

MAYOR

Steve Krieg

Harper Dalton-Earls

Virginia Waters

Jeri Hall

Electra Jensen

Andrew Gordon



Andrew Bing

Gianpiero Battista

Adam Guise

Big Rob

Jasmine Knight-Smith

Council

An Ordinary Meeting of Lismore City Council will be held at the Council Chambers on Tuesday 11 February 2025 at 10.00am

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 February 2025



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	
2. Acknowledgement of Country	
3. Pause for reflection	
4. Apologies and Applications for Leave of Absence or Attendance by Audio-Visual Link	
5. Confirmation of Minutes	
Lismore City Council held 10 December, 2024	111
Lismore City Council held 10 December, 2024	151
Lismore City Council held 19 December, 2024	153
6. Disclosures of Interest	
7. Public Forum	
8. Mayoral Minute(s) and Condolence Motions	
9. Reports of Committees	
9.1 Lismore Flood Risk Management Committee - 4 December 2024	7
9.2 Australia Day Awards Committee Minutes - 7 January 2025	11
10. Matters Arising	
10.1 Questions on Notice	14
10.2 Code of Meeting Practice Review.....	17
11. Reports of the General Manager	
11.1 Delivery Program Progress Report - July to December 2024	20
11.2 DA5.2023.301.1 - Subdivision to create two (2) lots and the construction of a new dwelling on proposed Lot 2 and associated infrastructure at 7 Booyong Road, Clunes.....	23
11.3 Planning Proposal to rezone an Urban Release Area at 1055 Bruxner Highway, Goonellabah.....	40
11.4 December 2024 Quarterly Budget Review Statement	59
11.5 Investments - December 2024 and January 2025	65
11.6 Pecuniary Interest Returns	74
11.7 2025 Australian Local Government Association National General Assembly.....	75
12. Notices of Motion / Questions with Notice	
12.1 Mayoral Attendance Report.....	78
12.2 Property Strategy	80
12.3 LGNSW Membership	82
12.4 Renaming of Walsh Bridge, Tuncester	83

12.5	Lismore Chamber of Commerce Funding	86
12.6	Establishment of a Youth Advisory Group	88
12.7	Policy Number 3.1.1 Definition of Nuclear Free Peace Zone Policy.....	89
12.8	LGNSW Membership	90
12.9	Arts Northern Rivers.....	91
12.10	Priority Projects Register	92
12.11	Urban Rivers & Catchments Program.....	94
12.12	Policy Number 3.1.1 Definition of Nuclear Free Peace Zone Policy.....	96
12.13	Browns Creek Naturalisation Project	98
12.14	Councillor Information Segregation	99
12.15	Rail Trail Car Park.....	100
12.16	Councillor Attendance	101
12.17	Councillor Requests vs Customer Requests.....	103
12.18	Back Alley Gallery	104
12.19	Crane Street Rail Bridge	105
12.20	Advisory Groups.....	107
12.21	Organisation Structure	108

13. Confidential Business

13.1	Tender T24/26 Redevelopment of Damaged Recreation Courts to Multi-Purpose Courts - Perradenya Estate	110
13.2	Tender T24/32 - IT Disaster Recovery Solution.....	110

Reports of Committees



Report of Committee

Lismore Flood Risk Management Committee - 4 December 2024

That the minutes from the 4 December 2024 meeting be received and the recommendations contained therein be adopted.

Attachment/s

1. [↓](#) Lismore Flood Risk Management Committee Minutes - December 2024

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

5.4 Last Roads Out Map

That the Committee recommend Council:

1. publish a link to the 'Last Roads Out' map on SES's website directing users to the current SES Local Flood Plan evacuation routes.

Lismore Flood Risk Management Committee Minutes

4 December 2024

MINUTES OF THE LISMORE FLOOD RISK MANAGEMENT COMMITTEE HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 4 DECEMBER 2024 AT 1:00PM

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

Cr Rob (Chair), Cr Waters, Cr Jensen (*left meeting at 1.40 pm*), Mr Andrew Logan (audio visual) (*left meeting at 2.30 pm*), Mr Ian McPherson, Mr Graham Askey, Mr Col Baker, Mrs Leisa Block (audio visual), Mr Bill Moorhouse, Ms Elena Palamara

In Attendance

LCC Officers: Mr Butron, Chief Community Officer, Mr Jewell, Senior Strategic Planner, Mrs van Iersel, Strategic Planning Coordinator, Ms Burgess, Emergency Management Coordinator (*left meeting at 2.10 pm*), Miss Hull, Executive Assistant to Chief Community Officer,

Presenters: Ms Karen McPaul and Mr Stephen Timms (audio visual)

Observers: Mr Richard Trevan, Mrs Beth Trevan, Ms Joanna Jones (audio visual)

Apologies

Mr Mark Tirris, Mr Toong Chin, Cr Dalton-Earls, Mr Robert Kay

Non Attendance

Cr Knight-Smith, Mr Damien Maher, Mr Peter Cinque

Confirmation of Minutes

RESOLVED that the Minutes from the meeting dated 25 July 2024 were confirmed at the Council meeting on 12 November 2024.

(Member Askey/Councillor Jensen)

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

Voting Against: Nil

Lismore Flood Risk Management Committee Minutes 4 December 2024

Disclosure of Interest

Nil disclosed.

5.1 Update from CSIRO on Northern Rivers Resilience Initiative

RESOLVED that the Committee note the presentation.

(Councillors Jensen/Waters)

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

Voting Against: Nil

5.2 Elvis Demonstration

Apology received from presenter, Robert Kay during the meeting. Item deferred to next committee meeting.

5.3 Update from NSW Reconstruction Authority

RESOLVED that the Committee note the presentations by Karen McPaul and Stephen Timms, NSW Reconstruction Authority.

(Members Moorhouse/Baker)

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

Voting Against: Nil

5.4 Last Roads Out map

That the Committee recommends that Council publish a link to the 'Last Roads Out' map on SES's website directing users to the current SES Local Flood Plan evacuation routes.

(Member Askey/Councillor Waters)

Voting For: Councillors Waters; Members Logan, Askey, Baker, Block and Moorhouse

Voting Against: Member McPherson, Councillor Rob

Lismore Flood Risk Management Committee Minutes 4 December 2024

5.5 Flood model extension

RESOLVED that the Committee note the presentation provided..

(Councillor Waters/Member Askey)

Voting For: Councillors Rob and Waters; Members Logan, McPherson, Askey, Baker, Block and Moorhouse

Voting Against: Nil

5.6 Lismore Flood Levels graphic

RESOLVED that the Committee include the updated Lismore Flood Levels graphic on its website opting for the table to be amended by height and consistent with Lismore City Council style guide.

(Member Askey/Member Baker)

Voting For: Councillors Rob and Waters; Members McPherson, Askey, Baker, Block and Moorhouse

Voting Against: Nil

Closure

The Chair congratulated and thanked the current committee members for their support and encouraged all members to reapply once Council has put out EOI for the next committee.

This concluded the business and the meeting terminated at 2.45 pm.

Report of Committee

Australia Day Awards Committee Minutes - 7 January 2025

That the minutes be received and noted.

Attachment/s

1. [↓](#) Australia Day Awards Committee minutes 7 January 2025

Australia Day Awards Committee Minutes

MINUTES OF THE AUSTRALIA DAY AWARDS COMMITTEE HELD IN COUNCIL CHAMBERS ON TUESDAY 7 JANUARY 2025 AT 12.30PM

Present

Councillors Krieg (Chair), Hall, Rob, together with Mrs Mitchell, Executive Officer to the General Manager & Mayor and Councillors.

Apologies

Councillor Dalton-Earls

Disclosures of Interest

Nil

Award Categories

RESOLVED that the following nominees are awarded in each category:

Citizen of the Year – Neville Graham

Young Citizen of the Year – no nominations

Aboriginal Citizen of the Year – no nominations

Volunteer of the Year – Len Ward

Services in the Community (Individual) – Tracy Ward

Services in the Community (Group) – Lismore CWA

Sportsperson (Junior Male) – Alex Sipple,

Sportsperson (Junior Female) - Caitlyn Halliday

Sportsperson (Senior) – no nominations

Sports Team – Lismore Rowing Club

Environment – no nominations

Arts/Culture – Victoria Collignon

Voting for: Councillors Hall, Krieg and Rob

Voting against: Nil

Closure

This concluded the business and the meeting terminated at 1:09pm.

Matters Arising



Matters Arising

Subject	Questions on Notice
TRIM Record No	BP24/1125: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 Questions on Notice was taken by Council officers at the November Ordinary Council meeting. As per Clause 9.17 of the Code of Meeting Practice the response is being reported.

Recommendation

That the Questions on Notice responses provided in this report be noted.

Background

Item 9.1 Local Traffic Committee – 20 November 2024 (Councillor Guise)

TAC13/24

1. What was the development application?
2. What were the issues regarding item 1?

Officer response:

1. DA5.2024.183.1 The Living School
2. Item 1 related to removing 4 car parking spaces along Conway Street and the existing bus stop being extended to facilitate standing for up to 3 buses. The committee had concerns taking away car parking spaces would negatively impact adjoining businesses/residents and wanted further justification from the Applicant. It is understood the Applicant has since removed the request

Item 9.1 Local Traffic Committee – 20 November 2024 (Councillor Rob)

TAC18/24

1. Does that involve taking out all the traffic controllers?

Officer response:

1. Yes

Item 12.6 Mobile Food and Drink Outlets (Councillor Rob)

1. Has there been any compliance action or compliance for those known to be doing the wrong thing?

Officer response:

General strategy has been encouraging self-regulation where possible to ensure that Council's limited compliance resources are not unnecessarily diverted, minimising impact on the on-going delivery of key operational services. Where this is not achieved then compliance action is enforced against the relevant planning regulation. Non-compliance has been followed on with operators in the past and due to the mobile nature of the business, this usually results in the repositioning of an operator in an appropriate location.

For food safety, regular inspections occur to ensure food safety compliance, and these are logged in Council's Food Register as required by the State.

Item 12.7 Alcohol Availability (Councillor Rob)

1. I can grab a bottle from the fridge right now, scull it, get in my car and drive home. How is that compliant with WHS requirements and any other requirements for alcohol in the workplace?

Officer response:

Under the *Work Health and Safety Act 2011* (NSW) (the WHS Act), a Councillor is not defined as a "worker" in the traditional sense. Instead, Councillors are treated as "workers or others" under the WHS Act. This means they have a duty to ensure their actions and omissions do not create WHS risks for Council's workers, residents, visitors, and others affected by the council.

Councillors must also comply with Council's WHS policies and procedures to maintain a safe and healthy work environment.

Section 29 of the WHS Act defines the WHS duties of 'other persons' in the workplace:

A person at a workplace (whether or not the person has another duty under this Part) must—

- (a) take reasonable care for his or her own health and safety, and
- (b) take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons, and
- (c) comply, so far as the person is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person conducting the business or undertaking to comply with this Act.

Section 5 of Council's *WHS Procedure - Alcohol and other drugs* defines the Blood Alcohol Content for each licence class and is to be adhered to by all council workers including other persons.

Councillors agree to abide by the *Lismore City Council Code of Conduct - Councillors* (the Code) as presented at the new council induction presentation held on 4 November 2024.

Section 3.2 of the Code states that "you must act lawfully and honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (section 439)."

Section 3.12 of the Code requires council officials, 'must:

- a) take reasonable care for your own health and safety.
- b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons.

Matters Arising

- c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
- d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff.
- e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations.
- f) so far as is reasonably practicable, consult, co-operate, and coordinate with all others who have a duty under the WHS Act in relation to the same matter.'

It is the responsibility for council officials and 'workers or others' to take reasonable care for their own safety and the safety of other persons and public, including being aware of the relevant prescribed concentrations of alcohol in the *Road Transport Act*.

Taking a bottle from the fridge and 'sculling it' immediately prior to operating a vehicle would not be considered as acting in accordance with your responsibilities under legislation and Council's internal policies and procedures.

Attachment/s

There are no attachments for this report.

Matters Arising

Subject	Code of Meeting Practice Review
TRIM Record No	BP25/38:EF19/483-7
Prepared by	Governance & Risk Manager
Reason	Review the Code of Meeting Practice
Strategic Theme	Leadership and participation
Strategy	We provide effective management and responsible governance.
Action	Ensure the efficient and effective operation of Council.

Executive Summary

Council previously resolved to place the Code of Meeting Practice on public exhibition for a period of not less than 28 days and submissions invited from members of the public for a period of 42 days.

This report provides details on the submissions received from members of the public over that period.

Recommendation

That Council adopt the Code of Meeting Practice as attached to this report.

Background

As resolved at the December 2024 Council meeting the draft code of meeting practice was placed on public exhibition for a period of 42 days from 20 December 2024 to 31 January 2025.

During this period nine submissions were received through Your Say, one submission via email and one submission via an email to a councillor. The redacted submissions are attached and summarised below.

Of the 11 submissions, two submissions referred entirely to the disapproval of daytime meetings. This matter was a separate decision of Council and is not included in the Code of Meeting Practice. This was also mentioned in three other submissions but those submissions also addressed other matters.

Of the remaining nine submissions a number would like mandatory attendance of councillors at public access and a number would like to see public access retained within the Council meeting. Some submitters were not in agreement to the proposed time limit on speakers. One submission also expressed concerns about staff (General Manager) deciding who could speak.

One submitter thought submissions from members of the public should be limited in both time and number, suggesting one speaker for and one speaker against would be ample.

Another submitter would like copies of agenda and business papers published on the website at a time that is close as possible to when available to the councillors.

One submitter thought limiting notices of motions and questions on notice is reasonable as this will mean councillors will need to prioritise their motions. The submitter agreed with changes to numbers of speakers and time limitations for public access but did not support removing public access from the council meeting.

Conclusion

The draft Lismore City Council Code of Meeting Practice 2024 was placed on public exhibition and submissions accepted for the required time. This report provides those submissions for consideration by councillors.

The Office of Local Government is currently seeking feedback on proposed amendments to the Model Code of Meeting Practice. If changes are made to the Model Code a report will come back to Council for consideration again.

Attachment/s

1. Submissions Code of Meeting Practice January 2025 (Over 7 pages)
2. Code of Meeting Practice Review (Over 7 pages)
3. Code of Meeting Practice Draft for New Council 2024 (Over 7 pages)

Reports of the General Manager



Report

Subject	Delivery Program Progress Report - July to December 2024
TRIM Record No	BP25/29:EF19/798-7
Prepared by	Coordinator Corporate Planning & Reporting
Reason	To update Councillors and the community of our progress on Delivery Program actions.
Strategic Theme	Leadership and participation
Strategy	We provide effective management and responsible governance.
Action	Ensure the efficient and effective operation of Council.

Executive Summary

The attached Progress Report provides a summary of progress against each of the activities in the Delivery Program 2023-2027 and Operational Plan 2024-2025 for the period 1 July to 31 December 2024.

Recommendation

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

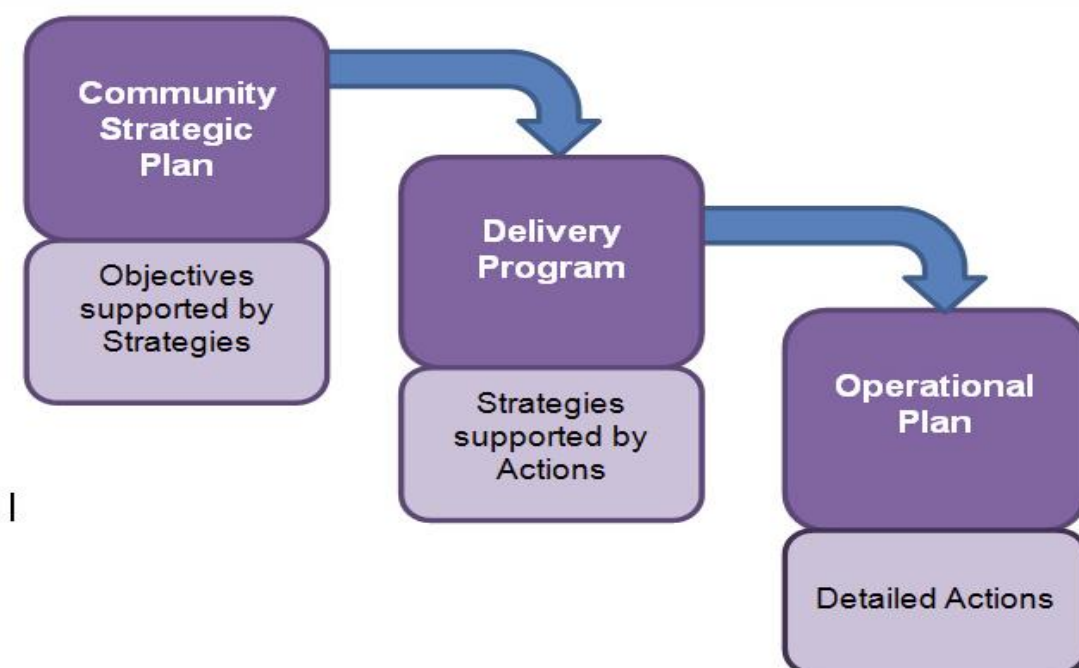
Background

The *Local Government Act 1993* requires the General Manager to provide a report on the progress of the implementation of Council's Delivery Program (DP) at least every six months. The attached report covers the period 1 July 2024 to 31 December 2024 and includes a traffic light status update with supporting commentary for the Delivery Program 2023-2027/Operational Plan 2024-2025.

