accept submissions on the changes for a period of not less than 42 days.

### **Attachment/s**

There are no attachments for this report.

**TRIM Record No:** BP23/930:EF19/25-5

## Notice of Motion / Question with Notice

**Councillor Big Rob** has given notice of intention to move:

That Council request assistance from the Office of Local Government to put a motion together to change the way the Mayor is elected from popularly to councillor elected, and that any suggested wording be brought back to Council for consideration prior to June 2024 in time to advise the NSW Electoral Commission of any wording to make such a change is resolved.

### ***Councillor Comment***

#### **Outcome Sought**

To save ratepayers money each and every election going forward, and to ensure the Mayor is more accountable to the councillors the Mayor is supposed to represent, who are in turn accountable to everyone in the local government area, a change to the way the Mayor is elected is being sought.

The NSW Electoral Commission asks that council let them know as soon as possible if we request to hold a constitutional referendum at the same time as the 2024 council election and that the final wording be provided to them no later than June 2024.

The Office of Local Government can assist in providing information on putting the motion together. The following wording is one suggestion:

The Mayor of Lismore is currently popularly elected directly by voters for a four (4) year term, costing ratepayers more in election costs each and every election. Do you approve of the election of the Mayor every two (2) years by the eleven (11) councillors?

#### **Cost of Implementing**

To be advised

#### **Funding Source**

To be advised

#### **Staff Consulted**

Nil

### ***Staff Comment***

#### **Governance & Risk Manager**

To conduct a referendum there will be a 10% uplift in the overall cost of the election (approximately). The current estimated cost of the election is \$426,000. Noting each referendum (or poll) question is a separate count, therefore multiple questions may require additional staff which could further increase the cost.

If Council was to move from a popularly elected mayor to a councillor-elected mayor, it would be one less contest and one less count, which could result in an approximate 10% saving in the cost of the (2028) election.

### Attachment/s

There are no attachments for this report.

**TRIM Record No:** BP23/848:EF19/25-5

**Confidential Business**

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## Confidential Matters – Closed Council Meeting

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

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

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

### Clause 34 of Council Code of Meeting Practice

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

### Recommendation

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

<b>Item</b>	13.1 Waste Operation Review
<b>Grounds for Closure</b>	Section 10A(2) (a):
<b>Public Interest</b>	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: personnel matters concerning particular individuals (other than councillors).
<b>Item</b>	13.2 Tender TP 2023/188 Supply of Quarry Materials
<b>Grounds for Closure</b>	Section 10A(2) (d i):
<b>Public Interest</b>	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
<b>Item</b>	13.3 Tender T202329 - Rail and Sleeper Removal, Lismore Rail Trail Stage 1
<b>Grounds for Closure</b>	Section 10A(2) (d i):
<b>Public Interest</b>	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

<b>Item</b>	13.4 Tender Recommendation: TP202327 Panel Contract for Horizontal Directional Drilling
<b>Grounds for Closure</b>	Section 10A(2) (d i):
<b>Public Interest</b>	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to:commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
<b>Item</b>	13.5 Tender TP 2023/101 Professional & Project Services
<b>Grounds for Closure</b>	Section 10A(2) (d i):
<b>Public Interest</b>	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to:commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN COUNCIL CHAMBERS ON 10 OCTOBER 2023 AT 6.00PM**

*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 Bing, Bird, Colby, Ekins, Gordon, Guise, Hall, Jensen, Rob, together with Mr Gibbons, General Manager; Mr Enevoldson, Chief Financial Officer; Dr Logan, Chief Operating Officer (via audio-visual); Mr Butron, Chief Community Officer; Mr Snow, Head Planning & Environment; Ms O'Regan, Head Investment & Growth; Mr Wilson, Executive Officer – Customer Experience; Mr Shaw, Manager Technology and Innovation; Mr Readman, Business Systems Coordinator; Mr Schubert, Technology Support Officer; Mr Campbell, Technology Support Officer; 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

190/23 **RESOLVED** that leave of absence be granted for Councillor Cook.

(Councillors Colby/Hall)

**Voting for:** Councillors Bing, Bird, Colby, Ekins, Gordon, Guise, Hall, Jensen, Krieg and Rob

**Voting against:** Nil

191/23 **RESOLVED** that a leave of absence be received from:

- Councillor Jensen from 16 October to 18 October 2023 and 14 November to 23 November 2023
- Councillor Colby from 23 October 2023 to 6 November 2023

(Councillors Bing/Hall)

**Voting for:** Councillors Bing, Bird, Colby, Ekins, Gordon, Guise, Hall, Jensen, Krieg and Rob

**Voting against:** Nil

## Confirmation of Minutes

- 192/23 A typographical error was corrected by staff for Councillor Guise's disclosures of interest for items 11.8 and 12.5 and an amendment to the Altering the Order of Business item which indicated a motion was resolved prior to voting.

**RESOLVED** that the minutes of the following meetings be confirmed:

- Ordinary Meeting held on 12 September 2023
- Confidential Meeting held on 12 September 2023

(Councillors Gordon/Hall)

**Voting for:** Councillors Bing, Bird, Colby, Ekins, Gordon, Guise, Hall, Jensen, Krieg and Rob

**Voting against:** Nil

## Disclosures of Interest

**Clr Gordon declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item:** 11.1 DA92/523-5 - S4.55(2) Application to Modify DA92/523 to extend the life of the quarry at 72 River Bank Road Monaltrie by 12 years to 12 May 2036

**Nature:** I have known Michael Santin for a significant length of time and our connection is non-pecuniary and non-significant

**Clr Hall declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item:** 11.1 DA92/523-5 - S4.55(2) Application to Modify DA92/523 to extend the life of the quarry at 72 River Bank Road Monaltrie by 12 years to 12 May 2036

**Nature:** I know the applicant but have no pecuniary or significant interest

**Clr Jensen declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item:** 11.1 DA92/523-5 - S4.55(2) Application to Modify DA92/523 to extend the life of the quarry at 72 River Bank Road Monaltrie by 12 years to 12 May 2036

**Nature:** I know the Mr Santin and Mr Gapes (public speaker)

**Clr Bing declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item:** 11.1 DA92/523-5 - S4.55(2) Application to Modify DA92/523 to extend the life of the quarry at 72 River Bank Road Monaltrie by 12 years to 12 May 2036

**Nature:** I know Mr Santin

**Clr Rob declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item:** 11.1 DA92/523-5 - S4.55(2) Application to Modify DA92/523 to extend the life of the quarry at 72 River Bank Road Monaltrie by 12 years to 12 May 2036

**Nature:** I know Mr Santin

**Clr Guise declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item:** 9.3 Floodplain Risk Management Committee minutes

**Nature:** My home is on the floodplain but I am of general class of persons so I will remain in the Chamber

**Clr Guise declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item:** 12.1 Planning support for flood impacted residents

**Nature:** My home is on the floodplain but I am of general class of persons so I will remain in the Chamber

**Clr Guise declared a Non-Pecuniary, Significant Conflict of Interest for the following item:** Matter of Urgency

**Nature:** if a matter of urgency regarding the rail trail is debated I will disclose a significant interest as I live next to the rail line so I will leave the Chamber

**Clr Krieg declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item:** 11.1 DA92/523-5 - S4.55(2) Application to Modify DA92/523 to extend the life of the quarry at 72 River Bank Road Monaltrie by 12 years to 12 May 2036

**Nature:** I know Mr Santin and own a property at Monaltrie

## 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:

### Reports of the General Manager

#### 11.1 DA92/523-5 - S4.55(2) Application to Modify DA92/523 to extend the life of the quarry at 72 River Bank Road Monaltrie by 12 years to 12 May 2036

<b>FOR</b>	Peter Hovelroud
	Scott Gapes
	James Berkaya
	Jacinda Gooley
	Nora Highfield

At this point a member of the public was expelled from the meeting in accordance with clause 15.18 of the Code of Meeting Practice.

