



Council

An Ordinary Meeting of Lismore City Council will be held at the Council Chambers on Tuesday 11 June 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

4 June 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.

Agenda

1. Opening of Meeting	
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Reports of Committees



Report of Committee

Sister City Advisory Group Minutes - 1 May 2024

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

Attachment/s

1. [↓](#) Minutes

Recommendations from the meeting of the Sister City Advisory Group are reproduced below for the awareness of councillors, as these seek specific Council actions –

Confirmation of Minutes

That the minutes of the 20 March 2024 meeting be accepted and presentation of future minutes include more detailed information regarding the discussion that took place.

5.1 2024 Sister City Delegation Visit - 60th Year Celebration

That the Group:

1. endorse the Mayor's Sister City Delegation Report
2. examine opportunities with the Council of Local Authorities for International Relations (CLAIR) Sydney Japanese Local Government Centre, for Council staff to participate in exchange opportunities between organisations
3. a Lismore City Council staff member or members are included as a designated position for future delegation visits to Lismore's Sister Cities
4. travel arrangements for future delegation visits to Lismore's Sister Cities are organised as a group for all delegation members

Sister City Advisory Group Minutes 1 May 2024

MINUTES OF THE SISTER CITY ADVISORY GROUP HELD IN COUNCIL CHAMBERS ON WEDNESDAY 1 MAY 2024 AT 4.30PM

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

Present

Councillor Ekins (Chair), Councillor Bing, Members Dr Ros Derrett, Daniel Gubby, Joanne Cooper, Patricia Anderson, Tazuko McLaren, Brandon Yee, together with Ms Olivieri, Community Wellbeing and Communications Officer and Sister City Delegation Members, Councillor Krieg, Julie Burton, Jamie Perry, Emily Yee and Tonia Dynan (item 5.1)

Apologies

Nil

Confirmation of Minutes

SCAP29/24 **RESOLVED** that the minutes of the 20 March 2024 meeting be accepted and presentation of future minutes include more detailed information regarding the discussion that took place.

(Member Yee/Councillor Bing)

Voting for: Councillors Ekins and Bing and Members Derrett, Gubby, Cooper, Anderson, McLaren and Yee

Voting against: Nil

Disclosure of Interest

Nil

Sister City Advisory Group Minutes

1 May 2024

5.1 2024 Sister City Delegation Visit - 60th Year Celebration

SCAP30/24

RESOLVED that the Group:

1. endorse the Mayor's Sister City Delegation Report
2. examine opportunities with the Council of Local Authorities for International Relations (CLAIR) Sydney Japanese Local Government Centre, for Council staff to participate in exchange opportunities between organisations
3. a Lismore City Council staff member or members are included as a designated position for future delegation visits to Lismore's Sister Cities
4. travel arrangements for future delegation visits to Lismore's Sister Cities are organised as a group for all delegation members

(Councillor Ekins/Member Anderson) (BP24/412)

Voting for: Councillors Ekins and Bing and Members Derrett, Gubby, Cooper, Anderson, McLaren and Yee

Voting against: Nil

Closure

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

Report of Committee

Local Traffic Committee - 22 May 2024

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

Attachment/s

1. [↓](#) Minutes - 22 May 2024

Local Traffic Committee Minutes

22 May 2024

MINUTES OF THE LOCAL TRAFFIC COMMITTEE HELD IN COUNCIL CHAMBERS ON WEDNESDAY 22 MAY 2024 AT 11.00AM

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

Councillor Hall (Chairperson), Sgt Clint Williams (NSW Police), Ms Bel Hanson (on behalf of Janelle Saffin MP) and Ms Caleisse Dunston (Transport for NSW)

In Attendance

Mr Gibbons, General Manager; Mr Goodwin, Design Services Engineer; Ms Kerry, Senior Business Support Officer (minutes) and Ms van Iersel (Item 4.1)

Apologies

Apologies for non-attendance were received on behalf of Janelle Saffin, MP (Member for Lismore).

Confirmation of Minutes

Nil

Disclosure of Interest

Nil

Signage and Line Marking for Electric Vehicle Chargers

EVX (private company) and Essential Energy are working together to provide pole-mounted electric vehicle (EV) chargers across the Northern Rivers.

To ensure the chargers are identifiable and used properly, it is recommended that the Local Traffic Committee approve the installation of new signage and line marking of four bays in the CBD:

- two within Harold Frederick carpark, Lismore, and
 - two at 76 Carrington Street, Lismore.
-

Background

Under a collaboration between Essential Energy and [EVX](#) (supplier), there is an opportunity for four EV Chargers to be installed in Lismore over the coming years, with two to be installed in early 2024 and the final two to be rolled out in the years beyond.

Local Traffic Committee Minutes 22 May 2024

Essential Energy and EVX have carried out an audit of the LGA that considered location, condition, and capacity of the Essential Energy infrastructure (poles), space, parking permit conditions, and proximity and access to shops. The Local Traffic Committee reviewed the locations at a meeting 13 December 2023. The Local Traffic Committee, at that meeting, gave support in principle for a charger at 76 Carrington Street and requested further review of suitable CBD locations before making any recommendations.

Proposed Locations

EVX and Essential Energy have received Lismore City Council's feedback and request for chargers to be within car parks rather than on-street.

In addition to a charger (two bays) at 76 Carrington Street, it is proposed that the second charger (two bays) be installed within the Harold Frederick Carpark. This will be facilitated through the installation of a new telegraph pole installed by Essential Energy and connected to an existing telegraph pole on Rural Street (see images below).

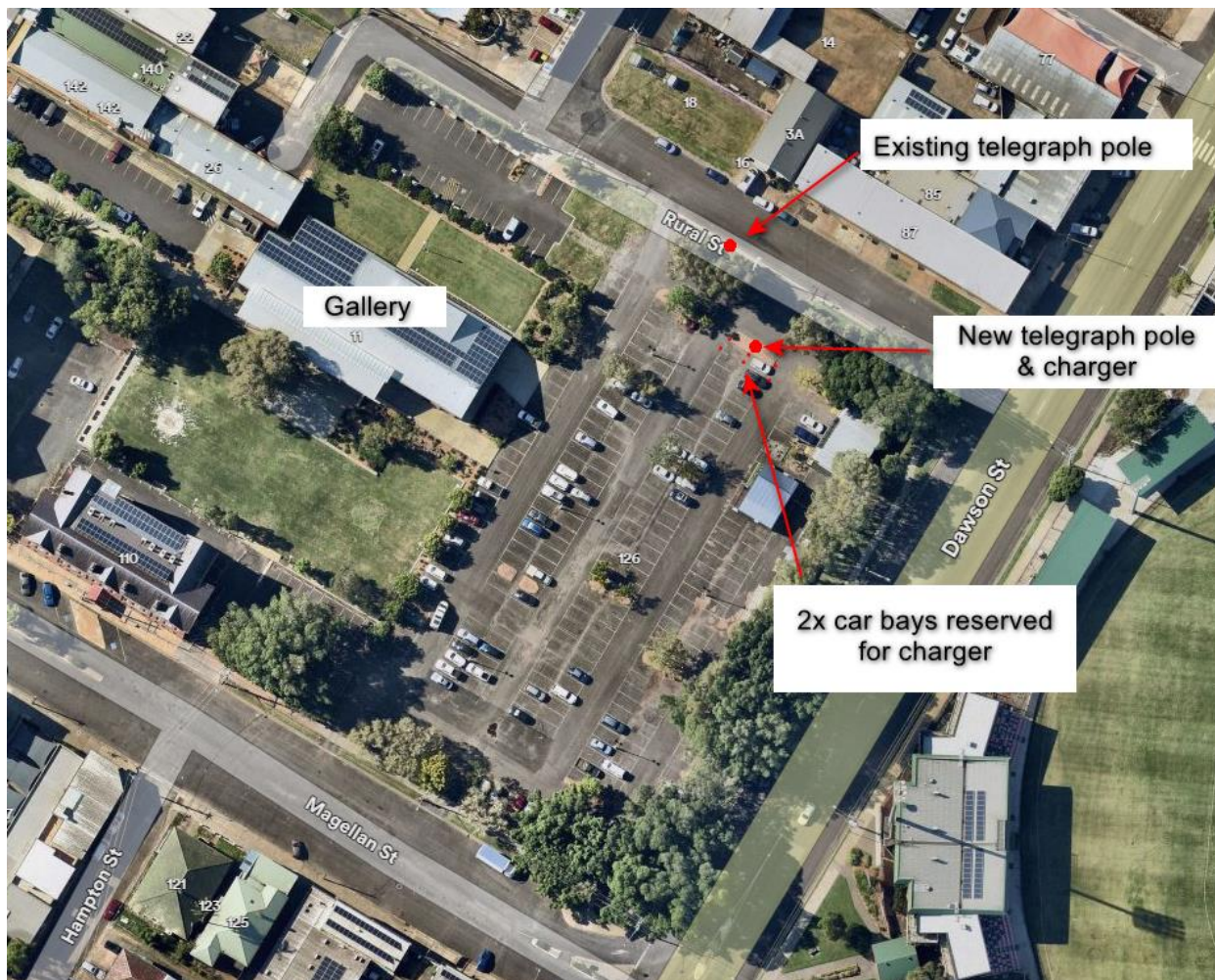


Figure 1 - Proposed Location for EV Bays

Essential Energy own the electricity poles and there is no permission required for them to install chargers at locations of their choosing. However, Essential Energy and EVX would like to work with Council and are seeking Council's support, this has been given in principle from the Executive

Local Traffic Committee Minutes 22 May 2024

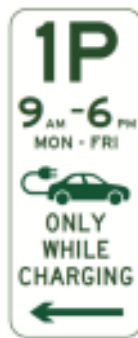
Leadership Team (ELT).

The ELT are now seeking approval from the Traffic Committee for the line marking/ signage installation of the four bays.

The existing time limit for parking in both locations will remain. Under NSW legislation, fines can be issued to internal combustion engine cars parked in EV bays AND to EVs if they are not plugged in.

Examples of EV parking signs as per NSW legislation:

Example 1 Sign referred to in subrule (2)(a)



Example 2 Sign referred to in subrule (2)(b)



Staff will then work with the Media and Communications team and the Parking Rangers team to install and manage the transition.

EVX Chargers

Each EV charging unit would be a dual 22kw AC unit, providing two charging outlets from the one unit. Both charging outlets are to be type 2 universal 'bring your own' cables, reducing the risk of trip hazards. 22kw chargers are slow to medium chargers, giving about 100km of range per hour of charging. This will increase the amount of time that EV drivers stay and play in the CBD while they wait for their car to charge. Based on the speed and known EV driver habits, the expected time for drivers to stay on the charge will be between 1 and 2 hours.

EVX will own and maintain the chargers. They will monitor and provide usage data to Council and can relocate the chargers should they not be utilised at capacity.

NOTES that a secondary site has been requested at Harold Frederick Carpark, at the northern end near Rural Street. This site does not require approval as it is an off road installation.

RECOMMENDED that

1. Council supports in principle the request for the installation of EV charging stations at the nominated site of 76 Carrington Street, Lismore, subject to further installation details.

Closure

This concluded the business and the meeting terminated at 12:17 pm.

Report of Committee

Nimbin Advisory Group - 16 May 2024

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

Attachment/s

1. [↓](#) Minutes - 16 May 2024

Recommendations from the meeting of the Nimbin Advisory Group are reproduced below for the awareness of councillors, as these seek specific Council actions –

5.3 Pavement for road to Nimbin caravan park and pool

That the Group notes the update and requests further information on works timeframe.

5.8 Nimbin Pool - Maintenance

That Council investigate best practise for off-season maintenance of the pool.

Nimbin Advisory Group Minutes 16 May 2024

**MINUTES OF THE NIMBIN ADVISORY GROUP HELD IN BIRTH & BEYOND, 54 CULLEN STREET
NIMBIN ON THURSDAY 16 MAY 2024 AT 5.30PM**

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

Present

Councillors Krieg (Chair), Rob; Members Gwen Trimble, Megan James, Michael Balderstone, Sue Edmonds, Susanna Stock, Nat Meyer

LCC Officers: Mr Gibbons, General Manager; Mrs Mitchell, Executive Officer – General Manager and Mayor & Councillors

Apologies

Councillors Cook and Bird, Members Diana Roberts, Doug Pinch, Amy-Kate Dillon

Confirmation of Minutes

RESOLVED that the minutes of the 15 February 2024 be confirmed.

(Members Trimble/James)

Voting for: Councillor Krieg, Members Balderstone, Edmonds, James, Meyer, Stock and Trimble

Voting against: Councillor Rob

Disclosure of Interest

Nil

5.1 Good Times Update

NAG32/24 **RESOLVED** that the Group nominate Gwen Trimble to write the Nimbin Good Times update.

(Councillor Krieg/Member Meyer) (BP24/466)

**Lismore City Council
Minutes of Nimbin Advisory Group Meeting held 16 May 2024**

1

Nimbin Advisory Group Minutes 16 May 2024

Voting for: Councillor Krieg, Members Balderstone, Edmonds, James, Meyer, Stock and Trimble

Voting against: Councillor Rob

5.2 Signage to be addressed for Allsopp Park

NAG33/24 **RESOLVED** that the Group notes the report.

(Members Balderstone/Trimble) (BP24/93)

Voting for: Councillor Krieg, Members Balderstone, Edmonds, James, Meyer, Stock and Trimble

Voting against: Councillor Rob

5.3 Pavement for road to Nimbin caravan park and pool

NAG34/24 **RESOLVED** that the Group notes the update and requests further information on works timeframe.

(Members Balderstone/Edmonds) (BP24/104)

Voting for: Councillor Krieg, Members Balderstone, Edmonds, James, Meyer, Stock and Trimble

Voting against: Councillor Rob

5.4 Fire Hose for the CBD

NAG35/24 **RESOLVED** that the Group receive and note the report.

(Members James/Meyer) (BP24/108)

Voting for: Councillor Krieg, Members Balderstone, Edmonds, James, Meyer, Stock and Trimble

Voting against: Councillor Rob

Nimbin Advisory Group Minutes 16 May 2024

5.5 Nimbin Maintenance

NAG36/24 **RESOLVED** that the Group receive and note the report.

(Member Trimble/Councillor Krieg) (BP24/462)

Voting for: Councillor Krieg, Members Balderstone, Edmonds, James, Meyer, Stock and Trimble

Voting against: Councillor Rob

5.6 Nimbin Amenities Block

NAG37/24 **RESOLVED** that the Group receive and note this report.

(Members Edmonds/James) (BP24/463)

Voting for: Councillor Krieg, Members Balderstone, Edmonds, James, Meyer, Stock and Trimble

Voting against: Councillor Rob

5.7 Nimbin Water

NAG38/24 **RESOLVED** that the Group receive and note this report.

(Members Stock/Balderstone) (BP24/471)

Voting for: Councillor Krieg, Members Balderstone, Edmonds, James, Meyer, Stock and Trimble

Voting against: Councillor Rob

5.8 Nimbin Pool - Maintenance

NAG39/24 **RECOMMEND** Council investigate best practise for off-season maintenance of the pool.

(Councillors Edmonds/Meyer) (BP24/464)

Voting for: Councillor Krieg, Members Balderstone, Edmonds, James, Meyer, Stock and Trimble

Nimbin Advisory Group Minutes 16 May 2024

Voting against: Councillor Rob

5.9 Nimbin Rainbow Road Walking Track

NAG40/24 **RESOLVED** that the Group receive and note this report.

(Members Stock/Trimble) (BP24/465)

Voting for: Councillor Krieg, Members Balderstone, Edmonds, James, Meyer, Stock and Trimble

Voting against: Councillor Rob

5.10 Nimbin Place Plan - Next Steps

NAG41/24 **RESOLVED** that the Group receive and note this report.

(Member James/Councillor Krieg) (BP24/468)

Voting for: Councillor Krieg, Members Balderstone, Edmonds, James, Meyer, Stock and Trimble

Voting against: Councillor Rob

5.11 Nimbin DA Update

NAG42/24 **RESOLVED** that Group receives and notes the report.

(Members Stock/Meyer) (BP24/467)

Voting for: Councillor Krieg, Members Balderstone, Edmonds, James, Meyer, Stock and Trimble

Voting against: Councillor Rob

Closure

This concluded the business and the meeting closed at 6.53pm.

Report of Committee

Disability and Inclusion Advisory Group - 23 May 2024

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

Attachment/s

1. [↓](#) Minutes - 23 May 2024

Recommendations from the meeting of the Disability and Inclusion Advisory Group are reproduced below for the awareness of councillors, as these seek specific Council actions –

5.1 Lismore Footpath Activation update

That:

1. the Group members note Pilot updates
2. the Group put forward insights and suggestions relevant to the Pilot aims to support future business centre activation
3. the date for submissions of feedback to the Pilot program be extended to 30 June 2024

5.2 Walking Track: Way-Finding Signage

That:

1. the Group note the report and provide any relevant feedback
2. the ordinance symbols include identification of stair/s on tracks
3. Council investigate the incorporation of Braille and/or high embossed printing on signage
4. Council investigate QR codes linking to the trail map
5. Council investigates horizontal lettering for all signage
6. Council investigate Aboriginal place names for trail names

5.3 Safer Cities Her Way – Construction of Footpath in Harold Fredericks Car Park

That:

1. the Group receive and note the report
2. Council investigate including at least 3 disability car parking spaces within the Harold Fredericks Carpark on the Dawson Street side

Disability Inclusion Advisory Group Minutes

23 May 2024

MINUTES OF THE DISABILITY INCLUSION ADVISORY GROUP HELD IN COUNCIL CHAMBERS ON THURSDAY 23 MAY 2024 AT 2.00PM

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

Present

Councillor Rob (Chair); Members Mr Brad Lancaster, Mr Micheal Lynch, Mr John Zambelli, Mr Dan Trestrail, Ms Julie-Anne Allen, Mr John Jensen Ms Brigid Richardson, together with Mr Gibbons, General Manager; Ms Robins, Coordinator Stakeholder Engagement; Ms Olivieri, Community Wellbeing and Communications Officer; Ms Roy, Senior Stakeholder Engagement Officer; Ms Gray, City Activation Coordinator (item 5.1); Ms Lenon, Sport & Recreation Lead (item 5.2); Mr Soutar, Project Manager - Infrastructure & Open Spaces and Ms Piyarathna, Project Engineer (item 5.3) and Mr Goodwin, Coordinator Design Services (items 5.4 and 5.5).

Apologies

Councillor Ekins, Ms Jenny London, Ms Liss Caldwell and Mrs Jess Ambridge

Confirmation of Minutes

DIAG35/24 **RESOLVED** that the minutes of 21 February 2024 be accepted.

(Members Lynch/Trestrail)

Voting for: Councillor Rob and Members Allen, Lancaster, Lynch, Zambelli, Trestrail, Jensen and Richardson

Voting against: Nil

Disclosure of Interest

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

Disability Inclusion Advisory Group Minutes 23 May 2024

5.1 Lismore Footpath Activation update

DIAG36/24 **RESOLVED** that:

1. the Group members note Pilot updates
2. the Group put forward insights and suggestions relevant to the Pilot aims to support future business centre activation
3. the date for submissions of feedback to the Pilot program be extended to 30 June 2024

(Members Lynch/Lancaster) (BP24/487)

Voting for: Councillor Rob and Members Allen, Lancaster, Lynch, Zambelli, Trestrail, Jensen and Richardson

Voting against: Nil

5.2 Walking Track: Way-Finding Signage

DIAG37/24 **RESOLVED** that:

1. the Group note the report and provide any relevant feedback
2. the ordinance symbols include identification of stair/s on tracks
3. Council investigate the incorporation of Braille and/or high embossed printing on signage
4. Council investigate QR codes linking to the trail map
5. Council investigates horizontal lettering for all signage
6. Council investigate Aboriginal place names for trail names

(Members Jensen/Allen) (BP24/476)

Voting for: Councillor Rob and Members Allen, Lancaster, Lynch, Zambelli, Trestrail, Jensen and Richardson

Voting against: Nil

5.3 Safer Cities Her Way – Construction of Footpath in Harold Fredericks Car Park

DIAG38/24 **RESOLVED** that:

1. the Group receive and note the report
2. Council investigate including at least 3 disability car parking spaces within the Harold Fredericks Carpark on the Dawson Street side

(Members Zambelli/Lancaster) (BP24/527)

Disability Inclusion Advisory Group Minutes 23 May 2024

Voting for: Councillor Rob and Members Allen, Lancaster, Lynch, Zambelli, Trestrail, Jensen and Richardson

Voting against: Nil

5.4 Access and Pedestrian Mobility Audit

DIAG39/24 **RESOLVED** that the Group receive and note the report.

(Members Lynch/Zambelli) (BP24/529)

Voting for: Councillor Rob and Members Allen, Lancaster, Lynch, Zambelli, Trestrail, Jensen and Richardson

Voting against: Nil

5.5 Feedback from Council's Local Traffic Committee

DIAG40/24 **RESOLVED** that the Group receive and note the report.

(Members Lancaster/Lynch) (BP24/528)

Voting for: Councillor Rob and Members Allen, Lancaster, Lynch, Zambelli, Trestrail, Jensen and Richardson

Voting against: Nil

Deferral of items

RESOLVED that the Group defer the following items to the next meeting:

- Making Lismore an Autism Friendly City
- Wheelchair Accessible Services Roundtable
- Lismore City Regional Sports Hub Oakes & Crozier Oval

Voting for: Councillor Rob and Members Allen, Lancaster, Lynch, Zambelli, Trestrail, Jensen and Richardson

Voting against: Nil

Closure

This concluded the business and the meeting closed at 3.40pm.

Matters Arising



Matters Arising

Subject	North Lismore Plateau Council Land
TRIM Record No	BP24/518:EF21/196
Prepared by	Property Services Manager
Reason	To alter the previous resolution regarding North Lismore Plateau Council land
Strategic Theme	Leadership and participation
Strategy	We collaborate with other agencies to achieve great outcomes.
Action	Embrace a partnership approach to achieve community outcomes.

Executive Summary

To clarify the resolution 10/21 adopted on 13 July 2021 (reference BP21/567).

Recommendation

That Council alter Resolution 10/21 adopted on 13 July 2021 (reference BP21/567) to include the bold as follows:

1. Council owned land on the North Lismore Plateau be **transferred** to the traditional owners:
 - a. **this will be undertaken through the following:**
 - i) **Council enter negotiations with the Widjabul Wia-bal Gurrumbil Aboriginal Corporation RNTBC (ICN 9856), being the registered native title body corporate that holds native title on trust for Widjabul Wia-bal for the transfer of land ownership of North Lismore Plateau land (NLP land) comprising of Lot 1 in DP 772627, Lot 12 in DP 844585 and Lot 1 in DP 118556**
 - ii) **the consideration for the NLP land transfer shall be \$1.00, considered paid**
 - iii) **the General Manager be delegated authority to sign all documents necessary to transfer the land**
 - iv) **each party involved in the NLP land transfer shall be responsible for their own costs, including but not limited to legal fees, stamp duty (if applicable), and registration fees**
 - v) **the Widjabul Wia-bal Gurrumbil Aboriginal Corporation is responsible for conducting its own due diligence to ensure the NLP land meets satisfaction**
 - vi) **the Widjabul Wia-bal Gurrumbil Aboriginal Corporation be granted access to the NLP land for the purpose of conducting its due diligence; this access is intended to identify and assess any risks associated with acquiring the NLP land before entering a Contract of Sale**
2. a briefing is prepared for councillors to examine the relevant processes, possible timeframes and budgetary impacts
3. an inclusive, transparent consultative process is identified in order to engage all relevant stakeholders to participate in the process

Background

At its Ordinary Meeting of 13 July 2021 Council resolved to:

10.3 North Lismore Plateau

10/21	<p>RESOLVED that:</p> <ol style="list-style-type: none"> 1. Council owned land on the North Lismore Plateau be handed back to the traditional owners. 2. a briefing is prepared for Councillors to examine the relevant processes, possible timeframes and budgetary impacts. 3. an inclusive, transparent consultative process is identified in order to engage all relevant stakeholders to participate in the process. <p>(Councillors Ekins/Lloyd) (BP21/567)</p> <p>Voting for: Councillors Bird, Casson, Cook, Ekins, Guise, Lloyd and Marks</p> <p>Voting against: Councillor Moorhouse</p>
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This report aims to clarify the above resolution including the meaning of ‘handed back’, to whom the NLP land is to be transferred, and to make the specific transfer arrangements clear.

“Handed Back”

In the context of the 2021 Council resolution, the interpretation of ‘handed back’ is understood to mean to transfer in fee simple, i.e. transferring full ownership of the land. The Council owned land on the North Lismore Plateau is referenced in the business paper as being Lot 1 in DP 772627, Lot 12 in DP 844585, and Lot 1 in DP 118556 referred to in this report as the NLP land.

