



Council

An Ordinary Meeting of Lismore City Council will be held at the Council Chambers on Tuesday 14 May 2024 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

8 May 2024



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.

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Mayoral Minute(s) and Condolence Motions



Mayoral Minute

Subject Condolence Motion - Frank Vanz

TRIM Record No BP24/361:EF19/25-6

That Council:

1. receive and note the Condolence motion
2. forward a letter of condolence to the family from the Mayor

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/361:EF19/25-6

Mayoral Minute

Subject Condolence Motion - Paul O'Neill

TRIM Record No BP24/365:EF19/25-6

That Council:

1. receive and note the Condolence motion
2. forward a letter of condolence to the family from the Mayor

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/365:EF19/25-6

Mayoral Minute

Subject Sister City Delegation report

TRIM Record No BP24/366:EF19/25-6

That Council receive and note the report on the Sister City 60th Anniversary delegation to Yamato Takada.

Delegation members – Mayor Steve Krieg, Councillors Andrew Bing and Vanessa Ekins, Tonia Dynan, Elizabeth Olivieri, Jamie Perry, Julie Burton, Ned Cain, Emily Yee

Monday April 1

We started the day in the foyer of the hotel we were staying at meeting our hosts and interpreters who would be with us for the four-day trip. We made our way by bus to downtown Yamato Takada, where we were met by the students who visited Lismore just a few short months prior. We had the opportunity to go for a walk through the Sakura (cherry blossom) trees, which, due to a colder than average winter had yet to reach full bloom.

After a short walk, we came to City Hall, where many employees lined the entrance to welcome us with a very rousing round of applause. The Mayor, Mr Horiuchi and the Chairman of the Yamato Takada assembly, Mr Morimoto were also there to welcome us. A meeting, exchange of gifts and tour of their beautiful facility, and it was back on the bus for a tour of Kashihara Shrine. Japanese history is truly amazing. Japan's first emperor took the throne at this site in 660BC; however, the shrine has only been there since the late 1800's.

To finish the day, we were treated to a Welcome Dinner at a local French Restaurant. This was a very formal occasion, with everything laid out and timed to perfection. Our hosts really went above and beyond to make us all feel very welcome in their city, and we all felt extremely fortunate to be there.

Tuesday April 2

A short bus ride took us to the Japanese version of our NSW Reconstruction Authority, known as The Erosion Control Office. We were briefed on several disasters that have impacted the Shimizu area, most notably typhoons, causing fatal landslips, and the work being done to stabilise the area, before we had the opportunity to visit the sites under repair. The size and the scale of the repair work and the level of efficiency was highlighted. We had lunch at a site that was formally a village, and where thirteen people lost their lives. This site has been transformed into memorial parklands, with an incredible amount of stabilisation works visible to try and prevent future landslips.

The afternoon took us to another remediation site, where four very large detention basins were under construction. Another onsite briefing about how most of the work was done via remote control, to avoid any further risk to life, was fascinating and gave an understanding of the Japanese mindset to disaster recovery.

We stopped at Japan's longest and highest suspension bridge, nearly 300 metres long and close to sixty metres high, certainly not for the faint of heart! Mayor Horiuchi is credited for doing a handstand in the centre of the bridge when he was younger, the Mayor of Lismore was just very relieved to make it over and back in one piece.

Dinner was at a traditional restaurant, where we were treated to a seven-course meal, using only vegetables. A very talented chef indeed, with many different textures and flavours keeping the delegates guessing as to which vegetables were used in each dish.

Wednesday April 3

Lismore City Council
Meeting held 14 May 2024 - 8.3 - Sister City Delegation report

Mayoral Minute

We visited Yamato Takada's largest factory, Kawamura Textile Co. It was interesting to see how they produced many different items, but their biggest product line now is medical compression stockings. Quite an old company, they have adjusted their business model to find a market that sees their product supplied globally. Having the opportunity to walk through the factory and see production from beginning to end was an experience we all enjoyed.

The Yamato Takada Sister City Association then hosted a 60th Anniversary Festival, featuring performances from a local school A Capella Club, traditional Japanese dance and the chance for the delegates to do some Saori weaving. This was a wonderful event showcasing the relationship between Lismore and Yamato Takada and was an informal way to learn more of Japanese tradition and history.

We then made our way to the Catholic Preschool and church where, unfortunately, the students were on holidays, but the teachers made us feel incredibly welcome. Mayor Horiuchi took great delight in showing us his yearbook photo from when he attended preschool. This was very significant as well, as it is where the sister city relationship started, with Father Paul Glynn establishing the church after the second world war and fostering the links between the two cities some sixty years ago.

The evening saw a very special performance of Gagaku & Nogaku, traditional music and play. This was such an extraordinary experience. The script was written over seven hundred years ago and told the story of the Spider Demon. Some of our delegates had the opportunity to participate at the end, which was great to see. It wasn't until after the performance, speaking with one of our translators, who said many Japanese people only see these performances on television, it is incredibly rare to see a live performance of this kind, so we were really blessed that our hosts put this on for us.

Thursday April 4

Our last day with our hosts, and we started by visiting Aogakain, a social welfare service that is a full-time care facility for disabled and intellectually impaired members of the community. We had a presentation by the leading doctor before going on a tour and seeing the work these beautiful people do. We also had the chance to decorate our own souvenir, which was a lot of fun. One of the many industries the residents are involved in is growing strawberries, so we were able to see their strawberry farm, and sample some of the fruit.

Lunch was at a tofu restaurant in a 180-year-old townhouse, which, funnily enough still had a very modern bidet/toilet!

Nara city was our final stop, visiting Nara Park, where the deer are treated like gods and considered sacred, and Kasuga Shrine, a temple built some 1200 years ago, housing the biggest statue of Buddha you will ever see. The cherry blossoms were in full bloom by this stage of our trip and really were quite spectacular. We finished our tour in a traditional Japanese teahouse, before an emotional sayonara with our translators and hosts.

It is very difficult to put into words the learnings taken from four days in our sister city. From the nine delegates who went, it would be fair to say every person would have had a very different experience. For me it was having the opportunity to spend some time with the people. The Mayor is such an interesting man, as is the Chairman, and to have a small taste of how their local government operates was the highlight of my trip.

To see firsthand the recovery and rebuild post major disaster was fascinating, the different foods we were exposed to, and also to see our Lismore residents interacting and immersing themselves in another culture made me incredibly proud to be the mayor of this city. A sneaky little side piece was watching Mayor Horiuchi, very formal and rigid with me (as protocol dictates), give Ned a model motorcycle, clearly a shared passion between the two and a glimpse into one of the mayor's interests outside of government.

There were several takeaways from the trip, many which cannot be articulated. But in my humble opinion, it was such an important link between our two cities, to be able to share ideas and similarities, and form a friendship so the people of Yamato Takada feel welcome in Lismore, as we were made feel incredibly

Mayoral Minute

welcome in their hometown. I am very grateful for the opportunity to be involved in this trip and would like to make special mention of our Community Engagement team, and especially Elizabeth Olivieri for all the lead up work to make this trip a reality.

Thank you also to all the delegates, who paid their own way, and gave up time with their friends and family to experience the warmth and hospitality of our Japanese Sister City.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/366:EF19/25-6







Reports of Committees



Report of Committee

Lismore Flood Risk Management Committee - 29 February and 11 April 2024

That the minutes from the 29 February and 11 April 2024 meetings be received and adopted and the recommendations contained therein be adopted.

Attachment/s

1. [↓](#) Minutes - 29 February 2024
2. [↓](#) Minutes - 11 April 2024
3. [⇒](#) Draft Lismore Flood Risk Management Plan (Over 7 pages)

Recommendations from the meeting of the Lismore Floodplain Risk Management Committee are reproduced below for the awareness of councillors, as these seek specific Council actions –

5.1 Draft Flood Risk Management Plan

That the Committee:

1. receives and notes the presentation
2. recommends that Council exhibit the draft Flood Risk Management Plan for a period of 28 days, subject to the review of Table 2, and if public exhibition proceeds, a report on any public submissions be presented back to the Committee

5.3 Update to Council's flood information documents

That the Committee recommends Council:

1. update its Flood Levels and History of Lismore Flood Events documentation and present to the next FRMC meeting
2. liaise with SES to update the Last Roads Out information and that the map be part of the public exhibition of the Flood Risk Management exhibition plan

5.4 Change of Name of Committee

That the Committee recommends Council:

1. rename the Floodplain Risk Management Committee to the Flood Risk Management Committee
2. update the Terms of Reference of the Committee accordingly

5.5 Lismore Floodplain Risk Management Terms of Reference (TOR)

That the Committee recommends Council update the Lismore Floodplain Risk Management Terms of Reference to clarify the requirements of a quorum to be with voting rights

5.6 Resignation of Cindy Roberts

That the Committee recommends that Council appoints a First Nations community member by Expressions of Interest

Lismore Floodplain Risk Management Committee Minutes

29 February 2024

MINUTES OF THE LISMORE FLOODPLAIN MANAGEMENT COMMITTEE HELD IN COUNCIL CHAMBERS ON THURSDAY 29 FEBRUARY 2024 AT 1:00 PM

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

Cr Rob (appointed Chair), Cr Bird (via audio-visual), Cr Ekins (arrived at 1.10 pm and left at 3.30 pm), Mr Andrew Logan, Mrs Leisa Blok, Mr Bill Moorhouse

In Attendance

LCC Officers: Mr Butron, Chief Community Officer; Mr Jewell, Senior Strategic Planner; Miss Hull, Executive Assistant to Chief Community Officer

Presenters: Ms Amy Mouafi (via audio-visual), NSW Reconstruction Authority; Jamie Simmonds, NSW Reconstruction Authority; Dr Jai Vazi, CSIRO (via audio-visual); Mark Page, Engeny

Observers: Mr Scott Moffett, Ms Elena Palamara, Mrs Beth Trevan (via audio-visual), Simon Mumford (Lismore app)

Apologies

Councillor Jensen, Mr Toong Chin, Mr Col Baker, Mr Graham Askey, Mr Ian McPherson, Mr Damien Maher

Non Attendance

Ms Cindy Roberts

Lismore Floodplain Risk Management Committee Minutes

29 February 2024

Confirmation of Minutes

RESOLVED that the Minutes from the meeting dated 6 December 2023 were confirmed

(Councillor Rob/Member Moorhouse)

Voting For: Councillors Rob, Ekins and Bird; Members Logan, Moorhouse, Blok

Voting Against: Nil

Disclosure of Interest

Councillor Rob disclosed he had designed the images in agenda item 5.4.

5.1 CSIRO - Northern Rivers Resilience Initiative update

RESOLVED that the Committee notes the presentation provided by Jai Vaze, CSIRO.

(Member Moorhouse/Councillor Rob)

Voting For: Councillors Rob, Ekins and Bird; Members Logan, Moorhouse, Blok

Voting Against: Nil

5.2 Lismore 2022 Post Flood Event Analysis Report

RESOLVED that the Committee notes the report and presentation provided by Mark Page, Engeny.

(Councillor Ekins/Member Logan)

Voting For: Councillors Rob, Ekins and Bird; Members Logan, Moorhouse, Blok

Voting Against: Nil

Lismore Floodplain Risk Management Committee Minutes

29 February 2024

5.3 Update from NSW Reconstruction Authority

RESOLVED that the Committee notes the presentation provided

(Members Blok/Logan)

Voting For: Councillors Rob, Ekins and Bird; Members Logan, Moorhouse, Blok

Voting Against: Nil

Councillor Ekins left the Lismore Floodplain Risk Management Committee meeting on Thursday 29 February 2024 after agenda item 5.3, meaning we no longer had a quorum and therefore items 5.4 and 5.5 will be deferred to our next meeting.

5.4 Update to Council's flood information documents

That the Committee recommend Council:

1. update its Flood Levels and History of Lismore flood events documentation and present to the next FRMC meeting
2. liaise with SES to update the Last Roads Out information

5.5 Change of name of Committee

That the Committee recommend Council:

1. rename the Floodplain Risk Management Committee to the Flood Risk Management Committee
2. update the Terms of Reference of the Committee accordingly

Closure

This concluded the business and the meeting terminated at 3.47pm.

Lismore Floodplain Risk Management Committee Minutes

11 April 2024

MINUTES OF THE LISMORE FLOODPLAIN MANAGEMENT COMMITTEE HELD IN COUNCIL CHAMBERS ON THURSDAY 11 APRIL 2024 AT 1:00 PM

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

Cr Jensen (Chair), Cr Rob, Mr Andrew Logan, Mr Peter Cinque (via audio-visual), Mr Ian McPherson, Mr Graham Askey, Mr Col Baker, Mrs Leisa Blok, Mr Bill Moorhouse

In Attendance

LCC Officers: Mr Butron, Chief Community Officer; Mr Parks, Coordinator Strategic Planning; Mr Myers, Strategic Engineer; Mr Jewell, Senior Strategic Planner; Mr Arnett, Senior Project Manager (Infrastructure) Shared Services; Miss Hull, Executive Assistant to Chief Community Officer

Presenter: Mr Mark Page, Engeny

Observers: Mrs Beth Trevan, Mr Richard Trevan (via audio-visual), Elena Palamara and Allison Smith

Apologies

Councillors Ekins and Bird, Mr Damien Maher, Mr Toong Chin

Non Attendance

Nil

Confirmation of Minutes

RESOLVED that the Minutes from the meeting dated 29 February 2024 were confirmed

(Members Logan/Blok)

Voting For: Councillors Rob and Jensen; Members Logan, Blok, McPherson, Moorhouse, Askey and Baker

Voting Against: Nil

Lismore Floodplain Risk Management Committee Minutes

11 April 2024

Disclosure of Interest

Col Baker disclosed he owns 2 houses in South Lismore City Council.

Graham Askey disclosed he owns a house in the floodplain.

Ian McPherson disclosed he owns 2 houses in South Lismore and 1 house in East Lismore.

Leisa Blok disclosed she has commercial property in the floodplain.

5.1 Draft Flood Risk Management Plan

RESOLVED that the Committee note the presentation provided by Mark Page, Engeny (Members Blok/Moorhouse)

Voting For: Councillors Rob and Jensen; Members Logan, Blok, McPherson, Moorhouse, Askey and Baker

Voting Against: Nil

That the Committee recommend Council exhibit the draft Flood Risk Management Plan for a period of 28 days, subject to the review of Table 2 and if public exhibition proceeds, a report on any public submissions be presented back to the Committee

(Members Moorhouse/Baker)

Voting For: Councillors: Rob and Jensen; Members Logan, Blok, McPherson, Moorhouse, Askey and Baker

Voting Against: Nil

5.2 Lismore rail trail section and flood risk assessment

RESOLVED that the Rail Trail Project Manager provide a presentation to the Committee at its next scheduled meeting.

(Members Baker/Moorhouse)

Voting For: Councillors Rob and Jensen; Members Logan, Blok, Moorhouse, Askey and Baker

Voting Against: Member McPherson

Lismore Floodplain Risk Management Committee Minutes

11 April 2024

5.3 Update to Council's flood information documents

That the Committee recommend Council:

1. update its Flood Levels and History of Lismore flood events documentation and present to the next FRMC meeting
2. liaise with SES to update the Last Roads Out information and that the map be part of the public exhibition of the Flood Risk Management exhibition plan

(Members McPherson/Blok)

Voting For: Councillors Rob and Jensen; Members Logan, Blok, McPherson, Moorhouse, Askey and Baker

Voting Against: Nil

5.4 Change of name of Committee

That the Committee recommend Council:

1. rename the Floodplain Risk Management Committee to the Flood Risk Management Committee
2. update the Terms of Reference of the Committee accordingly

(Members Moorhouse/Baker)

Voting For: Councillors Rob and Jensen; Members Logan, Blok, McPherson, Moorhouse, Askey and Baker

Voting Against: Nil

5.5 Lismore Floodplain Risk Management Terms of Reference (TOR)

That the Committee recommend Council update the Lismore Floodplain Risk Management Terms of Reference to clarify the requirements for a quorum to be "consists of half the currently appointed members with voting rights plus one".

(Members Blok/Askey)

Voting For: Councillors Rob and Jensen; Members Logan, Blok, McPherson, Moorhouse, Askey and Baker

Voting Against: Nil

Lismore Floodplain Risk Management Committee Minutes

11 April 2024

5.6 Resignation of Cindy Roberts

That the Committee recommend Council appoints a First Nations community member by Expression of Interest.

(Members Blok/Askey)

Voting For: Councillors: Big Rob and Jensen; Members: Logan, Blok, McPherson, Moorhouse, Askey and Baker

Voting Against: Nil

Closure

This concluded the business and the meeting terminated at 2.47pm.

Report of Committee

Audit Risk and Improvement Committee - 28 February 2024

That the minutes be received and noted.

Attachment/s

1. [↓](#) Minutes - ARIC 28 February 2024

Audit Risk and Improvement Committee Minutes

28 February 2024

MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 28 FEBRUARY 2024 AT 9.00AM

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

Present

Mr Stephen Coates (Chair), Mr Andrew MacLeod, Mr Glen Mullins, Councillor Andrew Bing, Councillor Peter Colby

In Attendance

Ms Jodie Bosworth (TNR), Mr Jarrod Lean (Grant Thornton), Mr Jon Gibbons (General Manager), Mr Kristian Enevoldson (Chief Financial Officer), Mr John Hartley (Manager Finance), Mr Brendan Logan (Chief Operating Officer), Ms Ellenor McLeod (TNR), Ms Christine Cotterill (Governance Manager), Wendy Poussart (Insurance & Administration Officer), Mr Kevin Franey (TNR), Mr John Gilroy (Manager People and Culture), Mr Mick Little (Acting Manager Technology and Innovation), Mr Graham Snow (Head of Planning and Environment), Mr Alex Geike (Head of Work Health and Safety).

Apologies

Mr Gearoid Fitzgerald (NSW Audit Office)

Confirmation of Minutes

ARIC233 /24 **RESOLVED** that the minutes of the Extra Ordinary Audit Risk and Improvement Committee held on 27 November 2023 and the Ordinary Audit Risk and Improvement Committee held on 18 September 2023 be confirmed.

(Councillors Bing/Colby)

Voting for: Councillors Bing and Colby, Members Coates, MacLeod and Mullins

Voting against: Nil

Disclosure of Interest

**Lismore City Council
Minutes of Audit Risk and Improvement Committee Meeting held 28
February 2024**

1

Audit Risk and Improvement Committee Minutes 28 February 2024

Committee Recommendations

Determined by Committee

5.1 General Manager's Report

ARIC234/24 **RESOLVED** that the Committee receive the report of the General Manager.

(Members MacLeod/Mullins) (BP24/144)

Voting for: Councillors Bing and Colby, Members Coates, MacLeod and Mullins

Voting against: Nil

5.2 External Audit Report

ARIC235/24 **RESOLVED** that the Committee receive and note the:

- verbal update on the External Audit program.

(Councillors Bing/Colby) (BP24/183)

Voting for: Councillors Bing and Colby, Members Coates, MacLeod and Mullins

Voting against: Nil

5.3 Internal Audit Report

ARIC236/24 **RESOLVED** that the Committee receive and note the update on the 2023/2024 internal audit program, and the review reports.

(Members MacLeod/Mullins) (BP24/181)

Voting for: Councillors Bing and Colby, Members Coates, MacLeod and Mullins

Audit Risk and Improvement Committee Minutes 28 February 2024

Voting against: Nil

5.4 Financial Management Update

ARIC237/24 **RESOLVED** that the report be received and noted.

(Councillor Colby/Member Mullins) (BP24/187)

Voting for: Councillors Bing and Colby, Members Coates, MacLeod and Mullins

Voting against: Nil

5.5 Capacity, Capability and Recovery Roadmap (CCRR) project - September 2023

ARIC238/24 **RESOLVED** that the Committee receive and note the report on the Capacity, Capability & Recovery Roadmap

(Councillors Bing/Colby) (BP24/142)

Voting for: Councillors Bing and Colby, Members Coates, MacLeod and Mullins

Voting against: Nil

5.6 Integrated Planning and Reporting

ARIC239/24 **RESOLVED** that the Committee receive and note the report on the Integrated Planning & Reporting (IP&R) activities of Lismore City Council.

(Members MacLeod/Mullins) (BP24/186)

Voting for: Councillors Bing and Colby, Members Coates, MacLeod and Mullins

Voting against: Nil

5.7 People & Culture Report

ARIC240/24 **RESOLVED** that the Committee receives and notes the People & Culture report.

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(Councillors Colby/Bing) (BP24/143)

Voting for: Councillors Bing and Colby, Members Coates, MacLeod and Mullins

Voting against: Nil

5.8 Staff Presentation - Development Applications

ARIC241/24 **RESOLVED** that the Committee receives and notes the presentation by the Head of Planning and Environment on development applications.

(Councillors Bing/Colby) (BP24/180)

Voting for: Councillors Bing and Colby, Members Coates, MacLeod and Mullins

Voting against: Nil

5.9 Flood Restoration Update

ARIC242/24 **RESOLVED** that the Committee receives and notes the presentation by the Chief Operating Officer on the flood restoration.

(Councillors Bing/Colby) (BP24/193)

Voting for: Councillors Bing and Colby, Members Coates, MacLeod and Mullins

Voting against: Nil

5.10 Technology & Innovation Report

ARIC243/24 **RESOLVED** that the committee receives and notes the Technology & Innovation report.

(Member Mullins/Councillor Bing) (BP24/198)

Voting for: Councillors Bing and Colby, Members Coates, MacLeod and Mullins

Voting against: Nil

5.11 Work, Health and Safety Report

Audit Risk and Improvement Committee Minutes 28 February 2024

ARIC244/24 **RESOLVED** that the Committee receives and notes the Work, Health & Safety report.

(Councillors Colby/Bing) (BP24/177)

Voting for: Councillors Bing and Colby, Members Coates, MacLeod and Mullins

Voting against: Nil

5.12 Legal Matters Report

ARIC245/24 **RESOLVED** that the Committee receive and note the current legal matters underway to the period ended 31 December 2023.

(Members Mullins/MacLeod) (BP24/178)

Voting for: Councillors Bing, Coates, Colby, MacLeod and Mullins

Voting against: Nil

5.13 Risk Management Framework

ARIC246/24 **RESOLVED** that the Committee receives and notes the update on council's risk management framework.

(Councillors Colby/Bing) (BP24/179)

Voting for: Councillors Bing and Colby, Members Coates, MacLeod and Mullins

Voting against: Nil

5.14 ARIC Action Tracker, topics for next meeting and any other business

ARIC247/24 **RESOLVED** that the Committee:

1. has reviewed and endorses the progress of the status of actions arising from previous meetings.
2. determine future meeting dates out of session.

(Councillor Bing/Member Coates) (BP24/191)

Voting for: Councillors Bing and Colby, Members Coates, MacLeod and Mullins

Voting against: Nil

Audit Risk and Improvement Committee Minutes 28 February 2024

Closure

This concluded the business and the meeting terminated at 11:56 am.

Report of Committee

Joint Steering Committee (Cultural Alliance) Minutes - 7 May 2024

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

Attachment/s

1. [↓](#) Minutes 7 May 2024

Joint Steering Committee (Cultural Alliance) Minutes 7 May 2024

MINUTES OF THE JOINT STEERING COMMITTEE (CULTURAL ALLIANCE) HELD IN COUNCIL CHAMBERS ON TUESDAY 7 MAY 2024 AT 11:00 AM

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

NORPA attendees: Julian Louis and Libby Lincoln

LCC: Councillor Peter Colby (Chair), Mr Gibbons, General Manager; Mr Butron, Chief Community Officer; Ms O'Regan, Head of Investment and Growth; Mr Duffy, Manager Liveable and Active Communities; Ms Soady, Project Officer Investment and Growth; Miss Hull, Executive Assistant to Chief Community Officer

Observers: Councillors Rob and Jensen

Apologies

David Wolff, NORPA; Councillors Hall and Ekins

Disclosure of Interest

Nil

5.1 Close of Deed of Surrender of Cultural Alliance Agreement

Recommends that:

1. Lismore City Council and NORPA sign the Deed of Surrender
2. A communications plan be developed in accordance with the Cultural Alliance Agreement
3. A request for a report be brought forward to Council for a joint Memorandum of Understanding between Lismore City Council and NORPA

(Councillor Colby/Member Gibbons)

Voting for: Councillor Colby, Members: Gibbons, Louis, Lincoln,

Voting against: Nil

Closure

This concluded the business and the meeting closed at 11.35am.

Reports of the General Manager



Report

Subject	DA21/253 - Community Title Subdivision, 37 City View Drive, East Lismore (Lot 7 DP865421)
TRIM Record No	BP24/421:DA21/253
Prepared by	Senior Development Assessment Planner
Reason	Determination by Council due to objections received
Strategic Theme	Our built environment
Strategy	Our land-use planning caters for all sectors of the community.
Action	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

Development Application DA21/253 proposes the community-title subdivision of 37 City View Drive, East Lismore (Lot 7 DP865421). The development site is proposed to be subdivided into thirteen (13) dwelling lots, plus one common property lot. The common property lot will preserve the remnant ecological values of the site and carry the community infrastructure to service the future occupants.

The proposal is for an urban residential subdivision on the fringe of an existing urban residential area and represents the strategic expansion of the urban footprint. The proposal is compliant with all statutory requirements and is consistent with the desired outcomes of Council's development controls. The proposal will not conflict with any existing uses in the area, and all relevant impacts can be appropriately mitigated.

The proposal has positive social and economic outcomes, delivering additional housing in Lismore's current post-flood housing shortage.

Based on the assessment undertaken in this report, it is recommended that this Development Application be determined as Approved, subject to appropriate conditions of consent.

Recommendation

That Development Consent be granted to DA21/253, subject to the recommended conditions of consent (Appendix: Recommended Conditions).

Background

History of Development Application

This development application was originally lodged in April 2021. The original version of the proposal was for the thirteen (13) lot Torrens-title subdivision of 37 City View Drive, East Lismore.

In May and July 2021, Council and the NSW Rural Fire Service (RFS) requested additional information from the applicant on matters relating to ecology, stormwater, roads, heritage, and bushfire.

In December 2021, the applicant attempted to resolve a number of these issues through an amendment to the proposal, reducing the scale to a three (3) lot Torrens-title subdivision.

In February 2022, Council identified a lot-size issue in the *Lismore Local Environmental Plan 2012*, wherein the 'split-zone' allowances provided by Clause 4.2E did not apply to the RU2 Rural Landscape Zone. Council's Strategic Planning team have since rectified the issue by adding the RU2 zone to Clause 4.2E, however it was not a matter that could be overcome as Torrens-title subdivision in 2022. In October 2022, after working through the options with the applicant, Council confirmed Clause 4.2E did not apply to Community-title subdivision.

In June 2023, the application was amended again to propose a fourteen (14) lot Community-title subdivision. New documentation was submitted; the proposal was re-advertised; the assessment was undertaken; and is now before Council for determination. This matter was presented to Council at a briefing session on 23 April 2024.

Site and Locality

The subject site is located on the fringe of the existing urban area. There is remnant vegetation located to the south, west, and east of the development site. The areas to the north of the site are existing urban residential development.