At this point the meeting adjourned for a short recess, the time being 6:47PM

The meeting resumed at 6:52PM

## Altering Order of Business

193/23 **RESOLVED** that the order of business be altered to debate the following matter raised during Public Forum:

- 11.1 DA92/523-5 - S4.55(2) Application to Modify DA92/523 to extend the life of the quarry at 72 River Bank Road Monaltrie by 12 years to 12 May 2036

(Councillors Rob/Hall)

**Voting for:** Councillors Bing, Bird, Colby, Ekins, Gordon, Guise, Hall, Jensen, Krieg and Rob

**Voting against:** Nil

### **11.1 DA92/523-5 - S4.55(2) Application to Modify DA92/523 to extend the life of the quarry at 72 River Bank Road Monaltrie by 12 years to 12 May 2036**

MOTION moved that the application for modification of Development Consent DA92/523 to modify DA92/523 to extend the life of the quarry at 72 River Bank Road, Monaltrie, be approved for a maximum of 12 years subject to the attached conditions.

(Councillors Rob/Bing)

FORESHADOWED MOTION moved that the application for modification of Development Consent DA92/523 for extension of the life of the quarry at 72 River Bank Road, Monaltrie, by 12 years to 12 May 2032 be REFUSED for the reasons of refusal at **Attachment 1** of this report.

(Councillor Guise)

FORESHADOWED MOTION moved that the matter be deferred.

(Councillor Bird)

194/23 **RESOLVED** that the application for modification of Development Consent DA92/523 to modify DA92/523 to extend the life of the quarry at 72 River Bank Road, Monaltrie, be approved for a maximum of 12 years subject to the attached conditions.

(Councillors Rob/Bing) (BP23/797)

**Voting for:** Councillors Bing, Gordon, Hall, Jensen, Krieg and Rob

**Voting against:** Councillors Bird, Colby, Ekins and Guise

The following modifications of consent are recommended:

*The Applicant has applied to modify conditions 2, 3, 24 and 36 of Development Consent DA92/523 (as modified). Additionally, conditions 1, 4, 4a, 4b, 4c, 4d, 4e, 4f, 4g, 9, 11, 12, 13, 17, 18, 19, 21, 24a, 24b, 25, 33, 38, 38a, 39, and 44 have been modified to comply with modern standards for quarrying activity. Conditions 12 and 13 have been removed in favour of amended conditions 11, 33 and 33a to address hours of operation and noise. Condition 36 has been removed in favour of amended conditions 33 and 33a to address noise. Condition 39 has been removed in favour of condition 24a to address traffic and road upgrade.*

The modified conditions of consent are set out as follows:

- 1 All buildings be constructed, works carried out, or use of buildings or land, subject to any amendment or modification called for in the following conditions or any subsequent building permit, be in accordance with the details contained in the plan/s, Environmental Impact Statement and supporting and supplementary documents submitted with and subsequent to the application, a copy of which are attached to this consent.

*In addition, the development must be implemented in accordance with the additional and/or revised plans and supporting documents set out in the following table, except where modified by any conditions of this consent. In the event of any inconsistency between plans/supporting documents referred to above and the plans/supporting documents referred to in the following table, those referred to in the following table will prevail.*

Approved Document	Prepared by	Dated / Version
Overall Site Plan	Wade Engineering Surveying	Amended in Red
Traffic Impact Assessment	Ingen Consulting	24 January 2022
Soil and Water Management Plan	ENV Solutions Consulting	26 August 2019 Revision B
General Terms of Approval issued under the <i>Water Management Act 2000</i> as a Controlled Activity approval	NSW Department of Planning and Environment – Water	26 April 2023

*In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.*

2. This consent only permits the quarrying the area marked as the 'southern face' on the approved plans and documents, for twelve (12) years from 12 May 2020 (12 May 2032).
- 3 The cessation of quarrying activity is to occur on twelve (12) years and nine months from 12 May 2020 at which time extraction shall have ceased and the site restored in accordance with the detailed and approved *Operational Plan of Management (POM)* detailed in condition 4.
- 4 Prior to the recommencement of quarrying activities, a detailed *Operational Plan of Management (POM)* must be submitted to and be approved by Council and then upgraded every two (2) years. Such plan shall report on all operational parameters of the quarry including but not limited to; quarry development, drilling and blasting activities and monitoring, progressive rehabilitation, control of

pollutants, quantity of material won, ground water seepage into the pit and surface water effects. The POM shall be prepared by a suitably qualified professional.

**Reason:** *To ensure compliance with the development consent.*

- 4a Annual audits shall be carried out of quarry operations against the approved *Operational Plan of Management (POM)*, inclusive of the environmental, noise, soil and water and rehabilitation management plans and consent conditions. The audit shall be undertaken by an independent, suitably qualified expert and shall identify areas of non-compliance and management responses to the same. An annual report of audit findings shall be submitted to Council prior to the 31st January following the commencement of this consent.

Where non-compliance is identified the applicant shall identify amelioration works to be implemented and shall undertake monthly monitoring until the amelioration measures have been completed and compliance demonstrated.

**Reason:** *To ensure compliance with the development consent.*

- 4b Prior to the recommencement of quarrying activities, all necessary Environment Protection Licences are to be obtained from all relevant NSW State government agencies for the quarry.

**Reason:** *To obtain relevant licences and to ensure compliance with the development consent.*

- 4c A minimum of three days prior to any blast, written notification shall be given to Council Officers and the occupants of all dwellings within 1,000 m of the quarry.

As a part of the monitoring process, the following records shall be kept and made available to Council if requested.

- (a) Date and time of blast, and name of the person responsible for the blast;
- (b) Location of blast and blast drilling pattern;
- (c) Type and weight of explosive used in each hole;
- (d) Maximum Instantaneous Charge (MIC) weight;
- (e) Climatic conditions generally, including wind direction and extent of cloud cover;
- (f) Vibration and air blast emission levels recorded; and
- (g) A record of the blast, including yield.

**Reason:** *To preserve the environment and the existing or likely future amenity of the locality.*

- 4d The airblast overpressure level from blasting operations in or on the premises must not exceed:
- (a) 115 dB (Lin Peak) for more than 5% of the total number of blasts during each reporting period; and
  - (b) 120 dB (Lin Peak) at any time.

at the most affected residence of noise sensitive location that is not owned by the licensee or subject to a private agreement between the owner of the residence or noise sensitive location and the licensee as to an alternative overpressure level.

**Reason:** *To preserve the environment and the existing or likely future amenity of the locality.*

- 4e The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not exceed:

(a) 5mm/s for more than 5% of the total number of blasts carried out on the premises during each reporting period; and

(b) 10 mm/s at any time.

at the most affected residence that is not owned by the operator or subject to a private agreement between the owner of the residence and the operator as to an alternative overpressure level.

**Reason:** *To preserve the environment and the existing or likely future amenity of the locality.*

- 4f All trucks carrying extractive materials from the site shall ensure their loads are fully covered by a suitable material.

**Reason:** *To preserve the environment and the existing or likely future amenity of the locality.*

- 4g Internal unsealed access roads shall be regularly watered during dry periods. A water truck designed for road construction is to be maintained at the quarry operations during times of dry weather and high volume usage to ensure the objectives of the Quarry Operational Plan are achieved.

**Reason:** *To preserve the environment and the existing or likely future amenity of the locality.*

- 5 The annual rate of extraction shall not exceed 15,000m<sup>3</sup> insitu material, equivalent to 40,500 tonnes crushed, annually. The proponent shall provide Council, on or before January 31, April 30, July 31 and October 31 in each year, with extraction figures for the previous quarter. Development consent shall be obtained for any extraction in excess of this amount.

**Reason:** *To correctly describe what has been approved and allow the calculation of S94 levies for material extracted.*

- 6 The development shall meet noise emission criteria, vibration levels and standards relating to airborne pollutants and discharge of solid wastes to natural water-courses as specified by the Environmental Protection Authority.

- 7 All topsoil and overlying material above rock base should be progressively stripped from areas to be excavated and stockpiled separately. Stockpiles to be located away from the general operation of the quarry and be preserved for the future rehabilitation of the quarry.

- 8 During each extension phase of the quarry, graded diversionary banks be constructed uphill of the main excavation to prevent water entering the quarry. These banks should have a freeboard no less than 65cm and their outlet to be located on stable grassed areas.