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

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

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



During the six months to 31 December 2024, progress updates were submitted against the 252 Operational Plan actions. A summary of progress is tabled below:

Status	Number of Actions	% of total Actions	Explanation of status
On Track	211	84%	This action is on track and things are progressing as it should
Taking action to address	14	5%	This action is not on track and steps are being taken to address this. Responsible officers need to articulate in the biannual update comment what is being done to address issues, in order to get this action 'back to green'
Not due to start yet	8	3%	This action is due to start in a different financial year.
Completed	13	5%	The action has been completed for the year and there will be no further resources needed to deliver it
Cancelled or deferred	5	2%	It has been formally agreed this action will not happen at all or will be deferred to later in the Delivery Program
Needs critical attention	1	1%	Responsible officers select this status if they are 'putting their hand up' for assistance. They have done all they can to try and address issues with the action and it has not worked, so they are indicating that they need to escalate the matter
Total	252	100%	

Conclusion

The attached report details progress against the operational activities and projects for the period July to December 2024. Progress has been made, with 224 of the 252 actions either completed or on track, a total of 13 actions are not due to start or have been cancelled or deferred. Some items have been reported as complete but are business as usual so will continue in the new reporting period.

Council is in the process of developing a new Operational Plan and Delivery Program as part of the new Community Strategic Plan project that will be concluded and presented to Council in June 2025.

Attachment/s

1. Delivery Program Progress Report to 31 December 2024 (Over 7 pages)

Report

Subject	DA5.2023.301.1 - Subdivision to create two (2) lots and the construction of a new dwelling on proposed Lot 2 and associated infrastructure at 7 Booyong Road, Clunes
TRIM Record No	BP24/737:DA23/301
Prepared by	Senior Development Assessment Officer
Reason	Development Application Determination
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

The subject Development Application (DA) seeks consent for the subdivision of the subject allotment into two lots (Lot 1 - 1,086m² and Lot 2 - 1,380m²), the construction of a new dwelling on proposed Lot 2 and associated new driveway, carport and vegetation management works and a new on-site effluent disposal system on both proposed lots.

Both proposed lots are well under the 2,500m² minimum lot size for the land as prescribed by the *Lismore Local Environmental Plan 2012* (LEP) and as a result the applicant has submitted a request to vary this development standard under clause 4.6 of the LEP.

The DA was set to be presented at the December 2024 Ordinary Council Meeting, featuring a proposal to locate the sub-surface effluent irrigation fields for the proposed Lot 1 on proposed Lot 2. Prior to the Council meeting however the applicant was granted leave to amend the DA and now proposes a new individual On-Site Sewage Management System wholly within the boundaries of each lot.

Following detailed assessment of all relevant statutory considerations, the report concludes that the:

- the subdivision does not satisfy clause 4.6 of the LEP in that compliance with the 2,500m² minimum lot size is not unreasonable or unnecessary in the circumstances and there are not sufficient environmental planning grounds to justify the contravention of the development standard;
- the proposal has not successfully demonstrated that satisfactory On-Site Effluent Disposal Systems can be achieved in accordance with Council's '*On-Site Sewage and Wastewater Management Strategy*' on the two undersized lots; and
- the site is not suitable for the Torrens title subdivision as proposed.

The DA is being referred to Council consistent with the Department of Planning recommendation that non-compliances with development standards greater than 10% be reported to an Ordinary Council Meeting for determination.

Notwithstanding the above, the report identifies that Strata title is considered to be a more appropriate alternative form of subdivision for the proposed development as it would allow for the erection of the new dwelling on the allotment as a dual occupancy, it would not result in a non-compliance with the 2,500m² minimum lot size and it would allow for an acceptable OSSM system to be achieved on the allotment.

Recommendation

That pursuant to Section 4.16 of the *Environmental Planning & Assessment Act 1979* (EP&A), development application No. 5.2023.312.1, for the subdivision of one lot to create 2 lots and associated driveway, carport, vegetation management works and on-site effluent disposal systems at 7 Booyong Road Clunes, be **refused** for the following reasons:

1. the proposed development does not provide for the orderly development of the site or good design and amenity of the built environment due to undersized lots and unacceptable sewage management arrangements (Section 1.3 of the *EP&A Act 1979*).
2. the proposed development is inconsistent with the following clauses of *Lismore Local Environmental Plan 2012* (Section 4.15(1)(a)(i) of the *EP&A Act 1979*):
 - a. Clause 2.3 – Zone objectives
 - b. Clause 4.1 – Minimum subdivision lot size
 - c. Clause 4.6 – Exceptions to development standards
 - d. Clause 6.4 – Drinking water catchments

- e. Clause 6.9 – Essential services
- 3. the proposed development is inconsistent with the following requirements of the *Lismore Development Control Plan, Part A, Chapter 1 – Residential Development* (Section 4.15(1)(a)(iii) *EP&A Act 1979*):
 - a. Element 4.10 – On-Site Sewage and Waste Water Management.
- 4. the proposed development is inconsistent with the following requirements of the *Part A, Chapter 6 – Village Subdivision of the Lismore Development Control Plan* (Section 4.15(1)(a)(iii) *EP&A Act*):
 - a) Element 4.1 – Lot Size
 - b) Element 4.9 – Sewer (non-reticulated areas)
- 5. the site is not suitable for the proposed development (Section 4.15(c) of the *EP&A Act 1979*)
- 6. the proposed development is not in the public interest (Section 4.15(e) of the *EP&A Act 1979*)

Background

Development History

The allotment subject of this DA (7 Booyong Road Clunes) was formerly two (2) separate lots, being Lots 3 and 4 in DP739071.

In April 2018, Council approved a three (3) bedroom dwelling on former Lot 3 DP739071 (DA 5.2018.11.1).

In June 2019, the two former lots were consolidated into one (1) single allotment, which is the allotment the subject of this DA. The below plan illustrates the consolidated subject allotment, which has an area of 2,466m².

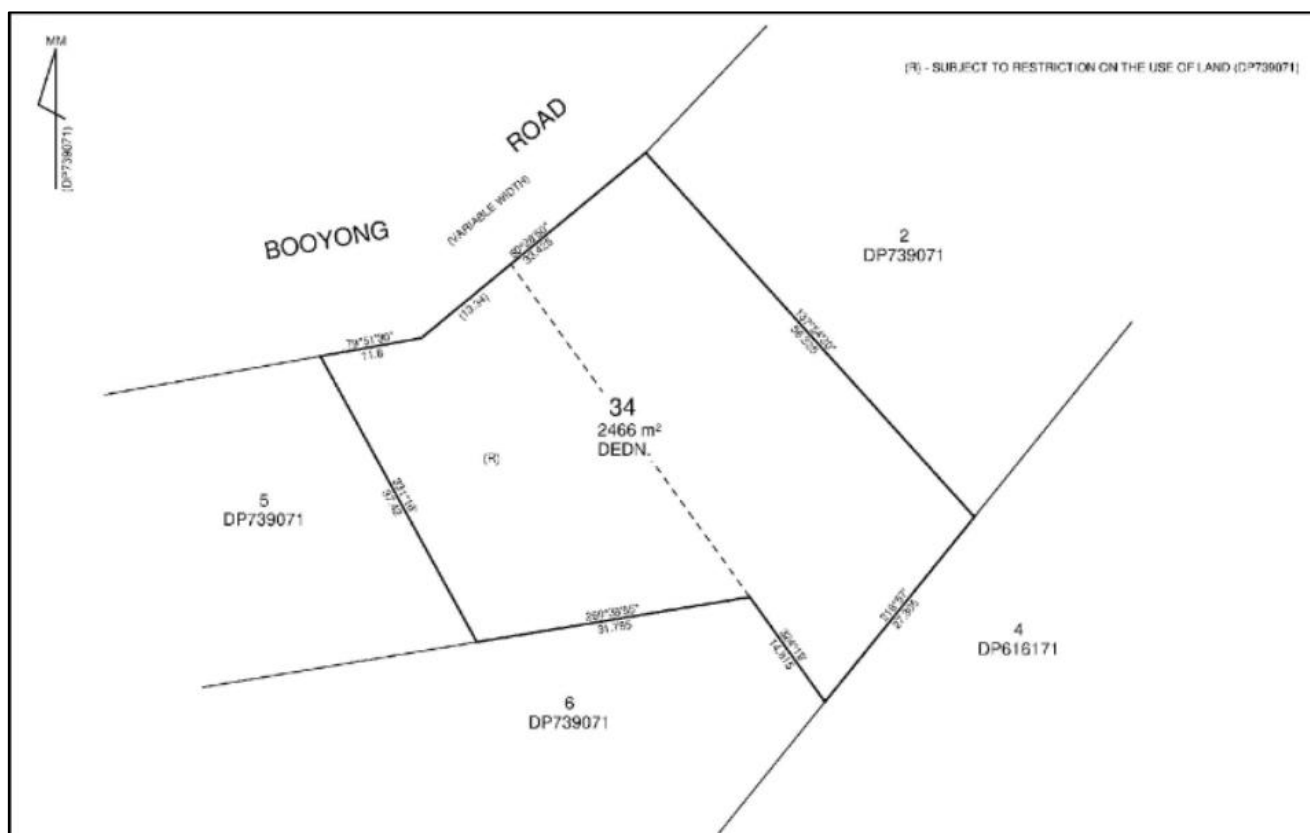


Figure 1 – Subject site

Pre-Lodgement Meeting

In April 2023, the applicant had a pre-lodgement meeting with Council regarding the proposed subdivision. During the meeting Council advised that while the proposed lot configuration was generally consistent with the surrounding subdivision pattern, the key issue that needs to be addressed is whether both lots can achieve a satisfactory On-Site Effluent Disposal System in accordance with Council's 'On-Site Sewage and Wastewater Management Strategy' (OSWM Strategy).

The Site and Locality

The subject site is an irregular shaped allotment with an area of 2,466m².

The subject site is located on the southern side of Booyong Road approximately 60m from the intersection with Main Street (Bangalow Road) and has topography that falls away from the street at a gradient of approximately 15%.

There is an existing 4-bedroom dwelling located on the eastern part of the site and an existing detached shed on the western portion of the site (proposed Lot 1). Access to the site is via a single driveway off Booyong Road. The site is connected to town water and electricity supplies. There is no town sewerage service to the site and therefore the existing dwelling is serviced by an existing on-site sewage management system (OSSM system).

The surrounding development comprises of the following:

- North – Booyong Road and village allotments occupied by single dwellings;
- South – a village allotment occupied by a single dwelling and a 2ha rural allotment;
- East – village allotments occupied by single dwellings; and
- West – village allotments occupied by single dwellings.

The site is located on the outskirts of the Clunes Village which comprises lots that range in size from 1,000m² to 4,000m².

Locality Map

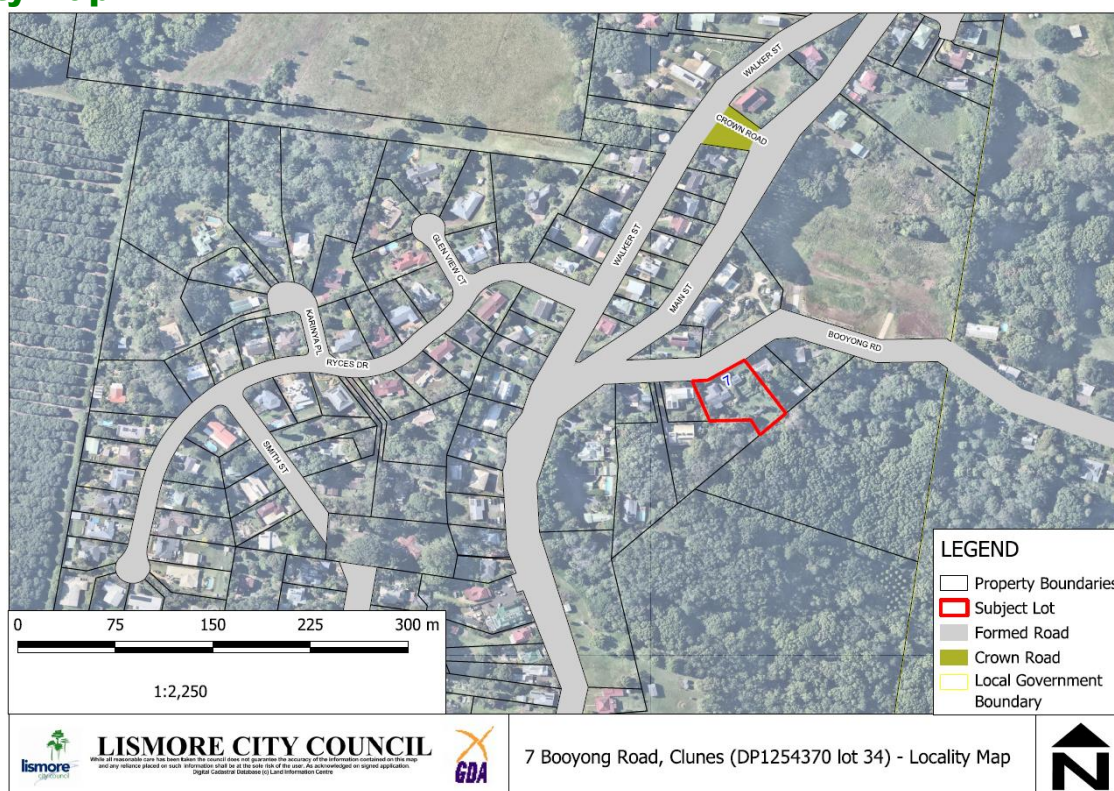


Figure 2 – Site map (locality)

Description of the Proposed Development

The Development Application (DA) seeks consent to undertake the subdivision of one (1) lot to create two (2) lots and the construction of a new dwelling on proposed Lot 2 and associated driveway, carport, vegetation management works and a new On-Site Sewage Management System (OSSM System) for each respective proposed lot.

Proposed Subdivision

The DA proposes to subdivide the subject allotment into two (2) lots, being:

- Proposed Lot 1 – 1,086m²; and
- Proposed Lot 2 – 1,380m².

Proposed Lot 1 will retain the existing dwelling and proposed Lot 2 will be largely vacant except for an existing shed.

Both lots are well under the 2,500m² minimum lot size for the land as prescribed by the *Lismore Local Environmental Plan 2012*.