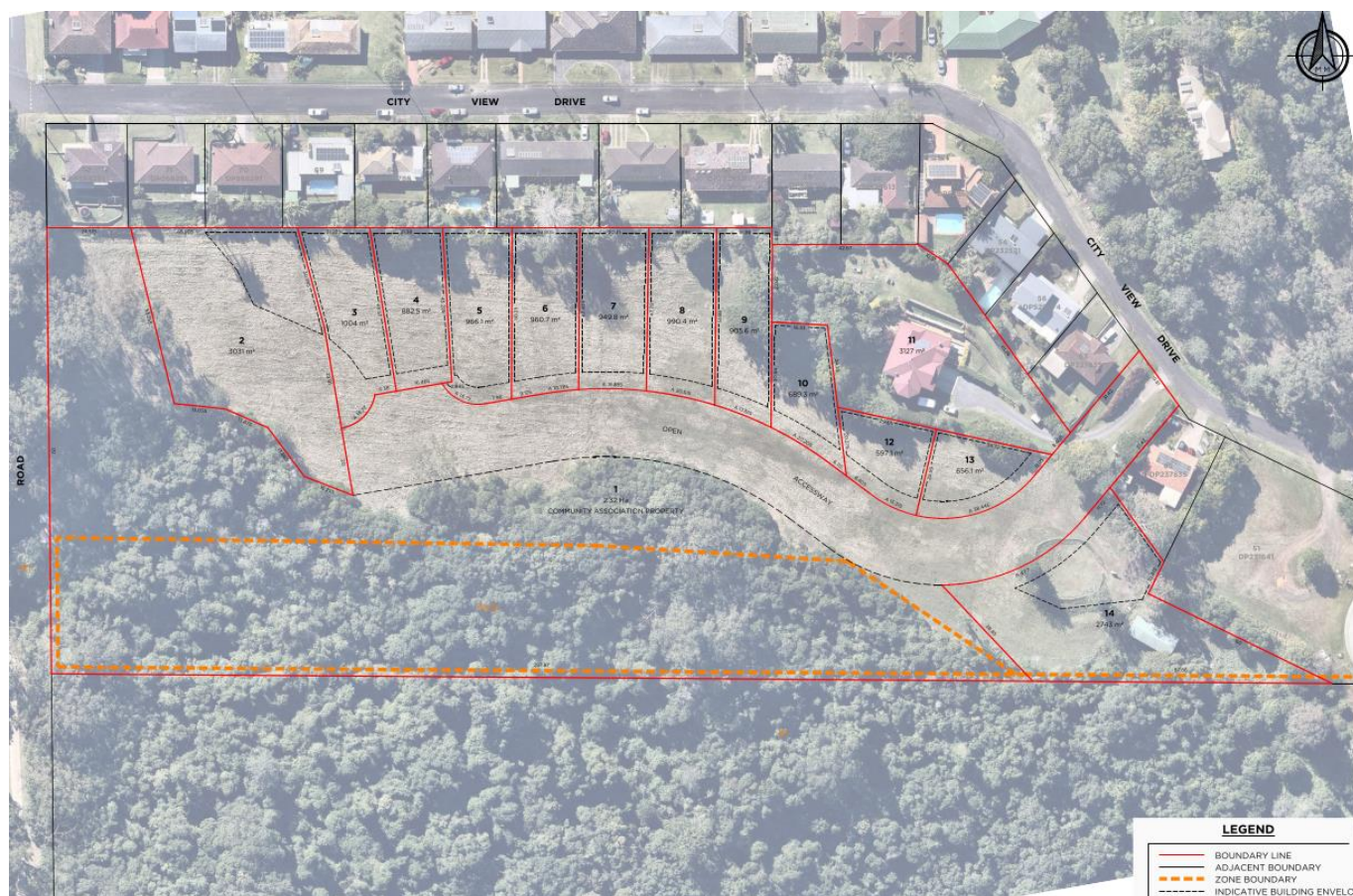
The development site is a 3.5 hectare rural-residential lot. The existing land-uses comprise a residential dwelling; grazing paddock; and vegetated areas.



Description of Current Proposal

The proposal is for a fourteen (14) lot Community-title subdivision, consisting of thirteen (13) dwelling sites plus the common-property land. The proposed common property land contains the remnant vegetation.

The proposal seeks to construct a road and extend infrastructure to service the site. When developing for Community-title subdivision, all the servicing infrastructure is retained in the ownership of the landholders (similar to Strata-title scheme). As such, Council would not take ownership nor maintain the proposed road, water/sewer pipes, stormwater drainage, etc. that is inside the property boundary.



Environmental Planning Instruments

The relevant environmental planning instruments have been considered in accordance with Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*.

Lismore Local Environmental Plan 2012

The site is zoned R1 General Residential Zone and RU2 Rural Landscape Zone, pursuant to Clause 2.2 and the associated Land Zoning Maps.

Subdivision is permissible with consent, and development consent has been sought for the proposed subdivision, in accordance with Clause 2.6.

The proposal will provide an additional twelve (12) residential lots that will go towards meeting the housing needs of the community. The proposal includes medium-to-large sized urban residential lots that can accommodate future residential development. The proposal is of a similar character to the nearby residential development, with consideration to the impacts of the specific site constraints on the subdivision design. The proposal complies with the objectives of the R1 General Residential Zone.

The RU2 Rural Landscape Zone portion of the site are contained within the residual common property. The primary ecological areas of the site are preserved within this common property, which limits the range of the development, so it does not adversely effect on the ecological values or rural character of that portion of the land. The proposal complies with the objectives of the RU2 Rural Landscape Zone.

The proposal promotes the efficient use of residential land, with all lots having a practical and efficient layout to meet intended residential use. Although Clause 4.1 does not apply to Community-title subdivision, it is noted that all residential lots exceed the minimum lot size of 400sqm provided by the Lot Size Maps. The RU2 Rural Landscape Zone portion of the site is entirely within the common property lot, and so complies with Clause 4.1AA.

The development site is not an identified heritage site. The applicant has carried out Aboriginal heritage and cultural investigation work, including fieldwork by the Ngulingah Aboriginal Land Council. No items or areas of significance were identified (see 'Aboriginal Cultural Heritage' for further discussion). The proposal complies with Clause 5.10.

The proposal includes the subdivision of RU2 Rural Landscape Zone, however there will be no dwelling entitlement proposed on that common property lot. The only proposed land uses within the common property lot are ecological preservation; maintenance of bushfire protection buffers; and infrastructure servicing (roads, pipes, etc). The site is not near any land mapped as significant farmland. The proposal will not sterilize or significantly limit any other land uses in the vicinity and complies with Clause 5.16. The subdivision design accommodates stormwater from upslope areas passing through the development, and adequate stormwater and drainage works can be put in place to manage the flow, concentration, and quality of stormwater (see 'Stormwater Drainage' and 'Slope Stability' for further discussion). The proposal is not within the mapped drinking water catchments; will not have significant impact on surrounding development, watercourses, or environmentally sensitive areas; and will not impact any known relics. The proposal is in accordance with Clause 6.2.

The site has access to potable water; sewer; electricity; and telecommunications networks. There is capacity in Council's water supply and sewer drainage systems in the area to cater for the proposal. The proposed stormwater systems can accommodate expected runoff. The proposal can be adequately serviced, in accordance with Clause 6.9.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Seven (7) trees are proposed to be removed, being six (6) Hoop Pines (*Araucaria cunninghamii*) and one (1) Silky Oak (*Grevillia robusta*). No koala habitat is proposed to be removed as part of this proposal.

However, development of the site may still impact to koala movements through the area. To this end, the recommended conditions of consent require all works be undertaken in accordance with koala protection protocols; future residents be prohibited from the keeping of any dogs; and future fencing be constructed to allow for safe koala movement (see 'Biodiversity Impacts' for further discussion).

The proposal complies with the Biodiversity & Conservation SEPP, and Lismore Council's CKPoM.

State Environmental Planning Policy (Resilience and Hazards) 2021

Pursuant to Clause 4.6 of the Resilience & Hazards SEPP, the applicant has investigated potential contamination of the site. A preliminary site investigation has been undertaken, in accordance with the NSW Contaminated Land Planning Guidelines and Lismore Council's Contaminated Land Policy. The investigation area has been determined to be suitable for the proposed development. All contaminant concentrations across the site are below the minimum threshold limits, with no remediation or further analysis required (see 'Contamination Risk' for further discussion). The proposal complies with the Resilience & Hazards SEPP.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Pursuant to Clause 2.48 of the Transport & Infrastructure SEPP, this proposal was referred to Essential Energy due to the possibility of interference with existing electrical infrastructure. Essential Energy reviewed the proposal, raised no safety concerns in relation to the proposal, and gave their general conditions of concurrence (Appendix: Essential Energy concurrence letter). The proposal complies with the Transport & Infrastructure SEPP.

Development Control Plans

The relevant development control plan (*Lismore Development Control Plan 2012*) has been considered in accordance with Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*.

Lismore DCP 2012 – Part A, Chapter 5A: Urban Residential Subdivision

Element 4.1: Lot Layout

All residential lots exceed the minimum lot size of 400m², and due to the steep nature of the site all are over 600m². There are a range of lot sizes available, and all lots have a suitable building envelope for the future dwelling.

All lots have frontage to the proposed internal road, with no battle-axe arrangements, and frontages are suitable for future vehicular access.

The land slopes to the south, and there are existing dwellings to the north. However, the lots that adjoin the northern boundary are of sufficient depth to accommodate a future dwelling with appropriate solar access.

Element 4.2 – 4.3: Street Networks & Design

There is a single new road proposed through the subdivision. This new internal road caters for the access and infrastructure needs of the development. There is only a single new intersection, where the proposed road joins the existing road at City View Drive. The frontage of the development will be upgraded to 6.0m wide to ensure that the intersection is properly designed to accommodate two-lanes of traffic.

Element 4.4 - 4.5: Pedestrian Facilities & Public Transport

The proposed road is a local access road. A single footpath will be provided, on one side of the road. Due to the scale of the development, dedicated cycleway and access to bus routes are not required.

Element 4.6: Open Space

Although the proposal is not of sufficient scale to warrant a public park, it is noted that proposal is a community-title subdivision, which includes a common property portion. While not a public park in the traditional form, this portion provides the future residents opportunity to enjoy the natural setting, adding natural character and ecological values to the community.

Element 4.7 - 4.8: Essential Services & Water Quality

The site has access to potable water; sewer; electricity; and telecommunications networks. There is capacity in Council's water supply and sewer drainage systems in the area to cater for the proposal (see 'Transport & Infrastructure SEPP' and 'Water & Sewer Servicing' for further discussion). The proposed stormwater systems can accommodate expected runoff and have demonstrated that all water quality targets can be achieved (see 'Stormwater Drainage' for further discussion).

Element 4.9 – 4.10: Street Trees & Biodiversity Conservation

The proposed development will include the planting of street trees. The recommended conditions of consent include requirements for a landscape plan to be prepared, with appropriate trees species and locations, per Lismore City Council Landscape Guidelines and the Northern Rivers Local Government Development Design and Construction Manual.

The development retains the remnant bushland across the southern portion of the site on the common property, to be managed and maintained into the future. The proposal has demonstrated that it retains and enhances areas of significant ecological value. The retention of this vegetation, along with the replanting of the seven (7) trees being removed, ensures that the development provides for rehabilitation areas to offset vegetation removal. Buffers are appropriately sized, with Asset Protection Zones (APZs) being provided while retaining remnant vegetation. Koala passage throughout the development accommodates corridor connectivity for areas of ecologically significant vegetation (see 'Biodiversity Impacts' for further discussion).

Element 4.11: Aboriginal Heritage

The applicant has carried out Aboriginal heritage and cultural investigation work, including fieldwork carried out by the Ngulingah Aboriginal Land Council. No items or areas of significance were identified, and there is limited likelihood of discovering in situ archaeological deposits during construction work. The recommended conditions of consent include requirements for unexpected finds education and protocols (see 'Aboriginal Cultural Heritage' for further discussion).

Lismore DCP 2012 – Part A, Chapter 13: Crime Prevention

The proposed lots are positioned above the internal road, with the future dwellings having good visibility over the road and proposed common property. Natural surveillance throughout the subdivision is appropriate.

Despite the subdivision being Community-title, the physical design elements are contemporary. The public will be aware that the roadway and dwelling sites are distinctly separate spaces. There is clear division between public and private areas.

The proposal complies with those crime prevention requirements that apply at subdivision stage, with the remaining elements to be addressed in the built form of the future dwellings.

Lismore DCP 2012 – Part A, Chapter 14: Vegetation Protection

Seven (7) trees are proposed to be removed, being six (6) Hoop Pines (*Araucaria cunninghamii*) and one (1) Silky Oak (*Grevillia robusta*). No koala habitat is proposed to be removed as part of this proposal. Compensatory replacement trees are proposed to be replanted at a rate of 2:1 to offset the loss of these trees.

The proposal is generally in accordance with the requirements of Chapter 14, however there are some minor incursions proposed to the 30m buffer area, recommended by Table 4. It is noted that the development has minimised and offset any ecological impacts and complies with all primary ecological requirements (*Biodiversity Conservation Act 2016*, Biodiversity & Conservation SEPP, and Lismore Council's CKPoM).

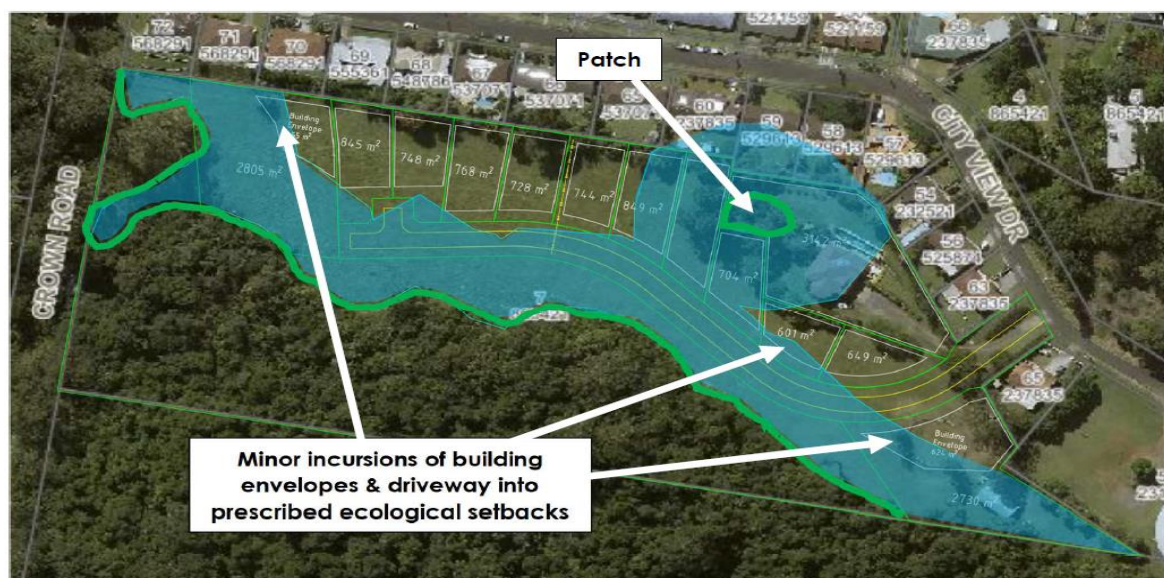


Figure 15. Ecological setbacks and the proposed development.

Council's Ecologist has reviewed these setback incursions, and concurs that these incursions are acceptable, subject to appropriate compensatory replanting to ensure no net loss. The recommended conditions of consent include requirements for the replanting of trees at a 2:1 ratio through the preparation of a vegetation management plan, which will satisfy this requirement.

Lismore DCP 2012 – Part A, Chapter 15: Waste Minimisation

The applicant has prepared a preliminary waste minimisation and management plan, which demonstrates that waste generated during the construction phase of the proposal will be appropriately managed. The waste minimisation and management plan are generally in accordance with the development criteria, and the recommended conditions of consent require an updated waste minimisation and management plan to be prepared with the construction documentation, once the specific materials and volumes are known.

Lismore DCP 2012 – Part A, Chapter 22: Water Sensitive Design

The submitted Stormwater Management Plan proposes that site runoff will be treated by a multi-faceted treatment train, utilising vegetated swales; buffer strips; rainwater tanks; and SPEL Stormsacks. MUSIC modelling has been provided, which demonstrates that the proposed treatment train meets all Council's target requirements.

Likely Impacts of the Development

The likely impacts of the proposed development have been considered in accordance with Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.

Bushfire Hazard

The subject site is mapped as bushfire prone land. The bushfire hazard comprises vegetation located to the south, west, and east of the development site. The areas to the north of the site are existing urban residential development, which are mostly clear of vegetation hazard.

The development is for the subdivision of land that could lawfully be used for residential purposes, so the proposal was referred to the NSW Rural Fire Service (RFS) as Integrated Development under Division 4.8 of the *Environmental Planning and Assessment Act 1979* and Section 100B of the *Rural Fires Act 1997*.

The RFS have assessed the proposal, and determined that the dwelling sites can achieve suitable construction standards (BAL 29); the asset protection zones are appropriate; the access achieves suitable egress and caters for fire trucks; etc. The RFS have issued their concurrence for the development, alongside a Bushfire Safety Authority (Appendix: RFS concurrence letter).

Biodiversity Impacts

The proposal seeks consent for the removal of seven (7) trees to enable the development. Six (6) Hoop Pines (*Araucaria cunninghamii*) and one (1) Silky Oak (*Grevillia robusta*) that are located within the dwelling sites along the northern and eastern areas of the site and require removal for dwellings and infrastructure to be appropriately sited. No koala food tree species are proposed to be removed. The applicant has prepared an ecological assessment, which undertakes appropriate survey effort and addresses the assessment of significance. A portion of the subject land is mapped on the Biodiversity Values Map, being most of the remnant vegetation along the southern boundary. However, none of the Biodiversity Values area is proposed to be cleared. Council's Ecologist concurs that the proposed development would not cause significant impact that would cause the extinction of a viable population of microbat or arboreal marsupial in the context of the broader landscape.

To offset the likely impacts of the proposal, the recommended conditions of consent include requirements for the replanting of trees at a 2:1 ratio; the preparation of a tree removal and protection plan; the preparation of a vegetation management plan; and the installation of a number of nest boxes. The proposed clearing is below the Biodiversity Offsets Scheme (BOS) threshold of 2,500m². As such, a Biodiversity Development Assessment Report (BDAR) is not required, and the retirement of biodiversity credits cannot be imposed.

The proposal complies with the *Biodiversity Conservation Act 2016*.

The applicant has prepared a Koala Habitat Assessment Report, addressing the requirements of Council's Comprehensive Koala Plan of Management (CKPoM). No koala habitat is proposed to be

removed as part of this proposal. However, development of the site may still impact to koala movements through the area, pursuant to the assessment criteria for large-impact development in Section 4.6 of the CKPoM. Conditions to provide certainty to continued movement through the site is required. To this end, it is recommended that all works are undertaken in accordance with koala protection protocols. It is further recommended that future residents be prohibited from the keeping of any dogs and are required to have all boundary and associated internal fencing constructed and maintained to effectively allow for safe koala movement. The recommended conditions of consent include these requirements. The proposal complies with the *Biodiversity & Conservation SEPP*, and Lismore Council's CKPoM.

View Sharing

View sharing is consideration of the likely impacts on desirable views enjoyed from existing development as a result of the proposed development. Consideration is given to the planning principles for view sharing.

The proposed development is located downslope from existing residential premises on City View Drive. These premises look directly south, into the existing downslope vegetated areas located in the foreground. These premises also enjoy some views to the south-east, where distant hills are visible over the treeline.

The proposed lots are located downslope of the existing residential premises on City View Drive, at a significant grade. Due to this slope, the future dwellings would likely have a floor level anywhere between three-metres (3m) and eight-metres (8m) below the lowest points on the existing neighbouring lots. Given that many of these existing dwellings already enjoy an existing floor-level that is higher than their southern-boundaries, it is likely that any future dwelling on the proposed lots can reasonably avoid creating any view sharing issues.

While there is unlikely to be any significant view sharing issues, it is worth noting that the view sharing planning principals identify the significance and direction of views in this consideration. The views are enjoyed diagonally across the development site, and they are land views (rather than iconic views or water views). As such, the views currently enjoyed by the existing dwellings on City View Drive, while pleasant, will not be significantly affected, and would not be given sufficient weight to be grounds for refusal.

Given the likely limited impacts; the nature of the views and the angle from which they are obtained; and the zoning and current development potential of the site; it is considered view sharing for the development is appropriate.

Aboriginal Cultural Heritage

The site is located near a watercourse and existing remnant vegetation, which increases the likelihood of Aboriginal cultural heritage. However, the landform of the development area has been significantly modified by European land-uses, which significantly decreases the likelihood of archaeological deposits surviving onsite.

An Aboriginal Heritage Information Management System (AHIMS) search did not identify any known objects at the development site. The applicant has carried out Aboriginal heritage and cultural investigation work, including fieldwork carried out by the Ngulingah Aboriginal Land Council. No items or areas of significance were identified, and there is limited likelihood of discovering in-situ archaeological deposits during construction work. The recommended conditions of consent include cultural education for construction workers, and protocols for unexpected archaeological finds during construction works.

Contamination Risk

The development site has a history of being used for agricultural and rural-residential land-uses. A preliminary contamination investigation was undertaken to determine whether previous land-uses have contaminated the site and assess the suitability of the site for the proposed residential land-use.

Due to the previous agricultural land-uses, the most likely possible contaminants were determined to be heavy metals (including arsenic, lead, and copper); organochlorines (including DDT, aldrin/dieldrin and endosulfan); and organophosphorus. Soil sampling was undertaken across the site, to determine presence of these possible contaminants. All results were below the minimum health investigation levels for residential development.

The proposed residential subdivision complies with the Resilience & Hazards SEPP; the NSW Contaminated Land Planning Guidelines; and Lismore Council's Regional Policy for the Management of Contaminated Land.

Acoustic Impacts

The proposal is for a residential subdivision, with twelve (12) new dwellings to be located on above-average sized sites. The proposed development will generate the usual low-level acoustic outputs expected of a low-density residential urban area. No significant acoustic impacts are anticipated. Construction works will be carried out subject to the usual acoustic and vibration constraints and will be managed in the usual manner under the *Protection of the Environment Operation Act 1997*; the *Construction Noise Guideline (NSW Environment Protection Authority, 2020)*; and the *Environmental Noise Management Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006)*.

Slope Stability

Given the slope of the site, slope stability testing has been undertaken by the applicant. Slopes of up to 15° were observed, and no indication of any unstable condition was recorded within the existing slope geometry. The slope stability testing determined that there is a 'low' risk of landslide that would adversely affect the subject site and/or the upslope properties.

Traffic Generation

The development site is situated behind existing adjacent subdivision, with access via the local road system. Access is proposed from City View Drive, in the only available location, due to existing surrounding development and slope. The internal road within the Community-title will remain a private asset, with future maintenance responsibility being carried by the development.

The calculated increase in traffic movements along the local road networks in one-hundred seventeen (117) vehicles per day (vpd). City View Drive can cater for this minor increase in traffic loading. This access point requires a new unsignalized "T" intersection. Sight distances are compliant with *Austrroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections*. City View Drive will be widened at the proposed intersection to ensure a compliant two-lane width.

The internal road system is logical for a proposal of this scale. The proposal's single road crosses the site along the contour and terminates due to lack of through-road options. The internal road services only thirteen (13) lots into the future, and so will be constructed as a local access road.

Water & Sewer Servicing

The development has access to water supply mains from City View Drive. The water mains are available for connection, and there is capacity to service the proposed development. Council will supply a public service to the boundary of the Community-title land, and the extension of water supply within the Community-title will remain private assets, with future maintenance responsibility being carried by the development. The recommended conditions of consent require the connection of the services; the construction of the private asset in accordance with Australian Standard AS/NZS 3500; and approval to be obtained under Section 68 for the connection to existing water services.

A sewer main traverses the eastern boundary of subject development site. The sewer mains are available for connection, and there is capacity to service the proposed development. Pressure sewer is proposed. Similarly, to water supply, sewerage services within the Community-title will remain private assets, with future maintenance responsibility being carried by the development. The recommended conditions of consent require the connection of the services; the construction of the private asset in

accordance with Australian Standard AS/NZS 3500; and approval to be obtained under Section 68 for the connection to existing water services.

Stormwater Drainage

Stormwater runoff from the existing uphill residential properties currently sheets onto the development site off hard surface and concentrated drainage. This runoff will be captured and a concentrated pipe outlet midway along the site's northern boundary.

Runoff from external catchment areas upstream of the proposed site are to be diverted by cutoff drains and directed to an inlet pit within each property. Runoff will then be conveyed from the pits by an underground pipe system to the site discharge, and then dispersed to sheet flow via rip rap. Stormwater runoff from the proposed road will be directed over roadside buffer strips to a grassed swale. The swale will direct runoff to a gully pit and pipe drainage system conveying the flow to the points of discharge along the road.

Runoff from future dwellings will connect to the proposed street drainage system via a 3000L rainwater reuse tank on each lot, which will be constructed with each future dwelling.

Regarding stormwater quality, the submitted Stormwater Management Plan proposes that site runoff will be treated by a multi-faceted treatment train, utilising vegetated swales; buffer strips; rainwater tanks; and SPEL Stormsacks. MUSIC modelling has been provided, which demonstrates that the proposed treatment train meets all Council's target requirements.

All stormwater systems will be within the Community-title, and will remain private assets, with future maintenance responsibility being carried by the development.

Management and treatment of stormwater discharge is achievable and appropriate with consideration to the site constraints.

Garbage Disposal

The proposed access road will cater for a conventional garbage truck. Garbage service will be by way of typical kerbside collection within the development along the new access road.

Social & Economic Outcomes

The proposal will deliver new lots that will allow for additional housing in the Lismore urban area. This is especially important in Lismore's current post-flood housing shortage, providing opportunity for necessary housing stock and diversity.

The continued strategic growth of the urban area will provide a larger local population base, which will result in increased pedestrian/user activity in the local public spaces and business districts. The proposal will result in generally positive social outcomes.

The proposal will allow a larger local population, which in turn provides a larger customer-base for local businesses and a larger pool of skilled workers in the locality. The proposal will result in generally positive economic outcomes.

The proposal will also provide an additional temporary economic benefit during the period of construction, stimulating employment in construction industries and related fields.

Suitability of the Site for the Development

The suitability of the site has been considered in accordance with Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.

The site is correctly zoned for the proposed development, being an urban residential subdivision proposed on R1 General Residential zoned land. The proposal fits within the locality, being a

continuation of existing urban development in the area. The proposal will not conflict with any existing uses in the area. All relevant constraints have been addressed, and all relevant impacts have been appropriately mitigated. The site is suitable for the proposed development.

Public Consultation and Submissions

Submissions have been considered in accordance with Section 4.15(1)(d) of the *Environmental Planning and Assessment Act 1979*.

This proposal was advertised, and the surrounding residents notified in accordance with Council's *Community Engagement Strategy* (Appendix 1 – Community Participation Plan).

The original version of the proposal was for a thirteen (13) lot Torrens title subdivision. This version of the application was first notified in May 2021. Twenty-four (24) public objections were received, and a further petition with seventy-four (74) names. (Appendix: Combined Submissions – 1st Notification). In December 2021, the application was reduced to a three (3) lot Torrens title subdivision. Following these amendments to the proposal, the application was re-notified in February 2022. Eleven (11) public objections were received. (Appendix: Combined Submissions – 2nd Notification).

A lot-size issue was identified, which essentially sterilised all Torrens-title versions of the subdivision. As a result, the application was amended again in June 2023 to a fourteen (14) lot Community-title subdivision. Following these amendments to the proposal, the application was re-notified in July 2023. Thirty (30) public objections were received. (Appendix: Combined Submissions – 3rd Notification).

The key themes of the objections in relation to the amended design are summarised as follows:

Point of Objection	Planning Response
1. Geotechnical issues and slippage	1. Slope stability testing has been undertaken, and the civil works can be designed with consideration to the site constraints (see 'Slope Stability' for discussion).
2. Stormwater drainage	2. There is slope throughout the site, however appropriate conceptual stormwater details have been provided to demonstrate that stormwater drainage and quality outcomes are achievable (see 'Stormwater Drainage' for discussion).
3. Biodiversity impacts, particularly on koalas and the adjoining nature reserve	3. The proposal includes the removal of seven (7) trees, none of which are koala food trees, and proposes offsets to compensate. The proposal complies with the <i>Biodiversity Conservation Act 2016</i> , the <i>Biodiversity & Conservation SEPP</i> , and the Lismore Council CKPoM (see 'Biodiversity Impacts' for discussion).
4. Bushfire hazard	4. The proposal was referred to the NSW Rural Fire Service (RFS) for bushfire assessment as Integrated Development. The RFS have issued their concurrence for the development, alongside a Bushfire Safety Authority (see 'Bushfire Hazard' for discussion).

<p>5. Traffic impacts, and the width of City View Drive</p>	<p>5. City View Drive can cater for the proposed increase in traffic loading. This City View Drive access point requires a new unsignalized “T” intersection. Sight distances are compliant. City View Drive will be widened at the proposed intersection to ensure a compliant two-lane width (see ‘Traffic Generation’ for discussion).</p>
<p>6. Amenity of surrounding properties, including acoustic impacts</p>	<p>6. The proposal is for a residential subdivision and will generate the usual low-level acoustic outputs expected of a low-density residential urban area. No significant acoustic impacts are anticipated (see ‘Acoustic Impacts’ for discussion).</p>

A late email was received in the decision phase of the application process outlining concerns from a community member that attended the Councillor briefing on 23 April 2024. The concerns raised in the email will be addressed directly via an email response, however it is noted that they do not raise any new points of concern that have planning merit.

Public Interest

The public interest has been considered in accordance with Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*.

The proposal is for an urban residential subdivision on the fringe of an existing urban residential area. The proposal is keeping with the qualities of the area and will not result in any unacceptably change or transformation of the local character. The proposal will have generally positive social and economic impacts in the locality. The proposal will not result in inequities in the community, instead improving social equity through provision of housing-stock which assists with improving housing affordability. The proposal includes the clearing of native vegetation but has been demonstrated that environmental capacity of the area will not be exceeded (e.g., the environment will withstand/recover from the impact, with consideration to the offsets proposed). The proposal will not result in any danger or threat to human health or safety, neither in the local area nor in the wider community. The proposal will not reduce public amenity or enjoyment of community spaces.