- 9 Rainfall runoff from all disturbed areas of the premises arising from up to 60.2 mm (90 percentile, five-day event) must, prior to discharge from the premises, be captured and treated by a water management system to the standard set out below:

- For each monitoring/discharge point or utilisation area specified in the table below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.
- Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.

- To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table\.

**POINT 1 – Sedimentation Basin A Discharge Point**

Parameter	Unit of Measure	Compliance Criteria
Turbidity	NTU	6 - 50
Total Suspended Solids	mg/L	<50
pH	pH Units	6.5 - 8.0
Oil & Grease	Visual	None

The Total Suspended Solids concentration limits specified above may be exceeded for water discharged provided that:

- the discharge occurs solely as a result of rainfall measured at the premises exceeding 60.2 millimetres over the consecutive 5 day period immediately prior to the discharge occurring; and
- all practical measures have been implemented to dewater all sediment dams within 5 days of rainfall so they have sufficient capacity to store run off from a 60.2 millimetre, 5 day rainfall event.

NOTE: This condition does not authorise the discharge or emission of any other pollutants.

**Reason:** To preserve the environment and the existing or likely future amenity of the locality.

- Payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and Lismore City Council S94 Contributions Plan 2004 (as amended) are required. Such levies shall contribute towards the provision of public services and/or amenities identified. Such levies shall be calculated utilising extraction returns as required by Condition 5. The rates and amounts applying at the date of this notice for the maximum approved extraction rate, totalling \$17,957 annually, have been calculated as set out below for your information.

Levies set out below shall be increased in accordance with the percentage increase from the date of approval to the date of payment, as notified by the Consumer Price Index (Sydney). Levies shall be paid within 30 days of the Council issuing an assessment for the preceding year.

The contributions set out in the schedule are exclusive of any GST (if any) and where the provision of any services or the construction of any infrastructure or any other thing with those contributions occurs, then in addition to the amount specified above the Applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

If the contributions set out below, or part thereof, are to be met by the dedication of land or other approved Material Public Benefit, then the Applicant will pay to Council the GST (defined below) applicable to the value of land dedicated or (Material Public Benefit) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

GST means any tax levy charge or impost under the authority of any GST Law (as defined by the GST Act) and includes GST within the meaning of the GST Act.

The GST Act means A New Tax System (Goods and Services Tax) Act 1999 or any amending or succeeding legislation.

The levy shall be calculated in accordance with Councils adopted section 94 plan as at this date and be based on the following information:

- Road construction cost of \$369,000 per kilometre (indexed for CPI annually from December 2003)
- Average haulage distance of 10 kilometres.
- The first 8,500 tonnes per annum shall be exempt from levies

Levy calculation for yearly extraction will be

$(\$369,000/6.74 \times 10^6) \times 10\text{km} \times (\text{Annual tonnage extracted} - 8500\text{tonnes}) \times 1.025 \times \text{CPI}$

**Reason:** To provide funds for the provision of services and facilities identified in Lismore City Council's Section 94 Contributions Plan dated March 2004 as required by the increased population or activity. (EPA Act Sec 94)

- 11 The hours of operation shall be limited to 7:30am to 4:30pm, Monday to Saturday except for drilling, crushing and blasting activities which shall be restricted to the hours 8:00am to 4:30pm Monday to Friday.

No work is to be carried out on Sunday or public holidays. For the purposes of this condition "work" includes all activities on the premises associated with the project, during construction and operation with the exception of plant maintenance, landscaping and office works.

The following activities may take place outside the above hours:

- (a) the delivery of materials required by the police or other authorities for safety reasons; and
- (b) activities required in an emergency to avoid the loss of life, property and/or to prevent environmental harm.

The hours of operation may be varied with the prior written approval of Council. Any request to vary the hours of operation must include:

- (a) details of the nature and justification for activities to be conducted during the varied construction hours
- (b) evidence that appropriate consultation has been undertaken with potentially affected sensitive receivers and
- (c) a noise impact assessment using the guidelines in the Noise Policy for Industry (EPA 2017), and other relevant EPA noise guidelines in force at the time of assessment.

**Reason:** To preserve the environment and the existing or likely future amenity of the locality.

- 12 Deleted (refer to modified consent DA92/523-5)

- 13 *Deleted (refer to modified consent DA92/523-5)*
- 14 No fixed building, plant or machinery shall be erected on the site without the prior consent of the Council.
- 15 At the cessation of the operations, all buildings, plant machinery, foundations, vehicles and structures including the access road shall be removed from the site and site be restored as near as possible to the original rural landscape.
- 16 That a basic engineering plan be submitted for approval of the Council for the internal access roads. This plan to indicate a plan view showing road location in relation to property boundaries and the quarry. Also one typical cross-section of the road shape.
- 17 That a stock-proof fence and appropriate warning signage be erected around the quarry perimeter.
- 18 *The applicant must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.*

*Reason: To preserve the environment and the existing or likely future amenity of the locality.*

- 19 Operational plant (crushers, screening, facilities, drilling equipment, dozers, front end loaders and excavators), utilised on a temporary and contract basis shall comply with and meet relevant criteria and standards as specified by the Environment Protection Authority.

*All vehicles and machines used as part of the operation must comply with the Protection of the Environment Operations Act 1997 and all regulations made under that Act and be fitted with properly maintained emission controls relevant to their date of manufacture.*

*Reason: To preserve the environment and the existing or likely future amenity of the locality.*

- 20 The foundations of all plant operational areas shall be constructed of such material as to provide a durable, impermeable, self-draining surface from which stormwater and sediment shall be intercepted.
- 21 *All hazardous materials are to be appropriately stored so as to prevent environmental damage in case of spillage. Oils and lubricants to be stored in an impermeable bunded and roofed area with holding capacity of 110% of the capacity of the largest container. Alternatively the volume of the bunded area should be equal to at least the capacity of the largest tank plus the volume that would be displaced by other tanks or structures within the bund area. The larger volume is to be selected. Re-fuelling areas are to be located upslope from sedimentation dams and are to be indicated in the plan of management.*

*Reason: To protect the environment.*

- 22 No topsoil or overlying material above rock base shall be sold or otherwise removed from the site without prior consent of council. Subsoils or lesser quality rocks and decomposed basalts may be removed from the site subject to requirements of Condition 10.

- 23 The sequence of operations in each stage of site development shall take place only in accordance with the Environmental Impact Statement and each subsequent quarry Plan of management.
- 24 Within 6-months of recommencement of quarrying activities, the access road is to be 3 metres wide bitumen sealed to the southern boundary of the approved extraction area. The pavement is to be suitable to cater for the gravel haulage vehicle and be in the order of 400mm compacted depth. Suitable truck passing bays also be incorporated.
- 24a Within 6-months of recommencement of quarrying activities, all works required by section 138 approval 73.2019.72.1 shall be completed to Council's satisfaction.

**Reason:** *To ensure the access to the property is adequate.*

- 24b Prior to the recommencement of quarrying activities, the applicant shall widen the left turns of the intersection at Wyrallah Road and River Bank Road, generally in accordance with the recommendations of the Traffic Impact Assessment dated 24 January 2022 prepared by Ingen Consulting. All work is to be carried out to comply with the Northern Rivers Development & Design Manual and Council's Standard Drawings. Design plans to be submitted to Council accompanied with a Section 138 application.

**Reason:** *To ensure safe and effective use of the intersection.*

- 25 Prior to the recommencement of quarrying activities, soil and water management strategies shall be implemented on-site to meet the performance standards nominated within the technical report 'Riverbank Road Quarry, Monaltrie – Soil and Water Management Plan', prepared by ENV Solutions consulting, Revision B, dated 26 August 2019.