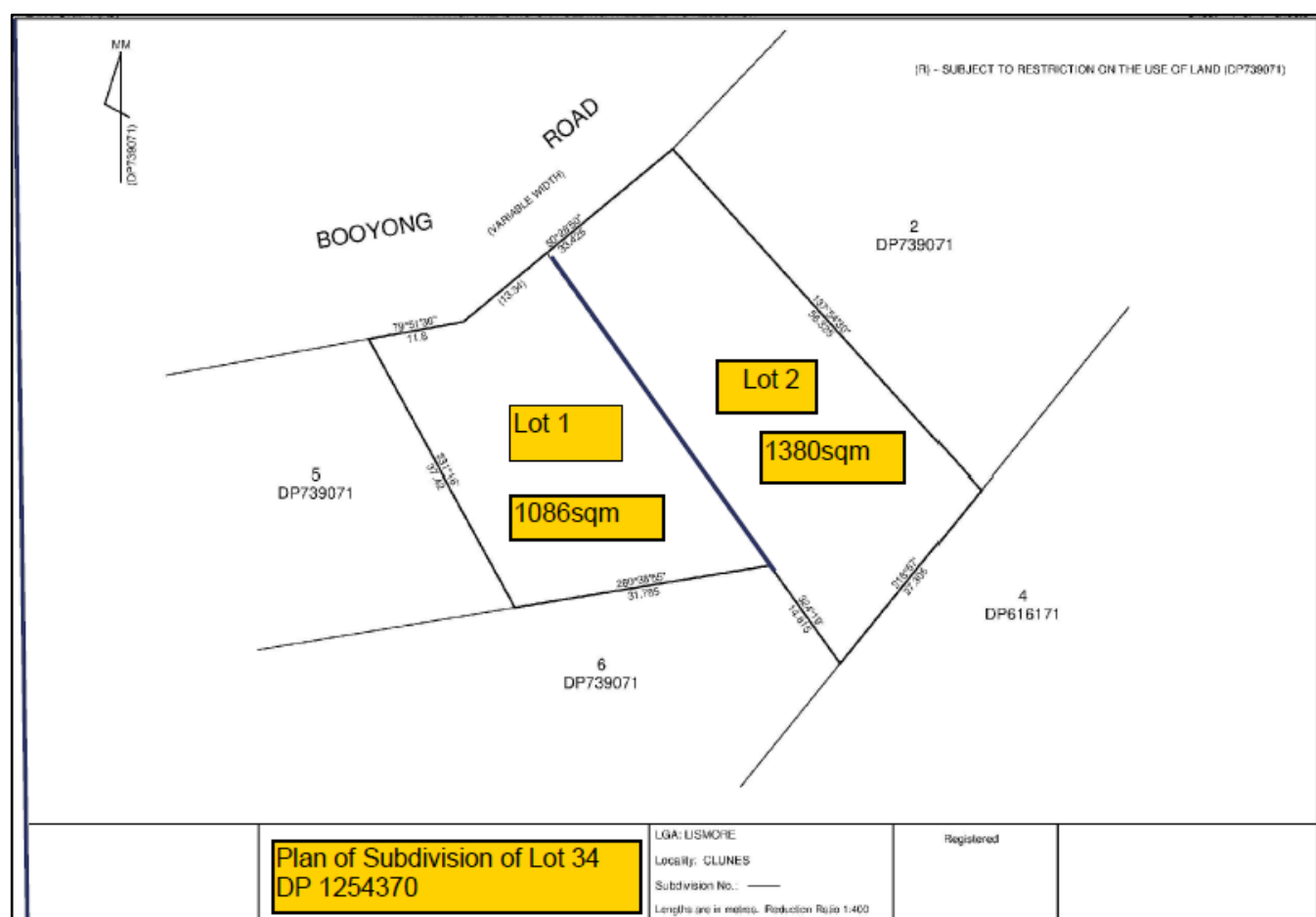


Figure 3 – Proposed Subdivision

Proposed Dwelling

The DA proposes the erection of a two-bedroom dwelling on proposed Lot 2 and associated new driveway to Booyong Road, carport and vegetation management works.

Proposed On-Site Sewage Management Systems (OSSM System)

As the Councillors are aware, the DA was scheduled to be reported to the Ordinary Council Meeting in December 2024 with a proposal whereby the sub-surface irrigation fields for proposed Lot 1 were being located on proposed Lot 2. Such a proposal was not supported by Council's Planning and Environment staff and as a result, the applicant sought leave to amend the proposal to manage sewage for the proposed lots.

The applicant was granted leave to amend the DA and as a result, proceeded to modify the DA reverting back to the original submission whereby a new individual On-Site Sewage Management System (OSSM system) was proposed wholly within the boundaries of both proposed Lots 1 and 2.

A full plan set of the proposed development can be found in **Attachment 1**.

Statutory Controls

Environmental Planning & Assessment Act 1979

SEPP (Resilience and Hazards) 2021

Lismore Local Environmental Plan (LEP) 2012

- Zoning – RU5 Village
- Heritage Item – No
- Flood – No
- Drinking Water Catchment – Yes

Section 64 contributions – No

Section 7.11 contributions – Yes

Bushfire Prone Land – Yes

Mapped Primary Koala Habitat – No

Biodiversity Values Map trigger – No

Internal Referrals

A referral was sent to Council's Development Engineer, Environmental Health Officer and Building Surveyor all of whom supported the application with the exception of Environmental Health (OSSM).

External Referrals

The Development Application is a residential subdivision of bushfire prone land and as such is Integrated Development for the purposes of Section 100B of the *Rural Fires Act 1997* and requires approval from the NSW Rural Fire Service (RFS). General Terms of Approval were received from the RFS and form part of any development consent should the application be supported.

Public Consultation

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

Consideration

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

State Environmental Planning Policy (Resilience and Hazards) 2021

Under Clause 4.6 of the SEPP Council is required to consider whether a proposed development site is affected by soil or other contaminants before granting consent. The site has been used for residential purpose for some decades, including previous approval of former Lot 3 for a dwelling house and ancillary site works. The proposal seeks same low density residential land use across the site. The likelihood of any

site contamination is very low. Council's Environmental Health Officer is satisfied with the contamination status of the land.

Lismore LEP 2012 (LEP)

Zone objectives and Zoning Control Tables

The site is zoned RU5 Village under the provisions of the Lismore Local Environmental Plan 2012 (LEP). The objectives of the RU5 Zone are;

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To encourage development that is of a design and scale that will enhance and preserve village character.
- To ensure that adequate provision is made for water supply, effluent disposal and refuse disposal.

While the size and configuration of the two proposed lots are generally considered to be consistent with the surrounding subdivision pattern, the proposed subdivision is not considered to be consistent with the objectives of the RU5 Zone, in that adequate provision is not made for effluent disposal.

Part 2 – Permitted or Prohibited Development

The site is zoned RU5 Village. The proposed subdivision and construction of a new dwelling house are permitted with the consent of Council.

Part 4 Principal development standards

4.1 Minimum subdivision lot size

The objectives of this clause are as follows—

- a) to provide a minimum lot size for the subdivision of land,
- b) to ensure that lot sizes have a practical and efficient layout to meet the intended use of each lot.

The minimum lot size for the subdivision of the subject land is 2,500m². Both proposed Lots (Lot 1 – 1,086m² and Lot 2 – 1,380m²) do not comply with minimum lot size and as a result the applicant has submitted a request to vary the 2,500m² development standard under clause 4.6 of the LEP.

The proposed non-compliance with the minimum lot size is not supported in the circumstances given the proposed lots cannot achieve an acceptable OSSM system within their boundaries. Considering that the lots cannot achieve an acceptable sewage management system within their boundaries is clear evidence that the size and layout are not sufficient to meet its intended use for residential accommodation and are not consistent with objective b) of this clause. The minimum lot size in Clunes was intentionally set at 2,500m² to allow for a dwelling and its OSSM system to be contained wholly within the allotment.

4.3 Height of buildings

The site is mapped as within an 8.5m height limit, the proposed dwelling house has a maximum height of 8.35m².

4.6 Exceptions to development standards

As detailed in the below is a summary table, both proposed lots do not comply with the minimum lot size of 2,500m² for the site under clause 4.1(3) of the LEP.

What is the zoning of the land?	RU5 Village
What are the objectives of the zone?	<ul style="list-style-type: none"> • To provide for a range of land uses, services and facilities that are associated with a rural village. • To encourage development that is of a design and scale that will enhance and preserve village character. • To ensure that adequate provision is made for water supply, effluent disposal and refuse disposal.

What is the development standard being varied?	Clause 4.1 Minimum subdivision lot size
What are the objectives of the development standard?	a) to provide a minimum lot size for the subdivision of land, b) to ensure that lot sizes have a practical and efficient layout to meet the intended use of each lot.
What is the numeric value of the development standard?	2,500m ²
What is the proposed numeric value of the development standard in the development application?	Lot 1 = 1086 m ² Lot 2 = 1380 m ² .
What is the percentage variation between the proposal and the development standard?	43.44% and 55.20% non-compliance.

The applicant has submitted a request under clause 4.6 of the LEP to vary the 2,500m² development standard under this clause of the LEP. **Attachment 2** to this report is a full copy of the applicant's justification, which can be summarized as follows:

- Both lots previously existed, as currently proposed, with previously owner.
- No change to the previous approved and existing lots.
- Previous No. 9 had an approved dwelling house.
- No new or additional allotments proposed than previously existed.
- Substantially the same development and subdivision pattern as similar lots along Booyong Road.
- No. 9 is capable of single dwelling-house - as proposed.
- New septic system proposed for each lot.
- Flood-free allotment, bushfire compliant, onsite sewage disposal - all confirmed.
- In the public interest - new dwelling house on flood free land.
- Site is proven to be capable and suitable for the accommodation of one house on each lot, as previously approved. The land is flood-free, the proposal demonstrates that a house on each lot is capable of providing a practical and efficient layout.
- Does not change the character of the area as development pattern is similar to proposed.
- No precedence due to specifics.

Clause 4.6(3) of the LEP states: ***Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that —***

- a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and***
- b) there are sufficient environmental planning grounds to justify the contravention of the development standard.***

The Department of Planning and Environment's *Guide to Varying Development Standards* states, that sufficient environmental planning grounds need to be established by the facts of the request. The request must justify the contravention of the development standard, not simply promote the benefits of the development. The grounds must:

- be sufficient to justify the contravention; and
- focus on the aspect of the development that contravenes the development standard, not the development as a whole.

The table below assesses the proposal to vary the 2,500m² minimum lot size development standard against Clause 4.6(3).

Clause 4.6(3)	Assessment Comment
<p>a) <i>Is strict compliance with the development standard unreasonable or unnecessary in the circumstances?</i></p>	<p>The Department of Planning and Environment's <i>Guide to Varying Development Standards</i> provides that the common ways to establish whether compliance with the development standard is unreasonable or unnecessary is known as the '5-part test' or the 'Wehbe test' (from the case of <i>Wehbe v Pittwater Council</i> [2007] NSWLEC 827). The 'Wehbe test' sets out that compliance with the development standard is unreasonable or unnecessary if the:</p> <ol style="list-style-type: none"> 1. <i>Objectives of the development standard are achieved notwithstanding the non-compliance.</i> <p>The fact that both lots cannot achieve an acceptable sewage management system within their boundaries is clear evidence that the proposed lot sizes and layout are not sufficient to meet its intended use for residential accommodation and that the subdivision is not consistent with objectives of the development standard. See above in this report for more detailed comments in relation to clause 4.1 of the LEP.</p> <ol style="list-style-type: none"> 2. <i>The underlying objective or purpose is not relevant to the development.</i> <p>The underlying objective of the minimum lot size development standard is to ensure lots are of a practical and efficient layout to meet their intended use remains entirely relevant to the development. The minimum lot size in Clunes was set at 2,500m² intentionally to allow for a dwelling and its OSSM system to be contained wholly within the allotment.</p> <ol style="list-style-type: none"> 3. <i>The underlying objective or purpose would be defeated or thwarted if compliance was required</i> <p>The underlying objective or purpose of the minimum lot size would not be defeated or thwarted if compliance was required. The underlying objective or purpose of the minimum lot size is to provide a lot that is of a practical and efficient layout for its intended purpose. The minimum lot size in Clunes was set at 2,500m² intentionally to allow for a dwelling and its OSSM system to be contained wholly within the allotment.</p> <ol style="list-style-type: none"> 4. <i>The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard</i> <p>The minimum lot size development standard has not been virtually abandoned. It is on rare occasions that Council would approve a variation to the minimum lot size that is less than 10%. It is very unusual and uncommon for such a large variation to the minimum lot size to be supported. Lot sizes for different zones are a fundamental principal to adhere to in Land Use Planning.</p> <ol style="list-style-type: none"> 5. <i>The zoning of the land on which the development is proposed was unreasonable or inappropriate.</i>

	<p>The RU5 Village Zoning of the land on which the development is proposed is not unreasonable or inappropriate.</p> <p><i>Concluding Comments</i></p> <p>In this instance, it is not considered that compliance with the development standard is unreasonable or unnecessary. The proposed subdivision is not consistent with the objectives of the minimum lot size development standard in that the proposed lots cannot achieve acceptable sewage management systems and therefore are not of a size and layout sufficient to meet its intended use for residential accommodation.</p> <p>The proposed subdivision is also not consistent with the objectives of the RU5 Village Zone, which is the most appropriate zoning for the land.</p>
<p>b) <i>Are there sufficient environmental planning grounds to justify contravening the development standard?</i></p>	<p>The fact that the proposed lots previously existed as separate lots is not considered to be sufficient environmental planning grounds to justify contravening the minimum lot size development standard. The term 'environmental planning grounds', while not defined in the EP&A Act or the LEP, refers to grounds that relate to the subject matter, scope and purpose of the EP&A Act (Act), including the objects in section 1.3 of the Act being as follows;</p> <ul style="list-style-type: none"> a) <i>to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,</i> b) <i>to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i> c) <i>to promote the orderly and economic use and development of land,</i> d) <i>to promote the delivery and maintenance of affordable housing,</i> e) <i>to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</i> f) <i>to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i> g) <i>to promote good design and amenity of the built environment,</i> h) <i>to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i> i) <i>to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i> j) <i>to provide increased opportunity for community participation in environmental planning and assessment.</i> <p>The proposed subdivision contains both positive and negative environmental planning grounds.</p> <p>Proposing further undersized allotments, when the existing allotment does not achieve the minimum lot size, is not consistent with the objectives of the Act, particularly:</p> <ul style="list-style-type: none"> • <i>to promote the orderly and economic use and development of the land; and</i> • <i>to promote good design and amenity of the built environment.</i> <p>An OSSM design that does not comply with council's <i>On-site Sewage and Wastewater Management Strategy 2013</i> poses potential environmental health concerns due to the possibility of a failing system, or a system that potentially leaches contaminants onto the adjoining parcels of land.</p>

	<p>Without a compliant OSSM system, impacts to the natural environment cannot be managed appropriately and negative impacts remain uncertain.</p> <p>The proposed subdivision is consistent with the surrounding village subdivision pattern and the proposed DA has merit because it will be the delivering a dwelling during a housing crisis, however this can be done without the Torrens title subdivision component (i.e. the house could be achieved as a dual occupancy). All the objectives of the Act relating to the provision of housing can still be achieved.</p>
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In summary, the proposed variation is not considered consistent with objectives of the standard - *to ensure that lot sizes have a practical and efficient layout to meet the intended use of each lot*. The fact that satisfactory OSSM systems/arrangement cannot be demonstrated suggests that the proposed lot sizes are not at a size that is practical and efficient for a residential lot without reticulated sewer. Therefore, approving the subdivision is not promoting good design and amenity of the built environment.

While it is true that the development is providing flood free housing, this can be achieved without the Torrens Title subdivision and does not relate directly to the variation which is about the minimum lot size. While the proposed subdivision pattern is consistent with the locality it is not consistent with the current and future desired lot size, returning to smaller non-complying lot sizes is not the orderly development of the land.

It is considered the applicant has not demonstrated that—

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
- (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

Part 6 Additional local provisions

6.2 Earthworks

The proposal requires earthworks for the construction of the Dwelling House, these works are not anticipated to contravene the standards set out under part 3 of this clause.

6.4 Drinking water catchments

Before determining a development application for development on land to which this clause applies, the consent authority must consider whether the development is likely to have any adverse impact on the quality of water entering the drinking water catchment and that the development *is designed, sited and will be managed* to avoid any significant adverse impact on water quality and flows.

Rous Water has its own guidelines in relation to On-site Wastewater Management when a property is situated in the Wilsons River Drinking Water Catchment. The applicant was asked to address this in letter dated 11 December 2024 however nothing was provided in this regard.

As an acceptable OSSM system for each lot has not been demonstrated, Council is not satisfied that the application can achieve its own wastewater requirements or the wastewater requirements of Rous Water. In this regard, Council is therefore not satisfied that the proposal has successfully demonstrated that OSSM System(s) can be achieved on the proposed undersized lots in accordance with Council’s OSWM Strategy.

6.9 Essential services

Development consent must not be granted to development unless the consent authority is satisfied that services that are essential for the development are available or that adequate arrangements have been made to make them available when required.