“Traditional Owners”

It is acknowledged the Widjabul Wia-bal are the Traditional Owners of the lands and waters around Lismore in the Northern Rivers. The connection that Widjabul Wia-bal has to their Country has been recognised by the NSW Government in the context of the Widjabul Wia-bal native title determination application (Federal Court Reference: NSD1213/ 2018).

In the context of the 2021 Council resolution, given the native title proceedings were still on foot, and before the determination that native title had been extinguished on the NLP land, it is considered the reference to traditional owners is intended to refer to persons who are determined to be native title holders in the native title proceedings, being the Widjabul Wia-bal people.

The consent determination was made on 19 December 2022, in which the Federal Court acknowledged the native title rights and interests of the Widjabul Wia-bal people. The Federal Court judgement used the term ‘traditional owners’ in the context of referring to the Widjabul Wia-bal people who are the determined native title holders. This is a large number of individuals, and it is not practical to transfer the NLP land to all of these individuals.

A Prescribed Body Corporate (PBC), also known as a Registered Native Title Body Corporate (RNTBC), was established. The RNTBC serves as the legal entity entrusted with the responsibility of managing and safeguarding the native title rights and interests. The Widjabul Wia-bal Gurrumbil Aboriginal Corporation RNTBC (ICN 9856) was created by Widjabul Wia-bal to fulfill this role.

To give effect to the outcome sought by the Council resolution, it is important to clarify that the NLP land is to be transferred to the Widjabul Wia-bal Gurrumbil Aboriginal Corporation RNTBC (ICN 9856) to hold in trust for the Widjabul Wia-bal people, the Traditional Owners.

Access and Due Diligence

Given the unique nature of the land as an abandoned quarry, the RNTBC should be provided a reasonable opportunity to access the NLP land and conduct due diligence to determine whether it wishes to take ownership of all or part of the NLP land. This access is intended to identify and assess any risks associated with acquiring the NLP land before entering a Contract of Sale. The RNTBC is responsible for conducting its own due diligence to ensure the NLP land meets its satisfaction.

Costs

Each party involved in the NLP land transfer shall be responsible for their own costs, including but not limited to legal fees, stamp duty (if applicable), and registration fees.

Comments

Finance

Recommendation supported as printed.

Public consultation

A number of councillor briefings have been held; meetings with the Widjabul Elders Bloodline Council and meetings with members of the RNTBC.

Conclusion

The report recommendation aims to clarify the intent of Council Resolution 10/21 and to make the specific transfer arrangements clear for the NLP Land.

Attachment/s

1. [↓](#) North Lismore Plateau Notice of Motion
2. [↓](#) 13 July 2021 Council Resolution 10.3 North Lismore Plateau

Notice of Motion

Notice of Motion

Councillor Vanessa Ekins has given notice of intention to move:

That Council owned land on the North Lismore Plateau be handed back to the traditional owners.

Councillor Comment**Outcome Sought**

That Council recognises the importance of the North Lismore Plateau to Widjabul Wiabal people and in response to the proposed housing developments, ensures that the management of sites of cultural significance on land that Council owns, is in the hands of the traditional owners.

The process include that council staff investigating the options for handing the land back, including examples from other councils, the process, stakeholders, timeframes, council obligations regarding notification, consultation and condition of the land.

Cost of Implementing

Unknown

Funding Source

Unknown

Staff Consulted

General Manager, Director Infrastructure Services, Director Partnerships Planning & Engagement

Staff Comment**Director Infrastructure Services**

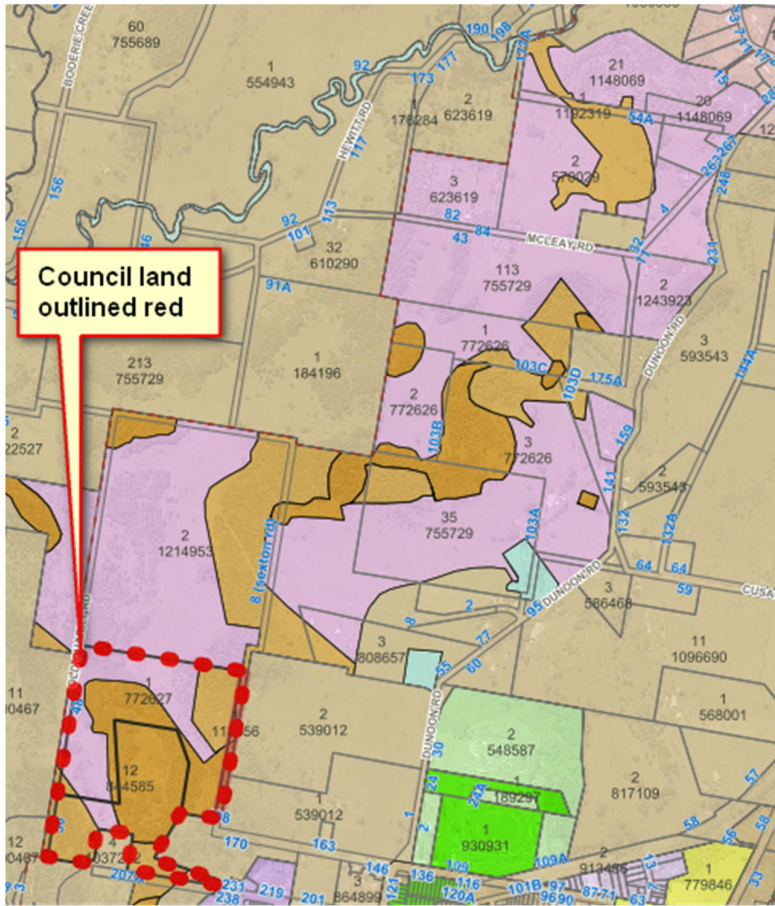
The process and framework for handing back this land as proposed is a complex matter, that is not a funded or resourced activity within Council's adopted Delivery Program or Operational Plan.

There are also a number of risks associated with the extent of the unknown elements of a potential process that Council might resolve to follow in determining an agreed entity representing the traditional owners and the preferred process to hand this land back to that representative.

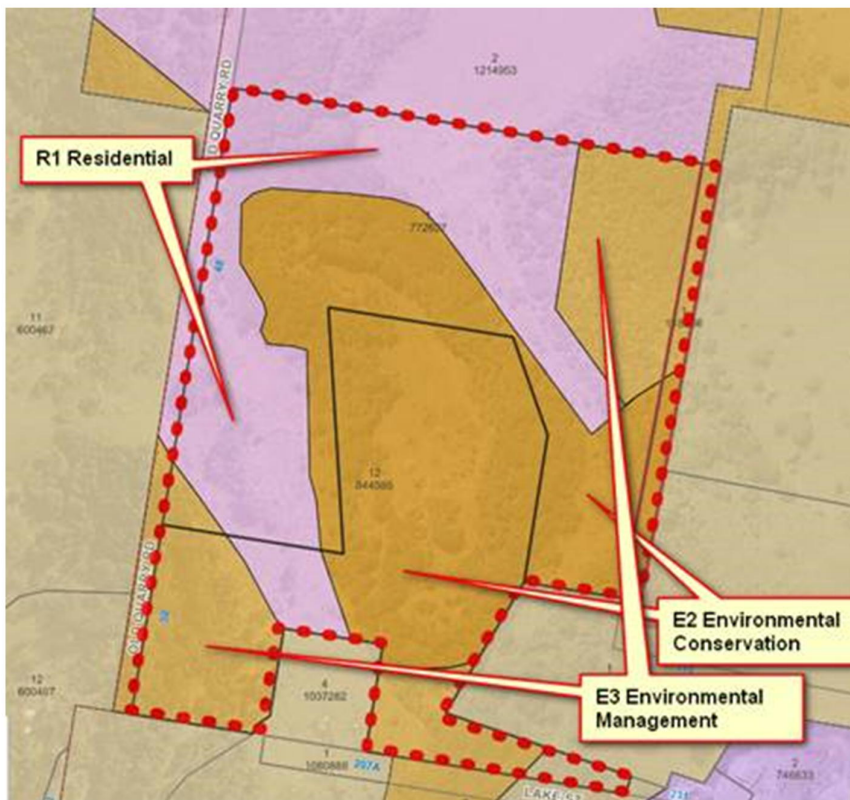
Council owned land adjoining the North Lismore Plateau has an area of approximately 74ha and is made of three parcels outlined in red broken line below.

- Lot 1 DP 772627 (northern horse shoe)
- Lot12 DP 844585 (old quarry)
- Lot 1 DO 118556 (closed road on eastern boundary)

Notice of Motion



There are three separate land use zones that apply to the parcels as follows:



Lismore City Council
Meeting held 13 July 2021 - North Lismore Plateau

Lismore City Council
Meeting held 11 June 2024 - North Lismore Plateau Council Land

Notice of Motion

Any proposal to hand back an area of land of this size and value will present a number of questions and risks that need to be clarified and addressed by Council to provide further and sufficient direction to staff on the desired outcomes and to inform any detailed investigation and identify required funding that will need to be allocated by Council.

Council staff can prepare a briefing to Councillors via preliminary investigation on the relevant legal frameworks, issues, options, obligations and likely costs associated with the hand back of land to enable further direction on this matter by Councillors prior to commencing further detailed investigation that is likely to incur significant costs that are not currently funded or resourced by Council.

The costs of providing this preliminary investigation for a Councillor Briefing can be covered from within existing staff budget allocations to ensure Councillors have relevant information to inform future actions or resolutions that would require resourcing and a funding source to be identified by Council for inclusion within an adopted budget.

The Councillor Briefing would provide preliminary investigation information and options for further direction from the elected Council to staff, including, but not necessarily limited to the following matters:

- The current Native Title status of the land and any matters that may arise as a result of that status;
- A preferred community engagement framework for Council to identify all relevant stakeholders to be engaged in the hand back process and dispute resolution processes;
- The process for Council to determine the preferred entity or Body Corporate representing the traditional owners that the land ownership is intended to be legally transferred to;
- The preferred legal mechanism/framework to negotiate transfer of the land to the entity selected/preferred as resolved by Council or options and costs to Council to hold the land in trust for the relevant entity for some future purpose;
- What governance frameworks will need to be in place for direct negotiation of a handover or gifting of the land to the preferred entity of an asset with future development potential;
- A range of estimated values of the land and the potential for unanticipated financial implications or liabilities to Council in handing over this asset in its current condition;
- Potential risks to Council (eg. financial, reputational) that might arise if negotiations become protracted or disputed with competing parties, and how Council intends to mitigate those risks;
- A broad range of estimated costs of obtaining advice on the above legal/governance framework, and other resources to progress the process and how they will be funded by Council;
- Estimated timeframe for a hand over process;
- Examples of land hand back processes undertaken by other Councils.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP21/567:EF19/25-03

FOR ACTION

COUNCIL

13/07/2021

TO: Director Infrastructure Services (Jeuken, Peter)

Subject: North Lismore Plateau
Target Date: 12/08/2021
Notes:
File Reference BP21/567

RESOLVED that:

1. Council owned land on the North Lismore Plateau be handed back to the traditional owners.
2. a briefing is prepared for Councillors to examine the relevant processes, possible timeframes and budgetary impacts.
3. an inclusive, transparent consultative process is identified in order to engage all relevant stakeholders to participate in the process.

(Councillors Ekins/Lloyd) (BP21/567)

Voting for: Councillors Bird, Casson, Cook, Ekins, Guise, Lloyd and Marks

Voting against: Councillor Moorhouse

[Open Item in Minutes](#)

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Please do not finalise your action until all parts of the recommendation are complete.

Matters Arising

Subject	Questions on Notice
TRIM Record No	BP24/519:EF23/173
Prepared by	Executive Officer - General Manager and Mayor & Councillors
Reason	To provide a response to Councillors for Questions taken on Notice at the previous Council meeting.
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 following Question on Notice was taken by Council officers at the May Ordinary Council meeting. As per Clause 9.17 of the Code of Meeting Practice the response is being reported.

Recommendation

That the Question on Notice response provided in this report be noted.

Background

Item 11.8 Documents for Signing (Councillor Cook)

1. CWA has a granted perpetual lease for the building. Why can we only give a five-year term agreement?

Officer response

Council is the Crown Land Manager of the site and as such is authorised to manage Crown land as if it were public land within the meaning of the *Local Government Act 1993*.

Council records indicate Council has historically granted perpetual occupancy of the CWA building at a peppercorn rent.

Occupancy refers to the act of using a property, which can be informal and without a legal contract. A lease/licence is a formal, legal agreement that allows use and occupancy of a property with clearly defined rights and responsibilities for both occupant (CWA) and landlord (LCC). The lease does not alter the intent for perpetual occupancy; it serves as the mechanism to support it.

Given the inevitable turnover among CWA members, the five-year term is designed to accommodate current signatories and ensure that all members remain aware of their responsibilities. It also specifies terms and responsibilities that comply with current legislation and Crown land leasing requirements.

Attachment/s

There are no attachments for this report.

Reports of the General Manager



Report

Subject	Draft 2024-2025 Budget and Fees & Charges - Richmond Tweed Regional Library
TRIM Record No	BP24/418:EF23/254
Prepared by	Manager Finance
Reason	The Draft Budget and Fees and Charges for Richmond Tweed Regional Library has been endorsed by the Committee in accordance with the Deed of Agreement and now requires adoption by Council as Executive Council.
Strategic Theme	Leadership and participation
Strategy	We provide effective management and responsible governance.
Action	Ensure the efficient and effective operation of Council.

Executive Summary

In accordance with the Deed of Agreement 1 July 2023 - 30 June 2027, the Executive Council (Lismore City Council) provided the Richmond Tweed Regional Library (RTRL) Committee a draft annual budget and fees & charges for 2024-2025.

The 2024-2025 draft Budget and Fees & Charges have been endorsed by the RTRL Committee and is now presented to Lismore City Council (the Executive Council) for adoption. Lismore City Council is required to adopt the budget as endorsed by the Committee.

Lismore City Council (LCC) is only required to report within its 2024-2025 Operational Plan the following information:

- LCC member contributions paid
- Contributions received from RTRL being costs incurred to act as Executive Council
- net result of RTRL (recognised as an associate)

Recommendation

That Council adopt the 2024-2025 draft Budget and Fees & Charges for Richmond Tweed Regional Library.

Background

Lismore City Council is the Executive Council for Richmond Tweed Regional Library (RTRL). In its capacity as Executive Council, Lismore City Council is responsible for preparing and adopting the budget and Fees & Charges for RTRL. The 2024-2025 draft Budget and Fees & Charges document has been prepared.

The Deed of Agreement requires the proposed RTRL Annual Budget to be endorsed by the RTRL committee, each Member Council and the Senior Leadership Group (SLG) prior to being submitted to the Executive Council for adoption.

The document was endorsed by the RTRL committee at its meeting held 10 April 2024.

The deed of agreement requires the Executive Council to use all reasonable endeavours to ensure that the RTRL annual Budget is adopted no later than 30 June in each year. To comply with this clause of the deed, the budget is being presented to Council for adoption.

Key financial information:

- The Net Operating Result is anticipated to be a deficit of (\$39,000)
- The Net Operating Result excluding Capital Revenues is also anticipated to be a deficit of (\$39,000)
- The Net Cash Position is balanced. This simply means all cash expenditure is matched by a cash funding source

Other key financial information and compared to the 2022-2023 Original Budget includes:

- a) Total Income – \$9,494,900. This is an increase of \$695,100 or 7.90%
- b) Total Expenditure – \$10,159,900. This is an increase of \$688,900 or 7.27%
- c) Asset Expenditure – \$626,000. This is an increase of \$26,500 or 4.42%

Member Council Contributions

Member Council Contributions are proposed to increase on average by 11.41%. This comprises an increase to the recurrent operating base of \$643,400 (7.87% year on year) and a one-off contribution from member councils of \$289,000 (3.54%) in 2024-2025. The major increases in recurring costs relate to net staffing costs of \$389,400, cleaning, electricity and rates \$25,600 and information services costs of \$102,900.

The one-off contribution is for a project role to undertake a review of the Richmond Tweed Regional Library (RTRL) organisation and for a Systems Manager to develop more effective and efficient delivery of services. It is anticipated that the Systems Manager role will continue past the 2024-2025 financial year but will be funded in future years from savings in operational costs identified as part of the review.

The calculation of member council contributions uses the following categories and contribution drivers:

Branch Costs – Each Member Council pays for all direct staffing costs associated with the provision of library services in its local government area.

Mobile Library Costs – Each Member Council pays a percentage of all costs associated with the mobile library. The percentage is based on the number of mobile library's opening hours in their local government area over the total number of mobile library's opening hours in all Member Council local government areas.

Library Resources Costs – Each Member Council pays a percentage of all costs associated with library resources. The percentage is based on the estimated population in their local government area over the total estimated population in all Member Council local government areas.

Computer Systems Costs – Each Member Council pays a percentage of all costs associated with computer systems. The percentage is based on the number of PC equivalents in their local government area over the total number of PC equivalents in all Member Council local government areas.

Support Services Costs – Each Member Council pays a percentage of all net costs associated with Support Services. The percentage is based on the estimated population in their local government area over the total estimated population in all Member Council local government areas.

Executive Council Costs – Each Member Council pays a percentage of the costs incurred by the Executive Council in providing executive support and administrative services such as human resources, finance, administration, property, and fleet to the RTRL. The percentage is based on the estimated population in their local government area over the total estimated population in all Member Council local government areas.

Impact on Lismore City Council 2024-2025 Budget

- Lismore City Council's Member Contribution is increasing from \$1,892,000 in 2023-2024 to \$2,101,000 in 2024-2025. This represents an 11.05% increase year on year. This is included in the 2024-2025 Draft Budget, currently on public exhibition until 14 June 2024
- Lismore City Council will receive a \$682,500 contribution from RTRL for costs incurred acting as the Executive Council. This is an increase from of \$24,700 from 2023-2024, or a 3.75% increase year on year

Comments

Finance

Contained within the report.

Conclusion

The 2024-2025 RTRL Budget and Fees & Charges document has been prepared and is now presented to Council for adoption as required by the Deed of Agreement.

Attachment/s

There are no attachments for this report.

Report

Subject	Acquisition of Part Crown Reserve 1002205 at 61 Brunswick Street, Lismore
TRIM Record No	BP24/360:CDR23/1225
Prepared by	Property Services Manager
Reason	The objective of this report is to address widening the road to align with the actual road reserve boundaries, thereby enhancing infrastructure in accordance with strategic land-use planning aimed at accommodating community growth and development needs.
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

This report outlines a proposal for Council to enter into negotiations with Crown Lands for acquiring specified segments of Crown Reserve 1002205, located at 61 Brunswick Street, Lismore for road widening purposes, with a delegation to the General Manager to finalise the terms.

The road widening and subdivision of the land is pivotal to enable for the NSW Department of Planning, Housing and Infrastructure, Crown Lands to revoke the Water Supply dedication over the north-western part of Crown Reserve 1002205 (proposed Lot 1- used by the Lismore City SES Unit) and adding an appropriate reserve purpose to facilitate the use and occupation of the SES. The road widening will align the built road within its designated road reserve and allow the active Eastern Reservoir Council asset to be located wholly on Council owned land.

Recommendation

That:

1. Council endorse the recommendation by the NSW Department of Planning, Housing and Infrastructure, Crown Lands to revoke the Water Supply dedication over the north-western part of Crown Reserve 1002205 used by the Lismore City SES Unit; adding an appropriate reserve purpose to facilitate the use and occupation of the SES
2. Council endorse adoption of the compulsory partial land acquisition strategy as detailed in this report for public road purposes under the *Land Acquisition (Just Terms Compensation) Act 1991*
3. the landowner's costs associated with the land acquisitions be borne by Council including but not limited to survey, Council fees, reasonable legal and valuation fees, and plan registration fees
4. an application be submitted to the Minister as required for compulsory acquisition approval under Section 177(1) of the *Roads Act 1993*
5. the General Manager be delegated authority to negotiate the compensation payable and finalise the subdivision plan to complete the SES Reserve purpose and road widening purpose, and to sign all required documents necessary to give effect to this resolution.

Background

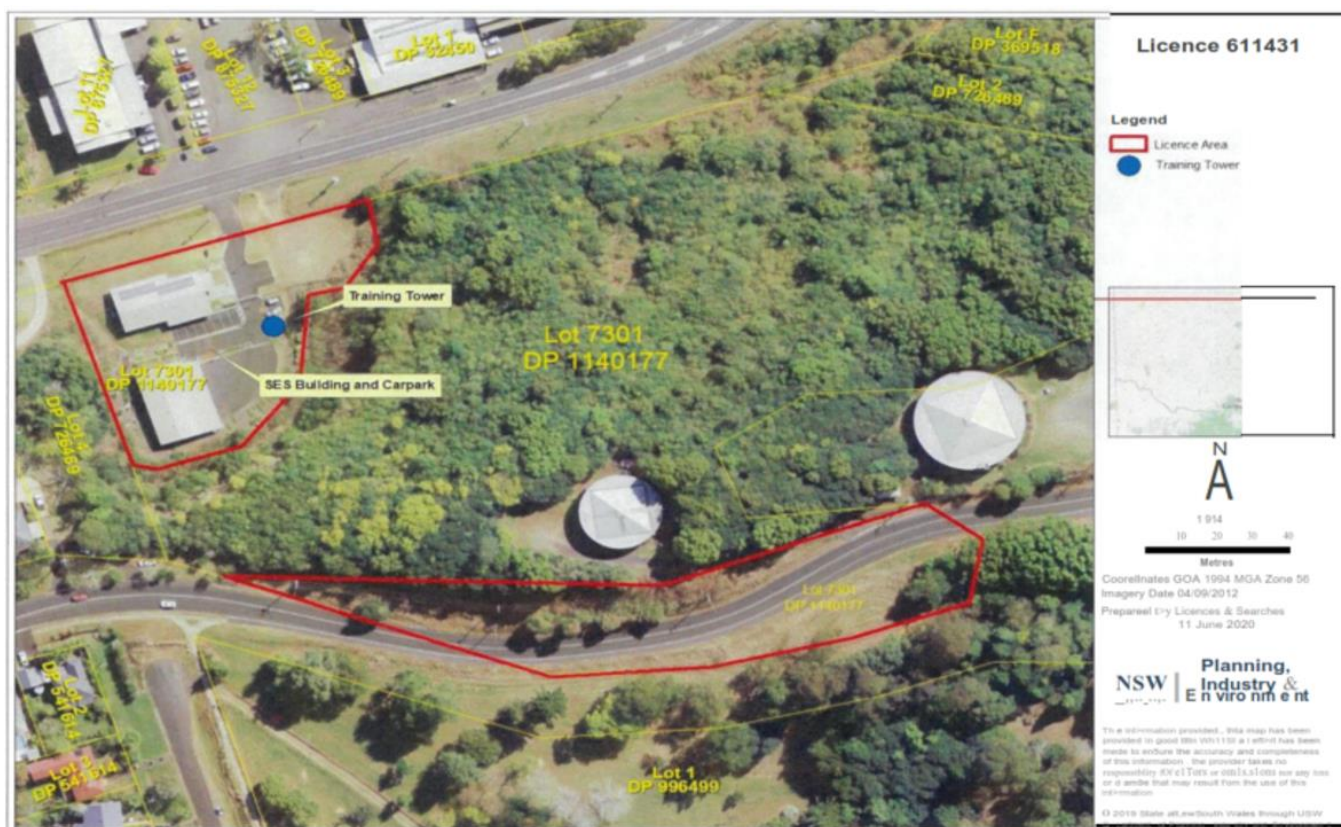
The Lismore City SES Unit headquarters was built on the land in 2007 with the building funded by a State government grant. Council has a statutory duty to provide accommodation for the local SES unit and does not charge the SES any rent.

Licence Agreement

By the attached Gazette on 19 June 2020 notice was provided that Crown Reserve 1002205 for Water Supply, located at 61 Brunswick Street, may be used for other purposes, including building, training purposes, car park and road construction.

Upon this Gazette, Council entered a six-year licence over parts of this Reserve. The licensed area includes the north-western corner (utilised by SES) and the south-west, as outlined in red on the below image (for the constructed road – High Street).