The development application received public submissions objecting to the proposals. The concerns raised by the public relate to a variety of potential impacts of the proposal. It is noted that the proposed developable portion of the land enjoys zoning for the explicit purposes of residential development; is consistent with surrounding existing development; and can adequately manage all likely impacts. The community concern is acknowledged, but for the purposes of assessing the development application, a fear, or a concern without rational or justified foundation is not a reason for refusal.

The development proposes to connect to community infrastructure (water; sewer; roads; etc.). These connections would see the proposal absorbing some of the capacity from these infrastructure networks, which would be a cost born by the community. To offset this cost, development contributions would be levied against the proposal, should it be approved. Contributions plans are calculated to ensure the monies collected will go to offset the capacity absorbed by development. The contributions calculated for this proposal offset capacity drawn from the relevant infrastructure networks.

Determination Options

Pursuant to Section 4.16 (1) of the *Environmental Planning and Assessment Act 1979*, Council can determine a development application by either:

- a) granting consent to the application, either unconditionally or subject to conditions; or
- b) refusing consent to the application.

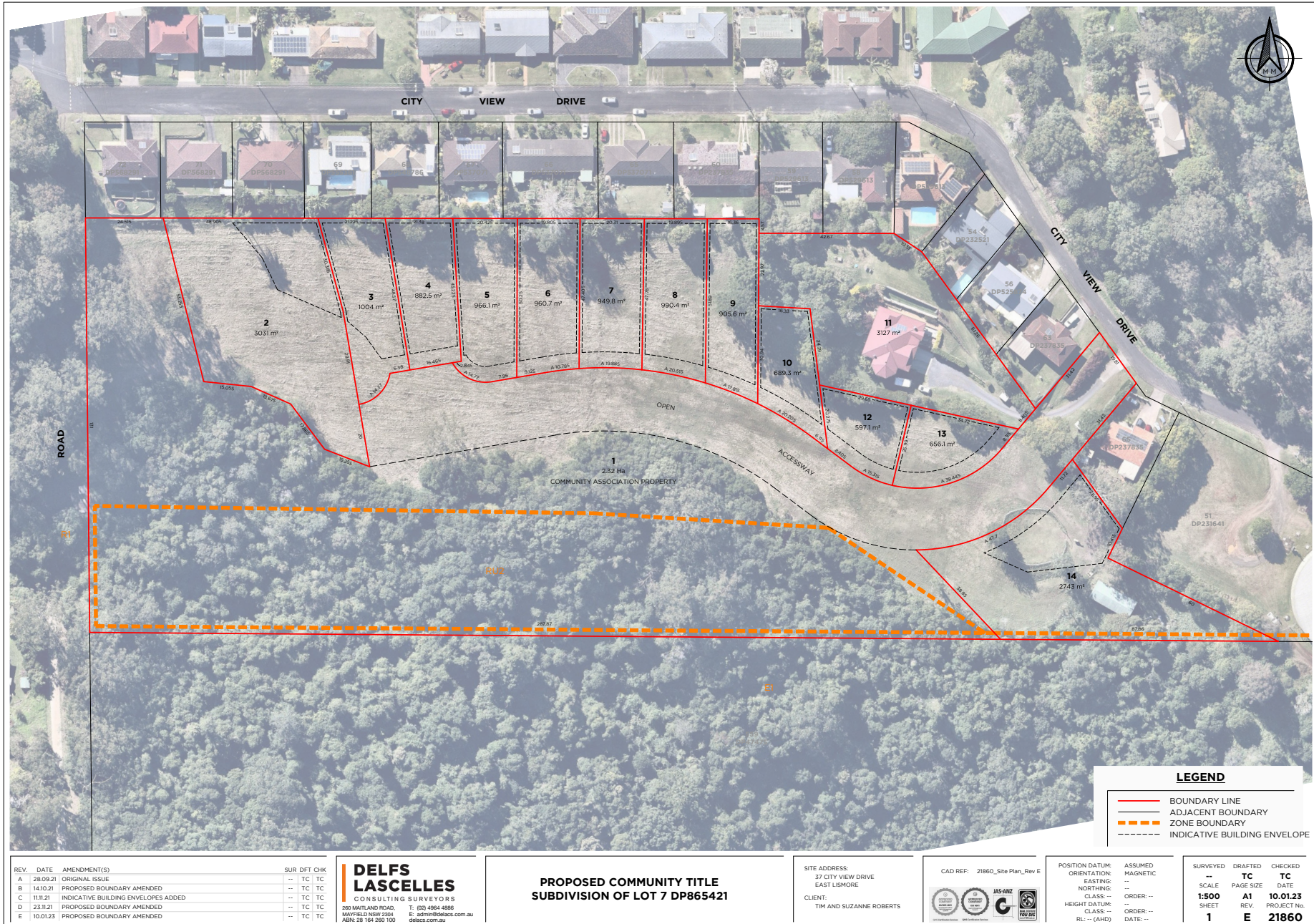
It is the recommendation of this report that consent be granted to this determination, subject to the conditions recommended. (Appendix: Recommended Conditions).

Conclusion

The proposal is for an urban residential subdivision on the fringe of an existing urban residential area. The proposal is compliant with all statutory requirements and is consistent with the desired outcomes of Council's development controls. The proposal will not conflict with any existing uses in the area, and all relevant impacts can be appropriately mitigated. Based on the assessment undertaken in this report, it is recommended that this Development Application be determined as Approved, subject to appropriate conditions of consent.

Attachment/s

1. [↓](#) Subdivision Plan
2. [↔](#) Recommended Conditions (Over 7 pages)
3. [↔](#) RFS concurrence letter (Over 7 pages)
4. [↔](#) Essential Energy concurrence letter (Over 7 pages)
5. [↔](#) Combined Submissions - 1st Notification (Over 7 pages)
6. [↔](#) Combined Submissions - 2nd Notification (Over 7 pages)
7. [↔](#) Combined Submissions - 3rd Notification (Over 7 pages)



REV.	DATE	AMENDMENT(S)	SUR	DFT	CHK
A	28.09.21	ORIGINAL ISSUE	--	TC	TC
B	14.10.21	PROPOSED BOUNDARY AMENDED	--	TC	TC
C	11.01.21	INDICATIVE BUILDING ENVELOPES ADDED	--	TC	TC
D	23.11.21	PROPOSED BOUNDARY AMENDED	--	TC	TC
E	10.01.23	PROPOSED BOUNDARY AMENDED	--	TC	TC

DELFS LASCELLES
 CONSULTING SURVEYORS
 200 MAYFIELD ROAD, EAST LISMORE
 MAYFIELD NSW 2104
 ABN: 28 164 200 100

PROPOSED COMMUNITY TITLE SUBDIVISION OF LOT 7 DP865421

SITE ADDRESS:
 37 CITY VIEW DRIVE
 EAST LISMORE
 CLIENT:
 TIM AND SUZANNE ROBERTS

CAD REF: 21860_Site Plan_Rev E

POSITION DATUM:
 ORIENTATION:
 EASTING:
 NORTHING:
 CLASS:
 ORDER:
 HEIGHT DATUM:
 CLASS:
 ORDER:
 RL: -- (AHD)
 DATE: --

ASSUMED MAGNETIC:
 ORDER:
 ORDER:
 ORDER:
 DATE: --

SURVEYED	DRAFTED	CHECKED
--	TC	TC
SCALE	PAGE SIZE	DATE
1:500	A1	10.01.23
SHEET	REV.	PROJECT No.
1	E	21860

Report

Subject	Public Exhibition of the Draft revised 2023-2027 Delivery Program and 2024-2025 Operational Plan, Long Term Financial Plan and Strategic Asset Management Plan
TRIM Record No	BP24/430:EF24/21
Prepared by	Manager Finance
Reason	For Council to approve the public exhibition of the Delivery Program and Operational Plan, Long Term Financial Plan and Strategic Asset Management Plan
Strategic Theme	Leadership and participation
Strategy	We provide effective management and responsible governance.
Action	Ensure the efficient and effective operation of Council.

Executive Summary

The *Local Government Act 1993* requires Council to review its Delivery Program (DP) and prepare an Operational Plan (OP) every year.

The OP must include projects and activities to be undertaken during the year, a detailed budget, revenue policy for rates, annual charges and fees & charges, and any proposed borrowings. To meet requirements, a draft Delivery Program has been reviewed and Operational Plan has been prepared.

Council has implemented a 4-budgeting cycling which addresses the funding required to deliver the DP of Council. It provides certainty to the community as to the future delivery of Council strategies and replaces the yearly uncertainty around the development of budgets. The objective should be to “tweak” the document for changes in assumptions however the core deliverables and identified funding sources should remain consistent.

Council has also reviewed and updated the associated resourcing strategies. These strategic resourcing strategies include the 2024-2025 Strategic Asset Management Plan (SAMP) and the Long-Term Financial Plan (LTFP). These updated strategies are included as attachment.

The Draft revised 2023-2027 DP and 2024-2025 OP, SAMP and LTFP will be placed on public exhibition for 28 days from 18 May 2024 until 16 June 2024 inclusive and submission will be sought from the public.

Submissions received will be reported to Council’s June 2024 meeting for consideration.

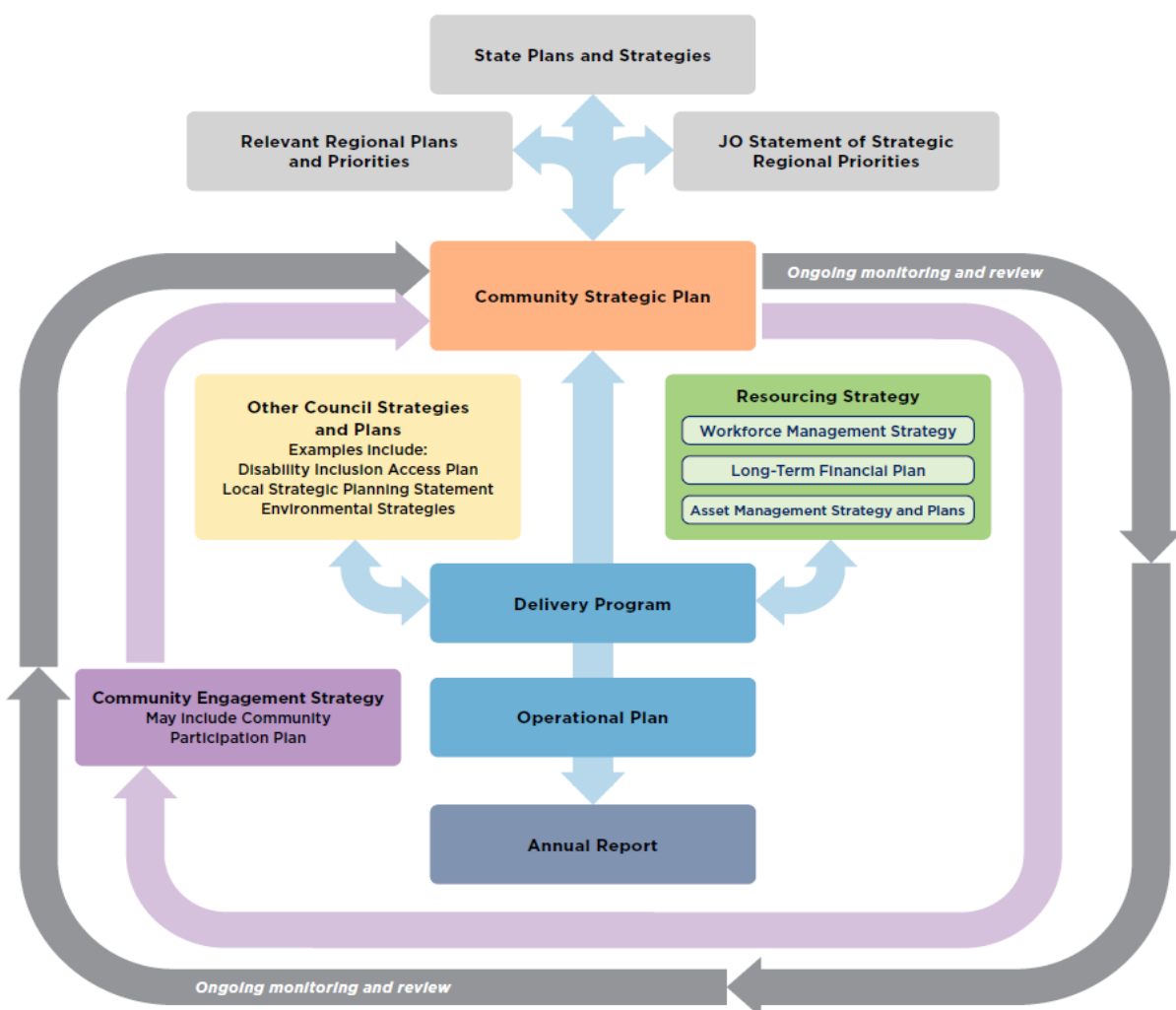
Recommendation

That the:

1. draft revised Delivery Program 2023-2027 and Operational Plan 2024-2025 be placed on public exhibition for 28 days and any submissions be reported to Council for consideration prior to adoption.
2. draft Long Term Financial Plan be placed on public exhibition for 28 days and any submissions reported to Council for consideration prior to adoption.
3. draft Strategic Asset Management Plan be placed on public exhibition for 28 days and any submissions reported to Council for consideration prior to adoption.

Background

The *Local Government Act 1993* requires a council to prepare a long-term community strategic plan, a four-year delivery program and an annual operational plan. This is outlined in the Integrated Planning & Reporting (IP&R) framework.



Strategies and plans from the IP&R framework are reviewed regularly to ensure that they remain relevant in a rapidly changing environment.

The 'Imagine Lismore Community Strategic Plan' (CSP) 2022-2032 was adopted by Council in February 2023. It maintains consistent themes and objectives from the 2017 CSP and represents the Council and the community's shared vision for the Lismore local government area. All IP&R documents will be reviewed after the September 2024 Council election and must be adopted by June 2025.

The 2023-2027 DP (including the 2023-2024 DP) was adopted by Council in June 2023. Whilst it is a four-year document, the DP is reviewed each year when preparing the OP. This review has included some changes to the messaging and an update on some key capital projects. The actions for 2024-2025 contained in the Program are carried over from 2023, and in essence represent "year two" of the Plan.

In accordance with the NSW Office of Local Government IP&R framework, Council has reviewed and updated its resourcing strategies including, the SAMP and the LTFP.

Budget 2024-2025

Last year Council implemented a 4-year budget. This is considered best practice as it provides certainty to the community around what is to be delivered by Council and removes the yearly uncertainty around the budget preparation.

The base for the 2024-2025 Budget is the second year of the LTFP adopted in 2023, it is then updated for changes in assumptions or for new information received since the development of the previous LTFP.

The Budget is a consolidation of three separate funds being General, Wastewater and Water. While General Fund revenues can be applied to any purpose allowed by the *Local Government Act 1993*, revenues collected in Wastewater and Water Funds must be expended for the purpose it is collected. As such, the budget information is reported for all funds separately, as well as on a consolidated (all of Council) position.

With regards to the operating results and cash position reported above, all have specific value and require due consideration by Council: -

- **Net Operating Result for the Year** – This reflects the budgeted financial performance of the Council for the financial year. As it includes capital grants and contributions revenues for capital works which are not expensed in the result, the Net Operating Result for the Year before Capital Grants & Contributions is considered to better reflect financial performance.
- **Net Operating Result for the Year before Capital Grants & Contributions** – This is considered the better measure of financial performance as it matches more accurately resources generated in recurrent operations against resources used in recurrent operations. There are some minor exceptions to this such as for operating expenses being funded from reserves or unexpended grants.

From a financial sustainability perspective, it is important that the Net Operating Result for the Year before Capital Grants & Contributions (excluding loss on disposal of assets), is break even or a surplus.

- **Cash Position** – This simply reflects the financial results from a cash perspective, that is the difference between the money and money out. It highlights if Council has adequately funded its cash operations for the year ahead.

In accordance with Council policy 1.5.12, the draft budget is forecasting a positive cash position of \$200,000 or greater over the four (4) years and the longer term over 10 years of the LTFP.

It is essential that a surplus cash position is achieved in the General Fund. This provides Council with greater flexibility to financially manage unplanned events or exceptional circumstances that always arise during the year, instead of considering changes to the adopted budget during the year when options and time to implement solutions are limited and not always optimal.

Financial Summary:

Consolidated

Measure	2024-2025 '\$000	2025-2026 '\$000	2026-2027 '\$000	2027-2028 '\$000
Operating result	102,153	228,726	188,866	129,854
Operating Before Capital Grants & Contributions	(14,099)	(8,661)	(5,716)	(4,409)
Cash Result	221	209	211	216
Capital Expenditure	134,517	260,511	229,509	159,665
New Borrowings	-	3,300	8,900	-

By Fund:

General Fund

Measure	2024-2025 '\$000	2025-2026 '\$000	2026-2027 '\$000	2027-2028 '\$000
Operating result	88,057	198,465	166,683	125,719
Operating Before Capital Grants & Contributions	(15,793)	(10,545)	(8,120)	(7,370)
Cash Result	221	209	211	216
Capital Expenditure	115,890	225,751	200,447	149,103
New Borrowings	-	3,300	8,900	-

Sewer

Measure	2024-2025 '\$000	2025-2026 '\$000	2026-2027 '\$000	2027-2028 '\$000
Operating result	12,697	29,926	21,597	3,276
Operating Before Capital Grants & Contributions	1,858	1,778	2,056	2,347
Cash Result	-	-	-	-
Capital Expenditure	13,092	30,991	25,286	6,751
New Borrowings	-	-	-	-

Water

Measure	2024-2025 '\$000	2025-2026 '\$000	2026-2027 '\$000	2027-2028 '\$000
Operating result	1,400	335	586	869
Operating Before Capital Grants & Contributions	(165)	105	349	614
Cash Result	-	-	-	-
Capital Expenditure	5,536	3,769	3,777	3,810
New Borrowings	-	-	-	-

Key Performance Indicators Financial– Consolidated

LISMORE CITY COUNCIL 10 Year Financial Plan for the Years ending 30 June 2034 KEY PERFORMANCE INDICATORS - CONSOLIDATED Scenario: Preferred Model		2024/25	2025/26	2026/27	2027/28
Council's Target Benchmarks					
Operating Performance Ratio	Snapshot				
	Actual Ratio	-8.52%	-4.24%	-1.81%	-0.69%
Own Source Operating Revenue Ratio	Snapshot				
	Actual Ratio	42.41%	29.71%	34.55%	43.42%
Unrestricted Current Ratio	Snapshot				
	Actual Ratio	2.05	2.68	2.34	2.25
Debt Service Cover Ratio	Snapshot				
	Actual Ratio	4.12	5.23	5.82	5.94
Rates, Annual Charges, Interest & Extra Charges Outstanding Percentage	Snapshot				
	Actual Ratio	9.10%	9.07%	9.12%	9.16%
Cash Expense Cover Ratio	Snapshot				
	Actual Ratio	11.75	16.17	16.85	15.82

The Building & Infrastructure Renewals ratio and Asset Maintenance ratios are being updated as part of the AMP.

Ratio - key	Benchmark
Operating Performance Ratio	Greater than 0%
Own Source Operating Revenue Ratio	Greater than 60%
Unrestricted Current Ratio	Greater than 1.5
Debt Service Cover Ratio	Greater than 2
Rate, Annual Charges, Interest & Extra Charges Outstanding Percentage	Less than 10%
Cash Expense Ratio	Greater than 3

The Operating Performance ratio is showing improvement over the four years. The LTFP is forecasting this ratio will be breakeven and will be positive by year eight (8). Note this ratio excludes the loss on disposal of assets.

4. Revenue Policy

The following is a summary of the proposed changes to the rates and major annual charges included into the Plan: -

General Rates

The NSW Independent Pricing and Regulatory Tribunal (IPART) has set the maximum rate pegging amount for Lismore City Council at 4.7%.

It is recommended that Council applies the IPART rate peg amount of 4.7%. This will generate approximately an additional \$1.6 million. There also been growth in rateable properties resulting in an additional \$200k in rate income.

Council can adopt any percentage that it deems appropriate up to 4.7% however should Council decide not to adopt the full rate peg, then Council will need to cut other programs from the budget or reduce service levels to fund the shortfall in revenues.

Waste Management Services

Council is implementing actions from a review of waste across collections, disposal, MRF, and FOGO activities.

This budget includes a rationalisation of collection services and charges.

Collection charges have been increased to reflect the true cost of service delivery as identified within the waste review.

The key charges include: -

The impact of the 2022 floods has had a significant impact on Council's waste facility, with the current cell still closed pending restoration works. Council has been forced to ship its waste off site to other facilities either within NSW or QLD. This has imposed additional operational costs on the Waste facility which cannot be absorbed in the short term.

Council has applied a levy of \$75.00 per assessment until the facility becomes operational. The levy will be offset by a reduction in the waste minimisation levy of \$65.00, with there being no overall impact in the total waste charges excluding normal increase due to CPI.

Service	Annual Charge 2024-2025	QLD Levy 2024-2025	Total 2024-2025	Yield (\$'000)
Integrated Waste Collection	\$540.00	\$75.00	\$615.00	\$6,519
Integrated Waste Collection – Urban Half	\$375.00	\$75.00	\$450.00	\$160
Integrated Waste Collection – Waste Plus	\$640.00	\$75.00	\$715.00	\$312
Integrated Waste Collection - Premium	\$857.00	\$75.00	\$932.00	\$227
Waste Collection Service – Special Needs	\$440.00	\$75.00	\$515.00	\$19
Waste Collection – Rural	\$530.00	\$75.00	\$605.00	\$1,457
Waste Collection – Rural Half	\$345.00	\$75.00	\$420.00	\$204
Waste Collection – Rural Village	\$615.00	\$75.00	\$690.00	\$1,067
Waste Collection – Rural Village Half	\$415.00	\$75.00	\$490.00	\$54
Waste Collection - Urban Business	\$470.00	\$75.00	\$545.00	\$642
Waste Collection - Rural Non-Domestic	\$525.00	\$75.00	\$600.00	\$137
Waste Availability	\$11.39	-	\$11.39	\$10
Waste Minimisation	\$0.00	-	\$0.00	\$0.00
Nimbin Transfer Station	\$173.48	-	\$173.48	\$56
				\$10,865

Wastewater Charges

There is proposed increase in sewer charges. For 2024-2025, the proposed charge is \$1,013.00.

The following is a summary of the proposed charges:

Wastewater Charges:	2024-2025
For single unit dwelling houses	\$1,013.00
For residential flats for each unit of occupancy	\$709.10
For non-domestic properties (excluding properties within the established strength category), per equivalent tenement	\$1,013.00
For properties not connected to a sewerage scheme and able to do so and located within 75 metres of a Council sewer	\$607.80
Sewer Rebate 1	\$303.90
Sewer Rebate 2	\$506.50

Average Residential rates including charges.

Charge	2023-2024	2024-2025
General	\$1,347.20	\$ 1,415.07
Waste	\$343.67	\$540.0
Waste – QLD levy	\$65.00	\$75.00
Sewer	\$1,013	\$1,013.00
Stormwater	\$25.00	\$25.00
Waste Minimisation	\$ -	\$ -
Total	\$2,793.67	\$ 3,068.07

Stormwater Management Services Charges

The Stormwater Management Services charge is applied to ratable land within the Lismore urban area. There are exemptions to the charge with vacant and crown land (including Department of Housing) most prominent.

For residential lots, the charge will be \$25.00. For residential strata and company titled land, the charge will be \$12.50 per unit.

A review of the Urban Stormwater Management Plan is being undertaken which will enable more work to be done on Council drainage problems.

Water Charges

For 2024-2025, it is proposed to increase consumption charges to \$5.03 per kilolitre from \$4.79 per kilolitre, and the base service availability charge to \$369.08 per annum from \$351.64 per annum. This is a 4.96 % increase and is driven by the increase in charges from Rous County Council. Rous County Council has applied a 5.06% increase or \$331,300 in supply charges to Lismore City Council:

A summary of water charges follows: -

Water Charges	2023-2024	2024-2025
Consumption Charge	\$4.79 per kilolitre	\$5.03per kilolitre
20mm service	\$354.64	\$369.08
25mm service	\$549.44	\$576.69
32mm service	\$900.20	\$944.85
40mm service	\$1,406.56	\$1,476.33
50mm service	\$2,197.76	\$2,306.78
65mm service	\$3,714.20	\$3,898.45
80mm service	\$5,626.24	\$5,905.34

100mm service	\$8,791.00	\$9,227.09
150mm service	\$19,780.76	\$20,760.96
Unconnected Properties	\$351.64	\$369.08
Fire Service	\$351.64	\$369.08
Water Rebate Service	\$175.82	\$184.54

Summary

More information on all rates and annual charges is provided in the Revenue Policy & Borrowings attachment.

Fees & Charges

The draft 2023-2024 Fees & Charges have been prepared in accordance with Council's policy 1.5.9 Pricing Policy – Fees & Charges.

Council is proposing a 4.0% increase in general fees and charges, excluding Commercial Operations, Statutory Charges and Water Charges. Some fees have been increased in line with CPI where is deemed appropriate.

A full copy of the draft 2024-2025 Fees & Charges is attached.

5. Borrowings

Council is required to submit a program of new borrowings seeking approval from the Office of Local Government on an annual basis.

Council is not indenting to borrow in 2024-2025

6. Acquisition of Assets

A total of \$134.517 million in acquisition of assets are included in the draft 2024-2025 Budget.

The majority of these works include the flood restoration works and are grant funded.

The acquisition of assets total \$134.517 million, made up as follows:

General Fund	\$ 19.88 million
Flood Restoration	\$107.29 million (includes Water, Sewer, Roads, and Buildings)
Wastewater	\$ 3.15 million
Water Funds	\$ 4.19 million

A full schedule of works is included in the Attachment: Draft Budget by Program 2024-2025 (including Forward Estimates)

7. Other Matters

The following are additional items or information provided to assist Council in its determination:

Natural Disaster 2022

The Lismore region and the community suffered a catastrophic disaster in February and March 2022 which has significantly impacted the community and has also caused major damage to most of Council's assets.

Council has included significant flood restoration works in the 2024-2025 budget, based on the best information available at the time, however these amounts need to be confirmed through the relevant funding bodies. As and when more information is available this will be reported to Council and the community as part of the Quarterly Budget Review process.

Long Term Financial Plan

The LTFP is a 10-year rolling plan that informs decision making and demonstrates how the objectives of the CSP and commitments of the four-year DP and the annual OP will be resources and delivered over the short, medium, and long term.

The LTFP is developed in conjunction with Asset Management Plan and a Workforce Management Plan to best coordinate our resources, assets, and people. It is reviewed and updated annually as part of the development of the OP. LTFP includes:

- projected income and expenditure, balance sheet and cash flow statement
- the planning assumptions used to develop the Plan.
- sensitivity analysis highlighting factors/ assumptions most likely to affect the Plan.
- financial modelling for different scenarios
- methods of monitoring financial performance

The LTFP highlights our progress towards long-term financial sustainability, which is Council's financial capacity to deliver acceptable, affordable, and ongoing services to its community. Importantly the Plan demonstrates how Council is progressing in relation to key financial benchmarks including a positive operational result, maintenance and renewal of assets at required levels, sustainable debt levels and management of cash reserves.

The draft LTFP is attached to the report.

Asset Management Plan

Council has prepared a SAMP with subsidiary AMPs by asset category, including roads, buildings, water and wastewater, stormwater, parks and open spaces, and other Council-owned land.

The Plans provide information about the funding of maintenance activities, major projects and service levels associated with each asset category. The various AMPs inform the LTFP in terms of how much we should be putting aside for asset maintenance and renewals.

These are evolving documents that are continually reviewed and improved in response to changes in priorities set by Council. Like many councils in NSW, one of the critical challenges we face is providing adequate funding to maintain our assets to the levels specified in the Asset Management Plans. The Draft SAMP has been attached however the document is being reviewed with some minor changes required to bring it in line with the Draft OP and the Draft LTFP. These will be brought to Council for consideration at the June meeting.

Comments

Finance

Comments have been incorporated into the body of this report.

Public consultation

The draft DP and OP, SAMP and LTFP 2025-2034 will be placed on public exhibition for 28 days from 18 May 2024 to 16 June 2024 inclusive.

Submissions received will be reported to Council's June 2024 meeting for consideration.

Conclusion

As with many councils, the financial position remains challenging. Council's revenue base and spending priorities are insufficient to maintain its current asset base and to deliver current service levels, which

results in limited capacity to address asset maintenance backlogs (including road improvements) and deliver discretionary services and activities such as tourism and economic development initiatives.