The supply of water, electricity, vehicular access and drainage to both proposed lots can all be made available in an acceptable manner.

Adequate arrangements however, have not been made in relation to the disposal and management of sewage for the proposed subdivision, in that the proposal has not successfully demonstrated that satisfactory On-Site Effluent Disposal System(s) can be achieved in accordance with Council's 'On-Site Sewage and Wastewater Management Strategy' (OSWM Strategy) on the two (2) undersized lots.

Part 5 Miscellaneous provisions

5.10 Heritage conservation

The subject site does not contain a Heritage item nor is it in a Heritage Conservation Area. The proposed development is not anticipated to have any negative impact on heritage.

Lismore Development Control Plan (DCP)

	Complies Yes/No	Assessment Comments
Chapter 1 – Residential Accommodation		
Setbacks	No	The proposed carport for the Dwelling on proposed lot 2 is setback 5.14m. Setback generally, in line with front setback of No. 7 dwelling and marginally forward of No. 11. Due to the slope of these properties exact alignment for setbacks is problematic from a construction viewpoint Impacts will not be discernible from the street. A variation is therefore considered to be acceptable.
Design	Yes	The new dwelling will be constructed of timber and weatherboard cladding which complement the materials of the neighbouring building/s.
Building Height, Bulk and Scale	Yes	The height of the proposed dwelling complies.
Visual privacy	Yes	There are no significant privacy issues that cannot be mitigated by some landscaping. The habitable rooms for each dwelling have been designed to not have direct views. The side setbacks to the rear deck are sufficient to ensure privacy and not promote overlooking.
Acoustic privacy	Yes	The driveway (and garage/carport for each dwelling is adequately setback from either dwelling on site or adjacent properties.
Landscaping	Yes	There is adequate landscaping opportunities onsite.
Open Space	Yes	The existing and proposed dwelling will have at least 35m ² of Primary Open Space and functional open space of at least 16m ² adjacent to this Primary Open Space.
Earthworks	Yes	The DA maintains that all proposed retaining walls will be under 1.5m in height.

Erosion Controls	Yes	Erosion and sediment controls to be conditioned.
Off-Street Carparking	Yes/No	<p>The proposed dwellings carparking space is forward of each dwellings building line. Given the slope of the site, there are limited opportunities for redesign. The carparking spaces, although forward of each building line allow for the adequate number of car parking spaces to be provided. The development satisfies the performance criteria and therefore the proposed variation is considered to be acceptable.</p> <p>The proposed new dwelling will have two undercover car parking spaces.</p>
Driveways	Yes	<p>Vehicles can enter or reverse from the site in a single movement.</p> <p>The current site design is appropriate and adequately integrated into the development design.</p>
Service Areas	Yes	<p>The waste storage area for the existing dwelling will remain the same.</p> <p>The architectural plans include details for the provision of three bins within the site. This meets the requirements A20.1, it is considered the site achieves the required 3m² in an alternate location.</p>
Orientation, glazing & shade control	Yes	<p>The allotment has north-west frontage to Booyong Road with side boundaries to the east and west. The window in the living room on eastern side of house has been increased in size to improve sun penetration to main living area of the house. Good morning sunlight is available to the deck and rear yard of the new house.</p> <p>The new dwelling will be single storey along the elevation nearest to the existing dwelling, no adverse solar impacts expected. No adjoining properties will be subject to solar impacts.</p> <p>The kitchen, dining and living areas are on the northern side of each dwelling with other rooms on the southern side.</p> <p>The eaves for both dwellings will provide shade in the alfresco and deck areas.</p> <p>The windows in each dwelling are positioned to allow for cross ventilation where possible.</p>
On-site sewerage & waste management	No	<p>This element states “<i>sewage and waste water needs to be managed on-site to protect the environment and public health</i>”.</p> <p>Council’s EHO is not satisfied the proposed OSSM system reasonably satisfies the objectives of the OSWM Strategy stating that, <i>the proposed technical report does not present a design solution or provided cogent argument for departures. The design solution does not address the matters identified through Councils Pre-lodgement minutes.</i> In this regard, the proposal has not successfully demonstrated that satisfactory OSSM System(s) can be achieved in accordance with OSWM Strategy on the two (2) undersized lots.</p>

Chapter 6 – Village Subdivision		
	Complies Yes/No	Assessment Comments
Lot size	No	The proposed lots are both well under the 2,500m ² minimum lot size under clause 4.1 of the LEP. As detailed above in this report, the proposed variation to the 2.500m ² minimum lot size is not supported.
Access	Yes	Satisfactory.
Solar Access	Yes	Satisfactory.
Water and Sewer	No	The proposal has not successfully demonstrated that satisfactory On-Site Effluent Disposal System(s) can be achieved in accordance with Council's 'On-Site Sewage and Wastewater Management Strategy' (OSWM Strategy) on the two (2) undersized lots.
Stormwater management	Yes	The provisions of DCP Chapter 22 – WSD is not triggered by this application.
Chapter 11 – Buffer Areas		
	Complies Yes/No	Assessment Comments
Grazing Land and associated infrastructure	Yes	The proposed residential subdivision and development location is within an approved residential area and Chapter 11 encroaching provisions do not apply.
Chapter 14 – Vegetation Protection		
	Complies Yes/No	Assessment Comments
Matters for consideration by Council	Yes	<p>Chapter 14 of LDCP outlines circumstances where development consent is required for vegetation management works. The subject development proposes the removal of mid maturity <i>Waterhousia floribunda</i> and compensate by replacing in the rear of the property.</p> <p>An arborist report has been provided and the subject tree is reported to be in good health, however it is described as being sub mature and not suitable to retain in context of building the proposed structure on the land adjacent to the tree.</p> <p>While the native tree does provides environmental services such as forage for native fauna, shade and soil stability the species and specimen is considered replaceable.</p> <p>Removal of the tree is supported with recommended conditions.</p>

Section 7.11 Contributions Plan

The applicant has requested that the 7.11 contributions be waived in this instance providing the following:

Council has previously collected contributions for proposed Lot 2 when was originally created (as Lot 3 in DP 739071). While the proposal is technically a Torrens title subdivision of the land in a traditional sense, it functionally reestablishes the previous two lots and does not seek to add any additional or new allotments

than those previously in existence. The additional load onto Council's systems was paid for when Lot 3 was created.

Lismore City Council *Section 7.11 Infrastructure Contributions Plan 2024-2041* is silent in regard to the above situation and whether the previous credit should be applied however, it seems fair and reasonable in the circumstance of the case that should the application be approved that the credit is applied.

Relevant Council Policies

On-Site Sewage and Wastewater Management Strategy' (OSWM Strategy)

The DA has had four (4) attempts at demonstrating an OSSM system(s) acceptable to the objectives of Council's '*On-Site Sewage and Wastewater Management Strategy*' (OSWM Strategy).

The DA was scheduled to be reported to the Ordinary Council Meeting in December 2024 with a proposal whereby the sub-surface irrigation fields for proposed Lot 1 were being located on proposed Lot 2. Such a proposal was not supported by Council's Planning and Environment staff and as a result, the applicant sought leave to amend the proposal to manage sewage for the proposed lots.

The applicant was granted leave to amend the DA and as a result proceeded to modify the DA reverting back to the original submission whereby a new individual OSSM system was proposed wholly within the boundaries of both proposed Lots 1 and 2. The amended OSSM proposal was supported by a consultant's report – '*On-Site Wastewater Management Report Development Application (DA5.2023.301.1) at Lot 34 DP1254370 at 7&9 Booyong Road, Clunes, NSW 2480*' (dated 21 November 2024), a copy of which is provided at **Attachment 3**.

The amended OSSM proposal seeks significant departures from Council's OSWM Strategy, including:

- non-compliance with buffer separation distances to proposed property boundaries; and
- no provision for reserve land application areas.

The consultant's report submitted in support of the amended OSSM proposal, is not considered to present a design solution or provided a cogent argument for the significant departures from Council's OSWM Strategy, nor does it satisfactorily address the matters identified in Council's Pre-lodgement meeting minutes. As a result, Council's Environmental Health Officer concludes that the proposal has not successfully demonstrated that satisfactory OSSM Systems can be achieved on the proposed undersized lots in accordance with Council's OSWM Strategy.

The previous OSSM proposal whereby the sub-surface irrigation fields for proposed Lot 1 were being located on proposed Lot 2 was supported subject to a Strata title arrangement.

Roads Act Approvals

The proposal requires works within the public road reserve, and as such, a permit under the provisions of s.138 of the *Roads Act* must be obtained prior to those works being undertaken. This requirement is addressed in relevant conditions of consent.

Local Government Act 1993 Approvals

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

Likely Impacts of the Development

ENVIRONMENTAL APPRAISAL

CONSIDERED

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

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

Suitability of the site for the development

While the subdivision layout is consistent with the surrounding pattern of lots, the site is not considered to be suitable for the proposed subdivision given an acceptable OSSM system cannot be achieved in accordance with Council's 'On-Site Sewage and Wastewater Management Strategy' (OSWM Strategy) on the two (2) proposed undersized lots.

Public interest

The proposed development does not meet all legislative requirements and has the potential to adversely impact on the natural environment. The creation of two (2) significantly undersized allotments with non-compliant OSSM systems is a poor planning outcome and is not considered to be in the public interest.

Conclusion

The DA seeks consent to subdivide the subject allotment into two (2) Torrens title lots (consistent with the layout of former lots that existed prior to their consolidation) and to erect a new dwelling on proposed Lot 2 and associated driveway, carport, vegetation management works and a new On-Site Sewage Management system for each respective proposed lot.

The two (2) proposed lots are both well under the 2,500m² minimum lot size for the site and as a result are both not of a sufficient size to successfully demonstrate that a satisfactory OSSM System can be achieved in accordance with Council's OSWM Strategy.

Following detailed assessment of all relevant statutory considerations, it is recommended that the DA be refused for the following reasons:

- the subdivision does not satisfy clause 4.6 of the LEP in that compliance with the 2,500m² minimum lot size is not unreasonable or unnecessary in the circumstances and there are not sufficient environmental planning grounds to justify the contravention of the development standard;
- the proposal has not successfully demonstrated that satisfactory On-Site Effluent Disposal System(s) can be achieved in accordance with Council's 'On-Site Sewage and Wastewater Management Strategy' (OSWM Strategy) on the two (2) undersized lots; and
- the site is not suitable for the Torrens title subdivision as proposed.

Notwithstanding the above, it is however considered that Strata title is a more appropriate form of subdivision the proposed development as it would:

- allow for the erection of the new dwelling on the allotment as a dual occupancy;
- not result in a non-compliance with the 2,500m² minimum lot size by virtue of clause 4.1(4)(a) of the LEP; and
- allow for an acceptable OSSM system to be achieved on the allotment.

Recommendation

Pursuant to Section 4.16 of the *EP&A Act*, development application No. 5.2023.312.1, to undertake a subdivision of one lot (1) to create two lots (2) and the construction of a new dwelling on proposed lot 2 and associated driveway, carport, vegetation management works and on-site effluent disposal systems, be **refused** for the following reasons:

1. the proposed development does not provide for the orderly development of the site or good design and amenity of the built environment due to undersized lots and unacceptable sewage management arrangements (Section 1.3 of the *EP&A Act*).
2. the proposed development is inconsistent with the following clauses of *Lismore Local Environmental Plan 2012* (Section 4.15(1)(a)(i) of the *EP&A Act*):
 - a. Clause 2.3 – Zone objectives.
 - b. Clause 4.1 – Minimum subdivision lot size.
 - c. Clause 4.6 – Exceptions to development standards.
 - d. Clause 6.4 – Drinking Water Catchments.
 - e. Clause 6.9 – Essential services.
3. the proposed development is inconsistent with the following requirements of the *Lismore Development Control Plan, Part A, Chapter 1 – Residential Development* (Section 4.15(1)(a)(iii) *EP&A Act*):
 - a. Element 4.10 – On-Site Sewage and Waste Water Management.
4. the proposed development is inconsistent with the following requirements of the *Part A, Chapter 6 – Village Subdivision of the Lismore Development Control Plan* (Section 4.15(1)(a)(iii) *EP&A Act*):
 - a. Element 4.1 – Lot Size
 - b. Element 4.9 – Sewer (non-reticulated areas)
5. the site is not suitable for the proposed development (Section 4.15(c) of the *EP&A Act*)
6. the proposed development is not in the public interest (Section 4.15(e) of the *EP&A Act*)

Attachment/s

- | | | |
|----|---|----------------|
| 1. | Attachment 1 - Proposed DA Plans - 7 Booyong Road CLUNES 2480 | (Over 7 pages) |
| 2. | Attachment 2 - Clause 4.6 variation request - Clause 4.6 Variation - cl4.1 Lot Size - 7 Booyong Road, Clunes.pdf - 7 BOOYONG ROAD CLUNES 2480 | (Over 7 pages) |
| 3. | Attachment 3 - Onsite Waste Disposal Report (Amended) | (Over 7 pages) |

Report

Subject	Planning Proposal to rezone an Urban Release Area at 1055 Bruxner Highway, Goonellabah
TRIM Record No	BP25/22:AF22/5200
Prepared by	Strategic Planner Coordinator
Reason	To finalise the rezoning of land at 1055 and 1055A Bruxner Highway to a combination of residential, commercial and industrial zoned land.
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 provides an update on the progress made to the Planning Proposal relating to an Urban Release Area at 1055 and 1055A Bruxner Highway. The Planning Proposal seeks to rezone the land from a RU1 primary production zone to a combination of residential, commercial, mixed use and industrial land use zones.

The report outlines the details of the Planning Proposal, including amendments made in response to the state and public agency that was held in 2024. Since lodgement in 2022, detailed investigations and negotiations relating to the controlled release of this site and the accompanying infrastructure required have been ongoing. The Planning Proposal proposes a new section be added to the Lismore Local Environmental Plan (LEP) that includes controls specific to this Urban Release Area to ensure it is delivered alongside sufficient infrastructure upgrades. Council, and all referring state agencies, are now satisfied the Planning Proposal can be finalised. The expiration deadline set by the NSW Department of Planning, Housing and Infrastructure, to finalise this Planning Proposal is Thursday 13 March 2025.

The report recommends that the Planning Proposal to rezone the land be supported. Rezoning of this Urban Release Area is expected to unlock significant and much needed flood-free land for residential and commercial uses.

Additionally, the report puts forward an accompanying Voluntary Planning Agreement (VPA) for finalisation. The VPA is a legal mechanism by which Council can receive site specific contributions voluntarily from a developer. The draft VPA presented ensures that the vision and expectations of the Urban Release Area, in terms of public recreation, environmental enhancement and affordable housing, can be achieved.

Recommendation

That:

1. Council support the Planning Proposal for 1055 and 1055A Bruxner Highway, Goonellabah (Lot Lot 42, DP 868366 and Lot 1, DP 957677) for amendments to the Local Environmental Plan as detailed in this report
2. the Planning Proposal and accompanying maps and studies, be sent to the Department of Planning, Housing and Infrastructure for finalisation in accordance with the Gateway determination
3. the Voluntary Planning Agreement be finalised and signed by the General Manager and the General Manager be delegated to make minor amendments prior to signing, provided the amendments do not alter the intent of the Voluntary Planning Agreement

Background

In November 2022 a planning proposal was received from Nimble Estates to amend the zoning and associated planning controls on two lots at 1055 and 1055A Bruxner Highway, Goonellabah (Lot 42, DP 868366 and Lot 1, DP 957677), hereby referred to as the Urban Release Area or site.

The Planning Proposal intends to facilitate the future development of the site for residential, industrial and commercial use. It is expected that the proposal will lead to the creation of around 350 residential lots and 150 industrial/commercial lots. This is estimated to yield around 400 residential dwellings. The planning controls set by the Planning Proposal have been designed to deliver a range of new and diverse housing opportunities including medium density housing, live /work precincts and a range of new industrial/commercial opportunities.

Since lodgment, officers have been working with the landowner, Transport for NSW (TfNSW), the Department of Planning, Housing and Infrastructure (DPHI) and the NSW Reconstruction Authority (RA) to address key challenges and ensure the best outcomes for the site and for Lismore's future growth. To enable greater time for investigation, in 2024 Council officers requested a Gateway extension for the finalisation of the Planning Proposal. DPHI issued an extension (attachment 18) up until 13 March 2025, this is now the deadline for the Planning Proposal to be submitted back to DPHI for finalisation.