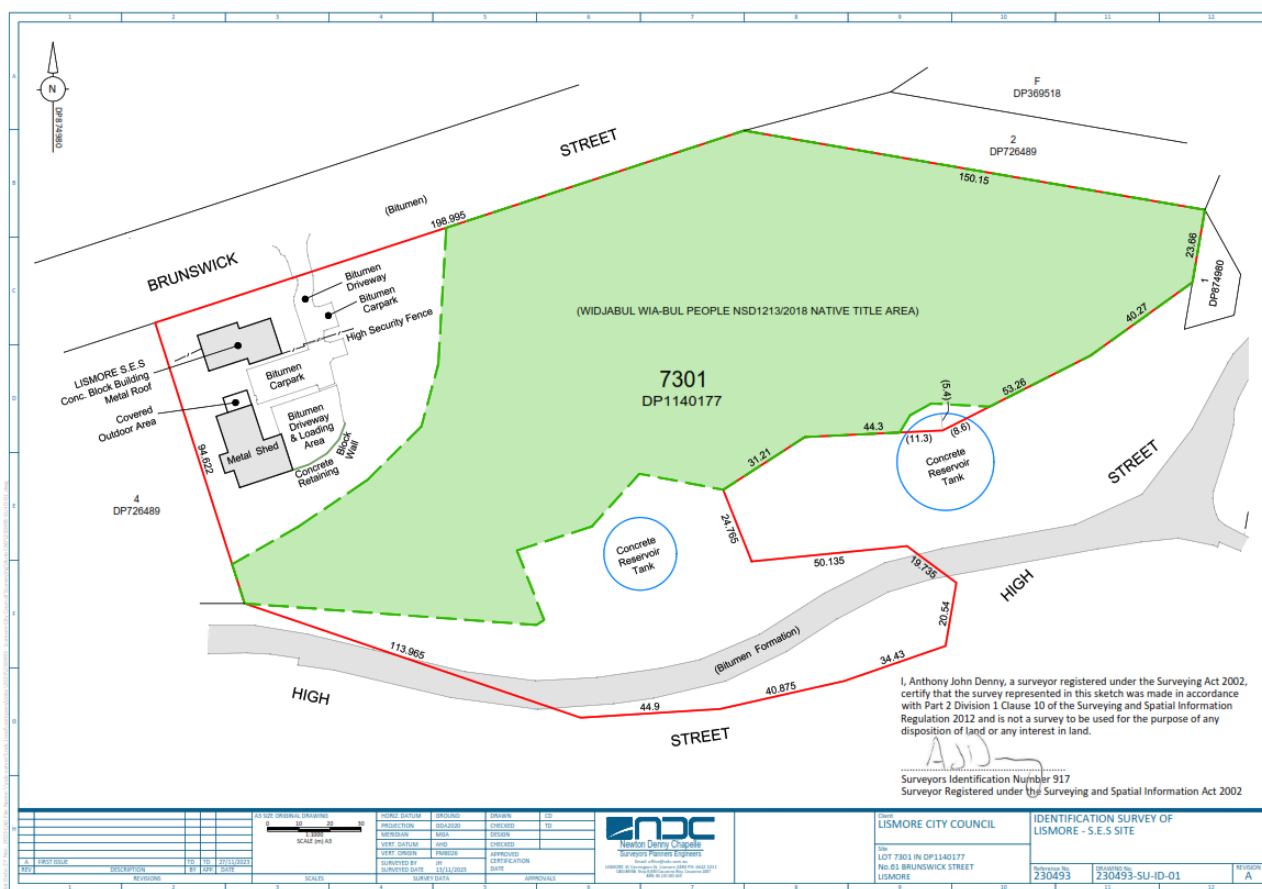
The licence grants Council the right to occupy the Reserve for various purposes, other than for water supply. However, a condition of this licence requires Council to investigate the acquisition of the premises or alternative arrangements within five years.



The initial annual rent was \$22,000 ex GST, with annual CPI and market rent review. Prior to the gazettal notice Council received the attached letter from the Deputy Secretary, Crown Lands approving the waiver of the initial rent to a statutory minimum for up to five years, with a reversion to market rent thereafter while Council considers its option, including acquisition. Council has not attempted to acquire the land until now as it was considered too complicated with the pending Native Title claim. Native Title has been determined and Council can commence negotiations with the Crown (see below for further information).

Native Title

The Native Title determination of Widjabul Wia-bal People (NSD1213/2018) established Native Title exists over part of the Crown Reserve as marked in green on the survey plan below.



Aboriginal Land Claims

An Aboriginal Land Claims (ALC) report from 1 June 1983 to 9 April 2024 shows no Aboriginal Land Claim has been made over this Reserve. If a claim is made, Crown Lands will assess the claim against specific criteria outlined in the *Aboriginal Land Rights Act 1983*.

Current Status

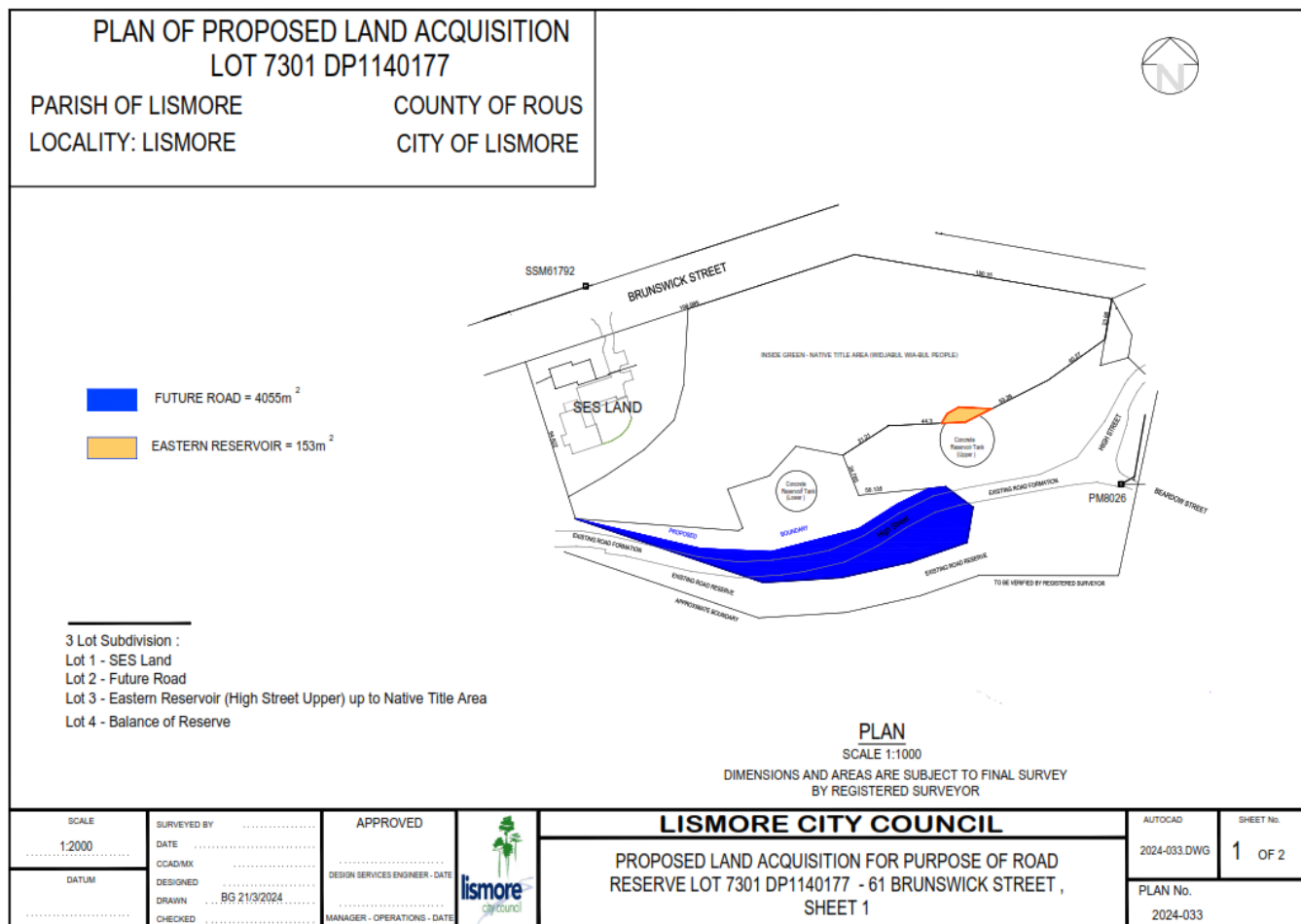
As Native Title has been extinguished over the licensed area (both the SES part of the Reserve and road construction area of the Reserve as shown below), Council is in a position to progress:

1. an acquisition of the necessary land for current and future road purposes, including the eastern concrete reservoir up to the Native Title area as shown in the acquisition plan below
2. with the Council's support and subdivision of the land, Crown Lands can investigate revoking the Water Supply dedication and adding an appropriate reserve purpose to facilitate the ongoing use and occupation by the Lismore City SES Unit. This will remove the requirement for a licence with the Crown and the associated \$22,000 annual licence fee.

Land Acquisition Proposal

This acquisition plan meets the requirements of the license for repurposing part of the Reserve for SES use (proposed Lot 1) and acquiring land necessary for road widening to include the built road within the road reserve and the active Eastern Reservoir, allowing the Council asset on the same land to be managed as a public road by Lismore City Council.

It should be noted that Crown Lands will not accept land into the Crown Estate so a land swap will not be supported as compensation (i.e. the Eastern Reservoir tank cannot be moved into the Crown Reserve, even if the Reserve is for the purpose of Water Supply).



Acquisition Plan

Acquisition Process

Council as roads authority is empowered under Section 177 of the *Roads Act* 1993 to acquire land for any purpose of that Act. Section 377 of the *Local Government Act* 1993 provides that a Council's power to acquire land is 'non-delegable'. This means that only the Council can decide to acquire land by an appropriate resolution. The procedure which must be followed by an authority acquiring any land other than land offered for public sale is set out in the *Land Acquisition (Just Terms Compensation) Act* 1991.

Acquisition must comply with Section 11 of the *Land Acquisition (Just Terms Compensation) Act* 1991. Compensation is determined either by the Valuer General or by agreement. There is a lot less official procedure and cost involved by agreement.

For Council to progress the acquisition of Crown land, a specific resolution is required to make an application to the Minister and the NSW Governor for approval to acquire the respective land.

Estimated Costs to Council

The administration cost for survey, plan registration and legal fees is estimated to be \$18,000. This does not include valuation and compensation liabilities in respect of the Crown land as this cost is unlikely to be determined in the 2023-2024 financial year and is difficult to estimate. The compensation for the Crown land acquisitions could be included via a budget adjustment or included in the 2024-2025 budget when agreed.

In these circumstances, the public road will continue to encroach into the Crown Reserve land and the licence fee will revert to the original licence, triggering a market rent review to occur. Alternatively, Crown Lands may commence other legal means requiring Council to rectify the encroachment.

Comments

Finance

It is recommended that the budget be included as part of a Quarterly Budget Review Statement during the 2024-2025 financial year once final costs and timing is known. It is also recommended that funding is sought from existing budgets or identified savings in other costs.

Manager Water and Wastewater

Given the uncertainty around the future use of the Western Reservoir and that there is no plan for its use at the moment, the recommendation is supported as written.

Conclusion

The strategic acquisition of segments of Crown Reserve 1002205 is essential for Lismore City Council's commitment to improve infrastructure and accommodate community growth.

The road widening and subdivision of the land is pivotal to enable for the NSW Department of Planning, Housing and Infrastructure, Crown Lands to revoke the Water Supply dedication over the north-western part of Crown Reserve 1002205 (proposed Lot 1- used by the Lismore City SES Unit) and adding an appropriate reserve purpose to facilitate the use and occupation of the SES. The road widening will align the built road within its designated road reserve and allow the active Eastern Reservoir Council asset to be located wholly on Council owned land.

Attachment/s

1. [Letter dated 24 April 2020 from Crown Lands - Approval to waive rent to statutory minimum \(currently \\$506\) per year for a period of up to five years](#)
2. [NSW Government Gazette 19 June 2020 - Notice: Crown Land to be used or occupied for other purposes under s2.18\(2\)\(b\) Licence 611431 for purpose of: building, car park, road construction, training purposes for SES Building at 61 Brunswick Street, Lismore](#)
3. [Acquisition Plan](#)



Planning,
Industry &
Environment

LMF20/35

Ms Shelley Oldham
General Manager
Lismore City Council
PO Box 23A
LISMORE NSW 2480

Dear Ms Oldham

I refer to your letter to the Hon Melinda Pavey MP, Minister for Water, Property and Housing, concerning State Emergency Services' (SES) occupation of Crown land managed by Lismore City Council and your request for a complete waiver of market rent to enter a licence agreement, and enable the consideration and endorsement of the SES' landowner's consent application. The Minister has asked that I reply to you on her behalf.

Crown Lands has approved to waive rent to statutory minimum (currently \$506.00 per year) for a period of up to five years. This will provide financial relief to Council while it considers its options, including whether to acquire the land under the *Land Acquisition (Just Terms) Compensation Act 1991*. If the acquisition, or an alternative, is not finalised within five years, rent will revert to the market rent and the Department's position will need to be reconsidered.

Crown Lands will expedite landowner's consent to the proposed training tower development once the current use of occupation of the site is authorised. A new licence offer will be issued to Council and I encourage Council to consider the execution of the licence to ensure lawful use and occupation of the land.

Should you wish to discuss this matter further, please contact Mr Grant Marsden, A/Director Regional Operations East, on [REDACTED] or email:

[REDACTED]

Thank you for taking the time to bring this matter to the Government's attention.

Yours sincerely

[REDACTED]

Anne Skewes
Deputy Secretary, Crown Lands

24/04/2020

437 Hunter Street Newcastle NSW 2300
PO Box 2185 Dangar NSW 2309
Tel: 1300 886 235 www.industry.nsw.gov.au/lands ABN: 20 770 707 468

Government Notices

Column 1	Column 2
Environmental Rehabilitation (relevant interest – Licence 603107)	Notified: 22-Apr-1966 File Reference: R85763/PURP001/001
Grazing (relevant interest – Licence 603107)	

Reference number:(n2020-1826)

CROWN LAND MANAGEMENT ACT 2016

NOTICE – CROWN LAND TO BE USED OR OCCUPIED FOR OTHER PURPOSE UNDER S 2.18(2)(b)

Pursuant to section 2.18(2)(b) of the *Crown Land Management Act 2016*, the Crown land specified in Column 2 of the following Schedule is proposed to be used or occupied under a relevant interest granted for the purpose(s) specified in Column 1 of the following Schedule.

The Hon Melinda Pavey, MP
Minister for Water, Property & Housing

Schedule

Column 1	Column 2
Building (relevant interest – Licence 611431)	Dedication No. 1002205
Car Park (relevant interest – Licence 611431)	Public Purpose: Water Supply
Road Construction (relevant interest – Licence 611431)	Notified: 14-Dec-1886
Training Purposes (relevant interest – Licence 611431)	File Reference: R1002205/PURP001/001

Reference number:(n2020-1827)

NOTIFICATION OF DISPOSAL OF A CROWN ROAD

Section 152B Roads Act 1993

The road hereunder described has been disposed of under section 152B of the *Roads Act 1993*. In accordance with section 152H of that Act, the road comprised therein has ceased to be a Crown road and the rights of passage and access that previously existed in relation to the road are extinguished. Upon disposal, title to the land, comprising the former Crown road, is transferred to freehold.

The Hon Melinda Pavey, MP
Minister for Water, Property & Housing

DESCRIPTION

*Parish – Gmupa; County – Auckland
Land District – Bega; LGA – Bega Valley*

Road Disposed: Lot 1 DP 1260818
File No: 14/03698

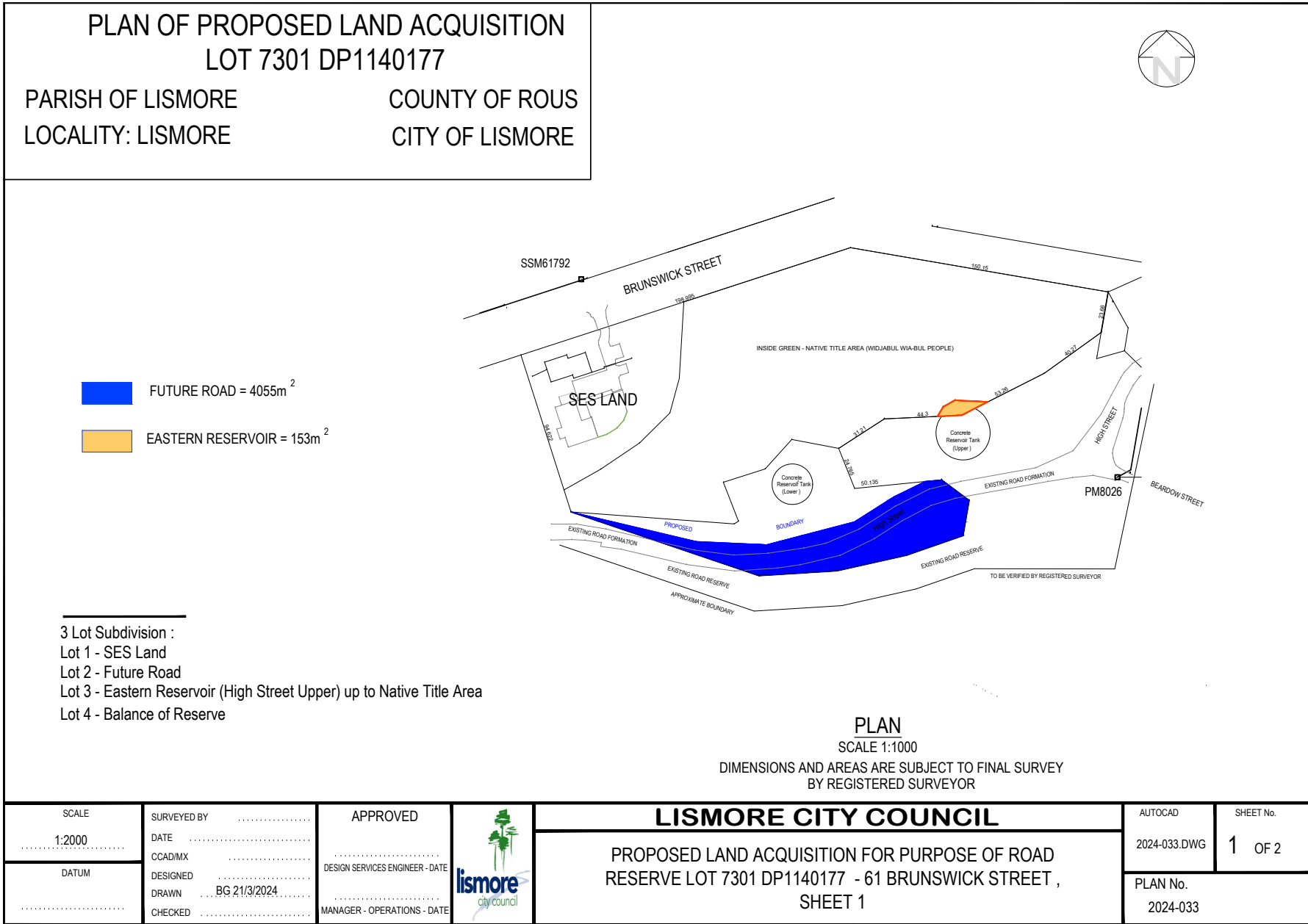
Reference number:(n2020-1828)

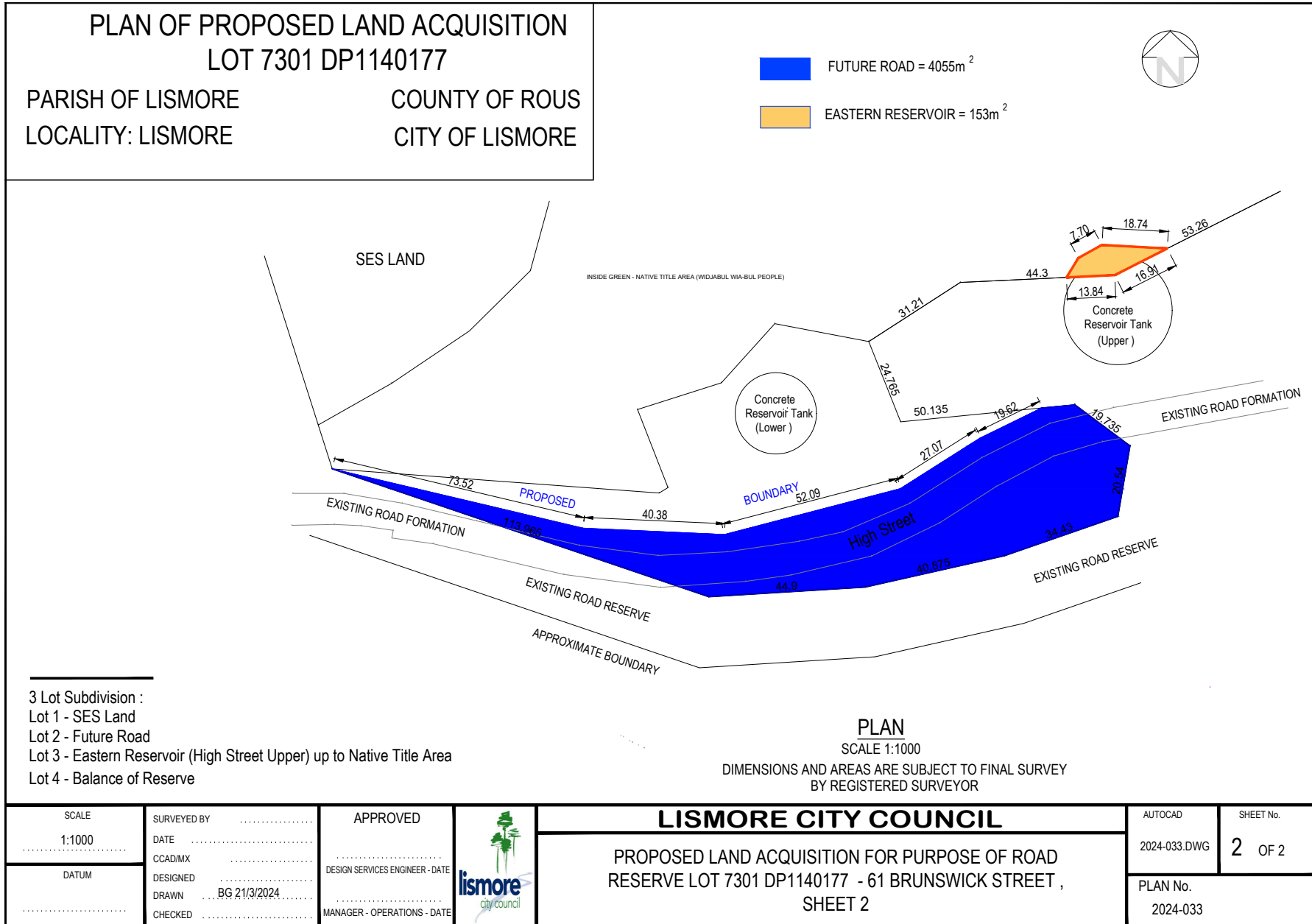
NOTIFICATION OF DISPOSAL OF A CROWN ROAD

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The Hon Melinda Pavey, MP
Minister for Water, Property & Housing





Report

Subject	Section 7.11 Contributions Plan
TRIM Record No	BP24/410:EF18/422
Prepared by	Strategic Engineer
Reason	Seeking Council's endorsement of a new Contributions Plan
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

Lismore City Council's current development contributions plan, the Section 94 Contributions Plan, was adopted in 2014 and came into effect on 1 January 2015. It covers all land within the local government area other than the North Lismore Plateau which is covered under its own contributions plan. The 2014 Plan looked at Lismore's forecast population to 2024 and established a program of works for new infrastructure requirements and set applicable rates for new developments to contribute. The current plan is considered to be at the end of its life and needs to be updated.

The new Section 7.11 (formerly Section 94) contributions plan is intended to repeal the 2014 Contributions Plan and includes a new works schedule that is consistent with our strategic documentation and caters for our future growth areas. The planning horizon for the new plan is from 2024 to 2041.

The draft plan was placed on public exhibition for the period from 18 March 2024 to the 26 April 2024. There was a total of 54 visitors to the Your Say page, resulting in only one submission being received from the Community Housing Industry Association (NSW).

As a result of the new works program and the methodology used to develop the Section 7.11 Plan the contribution rates for urban residential and retail have increased, whilst the rates for rural north and south residential, commercial (Business and Office Premises), and industrial have been reduced.

Recommendation

That:

1. Council adopt the attached Section 7.11 Contribution Plan
2. in accordance with the requirements of the *Environmental Planning and Assessment Regulations*, Council publishes a notice on its website that the attached Section 7.11 Plan will come into effect from 1 July 2024 and it repeals the current Section 94 Contributions Plan (2014)
3. in accordance with S7.18 of the *Environmental Planning and Assessment Act*, Council provides a copy to the NSW Planning Minister

Background

Section 7.11 (formerly Section 94) of the *Environmental Planning and Assessment Act* (EP&A Act) allows Councils in NSW to impose conditions of consent requiring the payment of monetary contributions where a development is “likely to require the provision of or increase the demand for public amenities and public services within the area”. The *EP&A Regulations* set out the requirements for the preparation and approval of Contributions Plans.