**Reason:** *To preserve the environment and the existing or likely future amenity of the locality.*

- 26 The construction of the acoustic earth mounds and associated landscaping shall be completed prior to commencement of quarry operations.
- 27 Traffic signage be erected at suitable locations along Riverbank Road advising of traffic hazards in accordance with the City Engineer's requirements.
- 28 This consent be in respect of the location of the proposed quarry as depicted on the attached plans only.
- 29 All loading and unloading to take place within the curtilage of the quarry site.
- 30 Vehicles using off-street loading/unloading and parking area must enter and leave in a forward direction, in accordance with the Motor Traffic Act, and all driveways and turning areas shall be kept clear of all obstructions that would prevent compliance with this condition.
- 31 That the total area of extraction be identified by the erection of a stock proof fence and such fence shall be maintained as generally indicated by the Stage 4 boundary line, shown on Figure 14 of the Environmental Impact Statement.
- 32 That the exit drain of the proposed sediment dam be located in a portion which does not permit treated waters to enter the pump-out hole located on land known as Lot 1, DP 701527.

- 33 Prior to the re-commencement of any quarrying activities, a noise impact assessment must be submitted to, and approved by, Council. This noise impact assessment must be prepared by a suitably qualified acoustic expert, and must demonstrate full compliance with the NSW Noise Policy for Industry.

This noise impact assessment must demonstrate, at a minimum, that operational noise generated at the premises will not exceed the noise limits in the table below:

Receiver	Sensitive Receiver Noise Limit (day) $L_{Aeq} 15 \text{ min}$
55 Chilcott Street	40
41 Chilcott Street	40
50 River Bank Road	40
56 Chilcott Street	40
96 River Bank Road	40

Alternatively, the applicant may provide evidence of private agreement(s) with any impacted property owner to have them removed as a sensitive receiver from the noise impacts of the quarrying activity. Where a property is removed as a sensitive receiver, the required evidence for any private agreement is a restriction of use on the land to be registered on the title of the land with the Land Titles Office under Section 88B of the *Conveyancing Act 1919*.

**Reason:** To preserve the environment and the existing or likely future amenity of the locality.

- 34 That trucking operations west along River Bank Road and East Gundurimba road be restricted to the hours 8.30am to 3.30pm, Monday to Friday.
- 35 That loaded truck movements generated as a consequence of the operation of the quarry not exceed an average of 15/day and be subject to a maximum of 20 loaded truck movements per day.
- 36 *Deleted (refer to modified consent DA92/523-5)*
- 37 Water Quality Control – all discharges from the sedimentation pond shall meet the requirements of the Clean Waters Act and relevant criteria of the Environment Protection Authority. Design details together with discharge water quality shall be submitted for Council's assessment.
- 38 Prior to the recommencement of quarrying activities, the Applicant is to submit to Council for approval a Vegetation Management Plan (VMP).

The VMP must be prepared by a suitably qualified environmental consultant or bush regenerator with theoretical and practical experience in native vegetation restoration and management and weed control.

A works program must be incorporated in the VMP to ensure that all weed control and revegetation works are to be initiated within an 18-month time period from the date of this determination.

All revegetation / screening works are to be undertaken with a five-year maintenance and monitoring and period to follow completion of initial vegetation management works.

The VMP must be prepared in accordance with the following guidelines:

- Lismore City Council (2010). *Guidelines for the preparation of Vegetation Management Plans*. Lismore City Council, Lismore, NSW

- Lismore City Council (2007). *Landscape*. Lismore City Council, Lismore, NSW

At a minimum, the following management zones must be identified in the VMP:

Management zone	Management zone description
Zone 1	Western vegetated acoustic mounds
Zone 2	Northeast Permanent landscape bund
Zone 3	Koala Habitat (Minimum 100 Koala Food Trees) planted within the south-western areas of the site, as approved by Council.

**Reason:** To ensure that the VMP can be assessed in accordance with Lismore City Council guidelines. To provide vegetated buffer zones to mitigate the impacts of noise and dust. To protect and enhance biodiversity.

- 38a Following approval of the Vegetation Management Plan and prior to the recommencement of quarrying activities, the applicant and the lawful owner(s) of the subject site are to enter into a legally binding agreement (s. 93F. EP&A Act) with Council to secure completion of the vegetation management works. The agreement must:
- Clearly identify and include as an attachment the approved VMP.
  - Identify a bond and a bond return schedule linked to the successful completion of the performance criteria specified in the VMP.
  - Be enacted (i.e. signed registered as per the legal requirements for the relevant agreement).

It is the responsibility of the applicant to:

- Secure all resources and funds to implement the VMP;
- Arrange for Council's Ecologist and/ or relevant Council Officer to review the VMP, review any monitoring report and inspect works associated with the VMP;
- Pay all:
  - Costs associated with enacting the legal management agreement referred to above;
  - Inspection and assessment fees associated with the VMP and subsequent monitoring reports at the time these are lodged with Council (fees will be charged in accordance with the current 'Lismore City Council Fees and Charges Policy');
- Lodge the bond to be held in trust by Council.

**Reason:** To ensure compliance with the actions and performance criteria contained in the approved Vegetation Management Plan.

- 39 Deleted (refer to modified consent DA92/523-5)

- 40 Full design plans of the proposed engineering works to satisfy condition(s) 39 shall be submitted to and approved by Council prior to commencement of these works. Such plans shall be accompanied by the fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges.

**Reason:** To ensure an adequate road network in accordance with adopted standards. (EPA Act Sec 79C(a)) and to specify requirements for approval under section 138 of the Roads Act.

- 41 Sediment control measures shall be put into place and properly maintained to prevent soil erosion and the transport of sediment from the site into natural or constructed drainage lines or watercourses. Control measures are to remain in place until the site has been adequately

revegetated or landscaped or engineered to prevent soil erosion. Full design details and commentary must be submitted to Council for concurrence prior to any work commencing.

**Reason:** *To minimise soil erosion and sedimentation.*

- 42 All cuts and all fill and all road drainage and road abutment areas not sealed or otherwise engineered to prevent erosion, must be vegetated with perennial plantings. The plantings must be nurtured to maturity and must be nurtured and maintained in a manner to ensure that erosion does not occur at any time.

**Reason:** *To protect the environment.*

- 43 All temporary sediment and erosion control measures must remain in place until all permanent engineered facilities are constructed and commissioned and protective vegetation has reached maturity.

**Reason:** *To protect the environment.*

- 44 All activities must be properly managed to ensure that no noise or dust nuisance is caused to any neighbouring properties. **The site must be maintained in a condition that prevents or minimises the emission into the air of air pollutants (which includes dust).**

**Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.**

**Reason:** *To preserve the environment and the existing or likely future amenity of the locality.*

*The reasons for the conditions are:*

- *To correctly describe what has been approved. (EPA Act Sec 92(1) Reg. 44)*
- *To ensure that appropriate landscaping is provided. (EPA Act Sec 90(1)(m))*
- *To preserve the appearance of the area. (EPA Act Sec 90(1)(o))*
- *To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from any buildings and paved areas that may be constructed on the land. (EPA Act Sec 90(1)(h)).*
- *To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec. 90(1)(o)).*
- *To provide an adequate drainage network that will not cause damage to future development. (EPA Act Sec 90(1)(h)).*
- *To ensure an adequate road network in accordance with adopted standards is provided. (LG Act Sec. 332)*
- *To preserve the environment and existing or likely future amenity of the neighbourhood. (EPA Act Sec 90(1)(o)).*

- *To ensure adequate access to and from the development. (EPA Act Sec 90(1)(i)).*
- *To ensure that the movement of traffic along the public road is not interfered with by activities relating to the development. (EPA Act Sec 90(1)(i)).*
- *To ensure the free flow of traffic and comply with traffic regulations. (EPA Act Sec 90(1)(j)).*

Department of Planning and Environment



Contact: Department of Planning and Environment—Water  
Phone: 1800 633 362  
Email: [waterlicensing.servicedesk@dpie.nsw.gov.au](mailto:waterlicensing.servicedesk@dpie.nsw.gov.au)

Our ref: IDAS-2023-10023  
Your ref: 5.1992.523.5

26 April 2023

The General Manager  
Lismore City Council  
PO Box 23A  
LISMORE NSW 2480

Attention: [REDACTED]

Uploaded to the ePlanning Portal

Dear Sir/Madam

**Re: IDAS-2023-10023 - Integrated Development Referral – General Terms of Approval**  
**Dev Ref: 5.1992.523.5**  
**Description: Modification to extend period of quarry consent**  
**Location: Lot 4 DP 701527, 96 River bank Rd Monaltrie 2480**

I refer to your recent referral regarding an integrated Development Application (DA) proposed for the above location. Attached, please find the Department of Planning and Environment—Water's General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.46 of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, the department requests these GTA be included (in their entirety) in Council's development consent. Please also note the department requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, lake or estuary; (ii) on the banks of any river lake or estuary, (iii) on land within 40 metres of the highest bank of a river lake or estuary; or (iv) any excavation which interferes with an aquifer.