The detailed investigations and negotiations into the controlled release of this site are now at a stage that council is satisfied the Planning Proposal be finalised, in advance of the expiration deadline set by the DPHI. The report concludes that the Planning Proposal to rezone the land be supported as it is expected to unlock significant and much needed flood-free land for residential and commercial uses.

On Tuesday 4 February 2025 officers provided an overview of the proposal to councillors at a Council briefing.

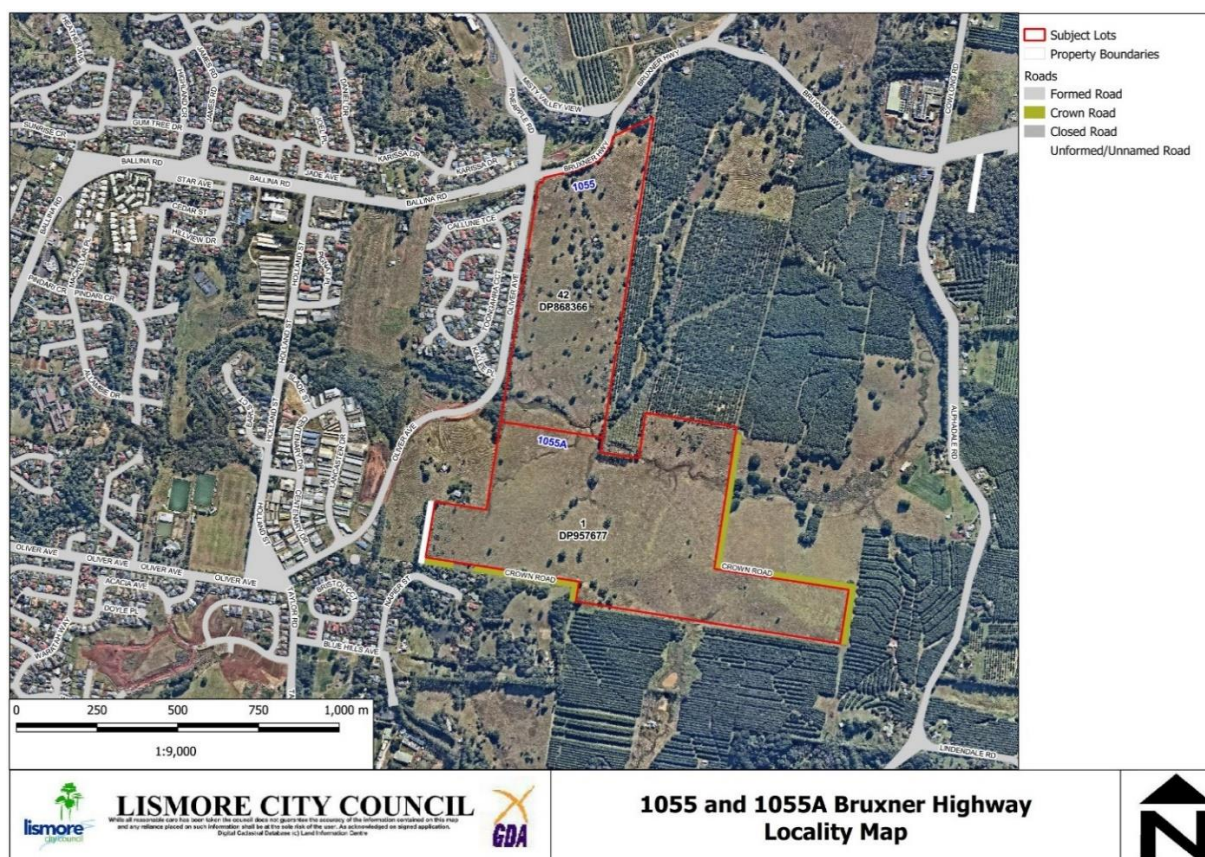
Characteristics of the subject site

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

Table 1- Subject Lots

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

Figure 1 - The Site



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

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

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

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

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

Alignment with the Lismore Growth and Realignment Strategy

The site is identified in Lismore's adopted Growth and Realignment Strategy (GRS) and it's addendum as being potentially suitable for future residential, commercial and industrial uses.

Both the GRS and its addendum are adopted by Council and endorsed by DPHI.

Proposed changes to the Lismore Local Environmental Plan 2012

The objectives and intended outcomes of the Planning Proposal will be achieved through the following amendments to the Lismore Local Environmental Plan 2012 (LLEP):

1. Amend the LLEP 2012 Land Use Zoning Map (Sheet LZN_005 and Sheet LZN_006) from RU1 Primary Production to part:
 - R1 General Residential,
 - R3 Medium Density Residential,
 - MU1 Mixed Use,
 - E1 Local Centre,
 - E4 General Industrial,
 - RE1 Public Recreation, and
 - C2 Environmental Conservation.

See Figure 2 for the proposed zoning layout.

2. Amend the Lot Size Map (Sheet LSZ_005 and Sheet LSZ_006) to remove the current minimum lot size requirement of 40ha and 20ha and impose the following minimum lot sizes:
 - R1 zoned land: a minimum lot size of 400m²,
 - R3 zoned land: part 1200m² and part nil minimum lot size,
 - MU1 and E1 zoned land: a minimum lot size of 300m²,
 - E4 zoned land: a minimum lot size of 1,500m².

See Figure 3 for the proposed lot size layout.

3. Amend the LLEP 2012 Height of Building Map (Sheet HOB_005 and Sheet HOB_006) to impose the following maximum height of building control:
 - R1 zoned land: maximum building height of 9m,
 - R3 zoned land: maximum building height of part 9m and part 14.5m,
 - E1 zoned land: maximum building height of 16m,
 - MU1 zoned land maximum building height of 13m,
 - E4 zoned land: part maximum building height of 12m.

See Figure 4 for the proposed building height layout.

4. Introduce a new map sheet to the LLEP 2012 to identify the entirety of the site as an Urban Release Area (URA_005 and URA_006).

The Urban Release Area will apply to the whole site as shown in Figure 1.

5. Amend the LLEP 2012 to include a new Part 7 on Urban Release Areas to include controls applicable to the site as identified in a new map sheet as an urban release area. The proposed wording is standardised across NSW and is:

Part 7 Urban Release Areas

7.1 Arrangements for designated State public infrastructure

(1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.

Note—

When this Plan was made the urban release area had not been finalised.

(2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.

(3) Subclause (2) does not apply to—

- a) any lot identified in the certificate as a residue lot, or
- b) any lot to be created by a subdivision of land that was the subject of a previous development consent granted in accordance with this clause, or
- c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
- d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.

(4) This clause does not apply to land in an urban release area if all or any part of the land is in a region within the meaning of the Act, Division 7.1, Subdivision 4.

(5) In this clause—

designated State public infrastructure means public facilities or services of the following kinds to the extent the facilities or services are provided or financed by the State—

- a) State and regional roads,
- b) bus interchanges and bus lanes,
- c) rail infrastructure and land,
- d) regional parks and public space,
- e) social infrastructure and facilities, including schools, hospitals, emergency services and justice facilities.

7.2 Public utility infrastructure

(1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

7.3 Development control plan

(1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.

(2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.

(3) The development control plan must provide for all of the following—

- a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,
- b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
- c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
- d) a network of active and passive recreation areas,
- e) stormwater and water quality management controls,

- f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
 - g) detailed urban design controls for significant development sites,
 - h) measures to encourage higher density living around transport, open space and service nodes,
 - i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
 - j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.
- (4) Subclause (2) does not apply to development for any of the following purposes—
- a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
 - b) a subdivision of land if all of the lots proposed to be created are to be reserved or dedicated for public open space, public roads or any other public or environmental protection purpose,
 - c) a subdivision of land in a zone in which the erection of structures is prohibited,
 - d) proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.

7.4 Relationship between Part and remainder of Plan

A provision of this Part prevails over any other provision of this Plan to the extent of any inconsistency.

7.5 Application of this Part

In this Part, **urban release area** means the following land—

- (a) land identified as “1055 and 1055A Bruxner Highway” on the [Urban Release Area Map](#).

Figure 2 - Proposed Land Use Zoning

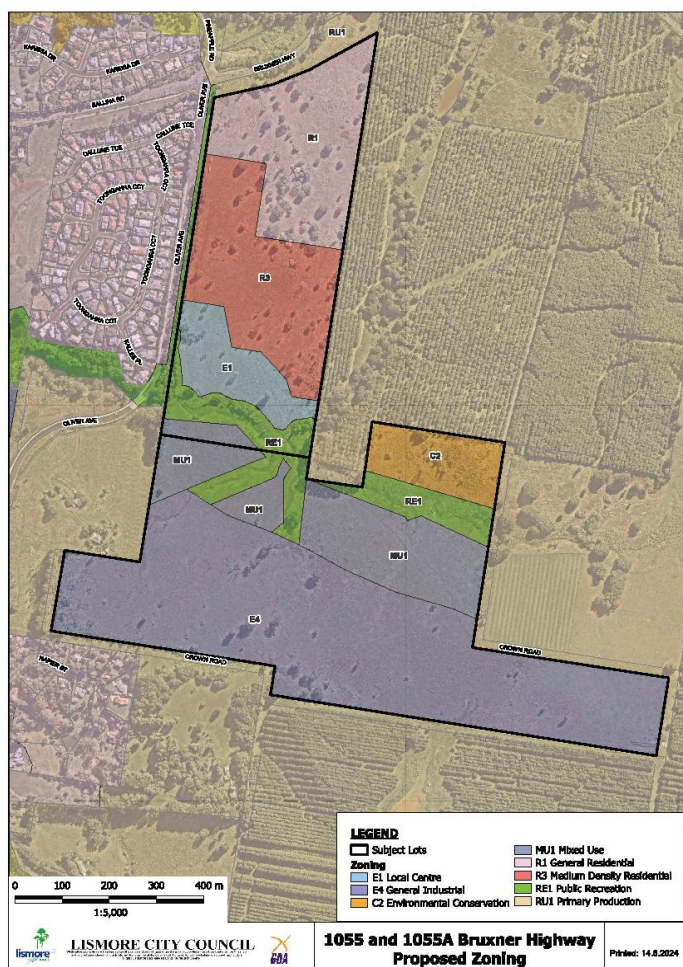
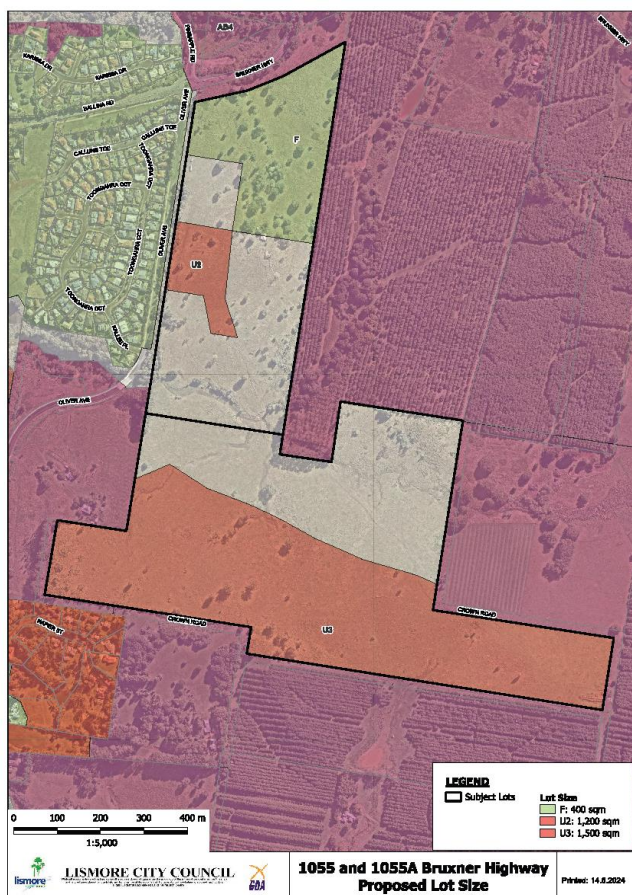


Figure 3 - Proposed Lot Size

Figure 4 - Proposed Maximum Building Heights



State Agency and Public Consultation

As per a previous resolution of Council, the Planning Proposal and all accompanying documents were exhibited in March and April of 2024.

State Agency Submissions

The following NSW agencies were invited to provide feedback and have all provided support for the proposal. All written submissions are attached to this report.

Referral request sent to:	Response Received	Support	Objection
Agriculture, Department of Primary Industries (DPI)	Y	Y	
Fisheries, DPI	Y	Y	
NSW Mining, Exploration and Geoscience	Y	Y	
Ngulingah Local Aboriginal Land Council	N*		
Biodiversity and Conservation Division, Department of Climate Change, Energy, the Environment and Water	Y	Y	
Heritage NSW, Department of Climate Change, Energy, the Environment and Water	Y		

Transport for NSW	Y	Y	**
NSW Rural Fire Service (RFS)	Y	Y	
Rous County Council	Y	Y	
Transgrid	NA		
Essential Energy	N		
Crown Lands	N		
NSW Reconstruction Authority	N		

*A face to face meeting was held with Ngulingah Local Aboriginal Land Council prior to the public exhibition. Ngulingah LALC requested for a cultural knowledge holder to be present on-site at the time of PAD excavation.

**Original objection superceded by subsequent correspondence.

Separate to the above, the following NSW Agencies were invited to determine if any state infrastructure would be required as a result of the development:

- NSW Biodiversity and Conservation Science Division
- NSW Rural Fire Service
- NSW Police Force
- NSW Fire and Rescue
- NSW Ambulance
- Northern NSW Local Health District
- NSW Department of Education
- Transport for NSW

Both the Department of Education and the Biodiversity and Conservation Science responded stating that they will not be requesting any additional state infrastructure in response to this Planning Proposal.

Transport for NSW (TfNSW) was the only agency to respond requesting state infrastructure due to the traffic impacts the proposal would have on the Bruxner Highway should no upgrades be provided. In response, a State Voluntary Planning Agreement (VPA) has been prepared. The State VPA provides a funding mechanism for enabling upgrades to the Bruxner Highway required because of this development in accordance with the staging of the development and subsequent increased traffic flows. The required upgrades have been designed and costed, to the satisfaction of TfNSW, to inform the VPA. That VPA is in draft between the proponent and the DPHI. Lismore City Council is not a signatory to this State VPA.

This Planning Proposal includes a new section be added to the LEP specifically in relation to this Urban Release Area and the infrastructure delivery. Clause 7.1 (2) of this new section means that subdivision of the land cannot be consented to until such time that the Director-General from DPHI “*has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.*”

This gives Lismore City Council robust guarantee that the State VPA will need to be signed to DPHI's satisfaction prior to any DA consent.

Public Submissions

Feedback from the public was welcomed between 13 March 2024 and 1 May 2024. The consultation was advertised via:

- Local Matters
- Media Release
- Social Media
- A letter in the post to adjoining landowners

The proposal was also picked up by the local news. During the consultation period, officers held 3 meetings with nearby landowners.

A total of 83 unique submissions were made, 69 via the online survey on Lismore’s Your Say webpage and 14 via a ‘freeform’ letter or email (excluding duplicates).

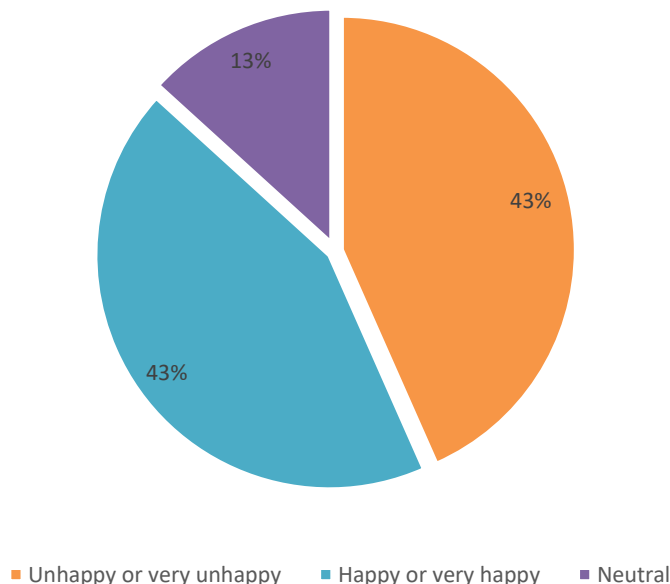
The first question in the survey asked how individuals felt about the Planning Proposal. The 14 letters have been classified into the same terms by officers using the following methodology:

- where a submission clearly supported the proposal, it was recorded as very happy or happy,
- where a submission made some recommendations for improvement it was recorded as neutral, and
- where a submission made objections, it was recorded as very unhappy or unhappy.