Lismore City Council’s current development contributions plan, the Section 94 Contributions Plan, was adopted in 2014 and came into effect on 1 January 2015. It covers all land within the LGA other than the North Lismore Plateau which is covered under its own contributions plan. The 2014 Plan looked at Lismore’s forecast population to 2024 and established a program of works for new infrastructure requirements and set applicable rates for new developments to contribute.

Given the age of the plan, it needs to be updated. Many of the projects have been completed, population forecasts require updating and Council needs to refresh its infrastructure priorities. The Section 7.11 Contributions Plan attached to this report sets out a new proposed program of works and sets the applicable monetary rates for different types of development. The plan is forecast to cater to new development through to 2041 but should be periodically reviewed. Not all costs for projects within the works program will be funded through Section 7.11 contributions. Rather, contributions must be proportional to the demand generated by new development. Grant funding and other Council capital expenditure will be required to deliver the identified infrastructure projects, as outlined within the plan.

Contribution Rates

Development Type	Base (per)	Catchment		
		Urban	Rural North	Rural South
Dwelling house / residential lot / exhibition home	Dwelling	\$7,052.67	\$6,333.57	\$6,333.57
Secondary Dwelling / Rural worker’s dwelling	Dwelling	\$4,040.87	\$3,626.01	\$3,626.01
Residential Accommodation with 1 bedroom / bedsit	Dwelling	\$4,040.87	\$3,626.01	\$3,626.01
Residential Accommodation with 2 bedrooms	Dwelling	\$4,383.48	\$3,968.61	\$3,968.61
Residential Accommodation with 3 or more bedrooms	Dwelling	\$5,440.68	\$4,910.58	\$4,910.58
Seniors housing	Dwelling	\$3,999.75	\$3,630.98	\$3,630.98
Tourist and visitor accommodation, camping grounds, caravan parks, eco-tourist facilities	Bed / Site	\$1,352.49	\$1,374.61	\$1,374.61
Retail premises	100m ² GFA	\$20,101.55	\$24,210.38	\$24,210.38
Business Premises and Office Premises	100m ² GFA	\$4,714.01	\$5,653.17	\$5,653.17
Industry	100m ² GFA	\$2,075.57	\$2,486.45	\$2,486.45

Note: The contributions plan (attached) provides further detail on how to calculate levies for developments which do not fit into the categories above.

Comparison to 2014 Contribution Plan Rates

The table below details how the contributions rates have changed from those within the 2014 S94 Contributions Plan to the new Section 7.11 contributions plan. Most development types have reduced, with urban residential and retail rates increasing. The primary reasons for these changes are:

- The proposed items within the works schedule and the development type for which they apply to. For example, the Simmons Avenue Traffic Management Scheme works item has only been applied to urban residential and not to commercial/industrial
- The proposed plan uses traffic volumes (trips per day and peak hour trips) as the basis for providing comparisons between development types. It was found that the current plan (2014) did not have this comparison and thus made it difficult to assess DA's that were a combination of commercial/industrial and residential

Development Type	Current Plan Rate (2023-2024)	Proposed Plan Rate	Change
Dwelling house / residential lot (Urban)	\$6,310.85	\$7,052.67	+\$741.82
Dwelling house / residential lot (Rural North)	\$6,848.97	\$6,333.57	-\$515.4
Dwelling house / residential lot (Rural South)	\$6,848.97	\$6,333.57	-\$515.4
Retail per m ² GFA	\$172.59	\$201.02	+\$28.43
Commercial (Business Premises and Office Premises) per m ² GFA	\$172.59	\$47.14	-\$125.45
Industrial per m ² GFA	\$34.10	\$20.76	-\$13.34

Previous Council Resolution

The draft Section 7.11 contribution plan was reported to the 12 March 2024 Council meeting where it was resolved that:

1. Council place the draft Section 7.11 Contribution Plan 2024 on public exhibition in accordance with the requirements of the Environmental Planning & Assessment Regulations
2. a briefing is provided to Council on the results of any submissions
3. a report is brought back to Council with any proposed amendments to the draft plan seeking Council's endorsement

Public Exhibition

During the public exhibition period from 18 March 2024 to the 26 April 2024 there were 54 visitors to the Your Say page with 28 of them "clicked through" (opening the draft plan). These views resulted in one submission being received from the Community Housing Industry Association (NSW) (attached to this report) seeking to deliver more social and affordable housing through contributions discounts for these types of development. A response was provided to the submitter that Council already has a discount policy in place (Affordable & Diverse Housing Incentives Policy) which has also been included as an attached to this report. The policy provides a 50% discount to Community Housing Providers (CHPs) for affordable housing projects and 30% discount to private development that enter Voluntary Planning Agreement (VPA) to have housing managed as affordable rental for 15 years. Plus, it provides for the deferral of contributions for seniors and other preferred housing typologies.

Changes from Draft Plan

The changes made between the draft and final plan are minor in nature and have been summarised in the table below:

Page Number/Section	Item	Change
Title Page	Title page	removed "draft"
iii – 3 rd paragraph	Life of the plan	the words "adoption of" replaced with "preparing" to reflect the rates will be indexed from when the \$ rates in the plan were prepared in late Dec 23/early Jan 24 to the date of payment.
iv	Heavy haulage	updated rate to reflect consistency with other costs valued at December 2023
iv – last paragraph	Summary of contributions by development type	the words "adoption of" replaced with "preparing"
1 – Section 1.2	Commencement of this plan	remove <> and italics from date
11	Indexation of Contributions	CPI _{PC} and PPI _{PC} adjusted to Dec 23 rather than plan adoption so as to not require indexing all costs in the plan prior to commencement.
13 – Section 2.10.2	Treatment of funds received prior to the commencement of this plan	updated to reflect that some funds will be rolled over
26 – Section 4.7.4	Contributions	adjusted to be clear on how indexation was derived and rate update
35 – Appendix B	Works schedule	Item OSR-002 – "CBS" corrected to "CBD"

Items in 2014 Contributions Plan to be Discontinued

There are items within the 2014 Contributions Plan that are not being carried over and do not correlate into a new project in the works program. Therefore, these projects/funds will need to be completed or committed to be completed at a later date.

Community Services and Facilities

Table 18 in the 2014 Contribution plan refers to works on the Nimbin Community Centre, Dunoon Community Hall, Bexhill Hall, Caniaba Hall and Wyrallah Hall. The plan had \$148,200 of existing funds dedicated to halls with no new funds to be collected. As the plan was written in 2014 it would be reasonable to apply CPI to the existing \$148,200 resulting in a total of approximately \$189,275 for these projects. Council has the funds in reserve to cover this cost.

Therefore, the funds (\$189,275) allocated in the plan will be distributed evenly between the 5 centres/halls, which would provide each with \$27,855.

Table 18 Community Services and Facilities Works Program - Villages

Works	Costs	Existing Funds Pooled	Final Works Cost	Timing
Embellishments for the Nimbin community centre; Dunoon community hall; Bexhill hall; Caniaba hall; and Wyrallah hall	\$148,200	\$148,200	\$0*	Short to Medium Term

* zero cost after deductions existing funds means no further contributions are required to complete the embellishments.

Table 19 in the 2014 contributions plan refers to works on the CBD Plaza/Art Gallery and Quad with \$230,512 being allocated for this project (with a portion of existing pooled funds) with equates to \$294,399 when CPI is applied. These funds can be spent in accordance with the 2014 Contribution Plan. In the event that no suitable project is available then the funds will just roll over into the new Community Facilities works schedule items.

Table 19 Community Services and Facilities Works Program – CBD

Works	Costs	Existing Funds Pooled	Apportionment	Final Works Cost	Timing
CBD plaza/art gallery/quad project	\$3,073,500	\$14,600	7.5%^	\$230,512	Short to Medium Term
Total Cost	\$3,073,500	\$14,600		\$215,912*	

^apportionment represents the combination of new residents and new workers

* Sum of final works cost less the pooled funds

Emergency Services

Table 31 and 32 in the 2014 contributions plan refer to funds collected for RFS and SES. The current reserves hold \$43,100 in the emergency services category. In consultation with Finance these funds (\$15,000 per year to each service) will continue to be used yearly until the reserve fund is empty.

11.2 Works schedule bushfire

Table 31 Emergency Services Works Schedule – Bushfire

Project	Cost Estimation (\$)
Volunteer personal safety equipment, shed and vehicle improvements, and bushfire mapping	\$143,700
Total	\$143,700

11.3 Works schedule SES

Table 32 Emergency Services Works Schedule – State Emergency Services

Project	Cost Estimation (\$)
Equipment and Vehicles	\$77,400
Total	\$77,400

Street Trees

Table 34 in the 2014 contributions plan refers to the planting of street trees. This category has been included within the Public Domain Facilities in the new plan. There is currently \$52,200 in reserves for street trees, and this will need to be utilised or carried forward into the Public Domain facilities category.

Table 34 Street Trees Works Schedule

Project	Cost Estimation (\$)
Street tree planting and maintenance throughout Lismore LGA	\$281,500
Total	\$281,500

Next Steps

- Once adopted by Council, statutory requirement to notify on our website (within 14 days) the date that the new Section 7.11 contribution plan comes into effect, being 1 July 2024.
- Internal administrative processes will be updated to allow a smooth transition from the 2014 Plan to new Section 7.11 Contributions Plan. This process will also include creating a contributions' register on our website in accordance with requirements under Section 217 of the *Environmental Planning and Assessment Regulations*.
- Existing 'funds on hand' to be distributed or rolled over (as appropriate) in accordance with the new Section 7.11 contribution plan as outlined in this report.

Comments

Finance

The recommendation is supported as printed.

Other officer comments

The S7.11 Contributions Plan has been written in consultation with key Council officers.

Public consultation

Public consultation ran from 18 March 2024 to the 26 April 2024 with one submission being received and addressed within this report.

Conclusion

The 2014 Contributions Plan is at the end of its lifespan and needs to be updated. The Section 7.11 Contribution Plan and works schedule represent works items that are in accordance with other Council Strategic documentation and that will provide infrastructure for future growth areas of Lismore. It is recommended the Section 7.11 Contribution Plan be adopted and that the 2014 Contributions Plan be repealed.

Attachment/s

1. [↔](#) Section 7.11 Contributions Plan 2024-2041 (Over 7 pages)
2. [↓](#) CHIA NSW Submission on draft Lismore Local Infrastructure Contributions Plan
3. [↓](#) Affordable and Diverse Housing Incentives Policy



Attn: General Manager
Lismore City Council
Via email:
council@lismore.nsw.gov.au

Submission: Draft Section 7.11 Infrastructure Contributions Plan

This submission has been prepared by the Community Housing Industry Association NSW (CHIA NSW) in response to the draft *Lismore City Council Section 7.11 Infrastructure Contributions Plan 2024-2041* (the Draft Plan).

CHIA NSW is the peak body representing registered, not-for-profit community housing providers (CHPs) in NSW. Our members currently own or manage more than 54,000 homes across NSW, including more than 250 homes in Lismore, for individuals and families who cannot afford to rent or purchase a home on the private market. Since 2012, community housing providers have delivered nearly 5,800 new homes across NSW, representing an investment of over \$2 billion. Critically, these are new homes that the private sector cannot – or will not – deliver in response to housing need.

CHIA NSW recognises the efforts of Council to update its development contributions plan. While this work will support the delivery of infrastructure needed for livable and prosperous communities, CHIA NSW is concerned that the Draft Plan does not support the delivery of much needed social and affordable housing, which is a key priority of Council.

Alongside transport, open space and other community facilities, social and affordable housing is critical infrastructure that will support the delivery of Council’s strategic priorities. It provides homes for people in low to moderate income jobs that are essential to supporting the economy, such as health and childcare workers, retail and hospitality staff, and other essential service workers.

Council’s Affordable and Diverse Housing Strategy identifies significant levels of housing stress in the local government area, affecting more than 40% of renting households. Without sufficient delivery of social and affordable housing, the number of households with unmet housing needs will grow to 1,900 (or 6.7% of all households)¹.

CHIA NSW commends Council on its efforts to address housing affordability issues in Lismore, including through its Housing Grant Program. As outlined in the Affordable and Diverse Housing Strategy, there are a range of other mechanisms available to Council to support affordable housing delivery. This includes through adjustments to developer contributions settings.

The Lismore Affordable and Diverse Housing Strategy includes an action for Council to implement contributions discounts for affordable housing development. CHIA NSW strongly recommends that this action is implemented by exempting social and affordable housing, and other specialised housing, from local developer contributions. In doing so, Council can ensure that CHPs are strongly positioned to continue building the social, affordable, and specialised housing needed in the local area.

Community Housing
Industry Association NSW

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T 02 9690 2447 F 02 8399 2122
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This is especially critical at a time when land prices and operating costs, such as insurance premiums, are rising. CHPs typically have an operating margin of 2-3%, which is primarily comprised of rental revenue received from tenants. Most tenants will contribute 25% of their income support payment, plus 100% of Commonwealth Rent Assistance, towards rent. As not-for-profit organisations, CHPs will reinvest any surpluses generated from their activities back into building and sustaining new housing developments.

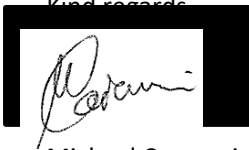
Without exemptions, CHPs will face significant additional costs to build new social and affordable housing projects. This will increase the subsidy needed to deliver schemes and/or reduce the amount of social and affordable housing that can be delivered.

Due to the relatively low number of social and affordable housing developments, as compared to private market housing, it is anticipated that exempting social and affordable housing development from the need to pay local infrastructure contributions will have a limited budget impact on Council.

CHIA NSW recommends that the list of development exempted from the Draft Plan is expanded to include seniors housing and affordable housing development carried out by registered not-for-profit community housing providers.

CHIA NSW appreciates the opportunity to provide feedback on the Draft Plan. We would be happy to discuss any of the recommendations further with Council staff.

Kind regards



Michael Carnuccio
Manager – Policy

References

¹ *Quantifying Australia's unmet housing need - Regional snapshots* (December 2022) Prepared for the Community Housing Industry Association by Ryan van den Nouwelant, Laurence Troy, and Balamurugan Soundararaj; UNSW City Futures Research Centre.



POLICY MANUAL

Policy title:	Affordable and Diverse Housing Incentives Policy
Policy number:	5.2.33
Objective:	To incentivise new affordable and diverse housing types
Link to community vision/service:	Lismore Affordable and Diverse Housing Strategy
Program Area:	Strategic Planning
Policy created:	9 May 2023
Last reviewed by staff:	April 2023
TRIM Ref:	ED23/26444

Introduction

The Lismore Affordable and Diverse Housing Strategy ('the Strategy') was adopted by Council on 14 March 2023. It identifies ways in which Council can try to stimulate additional affordable and medium density housing typologies, primarily in the urban area as the location of new housing should be aligned with the location of jobs, infrastructure and services.

The Strategy sets a policy goal that by 2033, 40% of all new housing will be 'diverse' or 'medium density' (as defined in the Strategy) and that 15% of all new housing will be affordable to households in the 'very low' to 'moderate' income categories (as defined in the Housing SEPP).

One of the actions identified within the Strategy is to provide financial incentives through the waiving, discount or deferral of infrastructure Developer Contributions that are ordinarily required to be paid by developers for new residential developments that increase the density above that of one ET (Equivalent Tenement), or a standard 3-4 bedroom dwelling.

Types of Developer Contributions

Developer Contributions for water and sewer infrastructure are collected under Section 64 of the *Local Government Act, 1993*, and are known as Section 64 Contributions. A Development Servicing Plan (DSP) details the water and sewer developer charges to be levied on a particular development

Developer Contributions for the provision of other types of public facilities are collected under Section 7.11 or 7.12 (previously Section 94) of the *Environmental Planning and Assessment Act, 1979*. These are known as Section 7.11 / 7.12 Contributions (formerly Section 94 Contributions) and are outlined in Lismore City Council's adopted Section 94 Contributions Plan, or any subsequent plan once adopted by Council.

Policy Objectives

This policy aims to incentivise certain types of residential development that have been identified within the Affordable and Diverse Housing Strategy as being desirable to meet the changing housing needs of Lismore's population and that are not being delivered by the market.

Operable Clauses

1. The development incentives listed in this section will only be applied where the development is located in an area with reticulated sewerage.
2. Any housing that is to be provided by and managed by a registered Community Housing Provider (CHP) or an Indigenous Community Housing Organisation (ICHO) will have a discount of 50% applied to Lismore City Council's Section 64 and Section 7.11 / 7.12 Contributions that would have been levied had the discount policy not applied. The discount does not apply to any Section 64 Contributions collected on behalf of Rous County Council. If a development application includes a mix of affordable housing to be managed by the CHP / ICHO and housing that is to be sold at market value, the discount will only be applied to the affordable housing component of the development.
3. Any housing where a developer agrees to enter into a Voluntary Planning Agreement (VPA) with Council to provide affordable rental housing will have a discount of 30% applied to Lismore City Council's Section 64 and Section 7.11 / 7.12 Contributions that would have been levied had the discount policy not applied. The discount does not apply to any Section 64 Contributions collected on behalf of Rous County Council. To qualify for the discount, the person benefitting from the development consent agrees, through a VPA, that the housing benefitting from the discount will be utilised for a minimum of 15 years as affordable rental housing to be managed by a registered Community Housing Provider.
4. Any change of use of an existing building to create Shop Top Housing located within the Lismore CBD (as defined by the areas Zoned E2 Commercial Core, excluding areas east of Brewster Street) will have a discount of 100% applied to Lismore City Council's Section 64 and Section 7.11 / 7.12 Contributions that would have been levied had the discount policy not applied. The discount does not apply to any Section 64 Contributions collected on behalf of Rous County Council.
5. The following development types will have a condition of consent applied, deferring the payment of all Development Contributions until such time as any Occupation Certificate is required:
 - a) New Shop Top Housing (other than development covered by the change of use provision above).
 - b) Secondary Dwellings
 - c) New 1-2 bedroom dual occupancies with a floor area <115m²
 - d) Multi-Dwelling Housing
 - e) Residential Flat Buildings
 - f) Co-living housing
 - g) Seniors Housing
 - h) Build-to-rent housing

Implementation

This policy applies to new development applications and comes into effect on the date it is adopted by Council. It will also be applied to any development application that has been lodged and accepted by Lismore City Council on that date but is yet to be determined.

Other Matters

Nothing in this policy impacts upon the applicant's responsibility to comply with all relevant NSW legislation and applicable Lismore City Council planning controls.

The policy is not applicable to applicants seeking consent for existing or unauthorised works.

Definitions

A **registered Community Housing Provider (CHP)** is a Community Housing Provider that is appropriately registered with the Registrar of Community Housing (NSW) or the National Regulatory System for Community Housing.

An **Indigenous Community Housing Organisation (ICHO)** is any Aboriginal or Torres Strait Islander organisation that owns or is responsible for managing community housing.

Report

Subject	Investments - May 2024
TRIM Record No	BP24/539:EF22/122-2
Prepared by	Manager Finance
Reason	Required by Local Government Act 1993, Local Government (General) Regulation 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 31 May 2024:

- Investments held as of 31 May 2024 - \$99,054,915*

*The face value represents the purchase price of investments.

In addition, Council held \$2.819 million as of 31 May 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 decreased to 33% from 40% or from \$39 million to \$33 million.

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

Investments returns – May 5.11%, this is compared to the annualised Bank Bill (BB) Index bank rate of 4.50%.

Council's total return for the financial year 2023/2024 is 4.82% compared to the Annualised BB Index bank rate of 4.32%.

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
May 2024	\$99,054,915	\$100,837,448	\$96,064,915	\$97,994,463	5.11%	4.50%	33%

*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 May, Council incurred operational expenses, such as employee costs, creditor payments, expenditure in relation to the capital works program and has incurred further expenditure on flood restoration works which is yet to be reimbursed.

In addition, Council has approximately \$2.819 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 also holds 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%.

Socially Responsible 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 31 May was \$33 million, a reduction of \$6 million from the previous month, the percentage of the portfolio held in SRI’s is 33%, down from 40% the previous month.

* Note - this includes Fossil Fuel Free Investments

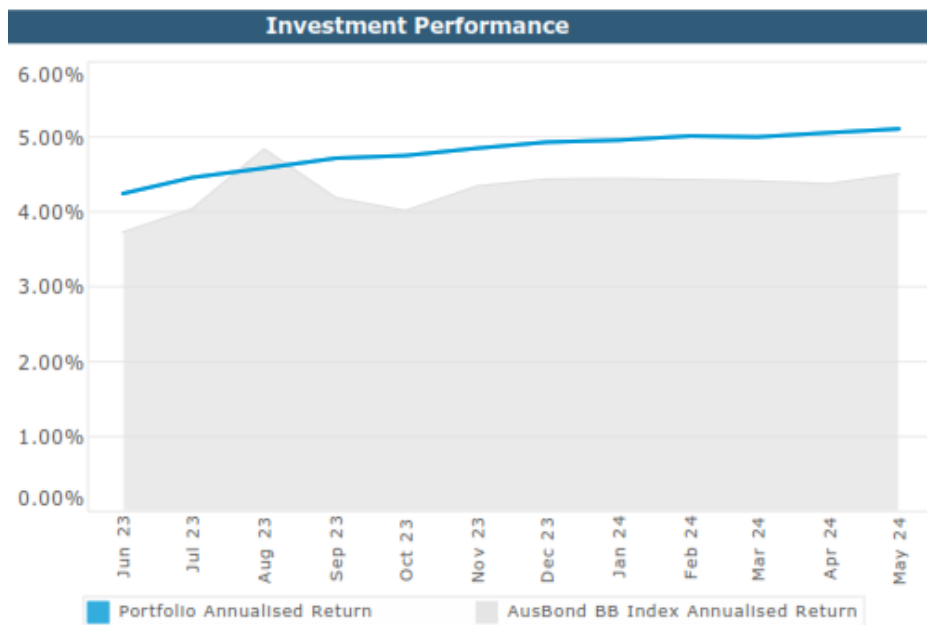
Portfolio structure - Council is limited in its investment options in accordance with the Minister’s Investment Order and the Investment Policy adopted by Council. The current portfolio is split between cash and fixed deposits. These offer a lower return to other products however have a greater security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

Lismore City Council Executive Summary - May 2024

Investment Holdings

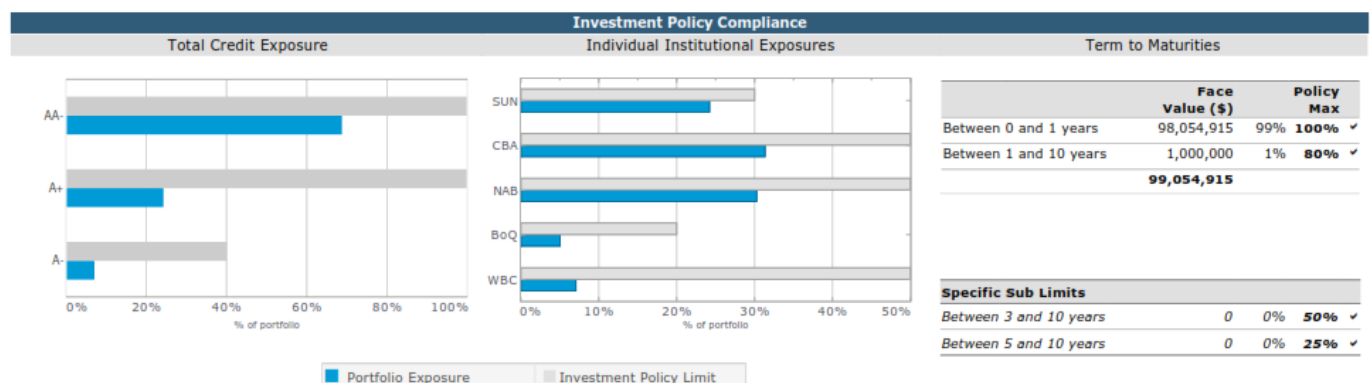
	Face Value (\$)	Current Value (\$)	Current Yield (%)
Cash	21,054,915	21,054,915	4.5000
Term Deposit	78,000,000	79,782,533	5.1892
	99,054,915	100,837,448	5.0427

Investment Performance



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

Compliance with Policy Requirements



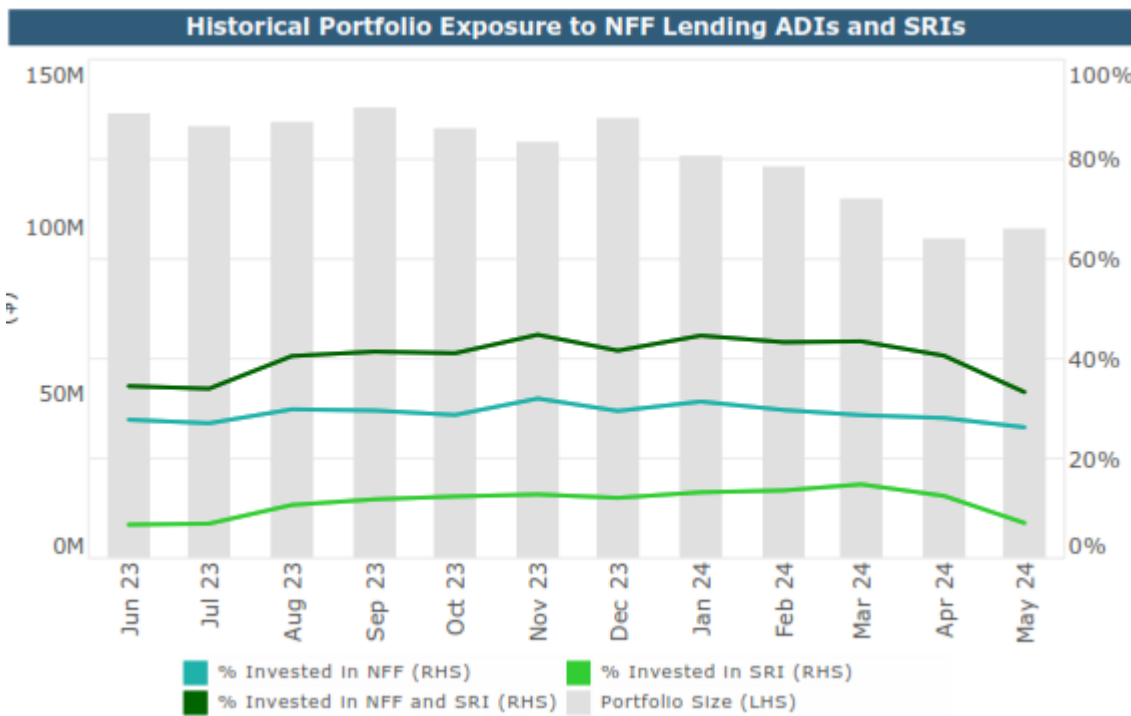
Socially Responsible Investments (SRI's)

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 \$21,054,915. 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 42.3%.