The natural disasters of 2022 caused considerable damage to Council's assets and infrastructure and has impacted Council's operations. Operationally Council is still incurring additional costs because of these events. There are large capital works planned over four-year estimates to address the restoration of assets which will impact Council depreciation moving forward. Council has been provided funding to assist with the economic recovery of the region and will continue to work within its remit to assist the community in its recovery.

Further action is required by Council to address the long-term sustainability of Council whilst addressing its infrastructure issue and delivering the levels of service expected by the community.

Attachment/s

1. [↗](#) Draft Delivery Program and Operational Plan (Over 7 pages)
2. [↗](#) Draft Revenue Policy 2024-25 (Over 7 pages)
3. [↗](#) Draft Budget by Program 2024-25 (Over 7 pages)
4. [↗](#) Draft Fees & Charges 2024-25 (Over 7 pages)
5. [↗](#) Draft Fees & Charges - NEW (Over 7 pages)
6. [↗](#) Draft Long Term Financial Plan 2024-34 (Over 7 pages)
7. [↗](#) Draft Asset Strategic Management Plan 2024 (Over 7 pages)

Report

Subject	March 2024 Quarterly Budget Review Statement
TRIM Record No	BP24/419:CDR23/1755
Prepared by	Financial Accountant
Reason	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
Strategic Theme	Leadership and participation
Strategy	We provide effective management and responsible governance.
Action	Ensure the efficient and effective operation of Council.

Executive Summary

The Quarterly Budget Review Statement (QBR) report outlines the proposed adjustments to the 2023-2024 budget for the quarter ended 31 March 2024.

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

	Original Budget	Revised Budget 30 Sep 2023	Revised Budget 31 Dec 2023	Revised Budget 31 Mar 2024
Net Operating Result – Surplus	\$193,671,654	\$152,463,328	\$83,952,924	\$85,349,424
Net Operating Result before Capital Grants & Contributions – Deficit	(\$12,892,387)	(\$15,577,910)	(\$12,416,484)	(\$11,019,984)
Funding Sources (Consolidated) & Cash Position – Surplus	\$180,791	\$569,816	\$569,816	\$313,816

Council’s Underlying Financial Result

The Council’s financial performance, as indicated by the net operating result before capital grants and contributions, shows that the Council’s resource consumption exceeds its income generation. The operating deficit, prior to capital grants and contributions, has seen an improvement, with a projected deficit of (\$11,019,984). This improvement is primarily attributed to a rise in interest and investment revenue amounting to \$2,396,500. However, this has been offset by an increase in operating expenses across the Council’s Waste, Water, and Sewer operations.

Council continues to prioritise recovery efforts from the devastating flood events that occurred in February and March 2022. While there have been no adjustments to the natural disaster estimates during the March quarter, potential delays in funding timelines could lead to significant budget alterations in the future. The capital works program is projected to increase overall by \$615,982, bringing the total to an estimated \$151,810,148.

The unrestricted cash result has seen a decrease, leading to a projected surplus of \$313,816. Despite the favourable cash position as of 31 March 2024, it is imperative to closely monitor budgets to ensure Council’s financial outlook is maintained as satisfactory.

Outlook for 2023-2024

Long Term Financial Plan

Whilst Council’s underlying financial position as of 31 March 2024 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. 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 2024-2025 Operational Plan.

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

Recommendation

That Council adopts the attached March 2024 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 March 2024 Quarterly Budget Review Statement (QBRS) includes the recommended changes to the budget for the quarter ended 31 March 2024. 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.

March 2024 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 at 31 March 2024:

Item	Adopted 2023-2024 Budget	Revised Budget 31 Dec 2023	Recommended Changes March 2024 QBRS	Revised 2023-2024 Budget
Net Operating Result for the Year	\$193,671,654	\$83,952,924	\$1,396,500	\$85,349,424
Net Operating Result for the Year before Capital Grants & Contributions	(\$12,892,387)	(\$12,416,484)	\$1,396,500	(\$11,019,984)
Funding Sources (Consolidated) & Cash Position – Surplus	\$180,791	\$569,816	(\$256,000)	\$313,816

The net operating result for the year before capital grants and contributions has improved to a projected loss of (\$11.019) million. The results for March quarter have been favourably impacted by an increase in interest and investment revenue. This was offset by an increase in materials and services expenses of \$997,900. Additionally, an increase in Container Deposit Scheme (CDS) revenue has also contributed to the favourable projected operating result.

Ongoing losses 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 and the development of its Long-Term Financial Plan.

The cash position forecast has decreased to a projected unrestricted surplus of \$313,816.

Variations Recommended for March Quarter

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

Income from continuing operations	Amount
Rates and annual charges	\$10,000
Other revenues	\$345,000
Interest and investment revenue	\$2,369,500
Total income from continuing operations (decrease)	\$2,751,500

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

- other revenues have increased overall by \$345,000. The primary increase of \$300,000 is attributable to revenue in the Container Deposit Scheme (CDS) which is based on actual figures
- the revenue from interest and investments has seen an increase of \$2,369,500, which aligns with the actual revenue generated from investments. These funds have been transferred to reserves

Further details of recommended changes in operating income from continuing operations are included in the QBRS document.

Expenses from continuing operations	Amount
Employee benefits and on-costs	\$357,100
Materials and services	\$997,900
Total expenses from continuing operations (increase)	\$1,355,000

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

- employee benefits and on-costs have seen an overall increase of \$357,100 due to additional funding requirements to cover increased maintenance callouts and breakdowns in Water operations. Furthermore, previously vacant roles have also contributed to the increase
- materials and services budget has increased by \$997,800. This increase is primarily due to two factors: a \$250,000 allocation for maintenance work to reline mains in Wastewater operations, which will address repairs related to blockages and failures, and a net increase of \$332,500 in waste collection and disposal costs.

Further details of recommended changes in operating income from continuing operations are included in the QBRS document.

Capital Works Budget	Amount
Plant & Equipment – decrease	(\$120,000)
Land, Buildings & Other Structures – increase	\$440,698
Water – increase	\$644,942
Wastewater – decrease	(\$997,600)
Other Assets – increase	\$647,942
Total Capital Works decrease	\$615,982

- the decrease in plant and equipment of \$120,000 is due to reallocating funds from the Fleet Replacement Program for immediate safety works required to replace lighting cages beneath the light tower globes at Oakes Oval
- the increase in land, buildings and other structures is mainly due to a \$200,000 budget allocation for construction works at the Tidal building and immediate safety works of \$120,000 required to replace lighting cages beneath the light tower globes at Oakes Oval
- the increase of \$644,942 in Water capital expenditure is primarily due to two factors: a \$210,000 increase for Keen St Water Main upgrade and a net \$248,347 increase for Esmonde St Reservoir Wall Remediation works as per Council's resolution on 12 March 2024
- the decrease in Wastewater capital works of \$997,600 is due to transferring North Lismore Plateau project budget to reserves due to pending legal proceedings
- the net increase of \$647,942 in Other Assets is mainly due to increases in various waste disposal projects of \$1,060,080, in line with actual expenditure and commitments. This has been offset by a decrease of \$389,196 in the budget allocated to the Leachate Dam and Sediment Basin. Savings in that project have been transferred to reserves, as the project will not be completed in future years

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 March QBRS report, two are unfavourable compared to the benchmarks. These are summarised below:

Key Performance Indicator	Original Budget 2023-2024	Revised Budget 31 Dec 2023	Revised Budget 31 Mar 2024	Benchmark
Operating Performance Ratio	(8.15%)	(7.51%)	(6.20%)	> 0.00%
Own Source Operating Revenue Ratio	28.88%	43.54%	44.25%	> 60.00%
Unrestricted Current Ratio	2.63x	2.63x	2.63x	> 1.50x
Debt Service Cover Ratio	3.45x	3.56x	3.74x	> 2.00x
Rates & Annual Charges Outstanding Percentage	9.36%	9.36%	9.36%	< 10.00%
Cash Expense Cover Ratio	14.37 months	14.37 months	14.37 months	> 3 months
Building & Infrastructure Renewals Ratio	649.40%	386.83%	389.27%	>= 100.00%

Operating Performance Ratio (unfavourable) – this ratio has improved from the December quarter, mainly due to a projected increase in interest and investment revenue.

Own Source Operating Revenue Ratio (unfavourable) – this ratio has improved marginally from the December quarter and is currently 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 March 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.

Conclusion

The March QBRS has seen the projected operating result before capital grants improve to a projected loss of (\$11.019) million. This is mainly due to the increase in interest and investment revenue.

Council's unrestricted cash result has changed to a projected surplus of \$313,816 and Council's projected financial position at year end remains satisfactory.

Attachment/s

1. [↔](#) March 2024 Quarterly Budget Review Statement (Over 7 pages)

Report

Subject	Investments - April 2024
TRIM Record No	BP24/416:EF22/122-2
Prepared by	Manager Finance
Reason	Required by Local Government Act 1993, Local Government (General) Regulations 2021 and Council's Investment Policy
Strategic Theme	Leadership and participation
Strategy	We provide effective management and responsible governance.
Action	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 30 April 2024:

- Investments held as of 30 April 2024 - \$96,064,915

*The face value represents the purchase price of investments.

In addition, Council held \$2.562 million as of 30 April 2024 in various bank accounts; being operational accounts; restricted funds held for grants or held in trust. These are not included in the Investment portfolio.

Council also holds advance flood funding of approximately \$85.392 million to commence approved restoration works on roads. These funds are held in an overnight money market account so as to maintain liquidity, the account is earning a rate of return of 4.50%. This amount has not been included within the investments held by Council report.

The percentage of the portfolio invested in Socially Responsible Investments (SRI) has moved to 40% from 44% or from \$47 million to \$39 million.

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

Investments returns – April 5.06%, this is compared to the Annualised Bank Bill (BB) Index bank rate of 4.37%.

Council's total return for the financial year 2023-2024 is 4.83% compared to the Annualised BB Index bank rate of 4.35%.

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
January	\$96,064,915	\$97,994,463	\$108,099,135	\$110,053,960	5.06%	4.37%	40%

*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 April Council incurred normal operational expenses, such as employee costs, creditors, expenditure in relation to capital works program and has incurred flood restoration works which we are waiting on reimbursed.

In addition, Council has approximately \$2.562 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.

Council has also received advance flood funding of approximately \$85.392 million to commence approved restoration works. These funds are held in an overnight money market account so as to maintain liquidity, the account is earning a rate of return of 4.50%.

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.

It is important that when deciding on investments Council takes into consideration its overall portfolio strategy and the need to diversify its portfolio. SRI products offer Council a different pool of investment products and therefore can be used as a way to diversify its portfolio.

Council's value of ethical investments as of 30 April was \$39 million, a reduction of \$8 million from the previous month, the percentage of the portfolio held in SRI is 40% down from 44% the previous month.

* 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.

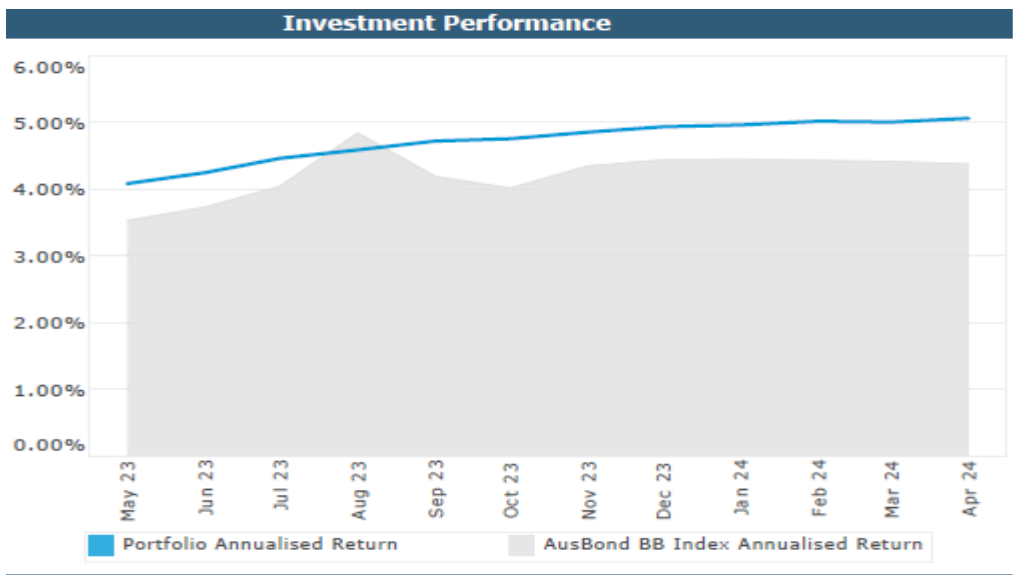
Lismore City Council

Executive Summary - April 2024

Investment Holdings

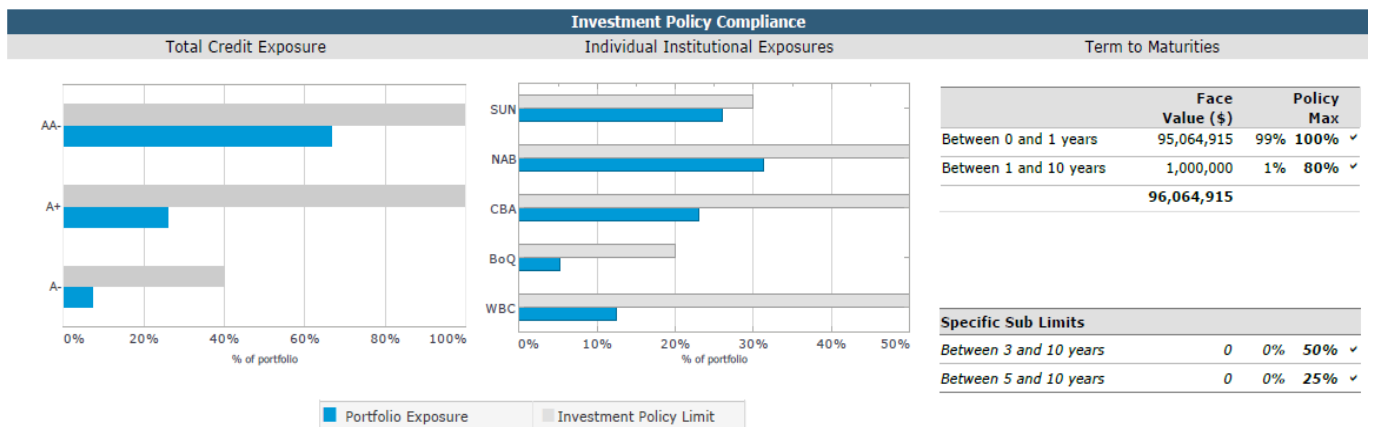
	Face Value (\$)	Current Value (\$)	Current Yield (%)
Cash	7,064,915	7,064,915	4.5000
Term Deposit	89,000,000	90,929,548	5.1464
	96,064,915	97,994,463	5.0989

Investment Performance



Over the last twelve months Council has consistently achieved a return better than the Annualised BB Index return.

Compliance with Policy Requirements



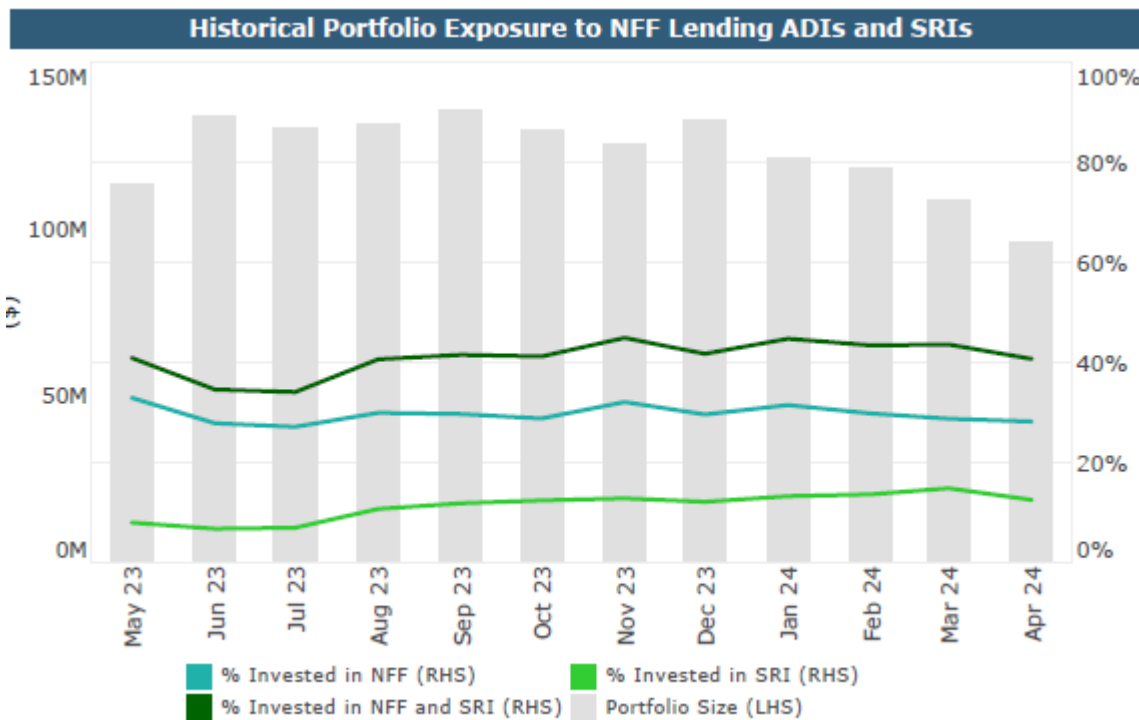
(Ethical) Investments

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.



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. Whilst Council has received some advance funding for specific works there is a need to maintain liquidity for works that are outside this scope approved.

The following amount has been included in the Investment Portfolio - Commonwealth Bank of Australia \$7,064,915. This is a 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 43.8%.

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 April 2024 is provided.

Attachment/s

1. [↔](#) April 2024 Investment Report (Over 7 pages)

Report

Subject	Delivery Program Progress Report - January to March 2024
TRIM Record No	BP24/424:EF22/193
Prepared by	Chief Financial Officer
Reason	
Strategic Theme	Leadership and participation
Strategy	We provide effective management and responsible governance.
Action	Ensure the efficient and effective operation of Council.

Executive Summary

The attached Progress Report provides a summary of progress against each of the activities in the Delivery Program 2023-2027 and Operational Plan 2023-2024 for the period 1 January to 31 March 2024.

Recommendation

That Council receive and endorse the attached Delivery Program Progress Report for the period January to March 2024.

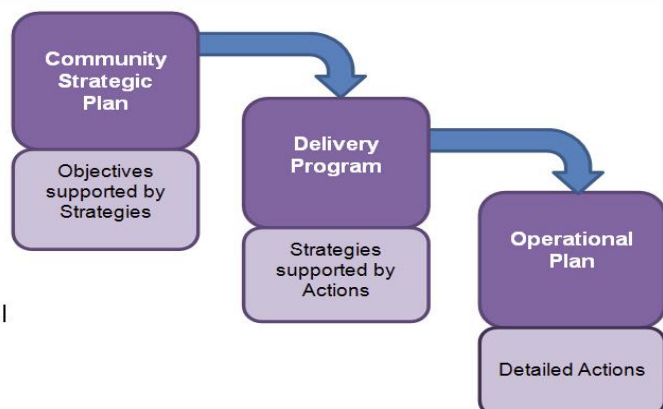
Background

The *Local Government Act 1993* requires the General Manager to provide a report on the progress of the implementation of Council's Delivery Program (DP) at least every six months. The attached report covers the period 1 January to 31 March 2024 and includes a traffic light status update with supporting commentary for the Delivery Program 2023-2027/Operational Plan 2023-2024.

The four-year Delivery Program is Council's plan for achieving the objectives as articulated in the Community Strategic Plan (CSP), while the Operational Plan is a sub-set of the DP that includes specific activities to be undertaken each financial year as well as the accompanying budget. The five key priority areas of the CSP are:

- An inclusive and healthy community
- A prosperous and vibrant city
- Our natural environment
- Our built environment
- Leadership and governance

The Operational Plan is a one-year plan setting out the detail of the Delivery Program, identifying the individual projects and activities to be undertaken in a specific financial year to achieve the commitments made in the four-year Delivery Program. Each activity is assigned to a Council officer responsible for its delivery with Council releasing progress reports to provide a summary of progress against each of the activities at least every six months.



During the three months to 31 March 2024, progress updates were submitted against the 268 Operational Plan actions. A summary of progress is tabled below:

Status	Number of Actions	% of total Actions	Explanation of status
On Track	213	79.5%	This action is on track and things are progressing as it should
Taking action to address	18	6.7%	This action is not on track and steps are being taken to address this. Responsible officers need to articulate in the quarterly update comment what is being done to address issues, in order to get this action 'back to green'
Not due to start yet	12	4.5%	This action is not due to start until later in the financial year
Completed	17	6.3%	The action has been completed for the year and there will be no further resources needed to deliver it
Cancelled or deferred	7	2.6%	It has been formally agreed this action will not happen at all or will be deferred to later in the Delivery Program
Needs critical attention	1	0.4%	Responsible officers select this status if they are 'putting their hand up' for assistance. They have done all they can to try and address issues with the action and it has not worked, so they are indicating that they need to escalate the matter
Total	268	100%	

Conclusion

This attached report details progress against the operational activities and projects for the period January to March 2024. Good progress has been made, with 230 of the 268 actions either completed or on track, and responsible officers working towards completion of all actions before 30 June 2024.

Attachment/s

- [Final Delivery Program Progress Report March 2024](#) (Over 7 pages)

Report

Subject	Re-establishment of Alcohol Free Zones - Lismore and Nimbin
TRIM Record No	BP24/264:EF09/2378-3
Prepared by	Coordinator Law Enforcement, Investigations & Security
Reason	Seek Council resolution for the re-establishment of Alcohol Free Zones in the Lismore CBD and Nimbin business district.
Strategic Theme	An inclusive and healthy community
Strategy	Our community is safe, happy and healthy.
Action	Maintain public health, safety and amenity.

Executive Summary

Under the provisions of the *Local Government Act 1993* Council may resolve to adopt a proposal to establish Alcohol Free Zones for public places that are public roads, footpaths or public car parks for a period not exceeding four years. Council has previously resolved to establish Alcohol Free Zones within business district areas of Lismore and Nimbin village. The four year operational period of the existing zones expires on 10 July 2024. The legislative framework and associated Ministerial Guidelines require a resolution of Council for the establishment, operation, suspension and cancellation of Alcohol Free Zones.

This report recommends the re-establishment of existing Alcohol Free Zones for a further four year period following completion of the consultation requirements of the *Local Government Act* and associated Ministerial Guidelines. The report also recommends the ability to exempt certain minor activities (such as alfresco dining and wine tasting), within the nominated Alcohol Free Zones, subject to compliance with any relevant approval processes and concurrence from NSW Police as previously resolved by Council.

Recommendation

That:

1. Council re-establish Alcohol Free Zones in Lismore and Nimbin as illustrated by Attachment 1 – Alcohol Free Zone maps commencing 10 July 2024 for a further four year period
2. Council acknowledges as part of the proposal the ability to exempt certain minor activities (such as alfresco dining and wine tasting), within the nominated Alcohol Free Zones, subject to compliance with any relevant approval processes and concurrence from NSW Police, and that exemptions for proposals considered minor activities will be dealt with by the General Manager under delegated authority
3. consultation be undertaken to satisfy the provisions of the *Local Government Act 1993* and the publication 'Ministerial Guidelines on Alcohol Free Zones' prepared by NSW Department of Local Government in 2009
4. following the consultation process Council provides delegated authority to the General Manager to give public notice to declare the establishment of the zones

Background

Council can resolve to establish Alcohol Free Zones for public places that are public roads, footpaths or public car parks for a period not exceeding four years. To establish or re-establish Alcohol Free Zones Council must comply with the provisions of the *Local Government Act 1993* and the publication '*Ministerial Guidelines on Alcohol Free Zones*' prepared by the NSW Department of Local Government in 2009. This framework provides detailed procedures on the application process, consultation and operational requirements as well as guidance on enforcing Alcohol Free Zones.

Council, at its ordinary meeting of 14 April 2020 resolved to re-establish Alcohol Free Zones within Lismore and Nimbin village (see Attachment 1 – Alcohol Free Zones maps), for a period of four years from 10 July 2020 until 10 July 2024. As the operational period of the existing Alcohol Free Zones will expire on 10 July 2024 this report recommends Council re-establish the zones.

Previous reporting to Council recommended Council's resolution adopts a proposal that provides for a degree of flexibility so as to enable the exemption of certain minor activities (such as alfresco dining and wine tasting), from the zones' general 'prohibition control'. The current adopted proposal provides for minor activity exemptions (under delegated authority) subject to compliance with any relevant approval processes and concurrence from NSW Police. It is recognised the zones will include footpath alfresco dining areas for cafés and restaurants. Such areas are clearly delineated from the Alcohol Free Zone.

The Ministerial Guidelines state the objective of Alcohol Free Zones is that of an early intervention measure to help promote the safe use of public spaces by members of the public without interference from irresponsible street drinkers, and to prevent the escalation of street drinking to incidents involving serious crime. The establishment of Alcohol Free Zones are seen as a critical component of a larger community policing strategy to reduce alcohol related crime and antisocial behaviour. NSW Police is the enforcement agency for managing irresponsible consumption of alcohol in public places and the enforcement of Alcohol Free Zones. Initial representations have been held with NSW Police – Richmond Local Area Command seeking feedback on the importance, effectiveness and suitability of the existing zones. NSW Police has responded by stating:

"The proposed re-establishment of Alcohol Free Zones at Lismore and Nimbin is supported by Richmond Area Command Police.

Alcohol Free Zones have a significant impact on the ability of Police to reduce alcohol related crime and anti-social behaviour at Lismore and Nimbin.

Police are using their powers to confiscate and dispose of alcohol from people who are drinking in the Alcohol Free Zones which is reducing crime and making Lismore and Nimbin a safer place for residents and visitors".

The legislative framework and associated Ministerial Guidelines requires Council to:

1. propose the re-establishment of an Alcohol Free Zone(s)
2. communicate that decision to:
 - a) the Police Local Area Commander and the officer in charge of the police station within or nearest to the proposed zone
 - b) liquor licensees and secretaries of registered clubs whose premises border on, or adjoin or are adjacent to, the proposed zone
3. by resolution adopt the proposal
4. by public notice declare the establishment of the zone(s).

To satisfy the intentions of the *Local Government Act 1993* and guidelines, notifications are proposed for the following authorities/ businesses:

- Police Local Area Commander
- Liquor licensees and secretaries of registered clubs whose premises border on, or adjoin or are adjacent to, the proposed zones (listing as provided by Licensing Section, Lismore Police)
- Ngulingah Local Aboriginal Land Council

Proposed notifications to identified stakeholders will communicate that:

- the proposal is for the re-establishment of Alcohol Free Zones for Lismore and Nimbin as illustrated by Attachment 1 – Alcohol Free Zone maps commencing 10 July 2024 for a further four year period
- Council retains the ability to exempt certain minor activities (such as alfresco dining and wine tasting), within the nominated Alcohol Free Zones, subject to compliance with any relevant approval processes and concurrence from NSW Police, and that exemptions for proposals considered minor activities will be dealt with by staff under delegated authority
- following the conclusion of the consultation process that public notice be given to declare the re-establishment of the zones

Comments

Finance

The submission is supported as printed.

Public consultation

Initial consultation has been undertaken with NSW Police – Richmond Local Area Command with comments incorporated into this report. Further consultation will be undertaken in accordance with the *Local Government Act 1993* and Ministerial Guidelines.