The results show that 13% of respondents have a neutral feeling towards the proposal whilst 43% are unhappy or very unhappy and another 43% are very happy or happy.

Figure 5 - Level of content from community

Community Sentiment on Proposal



Officers response and changes made to the proposal

On reviewing all submissions officers have provided detailed response and actions made in response to the emerging themes in table 2.

Table 2 - Officers response and amendments to the Planning Proposal according to consultation feedback

Theme	Response	Change Made
<p>Biodiversity conservation is important The NSW Biodiversity and Conservation Science Division recommended:</p> <ul style="list-style-type: none"> an extended area of the Tucki Tucki creek corridor to be zoned and for a Conservation zone to be applied, rather than the proposed Recreation zone, that the Voluntary Planning Agreement (VPA) requires for the corridor revegetation works to be at a significant standard prior to the land then being transferred into Council's ownership, That some of the lowland subtropical rainforest trees in the northern area of the site be protected. <p>The Fisheries team within the NSW Department of Primary Industries acknowledged that the Tucki Tucki creek is Type 1/Class 1 key fish habitat and as a result must be safeguarded by a 100m buffer.</p>	<p>Zoning – Officers recommend that a recreational zone be applied to the Tucki Tucki creek corridor as originally intended. This is due to the intent for the corridor to operate as a recreational path, linking all the way through to Kadina Street Goonellabah. The recreational zone is consistent with the remainder of the creek corridor zoning. The recreational zone offers the best balance between environmental protection and enabling recreational use. Planning officers have concerns that a conservation zone would lead to challenges when seeking consent to construct a footpath.</p> <p>Officers do recommend however, that the area planned for biodiversity offsetting be zoned as a conservation zone. This is reflected in the updated and final proposed zoning map.</p> <p>Biodiversity Protection –</p> <ul style="list-style-type: none"> The (VPA) has been updated to ensure that the land is not transferred to Council until such time that the revegetation works are significant. The VPA will also address maintenance of the vegetation to Council's satisfaction. The DCP has been amended to introduce stronger and clearer requirements around public open space and protection of some subtropical rainforest trees in the north of the site. The structure plan in the DCP now identifies 3 separate parcels of public open space. Written controls in the DCP now specify the size and embellishment requirements for each of these areas and the VPA enforces the provision in a timely manner. 	<ul style="list-style-type: none"> Zoning Map Structure Plan/ Development Control Plan (DCP) VPA
<p>Housing Support density and typology Overall, there was general consensus and support for residential uses. There was a mix of both support and concern for affordable/ social housing. There were</p>	<p>Officers have workshopped the minimum lot size, building height and land zoning to better enable diverse housing. Changes have also been made to the DCP controls to best enable well designed housing. The following changes have been made:</p> <ul style="list-style-type: none"> Land north of the Tucki Tucki is to be zoned as a combination of E1 Local Centre, R3 Medium density residential and R1 General residential. It is recommended that no land north of the creek be 	<ul style="list-style-type: none"> Zoning Map Minimum Lot Size Map Height of Buildings Map Structure Plan/ DCP

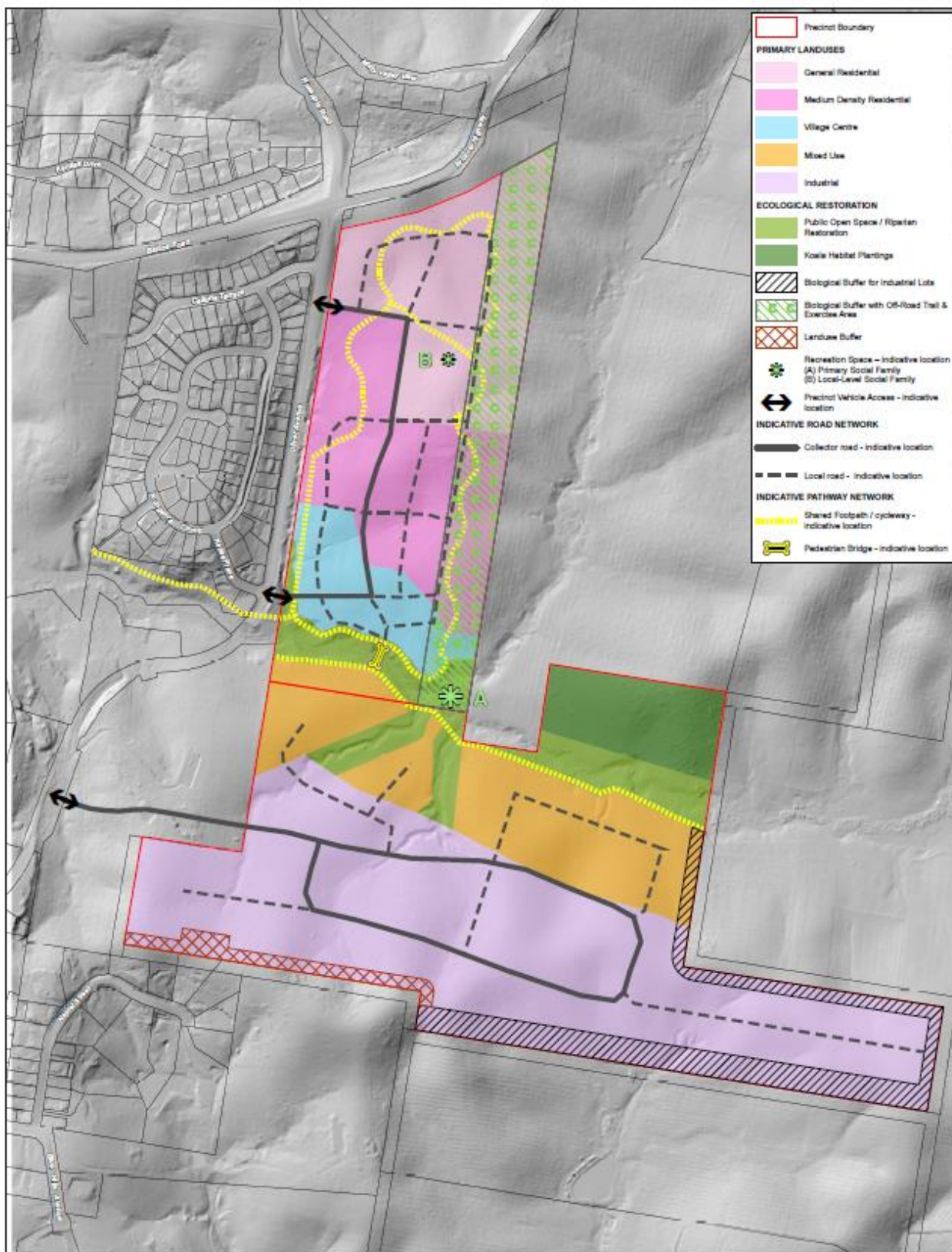
<p>requests for; resident-led housing or cohousing; requests for the entirety of the proposal area to be used for residential; and for the residential and industrial zonings to be reversed so that the industrial zone is in the north and the residential in the south.</p> <p>When asked about minimum lot size, many didn't mind or know but supported housing and diverse housing and many others wanted bigger blocks due to fear of 'ghettoes'</p>	<p>zoned as MU1 mixed use anymore. This is in response to concerns that too much commercial development could take over the site. As a result, officers have worked with the landowner to determine the best area for a commercial and community local centre. With the Local Centre area identified, there is no need for a mixed use zone to apply north of the creek. Instead, the medium density zone can be used which will best enable medium density housing in accordance with the objectives of the Planning Proposal. This zoning mix best enables the intended vision for the area.</p> <ul style="list-style-type: none"> • Suitable areas, based on topography and desired outcomes, have been identified for no minimum lot size while others for a larger minimum lot size. These have been carefully selected to best enable Torrens title medium density housing and apartments. • Suitable areas, based on topography and desired outcomes, have been identified for increased building heights north of the Tucki Tucki creek. This is to best enable a feasible and well-built commercial area and an adjoining area for apartment buildings. • A maximum building height limit has been applied to the land south of the creek. This is to control and maintain appropriately scaled development 	
<p>Concern for the loss of agricultural land The land is mapped as significant farmland. Some submissions objected to the rezoning on the basis that agricultural land and soils should be protected.</p>	<p>The need for flood-free housing and employment lands has been suitably demonstrated within the Lismore City Council Growth and Realignment Strategy and its addendum. This Strategy and its addendum were endorsed by DPHI. Additionally, an agricultural study was prepared alongside the Planning Proposal, and it concludes that much of the site is not suitably viable for agricultural uses. Based on this, the agriculture division of the Department of Primary Industries (DPI) have supported the Planning Proposal. In their submission, DPI acknowledge the importance of buffers and requested that the final structure plan or DCP controls formalise the requirement for buffers. This has been actioned in the final structure plan. Buffer requirements are set out in Lismore's existing planning framework, specifically DCP Chapter 11.</p>	<p>Structure Plan</p>
<p>Concern that sufficient buffers won't be provided Significant concern was raised around what buffers would be applied between the future development and the existing neighbourhoods around it.</p>	<p>Buffer design and detail is provided at the development application (DA) stage and governed by the existing Lismore City Council DCP chapter Part A, Chapter 11. To add clarity for the community and for any future developers, the buffers are now clearly shown on the structure plan as stated above.</p> <p>The required buffers are:</p> <ul style="list-style-type: none"> • A 40 metre buffer between the southern parcel (proposed for industrial uses) and all neighbouring uses and that the buffer be suitably mounded and densely planted in accordance with an approved landscaping plan, • An 80 metre buffer between the northern parcel (proposed for residential use) and the neighbouring 	<p>Structure Plan</p>

	<p>macadamia farm to the east. 30m of this buffer must be densely planted to act as a 'biological buffer'.</p>	
<p>Concern for the negative impact of industrial development in this area Many concerns were raised in relation for potential land use conflict to occur between the proposed industrial zone in the south and the adjacent agricultural/ residential uses. Concerns included; noise, light and water pollution; noise complaints from future occupants against existing farming operations; overshadowing; blockage of cool summer breezes; land value; and biodiversity impact.</p>	<p>As addressed above. A maximum building height limit has been applied to the area of industrial zoned land that neighbours existing residential uses and the highest point within the industrial zoned area. Additionally, the requirement for buffers has been clarified. These two elements will help limit the neighbouring impact of the industrial uses and prevent land use conflicts.</p> <p>Additionally, controls have been added to the DCP in relation to building design and function in the industrial areas.</p>	<ul style="list-style-type: none"> • Height of Building Map • DCP
<p>Concern for water protection and stormwater management Concerns were raised about development impact on the water source in the south of the proposal area that flows into the adjacent farms to the south. It was raised that this water source provides water to the farms and flows back into the Tucki Tucki. Additionally, concerns were raised about the accompanying Stormwater Management Report and impact development may have downstream on the Tucki Tucki and neighbouring properties in Goonellabah that flood during intense rainfall events.</p>	<p>Flows onto Southern Lands The Northern Rivers Development and Design Manual along with Council's existing DCP Chapter 22 require developments to not intensify stormwater discharge onto adjoining properties and ensure that the quality of water is equivalent to the pre-developed condition. In this regard this level of detail will be provided at the DA and it is officers's opinion that sufficient detail has been provided for this stage in the process.</p> <p>Accuracy of Modelling The SWMP has been prepared in accordance with the Northern Rivers Development and Design Manual and Council DCP Chapter 22. Council considers this to be accurate as the rainfall data is sourced from the Australian Rainfall and Runoff and does not need to include local observations about rainfall.</p> <p>Flows Downstream As per above the goal of Councils stormwater design manual and DCP is to ensure that the post development flows from the site are equal to or less than the pre-developed condition. This detail can ultimately only be provided at the DA stage, but it is officers's opinion that there is adequate space on the site to be able to achieve this for all catchments.</p>	<p>NA</p>

Structure Plan

Whilst the structure plan is to be included and adopted as part of the DCP it is provided here, and as attachment 19 for reference.

Figure 6 - Structure Plan



Overview of the Planning Proposal

Table 3 provides an overview of the Planning Proposal structured in accordance with DPHI’s guidelines for planning proposals. The detailed Planning Proposal report is provided as attachment 1 to this report. The previous report to Council detailing economic, social and economic impact of the proposed urban release area is provided attachment 15.

Table 3 - Overview of the Planning Proposal

REQUIREMENT	JUSTIFICATION
Section A – Need for the Planning Proposal	
<p><i>Is the planning proposal a result of an endorsed LSPS, strategic study or report?</i></p> <p><i>Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</i></p>	<p>Yes, the site is identified in Council’s Growth and Realignment Strategy 2022 and supporting addendum that have both been endorsed by DPHI.</p> <p>As such, a Planning Proposal is considered the best means of achieving the objectives. There is no other method for rezoning the land and ensuring for the sufficient release of both infrastructure and development on this site.</p>
Section B – Relationship to Strategic Planning Framework	
<p><i>Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?</i></p> <p><i>Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?</i></p> <p><i>Is the planning proposal consistent with any other applicable State and regional studies or strategies?</i></p> <p><i>Is the planning proposal consistent with applicable SEPPs?</i></p> <p><i>Is the Planning Proposal consistent with applicable s9.1 Ministerial Directions?</i></p>	<p>The Planning Proposal will give effect to many objectives and intentions of the following regional plans and strategies:</p> <ul style="list-style-type: none"> • North Coast Regional Plan (2041), • Lismore Regional City Action Plan (2036). <p>The Planning Proposal is justifiable inconsistent with the requirement of the North Coast Regional Plan to only allow commercial development adjacent to existing centres.</p> <p>The Planning Proposal is consistent with objectives contained within the following local strategies and plans:</p> <ul style="list-style-type: none"> • Inspire Lismore 2040 - LSPS • Growth and Realignment Strategy • Lismore Community Strategic Plan • Innovate Lismore - Economic Development Strategy <p>The Planning Proposal is consistent (or justifiably inconsistent) with the applicable SEPPs.</p> <p>The Planning Proposal is consistent (or justifiably inconsistent) with the applicable Section 9.1 Directions.</p> <p>All details of the above are outlined in the final Planning Proposal at attachment 1.</p>

REQUIREMENT	JUSTIFICATION
Section C – Environment, Social and Economic Impact	
<p><i>Is there any likelihood that critical habitat of threatened species, populations or ecological communities or their habitats, will be adversely affected because of the proposal?</i></p> <p><i>Are there any other likely environmental effects of the Planning Proposal and how are they proposed to be managed?</i></p> <p><i>Has the Planning Proposal adequately addressed any social and economic effects?</i></p>	<p>The Planning Proposal has adequately addressed social and economic impacts. In summary:</p> <p><u>Environmental</u> The Tucki Tucki creek corridor is provided suitable protection via the application of a public recreation zone over the entirety of the creek corridor and majority of the tributaries. This zoning is consistent with majority of the creek corridor to the west of the site as it traverses Goonellabah (Birdwing Butterfly path). Furthermore, the VPA ensures that that the corridor be enhanced through planting in accordance with a Council endorsed Vegetation Management Plan (VMP). The corridor is not currently planted out so the VPA will result in an improvement to the environmental quality of the corridor.</p> <p>In addition to the corridor, some trees of importance have been identified in the northern end of the site. Following guidance of the NSW Biodiversity Conservation Science team from the Department of Climate Change, Energy, Environment, and Water (DCCEEW), these trees have been protected via the structure plan in the DCP and the requirements of the VPA. An area surrounding the trees is to be subdivided and dedicated to Council free of charge, once embellished for nature play and social family recreation.</p> <p><u>Social</u> The VPA provides land to Council for the provision of affordable housing, resulting in positive social impact for the Lismore LGA community.</p> <p>Additionally, sufficient measures have been put into place in the VPA and DCP to ensure positive social impact for the new residents of this urban release area through public recreation opportunities and areas. The VPA ensures that the public open space is embellished early on in the staged delivery of this Urban Release Area to ensure that new residents set habits for active travel and recreation from the outset.</p>
Section D – Infrastructure (Local, State and Commonwealth)	
<p><i>Is there adequate public infrastructure for the Planning Proposal?</i></p> <p><i>What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?</i></p>	<p>Lismore City Council is satisfied that there are suitable controls in place to ensure the required upgrades to state and local infrastructure can be made prior to development commencing. The inclusion of the new Part 7 Urban Release Area clause into the Lismore LEP means that both public and state infrastructure must be satisfactorily met, to the satisfaction of the DPHI for state infrastructure and Lismore City Council for local infrastructure, before DA consent can be granted.</p> <p>This is a typical approach for such a large greenfield urban release.</p>

REQUIREMENT	JUSTIFICATION
	<p>Transport for NSW Following consultation and negotiation with TfNSW, a draft State VPA is in progress between DPHI and the proponent. This State VPA provides for the traffic triggers, costs and funding mechanisms to ensure that the required upgrades to the Bruxner Highway, as a result of this development, can be delivered at appropriate stages. Upgrades include slip lanes and improvements to the Pineapple Road roundabout. A section of the site that adjoins the Bruxner Highway is not included in the proposed rezoning to allow for the future realignment and expansion of the Bruxner Highway (Woo 2 Goo project) at the request of TfNSW.</p> <p>Local Roads/Access Upgrades required to Oliver Avenue and access to the site from Oliver Avenue, including via any third-party land, will be provided during the DA stage. Council is satisfied that appropriate arrangements are in place for access to the site.</p> <p>Water and Wastewater Council is satisfied that the required upgrades to the existing water and wastewater network/infrastructure can technically and feasibly be delivered. Investigations into the funding source for capital works is ongoing with multiple options for funding identified. Further information on water and wastewater options is provided below.</p>

Water and Wastewater Infrastructure

The site is currently not serviced for water or sewer however preliminary studies demonstrate that servicing the site is possible and a number of upgrade and/or delivery options exist.