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 May 2024 is provided.

Attachment/s

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

Report

Subject	Annual Mayor and Councillor Fees
TRIM Record No	BP24/395:EF19/668-6
Prepared by	Executive Officer - General Manager and Mayor & Councillors
Reason	For Council to determine the maximum fees payable to the Mayor and councillors for 2024-2025
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 Local Government Remuneration Tribunal each year determines the range of annual fees to be paid to Mayors and Councillors. Council needs to resolve within the category range the fees to be paid.

Recommendation

That the fees payable to the Mayor and councillors for 2024-2025 be \$66,800 and \$27,050 respectively.

Background

Pursuant to Section 241 of the *Local Government Act 1993*, the Local Government Remuneration Tribunal has determined the annual fees to be paid to Mayors and Councillors during the period 1 July 2024 to 30 June 2025. The Tribunal has determined a 3.75 per cent increase in the minimum and maximum fees. The full determination is attached to this report.

Lismore City Council is categorised as a Regional Centre. Council is to resolve the annual fee to be paid within the minimum and maximum range as determined by the Tribunal. If Council does not fix a fee, the amount defaults to the minimum.

Councillor Fee

The councillor fee for Regional Centre councils is a minimum fee of \$15,370 each (\$169,070 in total) and a maximum fee of \$27,050 each (\$297,550 in total).

Lismore city Council’s adopted fees payable to councillors over this term of Council are as below.

Financial year	Minimum fee	Maximum fee	Adopted fee paid to councillors
2021-2022	\$14,100	\$24,810	\$24,810
2022-2023	\$14,338	\$25,310	\$24,810
2023-2024	\$14,810	\$26,070	\$24,810

Mayoral Fee

The mayoral fee for Regional Centre councils is a minimum fee of \$31,980 and a maximum fee of \$66,800.

Financial year	Minimum fee	Maximum fee	Adopted fee paid to councillors
2021-2022	\$29,330	\$61,280	\$61,280
2022-2023	\$29,920	\$62,510	\$61,280
2023-2024	\$30,820	\$64,390	\$61,280

In April 2022 Council resolved to pay the superannuation contribution payment for councillors who opt-in. In 2022-2023 this equated to \$2605 per councillor.

Comments

Finance

The Draft 2024-2025 Operational Plan Budget, which is on public exhibition until 14 June 2024, includes \$66,000 for the mayoral fee and \$294,400 for councillor fees. If the maximum fees were adopted, the shortfall of \$3,950 can be funded from the unrestricted cash surplus in the draft budget.

Attachment/s

1. [↔](#) LGRT 2024 Annual Determination 29 April 2024 (Over 7 pages)

Reports

Subject	Minutes from External Committees and Organisations
TRIM Record No	BP24/485:EF13/463-6
Prepared by	Executive Officer - General Manager and Mayor & Councillors
Reason	To note minutes from external committees and organisations
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

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

Recommendation

That Council notes the draft minutes of Rous County Council and Northern Rivers Joint Organisation.

Attachment/s

1. [↔](#) Rous County Council minutes 17 April 2024 (Over 7 pages)
2. [↔](#) NRJO draft minutes 17 May 2024 (Over 7 pages)

Report

Subject	Exclusion of Question with Notice
TRIM Record No	BP24/603: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 one item was excluded from the agenda for this meeting.

Attachment/s

There are no attachments for this report.

Notices of Motion / Questions with Notice



Notices of Motion / Questions with Notice

Subject **Mayoral Attendance Report**

TRIM Record No BP24/441:EF19/25-6

That Council receives the Mayoral Attendance Report for May 2024.

May

- 1 Sister City Advisory Group
- 2 Living Lab briefing
- Summerland Bank Lismore Branch Opening
- 7 Northern Rivers Rail Trail Construction Update and Marketing Opportunities
- Essential Energy Consumer Advocacy Group meeting
- Councillor briefing
- 8-9 Regional Cities NSW
- 10 Country Mayors
- 11 NSW Reconstruction Authority Community BBQ
- 13 Citizenship Ceremony
- 14 Council meeting
- 15 Adjourned Council meeting
- 16 Waste Convention
- Nimbin Advisory Group
- 17 Northern Rivers Joint Organisation
- 19 Gemfest
- 20 Northern Rivers Community Leaders Forum
- 21 Northern Rivers Community Leaders Forum & NSW Reconstruction Authority dinner
- 22 Staff Retention Strategies and Changes to Employment Legislation workshop
- Meeting with NSW Reconstruction Authority
- ABC Takeover Lismore
- Business Lismore Business After Hours
- 23 Green's Bridge Official Opening
- 24 Lismore Library Meeting Room Opening
- 25 Our Kids Winter Ball
- 29 Reconciliation Week Flag Raising Ceremony
- Northern Rivers RFS Medals Presentation
- 31 NORPA Future Plans

Notices of Motion / Questions with Notice

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/441:EF19/25-6



Rail trail update



Summerland Bank opening



Regional Cities NSW



Citizenship ceremony



Waste Conference



ABC Takeover Lismore

Notices of Motion / Questions with Notice



Green's Bridge opening



Lismore Library Meeting Room opening



Our Kids Winter Ball



Reconciliation Week Flag Raising Ceremony

Notice of Motion / Question with Notice

Councillor Andrew Gordon has given notice of intention to move:

That the *Infrastructure Contributions Discount Policy for the Change of Use of Commercial Premises* policy be extended for one year past its closure date of 30 June 2024, and that consequential administrative changes are made to wording within the policy.

Councillor Comment

Outcome Sought

To facilitate new commercial uses of existing buildings as part of Lismore's flood recovery.

Cost of Implementing

Foregone contributions that would otherwise have been collected.

Funding Source

Not applicable

Officer Consulted

Nil

Officer Comment

Strategic Planning Coordinator

The policy was adopted in 2022 in order to assist the relocation of businesses and for new businesses to establish in Lismore as part of a post-flood response at a time when vacancy rates of commercial premises were at an all time high.

The policy states: *'This policy will lapse on 30 June 2024 unless it is reviewed prior to this date and Council resolves to modify, vary, revoke or extend the application of this policy at its discretion.'*

Extending the date to June 30, 2025 by resolution of Council is consistent with this clause. If adopted, staff would also update the zone categories which have since changed from 'Business Zones' to 'Employment Zones' as part of a statewide planning reform. The other change required is the references to the Section 94 Contributions Plan (2014) to the S7.11 Contribution Plan (2024) that is the subject of a separate report to Council that is due to commence from July 1 (subject to Council resolution).

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/577:EF19/25-6

Notice of Motion / Question with Notice

Councillor Adam Guise has given notice of intention to move:

That Council includes in the 2024-2025 budget the provision of large sharps disposal bins in three locations in Lismore.

Councillor Comment

Outcome Sought

Since the devastating 2022 floods trauma and mental health issues have been heightened, with many people seeking coping mechanisms through drug use. Staff at the Lismore Needle and Syringe program (NSP) have noted an increase in new and returning people accessing their service for clean needles and syringes, and utilising the large disposal bin they have on site. With a lack of space to safely inject, many people who use drugs are doing so in public places. With a lack of safe disposal spaces, sharps have been found in public and community settings. Consequently there has been a rise in discarded needles with reports of needles found on sports grounds, restrooms, parks and the Transit Centre. Having more sites with large disposal bins for sharps would help alleviate the risk this poses to the community.

Cost of Implementing

~\$15,000 for three 240L disposal bins & installation

~\$10,000 per year disposal and maintenance

Funding Source

General Fund

Officer Consulted

Via Councillor request

Officer Comment

Head of Fleet and Open Spaces

Large disposal bins for sharps are a good initiative to alleviate the risk posed to the community. Proper disposal of sharps, such as needles and syringes, is crucial for public health and safety for the following reasons:

- **Prevent Injuries:** Sharps bins help prevent accidental needle-stick injuries, which can occur when people encounter improperly disposed needles.
- **Reduce Disease Transmission:** Proper disposal of sharps helps reduce the transmission of infectious diseases, such as HIV and hepatitis, which can be spread through contaminated needles.
- **Environmental Protection:** Safe disposal prevents environmental contamination, keeping parks, streets, and other public areas clean and safe.
- **Public Health Promotion:** Encouraging the use of sharps disposal bins promotes a culture of responsibility and health awareness in the community.
- **Support for Vulnerable Populations:** Providing accessible disposal options helps protect sanitation workers, first responders, and the public, including children and pets.

Overall, the implementation of large disposal bins for sharps is a proactive measure to enhance community safety and public health. However, if supported by Council, the paramount consideration is location. Sharps disposal bins can encourage needle use in proximity to the bins, which can lead to wider needle use across public spaces in the community. Staff recommend that any proposed programs seek placement in proximity to existing sharps disposal options at public health centres.

Notice of Motion / Question with Notice

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/583: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 Volpato 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 Volpato 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 Volpato 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

Notices of Motion / Questions with Notice

Officer Consulted

Nil

Officer Comment

Supporting the proposal to rename New England Lane is not recommended. Council records indicate the majority of New England Lane was established as road reserve as early as 1884 as shown on DP 1627 (refer extract in Image 1 below and attached). The lane was named "New England Lane" by Government Gazette on 5 July 1966 (refer attached gazettal notice and Image 2).

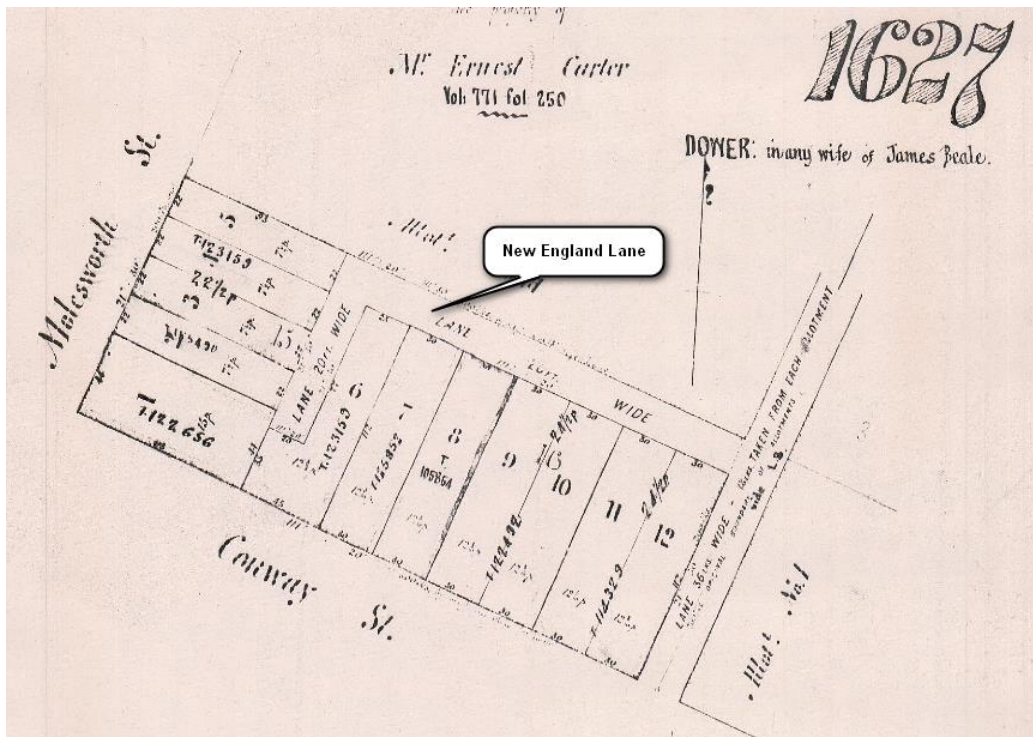
The remaining 10m section of New England Lane that included the Right of Way was dedicated to Council as public road in 2015 through the registration of DP 1208701 (refer attachment). DP 549628 demonstrates the Right of Way over 218 Molesworth Street, Lismore (refer attachment and Image 3).

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

Road names are intended to be enduring and the renaming of a road is discouraged by the GNB unless there are compelling reasons for change. Section 6.7.9 of the GNB Address Policy and User Manual stipulates issues that prompt renaming; including the redesign of a road, changed traffic flow, mail or service delivery problems and duplication issues which cause confusion for operational dispatch and as a result delayed emergency response time. The proposal to rename the lane is not considered to meet this criteria.

A potential issue with the proposed name, 'Florian Volpato Lane' was identified during a Road Name Evaluation by the GNB, as shown in Image 4. The name 'Florian Volpato' closely resembles 'Floral Avenue' in East Lismore. If the renaming process is pursued, there is no assurance the GNB will approve it due to the similarity with an existing road name.

Supporting the proposal to rename New England Lane is not recommended. Deviating from the naming guidelines may unintentionally set a precedent that could be perceived as preferential treatment. To maintain a fair and consistent approach, Council could explore alternative ways to honour Florian Volpato that align with our established guidelines. This way, we can preserve the integrity of our naming conventions while still paying tribute to Florian Volpato.

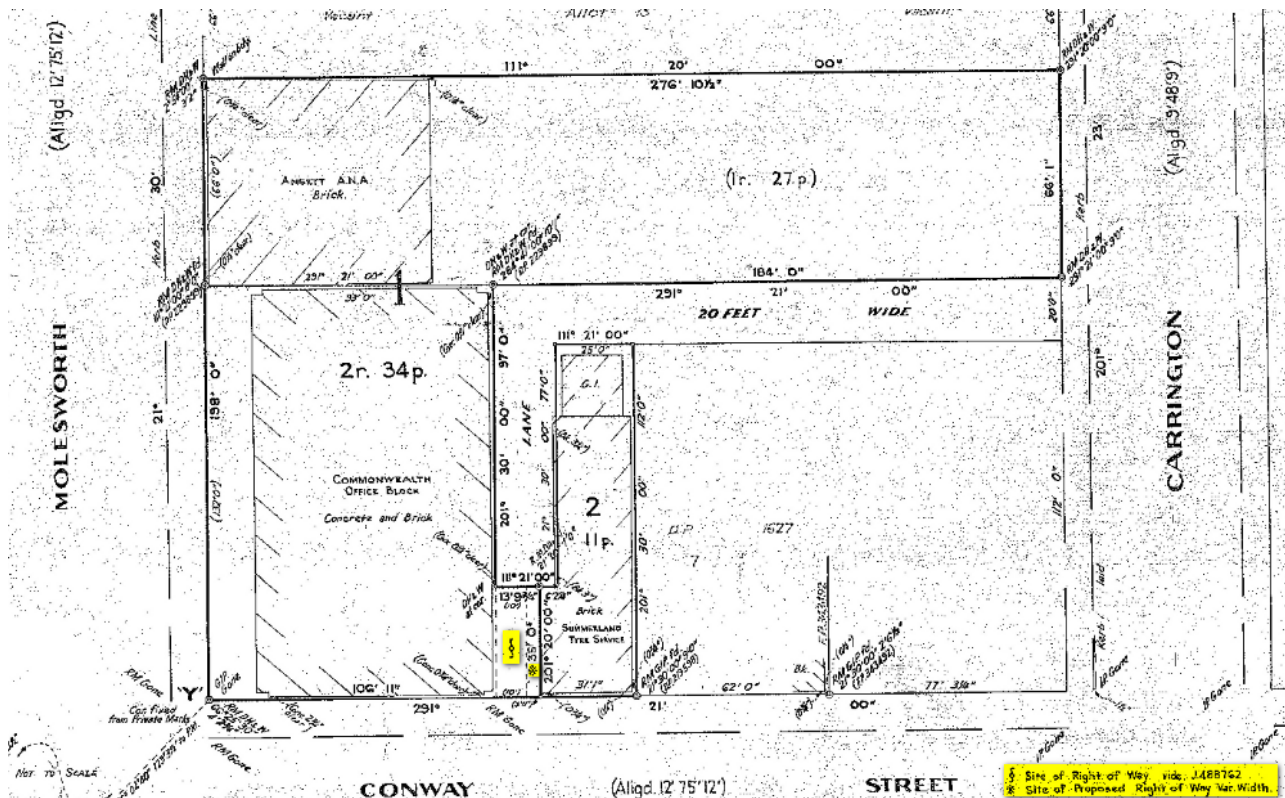


Notices of Motion / Questions with Notice

Image 1 DP 1627

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

Image 2 Gazette



Notices of Motion / Questions with Notice

Image 3 DP 549628

*Local Government Area

LISMORE

*Address Locality (Suburb)

LISMORE x

*Proposed Road Name



Florian Volpato

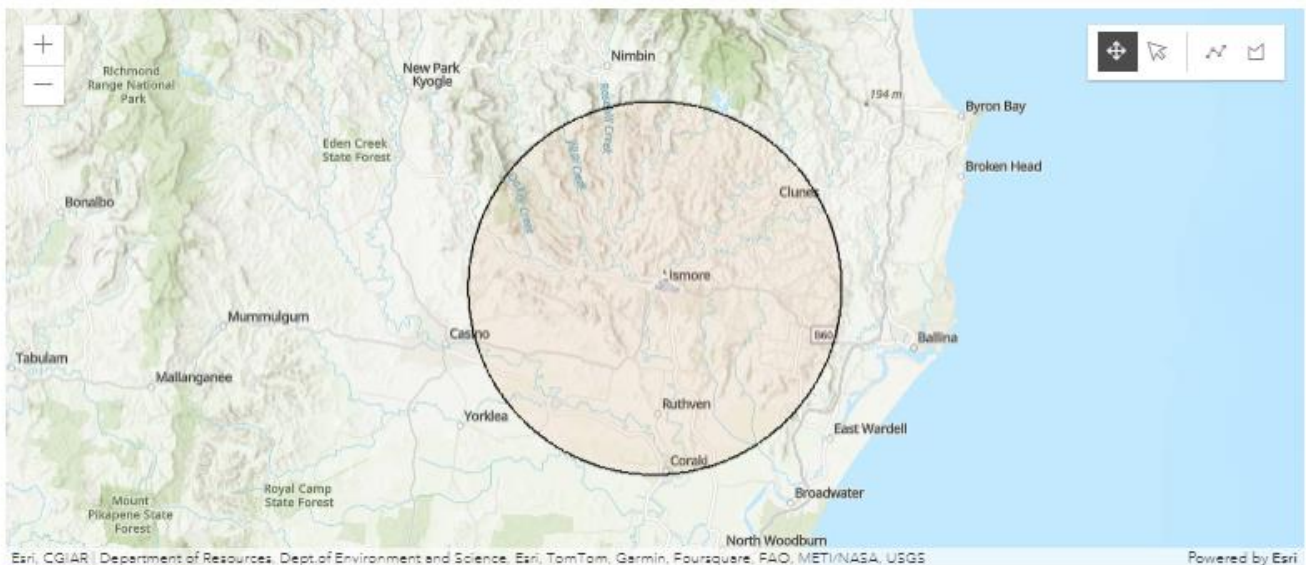
*Radius

20km - Regional Urban

Road Name Extent

Please draw the extent of the proposed road on the map.

- Select either the polyline  or polygon  tool from within the map
- Left click to mark the start of the road
- Add additional points to mark out the road
- Double click for the extent to be completed
- Click Evaluate to undertake a road name evaluation



Evaluate

1 potential issue(s) found

Similar Sounding

! Florian Volpato sounds similar to FLORAL AVENUE in EAST LISMORE - View on map

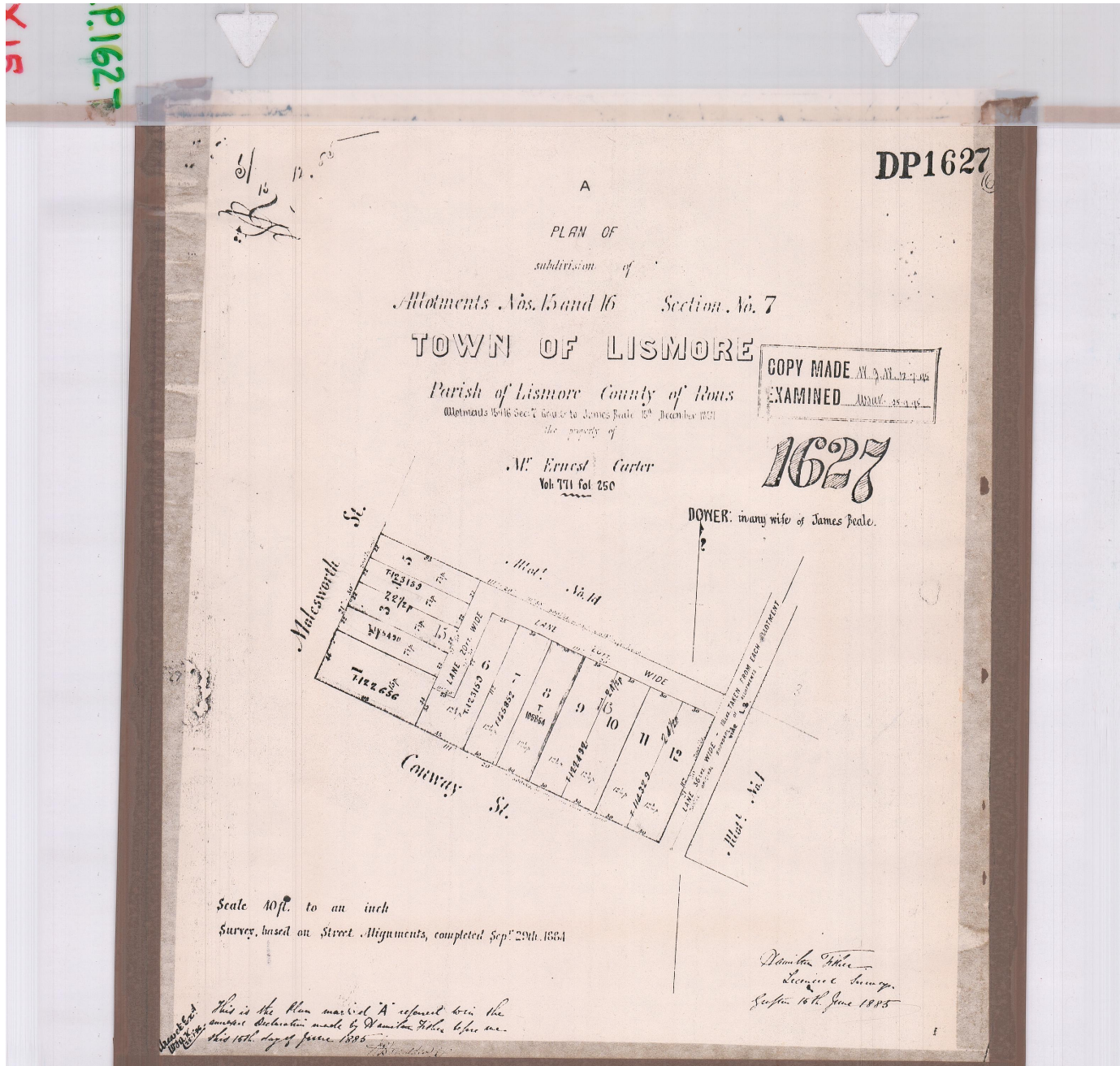
Image 4 GNB Road Name Evaluation

Attachment/s

1. [DP 1627](#)
2. [Road Naming of New England Lane - Government Gazette 15 July 1966](#)
3. [DP 549628](#)
4. [DP 1208701 Plan of Subdivision](#)

TRIM Record No: BP24/550:EF19/25-6

Lismore City Council
Meeting held 11 June 2024 - Florian Volpato Lane



2858

NEW SOUTH WALES GOVERNMENT GAZETTE No. 70

[15 JULY, 1966]

from all trusts, obligations, estates, interests, contracts, charges, rates, rights of way or easements whatsoever.