The Department of Planning and Environment—Water will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

- if Council receives an application under s4.46 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

The Department recommends any matters relating to potential interception of groundwater arising from quarry operations should be referred to WaterNSW for consideration.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, the department recommends the following condition be included in the development consent:

The attached GTA issued by the Department of Planning and Environment—Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to the department for a Controlled Activity approval after consent has been issued by Council and before the commencement of any work or activity.

A completed application must be submitted to the department together with any required plans, documents, application fee and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Applications for controlled activity approval should be made to the department, by lodgement of a Controlled Activity Approval – New approval application on the NSW Planning Portal at: <https://www.planningportal.nsw.gov.au/>

The Department of Planning and Environment—Water requests that Council provide a copy of this letter to the development consent holder.

The Department of Planning and Environment—Water also requests a copy of the determination for this development application be provided by Council as required under section 4.47(6) the EPA Act.

Yours Sincerely



For  
Patrick Pahlow  
Team Leader  
Licensing and Approvals  
Department of Planning and Environment—Water



## General Terms of Approval

for proposed development requiring approval under s89,  
90 or 91 of the Water Management Act 2000

Reference Number:	IDAS-2023-10023
Issue date of GTA:	26 April 2023
Type of Approval:	Controlled Activity
Location of work/activity:	Lot 4 DP 701527, 96 River bank Rd Monaltrie 2480
Waterfront Land:	Unnamed 2 <sup>nd</sup> order Tributary of Wilsons River
DA Number:	5.1992.523.5
LGA:	Lismore City Council

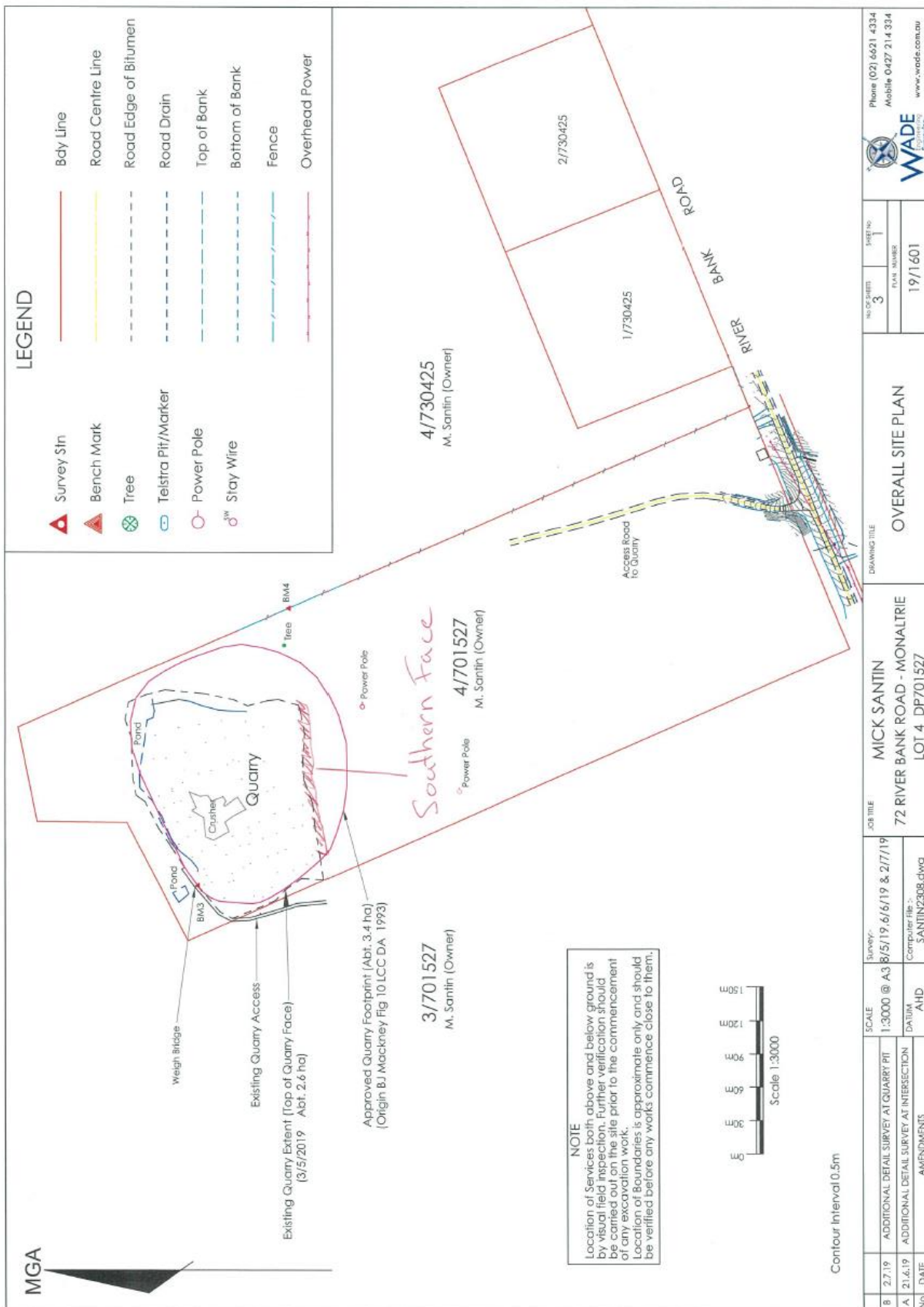
The GTA issued by Department of Planning and Environment—Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to the Department of Planning and Environment—Water for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

Condition Number	Details
TC-G001	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Department of Planning and Environment—Water, and obtained, for a controlled activity approval under the <i>Water Management Act 2000</i> .
TC-G004	<p>A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 5.1992.523.5 provided by Council to Department of Planning and Environment—Water.</p> <p>B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Department of Planning and Environment—Water, must be notified in writing to determine if any variations to the GTA will be required.</p>
TC-G005	<p>A. The application for a controlled activity approval must include the following plan(s):</p> <ol style="list-style-type: none"> <li>I. Site plans indicating the demarcation of waterfront land, designated riparian corridors, and identifying any areas of encroachments and offsets</li> <li>II. Soil and water management plan;</li> <li>III. Erosion and sediment control plans;</li> <li>IV. Vegetation management plan inclusive of the following aspects, former operational areas in the riparian zone should be nominated for staged rehabilitation, and provide itemised VMP costings</li> </ol> <p>B. The plan(s) must be prepared in accordance with Department of Planning and Environment—Water 's guidelines located on the website <a href="https://www.dpie.nsw.gov.au/water/licensing-and-trade/approvals/controlled-activity-approvals/what/guidelines">https://www.dpie.nsw.gov.au/water/licensing-and-trade/approvals/controlled-activity-approvals/what/guidelines</a></p>

## SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by Department of Planning and Environment—Water for integrated development associated with IDAS-2023-10023 as provided by Council:

- Statement of environmental effects prepared by Malcolm Scott dated 17 December 2021
- Email report modification of development application S4.55(2) – Quarry Extension prepared by Malcolm Scott dated 24 April 2023
- Draft quarry plan of management and rehabilitation version 7 prepared by Malcolm Scott dated December 2022
- Soil and water management plan prepared by Env Solutions Pty Ltd dated 26 August 2019
- Overall site plan prepared by Wade Engineering and Survey dated 2 July 2019
- Quarry pit area prepared by Wade Engineering and Survey dated 2 July 2019
- Staked limit of quarry footprint prepared by Wade Engineering and Survey dated 15 January 2020



Councillor Jensen left the meeting, the time being 7:35PM

Councillor Jensen returned to the meeting, the time being 7:37PM

## Mayoral Minute(s) and Condolence Motions

### 8.1 Mayoral Attendance Report

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195/23 **RESOLVED** that Council receives the Mayoral Attendance Report for September 2023.