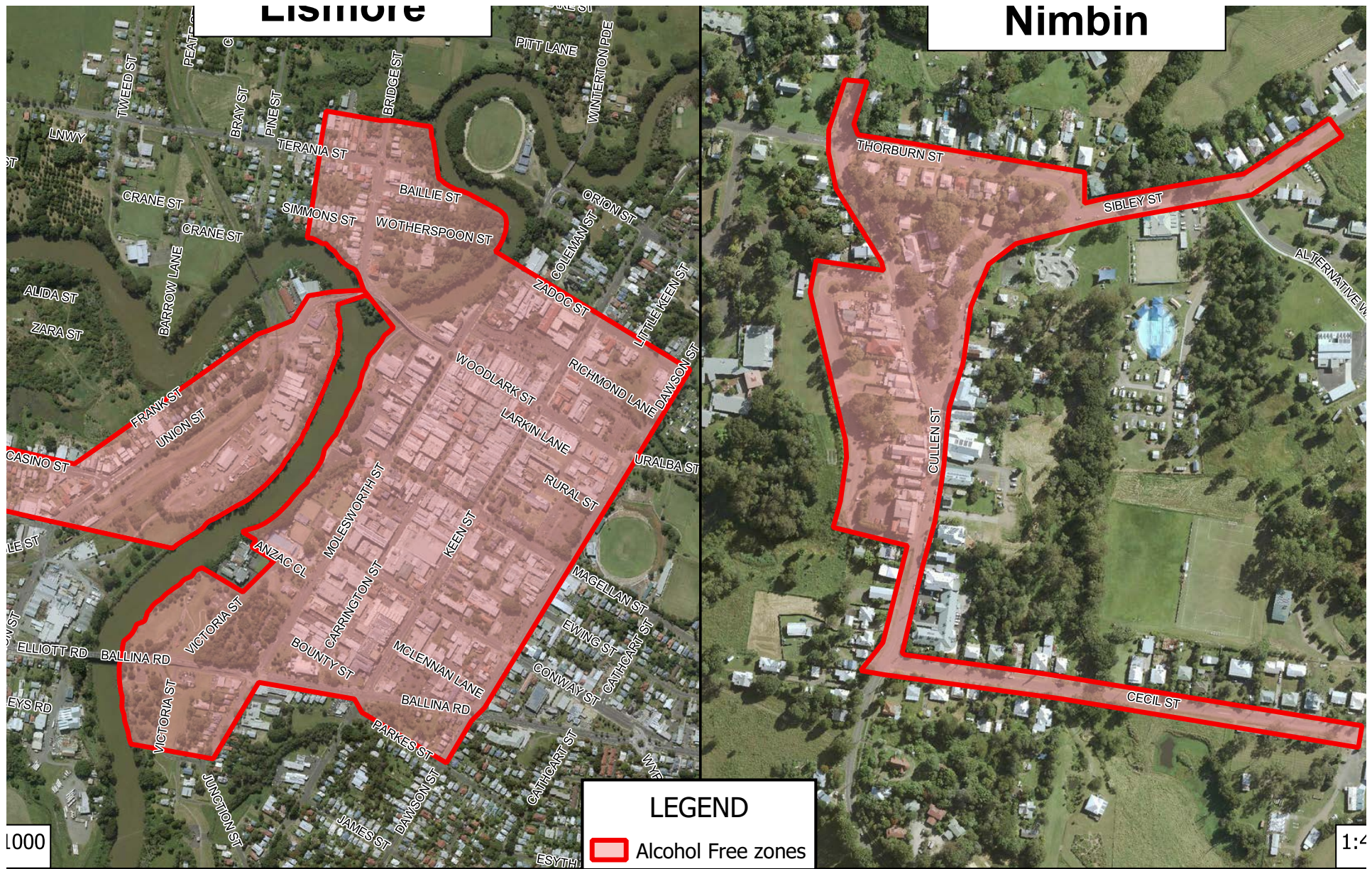
Conclusion

This report has been prepared to obtain Council's support for the re-establishment of Alcohol Free Zones within defined areas of Lismore and Nimbin. Preliminary consultation has been undertaken with NSW Police – Richmond Local Area Command seeking feedback on the importance, effectiveness and suitability of existing zones in the management of irresponsible behaviour arising from the consumption of alcohol. Richmond Area Command has responded strongly supporting the continuation of the existing zones.

This report presents the proposal for the re-establishment of existing Alcohol Free Zones for a further four year period following completion of the consultation requirements of the *Local Government Act* and associated Ministerial Guidelines. The report also recommends the proposal to include the ability to exempt certain minor activities (such as alfresco dining and wine tasting), within the nominated Alcohol Free Zones, subject to compliance with any relevant approval processes and concurrence from NSW Police as resolved by Council in 2020.

Attachment/s

1. [Alcohol Free Zones - Lismore and Nimbin](#)



Alcohol Free Zones - Nimbin & Lismore

Report

Subject	Application for Subsidised Lease by Lismore Model Flying Club Inc
TRIM Record No	BP24/351:AF16/5750
Prepared by	Property Officer & Native Title Manager
Reason	To assess and decide on the Lismore Model Flying Club's application for a subsidised lease in alignment with Council Policy 1.8.25.
Strategic Theme	Leadership and participation
Strategy	We collaborate with other agencies to achieve great outcomes.
Action	Build capacity of and provide support to community organisations and groups.

Executive Summary

The Lismore Model Flying Club Inc (LMFC) has applied for financial support under Council's Policy 1.8.25 - Leasing of Council Properties, Subsidised Lease Arrangement.

The LMFC occupies part of Council-owned land at 313 Wyrallah Road, Monaltrie for its model flying activities. In lieu of a lease fee payment for financial year 2023-2024 LMFC proposes to reinvest the waived amount in facility development and maintenance.

This report evaluates the application against the policy criteria and supports granting the LMFC financial assistance.

Recommendation

That:

1. Council subsidises the lease fee payable by Lismore Model Flying Club Incorporated for the 2023-2024 financial year as outlined in Option 1 of the report
2. the General Manager be delegated authority to enter a renewed five-year licence agreement with the Lismore Model Flying Club Incorporated (ABN 33 500 824 415) over the licensed area of part 313 Wyrallah Road, Monaltrie (being Lot 2 in DP 1213261), for the operation of a Model Flying Club, with the rent to continue with annual CPI adjustments

Background

The LMFC occupies a portion of Council's operational land at 313 Wyrallah Road, Monaltrie for its model flying activities. LMFC has requested a waiver for the lease fee for financial year 2023-2024, proposing to reinvest the waived amount in facility development and maintenance. The below aerial image provides the location of LMFC.



Image 1: Aerial Image of Lismore Model Flying Club at 313 Wyrallah Road, Monaltrie

Policy Overview: Council Policy 1.8.25

The policy provides a mechanism for Council to grant subsidies and sets out six eligibility criteria to be considered for a subsidy. An extract of Policy 1.8.25 appears below:

Subsidised Lease Arrangements

Council will consider subsidising lease arrangements for community-based groups in certain circumstances.

To be considered eligible for a rental or any other subsidy as part of the lease the community group or organisation must first demonstrate that they are:

- *a not-for-profit community-based organisation*
- *have open membership, i.e., membership is open to the general public*
- *an incorporated association*
- *providing a necessary and beneficial service to the general community.*

In addition, Council will require that any community-based group proposing to lease a Council-owned property, whether at a subsidised rental or not:

- *demonstrate an ability to meet the financial obligations of a lease arrangement (provide a copy of the most recent audited financial statements and a business plan where appropriate)*
- *maintain appropriate insurances, including public liability and comprehensive contents insurance.*

Application Review

On 14 March 2024, LMFC applied for a 100% subsidy on its lease fee for financial year 2023-2024, amounting to \$1,554.07, under the condition of reinvesting those funds into the property's improvement projects.

Eligibility Assessment

The attached LMFC application successfully demonstrates compliance with all six eligibility criteria outlined in Policy 1.8.25 being:

1. A not-for-profit (NFP) community based organisation:

LMFC is a not-for-profit community based organisation.

2. Have open membership:

LMFC has open membership, currently standing at 60 members ranging in age from 8 to 91 years.

3. An Incorporated association (or Company Limited by guarantee):

LMFC is registered on the Australian Business Register as an Other Incorporated Entity.

4. Providing a necessary and beneficial service to the general community:

LMFC offers necessary and beneficial services to the community holding several larger events throughout the year. On the LMFC application it provides:

“LMFC provides a range of services to the community. On any morning of the week, it is seen as a place to meet in a relaxed environment whilst enjoying morning tea and watching a range of model aircraft. The topics being discussed are wide ranging and rarely focused on just aeromodelling. A significant number of members, along with the club itself, were impacted by the 2022 floods and during this time the club was seen as a haven for affected members to talk through their position and options with similarly affected people and to gain assistance from other members.”

5. Demonstrate an ability to meet the financial obligations of a lease arrangement:

LMFC has provided financial statements demonstrating its ability to meet the current and proposed future financial lease arrangements. The below extract is from the LMFC application:

“LMFC charges a membership fee to cover both the insurance requirements and a contribution to running costs. The club also looks to a number of fundraising options to help with equipment purchases as needed. A significant amount of work has been done to develop the original site.”

6. Maintain appropriate insurances, incl. public liability and comprehensive contents insurance:

LMFC is affiliated with the Model Aeronautical Association of Australia. This affiliation provides Public Liability (\$20m) and Personal Accident insurance to cover its members and visitors during training, competition, social functions, committee meetings and fundraising events.

7. Further information considered relevant:

Members of the LMFC take great pride in the exceptional facility they have created for the Lismore community. Attached to this report is the LMFC's application for a subsidised lease, which addresses the six eligibility criteria and includes supplementary information and photographs for the Council's review and consideration.

Financial Assistance Options

Option 1: Full Lease Fee Subsidy for 2023-2024 with Reinvestment Commitment

LMFC would receive a complete subsidy of the 2023-2024 lease fee, totalling \$1,554.07, with the provision that these funds be fully reinvested into significant property enhancement projects. Such projects may include:

- the construction of an additional swale drain to enhance field drainage efficiency
- the treatment and control of coral trees along the club access road
- comprehensive ongoing weed management throughout the club's premises

Council officers endorse this option, provided LMFC submits invoices as proof of completion of these improvements to the lease fee value.

Option 2: Denial of lease subsidy

While LMFC meets the eligibility criteria for a lease subsidy, Council is not obligated to grant financial assistance. Denying the subsidy could pose budgetary challenges for LMFC in upholding its maintenance responsibilities for the premises and grounds. Council officers advise against this option due to potential difficulties in re-leasing this flood prone land and the risk of losing LMFC as a tenant, which could result in a prolonged vacancy.

Comments

Finance

The recommendation as printed is supported.

Other officer comments

Waste and Resource Recovery Operations Manager

The LMFC meets all necessary criteria to qualify for a subsidised lease fee.

Head of Fleet and Open Space

During a recent visit to the club, I was thoroughly impressed by the improvements and maintenance LMFC has undertaken. The facility is in great condition, and the work carried out significantly reduces the potential need for additional interventions by Council.

Public consultation

Section 356 of the *Local Government Act 1993* provides that Council must give 28 days' public notice of a proposal to pass a resolution to grant financial assistance if the proposed recipient acts for private gain. As LMFC does not act for private gain, no public notice of the proposal is required.

Conclusion

LMFC applied for financial assistance in accordance with Council's Policy 1.8.25 - Leasing of Council Properties, Subsidised Lease Arrangement and has demonstrated it meets the criteria.

Option 1 is the recommended option. The LMFC makes unique use of the flood prone land in a way that returns a valuable benefit to the Lismore community whilst posing minimal overhead to Council. The Club believes it can further develop and continue to maintain this unique part of Lismore's infrastructure by reinvesting this year's lease fee into the additional swale drain, coral tree control projects along with ongoing weed maintenance. This financial arrangement would assist LMFC to continue meeting its obligation to maintain the facility and grounds for and on behalf of Council.

Attachment/s

1. [↔](#) Policy 1.8.25 Leasing of Council Properties (Over 7 pages)
2. [↔](#) Request for Subsidised Lease Fee for Lismore Model Flying Club (Over 7 pages)

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

Item 1	Licence Agreement with Country Women's Association of NSW over CWA Building, 115 Molesworth Street, Lismore	(Ref: AF24/833)
Item 2	Licence Agreement with Lismore & District Workers' Club Ltd over part 16 Wyreema Avenue, Goonellabah	(Ref: AF18/6101)
Item 3	Licence Agreement with S Macdonald and H McPherson over Ground Floor Suites 1-3, 165 Molesworth Street, Lismore	(Ref: AF19/2458)
Item 4	Licence Agreement with Richmond River Historical Society over Ground Floor Suites 7-8 and the entire First Floor, 165 Molesworth Street, Lismore	(Ref: AF12/3803)

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

- Item 1 **Licence Agreement with Country Women's Association of NSW** (ABN 82 318 909 926) over CWA Building, 115 Molesworth Street, Lismore (being part Lot 5 in DP 1295305) for a five-year term for the purposes of Country Women's Association meetings, trainings and other ancillary uses thereto. (Ref: AF24/833)
- Item 2 **Licence with the Lismore & District Workers' Club Ltd** (ABN 72 000 919 406) over part 16 Wyreema Avenue, Goonellabah (being Lot 1 in DP 410491) for a five-year term with a five-year option for the purposes of access and operation of Licencee's telecommunications equipment. (Ref: AF18/6101)
- Item 3 **Licence Agreement with S Macdonald and H McPherson** over Suite 3A, 165 Molesworth Street, Lismore (being part Lot 1 in DP 118542) for a five-year term for the purposes of office space and consulting rooms to facilitate accessible services, including for d/Deaf+disabled community members. (Ref: AF19/2458)
- Item 4 **Licence Agreement with Richmond River Historical Society Inc** (ABN 58 487 170 223) over Ground Floor Suites 7-8 and the entire First Floor, 165 Molesworth Street, Lismore (being part Lot 1 in DP 118542) for a five-year term to facilitate the maintenance of an archive containing materials and historical artefacts that encapsulate the unique essence of the region. (Ref: AF12/3803)


Attachment/s

1. [↓](#) Annexure Page - Documents for Signing

Annexure Page


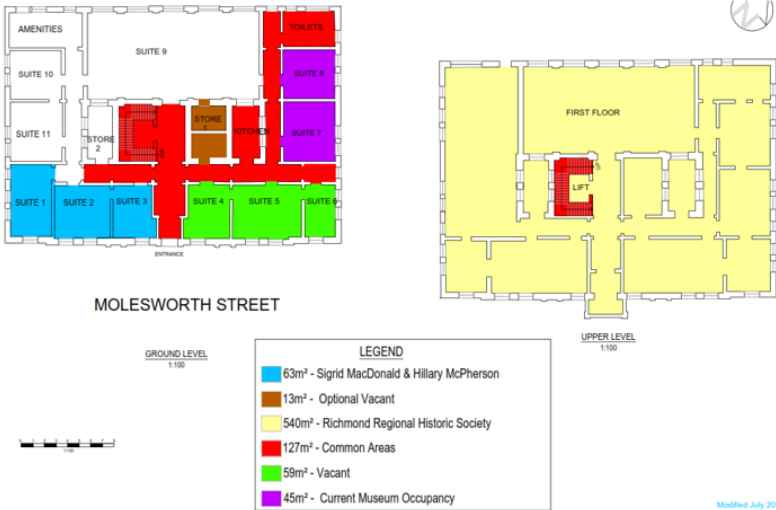
Documents for Signing - Council meeting 14 May 2024


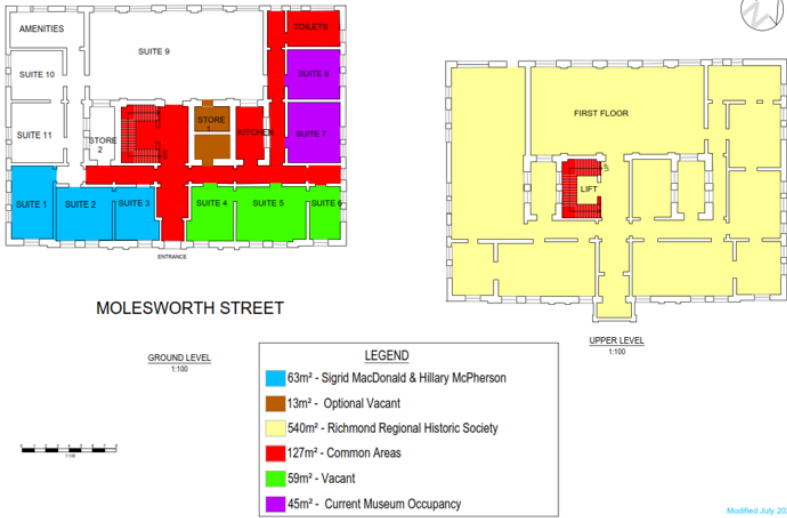
The Documents for Signing report recommends the following occupancy agreements be signed by the General Manager under existing delegations.

Item 1: License Agreement with Country Women's Association of NSW (Ref: AF24/833)	
Crown Land Manager	Lismore City Council
Crown Reserve	Crown Reserve No. 85348, gazetted 4 June 1965 for Public Recreation
Validation of Act on Crown Reserve	This future act is validated under Section 24JA of the <i>Native Title Act</i> 1993. Acts validated under this section that are not public works do not require notification.
Land Classification	Community
Property	CWA Building, 115 Molesworth Street, Lismore (Lot 5 in DP 1295305) 
Lessee	Country Women's Association of NSW (ABN 82 318 909 926)
Rent	Peppercorn Background Council records indicate Council has historically granted perpetual occupancy of the CWA building at a peppercorn rent, reflecting the enduring partnership between the CWA and the community.
Permitted Use	Country Women's Association meetings, trainings and other ancillary uses thereto.
Term	Five (5) years

Item 2: Renewal of Telco License with the Lismore & District Workers' Club Ltd
(Ref: AF18/6101)

<p>Property</p>	<p>Part 16 Wyreema Avenue, Goonellabah (Lot 1 DP 410491)</p>
<p>Land Classification</p>	<p>Operational Land</p>
<p>Licensor</p>	<p>Lismore City Council (ABN 60 808 932 837)</p>
<p>Licensee</p>	<p>The Lismore & District Workers' Club Ltd (ABN 72 000 919 406)</p>
<p>Term</p>	<p>5-year term with a 5-year option</p>
<p>Permitted Use</p>	<p>Access and operation of Licensee's telecommunications equipment</p>
<p>Licensee's Equipment</p>	<ul style="list-style-type: none"> • 2 Omni directional aerials • 2 directional aerials • 2 repeaters and links (Philips FM828 radios) • Filtering equipment • Associated cables and connectors • On tower (facing Goonellabah): Integrated equipment housing and antenna (340mm x 340mm) • On tower (facing Lismore City): Grid antenna (440mm x 600mm). A small diameter coax cable will join the two antennas. • Underground rate cat-5 cable to provide power to radio equipment.
<p>Rent</p>	<p>Current rent (subject to initial market rent review), plus 5% annual increase.</p>

Item 3: License Agreement with S Macdonald and H McPherson (Ref: AF19/2458)	
Crown Land Manager	Lismore City Council
Crown Reserve	Crown Reserve No. 540207, gazetted 22 March 1883 for Town Hall Site
Validation of Act on Crown Reserve	This future act is validated under Section 24JA of the <i>Native Title Act</i> 1993. Acts validated under this section that are not public works do not require notification.
Land Classification	Community
Property	<p>Suites 1 to 3, 165 Molesworth Street, Lismore (Lot 1 in DP 118542)</p>  <p>Plan of Building</p>  <p>LEGEND</p> <ul style="list-style-type: none"> 63m² - Sigrid MacDonald & Hilary McPherson 13m² - Optional Vacant 540m² - Richmond Regional Historic Society 127m² - Common Areas 59m² - Vacant 45m² - Current Museum Occupancy <p>Modified July 2022</p>
Lessee	Sigrid Macdonald and Hilary McPherson
Rent	Current rent (subject to initial market rent review), plus annual CPI increase
Permitted Use	Office space and consulting rooms to facilitate accessible services, including for d/Deaf+disabled community members
Term	Five (5) years

Item 4: License Agreement with Richmond River Historical Society (Ref: AF12/3803)	
Crown Land Manager	Lismore City Council
Crown Reserve	Crown Reserve No. 540207, gazetted 22 March 1883 for Town Hall Site
Validation of Act on Crown Reserve	This future act is validated under Section 24JA of the <i>Native Title Act</i> 1993. Acts validated under this section that are not public works do not require notification.
Land Classification	Community
Property	<p>Ground Floor Suites 7-8 and the entire First Floor, 165 Molesworth Street, Lismore (Lot 1 in DP 118542)</p>  <p>Plan of Building</p>  <p>LEGEND</p> <ul style="list-style-type: none"> 63m² - Sigrid MacDonald & Hillary McPherson 13m² - Optional Vacant 540m² - Richmond Regional Historic Society 127m² - Common Areas 59m² - Vacant 45m² - Current Museum Occupancy <p>Scale: 1:100 (Ground Level and Upper Level) <small>Modified July 2022</small></p>
Lessee	Richmond River Historical Society Inc (ABN 58 487 170 223)
Rent	<p>Peppercorn</p> <p>Background Council records indicate Council has historically granted occupancy of the old municipal building at a peppercorn rent, in consideration for RRHS to undertake their museum and other archival and research related activities for the benefit of Lismore and the wider community.</p>
Permitted Use	Maintenance of archive containing materials and historical artefacts that encapsulate the unique essence of the region
Term	Five (5) years

Report

Subject	ARIC Terms of Reference and Membership
TRIM Record No	BP23/73:CDR22/910
Prepared by	Governance & Risk Manager
Reason	Take steps required for compliance of the Audit Risk & Improvement Committee
Strategic Theme	Leadership and participation
Strategy	We provide effective management and responsible governance.
Action	Ensure sound risk management practices.

Executive Summary

Council is required to have an Audit Risk and Improvement Committee (ARIC) compliant with the Risk Management and Internal Audit for Local Government in NSW Guidelines by 1 July 2024. This report seeks adoption of compliant Terms of Reference for the ARIC.

Recommendation

That Council:

1. adopt the terms of reference for the Audit Risk and Improvement Committee
2. appoint Councillor as a non-voting member of the Audit Risk and Improvement Committee

Background

The *Local Government Act 1993*, *Local Government (General) Regulation 2021* and the Risk Management and Internal Audit for Local Government in NSW Guidelines (Guidelines) require each council in NSW to have an audit, risk and improvement committee.

Transitional arrangements in the Guidelines allow councils until 1 July 2024 to ensure membership and operations of the committee comply with the requirements in the Guidelines. The adoption of the attached Terms of Reference is an important step in the process to compliance.

The Terms of Reference are based on the Model Terms of Reference for Audit, Risk and Improvement Committees developed and released by the Office of Local Government.

Membership of the Committee also needs to be finalised before 1 July 2024. The Regulation prescribes there must be a chairperson and two or more persons as voting Committee members. Council already has this in place.

Councils may appoint one councillor as a non-voting member of its Committee. Councillors appointed as a non-voting member of a Committee should satisfy the eligibility criteria for councillor members of committees specified in the Guidelines and shown below:

- an ability to read and understand financial statements and a capacity to understand the ethical requirements of government (including potential conflicts of interest)

- a good understanding of one or more of the following: risk management, performance management, human resources management, internal and external auditing, financial reporting accounting, management control frameworks, internal financial controls, governance (including planning, reporting and oversight), or business operations
- a capacity to form independent judgements and willingness to constructively challenge/question management practices and information
- a professional, ethical approach to the exercise of their duties and the capacity to devote the necessary time and effort to the responsibilities of a councillor member of an audit, risk and improvement committee
- preparedness to undertake any training on the operation of audit, risk and improvement committees recommended by the chairperson based on their assessment of the skills, knowledge and experience of the councillor member

The mayor cannot be appointed as a councillor member of the ARIC.

Conclusion

Adoption of the Terms of Reference and appointment of a non-voting councillor will allow Council to take the next steps in ensuring compliance by 1 July 2024.

Attachment/s

1. [↓](#) ARIC Draft Terms of Reference May 2024



AUDIT RISK AND IMPROVEMENT COMMITTEE (ARIC)

TERMS OF REFERENCE

Lismore City Council has established an Audit, Risk and Improvement Committee in compliance with section 428A of the *Local Government Act 1993* (the Act), the *Local Government (General) Regulation 2021* (the Regulation) and the Office of Local Government's Guidelines for Risk Management and Internal Audit for Local Government in NSW.

These terms of reference set out the committee's objectives, authority, composition and tenure, roles and responsibilities, reporting and administrative arrangements.

Objective

The objective of council's Audit, Risk and Improvement Committee is to provide independent assurance to council by monitoring, reviewing and providing advice about council's governance processes, compliance, risk management and control frameworks, external accountability obligations and overall performance.

Independence

The committee is to be independent to ensure it has no real or perceived bias or conflicts of interest that may interfere with its ability to act independently and to provide council with robust, objective and unbiased advice and assurance.

The committee is to have an advisory and assurance role only and is to exercise no administrative functions, delegated financial responsibilities or any management functions of council. The committee will provide independent advice to council that is informed by the council's internal audit and risk management activities and information and advice provided by staff, relevant external bodies and subject matter experts.

The committee must always ensure it maintains a direct reporting line to and from the council's internal audit function and act as a mechanism for internal audit to report to the governing body and the General Manager on matters affecting the performance of the internal audit function.

Authority

Council authorises the committee, for the purposes of exercising its responsibilities, to:

- access any information it needs from council
- use any council resources it needs
- have direct and unrestricted access to the General Manager and senior management of council.
- seek the General Manager's permission to meet with any other council employee or contractor
- discuss any matters with the external auditor or other external parties
- request the attendance of any employee at committee meetings, and
- obtain external legal or other professional advice in line with councils' procurement policies. To a limit of \$5,000.

Information and documents pertaining to the committee are confidential and are not to be made publicly available. The committee may only release council information to external parties that are assisting the committee to fulfil its responsibilities with the approval of the

General Manager, except where it is being provided to an external investigative or oversight agency for the purpose of informing that agency of a matter that may warrant its attention.

Composition and tenure

The committee consists of an independent chairperson and two independent members who have voting rights and one non-voting councillor, as required under the Local Government (General) Regulation 2021.

The governing body is to appoint the chairperson and members of the committee. Current committee members are:

Stephen Coates	Independent chairperson (voting)
Glen Mullins	Independent member (voting)
Andrew MacLeod	Independent member (voting)
To be determined	Councillor member (non-voting)

All committee members must meet the independence and eligibility criteria prescribed under the Regulation.

Members will be appointed for up to a four-year term. Members can be reappointed for one further term, but the total period of continuous membership cannot exceed eight years. This includes any term as chairperson of the committee. Members who have served an eight-year term (either as a member or as chairperson) must have a two-year break from serving on the committee before being appointed again. To preserve the committee's knowledge of the council, ideally, no more than one member should retire from the committee because of rotation in any one year.

The terms and conditions of each member's appointment to the committee are to be set out in a letter of appointment. New members will be thoroughly inducted to their role and receive relevant information and briefings on their appointment to assist them to meet their responsibilities.

Prior to approving the reappointment or extension of the chairperson's or an independent member's term, the governing body is to undertake an assessment of the chairperson's or committee member's performance. Reappointment of the chairperson or a committee member is also to be subject to that person still meeting the independence and eligibility requirements prescribed under the Regulation.

Members of the committee must possess and maintain a broad range of skills, knowledge and experience relevant to the operations, governance and financial management of the council, the environment in which council operates, and the contribution that the committee makes to council.

At least one member of the committee must have accounting or related financial management experience with an understanding of accounting and auditing standards in a local government environment. All members should have sufficient understanding of the council's financial reporting responsibilities to be able to contribute to the committee's consideration of the council's annual financial statements.

Role

As required under section 428A of the Act, the role of the committee is to review and provide independent advice to council regarding the following aspects of the council's operations:

- compliance
- risk management
- fraud control
- financial management
- governance
- implementation of the strategic plan, delivery program and strategies
- service reviews
- collection of performance measurement data by the council and
- internal audit.

The committee must also provide information to council for the purpose of improving the council's performance of its functions.

The committee's specific audit, risk and improvement responsibilities under section 428A of the Act are outlined in Schedule 1 to these terms of reference.

The committee will act as a forum for consideration of the council's internal audit function and oversee its planning, monitoring and reporting to ensure it operates effectively.

The committee has no power to direct external audit or the way it is planned and undertaken but will act as a forum for the consideration of external audit findings.

The committee is directly responsible and accountable to the governing body for the exercise of its responsibilities. In carrying out its responsibilities, the committee must at all times recognise that primary responsibility for management of the council rests with the governing body and the General Manager.

The responsibilities of the committee may be revised or expanded in consultation with, or as requested by, the governing body from time to time.

Responsibilities of members

Independent Members

The chairperson and members of the committee are expected to understand and observe the requirements of the Office of Local Government's Guidelines for Risk Management and Internal Audit for Local Government in NSW. Members are also expected to:

- make themselves available as required to attend and participate in meetings
- contribute the time needed to review and understand information provided to it
- apply good analytical skills, objectivity and judgement
- act in the best interests of the council
- have the personal courage to raise and deal with tough issues, express opinions frankly, ask questions that go to the fundamental core of the issue and pursue independent lines of inquiry
- maintain effective working relationships with the council
- have strong leadership qualities (chairperson)
- lead effective committee meetings (chairperson), and
- oversee the council's internal audit function (chairperson).

Councillor Member

To preserve the independence of the committee, the councillor member of the committee is a non-voting member. Their role is to:

- relay to the committee any concerns the governing body may have regarding the council and issues being considered by the committee
- provide insights into local issues and the strategic priorities of the [council/joint organisation] that would add value to the committee's consideration of agenda items
- advise the governing body (as necessary) of the work of the committee and any issues arising from it, and
- assist the governing body to review the performance of the committee.