Because the site was outside of Lismore City Council’s previous growth boundary (prior to the adoption of the Growth and Realignment Strategy in 2022), Council has not planned for nor delivered water and sewer infrastructure that caters to or has capacity to cater to new development of this scale in this location. Existing infrastructure will need to be upgraded (southern trunk main and pump stations) and new infrastructure will have to be provided to the site prior to development.

Council officers have investigated the options put forward by the proponent and determined preferred methods of upgrade for both water and wastewater. To assist in investigating the cost of the preferred upgrades, the NSW Reconstruction Authority (RA) has funded a detailed design and costing study for both water and wastewater upgrades. The final design and costing is not yet available.

The funding options available for the subsequent upgrades include:

- a) Funding provided by the NSW Reconstruction Authority (RA) as part of their Resilient Lands Program,
- b) Grant funding,
- c) Preparation of a site specific section 64 Plan,
- d) Combination of the above.

The preferred and achievable funding source will be determined in the following months in collaboration with the RA and Council’s waste and wastewater teams.

The finalisation of the Planning Proposal (the rezoning) is not dependent on the funding source being secured in advance. The above options will be stated to the DPHI along with the statement that Lismore City Council is satisfied that options exist for both the technical and feasible upgrades to our water and wastewater infrastructure.

Again, in accordance with the proposed Part 7 Urban Release Area clause that will be introduced to the Lismore LEP as a result of this Planning Proposal, DA consent cannot be issued until such time that the Council are satisfied that public infrastructure has been provided or can be provided when required.

The proponent is aware of the delay this will cause before DA lodgement and assessment is possible.

Planning Controls – Development Control Plan and Voluntary Planning Agreement

Voluntary Planning Agreement

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

The draft VPA was exhibited alongside the Planning Proposal and as such has been subject to further refinement and improvement.

The final VPA, see attachment, best reflects the intended outcomes of the site in terms of affordable housing, public realm and amenity, opportunities for public recreation and environmental enhancement.

The VPA enables the following:

1. 10 serviced lots within the R1 or R3 zone, free of charge to Lismore City Council for the purpose of affordable housing,
2. 2,000sqm of serviced land within the R3 zone, free of charge to Lismore City Council for the purpose of affordable housing,
3. Dedication of the land to be zoned as RE1 public recreation, free of charge to Lismore City Council, subject to the Vegetation Management Plan being satisfied to Council's standards and discretion,
4. Maintenance of the land to be zoned as RE1 public recreation,
5. Dedication of the land that will form park B, free of charge to Lismore City Council, in accordance with the structure plan and DCP requirements,
6. Embellishment of the Tucki Tucki creek corridor to include a public footpath,
7. Embellishment of parks A, B and C as per the requirements set within the DCP.

The above requirements have all been carefully negotiated, with appropriate triggers and consequences to ensure that the outcome and expectations of the urban release area can be delivered with minimal impact to Council's operations. Requirement for embellishment of the linear park (park C) and the most northern park (park B) has been prioritised to ensure that even the first stages of residents have access to public recreation and have early opportunities to include and set active travel habits.

Should the proponent or Lismore City Council negotiate any further minor changes to the above staging, it is requested that delegation be given to the General Manager for minor amendments to be made prior to signing. It is stated that minor amendments involve those that do not alter the intent of the VPA.

Best practice is for the VPA to be signed at the same time of amendments being made to the LEP (sending the final Planning Proposal to the Department of Planning, Housing and Infrastructure). This is to ensure that the VPA is registered and bound to the land title prior to any subdivisions or transactions and can be implemented at DA stage.

Development Control Plan

Council's existing Part A Development Control Plan (DCP) chapters will apply to all development applications (DAs) lodged for development within this urban release area. In addition, the NSW Apartment Design Guide will apply, instead of Lismore City Council DCPs, to residential flat buildings that are three (3) or more storeys and have four (4) or more dwellings.

Notwithstanding the above, a site specific DCP is in preparation, with refinement and improvements being made based on public feedback received during the consultation period. The site specific DCP chapter includes design controls that are specific to the needs of the site and does not repeat controls within existing DCP chapters.

The final site specific DCP will be presented to Council in the coming months seeking resolution to adopt and publish.

The new Urban Release Clause being added to the LEP via this Planning Proposal includes a control that no development application consent is to be granted until a site specific DCP has been adopted. This gives Lismore City Council sufficient control and guarantee that the DCP will in place in advance of any development.

There is no risk in progressing the Planning Proposal now.

Conclusion

Due to detailed investigations and negotiations into the controlled release of this site, council is satisfied the Planning Proposal be finalised, in advance of the expiration deadline set by the NSW Department of Planning, Housing and Infrastructure of 13 March 2025.

This report has demonstrated that the Planning Proposal to rezone the land is suitable. The land can demonstrably accommodate the proposed residential, recreational, commercial and industrial land uses without detrimental impact to the community. Significant consideration into the design and controls of the urban release area has resulted in a final Planning Proposal that will unlock much needed flood-free land for residential and commercial uses whilst providing high quality amenity and recreational opportunity for the immediate communities.

Whilst infrastructure is yet to be constructed, Council officers are satisfied that the infrastructure delivery is achievable and identify no risk in rezoning the land at this point in time.

It is concluded that this Planning Proposal and VPA be supported.

Attachment/s

- | | | |
|----|---|----------------|
| 1. | Final Post-Gateway Planning Proposal - 1055 Bruxner Highway | (Over 7 pages) |
| 2. | Final Draft VPA - 1055 Bruxner Highway Goonellabah - clean for Council report 28012025 | (Over 7 pages) |
| 3. | Consultation Summary, What we heard and next steps report - 1055 Bruxner Highway | (Over 7 pages) |
| 4. | Survey results Urban Release Area - 1055 Bruxner Highway Your Say Results REDACTED | (Over 7 pages) |
| 5. | Online Submission Form Proposed Urban Release Area At Goonellabah - 1055 Bruxner Highway Your Say Results and emails - REDACTED | (Over 7 pages) |
| 6. | Department of Primary Industries, Agriculture Submission | (Over 7 pages) |
| 7. | Department of Primary Industries - Fisheries Referral | (Over 7 pages) |
| 8. | TfNSW Original Objection - April 2024 | (Over 7 pages) |

9. TfNSW Response - PP-2022-3907 - Conditional Support August 2024 (Over 7 pages)
10. TfNSW Final Response - PP-2022-3907 - 22 November 2024, Objection Lifted (Over 7 pages)
11. Biodiversity Conservation and Science Referral (Over 7 pages)
12. Heritage NSW Response (Over 7 pages)
13. NSW Rural Fire Service referral (Over 7 pages)
14. Rous County Council Referral (Over 7 pages)
15. Department of Education DoE Response - State Infrastructure (Over 7 pages)
16. Biodiversity Conservation Science Responses - State Infrastructure (Over 7 pages)
17. TfNSW Response - State Infrastructure Provisions (Over 7 pages)
18. Previous Council Report - Rezoning Planning Proposal for land at 1055 and 1055A Bruxner Highway (Over 7 pages)
19. Gateway Determination - Attachment C - Gateway determination_PP-2022-3907 (Over 7 pages)
20. Gateway determination - Attachment D - letter to Council_V1_PP-2022-3907 (Over 7 pages)
21. Alteration of Gateway determination, extension of time - DPHI (Over 7 pages)
22. 1055 Bruxner Highway Structure Plan Feb 2025 (Over 7 pages)
23. 1055 Bruxner Highway Staging Plan-250124 (Over 7 pages)

Report

Subject	December 2024 Quarterly Budget Review Statement
TRIM Record No	BP25/33:CDR24/1479
Prepared by	Financial Accountant
Reason	In accordance with Clause 203, Local Government (General) Regulation 2021, Council approval is required to amend the 2024-2025 Budget to reflect the actual or anticipated result
Strategic Theme	Leadership and participation
Strategy	We provide effective management and responsible governance.
Action	Ensure the efficient and effective operation of Council.

Executive Summary

The Quarterly Budget Review Statement (QBR) for the quarter ended 31 December 2024 outlines the proposed adjustments to the 2024-2025 budget.

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

	Original Budget	Revised Budget 30-Sep-24	Revised Budget 31-Dec-24
Net Operating Result – Surplus	\$102,135,584	\$106,557,773	\$109,102,753
Net Operating Result before Capital Grants & Contributions – (Deficit)	(\$14,147,341)	(\$12,823,211)	(\$13,096,237)
Funding Sources (Consolidated) & Cash Position – Surplus	\$131,079	\$326,679	\$331,679

Council’s Underlying Financial Result

Council’s operating result before capital grants and contributions has worsened by \$273,026, leading to a revised projected loss of \$13.096 million at 31 December 2024. However, this is still favourable compared to the original budget, as the forecast loss has improved by \$1.051 million. The main contribution for this result is an increase in operating expenditure for materials and services in the sewer fund.

There has been an increase in Council’s capital works program of \$3.217 million, projecting a revised total budget of \$157.024 million for the 2024-2025 financial year. The net increase includes a decrease of (\$1.190) million in Council’s Roads, Bridges and Footpaths asset renewals, and increases in Land & Buildings and Other Structures of \$3.377 million. This increase is mainly due to the remaining budget being included for the Northern Rivers Rail Trail.

Council’s unrestricted cash result has improved to a projected surplus of \$331,679 as of 31 December 2024, which is a minor increase of \$5,000 from the revised budget at 30 September 2024. Council’s investments are performing well, with anticipated portfolio balances tracking in a favourable direction. Interest revenue will be monitored and adjusted in the March QBR to align with the projected year-end result.

Outlook for 2024-2025

Ongoing Flood Recovery – Council’s original budget for 2024-2025 included a significant level of natural disaster restoration works of \$107.29 million. This includes \$21.31 million to complete the restoration of Council’s building assets, along with \$62.678 million for the ongoing restoration of the road network, \$10.55 million for the waste facility, \$11.252 million for water and sewer restoration (managed by Public Works) and \$1.5 million for flood resilience. Budgets for these works have not been adjusted as part of the December QBR and remain on track at this stage. These budgets will continue to be monitored and may be subject to significant change each quarter based on works administered by Council Flood Recovery Portfolio.

Inflationary pressure – Council’s budgets continue to be impacted by inflationary pressures. However, the inflation rate has stabilised, and management has been able to absorb this within existing budgets in the December quarter. The risk of the cost of supplies increasing has come down but this will still be monitored closely going forward.

Long Term Financial Plan

Whilst Council’s underlying financial position as of 31 December 2024 is anticipated to be satisfactory, having regards to the adopted 2024-2025 Operational Plan, there are indicators that require immediate attention to ensure long-term financial sustainability. Council is taking steps to address this through the

Capacity, Capability and Recovery Roadmap funding and Heads of departments are required to monitor budgets closely.

The revised flood recovery works program may impact Council's Asset Management Plan and the Long-Term Financial Plan projections; however, the overall adopted Plan is still considered achievable. Council will review the plan as part of the development of the 2025-2026 Operational Plan.

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

Recommendation

That Council adopts the attached December 2024 Quarterly Budget Review Statement and approve the recommended variations.

Background

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

The December 2024 Quarterly Budget Review Statement (QBRs) includes the recommended changes to the budget for the quarter ended 31 December 2024. To meet financial reporting purposes, the QBRs has been prepared on a consolidated basis with internal transactions eliminated.

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

December 2024 QBRs – Consolidated Summary

Financial Results

The following table summarises the movements in the 2024-2025 budget from the original budget adopted in June 2024, to the revised budget position at 31 December 2024:

Item	Adopted 2024-2025 Budget	Carry Forward & Unexpended Grants	Revised Changes September 2024 QBRs	Recommended Changes December 2024 QBRs	Revised 2024-2025 Budget
Net Operating Result for the Year	\$102,135,584	\$1,764,964	\$2,657,225	\$2,544,980	\$109,102,753
Net Operating Result for the Year before Capital Grants & Contributions	(\$14,147,341)	(\$279,800)	\$1,603,930	(\$273,026)	(\$13,096,237)
Funding Sources (Consolidated) & Cash Position – Surplus	\$131,079	\$0	\$195,600	\$5,000	\$331,679

The net operating result for the year before capital grants and contributions has worsened to a projected loss of (\$13,096) million. The results for the December quarter have been unfavourably impacted by the increase of capital works and operating expenditure.

Ongoing losses before capital grants and contributions are not financially sustainable in the long term, however Council is taking steps to address this as part of the Capacity, Capability and Recovery Roadmap funding.

The unrestricted cash result has improved to a surplus of \$331,679.

Variations Recommended for December Quarter

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

Income from continuing operations	Amount
Grants and contributions – operating	\$79,400
Grants and contributions – capital	\$2,818,006
Total income from continuing operations (increase)	\$2,897,406

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

- Operating grants and contributions are projected to increase by \$79,400. This increase is due to receiving new grants from the Revive Live Lismore Music Program and the Foundation for Rural & Regional Renewal's Strengthening Rural Communities project for the Art Gallery.
- Capital grants and contributions are projected to increase by \$2,818,006.
The major changes include:
 - Fixing Country Bridges projects including increases for the Hensen Road Bridge in Nimbin \$50,076, Greens Bridge Stoney Chute Road in Nimbin \$17,045 as well as a decrease in Ridgewood Bridge project due to a variation in the grant funded project cost which has reduced the funding available for this project by \$527,449.
 - Inclusion of remaining grant funding of \$3,278,334 for the Northern Rivers Rail Trail project.

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

Expenses from continuing operations	Amount
Materials and services	\$352,426
Total expenses from continuing operations (decrease)	\$352,426

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

- The materials and services budgets have increased by \$352,426. The main changes are due to adjustments made for increasing expenditure budgets for Art Gallery projects, including a \$26,156 feasibility study for the Future of Lismore's Art, Culture, and Heritage project, and \$106,270 from Create NSW funding, the Revive Live Lismore Music Program, and the Foundation for Rural & Regional Renewal's Strengthening Rural Communities projects.
- The sewer expenditure budgets have increased by \$220,000 for materials and services. This includes an increase of \$120,000 allocated from reserves for Sewer Pump Station maintenance costs and \$100,000 for reviewing strategic planning for the delivery of wastewater services.