(Councillor Krieg) (BP23/837)

**Voting for:** Councillors Bing, Bird, Colby, Ekins, Gordon, Guise, Hall, Jensen, Krieg and Rob

**Voting against:** Nil

## By Exception

196/23 MOTION moved that the recommendations set out in items 9.1 to 9.5 be adopted by exception.

(Councillors Gordon/Hall)

The motion was amended, as per clause 13.3 of the Code of Meeting Practice a councillor indicated would be voting against items.

**RESOLVED** that the recommendations set out in items 9.1, 9.2 and 9.5 be adopted by exception.

(Councillors Gordon/Hall)

**Voting for:** Councillors Bing, Bird, Colby, Gordon, Guise, Hall, Jensen, Krieg and Rob

**Voting against:** Councillor Ekins

## Reports of Committees

### 9.1 Sister City Advisory Group - 16 August 2023

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197/23 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.

(Councillors Gordon/Bing) (BP23/809)

**Voting for:** Councillors Bing, Colby, Ekins, Gordon, Guise, Hall, Jensen, Krieg and Rob

**Voting against:** Councillor Bird

### **9.2 Nimbin Advisory Group - 17 August 2023**

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198/23 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.

(Councillors Gordon/Rob) (BP23/803)

**Voting for:** Councillors Bing, Bird, Colby, Ekins, Gordon, Guise, Hall, Jensen, Krieg and Rob

**Voting against:** Nil

### **9.3 Floodplain Risk Management Committee - 6 September 2023**

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199/23 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.

(Councillors Bird/Rob) (BP23/807)

**Voting for:** Councillors Bing, Bird, Colby, Ekins, Gordon, Hall, Jensen, Krieg and Rob

**Voting against:** Councillor Guise

### **9.4 Audit Risk and Improvement Committee - 18 September 2023**

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200/23 **RESOLVED** that the minutes be received and noted.

(Councillors Bing/Colby) (BP23/836)

**Voting for:** Councillors Bing, Bird, Colby, Ekins, Gordon, Hall, Jensen, Krieg and Rob

**Voting against:** Councillor Guise

### 9.5 Local Traffic Committee - 20 September 2023

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201/23 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.

(Councillors Hall/Bing) (BP23/814)

**Voting for:** Councillors Bing, Bird, Colby, Ekins, Gordon, Guise, Hall, Jensen, Krieg and Rob

**Voting against:** Nil

## Reports of the General Manager

### 11.2 Investments - September 2023

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202/23 **RESOLVED** that the report be received and noted.

(Councillors Gordon/Bing) (BP23/833)

**Voting for:** Councillors Bing, Colby, Ekins, Gordon, Hall, Jensen, Krieg and Rob

**Voting against:** Councillors Bird and Guise

### 11.3 Lismore Senior Citizens Social Club - Subsidised License Application

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203/23 **RESOLVED** that:

1. Council enter into a new license agreement with Lismore Senior Citizens Social Club Inc for occupation of part of Goonellabah Community Centre (being Suite 8 and attached store room, 27 Oliver Avenue, Goonellabah), with subsidised rent as outlined in Option 1 of the report
2. the General Manager be delegated authority to execute the license with the Lismore Senior Citizens Social Club Inc (ABN 32 334 073 717) over Suite 8 and the attached store room, 27 Oliver Avenue, Goonellabah (Lot 2 in DP 832169), for a term of five years for the permitted use of: Lismore Senior Citizens Social Club Activities.

(Councillors Bing/Rob) (BP23/810)

**Voting for:** Councillors Bing, Bird, Colby, Ekins, Gordon, Guise, Hall, Jensen, Krieg and Rob

**Voting against:** Nil

#### 11.4 Documents for Signing

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204/23 **RESOLVED** that Council note the following documents be executed as negotiated under delegated authority by the General Manager:

Item A **Lease to Lismore City Council (ABN 60 080 932 837)** over Suite 6, 164 Molesworth Street, Lismore (Lot 1 in DP 1862) for Lismore Regional Gallery's continued use of the office space in line with funding from the State Government (ref: AF23/1531)

Item B **Lease to Lismore City Council (ABN 60 080 932 837)** over Shop 3, 164 Molesworth Street, Lismore (Lot 1 in DP 1862) for Lismore Regional Gallery's continuation of the Lismore Regional Gallery Pop up Gallery in line with funding from the State Government (ref: AF23/1302).

(Councillors Gordon/Bird) (BP23/804)

**Voting for:** Councillors Bing, Bird, Colby, Ekins, Gordon, Guise, Hall, Jensen and Krieg

**Voting against:** Councillor Rob

#### 11.5 Code of Meeting Practice

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205/23 **RESOLVED** that following the period of public exhibition the following clause now be included in Lismore City Council's Code of Meeting Practice.

3.16 (a) Any response provided to a question with notice submitted under clause 3.16 will be included in the minutes of the meeting. In the case of an oral response a transcript of the response is to be included in the minutes.

(Councillors Gordon/Rob) (BP23/640)

**Voting for:** Councillors Bing, Bird, Colby, Ekins, Gordon, Guise, Hall, Jensen, Krieg and Rob

**Voting against:** Nil

#### 11.6 Pecuniary Interest Returns

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206/23 **RESOLVED** that the report be received, and the tabled Pecuniary Interest Returns be acknowledged.

(Councillors Hall/Bing) (BP23/835)

<b>Voting for:</b>	Councillors Bing, Bird, Colby, Ekins, Gordon, Guise, Hall, Jensen, Krieg and Rob
<b>Voting against:</b>	Nil

#### 11.7 Council's Ordinary Meeting Schedule for 2024

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207/23

**RESOLVED** that:

1. the first Ordinary Meeting of Council for 2024 be held on Tuesday 13 February 2024 at 6pm and subsequent meetings held on the second Tuesday of the month with the final ordinary meeting for this term of Council being Tuesday 13 August 2024
2. Council's first meeting after the September 2024 local government elections be held on Tuesday 8 October 2024 at 6pm with subsequent meetings being held on the second Tuesday of November and December 2024 at 6pm

(Councillors Rob/Guise) (BP23/756)

<b>Voting for:</b>	Councillors Bing, Bird, Colby, Ekins, Gordon, Guise, Hall, Jensen, Krieg and Rob
<b>Voting against:</b>	Nil

### Matter of Urgency

208/23

**DEFEATED** that the following issue be considered.

That all work relating to the rail trail is deferred until after external funding to pay for all up front construction costs is confirmed and acceptable options to pay for ongoing operations, maintenance and improvement costs are presented to councillors.

(Councillors Rob/Colby)

<b>Voting for:</b>	Councillors Colby and Rob
<b>Voting against:</b>	Councillors Bing, Bird, Ekins, Gordon, Guise, Hall, Jensen and Krieg

**Councillor Bing left the meeting, the time being 7:56PM**

**Councillor Jensen left the meeting, the time being 7:56PM**

**Councillor Bing returned to the meeting, the time being 7:57PM**

**Councillor Jensen returned to the meeting, the time being 7:57PM**

## Notices of Motion / Questions with Notice

### 12.1 Planning support for flood impacted residents

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209/23 **DEFEATED** that Council holds a public briefing identifying existing and potential planning mechanisms which support flood impacted residents to rebuild or relocate post-flood.

(Councillors Guise/Ekins) (BP23/746)

**Voting for:** Councillors Bird, Ekins and Guise

**Voting against:** Councillors Bing, Colby, Gordon, Hall, Jensen, Krieg and Rob

### 12.2 Terania Street Closure

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That Council contact Transport for NSW, Department of Planning and Environment – Heritage and Janelle Saffin MP requesting as a matter of urgency an accelerated process to be fast-tracked to remove the rail bridge and reopen Terania Street due to safety concerns and the impact on local businesses. This is to be followed by the removal of the below rail bridges:

- Union Street and Frank Street
- Crane Street between Barrow Lane and Simmons Street
- Alexandria Parade near Flick Street
- Winterton Parade near the Lismore Turf Club (preferably during school holidays)

(Councillors Rob/Bing)

FORESHADOWED MOTION moved that Council contact Transport for NSW, Department of Planning and Environment – Heritage and Janelle Saffin MP requesting as a matter of urgency an accelerated process to be fast-tracked to remove the rail bridge and reopen Terania Street due to safety concerns and the impact on local businesses. This is to be followed by the rail bridge at Union Street and Frank Street.