(L.S.) K ANDERSON, Chairman.

The Common Seal of the Sydney County Council was hereunto affixed this 4th day of July, 1966, in pursuance of a resolution of the Council passed on the 4th day of July, 1966.

G. WASHINGTON, General Manager.

SCHEDULE

All that piece or parcel of Crown land situate at Concord, Municipality of Concord, parish of Concord, county of Cumberland and State of New South Wales, being part of portion 106A known as Central Park and dedicated for Public Recreation by Notification published in the Government Gazette dated 18th December, 1907, which land is shown on plan catalogued L. 20-1,252R in the Department of Lands, Sydney. Commencing on the north-eastern side of Clermont Street at a point bearing 335 degrees 43 minutes and distant 170 feet 6 inches from the westernmost corner of portion 297 and bounded thence on the south-west by that side of Clermont Street bearing 335 degrees 43 minutes 16 feet 9 inches on the north-west north-east and thence on the south-east respectively by lines successively bearing 65 degrees 43 minutes 14 feet 7 inches 155 degrees 43 minutes 16 feet 9 inches and 245 degrees 43 minutes 14 feet 7 inches to the point of commencement excluding thereout all that piece or parcel of Crown land required for an electricity substation as shown on plan catalogued S/2,968 in the Survey Section of the Sydney County Council. 7522—\$13.80

NOTICE OF RESUMPTION OF LAND BY SYDNEY COUNTY COUNCIL.—FORM 3 (ORDINANCE NO. 77).—LOCAL GOVERNMENT ACT, 1919.—Whereas on the twentieth day of December, one thousand nine hundred and sixty-five, the Sydney County Council (hereinafter called "the Council") resolved, in pursuance of the Local Government Act, 1919, to resume the land described in the Schedule hereto for the purpose of constructing, extending, protecting, maintaining, controlling and managing works in connection with the supply of electricity; and whereas the Council further resolved to make an application for the approval of the Governor to cause a notice of the resumption of such land, together with a description of such land, to be published in the Gazette and in a newspaper circulating in the area in which such land is located; and whereas on the eighth day of June, one thousand nine hundred and sixty-six, upon the application of the Council, His Excellency the Governor, with the advice of the Executive Council, approved of a notice of the resumption of the land described in the said Schedule for such purpose, together with a description of such land, to be published in the Gazette and in a newspaper circulating in the area in which the land is located: Now, therefore, the Council, with the approval of His Excellency the Governor, with the advice of the Executive Council as aforesaid, doth hereby give notice that the land described in the Schedule hereto is hereby resumed by the Council under the provisions of the Local Government Act, 1919, aforesaid; and the Council doth hereby also give notice that a plan of such land has been filed in the office of the Sydney County Council, at the Council Chambers, Sydney, and with the Surveyor-General at the Department of Lands, Sydney, which plans are open for public inspection; and the Council doth hereby also give notice that upon the publication of this notice and the description in the Schedule hereto the land therein described becomes for the purposes and subject to the provisions of the said Act vested in the Council for an estate in fee simple in possession freed and discharged from all trusts, obligations, estates, interests, contracts, charges, rates, rights of way, or easements whatsoever.

(L.S.) K. ANDERSON, Chairman.

The Common Seal of the Sydney County Council was hereunto affixed this 4th day of July, 1966, in pursuance of a resolution of the Council passed on the 4th day of July, 1966.

G. WASHINGTON, General Manager.

SCHEDULE

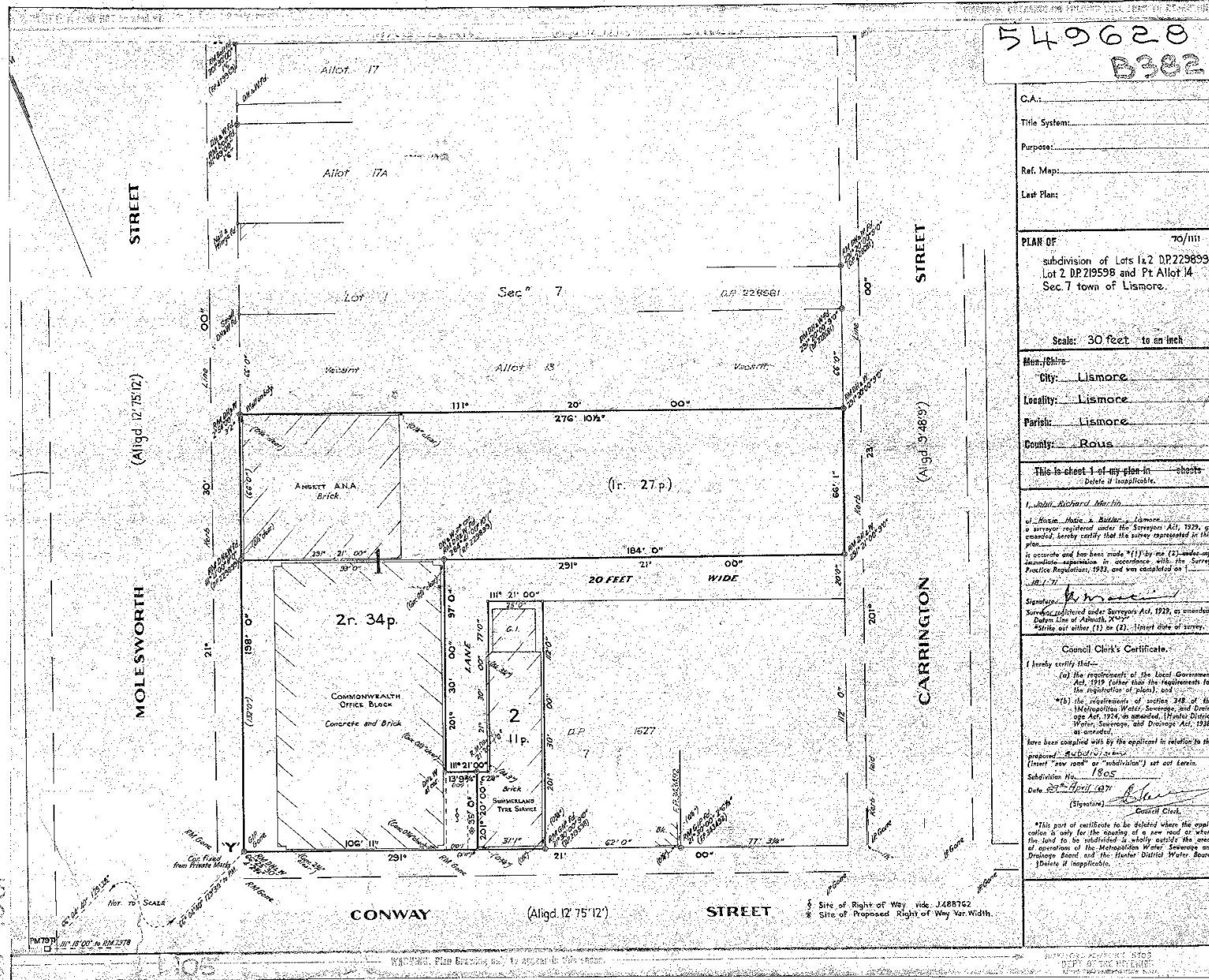
All that piece or parcel of Crown land situate at Concord, Municipality of Concord, parish of Concord, county of Cumberland, and State of New South Wales, being part of portion 106A, known as Central Park and dedicated for Public Recreation by notification published in the Government Gazette dated 18th December, 1907, which land is shown on plan catalogued L. 20-1,252R in the Department of Lands, Sydney: Commencing at a point successively bearing 335 degrees 43 minutes 170 feet 6 inches and 30 degrees 53 minutes 30 seconds 7 feet from the westernmost corner of portion 297 shown on plan catalogued C. 6.035-2.030; and bounded thence on the south-

west, north-west, north-east and south-east, respectively, by lines successively bearing 335 degrees 43 minutes 8 feet 9 inches, 65 degrees 43 minutes 4 feet 10 inches, 155 degrees 43 minutes 8 feet 9 inches, and 245 degrees 43 minutes 4 feet 10 inches to the point of commencement, and having an area of 42 square feet or thereabouts. 7521—\$12.40

CITY OF GREATER WOLLONGONG.—FIXING OF LEVELS.—JAMES ROAD, CORRIMAL.—Notice is hereby given that the Council proposes to fix the levels for the full length of James Road between The Avenue and the Cul de Sac, in accordance with the provisions of section 264 of the Local Government Act, 1919, as amended. The plans of the proposed levels (Plan No. R. 66-17) are held in the City Engineer's office at the Council Chambers, Wollongong, and are available for public inspection during office hours. All interested persons are invited to lodge in writing any objections they might have to the proposal, or claims for the provision of reasonable means of access to the property in which they are interested. Claims and objections should be addressed to the Town Clerk, and should be lodged within one month from the date of publication of this notice. H. TOLHURST, Town Clerk, Council Chambers, Wollongong. 7530—\$3.20

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

NOTICE OF RESUMPTION OF LAND BY PARRAMATTA CITY COUNCIL.—FORM 3 (ORDINANCE NO. 77, CLAUSE 8).—LOCAL GOVERNMENT ACT, 1919.—Whereas on the sixteenth day of December, one thousand nine hundred and sixty-three, the Parramatta City Council (hereinafter called "the Council") resolved, in pursuance of the Local Government Act, 1919, to resume the land described in the Schedule hereto for the purpose of providing a public road; and whereas the Council further resolved to make an application for the approval of the Governor to cause a notice of the resumption of such land, together with a description of such land to be published in the Gazette and in a newspaper circulating in the area in which such land is located; and whereas on the eighth day of June, one thousand nine hundred and sixty-six, upon the application of the Council His Excellency the Governor, with the advice of the Executive Council approved of a notice of the resumption of the land described in the said Schedule for such purpose, together with a description of such land, to be published in the Gazette and in a newspaper circulating in the area in which the land is located: Now, therefore, the Council, with the approval of His Excellency the Governor, with the advice of the Executive Council as aforesaid doth hereby give notice that the land described in the Schedule hereto is hereby resumed by the Council under the provisions of the Local Government Act, 1919, aforesaid; and the Council doth hereby also give notice that a plan of such land has been filed in the office of the Parramatta City Council, at the Council



549628
B382

C.A.:
Title System:
Purpose:
Ref. Map:
Last Plan:

PLAN OF 70/1111
subdivision of Lots 1 & 2 DP229899
Lot 2 DP219598 and Pt Allot 14
Sec. 7 town of Lismore.

Scale: 30 feet to an inch

Men. Chrs.
City: Lismore
Locality: Lismore
Parish: Lismore
County: Rouss

This is sheet 1 of my plan in sheets
Delete if inapplicable.

I, John Richard Martin,
of Heron Place, Lismore,
a surveyor registered under the Surveyors Act, 1929, as amended, hereby certify that the survey represented in this plan is accurate and has been made (1) by me (2) under my immediate supervision in accordance with the Survey Practice Regulations, 1933, and was completed on 18/1/71.

Signature: *[Signature]*
Surveyor registered under Surveyors Act, 1929, as amended, Datum Line of Aligned to (1) - (Insert date of survey.)
*Delete not either (1) or (2) - Insert date of survey.


Council Clerk's Certificate.

I hereby certify that:
(a) the requirements of the Local Government Act, 1919 (other than the requirements for the registration of plans), and
(b) the requirements of section 248 of the Metropolitan Water, Sewerage, and Drainage Act, 1924 as amended, (Metropolitan Water, Sewerage, and Drainage Act, 1928, as amended),
have been complied with by the applicant in relation to the proposed (1) new road or (2) subdivision set out herein.
Subdivision No. 1805
Date: 22/1/71 (187)
(Signature) *[Signature]*
Council Clerk.

*This part of certificate to be deleted where the application is only for the opening of a new road or where the land to be subdivided is wholly outside the area of operations of the Metropolitan Water, Sewerage and Drainage Board and the Hunter District Water Board
Delete if inapplicable.


§ Site of Right of Way vide J488762
* Site of Proposed Right of Way Var. Width.

Box:e-DeX /Doc:DP 1208701 P /Rev:27-May-2015 /Sta:SC.OK /Prt:28-May-2015 05:15 /Pgs:ALL /Seq:2 of 3
 WARNING : Electronic Document Supplied by LPI NSW for Your Internal Use Only.

PLAN FORM 6 (2012) WARNING: Creasing or folding will lead to rejection ePlan	
DEPOSITED PLAN ADMINISTRATION SHEET Sheet 1 of 2 sheet(s)	
Registered:  26.5.2015 Title System: TORRENS Purpose: SUBDIVISION PLAN OF SUBDIVISION OF LOT 3 IN DP 549628	Office Use Only Office Use Only <h1 style="margin:0;">DP1208701</h1>
Crown Lands NSW/Western Lands Office Approval I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given. Signature: Date: File Number: Office:	Survey Certificate ANTHONY JOHN DENNY of NEWTON DENNY CHAPELLE a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i> , certify that: *a) The land shown in the plan was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2012</i> , is accurate and the survey was completed on <u>3/11/2014</u> . *b) The part of the land shown in the plan (*being/excluding A.....) was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2012</i> , is accurate and the survey was completed on..... the part not surveyed was compiled in accordance with that Regulation. *c) in accordance with the <i>Surveying and Spatial Information Regulation 2012</i> . Signed: Dated: <u>3/11/2014</u> . Surveyor's Name: Datum Line: 'A' - 'B' Type: Urban The terrain is *Level-Undulating / *Steep-Mountaineous. *Strike through if inapplicable. *Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.
Subdivision Certificate PETER JEUKEN *Authorised Person/General Manager/Accredited Certifier, certify that the provisions of s.109J of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out in the plan. Signature: Accreditation number: Consent Authority: <u>LISMORE CITY COUNCIL</u> Date of endorsement: <u>5 DECEMBER 2014</u> Subdivision Certificate number: <u>13.2014.344.1</u> File number: <u>AF 14/476B</u> *Strike through if inapplicable.	Statements of intention to dedicate public roads, public reserves and drainage reserves. IT IS INTENDED TO DEDICATE THE ROAD VARIABLE WIDTH TO THE PUBLIC AS PUBLIC ROAD SUBJECT TO THE RIGHT OF CARRIAGEWAY VAR. WIDTH (M329239) AND THE RIGHT OF CARRIAGEWAY (J488762). Plans used in the preparation of survey/compilation. DP 549628 DP 568148 DP 708478 DP 709064 DP 746262 DP 776438 DP 749189 DP 852291 DP 844885 If space is insufficient continue on PLAN FORM 6A
Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A	Surveyor's Reference: 14/415

Box:e-DeX /Doc:DP 1208701 P /Rev:27-May-2015 /Sta:SC.OK /Prt:28-May-2015 05:15 /Pgs:ALL /Seq:3 of 3
 WARNING : Electronic Document Supplied by LPI NSW for Your Internal Use Only.

PLAN FORM 6A (2012) WARNING: Creasing or folding will lead to rejection ePlan

DEPOSITED PLAN ADMINISTRATION SHEET Sheet 2 of 2 sheet(s)				
<p>Registered:  26.5.2015</p> <p>PLAN OF SUBDIVISION OF LOT 3 IN DP 549628</p> <p>Subdivision Certificate number: <u>13.2014.344.1</u></p> <p>Date of Endorsement: <u>5 DECEMBER 2014</u></p>	<p>Office Use Only</p> <h1 style="font-size: 2em;">DP1208701</h1> <p>Office Use Only</p>			
<p>This sheet is for the provision of the following information as required:</p> <ul style="list-style-type: none"> A schedule of lots and addresses - See 60(c) <i>SSI Regulation 2012</i> Statements of intention to create and release affecting interests in accordance with section 88B <i>Conveyancing Act 1919</i> Signatures and seals- see 195D <i>Conveyancing Act 1919</i> Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets. 				
Schedule of Council Street Numbering				
Lot	Street Number	Street Name	Street Type	Locality
31	218	MOLESWORTH	STREET	LISMORE
<p>EXECUTED BY GALACTICA TOURS PTY LTD (ACN 000 988 590)</p> <div style="display: flex; justify-content: center; align-items: center; margin-bottom: 20px;"> <div style="background-color: black; width: 100px; height: 40px; margin-right: 10px;"></div> <div style="text-align: left;"> <p>NICOLA VOLPATO DIRECTOR</p> </div> </div> <div style="display: flex; justify-content: center; align-items: center;"> <div style="background-color: black; width: 100px; height: 40px; margin-right: 10px;"></div> <div style="text-align: left;"> <p>LUCA VOLPATO DIRECTOR</p> </div> </div>				
If space is insufficient use additional annexure sheet				
Surveyor's Reference: 14/415				

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.

In response to the staff comment when this item appeared in the last Agenda, any trees which block views from all of our recognised lookouts.

If what has occurred in the past is any indication of what we expect going forward, the maintenance budget will need to be urgently reviewed.

I believe some pruning has occurred at the Claude Riley Memorial Lookout in Lismore Heights following a very public and embarrassing social media complaint and subsequent councillor request. This should not be required to keep our lookouts fit for purpose.

Cost of Implementing

Nil

Funding Source

Nil

Officer Consulted

Nil

Officer Comment

Head of Fleet and Open Spaces

The 2024-2025 park 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: BP24/544: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.

The CKPoM is an adopted Plan of Council. The items listed in it are required as supported by Council resolution. Establishing a Koala Advisory Group was the first item listed and it has still not been promptly implemented by Council as required by legislation.

The delays are unnecessary and completely inappropriate. It seems the Koala Implementation Group stopped meeting so councillors could not attend. In any case, it shows they are no longer relevant if they do not need to meet for so long.

A review of the CKPoM is also irrelevant to the requirement to comply with the existing item to establish a Koala Advisory Group. Staff have no choice but to comply with a Council resolved Plan and promptly implement, not ignore for more than 12 years, this requirement in the CKPoM, whether Council resolves to make it happen or not.

The alternative is for Council to rescind the CKPoM if staff continue refusing to implement its requirements.

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.

Notices of Motion / Questions with Notice

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: BP24/545: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 council staff 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.



In response to staff comments when this item previously appeared in the Agenda, improving ACTUAL safety is much more important than the PERCEPTION of safety.

Regarding 'extensive community consultation', it appears someone asked for 'art' while walking around and staff went with it. It seems we can just ask for 'art' and 15% of the funding will be directed to it without councillors being asked or told before it happens.

If Council are actually committed as 'understood' by staff, even following extended delays with meeting adjournments and withdrawn motions, then staff can quite easily present evidence of that commitment with relevant dates preceding the date of the previous motion being submitted, or this one being submitted on 19 May 2024.

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. Officers have been in negotiations with artists and awaiting agreement on final estimates prior to a purchase order being raised.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/546:EF19/25-6

Notice of Motion / Question 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.

In response to the staff comment when this item previously appeared in the Agenda, Council staff seem to support the move to ground mounted panels. Regardless, a resolution of Council is required to ensure staff relocate the panels to be ground mounted, and also to divest any interest in the pontoons.

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: BP24/547:EF19/25-6

Notices of Motion / Questions 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.

The elected body are the strategic leaders of council.

Cost of Implementing

Nil

Funding Source

Not applicable

Officer Consulted

Nil

Officer Comment

Executive Officer to the General Manager and Mayor & Councillors

The current online form when submitted is automatically registered in the Records Management System (RMS), making a single point of contact and the most efficient means of submitting a request. If emails were to be accepted this could mean an officer receiving an email request is on leave and will remain unactioned until their return.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/549:EF19/25-6

Notices of Motion / Questions 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.

The elected body are the strategic leaders of council.

Cost of Implementing

Nil

Funding Source

Not applicable

Officer Consulted

Nil

Officer Comment

General Manager

Visual attendance should be required at least in closed sessions to ensure confidentiality is assured, similar to the Code of Meeting Practice for Council meetings.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/552:EF19/25-6

Notices of Motion / Questions 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.

Regarding the staff comments when this item appeared in a previous Agenda:

- if files are saved using a clear filing system, there would be no issue with the amount of material. Furthermore, if files are suitably named, the search function can easily locate them.
- other councils certainly do not dictate what we should do.
- if any conflicts arise, councillors can disclose them as required when they arise. We are often reminded that it is for councillors to disclose and manage any conflicts. It is not for staff to withhold information from all councillors just in case someone may have a conflict.
- I have no issue with archiving historical information which is confidential if a matter is no longer before council. Archiving allows councillors to still see the folder but not access the files. Doing this allows councillors to request access to something they can see if it is required to undertake their role going forward.
- trying to restore files is a much bigger task than not deleting material at the end of each term. Only offering to restore Agendas and Minutes is just an insult, since these are readily available on council's website going back decades. The motion does not seek to restore files. It merely asks that staff stop deleting everything after each council term so incoming new councillors are not left way behind.
- the cost and time involved with doing 'research' is not required or requested. Leaving the files in place would be less work for staff and it will provide councillors with access to more information they need to do their job.

The elected body are the strategic leaders of council.

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 be information that was archived from the HUB that if released "on mass" would put new 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 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*.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/553:EF19/25-6

Notice of Motion / Question with Notice

Councillor Big Rob has given notice of intention to move:

That Council schedule two ordinary Council meetings each month from February to December each year.

Councillor Comment

Outcome Sought

A modern busy council cannot wait one month between meetings. Add to this the additional workload as a result of disaster recovery activity, and the extended hours several staff are required to undertake to attend council meetings, increasing meeting frequency seems to be the best solution to stay ahead of a heavy workload and to ensure staff can head home earlier.

Cost of Implementing

Nil

Funding Source

Nil

Officer Consulted

Nil

Officer Comment

General Manager

The determination of the frequency and timing of meetings for the new Council should be determined by the new Council. If the current Council felt it should alter the current meeting arrangements to assist intending councillors to understand their meeting commitments, it should be noted a new Council could amend this.

Whilst two meetings a month would enable matters to be more promptly addressed by Council, it would require substantially more administration and financial resourcing and time would be needed to implement.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/584:EF19/25-6

Notice of Motion / Question with Notice

Councillor Big Rob has given notice of intention to move:

That Council record Council briefings for internal use by councillors and staff who are unable to attend a briefing when it is being held, so the briefing content can be reviewed at a later time.

Councillor Comment

Outcome Sought

Many councillors and staff have scheduling conflicts or may be unwell and unable to attend a Council briefing when it is being held. The content of briefings is very important and should not be missed, particularly by those making decisions relating to Council matters.

The recording of briefings should put an end to briefings being cancelled or rescheduled and so much time being wasted, resulting in Council matters being dealt with promptly and more efficiently. It will also ensure decision makers are better informed prior to making decisions.

Cost of Implementing

Nil

Funding Source

Nil

Officer Consulted

Nil

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/585:EF19/25-6

Notice of Motion / Question with Notice

Councillor Big Rob has put the following question with notice:

Can the General Manager please explain why staff are making decisions to spend grant funding on making improvements which add value to privately owned land, such as an area of the 'unnamed laneway' between Woodlark Street Lismore and the Clyde Campbell Carpark, without so much as an instrument being registered on the title of the privately owned land to secure the interests of ratepayers?

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/586:EF19/25-6

General Manager's response:

The 'unnamed laneway' is a key pedestrian pathway for visitors and locals within the Lismore Central Business District. The provision of public access by landowners over their land is greatly appreciated. Throughout the Safer Cities Her Way community consultation, the 'unnamed laneway' was identified by community as a site where a demonstration project could address perceptions of safety. With the support and consent from both private landowners, this project has been supported by Council officers and is being progressed.