Issues or information the councillor member raises with or provides to the committee must relate to the matters listed in Schedule 1 and issues being considered by the committee.

The councillor member of the committee must conduct themselves in a non-partisan and professional manner. The councillor member of the committee must not engage in any conduct that seeks to politicise the activities of the committee or the internal audit function or that could be seen to do so.

If the councillor member of the committee engages in such conduct or in any other conduct that may bring the committee and its work into disrepute, the chairperson of the committee may recommend to the council, that the councillor member be removed from membership of the committee. Where the council does not agree to the committee chairperson's recommendation, the council must give reasons for its decision in writing to the chairperson.

Conduct

Independent committee members are required to comply with council's code of conduct.

Complaints alleging breaches of the council's code of conduct by an independent committee member are to be dealt with in accordance with the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*. The General Manager must consult with the governing body before taking any disciplinary action against an independent committee member in response to a breach of the council's code of conduct.

Conflicts of Interest

Once a year, committee members must provide written declarations to the council stating that they do not have any conflicts of interest that would preclude them from being members of the committee. Independent committee members are 'designated persons' for the purposes of the council's code of conduct and must also complete and submit returns of their interests.

Committee members and observers must declare any pecuniary or non-pecuniary conflicts of interest they may have in a matter being considered at the meeting at the start of each meeting or as soon as they become aware of the conflict of interest. Where a committee member or observer declares a pecuniary or a significant non-pecuniary conflict of interest, they must remove themselves from committee deliberations on the issue. Details of conflicts of interest declared at meetings must be appropriately minuted.

Standards

Committee members are to conduct their work in accordance with the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors and ISO 31000, where applicable.

Work Plans

The work of the committee is to be thoroughly planned and executed. The committee must develop a strategic work plan every four years to ensure that the matters listed in Schedule 1 are reviewed by the committee and considered by the internal audit function when developing their risk-based program of internal audits. The strategic work plan must be reviewed at least annually to ensure it remains appropriate.

The committee may, in consultation with the governing body, vary the strategic work plan at any time to address new or emerging risks. The governing body may also, by resolution, request the committee to approve a variation to the strategic work plan. Any decision to vary the strategic work plan must be made by the committee.

The committee must also develop an annual work plan to guide its work, and the work of the internal audit function over the forward year.

The committee may, in consultation with the governing body, vary the annual work plan to address new or emerging risks. The governing body may also, by resolution, request the committee to approve a variation to the annual work plan. Any decision to vary the annual work plan must be made by the committee.

When considering whether to vary the strategic or annual work plans, the committee must consider the impact of the variation on the internal audit function's existing workload and the completion of pre-existing priorities and activities identified under the work plan.

Assurance Reporting

The committee must regularly report to council to ensure that it is kept informed of matters considered by the committee and any emerging issues that may influence the strategic direction of the council or the achievement of council's goals and objectives.

The committee will provide an update to the governing body and the General Manager of its activities and opinions after every committee meeting.

The committee will provide an annual assessment to the governing body and the General Manager on the committee's work and its opinion on how the council is performing.

The committee will provide a comprehensive assessment every council term of the matters listed in Schedule 1 to the governing body and the General Manager.

The committee may at any time report to the governing body or the General Manager on any other matter it deems of sufficient importance to warrant their attention. The Mayor and the chairperson of the committee may also meet at any time to discuss issues relating to the work of the committee.

Should the governing body require additional information, a request for the information may be made to the chairperson by resolution. The chairperson is only required to provide the information requested by the governing body where the chairperson is satisfied that it is reasonably necessary for the governing body to receive the information for the purposes of performing its functions under the Local Government Act. Individual councillors are not entitled to request or receive information from the committee.

Administrative arrangements

Meetings

The committee will meet at least four (4) times per year, [including a special meeting to review the council's financial statements.

The committee can hold additional meetings when significant unexpected issues arise, or if the chairperson is asked to hold an additional meeting by a committee member, the General Manager or the governing body.

Committee meetings can be held in person, by telephone or videoconference. Proxies are not permitted to attend meetings if a committee member cannot attend.

A quorum will consist of a majority of independent voting members. Where the vote is tied, the chairperson has the casting vote.

The chairperson of the committee will decide the agenda for each committee meeting. Each committee meeting is to be minuted to preserve a record of the issues considered and the actions and decisions taken by the committee.

The Mayor, General Manager and the internal audit coordinator should attend committee meetings as non-voting observers. The external auditor (or their representative) is to be invited to each committee meeting as an independent observer. The chairperson can request council's Chief Financial Officer, head of risk management function or equivalent, senior managers or equivalent, any councillors, any employee/contractor of the council and any subject matter expert to attend committee meetings. Where requested to attend a meeting, persons must attend the meeting where possible and provide any information requested. Observers have no voting rights and can be excluded from a meeting by the chairperson at any time.

The committee can hold closed meetings whenever it needs to discuss confidential or sensitive issues with only voting members of the committee present.

The committee must meet separately with the internal audit coordinator and council's external auditor at least once each year.

Dispute Resolution

Members of the committee and council's management should maintain an effective working relationship and seek to resolve any differences they may have in an amicable and professional way by discussion and negotiation.

In the event of a disagreement between the committee and the General Manager or other senior managers, the dispute is to be resolved by the governing body.

Unresolved disputes regarding compliance with statutory or other requirements are to be referred to the Departmental Chief Executive of the Office of Local Government in writing.

Secretariat

The General Manager will nominate a staff member to provide secretariat support to the committee. The secretariat will ensure the agenda for each meeting and supporting papers are circulated after approval from the chairperson at least one week before the meeting and ensure that minutes of meetings are prepared and maintained. Minutes must be approved by the chairperson and circulated within two weeks of the meeting to each member.

Resignation and dismissal of members.

Where the chairperson or a committee member is unable to complete their term or does not intend to seek reappointment after the expiry of their term, they should give four months notice to the chairperson and the governing body prior to their resignation to allow council to ensure a smooth transition to a new chairperson or committee member.

The governing body can, by resolution, terminate the appointment of the chairperson or an independent committee member before the expiry of their term where that person has:

- breached the council's code of conduct
- performed unsatisfactorily or not to expectations
- declared, or is found to be in, a position of a conflict of interest which is unresolvable
- been declared bankrupt or found to be insolvent
- experienced an adverse change in business status
- been charged with a serious criminal offence
- been proven to be in serious breach of their obligations under any legislation, or
- experienced an adverse change in capacity or capability.

The position of a councillor member on the committee can be terminated at any time by the governing body by resolution.

Review arrangements

At least once every council term, the governing body must review or arrange for an external review of the effectiveness of the committee.

These terms of reference must be reviewed annually by the committee and once each council term by the governing body. Any substantive changes are to be approved by the governing body.

Further Information

For further information on council's audit, risk and improvement committee, contact Christine Cotterill on christine.cotterill@lismore.nsw.gov.au or by phone 0266250500.

Reviewed by chairperson of the audit, risk and improvement committee

[signed]

[date]

Reviewed by council in accordance with a resolution of the governing body.

[signed]

[date]

[resolution reference]

Next review date: [date]

Schedule 1 – Audit, Risk and Improvement Committee responsibilities.

Audit

Internal audit

- Provide overall strategic oversight of internal audit activities
- Act as a forum for communication between the governing body, general manager, senior management, the internal audit function and external audit
- Coordinate, as far as is practicable, the work programs of internal audit and other assurance and review functions
- Review and advise the council:
 - on whether the council is providing the resources necessary to successfully deliver the internal audit function
 - if the council is complying with internal audit requirements, including conformance with the International Professional Practices Framework
 - if the council's internal audit charter is appropriate and whether the internal audit policies and procedures and audit/risk methodologies used by the council are suitable
 - of the strategic four-year work plan and annual work plan of internal audits to be undertaken by the council's internal audit function
 - if the council's internal audit activities are effective, including the performance of the internal audit coordinator and the internal audit function
 - of the findings and recommendations of internal audits conducted, and corrective actions needed to address issues raised
 - of the implementation by the council of these corrective actions
 - on the appointment of the internal audit coordinator and external providers, and
 - if the internal audit function is structured appropriately and has sufficient skills and expertise to meet its responsibilities

External audit

- Act as a forum for communication between the governing body, general manager, senior management, the internal audit function and external audit
- Coordinate as far as is practicable, the work programs of internal audit and external audit
- Provide input and feedback on the financial statement and performance audit coverage proposed by external audit and provide feedback on the audit services provided
- Review all external plans and reports in respect of planned or completed audits and monitor council's implementation of audit recommendations
- Provide advice to the governing body and/or general manager on action taken on significant issues raised in relevant external audit reports and better practice guides

Risk

Risk management

Review and advise the council:

- if the council has in place a current and appropriate risk management framework that is consistent with the Australian risk management standard

- whether the council is providing the resources necessary to successfully implement its risk management framework
- whether the council's risk management framework is adequate and effective for identifying and managing the risks the council faces, including those associated with individual projects, programs and other activities
- if risk management is integrated across all levels of the council and across all processes, operations, services, decision-making, functions and reporting
- of the adequacy of risk reports and documentation, for example, the council's risk register and risk profile
- whether a sound approach has been followed in developing risk management plans for major projects or undertakings
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- if the council has taken steps to embed a culture which is committed to ethical and lawful behaviour
- if there is a positive risk culture within the council and strong leadership that supports effective risk management
- of the adequacy of staff training and induction in risk management
- how the council's risk management approach impacts on the council's insurance arrangements
- of the effectiveness of the council's management of its assets, and
- of the effectiveness of business continuity arrangements, including business continuity plans, disaster recovery plans and the periodic testing of these plans.

Internal controls

Review and advise the council:

- whether the council's approach to maintaining an effective internal audit framework, including over external parties such as contractors and advisors, is sound and effective
- whether the council has in place relevant policies and procedures and that these are periodically reviewed and updated
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- whether staff are informed of their responsibilities and processes and procedures to implement controls are complied with
- if the council's monitoring and review of controls is sufficient, and
- if internal and external audit recommendations to correct internal control weaknesses are implemented appropriately.

Compliance

Review and advise the council of the adequacy and effectiveness of the council's compliance framework, including:

- if the council has appropriately considered legal and compliance risks as part of the council's risk management framework
- how the council manages its compliance with applicable laws, regulations, policies, procedures, codes, and contractual arrangements, and
- whether appropriate processes are in place to assess compliance.

Fraud and corruption

Review and advise the council of the adequacy and effectiveness of the council's fraud and corruption prevention framework and activities, including whether the council has appropriate processes and systems in place to capture and effectively investigate fraud-related information.

Financial management

Review and advise the council:

- if the council is complying with accounting standards and external accountability requirements
- of the appropriateness of the council's accounting policies and disclosures
- of the implications for the council of the findings of external audits and performance audits and the council's responses and implementation of recommendations
- whether the council's financial statement preparation procedures and timelines are sound
- the accuracy of the council's annual financial statements prior to external audit, including:
 - management compliance/representations
 - significant accounting and reporting issues
 - the methods used by the council to account for significant or unusual transactions and areas of significant estimates or judgements
 - appropriate management signoff on the statements
- if effective processes are in place to ensure financial information included in the council's annual report is consistent with signed financial statements
- if the council's financial management processes are adequate
- the adequacy of cash management policies and procedures
- if there are adequate controls over financial processes, for example:
 - appropriate authorisation and approval of payments and transactions
 - adequate segregation of duties
 - timely reconciliation of accounts and balances
 - review of unusual and high value purchases
- if policies and procedures for management review and consideration of the financial position and performance of the council are adequate
- if the council's grants and tied funding policies and procedures are sound.

Governance

Review and advise the council regarding its governance framework, including the council's:

- decision-making processes
- implementation of governance policies and procedures
- reporting lines and accountability
- assignment of key roles and responsibilities
- committee structure
- management oversight responsibilities
- human resources and performance management activities
- reporting and communication activities
- information and communications technology (ICT) governance, and

- management and governance of the use of data, information and knowledge

Improvement

Strategic planning

Review and advise the council:

- of the adequacy and effectiveness of the council's integrated, planning and reporting (IP&R) processes
- if appropriate reporting and monitoring mechanisms are in place to measure progress against objectives, and
- whether the council is successfully implementing and achieving its IP&R objectives and strategies.

Service reviews and business improvement

Act as a forum for communication and monitoring of any audits conducted by external bodies and the implementation of corrective actions (for example, NSW government agencies, Commonwealth government agencies, insurance bodies)

Review and advise the council:

- If the council has robust systems to set objectives and goals to determine and deliver appropriate levels of service to the community and business performance
- if appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and overall performance, and
- how the council can improve its service delivery and the council's performance of its business and functions generally

Performance data and measurement

Review and advise the council:

- if the council has a robust system to determine appropriate performance indicators to measure the achievement of its strategic objectives
- if the performance indicators the council uses are effective, and
- of the adequacy of performance data collection and reporting.

Appendix 1 – Independence and Eligibility Criteria

This appendix is provided for convenience. This reflects the eligibility criteria as defined in the Guidelines for Risk Management and Internal Audit for Local Government in NSW.

Independence criteria for committee chairs and independent members

The chair and independent voting committee members **must not**:

- currently be a councillor of any NSW council
- be a non-voting representative of the board of the joint organisation
- be a candidate at the last election of the council
- be a person who has held office in the council during its previous term
- be currently employed by the council or joint organisation, or been employed during the last 12 months
- conduct audits of the council on behalf of the Audit Office of NSW
- have a close personal or business relationship with a councillor or a person who has a senior role in the council that may lead to a real or perceived conflict of interest
- currently, or within the last three years, provided any material goods or services (including consultancy, legal, internal audit and advisory services) to the council which directly affect subjects or issues considered by the audit, risk and improvement committee
- be (or have a close family member who is) a substantial shareholder, owner, officer or employee of a company that has a material business, contractual relationship, direct financial interest or material indirect financial interest with the council or a related entity which could be considered a real or perceived conflict of interest, or
- currently or have previously acted as an advocate of a material interest on behalf of the council or a related entity which could be considered a real or perceived conflict of interest.

Eligibility criteria for committee chairs

Audit, risk and improvement committee chairs must demonstrate the following:

- leadership qualities and the ability to promote effective working relationships in complex organisations
- an ability to communicate complex and sensitive assessments in a tactful manner to the head of the council's internal audit function, senior management and the mayor and councillors
- a sound understanding of:
 - the principles of good organisational governance and capacity to understand local government accountability, including financial reporting
 - the business of the council or the environment in which it operates
 - internal audit operations, including selection and review of the head of the council's internal audit function, and
 - risk management principles
- extensive senior level experience in governance and management of complex organisations, an ability to read and understand financial statements and a capacity to understand the ethical requirements of government (including potential conflicts of interest) Provide overall strategic oversight of internal audit activities
- functional knowledge in areas such as risk management, performance management, human resources management, internal and external auditing, financial reporting,

accounting, management control frameworks, internal financial controls, governance (including planning, reporting and oversight), or business operations

- a capacity to form independent judgements and a willingness to constructively challenge/question management practices and information, and
- a professional, ethical approach to the exercise of their duties and the capacity to devote the necessary time and effort to the responsibilities of the chair of an audit, risk and improvement committee.

Eligibility criteria for independent committee members

Independent members of audit, risk and improvement committee members must demonstrate the following:

- an ability to read and understand financial statements and a capacity to understand the ethical requirements of government (including potential conflicts of interest)
- functional knowledge in areas such as risk management, performance management, human resources management, internal and external auditing, financial reporting, accounting, management control frameworks, internal financial controls, governance (including planning, reporting and oversight), or business operations
- a capacity to form independent judgements and willingness to constructively challenge/question management practices and information
- a professional, ethical approach to the exercise of their duties and the capacity to devote the necessary time and effort to the responsibilities of an independent member of an audit, risk and improvement committee, and
- preparedness to undertake any training on the operation of audit, risk and improvement committees recommended by the chair based on their assessment of the skills, knowledge and experience of the independent member.

Eligibility criteria for councillor members

To be appointed as a non-voting audit, risk and improvement committee member a councillor must demonstrate the following:

- an ability to read and understand financial statements and a capacity to understand the ethical requirements of government (including potential conflicts of interest)
- a good understanding of one or more of the following: risk management, performance management, human resources management, internal and external auditing, financial reporting, accounting, management control frameworks, internal financial controls, governance (including planning, reporting and oversight), or business operations
- a capacity to form independent judgements and willingness to constructively challenge/question management practices and information
- a professional, ethical approach to the exercise of their duties and the capacity to devote the necessary time and effort to the responsibilities of a councillor member of an audit, risk and improvement committee, and
- preparedness to undertake any training on the operation of audit, risk and improvement committees recommended by the chair based on their assessment of the skills, knowledge and experience of the councillor member.

Report

Subject	Social Media Policy
TRIM Record No	BP24/332:EF19/804-6
Prepared by	Governance & Risk Manager
Reason	To adopt a best practice policy based on the Model Policy developed by Office of Local Government
Strategic Theme	Leadership and participation
Strategy	We communicate and engage with our community.
Action	Provide effective communication and information delivery, marketing and promotions.

Executive Summary

There is an outstanding Council resolution to review Council's social media policy. The Office of Local Government (OLG) has developed a Model Social Media Policy. This report serves to replace the outdated policy with a best practice policy developed by the OLG.

Recommendation

That Council adopt the Lismore City Council Social Media Policy as attached to this report.

Background

In September 2022 Council resolved to revise its Social Media Guidelines and Policy. Council's social media policy and guidelines were developed in 2013 when Council first established a Facebook page. It has not been reviewed since 2015 and are no longer fit for purpose.

The OLG has developed a Model Social Media Policy, while not mandatory, it reflects best practice and all councils, county councils and joint organisations are encouraged to adopt it. In doing so, they are free to adapt the policy to suit local circumstances and operating environments or to supplement it with their own provisions.

For ease of reference the following sections have been added to the model policy for inclusion in Council's policy.

On page 3 in the Introduction the following has been added.

Council uses social media platforms and acknowledges the increasing number of active and engaged users on social media platforms. Particularly Council recognises the benefit that online platforms can have for promotion of events and services, crisis communication and generally engaging with residents and the public.

On page 3 the following dot point has been added under Despite its obvious benefits, social media also presents a variety challenges and risks. These include:

- *recognition that while social media delivers a 24/7 channel social media pages cannot be monitored 24/7*

On page 9 the following has been added as clause 2.17

2.17 Authorised users are responsible for monitoring and moderating comments and distributing all outgoing messaging on all Council social handles during business hours (8:30am – 5pm) and as rostered out of hours for:

- a) Proactive content and response.*
- b) Proactive content and response in alignment with the marketing calendar and events schedule.*
- c) Reactive content in response to any contentious issues as per business response approval process.*

Where necessary, content will be addressed appropriately in line with the policy. If not urgent, any content posted out of business hours (8:30am – 5pm AEST) will be responded to within Council's business hours. Comments from social media users will be monitored and moderated where possible.

On page 9 the following has been added as clause 2.20

2.20 The use of approved social media will be governed to ensure reputation management: censorship will be kept to a minimum; Council will not vet negative content for self-gain or to avoid "swaying the opinions of others". However, profane, defamatory material, abusive, sexually explicit, derogatory, or spam-like comments will be removed.

On page 14 the following has been added to clause 6.1

Council's social media platforms will be updated with approved advice from identified official sources under the governance of the State Emergency and Rescue Management Act 1989, and associated Emergency Management Plans, as required by the specific event.

Public consultation

Not required.

Attachment/s

1. [↔](#) Social Media Policy (Over 7 pages)

Report

Subject	Code of Meeting Practice - Amendment
TRIM Record No	BP24/73:EF19/483-6
Prepared by	Governance & Risk Manager
Reason	To amend the Code of Meeting Practice to limit the number of Notices of Motion and Questions with Notice submitted by a councillor.
Strategic Theme	Leadership and participation
Strategy	We provide effective management and responsible governance.
Action	Ensure the efficient and effective operation of Council.

Executive Summary

Council's Code of Meeting Practice (COMP) currently allows for an unlimited number of Notices of Motion and Questions with Notice to be submitted by a councillor for Council meetings. This report seeks to amend the COMP to limit the number of Notices of Motion and Questions with Notice that can be submitted by a councillor for each Council meeting.

Recommendation

That:

- Council include the following clauses in the Code of Meeting Practice:
 - 3.10(a) *"A councillor may submit no more than three (3) notices of motion to be considered at each Ordinary meeting of the Council."*
 - 3.14(a) *"A councillor may submit no more than three (3) questions with notice for response at each Ordinary meeting of the Council."*
- the Code of Meeting Practice be placed on public exhibition for 28 days and receive submissions for not less than 42 days
- if no objections are received following the submission period the Code of Meeting Practice be updated

Background

The existing COMP allows for an unlimited number of Notices of Motion and Questions with Notice to be submitted by each councillor for a Council meeting. This could result in the number of items on an agenda for the Council meeting being unmanageable and finalising all matters on the agenda unachievable.

Including a limit to the number of items a councillor can submit to a meeting will go some way to ensuring Council can complete the agenda and provide decisions required in a timely manner.

Councillors are still able to submit a councillor request for information outside a Council meeting with no limit being placed on the number of these requests.

There are examples of other councils having similar limits in place shown below.

- Mid Coast Council has the following clause in its Code of Meeting Practice “3.13 A Councillor may submit no more than three (3) notices of motion to be considered at each Ordinary meeting of the Council.”
- Sutherland Shire has the following clause in its Code of Meeting Practice “3.14 A Councillor will not be permitted to lodge more than three notices of motion to any ordinary meeting of the Council.”

Discussions with the Office of Local Government has determined including a similar clause in the COMP would not be inconsistent with the mandatory clauses as prescribed in the *Local Government (General) Regulation 2021*.

Any changes to the Code of Meeting Practice need to be finalised in accordance with clause 361 of the *Local Government Act 1993* as shown below.

361 Preparation, public notice and exhibition of draft code

- (1) Before adopting a code of meeting practice, a council must prepare a draft code.
- (2) The council must give public notice of the draft code after it is prepared.
- (3) The period of public exhibition must not be less than 28 days.
- (4) The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to the council.
- (5) The council must publicly exhibit the draft code in accordance with its notice.

Public consultation

Not required.

Conclusion

This report seeks to amend the COMP to limit the number of Notices of Motion and Questions with Notice that can be submitted by a councillor for each Council meeting to ensure Council can complete the agenda and provide decisions required in a timely manner.

Attachment/s

There are no attachments for this report.

Report

Subject	Aboriginal Advisory Group Membership
TRIM Record No	BP24/455:EF19/120-4
Prepared by	Community Engagement Officer
Reason	To approve the appointment of new members to the Aboriginal Advisory Group
Strategic Theme	An inclusive and healthy community
Strategy	We recognise our Aboriginal and Torres Strait Islander community and cultures.
Action	Implement actions in the Reconciliation Action Plan.

Executive Summary

The purpose of this report is to seek Council's approval for the appointment of seven individuals who have expressed an interest in becoming members of Council's Aboriginal Advisory Group (AAG).

Recommendation

That Council approve the appointment of the following individuals to the Aboriginal Advisory Group (in alphabetical order):

- Annie Monks
- David Lucas
- Emily Wightman-Gala
- Hannah Wilson
- Penn Molloy
- Tim Roberts
- Tina Williams

Background

The purpose of the AAG is to provide community representation and advice to Lismore City Council on local government matters, in particular, its policies, strategies and services affecting Aboriginal and Torres Strait Islander (ATSI) people living in the Lismore local government area (LGA).

The continuation of an AAG is a key initiative of Council's Reconciliation Action Plan. It is identified within the *Relationships Focus Area: Community Engagement*. This group is the mechanism through which councillors and officers engage and consult with Lismore's ATSI community members.

According to the Terms of Reference the membership will comprise of:

- the Mayor (to preside as Chairperson)
- minimum of 2 and maximum of 4 councillors
- 1 Ngulingah representative

- 1 Widjabul Wia-bal Gurrumbil Aboriginal Corporation representative
- up to 15 community members

There are currently six community membership positions vacant, and one Ngulingah membership position vacant. These vacancies are due to memberships being revoked of previous members who have missed three consecutive meetings without apology, and membership resignations.

In relation to the replacement of members the Terms of Reference states:

4. Replacement of Members

If a vacancy occurs within six months of an expression of interest being completed, Council will refer to the previous applicants to select a suitable replacement member.

If a suitable replacement is not available from previous applicants or at any other time a member resigns, Council will conduct a new expression of interest process once three new appointments are required.

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.

The positions became vacant outside the six month period and no previous applicants were available.

Eight nominations were received from the community to join AAG. One being identified as a Ngulingah Board member.

All nominations have been assessed by Council officers against the selection criteria included in the Expression of Interest (EOI) outlined below. Seven nominations were selected to fill the vacant AAG positions.

The criteria included:

- Do you identify as Aboriginal and/or Torres Strait Islander origin?
- What contribution could you make to the AAG?
- Do you represent a particular community group or perspective?
- What skills and knowledge can you bring to the AAG?

Public consultation

An EOI was undertaken between 21 March 2024 to 18 April 2024 to fill the vacant positions on the Group. This was advertised through:

- Email to current members;
- Published on Your Say;
- Shared through the Aboriginal Interagency Group

The EOI closed on 18 April 2024 and eight applications were received.

Conclusion

It is recommended Council approve the appointment of the seven individuals who have expressed an interest in filling the vacancies on the AAG.

Attachment/s

There are no attachments for this report.

Report

Subject	Exclusion of Notice with Motion and Questions with Notice
TRIM Record No	BP24/461:EF22/94
Prepared by	General Manager
Reason	Comply with clause 3.20 of the Code of Meeting Practice
Strategic Theme	Leadership and participation
Strategy	Our decisions and actions are open, transparent, effective and in the interests of all.
Action	Manage Council meetings and provide support to Councillors in fulfilling their role.

Executive Summary

The Code of Meeting Practice states the General Manager is to report to Council if any business is excluded from the agenda.

Recommendation

That Council note the contents of the report.

Background

Clause 3.20 of the Code of Meeting Practice states:

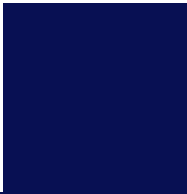
The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.

Therefore it is reported that two items were excluded from the agenda for this meeting.

Attachment/s

There are no attachments for this report.

Notices of Motion / Questions with Notice



Notice of Motion / Question with Notice

Subject **Mayoral Attendance Report**

TRIM Record No BP24/364:EF19/25-6

That Council receives the Mayoral Attendance Report for April 2024.

April

- 27-6 May Sister City Delegation to Yamato Takada
- 9 Media interview – Sister City Delegation
 Council meeting
- 10 Adjourned Council meeting
- 11 Federal Government Flood Insurance Inquiry
 7-Eleven opening event
- 12 Our Lady Help of Christians Primary School fundraising event
- 13 Parkrun 8th Anniversary Celebrations
- 14 Marist Brothers
- 15 Northern Rivers Community Leaders Forum
- 19 Community Safety Precinct Meeting
- 23 CASPA Open House Community Event
 Councillor briefing
- 25 Anzac Day Dawn Service and March
 NSW Junior League State Championships
- 27 NSW Junior League State Championships Finals
- 30 Councillor briefing

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/364:EF19/25-6

Notice of Motion / Question with Notice



7-Eleven opening



Our Lady Help of Christians Primary School fundraising event



ANZAC Day

Notice of Motion / Question with Notice

Councillors Steve Krieg; Andrew Gordon; Elly Bird have given notice of their intention to move the following motion to alter:

That:

1. the two voting delegates to the 2024 Floodplain Management Australia National Conference are Councillors Ekins & Bird
2. if constitutional matters arise the voting delegate is Councillor Ekins
3. Council approve the submission of the motion for AVL Link Remote Access to the conference organisers

Councillors Comment

Following Councillor Rob's decision to not attend the Floodplain Management Australia Conference, we intend to move to alter the decision of Council made on 9 April 2024 regarding delegates to the Floodplain Management Australia National Conference.

RESOLVED that:

1. the two voting delegates to the 2024 Floodplain Management Australia National Conference are Councillors Ekins and Rob
2. if constitutional matters arise the voting delegate is Councillor Rob
3. Council approve the submission of the motion for AVL Link Remote Access to the Conference organisers

(Councillors Rob/Bing) (BP24/250)

Voting for: Councillors Bing, Bird, Colby, Cook, Jensen, Krieg and Rob

Voting against: Councillor Guise

Absent: Councillor Gordon

TRIM Record No: BP24/426:EF19/25-6

Notice of Motion / Question with Notice

Councillor Andrew Gordon has given notice of intention to move:

That Council:

1. transfer ownership of the land known as Bellevue Park, lot 3 DP774889 Nimbin to the Nimbin A&I Society Inc at no cost
2. delegate authority to the General Manager to negotiate terms and complete the transfer

Councillor Comment

Outcome Sought

Finalisation of a Council resolution from 2015.