(Councillor Bird)

210/23 **RESOLVED** that Council contact Transport for NSW, Department of Planning and Environment – Heritage and Janelle Saffin MP requesting as a matter of urgency an accelerated process to be fast-tracked to remove the rail bridge and reopen Terania Street due to safety concerns and the impact on local businesses. This is to be followed by the removal of the below rail bridges:

- Union Street and Frank Street
- Crane Street between Barrow Lane and Simmons Street
- Alexandria Parade near Flick Street
- Winterton Parade near the Lismore Turf Club (preferably during school holidays)

(Councillors Rob/Bing) (BP23/829)

**Voting for:** Councillors Bing, Gordon, Guise, Hall, Jensen, Krieg and Rob  
**Voting against:** Councillors Bird, Colby and Ekins

**Councillor Guise left the meeting, the time being 8:19PM**

**Councillor Guise returned to the meeting, the time being 8:21PM**

### 12.3 CSIRO & Council Co-Authored Vision

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Can the General Manager identify any reasons why the CSIRO should not be sought out and asked to be the lead agency undertaking a Regional Vision and Masterplan to coordinate a multi-disciplinary team of research experts, and to support Lismore City Council to deliver the Lismore City Council Vision?

#### **General Manager's response:**

At the ordinary meeting of 12 September 2023, council resolved the following:

**RESOLVED** that Council endorse the Northern Rivers Joint Organisation resolution dated 11 August 2023 'that the Northern Rivers Joint Organisation Board call on the NSW Reconstruction Authority, Minister for Planning and Public Spaces and Minister for Emergency Services to work collaboratively with Northern Rivers communities and councils to develop a CSIRO informed long-term master plan and vision for rebuilding the region post the 2022 flood disaster'.

The resolution refers to a "CSIRO informed" masterplan and vision for the region.

If the intent is for CSIRO to lead the Regional Vision, then the above resolution would need to be amended accordingly to reflect this. Further, to gain regional support other Councils would need to endorse this approach through the NRJO or by separate resolutions.

With regards to CSIRO supporting the delivery of the Lismore Vision, Council staff are supportive of this. Staff have been in discussions with CSIRO to facilitate collaboration be it by undertaking various key strategies or by providing expert advice to the vision and master planning process.

## Confidential Matters – Closed Council Meeting

211/23 **RESOLVED** that Council now exclude the press and public and meet in Closed Council to consider the following matters;

<b>Item</b>	13.1 Tender T2023123 - Replacement of Roof - Corporate Centre, 43 Oliver Avenue, Goonellabah
<b>Grounds for Closure</b>	Section 10A(2) (d i):
<b>Public Interest</b>	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

(Councillors Gordon/Bird)

**Voting for:** Councillors Bing, Bird, Colby, Ekins, Gordon, Guise, Hall, Jensen, Krieg and Rob

**Voting against:** Nil

## 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 T2023123 - Replacement of Roof - Corporate Centre, 43 Oliver Avenue, Goonellabah**

That:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the tender from JW Molyneux and C Toms Pty Ltd trading as Half Tide Plumbing and Roofing for Tender T2023123 Replacement of Roof – Corporate Centre, for the sum of \$258,835.00 excluding GST
2. Council authorises 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 and attachment be released as a public document.

(Councillors Bing/Gordon) (BP23/790)

**Voting for:** Councillors Bing, Bird, Colby, Ekins, Gordon, Guise, Hall, Jensen, Krieg and Rob

**Voting against:** Nil

## Closure

This concluded the business and the meeting terminated at 8.39pm.

CONFIRMED this > > 2023 at which meeting the signature herein was subscribed.

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**MAYOR**

## Confidential Report

### Report

Subject	Tender T2023123 - Replacement of Roof - Corporate Centre, 43 Oliver Avenue, Goonellabah
TRIM Record No	BP23/790:AF23/2971
Prepared by	Coordinator Property Maintenance
Reason	Council to consider tender submissions received and award the contract.
Strategic Theme	Our built environment
Strategy	Our city and village services are well managed and maintained.
Action	Provide Council buildings that are safe and fit for purpose.
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

Council advertised a Request for Tender for the replacement of the roof of the Corporate Centre building at Oliver Avenue, Goonellabah, which is a maintenance funded project. A roof condition report has indicated the existing roof fabric is near the end of its economic life. Replacement is seen as essential to ensure the building remains safe and fit for purpose.

Tenders were received from nine companies. Three of the tenders were competitive in comparison to the budget. The assessment panel has recommended acceptance of the lowest priced tender, which is within budget and has been submitted by a company with suitable experience and capable of achieving the tasks required.

This report recommends awarding the contract to JW Molyneux and C Toms Pty Ltd trading as Half Tide Plumbing and Roofing for the tender price lump sum of \$258,835.00 (ex GST). The tender is valid with the works to be awarded as a MW21 Contract.

#### Recommendation

That:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the tender from JW Molyneux and C Toms Pty Ltd trading as Half Tide Plumbing and Roofing for Tender T2023123 Replacement of Roof – Corporate Centre, for the sum of \$258,835.00 excluding GST
2. Council authorises 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 and attachment be released as a public document.

## Confidential Report

### Background

Council sought submissions from suitably qualified roofing and construction companies to replace the roof of the Corporate Centre at 43 Oliver Avenue, Goonellabah, as shown on the site plan below.



The Request for Tender was advertised on VendorPanel, which provided a detailed scope of works that contained original engineering plans and a list of technical specifications for engagement of a suitable contractor under a MW21 contract arrangement.

### Tender Submissions

At the close of tenders on 18 July 2023 nine submissions were received, as listed below:

	Tender Price
• JW Molyneux & C Toms Pty Ltd (trading as Half Tide Plumbing and Roofing)	\$ 258,835.00
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

## Confidential Report

### Late Quotations

There were no late submissions.

### Carmichael Mine Disclosure

All contractors indicated they had no direct contractual agreements to construct or operate at the Carmichael mine.

### Tender Criteria

Tenders were evaluated using a weighted scoring process based on information provided with the submission. A ratio of price to non-price criteria of 60:40 was used.

The following weighted non-price criteria was also used:

Capability & Experience  
WHS, Quality & Environment  
Local Content



### Tender Evaluation

The tender evaluation panel comprising the Coordinator Property Maintenance, Property Maintenance Officer and Project Engineer met on 18 August and 30 August 2023 to evaluate the submissions received. Clarifications were not required.

Not all submissions complied with the tendering procedures. The submission by Cocoon Coating Pty Ltd did not include completed tender schedules and was therefore deemed as non-conforming and was eliminated from further assessment.

The following five submissions were also eliminated from further assessment due to their tender price exceeding available budget:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The submission from JW Molyneux & C Toms Pty Ltd trading as Half Tide Plumbing and Roofing was determined to be the preferred tender based on the following key factors:

- The company submitted the least expensive option which is almost \$87,000 less than the next tender price.

Lismore City Council

Meeting held 10 October 2023 - Tender T2023123 - Replacement of Roof -  
Corporate Centre, 43 Oliver Avenue, Goonellabah

3

Confidential Report

- The company is experienced with metal roofing works and recently completed another similar project for Lismore City Council, being the re-roofing of the Goonellabah Community Centre. This project was completed on time, within budget and provided a quality outcome.
- The delivery timeline was within acceptable timeframes.
- The methodology appears to be appropriate for the project.

Please refer to the attached confidential evaluation scoresheet for scoring and assessment detail for each tender submission.

[illegible]

**S.166-S.169 Local Government (General) Regulation 2021**

Tendering methodology was pursuant to Section 169(1)(b) of the *Local Government (General) Regulation 2021* and supported and endorsed by Council's Procurement Team. Contractors were selected based on published capability statements, and the Request for Tender was advertised on VendorPanel for a period of greater than 21 days.