Lismore City Council's practice has traditionally not involved registering any interests on titles for artworks placed on privately owned buildings. This approach aligns with past procedures and has been consistent across similar projects. The decision not to register interests on titles for artworks on privately owned buildings is influenced by the significant costs involved. This includes both the legal expenses incurred by the landowner and the legal fees borne by the Council. The current procedure involves obtaining owners' consent, and in good faith, trusting they will protect the artwork. This approach has been deemed more cost-effective and practical, ensuring efficient allocation of resources.

Notice of Motion / Question with Notice

Councillor Big Rob has put the following question with notice:

I previously asked:

'Can the General Manager please explain if councillors are expected to follow staff recommendations in planning matters, and whether councillors failed to do so in the Santin's Quarry matter when provided with an alternate staff recommendation containing several conditions prepared by staff a few hours before the relevant Council meeting?'

The General Manager answered the first part of the question by stating:

'Councillors are expected to consider officer recommendations in planning matters but can make their own decisions.'

The General Manager has not answered or even acknowledged the second part of the question.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/604:EF19/25-6

General Manager's response:

An alternate recommendation was requested by an elected member and provided by officers. As previously stated, councillors to make their own decisions.

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 Tender T24/8 Banking Tender Services
Grounds for Closure	Section 10A(2) (d i):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to:commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
Item	13.2 General Manager's Delegations
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	13.3 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.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN COUNCIL CHAMBERS ON TUESDAY 14 MAY 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, Ekins, Gordon, Guise, Hall, 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 Snow, Head Planning & Environment; Mr Reinhold, Senior Development Assessment Officer (via audio-visual); Mr Hartley, Manager Finance; Mr Fordham, Corporate Accountant; Mr Hewage, Financial Accountant; Mr Malloy, 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

9/24

RESOLVED that:

- Council accept an apology from Councillor Guise
- attendance by audio-visual link be approved for Councillor Rob due to personal health reasons for the remainder of the Council term

(Councillors Gordon/Colby)

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

Voting against: Nil

10/24

RESOLVED that a leave of absence be received from:

- Councillor Cook from 23 June to 28 June 2024
- Councillor Ekins from 21 May to 24 May 2024 for the Floodplain Management Australia National Conference

(Councillors Jensen/Bing)

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

Voting against: Nil

Confirmation of Minutes

11/24 A typographical error was corrected by officers for Councillor Rob being absent at the second part of 9 April 2024 meeting, not an apology and was listed as voting for an item at the same meeting.

RESOLVED that the minutes of the following meeting be confirmed:

- Ordinary Council meeting 9 April 2024
- Confidential Council meeting 9 April 2024

(Councillors Gordon/Bing)

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

Voting against: Councillor Rob

Disclosures of Interest

Clr Gordon declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 11.1 DA21/253 Community Title Subdivision, 37 City View Drive East Lismore

Nature: I am a real estate agent

Clr Gordon declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 13.4 Santin's Quarry Legal Action

Nature: I am known to Mr Santin and he to me

Clr Gordon declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 12.3 Finalisation of Historical Council Resolution

Nature: I am a member of another A&I Society

Clr Cook declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 11.8 Documents for Signing item 4 Richmond River Historical Society

Nature: I am a member of the Richmond River Historical Society management committee but will remain in the Chamber

Clr Rob declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 11.1 DA21/253 Community Title Subdivision, 37 City View Drive East Lismore

Nature: I have friends that live in the street, I had a call from the applicant, I have a conflict with a person who wrote a submission and am on the Richmond Landcare Committee which does work in the area

Clr Rob declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 11.13 Exclusion of Question with Notice
Nature: it relates to me

Clr Rob declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 13.4
Nature: I am an acquaintance of Mr Santin

Councillor Rob left the meeting, the time being 6:13PM

Public Forum

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

Reports of the General Manager

11.1 DA21/253 Community Title Subdivision, 37 City View Drive East Lismore

AGAINST	Jerry Vanclay
	William Jarman
	Louise Litchfield, Wilson Nature Reserve Landcare Group
	Lorraine Vass, Friends of the Koala
FOR	Timothy Roberts
	Matt Brown, Perception Planning

Altering Order of Business

12/2413/24 **RESOLVED** that the order of business be altered to debate the following matter raised during Public Forum:

- **11.1 DA21/253 - Community Title Subdivision, 37 City View Drive, East Lismore (Lot 7 DP865421)**

(Councillors Krieg/Gordon)

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

Voting against: Nil

Absent: Councillor Rob

11.1 DA21/253 - Community Title Subdivision, 37 City View Drive, East Lismore (Lot 7 DP865421)

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

(Councillors Bing/Gordon)

FORESHADOWED MOTION moved that the development consent be deferred until more detailed reports on stormwater management and geotechnical assessments can be completed and provided to councillors.

(Councillor Cook)

RESOLVED that the motion be put.

(Councillor Gordon)

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

Voting against: Councillor Bird, Cook and Ekins

Absent: Councillor Rob

14/24 **RESOLVED** that Development Consent be granted to DA21/253, subject to the recommended conditions of consent (Appendix: Recommended Conditions).

(Councillors Bing/Gordon) (BP24/421)

Voting for: Councillors Bing, Gordon, Hall, Jensen and Krieg

Voting against: Councillors Bird, Colby, Cook and Ekins

Absent: Councillor Rob

Councillor Rob returned to the meeting, the time being 7:13PM

Mayoral Minute(s) and Condolence Motions

8.1 Condolence Motion - Frank Vanz

15/24 **RESOLVED** that Council:

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

(Councillors Hall/Jensen) (BP24/361)

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

Frank Vanz was born on 16 May 1939 and spent his early years in Italy. Frank migrated to Griffith, NSW with his family at 16 years of age. It was in Griffith that Frank opened his first business alongside his twin brother Loui. Frank later opened other businesses in Leeton and Narrandera which shows his tenacity of hard work.

After sadly losing his brother at just 27 years of age, Frank moved to Casino in the Northern Rivers where he worked for Queensland Tyre Service. The company made a move to Lismore and with that, Frank did too. In 1971 Frank opened Lismore Tyre Company.

Frank and Lilibeth met whilst he was on a holiday in the Philippines. One month later, Frank returned and asked Lilibeth to marry him, they were married in Manila. It wasn't long before Lilibeth moved to Australia where they had a matrimonial ceremony at the church in Lismore and in years to come welcomed three children, Frank Junior, Frederick and Lilibeth.

Frank was a strong man who had a flare for what he did. His knowledge and ability in his field of work was like no other. Besides his family, his business was his life. Frank was a proud business owner as well as a positive member of the community. Until his dying day, Frank never retired. Always speaking about his business, ensuring Frankie and Frederick were taking pride and looking after his customers and the other business duties to keep the business running to support the family.

Frank was a member of many local clubs, one of which was the Italo Australian club where he was the president for many years. This venue hosted many of Frank's fundraising events where he worked hard to organise dinner dances where the proceeds would go to organisations such as Our Kids, the Cancer Care Unit at St Vincent's Hospital, the Lismore Base Hospital and the Westpac Lifesaver Rescue Helicopter. He was a passionate, active member of the community.

Frank lived a full and happy life and will be sadly missed by his wife Lilibeth, children, grandchildren, family and friends.

Please join me in a moments silence for Frank Vanz.

8.2 Condolence Motion - Paul O'Neill

16/24

RESOLVED that Council:

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

(Councillors Gordon/Jensen) (BP24/365)

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

Voting against: Nil

Paul Andrew O'Neil was born on 25 March 1959 at Lismore Base Hospital, another son to proud parents Josie and John O'Neil. The family lived in Pleasant Street, Goonellabah and this is where the O'Neil brothers love of racing began; down Pleasant Street in a billy cart.

Paul grew up adventuring with his brother around Tregeagle, Marom Creek and anywhere their bikes would take them. On the weekends they would spend time at their dad's mechanical garage in Wardell, where they learnt about working on cars and to drive. Paul was only eight at the time and would sit on his dad's lap to steer the car.

At the age of 10 Paul got his first job as a paper boy with Ted Butler the local newsagent, starting at 4.30am every morning. He stayed at it for three years and that is where Paul developed his work ethic. Ted's grandson now works for Paul.

Paul left school at the age of 14 and started an apprenticeship at Reg Gray Motors. Whilst Paul was working at Reg Gray's he bought a motocross bike and started racing. At 16, he sold his bike and bought his first car, an FC Holden, which the brothers then modified. Once Paul got his license at 17 on a Thursday, by the Saturday night he had decided to race. Success soon followed and Paul realised he need a newer and faster car. He then bought an XU1 Torana which at the time was above budget so Paul worked as a mechanic during the day and an NRMA service worker at night to pay for his racing passion.

At 21 Paul was head hunted by John Chant as he needed a great mechanic. Paul turned down the initial offer. John then offered to sponsor Paul for his new car if he came to work with him, so Paul accepted. This is where he first laid eyes on the good looking blond in the office... his future wife, Wendy.

At 23 John Chant wanted Paul to build a brand new VK Commodore, that very car went on to run third in the Australian Championship in Victoria. Upon returning home from Victoria the O'Neill team decided to buy a fully imported left hand drive chassis out of America. It arrived 6 months later and showed its true potential with race wins.

With this car Paul won his first Australian Championship in 1985, at Archerfield speedway, making him the youngest ever to win at the age of 26. This is when his racing career really took off and the promoters all over the country were chasing him to have the Paul O'Neil/John Chant Camaro at their venues.

It was decided O'Neill team would build a brand new Australian built car, Paul took this car to Sydney to the Australian Championships and won his second national title. Paul became the biggest name on the sedan scene in Australia. Paul also raced some events in America. After travelling hundreds and thousands of kilometres across every state in Australia, John wanted Paul to become sales manager, overseeing all their new and used vehicles operations, which he accepted.

Paul continued to race but his mind was now on business and in 1979 he decided to leave John Chant's and bought Reid Motors in Woodlark Street and renamed it Lismore Nissan with a staff of 10.

Paul married Wendy Sproule on 23 September 1989. They went on to have two children, Paul Jnr and Victoria.

As the business grew Paul purchased the now Lismore Nissan and Kia site which was owned by John Chant. Next Paul and Wendy purchased Mays Motors in Ballina and that site is now a Nissan and Kia Franchise as well. With the new site Paul and Wendy grew the business to now employ 50 staff. They have also built a successful car carrying business.

People have said that Paul was lucky with his business empire but he worked 7 days a week and proved the harder you work the luckier you get. He used to say, "Surround yourself with good people and your business will flourish".

Paul touched so many lives in his humble and caring way and will be sadly missed by his wife Wendy, children Paul & Molly and Victoria & Nicholas, grandchild Wiley, brother Anthony and many friends.

Please join me in a moments silence for Paul O'Neill.

8.3 Sister City Delegation report

17/24 **RESOLVED** that Council receive and note the report on the Sister City 60th Anniversary delegation to Yamato Takada.

(Councillors Bing/Colby) (BP24/366)

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

Voting against: Nil

Reports of Committees

9.1 Lismore Floodplain Risk Management Committee - 29 February and 11 April 2024

18/24 **RESOLVED** that the minutes from the 29 February and 11 April 2024 meetings be received and adopted and the recommendations contained therein be adopted.

(Councillors Ekins/Jensen) (BP24/394)

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

Voting against: Nil

9.2 Audit Risk and Improvement Committee - 28 February 2024

19/24 **RESOLVED** that the minutes be received and noted.

(Councillors Bing/Colby) (BP24/422)

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

Voting against: Nil

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

MOTON moved that the minutes be received and adopted and the recommendations contained therein be adopted.

(Councillors Colby/Gordon)

Councillor Jensen left the meeting, the time being 7:42PM

Councillor Jensen returned to the meeting, the time being 7:43PM

20/24 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.

(Councillors Colby/Gordon) (BP24/475)

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

Voting against: Nil

Matters Arising

Councillor Colby left the meeting, the time being 7:51PM

Councillor Hall left the meeting, the time being 7:51PM

Reports of the General Manager

11.2 Public Exhibition of the Draft revised 2023-2027 Delivery Program and 2024-2025 Operational Plan, Long Term Financial Plan and Strategic Asset Management Plan

MOTION moved 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

(Councillors Gordon/Bing)

Councillor Cook left the meeting, the time being 7:52PM

Councillor Colby returned to the meeting, the time being 7:53PM

Councillor Cook returned to the meeting, the time being 7:54PM

Councillor Hall returned to the meeting, the time being 7:54PM

- 21/24 **RESOLVED** 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
- (Councillors Gordon/Bing) (BP24/430)
- Voting for:** Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Hall, Jensen and Krieg
- Voting against:** Councillor Rob

At this point the meeting adjourned for a short recess, the time being 8:39PM

The meeting resumed at 8:43PM

Councillor Bird left the meeting, the time being 8:43PM

11.3 March 2024 Quarterly Budget Review Statement

- 22/24 **RESOLVED** that Council adopts the attached March 2024 Quarterly Budget Review Statement and approve the recommended variations.
- (Councillors Bing/Gordon) (BP24/419)
- Voting for:** Councillors Bing, Colby, Cook, Ekins, Gordon, Hall, Jensen, Krieg and Rob
- Voting against:** Nil
- Absent:** Councillor Bird

Councillor Bird returned to the meeting, the time being 8:45PM

11.4 Investments - April 2024

23/24 **RESOLVED** that the report be received and noted.

(Councillors Cook/Gordon) (BP24/416)

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

Voting against: Nil

11.5 Delivery Program Progress Report - January to March 2024

24/24 **RESOLVED** that Council receive and endorse the attached Delivery Program Progress Report for the period January to March 2024.

(Councillors Cook/Colby) (BP24/424)

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

Voting against: Nil

11.6 Re-establishment of Alcohol Free Zones - Lismore and Nimbin

25/24 **RESOLVED** 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

(Councillors Bing/Colby) (BP24/264)

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

11.7 Application for Subsidised Lease by Lismore Model Flying Club Inc

26/24

RESOLVED 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

(Councillors Bing/Rob) (BP24/351)

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

11.8 Documents for Signing

27/24

RESOLVED 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)

(Councillors Hall/Cook) (BP24/359)

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

Voting against: Nil

11.9 ARIC Terms of Reference and Membership

MOTION moved that Council:

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

(Councillors Rob/Colby)

FORESHADOWED MOTION moved that Council:

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

(Councillor Jensen)

That Council:

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

Motion withdrawn

28/24

RESOLVED that Council:

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

(Councillors Jensen/Hall) (BP23/73)

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

Voting against: Councillor Rob

11.10 Social Media Policy

MOTION moved that Council adopt the Lismore City Council Social Media Policy as attached to this report.

(Councillors Gordon/Bing)

29/24 AMENDMENT moved and **DEFEATED** that Council adopt the Lismore City Council Social Media Policy as attached to this report, excluding clause 3.15.

(Councillors Rob/Colby) (BP24/332)

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

Voting against: Councillor Rob

30/24 On submission to the meeting the motion was **RESOLVED** that Council adopt the Lismore City Council Social Media Policy as attached to this report.

(Councillors Gordon/Bing) (BP24/332)

Voting for: Councillors Bing, Bird, Cook, Ekins, Gordon, Hall and Krieg

Voting against: Councillors Colby, Jensen and Rob

Altering Order of Business

31/24 **RESOLVED** that the order of business be altered to debate Item 12.3 Finalisation of Historical Council Resolution.

(Councillors Gordon/Bing)

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

Voting against: Councillor Ekins

12.3 Finalisation of Historical Council Resolution

MOTION moved that Council:

1. transfer ownership of the land known as Bellevue Park, lot 3 DP774889 Nimbin to the Nimbin Agricultural & Industrial Society Inc at no cost
2. delegate authority to the General Manager to negotiate terms and complete the transfer
3. rescind the previous resolution 30/15 dated 10 March 2015

(Councillors Gordon/Bing)

FORESHADOWED MOTION that the matter be deferred pending finalisation of the Nimbin Place Plan and advice regarding caveats to return ownership to Council in the event the Nimbin Agricultural & Industrial Society Inc ceases operating.

(Councillor Bird)

32/24 AMENDMENT moved that the matter be deferred to a briefing and request the Nimbin Agricultural & Industrial Society Inc attend.

(Councillors Rob/Colby) (BP24/437)

Voting for: Councillors Bird, Colby, Cook, Ekins and Rob

Voting against: Councillors Bing, Gordon, Hall, Jensen and Krieg

The vote being tied the Mayor declared the motion **RESOLVED** with his casting vote.

33/24 On submission to the meeting the amendment became the motion and was **RESOLVED** that the matter be deferred to a briefing and request the Nimbin Agricultural & Industrial Society Inc attend.

(Councillors Rob/Colby) (BP24/437)

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

Voting against: Councillors Bing and Gordon

11.11 Code of Meeting Practice - Amendment

MOTION moved that:

1. 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.”*
2. the Code of Meeting Practice be placed on public exhibition for 28 days and receive submissions for not less than 42 days
3. if no objections are received following the submission period the Code of Meeting Practice be updated

(Councillors Gordon/Bing)

Councillor Ekins left the meeting, the time being 10:08PM

Councillor Ekins returned to the meeting, the time being 10:10PM

Councillor Hall left the meeting, the time being 10:12PM

Councillor Hall returned to the meeting, the time being 10:14PM

FORESHADOWED MOTION that Council under clause 3.2 of the Code of Meeting Practice resolve to hold ordinary business meetings on the second and fourth Tuesdays of each month commencing at 6pm.

(Councillor Cook)

RESOLVED that the motion be put.

(Councillor Hall)

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

Voting against: Nil

34/24 MOTION that:

1. 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.”*

2. the Code of Meeting Practice be placed on public exhibition for 28 days and receive submissions for not less than 42 days
3. if no objections are received following the submission period the Code of Meeting Practice be updated

(Councillors Gordon/Bing) (BP24/73)

Voting for: Councillors Bing, Bird, Ekins, Gordon and Krieg

Voting against: Councillors Colby, Cook, Hall, Jensen and Rob

The vote being tied the Mayor declared the motion **RESOLVED** with his casting vote.

Continuation of Meeting

35/24 **DEFEATED** that the time being 10.28pm the meeting continue to 11.00pm and debate the following items:

- 11.12 Aboriginal Advisory Group Membership
- 11.13 Exclusion of Question with Notice
- Confidential matters 13.1-13.5

(Councillors Ekins/Bird)

Voting for: Councillors Bird, Cook, Ekins and Rob

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

The time being 10.30pm the meeting was adjourned to Wednesday 15 May at 6.00pm.

Present

Mayor, Councillor Krieg; Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Jensen, together with Mr Gibbons, General Manager; Mr Enevoldson, Chief Financial Officer; Mr Butron, Chief Community Officer; Mr Kelly, Technology Support Officer; Ms Cotterill, Governance & Risk Manager and Mrs Mitchell, Executive Officer to the General Manager & Mayor and Councillors.

11.12 Aboriginal Advisory Group Membership

36/24 **RESOLVED** 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

(Councillors Ekins/Bird) (BP24/455)

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

Voting against: Nil

Absent: Councillor Rob

11.13 Exclusion of Question with Notice

37/24 **RESOLVED** that Council note the contents of the report.

(Councillors Gordon/Cook) (BP24/461)

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

Voting against: Councillors Colby, Ekins and Guise

Absent: Councillor Rob

Notices of Motion / Questions with Notice

12.1 Mayoral Attendance Report

38/24 **RESOLVED** that Council receives the Mayoral Attendance Report for April 2024.

(Councillors Krieg/Bing) (BP24/364)

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

Voting against: Nil

Absent: Councillor Rob

12.2 Floodplain Management Australia Conference Delegates

39/24 **RESOLVED** 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 Bird/Gordon) (BP24/426)

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

Voting against: Nil

Absent: Councillor Rob

12.4 Lookout Tree Pruning

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.

Motion withdrawn.

12.5 Aboriginal Back Alley Gallery

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

Motion withdrawn.

12.6 Koala Advisory Group

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

Motion withdrawn.

12.7 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.

12.8 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.

Motion withdrawn.

12.9 Transfer of Council Owned Land

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.

12.10 Northern Rivers Joint Organisation Operation and Membership

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

Motion withdrawn.

12.11 CCTV System Use

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.

Motion withdrawn.

12.12 Councillors Treated as Employees

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

Motion withdrawn.

12.13 GSAC Youth & Community Centre

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.

Motion withdrawn.

12.14 Councillor Requests

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.

Motion withdrawn.

12.15 New England Lane Name Change

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

Motion withdrawn.

12.16 The Hub

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.

Motion withdrawn.

12.17 AVL Access to Meetings

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.

Motion withdrawn.

S.1 Following Staff Recommendations

Can the General Manager please explain if councillors are expected to follow staff recommendations in planning matters, and whether councillors failed to do so in the Santin's Quarry matter when provided with an alternate staff recommendation containing several conditions prepared by staff a few hours before the relevant Council meeting?

General Manager's response:

Councillors are expected to consider officer recommendations in planning matters but can make their own decisions.

Confidential Matters – Closed Council Meeting

40/24 **RESOLVED** that Council now exclude the press and public and meet in Closed Council 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 13.1 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).

(Councillors Hall/Jensen)

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

Voting against: Nil

Absent: Councillor Rob

Resumption of Open Council

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

13.1 Preferred Community Housing Provider (CHP) for Affordable Housing on Council land

That:

1. Council approve the recommendation of the evaluation committee and authorise the General Manager to progress to the next stage of the tender process with Landcom and the first placed Community Housing Provider (CHP) by negotiating and entering into the Heads of Agreement (HoA), and then to finalise Transaction Documents for the delivery of affordable housing on Council land that is substantially in accordance with the terms outlined within the HoA
2. in the event that satisfactory terms cannot be reached with the first placed CHP, the General Manager is authorised to enter into negotiations with the second placed CHP from the evaluation
3. the tender process is ongoing and confidential. A successful CHP will be selected and announced upon completion of the process

(Councillors Bing/Hall) (BP24/345)

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

Voting against: Nil

Absent: Councillor Rob

13.2 Tender T24/3 Sewer Relining Panel Contract

That:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the six suppliers listed in the evaluation results, to form an un-ranked panel of approved providers for Tender T2024/3 Sewer Relining for an initial one-year period with an option to extend the contract for two additional one-year periods at Council's absolute discretion
2. delegation be provided to the General Manager to exercise the options when required to extend the contract, subject to the satisfactory performance of the suppliers
3. delegation be provided to the General Manager to award all work packages, without a fixed upper limit of value, under Tender T2024-3 Sewer Relining Panel of Providers
4. a redacted copy of this report will be released as a public document

(Councillors Gordon/Cook) (BP24/413)

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

13.3 Tender T24/1 Concreting Works

That:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the ten suppliers listed in the evaluation results, to form an un-ranked panel of approved providers for Tender T2024/1 Concreting Works for an initial one-year period with an option to extend the contract for two additional one-year periods at Council's discretion
2. delegation be provided to the General Manager to exercise the options when required to extend the contract, subject to the satisfactory performance of the suppliers
3. a redacted copy of this report will be released as a public document

(Councillors Colby/Hall) (BP24/397)

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

13.4 Santin's Quarry Legal Action

Motion withdrawn

13.5 General Manager's Performance Review Committee - 18 April 2024

That:

1. Council receive and note the General Manager's Performance Review Committee report
2. it was determined by the Panel the General Manager had performed to a high standard during the review period. He achieved in Part One and Part Two of the performance agreement an average score of three (3) – this being '**Exceeds Expectations - Performance exceeds requirements at times, consistently high quality of work and outcomes.**'
3. Council additionally notes the General Manager's performance for the review period as determined by the panel was either '**Exceeds Expectations - Performance exceeds requirements at times, consistently high quality of**

work and outcomes' or 'Meets Expectations - Performance meets expected requirements' in all areas of the appraisal documentation

4. the Performance Review Committee supports the General Manager undertaking potential professional development activities where applicable
5. the Performance Review Committee supports the proposed increase of the General Managers salary at 3.5% which is based upon the most recent CPI increase of local government workers in NSW. It is further recommended this increase be applied over the term of Mr Gibbons contract

(Councillors Krieg/Bing) (BP24/400)

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

Voting against: Councillor Guise

Absent: Councillor Rob

Closure

This concluded the business and the meeting terminated at 7.24pm.

CONFIRMED this > > 2024 at which meeting the signature herein was subscribed.