Cost of Implementing

Any reasonable costs in transferring to be met the Nimbin A&I Society Inc.

Funding Source

Not required.

Officer Consulted

Chief Community Officer

Officer Comment

Property Services Manager

On 10 March 2015 Council resolved:

That:

1. Council enter into negotiations with the Nimbin Agricultural & Industrial Society Inc for the sale of land known as 49 Cecil Street, Nimbin, formally described as Lot 3 in DP 774889.
2. the General Manager be authorised to progress negotiations for the sale of the property on the basis of a market valuation and report back to Council.
3. in addition to the **market value of the land**, the Nimbin A&I Society be responsible for all legal survey and other costs arising from the sale of the land.
4. the seal of Council be affixed to the following documents:
 - a) Contract for Sale of Land
 - b) Memorandum of Transferand any other documents necessary to finalise this sale.

(Councillors Smith/Houston) (BP15/19)

Voting for: Councillors Battista, Bennett, Clough, Dowell, Ekins, Houston, Ritchie and Smith

Voting against: Councillors Marks and Meineke.

The site is currently leased by the Nimbin A&I Society for \$100 per annum + GST, they are holding over on a yearly tenancy basis.

A review of Council records indicates negotiations have been ongoing since 2015 and have stalled over the past few years. Council records indicate there are no mutually agreed terms for a transfer.

Notice of Motion / Question with Notice

Before proceeding with any transfer, Council officers plan to undertake minor road widening to convert the current sealed car park off Cecil Street into a public road and establish a formal easement for wastewater drainage. The associated costs will be covered by the A&I society. Additionally, as part of the sale, officers will explore suitable zoning options for the land, potentially designating it for private recreation.

The financial implication to Council would be the loss of income from any sale of the land, approximately \$150,000-\$200,000 dependent on market value.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/437:EF19/25-6

Notice of Motion / Question with Notice

Councillor Big Rob has given notice of intention to move:

That Council include 'lookout tree pruning' in the 2024-2025 Operational Plan to identify and allocate the funding necessary to ensure the adequate pruning of trees obstructing views from recognised lookouts in our LGA on an ongoing basis as required.

Councillor Comment

Outcome Sought

Our lookouts are not fit for purpose. In fact, they are embarrassing in their current condition. Pruning trees properly does not kill them, it often makes them stronger. Council really needs to maintain and improve our existing assets and infrastructure better.

Cost of Implementing

Nil

Funding Source

Nil

Officer Consulted

Nil

Officer Comment

Head of Fleet and Open Spaces

From the wording of the Notice of Motion it is not entirely clear what trees in which locations are proposed to be "pruned".

The 2024-2025 maintenance budget will allow lookouts to continue to receive attention in line with relevant legislation, planning instruments and Council adopted strategies.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/431:EF19/25-6

Notices of Motion / Questions with Notice

Councillor Big Rob has given notice of intention to move:

That Council hold a briefing to consider establishing an Aboriginal Back Alley Gallery to replace the current Back Alley Gallery.

Councillor Comment

Outcome Sought

Every successful gallery changes their exhibitions from time to time. It is about time the Back Alley Gallery saw a major change to freshen things up in Lismore and actually attract some tourism.

Graffiti is something you can see in any city and town around the world. It is stale and certainly not something people go out of their way to see. Our offerings were not even good enough to sustain one retail business selling supplies to those doing graffiti art, yet we keep throwing money at the Back Alley Gallery without any demonstrated economic benefits.

Aboriginal art is very popular around the world and highly sought after. I have never heard of an Aboriginal Back Alley Gallery displaying individual pieces and multi-piece series of works sharing Dreamtime stories that visitors can enjoy as they walk through anywhere else in the world. We could be the first and do something very good in our community as we implement it.

Such a point of difference may actually attract tourists by the bus load. It could also see the development of a local traditional Aboriginal arts and crafts industry which could include online and retail businesses, supported by the many not-for-profits receiving lots of grant funding to help Aboriginal artists.

An advisory group or committee structure could help plan and recommend how to progress an Aboriginal Back Alley Gallery, including how to best allocate funding to keep things fresh and looking good going forward.

Cost of Implementing

Not applicable

Funding Source

Not applicable

Officer Consulted

Nil

Officer Comment

Chief Community Officer

Council officers can undertake a workshop or briefing to discuss potential aboriginal art opportunities for the Back Alley Gallery.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/433:EF19/25-6

Notices of Motion / Questions with Notice

Councillor Big Rob has given notice of intention to move:

That Council establish a Koala Advisory Group to replace the Koala Implementation Group prior to 30 June 2024.

Councillor Comment

Outcome Sought

Since it is a requirement of the Comprehensive Koala Plan of Management (CKPoM) for south-east Lismore adopted by Council in May 2012, which has been completely ignored to date, and an August 2023 resolution requiring a briefing to see things progress is still the current resolution, it is time this progressed to completion to get another to do item off our list. There is no valid reason to further delay progressing this.

Cost of Implementing

Not applicable

Funding Source

Not applicable

Officer Consulted

Nil

Officer Comment

Chief Community Officer

A briefing was provided to councillors on 29 August 2023. That briefing sought to provide councillors with an understanding of the background to the Koala Implementation Group, its formation, operational functions and achievements since 2013 as well as challenges encountered in providing non-regulatory, science-based information to Council's management activities in the defined CKPoM area.

Officers have prepared a further briefing presentation for councillors although delivery of the briefing has been delayed due to operational resourcing issues.

Since this resolution was affected, all planned meetings were postponed due to uncertainty about the Group's function pending the briefing and Council decision. Implementation of on-ground actions contained in the CKPoM have been ongoing as business as usual.

Officers are seeking to include funds in the 2024-2025 Council budget for an internal review of the CKPoM. A formal 10-year review according to NSW Government determined guidelines cannot proceed as these guidelines are yet to be published.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/434:EF19/25-6

Notices of Motion / Questions with Notice

Councillor Big Rob has given notice of intention to move:

That Council stop any spending on 'art' included in the grant funding deed for the Safer Cities: Her Way Project, and redirect the funds allocated to 'art' towards improving lighting and CCTV options.

Councillor Comment

Outcome Sought

To stop directing so much money into 'art' when grant funding is not meant for 'art'. There is a saying that 'You can put lipstick on a pig, but its still a pig!' Instead of always trying to cover up the mess that is our CBD, maybe we should get back to basics and just clean it up and maintain it as we should be doing.

Cost of Implementing

Not applicable

Funding Source

Not applicable

Officer Consulted

Nil

Officer Comment

Manager Destination & Economy

The Safer Cities: Her Way Program funded by Transport for NSW is aimed at helping to improve the perception of safety, particularly for women, girls and gender diverse people, when walking or moving, through and within public spaces and transport hubs. The demonstration projects are a way to test how to make these spaces feel safer. During the extensive community consultation process, community feedback indicated the inclusion of public art at these sites (including art that assists with pedestrian wayfinding and visibility) in conjunction with other initiatives such as lighting, wayfinding and CCTV would create a place that feels more cared for, more vibrant and more welcoming. Lismore City Council's project elements, including the artwork respond to community input and have been developed in consultation with and fully endorsed by Transport for NSW, the funding body.

Both demonstration sites will see the inclusion of a combination of elements including: CCTV cameras (both locations), lighting, seating, bins, community gardens and gallery, street art, accessible ramps and tactile ground tiles and signage.

Council considered this matter at its meeting of 9 April 2024. The Tender assessment (BP24/310) provided to Council recommended all tenders be declined and fresh individual tenders/quotations would be advertised. This was approved. Smaller project tasks have already been advertised for quotations, with larger items soon to be advertised. It is understood, the public art component is in train and committed.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/435:EF19/25-6

Notices of Motion / Questions with Notice

Councillor Big Rob has given notice of intention to move:

That Council:

1. redirect any spending to maintain the floating solar setup on pontoons at the waste facility to relocating the solar panels to a location where they will be more effective
2. divest any interest it has in the pontoons.

Councillor Comment

Outcome Sought

To remove an expensive eyesore which grows weeds and collects bird excrement, while not producing anywhere near the energy it was touted as capable of producing.

Removing this useless asset will reduce Council's WHS risk to staff having to work on water to maintain it.

This has been a financial burden on ratepayers since the way it was resolved to progress it, and it should have never been moved onto floating pontoons after resolution to place it on the roof of buildings.

Cost of Implementing

Not applicable

Funding Source

Not applicable

Officer Consulted

Nil

Officer Comment

Head of Water and Waste

Officers have recently completed a walkaround with NSW Public Works Advisory for the concept design for a Request for Tender for the new sewage treatment plant, which will include the option to relocate the solar panels to be ground mounted to enable easier maintenance.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/436:EF19/25-6

Notice of Motion / Question with Notice

Councillor Big Rob has put the following question with notice:

Can the General Manager please outline any issues or concerns relating to the transferring of Council owned land at Lot 3 DP774889 to the owners of Lot 2 DP774889 on agreed terms?

General Manager's Response:

On 10 March 2015 Council resolved:

That:

1. *Council enter into negotiations with the Nimbin Agricultural & Industrial Society Inc for the sale of land known as 49 Cecil Street, Nimbin, formally described as Lot 3 in DP 774889.*
2. *the General Manager be authorised to progress negotiations for the sale of the property on the basis of a market valuation and report back to Council.*
3. *in addition to the market value of the land, the Nimbin A&I Society be responsible for all legal survey and other costs arising from the sale of the land.*
4. *the seal of Council be affixed to the following documents:*
 - a) *Contract for Sale of Land*
 - b) *Memorandum of Transfer**and any other documents necessary to finalise this sale.*

(Councillors Smith/Houston) (BP15/19)

Voting for: Councillors Battista, Bennett, Clough, Dowell, Ekins, Houston, Ritchie and Smith

Voting against: Councillors Marks and Meineke

A review of Council records indicates negotiations have been ongoing since 2015 and have stalled over the past few years. Council records indicate there are no mutually agreed terms for a transfer.

Following recent enquiries, we will recommence negotiations with the A & I Society and upon reaching an agreement on terms, report back to Council for endorsement.

Prior to any transfer Council Officers consider it appropriate to effect a minor road widening to dedicate the existing sealed car park off Cecil Street as public road, as well as formalise an easement for drainage of wastewater.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/371:EF19/25-6

Notice of Motion / Question with Notice

Councillor Big Rob has given notice of intention to move:

That Council hold a public briefing to:

1. consider the cost of Northern Rivers Joint Organisation (NRJO) membership to ratepayers
2. review the role and purpose of the NRJO when decisions are not binding on council members
3. consider why only the mayor can act as a representative on the NRJO
4. identify and discuss any economic and environmental benefits of being a member of the NRJO
5. consider withdrawing membership of the NRJO

Councillor Comment

Outcome Sought

Council needs to decide whether the NRJO provides value for money for ratepayers, and if it operates effectively as a regional body with no power to bind its member councils. The way Council is represented on this regional body, which seems to be listened to more closely by State and Federal Government than member councils, is of increasing concern. Only Mayors can be members and have a vote, which does not need to be resolved by council before decisions are made. This is making things more difficult for member councils to manage if in conflict with the NRJO. General Managers can also attend but do not vote.

I do not see value for money in remaining a member, with 55 of 62 councillors in our region now being actively excluded from recent NRJO proceedings. Councillors were not even allowed to sit in a gallery or watch proceedings of an important regional meeting remotely. 55 of 62 elected officials in our region are being ignored by State and Federal Government who focus only on the Mayors, with General Managers also given access. Mayors and General Managers do not speak for councillors unless referencing a resolution of council.

Cost of Implementing

Nil

Funding Source

Not applicable

Officer Consulted

Nil

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/444:EF19/25-6

Notice of Motion / Question with Notice

Councillor Big Rob has given notice of intention to move:

That Council hold a public briefing to review current policies and procedures relating to the reviewing and/or using of Council CCTV recordings, in an attempt to identify individuals involved in alleged crimes or for enforcement action purposes.

Councillor Comment

Outcome Sought

Cost of Implementing

Nil

Funding Source

Not applicable

Officer Consulted

Nil

Officer Comment

Manager Operational Compliance

Council and NSW Police have executed a Memorandum of Understanding to articulate responsibilities associated with the CitySafe CCTV Network. Council's operational framework is consistent with the NSW Government – Justice publication '*NSW Government policy statement and guidelines for the establishment and implementation of closed circuit television (CCTV) in public places*'.

The management framework restricts access to, and use of recorded material will only take place:

- i) in compliance with the needs of Police in connection with the investigation of crime
- ii) if necessary for the purposes of legal proceedings or in compliance with applicable laws (such as the *Government Information (Public Access) Act 2009* and the *Privacy and Personal Information Protection Act 1998*).

Richmond Police Command Officers may access the CitySafe CCTV network (Lismore and Nimbin systems), to view live footage and review footage. However, they are not authorised to independently download data. NSW Police must make a formal request to Council to obtain a copy of recorded data. Such requests are responded to by authorised/ delegated Council staff.

NSW Police will make its own decision regarding the release of footage in alignment with associated legislative frameworks, policies and protocols and in the public interest.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/448:EF19/25-6

Notice of Motion / Question with Notice

Councillor Big Rob has given notice of intention to move:

That Council hold a public briefing to consider the options and any issues related to making councillors subject to PAYG withholding.

Councillor Comment

Outcome Sought

Councillors have little to no protections afforded employees, particularly work, health and safety protections and worker's compensation, or access to services readily available to staff. The position needs to be reviewed regularly.

Cost of Implementing

Nil

Funding Source

Not applicable

Officer Consulted

Nil

Officer Comment

Chief Financial Officer

Currently Mayor and councillor fees are not subject to income tax withholding, meaning councillors must manage their own income tax liability to the Australian Taxation Office (ATO).

Sections 446-5 of Schedule 1 of the *Taxation Administration Act 1953* (TAA) provides:

1. *An entity must withhold an amount from salary, wages, commission, bonuses or allowances it pays to an individual as:*
 - (e) *a member of a "local governing body where there is in effect in accordance with section 446-5, a unanimous resolution by the body that the remuneration of members of the body be subject to withholding under this part"*

The Mayor and councillor fees will be subject to PAYG withholding where there is a unanimous resolution to support the payment in this manner. If the resolution is not unanimous, LCC will be unable to withhold the tax in this manner and councillors will continue to be responsible for managing their own taxation circumstances.

Treating the Mayor and councillors in accordance with the above will see a reduction in their current take home monthly fee, with the corresponding amount paid by LCC to the ATO on behalf of the councillor towards their estimated annual income tax liability.

Subsection 275(2) of the *Local Government Act 1993* provides:

(2) *A person is disqualified from holding civic office on a council if he or she is an employee of the council or holds an office or place of profit under the council.*

Council has received advice that where it withholds PAYG tax for councillors (after passing a unanimous resolution), the councillors **do not** become common law employees, and it will not make them

Notice of Motion / Question with Notice

employees of the Council. However, withholding PAYG for councillors may result in the councillors being treated in the same manner as employees for certain purposes (eg fringe benefits tax).

A unanimous resolution in respect of PAYG withholding will deem councillors to be treated as employees for the purposes of the *Superannuation Guarantee Administration Act 1992* (Cth), therefore resulting in a financial impact to councillors. Under the current arrangement, a councillor can elect to forgo superannuation payments.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/449:EF19/25-6

Notice of Motion / Question with Notice

Councillor Big Rob has given notice of intention to move:

That Council hold a public briefing to consider the potential challenges and preferences of stakeholders relating to making GSAC, an existing under used Council asset, available to an organisation operating a youth and community service, instead of Council purchasing a property with a suitable building for use by a not-for-profit, and ratepayers incurring the substantial upfront and ongoing costs of maintaining and improving such an asset.

Councillor Comment

Outcome Sought

Ratepayers cannot afford to purchase, manage and maintain a residential property in Goonellabah to be used exclusively by one community group unless charging market rent. Suggesting a residential property may be bought for this purpose any time soon is offering false hope, particularly considering a previous residential property used for a similar purpose was all but destroyed a few years ago.

Council already has a very large under used Council asset in close proximity. GSAC offers many options which would complement any youth and community service operating from within. We should be using GSAC to support our youth as it was designed to cater for such a purpose.

Cost of Implementing

Nil

Funding Source

Not applicable

Officer Consulted

Nil

Officer Comment

General Manager

Council does not have any resolution or plans to purchase any property for this purpose, as suggested.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/450:EF19/25-6

Notice of Motion / Question with Notice

Councillor Big Rob has given notice of intention to move:

That clause 5.4 of the 'Councillor and Officer Interaction Policy' is amended to make it clear that any request relevant to councillors exercising their civic functions can be submitted by any means, and not just through the 'councillor request' system.

Councillor Comment

Outcome Sought

Councillors are not required to use the internal 'Councillor Request' system. This motion will clarify the position.

Cost of Implementing

Nil

Funding Source

Not applicable

Officer Consulted

Nil

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/451:EF19/25-6

Notice of Motion / Question with Notice

Councillor Big Rob has given notice of intention to move:

That a report is prepared for council to consider renaming New England Lane to 'Florian Lane'.

Councillor Comment

Outcome Sought

A large section of New England Lane Lismore was once privately owned by the Volpato family, who still own the adjoining building to the west. The land was donated to council to address liability issues with public access on private land, and a boundary adjustment resulted. The road is currently one way from Conway Street around to Carrington Street.

A member of the Volpato family asked if the road could be renamed 'Florian Lane' in honour of his father. The Volpato family is a well-respected local family with considerable land holdings in the CBD.

I am told New England Lane was named after a business operating at the location which has long since been out of business. It was also believed the donated section of road was unnamed until recently. It is appropriate to rename New England Lane to Florian Lane to honour a family who has invested heavily in Lismore for many years, and who have continued to do so heavily since the devastating 2022 floods.

Renaming New England Lane to Florian Lane will have zero impact on any street addresses or post as there are no addresses fronting the lane.



Cost of Implementing

Nil

Funding Source

Not applicable

Officer Consulted

Nil

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/452:EF19/25-6

Notice of Motion / Question with Notice

Councillor Big Rob has given notice of intention to move:

That the councillors' section of the 'Hub', Council's file management system providing users with access to various files, is not cleared at the end of a council term, so newly elected councillors have access to information previously made available to returning councillors.

Councillor Comment

Outcome Sought

Returning councillors have an unfair advantage over newly elected councillors by previously having access to material made available during a previous council term.

It has been the practice of this Council to delete all the material made available during previous council terms prior to a new term commencing. This means the flow of information to newly elected councillors is very tightly controlled by Council staff, and that councillors can only access previously made available material by asking for it. The problem is that it is impossible to ask for something you do not know exists.

Without leaving the information accessible, some councillors have had information available to them which will never be made available to newly elected councillors even when decisions are being made in the Chamber. This can cause council all sorts of issues, particularly relating to DA matters spanning council terms, and does not allow all councillors to make informed decisions.

Considering council documents are State records and must be retained, there is no reason why they should not remain available to councillors so they can undertake their role more effectively.

Cost of Implementing

Nil

Funding Source

Not applicable

Officer Consulted

Nil

Officer Comment

Governance and Risk Manager

The archiving of material in the HUB was done for a number of reasons. The amount of material left in the HUB from the previous term would make navigation for councillors more difficult. Consultation was undertaken with other councils before making this decision. There also may well be information that was archived from the HUB that if released "on mass" would put councillors in a compromising position in terms of conflict of interest, privacy considerations etc.

There was also an amount of confidential information provided to previous councillors (required during their term) via the HUB. It is inappropriate to provide this information to new councillors when it is historical and not required to effectively discharge their functions.

Officers are happy to initially restore six months of meeting agendas and minutes. Officers can undertake further research and provide additional information but will require more time to complete the task. Be assured officers will, as we always have done, continue to provide information to councillors in accordance with 335 (f) of the *Local Government Act 1993*.

Notice of Motion / Question with Notice

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/453:EF19/25-6

Notice of Motion / Question with Notice

Councillor Big Rob has given notice of intention to move:

That the 'Council Briefings Policy' is amended to make it clear that AVL access is permitted at Briefings and Workshops, and that visual attendance is not a requirement at any time.

Councillor Comment

Outcome Sought

Visual attendance at council briefings and workshops is not a requirement for councillors attending by AVL.

Cost of Implementing

Nil

Funding Source

Not applicable

Officer Consulted

Nil

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/454:EF19/25-6

Confidential Business



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:

Item	13.1 Preferred Community Housing Provider (CHP) for Affordable Housing on Council land
Grounds for Closure	Section 10A(2) (c):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
Item	13.2 Tender T24/3 Sewer Relining Panel Contract
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.
Item	13.3 Tender T24/1 Concreting Works
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.

Item 13.4 Santin's Quarry Legal Action
Grounds for Closure Section 10A(2) (g):
Public Interest Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Item 13.5 General Manager's Performance Review Committee - 18 April 2024
Grounds for Closure Section 10A(2) (a):
Public Interest 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).

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN COUNCIL CHAMBERS ON TUESDAY 9 APRIL 2024 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, Gordon, Guise, Jensen, Rob (via audio-visual), together with Mr Gibbons, General Manager; Mr Enevoldson, Chief Financial Officer; Dr Logan, Chief Operating Officer; Mr Butron, Chief Community Officer; Mr Wilson, Executive Officer – Customer Strategy; Ms O'Regan, Head Investment & Growth; Mr Duffy, Acting Head Customer Experience; Mr Kelly, 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

6/24

RESOLVED that:

1. Council note Councillors Ekins and Hall are on approved leave
2. attendance by audio-visual link be approved for Councillor Rob due to personal health reasons

(Councillors Gordon/Colby)

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

Voting against: Nil

Confirmation of Minutes

7/24

RESOLVED that the minutes of the following meeting be confirmed:

- Ordinary Council meeting 12 March 2024
- Confidential Council meeting 12 March 2024

(Councillors Rob/Bing)

Voting for: Councillors Bing, Bird, Colby, Cook, Gordon, Jensen, Krieg and Rob

Voting against: Councillor Guise

Disclosures of Interest

Clr Rob declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 11.4 Events Strategy 2024-2028

Nature: relates to ownership of the name Lismore Lantern Parade and there are references to my business name

Clr Rob declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 13.1 Santin's Quarry Legal Action

Nature: I am an acquaintance of Mr Santin

Clr Gordon declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 13.1 Santin Quarry Appeal

Nature: I am a friend of Mr Santin

Clr Bing declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 13.1 Santin Quarry Appeal

Nature: I have had business dealings with Mr Santin in my previous business

Clr Jensen declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 13.1 Santin Quarry Appeal

Nature: as previously advised I have met Mr Santin on three occasions and Mr Gapes

Clr Krieg declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 13.1 Santin Quarry Appeal

Nature: as previously disclosed I know Mr Santin

Clr Guise declared a Non-Pecuniary, Significant Conflict of Interest for the following item: 12.3 Lismore Base Hospital Parking and 12.6 Lismore Base Hospital Parking Precinct

Nature: I work for NSW Health and will leave the Chamber

Clr Guise declared a Non-Pecuniary, Significant Conflict of Interest for the following item: 12.5 Food security

Nature: I work for NSW Health in this space so will leave the Chamber

Clr Bird declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 11.4 Events Strategy 2024-2028

Nature: I have a longstanding, real-life relationship with the Lismore Lantern Parade, I will stay in the Chamber unless it is specifically raised

Clr Bird declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 12.5 Food security

Nature: The notice of motion I submitted references NSW Reconstruction Authority and the organisation which I work for, Resilient Lismore, is funded by the Authority but in this matter is doesn't directly relate.

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

11.2 Reimagine Lismore

AGAINST	Miriam Torzillo, Reclaim Our Recovery
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Notices of Motion

12.1 Rescission motion – 9 Sibley Street, Nimbin

FOR	Virginia Waters
	Gwen Trimble

Councillor Guise left the meeting, the time being 6:45PM

12.5 Food security

FOR	Fiona Berry, UTS Institute for Sustainable Futures
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Councillor Cook left the meeting, the time being 6:58PM

Councillor Cook returned to the meeting, the time being 7:00 PM

	Nicola Buster, University Centre for Rural Health
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Altering Order of Business

8/24 **RESOLVED** that the order of business be altered after item 11.1 to debate the following matters raised during Public Forum –

- 11.2 Reimagine Lismore
- 12.1 9 Sibley Street, Nimbin
- 12.5 Food Security

(Councillors Krieg/Gordon)

Voting for: Councillors Bing, Bird, Colby, Cook, Gordon, Jensen, Krieg and Rob

Voting against: Nil
Absent: Councillor Guise

Councillor Guise returned to the meeting, the time being 7:06PM

Mayoral Minute(s) and Condolence Motions

Reports of Committees

9.1 Sister City Advisory Group Minutes - 20 March 2024

9/24 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.

(Councillors Gordon/Bing) (BP24/279)

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

Voting against: Nil

9.2 Local Traffic Committee Minutes - 9 April 2024

10/24 **RESOLVED** that the minutes be received and adopted, and the recommendations contained therein be adopted.

(Councillors Bing/Colby) (BP24/337)

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

Voting against: Nil

Councillor Jensen left the meeting, the time being 7:09PM

Matters Arising

10.1 Questions on Notice

11/24 **RESOLVED** that the Questions on Notice responses provided in this report are noted.
(Councillors Gordon/Colby) (BP24/325)

Voting for: Councillors Bing, Bird, Colby, Cook, Gordon, Guise, Krieg and Rob

Voting against: Nil

Absent: Councillor Jensen

Councillor Jensen returned to the meeting, the time being 7:11PM

Councillor Rob left the meeting, the time being 7:11PM

Councillor Rob returned to the meeting, the time being 7:23PM

Councillor Colby left the meeting, the time being 7:49PM

Councillor Colby returned to the meeting, the time being 7:50 PM

Reports of the General Manager

11.1 Presentation by ARIC Chair

12/24 **RESOLVED** that the Chairperson's presentation be received.
(Councillors Bing/Jensen) (BP24/308)

Voting for: Councillors Bing, Bird, Colby, Cook, Gordon, Jensen, Krieg and Rob

Voting against: Councillor Guise

11.2 Reimagine Lismore

MOTION moved that Council:

1. does not endorse the Terms of Reference for the Reimagine Lismore Advisory Panel
2. does not endorse the Community Engagement Program

(Councillor Rob)

Lapsed due to want of a seconder.

13/24

RESOLVED that Council:

1. endorse the Terms of Reference for the Reimagine Lismore Advisory Panel, stipulating that members have links to Lismore
2. endorse the Community Engagement Program

(Councillors Colby/Bird) (BP24/344)

Voting for: Councillors Bing, Bird, Colby, Cook, Gordon, Guise and Krieg

Voting against: Councillors Jensen and Rob

12.1 9 Sibley Street, Nimbin

MOTION moved that Council rescind its decision of minute number 43/24 from the 12 March 2024 meeting.

(Councillors Bird/Cook)

Councillor Guise left the meeting, the time being 8:29PM

Councillor Guise returned to the meeting, the time being 8:31PM

RESOLVED that the motion be put.

(Councillor Rob)

Voting for: Councillors Bing, Colby, Gordon, Jensen, Krieg and Rob

Voting against: Councillor Bird, Cook and Guise

14/24

DEFEATED that Council rescind its decision of minute number 43/24 from the 12 March 2024 meeting.