## Budget

The project has an approved budget of \$275,000 (ex GST). A budget of \$260,000 (ex GST) was set for the roof replacement work with a \$15,000 additional component for enabling works and contingency.

## Comments

## Finance

There is adequate budget available within the property maintenance and asset renewal budgets within the 2023/24 year to undertake these works. The total budget for capital and maintenance on property in 2023/24 is approximately \$1 million.

### Other officer comments

Not required.

## Public consultation

Not required.

## Confidential Report

### Conclusion

Submissions received were assessed in line with the requirements outlined in the Request for Tender documentation.

The tender evaluation panel recommends the contract for T2023123 Replacement of Roof – Corporate Centre, be awarded to JW Molyneux & C Toms Pty Ltd trading as Half Tide Plumbing and Roofing. The company is experienced with metal roofing works and their detailed submission demonstrates a low risk to Council.

### Attachment/s

1. Tender Evaluation - T2023123 Corporate Centre Re-Roof Project - *This matter is considered to be confidential under Section 10A(2) (d i) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it*

T2023123 Replacement of Roof - Corporate Centre, 43 Oliver Avenue, Goonellabah

	Criteria	Weighting fro Tender Docs (ex)
1	Total Price (out of 10; against average)	■
2	Capability and Experience (out of 10)	■
3	WHS, Risk Management and Quality Management System (out of 10)	■
4	Environment and Community (out of 10)	■
5	Local Content Minimum 20% (out of 10)	■
	Overall score out of 100	100%

JW Molyneux & C Toms Pty Ltd	\$258,835.00	Weighted & calculated
Raw Score	6.8	3.41
	8	0.80
	6	0.60
	6	0.60
	8	1.60
		5.41
		54.07
<b>Tender Panel Comment:</b> Demonstrated the necessary C&E with experience in similar projects. QC&E system in place. Business Location is in an adjacent LGA. Demonstrating 75% spend within the LGA. Recently delivered a similar project at the Goonellabah Community Centre with a high standard of quality and safety.		

**Conclusion:**  
The three companies assessed have shown the relevant experience and required management systems in place to complete this project.  
The panel recommends that the contract be awarded to JW Molyneux & C Toms Pty Ltd on the basis of their performance on recent projects and their competitive tender price.

**MINUTES OF THE CONFIDENTIAL MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD  
IN COUNCIL CHAMBERS ON TUESDAY 10 OCTOBER 2023 AT 6.00PM**

*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 Bing, Bird, Colby, Ekins, Gordon, Guise, Hall, Jensen, Rob, together with Mr Gibbons, General Manager; Mr Enevoldson, Chief Financial Officer; Dr Logan, Chief Operating Officer (via audio-visual); Mr Butron, Chief Community Officer; Ms Cotterill, Governance & Risk Manager and Mrs Mitchell, Executive Officer to the General Manager & Mayor and Councillors.

**13.1 Tender T2023123 - Replacement of Roof - Corporate Centre, 43 Oliver Avenue, Goonellabah**

191/23

**RESOLVED** that:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the tender from JW Molyneux and C Toms Pty Ltd trading as Half Tide Plumbing and Roofing for Tender T2023123 Replacement of Roof – Corporate Centre, for the sum of \$258,835.00 excluding GST
2. Council authorises 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 and attachment be released as a public document.

(Councillors Bing/Gordon) (BP23/790)

**Voting for:** Councillors Bing, Bird, Colby, Ekins, Gordon, Guise, Hall, Jensen, Krieg and Rob

**Voting against:** Nil

## Resumption of Open Council

192/23 **RESOLVED** that Council reopen the doors to the public and return to open session.

(Councillors Hall/Bing)

**Voting for:** Councillors Bing, Bird, Colby, Ekins, Gordon, Guise, Hall, Jensen, Krieg and Rob

**Voting against:** Nil

## Closure

This concluded the business and the meeting terminated at 8.37pm.

CONFIRMED this > > 2023 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 COUNCIL CHAMBERS ON WEDNESDAY 18 OCTOBER 2023 AT 6.00PM**

*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 Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Jensen, Rob, together with the Mr Gibbons, General Manager; Dr Logan, Chief Operating Officer; Mr Butron, Chief Community Officer; Mr Snow, Head Planning & Environment; Ms O'Regan, Head Investment & Growth; Mr Wilson, Executive Officer - Customer Experience; Mr Kelly, Technology Support Officer; Mr Campbell, Technology Support Officer; Ms Cotterill, Governance & Risk Manager and Mrs Mitchell, Executive Officer to the General Manager & Mayor and Councillors.

## Disclosures of Interest

**Clr Rob declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item:** 11.1 DA92/523-5 - S4.55(2) Application to Modify DA92/523 to extend the life of the quarry at 72 River Bank Road Monaltrie by 12 years to 12 May 2036  
**Nature:** I know the applicant

**Clr Bing declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item:** 11.1 DA92/523-5 - S4.55(2) Application to Modify DA92/523 to extend the life of the quarry at 72 River Bank Road Monaltrie by 12 years to 12 May 2036  
**Nature:** I know the proponent

**Clr Jensen declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item:** 11.1 DA92/523-5 - S4.55(2) Application to Modify DA92/523 to extend the life of the quarry at 72 River Bank Road Monaltrie by 12 years to 12 May 2036  
**Nature:** I know Mr Santin and Mr Gapes (public speaker)

**Clr Hall declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item:** 11.1 DA92/523-5 - S4.55(2) Application to Modify DA92/523 to extend the life of the quarry at 72 River Bank Road Monaltrie by 12 years to 12 May 2036  
**Nature:** the applicant is known to me

**Clr Gordon declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item:** 11.1 DA92/523-5 - S4.55(2) Application to Modify DA92/523 to extend the life of the quarry at 72 River Bank Road Monaltrie by 12 years to 12 May 2036  
**Nature:** I know Mr Santin

**Clr Krieg declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item:** 11.1 DA92/523-5 - S4.55(2) Application to Modify DA92/523 to extend the life of the quarry at 72 River Bank Road Monaltrie by 12 years to 12 May 2036  
**Nature:** I know Mr Santin and own property at Monaltrie

## 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:

### Reports of the General Manager

#### 1.1 DA92/523-5 - S4.55(2) Application to Modify DA92/523 to extend the life of the quarry at 72 River Bank Road Monaltrie by 12 years to 12 May 2036

FOR	Scott Gapes
	Jacinda Gooley

## Matter of Urgency

212/2321 3/23 **DEFEATED** that the following issue be considered.

That item 1.1 be adjourned to the November Ordinary Council.

(Councillors Guise/Ekins)

**Voting for:** Councillors Bird, Ekins and Guise

**Voting against:** Councillors Bing, Colby, Cook, Gordon, Hall, Jensen, Krieg and Rob

## Matter of Urgency

214/2321 5/23 **DEFEATED** that the following issue be considered.

That the speakers who were not permitted to speak in Public Forum be allowed to.

(Councillors Bird/Guise)

**Voting for:** Councillors Bird, Cook, Ekins and Guise

**Voting against:** Councillors Bing, Colby, Gordon, Hall, Jensen, Krieg and Rob

## Notices of Motion / Questions with Notice

### **11.1 DA92/523-5 - S4.55(2) Application to Modify DA92/523 to extend the life of the quarry at 72 River Bank Road Monaltrie**

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MOTION moved that Council rescind its decision of Item 11.1 from the 10 October 2023 meeting.

(Councillors Guise/Bird)

**Councillor Big Rob left the meeting, the time being 6:45PM**

**Councillor Big Rob returned to the meeting, the time being 6:47PM**

216/23      **DEFEATED** that Council rescind its decision of Item 11.1 from the 10 October 2023 meeting.

(Councillors Guise/Bird) (BP23/846)

**Voting for:**                      Councillors Bird, Cook, Ekins and Guise

**Voting against:**                Councillors Bing, Colby, Gordon, Hall, Jensen, Krieg and Rob

## Closure

This concluded the business and the meeting terminated at 7.10pm.

CONFIRMED this > of > 2023 at which meeting the signature herein was subscribed.

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**MAYOR**