MAYOR

Confidential Report

Report

Subject	Tender T24/3 Sewer Relining Panel Contract
TRIM Record No	BP24/413:AF24/542
Prepared by	Procurement Officer
Reason	To detail the evaluation of tender submissions received for the Panel Contract for Sewer Relining and provide a recommendation to award the tender.
Strategic Theme	Our built environment
Strategy	Our city and village services are well managed and maintained.
Action	Provide wastewater supply and associated services.
Grounds for Closure	Section 10A(2) (d i):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Executive Summary

Tender T2024/3 Sewer Relining was undertaken to compile a non-ranked panel of providers for the delivery of sewer mains maintenance and renewal projects which will enable Council to draw from a panel of providers with competitive pricing and suitable availability.

The types of work covered under the panel include sewer main renewal by means of pipe lining and sewer main renewal by means of pipe bursting. A contractor may be included on the approved panel for one or both types of work.

In operation of the panel, companies with approved capability under the relevant project types will be provided with project scope and design documents and requested to undertake a detailed project submission. The project specific submissions will be assessed by staff against price, contractor availability and local content, to determine the most appropriate proposal recommended to the General Manager for approval. On the General Manager's approval, work packages will be awarded to the successful contractor.

Given the specific nature of the work to be completed under the tender, it is expected that many packages of work will exceed \$250,000 in value with the total expenditure under this tender anticipated to be between \$1-2 million annually.

Nine submissions were received and assessed under this tender, with six suppliers deemed suitable for inclusion on the un-ranked panel of approved providers.

It is proposed that the approved panel of providers be accepted as outlined in this report for an initial one-year period with an option for two additional one-year periods. The recommended panel of suppliers are included in this report.

Confidential Report

Recommendation

That:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the six suppliers listed in the evaluation results, to form an un-ranked panel of approved providers for Tender T2024/3 Sewer Relining for an initial one-year period with an option to extend the contract for two additional one-year periods at Council's absolute discretion
2. delegation be provided to the General Manager to exercise the options when required to extend the contract, subject to the satisfactory performance of the suppliers
3. delegation be provided to the General Manager to award all work packages, without a fixed upper limit of value, under Tender T2024-3 Sewer Relining Panel of Providers
4. a redacted copy of this report will be released as a public document

Background

A panel of suppliers for Sewer Main Renewal (T2020/33) was established in December 2020, with the final extension period concluding in December 2023.

A financial analysis of T2020/33 was conducted, with results indicating approximately \$5.1 million dollars being the total amount expended across four (4) different contractors over the three-year duration of the panel contract.

Consultation was undertaken with key responsible staff, including Manager Water and Wastewater to determine the continuing need for a Sewer Relining panel. It was confirmed that the establishment of a new panel will provide the services and resources necessary to meet demands of wastewater construction and repair works across the Lismore City Council Local Government area. It will also enable staff the flexibility to engage providers in an efficient manner, based on availability and experience, whilst also ensuring the best overall value for money for services provided to Council, using the approved schedule of rates.

Whilst primarily intended to service Council's capital renewal projects, the Sewer Relining panel is also anticipated to be relied upon for emergency maintenance works when necessary and applicable.

Due to the varying nature and value of the work programs to be carried out, a public tender was conducted, and tenderers were invited to submit a tender submission on a Schedule of Rates basis for the supply of all labour, plant, equipment, supervision, and materials (where specified) to complete the works and to enable a direct comparison of related costs from provider to provider.

Tender Submissions

The Request for Tender was advertised via Council's eportal VendorPanel, Local Matters and Lismore City Council's website.

Tender submissions were received from nine suppliers by the close of tender at 5pm, 28th March 2024. No late submissions were received.

These tenderers are listed below:

- [REDACTED]
- Insituform Pacific Pty Ltd
- Interflow Pty Ltd
- O'Brien Electrical & Plumbing Lismore
- Plumbtrax Pty Ltd
- [REDACTED]

Confidential Report

- Vectorial International Pty Ltd / Whydig
- Veolia Operations Pty Ltd
- [REDACTED]

Tender submissions were received from three of the four remaining suppliers who were awarded contracts on the T2020/33 Sewer Main Renewal panel of providers, which expired in December 2023. These suppliers are Insituform Pacific Pty Ltd, Interflow Pty Ltd and O'Brien Electrical & Plumbing Lismore.

Tender Evaluation

The tender evaluation panel comprising of Council's Manager Water and Wastewater (Chair), Capital Delivery Engineer, Water Technical Officer and Procurement Officer undertook the assessment of tenders received.

The evaluation was conducted in accordance with the Local Government Tendering Guidelines, Regional Procurement Tendering Code of Conduct and Tendering Evaluation Principles and Processes. As a group the panel reviewed the submissions accepted and scored them against the criteria from the procurement plan and as advertised in the Request for Tender.

Confidentiality and probity were maintained throughout the process.

Potential non-conformities for all were noted in the evaluation matrix for the consideration of the panel. The submission by [REDACTED] was deemed non-conforming as some of the returnable schedules were omitted from their submission, including copies of relevant compliances.

Methodology

The following criteria and weightings were used to assess the submission received:

Criteria	Group Summary	Weighting
1	Total Price	[REDACTED]
2	Capability & Experience	
3	WH&S, Environment and Quality Management	
4	Local Content	

The tender submissions were ranked for each criterion as follows:

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

Confidential Report

Tender Price – Schedule of Rates ()

The tender price criteria were assessed considering factors contributing to cost effectiveness and overall value for money, including life cycle costs and alternative finishes offered. Ongoing costs including operations and maintenance costs were also considered in the tender evaluation process. During the general operation of the panel, project specific work packages will be assessed via the complexity of the scope of works as well as the schedule of rates, capability, experience, and availability of suppliers in determining the appropriate proposal to recommend.

Capability, Experience and Availability ()

All Submissions received demonstrated varying degrees of capability and experience to undertake differing Sewer Relining Works on both small and large projects.

Insituform Pacific Pty Ltd, Interflow Pty Ltd and O'Brien Electrical & Plumbing Lismore have all been engaged by council staff on the previous Sewer Main Renewal panel over recent years, on various projects of different scales. All these contractors have provided a suitable level of service to council.

also demonstrated suitable experience and have previously been engaged by Council for Sewer Relining projects, however not since 2018.

Plumbtrax Pty Ltd, Veolia Operations Pty Ltd, and Vectorial International Pty Ltd / Whydig, all demonstrated suitable experience and capability in their tender submissions within the wider region or with other NSW and / or QLD Councils and other Government organisations, however council staff have not used the services of these tenderers previously.

demonstrated suitable capability and experience overall, however only one year's experience under the current company's ABN. The remainder of the nine years of experience listed in their submission, has been as a sole trader contracting under the umbrella of another company.

WH&S, Environment and Quality Management System ()

Tenderers were required to outline their WH&S and Quality Management Systems in relation to the supply of sewer relining services to be included on the approved panel of providers.

All submissions were deemed conforming based on information received.

Local Content ()

O'Brien Electrical & Plumbing Lismore and all have offices located in the Lismore Local Government area and adequately demonstrated local economic benefit and direct spend within the community.

Vectorial International Pty Ltd / Whydig, Plumbtrax Pty Ltd, Veolia Operations Pty Ltd, and Interflow Pty Ltd have offices located in the Tweed Local Government area or Southeast QLD region, and demonstrated varying degrees of direct spend within our wider regional area.

and Insituform Pacific Pty Ltd are located in either Sydney Metropolitan or Victoria areas and did not demonstrate local economic benefit or direct spend within the community.

Given the highly specialised nature of much of the work to be undertaken under this panel, not all suppliers are able to be resourced locally. The tender assessment panel considered the local proximity of each tenderer along with the availability of the particular specialist skill set in the local area, for each type of work being tendered on. The more specialised the type of work, the greater the distance from the local government area was assessed as 'acceptable', to ensure necessary resources are able to be secured under this panel, that will suit the varying needs of Council.

Confidential Report

Evaluation Results and Preferred Tenderers

After assessing all submissions based on the agreed criteria and weightings, the evaluation team concluded with the recommendation of six (6) unranked approved suppliers to be included on the Concreting Works Panel.

T2024/3 Sewer Relining Panel (Recommended)

- Insituform Pacific Pty Ltd
- Interflow Pty Ltd
- O'Brien Electrical & Plumbing Lismore
- Plumbtrax Pty Ltd
- Vectorial International Pty Ltd / Whydig
- Veolia Operations Pty Ltd

The list of preferred tenderers has been recommended based on demonstrated sewer relining experience, capability, continuous business operation and availability for both large and small scale projects, as well as inclusion on previous Council Panel Contracts. Demonstrated benefit to our local and wider regional economies has also been a factor that determined the outcome of the recommendation.

██████████ proposed multiple departures from the contract, of which the majority were not supported by the assessment panel. Therefore, ██████████ were not recommended to be included on the panel of providers. Negotiations into contractual departures was not engaged into as the remaining companies recommended fulfill the requirements of Council.

Probity Check

A credit check was conducted on 18 April 2024, through Creditor Watch on all preferred tenderers to be included on the Sewer Relining Panel. All suppliers have a risk score rating ranging between low to acceptable risk level with inconsequential or no adverse information found relating to court action, registered defaults, or mercantile enquiries.

S.166-S.169 Local Government (General) Regulation 2021

Tendering methodology was pursuant to Section 169(1)(b) of the *Local Government (General) Regulation 2021*. The Request for Tender was advertised on VendorPanel for a period of greater than 21 days.

Comments

Finance

The recommendation as printed is supported.

Conclusion

An assessment of submissions received under Tender T2024/3 Sewer Relining has been undertaken. The assessment process has identified a list of six suitable suppliers to be included on an un-ranked panel of providers. The establishment of this approved panel of providers, compiled through an open tender process will assist in the efficient and cost-effective engagement of appropriately qualified and experienced providers for Sewer Relining Works.

Attachment/s

There are no attachments for this report.

Confidential Report

Report

Subject	Tender T24/1 Concreting Works
TRIM Record No	BP24/397:AF24/322
Prepared by	Procurement Officer
Reason	To detail the evaluation of Tender submissions received for the Panel Contract for Concreting Works and provide a recommendation to award the Tender.
Strategic Theme	Our built environment
Strategy	Our city and village services are well managed and maintained.
Action	Plan for infrastructure that meets the needs of the community.
Grounds for Closure	Section 10A(2) (d i):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Executive Summary

Tender T2024/1 Concreting Works was undertaken to form an un-ranked panel of approved suppliers for the provision of various concreting works. These services are required and utilised regularly by a variety of program areas and business units within council for works that include concrete footpaths, driveways, non-structural retaining walls, machine extruded, hand formed kerb & gutter and mountable concrete roundabouts and are regularly required to be constructed in both Council's delivery and maintenance programs.

Additionally, from time to time, grant funding becomes available, requiring the delivery of large work programs in short periods of time. Having a pool of suitably qualified and experienced contractors assists to enable the swift delivery of such programs.

Thirteen submissions were received and assessed under this tender, with ten suppliers deemed suitable for inclusion on the un-ranked panel of approved providers.

It is proposed that the approved panel of providers be accepted as outlined in this report for an initial one-year period with an option for two additional one-year periods. The recommended panel of suppliers are included in this report.

Recommendation

That:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the ten suppliers listed in the evaluation results, to form an un-ranked panel of approved providers for Tender T2024/1 Concreting Works for an initial one-year period with an option to extend the contract for two additional one-year periods at Council's discretion.
2. delegation be provided to the General Manager to exercise the options when required to extend the contract, subject to the satisfactory performance of the suppliers.
3. a redacted copy of this report will be released as a public document

Lismore City Council
Meeting held 14 May 2024 - - Tender T24/1 Concreting Works

1

Confidential Report

Background

A panel of suppliers for Minor Concrete Works (T20/17) was established in November 2020, with the final extension period concluding in November 2023. This panel is currently operating on a month-to-month extension.

Council officers engage suppliers from the current panel of Minor Concrete Works, for concreting works including activities such as footpath and cycleway construction, kerb and gutter installation and other similar activities that can be required on an as needs basis for Council or grant funded projects. These various activities have been undertaken through previous contracts and have been very beneficial in the successful delivery of many work programs.

Consultation was undertaken with key responsible officers, including Acting Manager Roads & Quarries to determine the continuing need for a concreting works panel. It was confirmed that the new panel of providers, will enable officers the flexibility to engage providers in an efficient manner, based on availability and experience, whilst also ensuring the best overall value for money for services provided to Council, using the approved schedule of rates.

Due to the varying nature and value of the work programs to be carried out, a public tender was conducted, and tenderers were invited to submit a tender submission on a Schedule of Rates for the supply of all labour, plant, equipment, supervision and materials (where specified) to complete the works and to enable a direct comparison of related costs from provider to provider.

Tender Submissions

The Request for Tender was advertised via Council's eportal VendorPanel, Local Matters and Lismore City Council's website.

Tender submissions were received from thirteen suppliers by the close of tender at 5pm, 23 February 2024. No late submissions were received.

These tenderers are listed below:

- Civil CS Pty Ltd
- [REDACTED]
- Country 2 Coast Pty Ltd
- Durack Civil Pty Ltd
- Elite Roads NSW & QLD Pty Ltd
- FJS All Builds Pty Ltd
- [REDACTED]
- Ireland Civil Contracting Pty Ltd
- MWL & Co Pty Ltd
- Northern Rivers Concreting
- [REDACTED]
- Santin Decorative Concreting
- The Trustee for the Summerland Discretionary Trust Tweed Summerland Kerbing

Tender submissions were received from all four suppliers who are currently on the T20/17 Minor Concrete Works panel of providers, which is to be concluded once the new panel T24/1 Concreting Works Panel, commences.

Carmichael Mine Disclosure

All tenderers indicated they had no direct contractual agreements during the construction or operation of the Carmichael mine. This Tender was conducted during the period prior to the new Sustainable Procurement and Contracts Policy (1.4.19) being endorsed by Council, and it is noted that the previous Policy version called for clarification by tenderers with regard to this matter.

Confidential Report

Tender Evaluation

The tender evaluation panel comprising of Council's Acting Head of Roads & Quarry (Chair), Capital Works Engineer, Coordinator Roads Construction and Procurement Officer undertook the assessment of tenders received.

The evaluation was conducted in accordance with the Local Government Tendering Guidelines, Regional Procurement Tendering Code of Conduct and Tendering Evaluation Principles and Processes. As a group the panel reviewed the submissions accepted and scored them against the criteria from the procurement plan and as advertised in the Request for Tender. Confidentiality and probity were maintained throughout the process.

Potential non-conformities for all were noted in the evaluation matrix for the consideration of the panel.

Methodology

The following criteria and weightings were used to assess the submission received:

Criteria	Group Summary	Weighting
1	Total Price	
2	Capability & Experience	
3	WH&S, Environment and Quality Management	
4	Local Content	

The tender submissions were ranked for each criterion as follows:

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

Tender Price ()

A price comparison using the schedule of rates provided, was undertaken on a specified quantity for new concrete pavement providing the following results:

• Civil CS Pty Ltd	\$	
• [REDACTED]	\$	
• Country 2 Coast Pty Ltd	\$	
• Durack Civil Pty Ltd	\$	
• Elite Roads NSW & QLD Pty Ltd	\$	
• [REDACTED]	\$	
• Ireland Civil Contracting Pty Ltd	\$	
• MWL & Co Pty Ltd	\$	
• Northern Rivers Concreting	\$	
• [REDACTED]	\$	
• Santin Decorative Concreting	\$	

Confidential Report

A price comparison for new concrete pavement could not be obtained for:

- FJS All Builds Pty Ltd as they only provided rates for specialised trade and labour hire being Concreters, Labourers, FRP (Form,Reo,Pour) supervisors, structural concrete form workers, steel fixers, concrete finishers
- Similarly, The Trustee for the Summerland Discretionary Trust Tweed Summerland Kerbing, as they specialise in machine formed concrete kerbing and do not offer any further concreting services

Capability, Experience and Availability ()

All submissions received demonstrated varying degrees of capability and experience to undertake differing concreting works. Civil CS Pty Ltd, Country 2 Coast Pty Ltd, MWL & Co Pty Ltd, Northern Rivers Concreting and Santin Decorative Concreting have all been utilised by council officers on the existing Minor Concrete panel over recent years, where they have provided a suitable level of service.

Durack Civil Pty Ltd, Elite Roads NSW & QLD Pty Ltd and The Trustee for the Summerland Discretionary Trust Tweed Summerland Kerbing, have been utilised by council officers for other various services and projects where they have demonstrated suitable capability and experience.

Submissions received from , Ireland Civil Contracting Pty Ltd, and FJS All Builds Pty Ltd, all demonstrated acceptable experience in concreting works within the wider region or with other NSW Councils and Government organisations, however council officers have not used the services of these tenderers to date.

WH&S, Environment and Quality Management System ()

Tenderers were required to outline their WH&S and Quality Management Systems in relation to the supply of traffic management services in order to be included on the approved panel of providers. All submissions were deemed conforming based on information received.

Local Content (20%)

Civil CS Pty Ltd, Elite Roads NSW & QLD Pty Ltd and Santin Decorative Concreting all have local offices located in the Lismore local government area.

Country 2 Coast Pty Ltd, MWL & Co Pty Ltd, FJS All Builds Pty Ltd, Ireland Civil Contracting Pty Ltd, Durack Civil Pty Ltd, have regional offices located in the Ballina, Kyogle and Tweed Local Government areas. All of these tenderers demonstrated varying amounts of direct spend within the Lismore or regional area.

and are all located in either Sydney Metropolitan or Southeast QLD areas and did not adequately demonstrate local economic benefit or direct spend within the community.

Evaluation Results and Preferred Tenderers

After assessing all submissions based on the agreed criteria and weightings, the evaluation team concluded with the recommendation of ten (10) unranked approved suppliers to be included on the Concreting Works Panel.

T2024/1 Concreting Works Panel (Recommended)

- Civil CS Pty Ltd
- Country 2 Coast Pty Ltd
- Durack Civil Pty Ltd
- Elite Roads NSW & QLD Pty Ltd

Confidential Report

- FJS All Builds Pty Ltd
- Ireland Civil Contracting Pty Ltd
- MWL & Co Pty Ltd
- Northern Rivers Concreting
- Santin Decorative Concreting
- The Trustee for the Summerland Discretionary Trust Tweed Summerland Kerbing

The list of preferred tenderers has been recommended based on demonstrated concreting works experience, capability and availability as well as inclusion on previous Council Panel Contracts, with demonstrated benefit to our local and regional economies.

Although they did not provide pricing for all sections of the tender schedule of rates, the inclusion of FJS All Builds Pty Ltd was based on competitive rates supplied for specialised trade/labour hire along with proven experience in structural concrete work and bridge construction in neighbouring councils. These services may be required to supplement council concrete works or bridge crews on occasions.

Similarly, The Trustee for the Summerland Discretionary Trust Tweed Summerland Kerbing, did not provide pricing for all sections of the tender schedule of rates, however they specialise in machine formed concrete kerbing and have proven experience, capability and have been providing these types of services to Lismore City Council for over 15 years.

Probity Check

A credit check was conducted on the 16 April 2024, through Creditor Watch on all preferred tenderers to be included on the Concreting Works Panel. All suppliers have a risk score rating ranging between low to acceptable risk level with no adverse information found relating to court action, registered defaults, or mercantile enquiries.

S.166-S.169 Local Government (General) Regulation 2021

Tendering methodology was pursuant to Section 169(1)(b) of the *Local Government (General) Regulation 2021*. The Request for Tender was advertised on VendorPanel for a period of greater than 21 days.

Comments

Finance

The recommendation as printed is supported.

Conclusion

An assessment of submissions received under Tender T2024/1 Concreting Works has been undertaken. The assessment process has identified a list of suitable suppliers to be included on an un-ranked panel of providers. The establishment of this approved panel of providers, compiled through an open tender process will assist in the efficient and cost-effective engagement of appropriately qualified and experienced providers for Concreting Works.

Attachment/s

There are no attachments for this report.

**MINUTES OF THE CONFIDENTIAL MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD
IN COUNCIL CHAMBERS ON TUESDAY 14 MAY 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, Ekins, Gordon, Guise, Hall, Jensen, together with Mr Gibbons, General Manager; Mr Enevoldson, Chief Financial 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 Preferred Community Housing Provider (CHP) for Affordable Housing on Council land

13/24

RESOLVED that:

1. Council approve the recommendation of the evaluation committee and authorise the General Manager to progress to the next stage of the tender process with Landcom and the first placed Community Housing Provider (CHP) by negotiating and entering into the Heads of Agreement (HoA), and then to finalise Transaction Documents for the delivery of affordable housing on Council land that is substantially in accordance with the terms outlined within the HoA
2. in the event that satisfactory terms cannot be reached with the first placed CHP, the General Manager is authorised to enter into negotiations with the second placed CHP from the evaluation
3. the tender process is ongoing and confidential. A successful CHP will be selected and announced upon completion of the process

(Councillors Bing/Hall) (BP24/345)

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

Voting against: Nil

Absent: Councillor Rob

13.2 Tender T24/3 Sewer Relining Panel Contract

14/24

RESOLVED that:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the six suppliers listed in the evaluation results, to form an un-ranked panel of approved providers for Tender T2024/3 Sewer Relining for an initial one-year period with an option to extend the contract for two additional one-year periods at Council's absolute discretion
2. delegation be provided to the General Manager to exercise the options when required to extend the contract, subject to the satisfactory performance of the suppliers
3. delegation be provided to the General Manager to award all work packages, without a fixed upper limit of value, under Tender T2024-3 Sewer Relining Panel of Providers
4. a redacted copy of this report will be released as a public document

(Councillors Gordon/Cook) (BP24/413)

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

13.3 Tender T24/1 Concreting Works

15/24

RESOLVED that:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the ten suppliers listed in the evaluation results, to form an un-ranked panel of approved providers for Tender T2024/1 Concreting Works for an initial one-year period with an option to extend the contract for two additional one-year periods at Council's discretion
2. delegation be provided to the General Manager to exercise the options when required to extend the contract, subject to the satisfactory performance of the suppliers
3. a redacted copy of this report will be released as a public document

(Councillors Colby/Hall) (BP24/397)

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

13.4 Santin's Quarry Legal Action

That Council instruct Council's legal representatives in the Santin's Quarry legal action to:

1. defend Council's position as Lismore City Council
2. oppose any attempt by the Applicant or the Court to formally name councillors as a group or individually in any Application, Motion or Order

Motion withdrawn.

The General Manager, Chief Community Officer and Chief Financial Officer left the meeting, the time being 7:07PM

13.5 General Manager's Performance Review Committee - 18 April 2024

MOTION moved that:

1. Council receive and note the General Manager's Performance Review Committee report
2. it was determined by the Panel the General Manager had performed to a high standard during the review period. He achieved in Part One and Part Two of the performance agreement an average score of three (3) – this being '**Exceeds Expectations - Performance exceeds requirements at times, consistently high quality of work and outcomes.**'
3. Council additionally notes the General Manager's performance for the review period as determined by the panel was either '**Exceeds Expectations - Performance exceeds requirements at times, consistently high quality of work and outcomes**' or '**Meets Expectations - Performance meets expected requirements**' in all areas of the appraisal documentation
4. the Performance Review Committee supports the General Manager undertaking potential professional development activities where applicable
5. the Performance Review Committee supports the proposed increase of the General Managers salary at 3.5% which is based upon the most recent CPI increase of local government workers in NSW. It is further recommended this increase be applied over the term of Mr Gibbons contract

Councillor Hall left the meeting, the time being 7:10PM

Councillor Hall returned to the meeting, the time being 7:13PM

16/24

RESOLVED that:

1. Council receive and note the General Manager's Performance Review Committee report
2. it was determined by the Panel the General Manager had performed to a high standard during the review period. He achieved in Part One and Part Two of the

performance agreement an average score of three (3) – this being '**Exceeds Expectations - Performance exceeds requirements at times, consistently high quality of work and outcomes.**'

3. Council additionally notes the General Manager's performance for the review period as determined by the panel was either '**Exceeds Expectations - Performance exceeds requirements at times, consistently high quality of work and outcomes**' or '**Meets Expectations - Performance meets expected requirements**' in all areas of the appraisal documentation
4. the Performance Review Committee supports the General Manager undertaking potential professional development activities where applicable
5. the Performance Review Committee supports the proposed increase of the General Managers salary at 3.5% which is based upon the most recent CPI increase of local government workers in NSW. It is further recommended this increase be applied over the term of Mr Gibbons contract

(Councillors Krieg/Bing) (BP24/400)

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

Resumption of Open Council

17/24 **RESOLVED** that Council reopen the doors to the public and return to open session.

(Councillors Hall/Jensen)

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

Closure

This concluded the business and the meeting terminated at 7.18pm.

CONFIRMED this > > 2024 at which meeting the signature herein was subscribed.

MAYOR