(Councillors Bird/Cook) (BP24/266)

Voting for: Councillors Bird, Cook and Guise

Voting against: Councillors Bing, Colby, Gordon, Jensen, Krieg and Rob

Councillor Guise left the meeting, the time being 8:41PM

12.5 Food Security

MOTION moved that Council:

1. note the findings and recommendations of the Plan C and UTS Northern Rivers Food Security & Resilience Scoping Study, in particular the urgent need for coordinated food system governance, policies and planning in the region to build resilience to disasters and supply chain disruptions
2. note the 'Food Production and Supply in NSW' Inquiry and Report (November 2022), particularly Recommendation 6: that the NSW Government works with local councils to develop and implement strategies to improve local food systems, and provides appropriate funding as required
3. write to the following NSW Labor Government Ministers requesting the Government's response to the Inquiry, noting that Government has indicated it will respond to the findings by May, and highlighting the importance of Recommendation 6 for communities recovering from disasters such as the Northern Rivers:
 - i) NSW Premier the Hon Chris Minns MP
 - ii) Minister for Agriculture the Hon Tara Moriarty MP
 - iii) Minister for Local Government the Hon Ron Hoenig MP
 - iv) Minister for Regional New South Wales and North Coast the Hon Rose Jackson MP
 - v) Minister for Health and Regional Health the Hon Ryan Park MP
4. note the Northern Rivers Joint Organisation passed a similar motion at its February meeting
5. include questions regarding food and water security in the Reimagine Lismore community engagement process to understand community lived experience in the Lismore LGA
6. advocate to the NSW Reconstruction Authority for future possible use of buyback properties for urban and small scale agriculture in the Lismore LGA
7. provide a briefing to Council by July outlining current constraints and the mechanisms that could be considered to enable small scale urban agriculture in the Lismore LGA

(Councillors Bird/Colby)

AMENDMENT moved that Council:

1. note the findings and recommendations of the Plan C and UTS Northern Rivers Food Security & Resilience Scoping Study, in particular the urgent need for coordinated food system governance, policies and planning in the region to build resilience to disasters and supply chain disruptions
2. note the 'Food Production and Supply in NSW' Inquiry and Report (November 2022), particularly Recommendation 6: that the NSW Government works with local councils to develop and implement strategies to improve local food systems, and provides appropriate funding as required
3. write to the following NSW Labor Government Ministers requesting the Government's response to the Inquiry, noting that Government has indicated it will respond to the

findings by May, and highlighting the importance of Recommendation 6 for communities recovering from disasters such as the Northern Rivers:

- i) NSW Premier the Hon Chris Minns MP
 - ii) Minister for Agriculture the Hon Tara Moriarty MP
 - iii) Minister for Local Government the Hon Ron Hoenig MP
 - iv) Minister for Regional New South Wales and North Coast the Hon Rose Jackson MP
 - v) Minister for Health and Regional Health the Hon Ryan Park MP
4. note the Northern Rivers Joint Organisation passed a similar motion at its February meeting
 5. include questions regarding food and water security in the Reimagine Lismore community engagement process to understand community lived experience in the Lismore LGA
 6. advocate to the NSW Reconstruction Authority for future possible use of buyback properties for urban and small scale agriculture, possible rezoning and sale of buyback properties in the Lismore LGA
 7. provide a briefing to Council by July outlining current constraints and the mechanisms that could be considered to enable small scale urban agriculture in the Lismore LGA

(Councillor Rob)

Lapsed due to want of a seconder.

Councillor Bing left the meeting, the time being 8:59PM

Councillor Bing returned to the meeting, the time being 9:00PM

15/24

RESOLVED that Council:

1. note the findings and recommendations of the Plan C and UTS Northern Rivers Food Security & Resilience Scoping Study, in particular the urgent need for coordinated food system governance, policies and planning in the region to build resilience to disasters and supply chain disruptions
2. note the 'Food Production and Supply in NSW' Inquiry and Report (November 2022), particularly Recommendation 6: that the NSW Government works with local councils to develop and implement strategies to improve local food systems, and provides appropriate funding as required
3. write to the following NSW Labor Government Ministers requesting the Government's response to the Inquiry, noting that Government has indicated it will respond to the findings by May, and highlighting the importance of Recommendation 6 for communities recovering from disasters such as the Northern Rivers:
 - i) NSW Premier the Hon Chris Minns MP
 - ii) Minister for Agriculture the Hon Tara Moriarty MP
 - iii) Minister for Local Government the Hon Ron Hoenig MP

- iv) Minister for Regional New South Wales and North Coast the Hon Rose Jackson MP
- v) Minister for Health and Regional Health the Hon Ryan Park MP
- 4. note the Northern Rivers Joint Organisation passed a similar motion at its February meeting
- 5. include questions regarding food and water security in the Reimagine Lismore community engagement process to understand community lived experience in the Lismore LGA
- 6. advocate to the NSW Reconstruction Authority for future possible use of buyback properties for urban and small scale agriculture in the Lismore LGA
- 7. provide a briefing to Council by July outlining current constraints and the mechanisms that could be considered to enable small scale urban agriculture in the Lismore LGA

(Councillors Bird/Colby) (BP24/333)

Voting for: Councillors Bing, Bird, Colby, Cook, Gordon, Jensen and Krieg
Voting against: Councillor Rob
Absent: Councillor Guise

Councillor Guise returned to the meeting, the time being 9:05PM

Councillor Jensen left the meeting, the time being 9:05PM

Councillor Jensen returned to the meeting, the time being 9:06PM

Councillor Bird left the meeting, the time being 9:06PM

11.3 NSW Public Spaces Charter

16/24 **RESOLVED** that Council become a signatory to the NSW Public Spaces Charter.

(Councillors Rob/Bing) (BP24/164)

Voting for: Councillors Bing, Colby, Cook, Gordon, Guise, Jensen, Krieg and Rob
Voting against: Nil
Absent: Councillor Bird

11.4 Events Strategy 2024-2028

MOTION moved that Council adopt the Events Strategy 2024-2028.

(Councillors Gordon/Jensen)

Councillor Bird returned to the meeting, the time being 9:08PM

17/24 **RESOLVED** that Council adopt the Events Strategy 2024-2028.

(Councillors Gordon/Jensen) (BP24/136)

Voting for: Councillors Bing, Bird, Colby, Cook, Gordon, Guise, Jensen and Krieg

Voting against: Councillor Rob

11.5 Investments - March 2024

18/24 **RESOLVED** that the report be received and noted.

(Councillors Gordon/Bing) (BP24/341)

Voting for: Councillors Bing, Bird, Colby, Cook, Gordon, Jensen, Krieg and Rob

Voting against: Councillor Guise

11.6 Documents for Signing

19/24 **RESOLVED** that Council notes the following document be executed as negotiated under delegated authority by the General Manager:

Item 1: Lease to Lismore City Council (ABN 60 080 932 837) for commercial space in the Lismore CBD to facilitate pop-up CONVERGE program in line with funding by NSW Reconstruction Authority (Ref: EF21/88)

(Councillors Gordon/Bing) (BP24/239)

Voting for: Councillors Bing, Bird, Colby, Cook, Gordon, Guise, Jensen and Krieg

Voting against: Councillor Rob

20/24

RESOLVED that Council notes the following document be executed as negotiated under delegated authority by the General Manager:

Item 2: Occupation Agreement with City of Lismore RSL Sub-Branch over Suite A, 179 Molesworth Street, Lismore, subject to Conditions 1 and 2 included in the report annexure. (Ref: AF24/820)

(Councillors Gordon/Bing) (BP24/239)

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

Voting against: Nil

11.7 Policy Review

MOTION moved that Council revoke the following policies –

- a. Council Use of Lismore Airport Policy
- b. Biodiversity – Flora & Fauna Policy
- c. Council Cars – Car Agreement Policy
- d. Duties and Responsibilities of Committee Chairpersons Policy
- e. Plain English Policy
- f. Staff Exchange Program between Lismore City Council and Yamato Takada City Council Policy
- g. Closure of Offices Christmas/New Year Policy
- h. Dedication of Bequeathed Land for Community Purposes Policy
- i. Lismore Coat of Arms/Corporate Logo Policy
- j. Media Releases Policy

(Councillor Rob)

Lapsed due to want of a seconder.

21/24

RESOLVED that Council:

1. revoke the following policies –
 - a. Council Use of Lismore Airport Policy
 - b. Biodiversity – Flora & Fauna Policy
 - c. Council Cars – Car Agreement Policy
 - d. Duties and Responsibilities of Committee Chairpersons Policy
 - e. Plain English Policy

- f. Staff Exchange Program between Lismore City Council and Yamato Takada City Council Policy
2. note the following policies have been reviewed and no changes are required –
 - a. Closure of Offices Christmas/New Year Policy
 - b. Dedication of Bequeathed Land for Community Purposes Policy
 - c. Lismore Coat of Arms/Corporate Logo Policy
 - d. Media Releases Policy

(Councillors Bing/Cook) (BP23/328)

Voting for: Councillors Bing, Bird, Colby, Cook, Gordon, Guise, Jensen and Krieg

Voting against: Councillor Rob

11.8 2024 Floodplain Management Australia National Conference

MOTION moved that:

1. the two voting delegates to the 2024 Floodplain Management Australia National Conference are Councillors Ekins and Rob
2. if constitutional matters arise the voting delegate is Councillor Rob
3. Council approve the submission of the motion for AVL Link Remote Access to the Conference organisers

(Councillors Rob/Bing)

Councillor Gordon left the meeting, the time being 9:30PM

22/24 **RESOLVED** that:

1. the two voting delegates to the 2024 Floodplain Management Australia National Conference are Councillors Ekins and Rob
2. if constitutional matters arise the voting delegate is Councillor Rob
3. Council approve the submission of the motion for AVL Link Remote Access to the Conference organisers

(Councillors Rob/Bing) (BP24/250)

Voting for: Councillors Bing, Bird, Colby, Cook, Jensen, Krieg and Rob

Voting against: Councillor Guise

Absent: Councillor Gordon

Councillor Gordon returned to the meeting, the time being 9:32PM

11.9 Minutes from External Committees and Organisations

23/24 **RESOLVED** that Council notes the draft minutes of Arts Northern Rivers.

(Councillors Colby/Bird) (BP24/265)

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

Voting against: Nil

Notices of Motion / Questions with Notice

12.2 Mayoral Attendance Report

MOTION moved that Council receives the Mayoral Attendance Report for March 2024.

(Councillors Cook/Gordon)

Councillor Cook left the meeting, the time being 9:35PM

Councillor Bird left the meeting, the time being 9:35PM

Councillor Cook returned to the meeting, the time being 9:37PM

Councillor Bird returned to the meeting, the time being 9:41 PM

24/24 **RESOLVED** that Council receives the Mayoral Attendance Report for March 2024.

(Councillors Cook/Gordon) (BP24/267)

Voting for: Councillors Bing, Bird, Colby, Cook, Gordon, Guise, Jensen and Krieg

Voting against: Councillor Rob

Councillor Guise left the meeting, the time being 9:50PM

12.3 Lismore Base Hospital parking

25/24

RESOLVED that Council write to The Hon Chris Minns MP Premier, The Hon Ryan Parks MP Minister for Health and Janelle Saffin MP Member for Lismore requesting the NSW Government fund Stage 2 of the multilevel carpark adjacent to the Lismore Base Hospital, to provide adequate and safe car parking facilities for our essential workers.

(Councillors Bing/Jensen) (BP24/309)

Voting for: Councillors Bing, Bird, Colby, Cook, Gordon, Jensen, Krieg and Rob

Voting against: Nil

Absent: Councillor Guise

Councillor Guise returned to the meeting, the time being 9:53PM

12.4 Koala Advisory Group

MOTION moved that Council establish a Koala Advisory Group to replace the Koala Implementation Group prior to 30 June 2024.

(Councillor Rob)

Lapsed due to want of a seconder.

Councillor Guise left the meeting, the time being 9:54PM

12.6 Lismore Base Hospital Parking Precinct

26/24

RESOLVED that:

1. Council approach both the Northern NSW Local Health District and also Transport for NSW (via the Local Traffic Committee) regarding the proposed amendments to the Parking Strategy
2. Council approach the NSW Department of Planning regarding authorisation of an amended Parking Strategy pursuant to Condition A5
3. if all parties respond favourably, engage a suitably qualified consultant to prepare an amended Parking Strategy in accordance with Transport for NSW Guidelines
4. complete an amended Parking Strategy supported by NSW Local Health District and also Transport for NSW (via the Local Traffic Committee) and endorsed by NSW Department of Planning and Council
5. implement the revised Parking Strategy

(Councillors Rob/Gordon) (BP24/328)

Voting for: Councillors Bing, Bird, Colby, Cook, Gordon, Jensen, Krieg and Rob
Voting against: Nil
Absent: Councillor Guise

Councillor Guise returned to the meeting, the time being 10:17PM

Altering Order of Business

27/24 **RESOLVED** that the order of business be altered to debate the following matters:

- **13.2 Tender TP23/210 Construction of Walking Pathways - Harold Fredericks Car Park**
- **13.1 Santin's Quarry Legal Action**

(Councillors Rob/Gordon)

Voting for: Councillors Bing, Colby, Cook, Gordon, Jensen, Krieg and Rob
Voting against: Councillors Bird and Guise

Confidential Matters – Closed Council Meeting

MOTION moved that Council now exclude the press and public and meet in Closed Council to consider the following matters;

Item 13.1 Santin's Quarry Legal Action
Grounds for Closure Section 10A(2) (g):
Public Interest Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Item 13.2 Tender TP23/210 Construction of Walking Pathways - Harold Fredericks Car Park
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

(Councillors Gordon/Bing)

Councillor Gordon left the meeting, the time being 10:20PM

Councillor Bird left the meeting, the time being 10:20PM

Councillor Gordon returned to the meeting, the time being 10:21PM

Councillor Colby left the meeting, the time being 10:21PM

Councillor Colby returned to the meeting, the time being 10:23PM

28/24 **RESOLVED** that Council now exclude the press and public and meet in Closed Council to consider the following matters;

Item	13.1 Santin's Quarry Legal Action
Grounds for Closure	Section 10A(2) (g):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Item	13.2 Tender TP23/210 Construction of Walking Pathways - Harold Fredericks Car Park
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.

(Councillors Gordon/Bing)

Voting for: Councillors Bing, Colby, Cook, Gordon, Jensen, Krieg and Rob

Voting against: Councillor Guise

Absent: Councillor Bird

Councillor Bird returned to the meeting, the time being 10:24 PM

The time being 10.31pm the meeting was adjourned to Wednesday 10 April at 6.00pm.

Present

Mayor, Councillor Krieg; Councillors Bing, Bird, Cook, Gordon, Jensen (via audio-visual), together with Mr Gibbons, General Manager; Mr Enevoldson, Chief Financial Officer; Dr Logan, Chief Operating Officer; Mr Butron, Chief Community 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

29/24

RESOLVED that:

1. Council note apologies received from Councillors Colby, Guise and Rob
2. attendance by audio-visual link be approved for Councillor Jensen

(Councillors Bing/Gordon)

Voting for: Councillors Bing, Bird, Cook, Gordon, Jensen and Krieg

Voting against: Nil

As the meeting on Tuesday 9 April 2024 was in confidential session when it was adjourned it will now return to conclude the listed business.

Resumption of Open Council

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

13.2 Tender TP23/210 Construction of Walking Pathways - Harold Fredericks Car Park

That:

1. in accordance with Clause 178(1)(b) of the *Local Government (General) Regulation 2021*, Council declines to accept any of the tenders for Tender TP23/210 – Construction of Walking Pathways – Harold Fredericks Car Park
2. in accordance with Clause 178(3)(b) of the *Local Government (General) Regulation 2021*, Council invite fresh tenders, in accordance with Clause 166 by tendering each portion of the works as a separate contract using a combination of Request for Quotations and existing Council approved panel contracts in line with Council's procurement policy
3. Council notes the funding for this engagement will be covered under a grant provided by Transport for NSW under the Safer Cities: Her Way Program

(Councillors Gordon/Colby) (BP24/310)

Voting for: Councillors Bing, Bird, Colby, Cook, Gordon, Jensen, Krieg and Rob

Voting against: Councillor Guise

13.1 Santin's Quarry Legal Action

Motion withdrawn from adjourned meeting on 10 April 2024.

12.7 Aboriginal Back Alley Gallery

That Council hold a briefing to consider establishing an Aboriginal Back Alley Gallery to replace the current Back Alley Gallery.

Lapsed due to want of a mover.

12.8 Floating Solar

That Council:

1. redirect any spending to maintain the floating solar setup on pontoons at the waste facility to relocating the solar panels to a location where they will be more effective
2. divest any interest it has in the pontoons.

Lapsed due to want of a mover.

12.9 Safer Cities - Her Way Project

That Council stop any spending on 'art' included in the grant funding deed for the Safer Cities: Her Way Project, and redirect the funds allocated to 'art' towards improving lighting and CCTV options.

Motion withdrawn.

12.10 Bridge Removal

Per the previous Council resolutions, Council has contacted the appropriate entities and provided a reminder to State Member Ms Saffin. Council's position on the bridge removal was raised again in the last weeks in continuing discussions with Transport for NSW (TfNSW).

Responses to a number of Councillor requests have been provided by officers however, whilst there is advertising paid for by TfNSW for the businesses affected in particular with Terania Street bridge, there is no substitute for passing traffic... and these businesses are suffering immensely as a result.

Could the General Manager provide an update on the actions from TfNSW, Heritage, and all other relevant bodies, vis a vie the resolutions for removal of the bridges, for the public record.

General Manager's response:

Terania Street viaduct

Council has been verbally advised by TfNSW the Terania Street viaduct will be open in coming weeks following the installation of traffic calming islands and signage. The viaduct will remain closed to heavy vehicles. Their section 60 heritage application to remove the viaduct has been submitted and heritage personnel have been on site with the application currently on public exhibition at <https://www.environment.nsw.gov.au/topics/heritage/apply-for-heritage-approvals-and-permits/state-heritage-register-items/comment-on-applications>. Advice has been received the earliest date for removal would likely be sometime in June 2024. In the meantime, pedestrian access has been opened. TfNSW will continue with communicating progress to the community and businesses in the vicinity.

Alexandra Parade viaduct

Council has been verbally advised the Alexandra bridge will remain open under 24/7 traffic control for vehicles using the 2.8 metre height clearance lanes following improvements to protect the piers with the 3.5 metre clearance lane remaining closed for the foreseeable future. Council have been requested to undertake the necessary lease and licence arrangements to enable the nearby crossing to be opened as an alternate route for vehicles exceeding 2.8 metres in height.

Winterton Parade and Union Street viaducts

Council has been advised minor works have been undertaken to ensure safe traffic flow.

Crane Street viaduct

Remain open. No update.

12.11 CCTV System Use

Can the General Manager please advise Council if there are any current policies or procedures preventing staff from using and/or reviewing Council CCTV recordings in an attempt to identify individuals involved in alleged crimes or for enforcement action purposes, to be used internally or to be shared with law enforcement without first receiving a request from law enforcement, or if there is anything restricting the use of images taken from Council CCTV recordings to be published publicly in an attempt to help identify individuals unable to be otherwise identified?

General Manager's response:

Officer Comment

Council and NSW Police have executed a Memorandum of Understanding to articulate responsibilities associated with the CitySafe CCTV Network. Council's operational framework is consistent with the NSW Government – Justice publication '*NSW Government policy statement and guidelines for the establishment and implementation of closed circuit television (CCTV) in public places*'.

The management framework restricts access to, and use of recorded material will only take place:

- i) in compliance with the needs of Police in connection with the investigation of crime
- ii) if necessary for the purposes of legal proceedings or in compliance with applicable laws (such as the *Government Information (Public Access) Act 2009* and the *Privacy and Personal Information Protection Act 1998*).

Richmond Police Command Officers may access the CitySafe CCTV network (Lismore and Nimbin systems), to view live footage and review footage. However, they are not authorised to independently download data. NSW Police must make a formal request to Council to obtain a copy of recorded data. Such requests are responded to by authorised/ delegated Council staff.

NSW Police will make its own decision regarding the release of footage in alignment with associated legislative frameworks, policies and protocols and in the public interest.

12.12 Councillors Treated as Employees

Can the General Manager please advise if there are any known issues which will result if Council resolves to make councillors subject to PAYG withholding, which should also see councillors treated as employees during their term in relation to taxation and other services available only to staff?

General Manager's response:

Currently Mayor and councillor fees are not subject to income tax withholding, meaning councillors must manage their own income tax liability to the Australian Taxation Office (ATO).

Sections 446-5 of Schedule 1 of the *Taxation Administration Act 1953* (TAA) provides:

1. *An entity must withhold an amount from salary, wages, commission, bonuses or allowances it pays to an individual as:*
 - (e) *a member of a "local governing body where there is in effect in accordance with section 446-5, a unanimous resolution by the body that the remuneration of members of the body be subject to withholding under this part"*

The Mayor and councillor fees will be subject to PAYG withholding where there is a unanimous resolution to support the payment in this manner. If the resolution is not unanimous, LCC will be unable to withhold the tax in this manner and councillors will continue to be responsible for managing their own taxation circumstances.

Treating the Mayor and councillors in accordance with the above will see a reduction in their current take home monthly fee, with the corresponding amount paid by LCC to the ATO on behalf of the councillor towards their estimated annual income tax liability.

Subsection 275(2) of the *Local Government Act 1993* provides:

(2) A person is disqualified from holding civic office on a council if he or she is an employee of the council or holds an office or place of profit under the council.

Council has received advice that where it withholds PAYG tax for councillors (after passing a unanimous resolution), the councillors **do not** become common law employees, and it will not make them employees of the Council. However, withholding PAYG for councillors may result in the councillors being treated in the same manner as employees for certain purposes (eg fringe benefits tax).

A unanimous resolution in respect of PAYG withholding will deem councillors to be treated as employees for the purposes of the *Superannuation Guarantee Administration Act 1992* (Cth), therefore resulting in a financial impact to councillors. Under the current arrangement, a councillor can elect to forgo superannuation payments.

12.13 Northern Rivers Joint Organisation Operation and Membership

Can the General Manager please outline how the Northern Rivers Joint Organisation (NRJO) effectively operates as a regional layer of government, how the 7 Mayors of the member councils can make decisions without informing or consulting other councillors, whether NRJO decisions are binding on member councils, why information is regularly withheld from 55 of the 62 elected officials making up the member councils, why those 55 elected officials are often completely excluded from decision making processes, and any adverse impacts if Council resolves to withdraw from the NRJO?

General Manager's response:

Joint organisations are formed under Part 7 of Chapter 12 of the *Local Government Act 1993* (*The Act*) and proclaimed by the Governor. The proclamation constitutes the joint organisation as a body corporate.

The board of the Northern Rivers Joint Organisation consists of the Mayor of each of the seven member councils. Each Mayor has one vote. Agendas and minutes of the NRJO are published on its website. The joint organisation operates similarly to Rous County Council where members are required to vote in “the interests” of the organisation or County Council. This is evidenced below. Not all councillors of member councils have all information provided to them by either NRJO or Rous County Council and only the members of the NRJO or County Council vote.

Section 400ZA Decisions and powers of joint organisations states:

(2) A decision made, in good faith, by a voting representative on the board of a joint organisation is taken for the purposes of provisions of this Act relating to the functions and conduct of councillors not to have been taken by the representative in his or her capacity as the mayor or a councillor of a council.

The NRJO’s operational and governance principles are contained in its Charter.

A period of 12 months written notice is required to withdraw membership of the NRJO.

If Lismore City Council were to revoke its membership of the NRJO it would not be involved in the establishment, delivery and benefits of strategic regional priorities. The adverse impacts of this could be economic, environmental and a disconnected region.

12.14 Converge Creative Enterprise Development Program

Can the General Manager please explain whether council or the NSW Reconstruction Authority initiated the Converge Creative Enterprise Development Program, how it came to be applied to Lismore, if any other council areas are running the program, how much grant funding is being provided to council, if there will be any cost to ratepayers either directly or in kind, and exactly how the program is expected to proactively reduce the impact of future disasters and help Lismore recover faster?

General Manager’s response:

Following the 2022 natural disaster across the region, the Northern Rivers Reconstruction Corporation (now known as the NSW Reconstruction Authority) established the Business Industry and Tourism Advisory Group (BITAG). This group provided the three levels of government and industry with a forum for economic development and advice on rebuilding the Northern Rivers. Lismore City Council was a member. One of the functions of this group was to drive economic development through the identification of priority projects for councils. This Converge project opportunity was explored further by BITAG following considerations raised at the Creative Industries Recovery Forum held in July 2022, discussions held regarding the Renew Newcastle initiative and Lismore’s very own Art in the Heart Program delivered in 2010-11. BITAG members across all three levels of government were keen to see the establishment of a similar program to support social, community and business recovery in the Lismore local government area (LGA). The Converge project (formerly known as Art in the Heart) was placed on the BITAG Action Sheet as one of many projects for the Lismore LGA to pursue.

Throughout 2023 discussions were held frequently with the NSW Reconstruction Authority regarding funding opportunities. In October 2023 a funding agreement was signed between the NSW Reconstruction Authority and Lismore City Council to deliver the Converge project during 2024. The total amount of funding provided is \$145,000 excluding GST. The program includes in kind project management delivered by officers within the Destination and Economy Team. All other costs associated with the program delivery are fully funded through the funding agreement.

As the program is funded from the BITAG, its objective is to deliver economic recovery initiatives to address economic and social impacts of the 2022 flood disaster. This will include occupying vacant spaces within business centres, increasing foot traffic and activation, resulting in increased spend, and creating vibrant and dynamic collective spaces to develop Lismore's creative sector and celebrate the creativity and diversity of the local community. The project objectives do not aim to reduce the impact of future disasters.

12.15 GSAC Youth & Community Centre

Can the General Manager please outline the services and facilities available at GSAC, such as meeting or gathering spaces, offices, cafe, gym, etc, which could be used to support a youth & community centre operating out of GSAC, and share any known reasons why a youth & community centre could not commence operations from GSAC in future?

General Manager's response:

The Goonellabah Aquatic and Sports Centre (GSAC) contains the following facilities:

- Stadium (two basketball courts) with permanent bookings for netball, basketball, and futsal. School programs also operate during the day.
- 2 x function spaces used by hirers - including the youth boxing group, jazz ballet, etc
- 1 x meeting room used by council staff and external hirers
- 2 x offices used by Council for operations of the facility
- 1 x small office available to rent.
- Cafe with limited hours
- 25m and learn to swim pool
- Waterslide
- 24-hour gym
- 2 fitness program rooms for spin classes, yoga, dance and step classes.
- Outdoor BBQ area
- Adjacent skate park

The GSAC effectively serves as a community hub, accommodating a wide range of users, activities and programs. The facility offers various spaces and facilities managed via private hire agreements and bookings. Any individuals, clubs, schools, entities and organisations are able to access and use the facility via this booking and hiring process.

This operational framework not only generates revenue to sustain the facility's operations but also fosters inclusivity by catering to diverse sections of the community, including youth.

Potential challenges to repurposing the facility, include the need to ensure continued access to sports facilities for existing contracted arrangements, managing competing demands for space, and maintaining financial viability.

Any decision would also need to take into consideration the findings of any operational reviews as well as the needs and preferences of residents, current users, and stakeholders.

Closure

This concluded the business and the meeting terminated at 6.13pm.

CONFIRMED this > > 2024 at which meeting the signature herein was subscribed.

MAYOR

**MINUTES OF THE CONFIDENTIAL MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD
IN COUNCIL CHAMBERS ON TUESDAY 9 APRIL 2024 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, Gordon, Guise, Jensen, Rob, together with Mr Gibbons, General Manager; Mr Enevoldson, Chief Financial Officer; Dr Logan, Chief Operating Officer; Mr Butron, Chief Community Officer; Ms Cotterill, Governance & Risk Manager and Mrs Mitchell, Executive Officer to the General Manager & Mayor and Councillors.

13.2 Tender TP23/210 Construction of Walking Pathways - Harold Fredericks Car Park

7/24

RESOLVED that:

1. in accordance with Clause 178(1)(b) of the *Local Government (General) Regulation 2021*, Council declines to accept any of the tenders for Tender TP23/210 – Construction of Walking Pathways – Harold Fredericks Car Park
2. in accordance with Clause 178(3)(b) of the *Local Government (General) Regulation 2021*, Council invite fresh tenders, in accordance with Clause 166 by tendering each portion of the works as a separate contract using a combination of Request for Quotations and existing Council approved panel contracts in line with Council's procurement policy
3. Council notes the funding for this engagement will be covered under a grant provided by Transport for NSW under the Safer Cities: Her Way Program

(Councillors Gordon/Colby) (BP24/310)

Voting for: Councillors Bing, Bird, Colby, Cook, Gordon, Jensen, Krieg and Rob

Voting against: Councillor Guise

The time being 10.31pm the meeting was adjourned to Wednesday 10 April at 6.00pm.

Meeting resumed Wednesday 10 April 2024.

Present

Mayor, Councillor Krieg; Councillors Bing, Bird, Cook, Gordon, Jensen (via audio-visual), together with Mr Gibbons, General Manager; Mr Enevoldson, Chief Financial Officer; Dr Logan, Chief Operating Officer; Mr Butron, Chief Community Officer; Ms Cotterill, Governance & Risk Manager and Mrs Mitchell, Executive Officer to the General Manager & Mayor and Councillors.

13.1 Santin's Quarry Legal Action

That Council instruct Council's legal representatives in the Santin's Quarry legal action to submit a statement of reasons on behalf of Lismore City Council prepared and signed by operational staff in compliance with the Court's Order.

Motion withdrawn.

Resumption of Open Council

9/24 **RESOLVED** that Council reopen the doors to the public and return to open session.

(Councillors Bing/Gordon)

Voting for: Councillors Bing, Bird, Cook, Gordon, Jensen and Krieg

Voting against: Nil

Closure

This concluded the business and the meeting terminated at 6.04pm.

CONFIRMED > > 2024 at which meeting the signature herein was subscribed.

MAYOR