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

Capital Works Budget	Amount
Plant & Equipment	\$30,000
Land, Buildings & Other Structures	\$3,377,334
Roads, Bridges & Footpaths	(\$1,000,741)
Wastewater	\$650,000
Other Assets	\$160,000
Total Capital Works increase	\$3,216,593

- There is a proposed increase in plant and equipment of \$30,000 relating to a transfer from reserves to purchase a fleet vehicle from the Richmond Tweed Regional Library.
- There is a net decrease in Council's Roads, Bridges & Footpaths budget by (\$1,000,741). The major changes include:
 - Utilisation of S7.11 funds to construct a footpath and refuge island to provide connection between Northern Rivers Rail Trail and Nesbitt Park amenities by increase of \$189,880.
 - Fixing Country Bridges program has increased grant funded works by \$50,076 for the Hensen road bridge and Greens bridge by \$17,045.
 - Overall decrease of (\$1.257) million is made up of (\$45,700) Williams Road Overlay project which was initially funded through the Regional Emergency Road Repair Fund; However, the remaining work will be now completed under funding from flood recovery grants.
 - Decrease of (\$679,100) for Phillip Street Pavement Rehab Stage 1 & 2 project, Pavement Strengthening of James Gibson Road project and Pavement Strengthening of Phillip Street project works have been delayed and will be completed in 2025-2026 financial year, unitising teams to deliver flood recovery projects as a priority.
 - Ridgewood bridge project budget has decreased by (\$578,642) due to a variation in the grant-funded project cost, which has now reduced the funding provided as per the Fixing Country Bridges grant program.
- The remaining expense budget of \$3.278 million for the Northern Rivers Rail Trail has been allocated as per the Building Better Regions Funding program. An additional proposed increase of \$99,000 has been allocated from S7.11 Open Spaces & Recreation funds to construct a carpark for horse trailers at Bungabee road reserve to enhance accessibility, functionality and the overall user experience of the Rail Trail project.
- There is a proposed increase of \$350,000 funded by Sewer reserves as contribution to the Flood Recovery Portfolio's fibre optic project, which aims to extend communications, functionality, and resilience of the South Lismore Sewerage Treatment Plant.
- Transfer from Sewer reserves of \$300,000 is funding a proposed increased in expenditure to implement a sewer manhole remote monitoring system as part of the risk mitigation controls recommended in the Uncontrolled Sewer Discharge Action Plan.
- Proposed increase of \$160,000 restoration expenses funded by Art Gallery insurance claim funds from reserves to cover costs incurred in restoring the Hannah Cabinet during the current financial year.

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

Key Performance Indicators

Of the seven KPI's included in the December QBRs report, three are unfavourable compared to the benchmarks. These are summarised below:

Key Performance Indicator	Original Budget 2024-2025	Revised Budget September 2024	Revised Budget December 2024	Benchmark
Operating Performance Ratio	(8.57%)	(7.46%)	(7.67%)	> 0.00%
Own Source Operating Revenue Ratio	42.37%	41.82%	41.33%	> 60.00%
Unrestricted Current Ratio	2.05x	2.05x	2.05x	> 1.50x
Debt Service Cover Ratio	4.11x	4.11x	4.11x	> 2.00x
Rates & Annual Charges Outstanding Percentage	9.10%	12.24%	12.24%	< 10.00%
Cash Expense Cover Ratio	11.73 months	11.73 months	11.73 months	> 3 months
Building & Infrastructure Renewals Ratio	367.30%	466.87%	465.09%	>= 100.00%

Operating Performance Ratio (unfavourable) – this ratio has deteriorated by (0.21%) to a project (7.67%) mainly due to an increase in operating expenditure for Sewer Fund, however, this is funded from reserves.

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

Rates & Annual Charges Outstanding Percentage (unfavourable) – this ratio is estimated and is based on the adopted 2023/2024 Financial Statements at this stage. This ratio is being impacted by the impacts of the 2022 flood event following one-off rate relief at the time of the flood.

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

Other comments

Inflationary Pressures

Council’s budgets continue to be impacted by inflationary pressures. However, the inflation rate has stabilised, and management has been able to absorb this within existing budgets in the December quarter. The risk of the cost of supplies increasing has come down and will be monitored closely going forward.

Financial Assistance Grant Assumptions

Council’s budget assumes that Council will receive 85% of the 2025-2026 grant in advance as was the case in June 2024. Any change to the Federal Government’s decisions around advance payments will have an impact on Council’s operating result before capital grants and contributions.

Conclusion

The December QBRS has seen the projected operating result before capital grants increase to a projected loss of (\$13.096) million. The capital works budget has increased by \$3.217 million, to a projected total of \$157.024 million. Council’s unrestricted cash result has improved to a projected surplus of \$331,679 and Council’s projected financial position at year end remains satisfactory.

Attachment/s

1. Quarterly Budget Review Statement 31 December 2024 (Over 7 pages)

Report

Subject	Investments - December 2024 and January 2025
TRIM Record No	BP25/25:EF22/122-3
Prepared by	Management Accountant
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*.

Cash and Investments

Investments held at the end of each month are set out below (the balances represent the face value or the purchase price of investments). In addition, Council held cash in various bank accounts; being operational accounts; restricted funds held for grants or held in trust. These funds are not included in the Investment portfolio. Month end balances are set out below:

Month	Face Value of Investments	Cash Accounts
December 2024	\$100,366,088	\$6,146,015
January 2025	\$95,270,751	\$6,276,386

Advance Flood Funding

Council also holds advance flood funding for approved restoration works on roads, buildings, and waste management. These funds are held in an overnight money market account so as to maintain liquidity, the account is earning a rate of return of 4.48% which includes a special rate of 0.13%. This amount has not been included in the investments held by Council report.

Month end balances are set out below.

Month	Balance Advance Grant Funding
December 2024	\$75,910,329
January 2025	\$72,279,227

Socially Responsible Investments

In December the percentage of the portfolio invested in Socially Responsible Investments (SRI) has increased to 47% from 36%, the total value of SRI’s was increased to \$47 million from a \$40 million balance the previous month.

In January the percentage of the portfolio invested in Socially Responsible Investments (SRI) has remained at 47%, the total value of SRI’s was decreased to \$45 million from a \$47 million balance the previous month.

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

Investments returns

December investments returned 4.92%, this is compared to the annualised Bank Bill (BB) Index bank rate of 4.53%. For the 12 months ended December 2024, Council’s portfolio has returned 4.98% compared to the Annualised BB Index bank rate of 4.47%.

January investments returned 4.93%, this is compared to the annualised Bank Bill (BB) Index bank rate of 4.59%. For the 12 months ended January 2025, Council’s portfolio has returned 4.98% compared to the Annualised BB Index bank rate of 4.48%.

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
December 2024	\$100,366,088	\$101,706,906	\$110,764,199	\$111,917,429	4.92%	4.53%	47%
January 2025	\$95,270,751	\$96,674,102	\$100,366,088	\$101,706,906	4.93%	4.59%	47%

*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 December and January 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 cash 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. Month end balances are summarised below.

Month	Balance Cash Accounts
December 2024	\$6,146,015
January 2025	\$6,276,386

Council also holds advance flood funding 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 4.48%. These are not included in the Investment portfolio. Month end balances are summarised below.

Month	Balance Advance Grant Funding
December 2024	\$75,910,329
January 2025	\$72,279,227

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 December 2024 was \$47 million, the percentage of the portfolio held in SRI’s is 47%, up from 36% the previous month.

Council’s value of ethical investments as of 31 January 2025 was \$45 million, the percentage of the portfolio held in SRI’s is 47%, the same percentage as 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 - December 2024**

Investment Holdings

	Face Value (\$)	Current Value (\$)	Current Yield (%)
Cash	21,366,088	21,366,088	4.4800
Term Deposit	79,000,000	80,340,819	5.0641
	100,366,088	101,706,906	4.9397

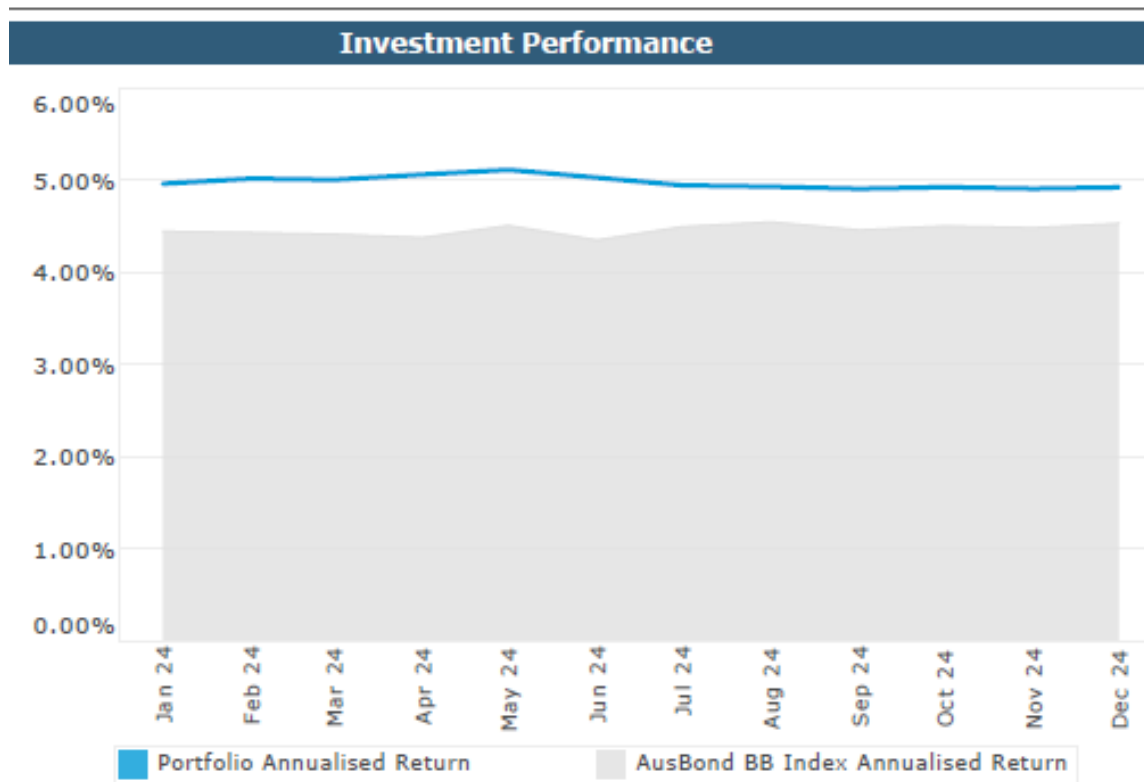
**Lismore City Council
Executive Summary - January 2025**

Investment Holdings

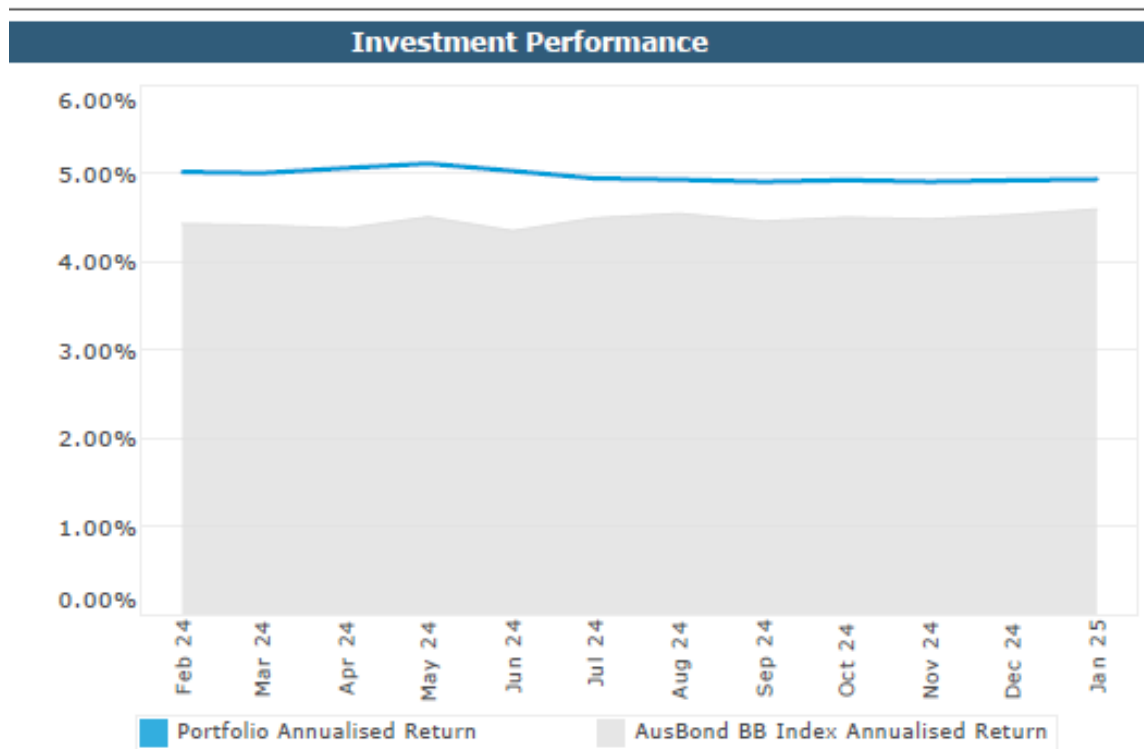
	Face Value (\$)	Current Value (\$)	Current Yield (%)
Cash	24,270,751	24,270,751	4.4789
Term Deposit	71,000,000	72,403,352	5.0392
	95,270,751	96,674,102	4.8964

Investment Performance

12 Months to December 2024



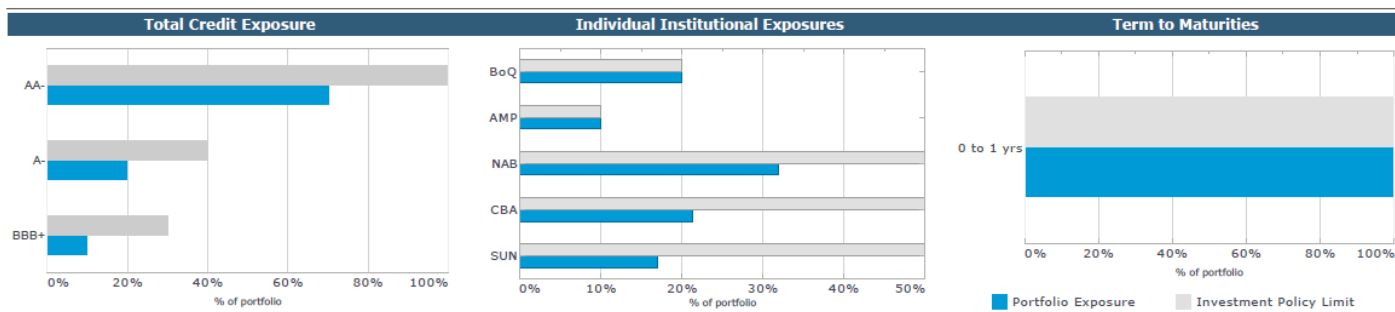
12 Months to January 2025



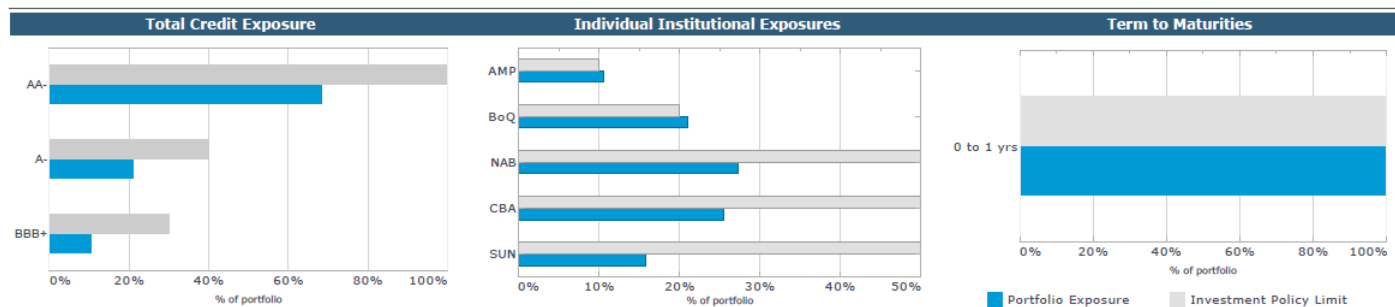
Over the last fourteen months Council has consistently achieved a return better than the Annualised BB Index return.

Compliance with Policy Requirement

December 2024



January 2025



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.

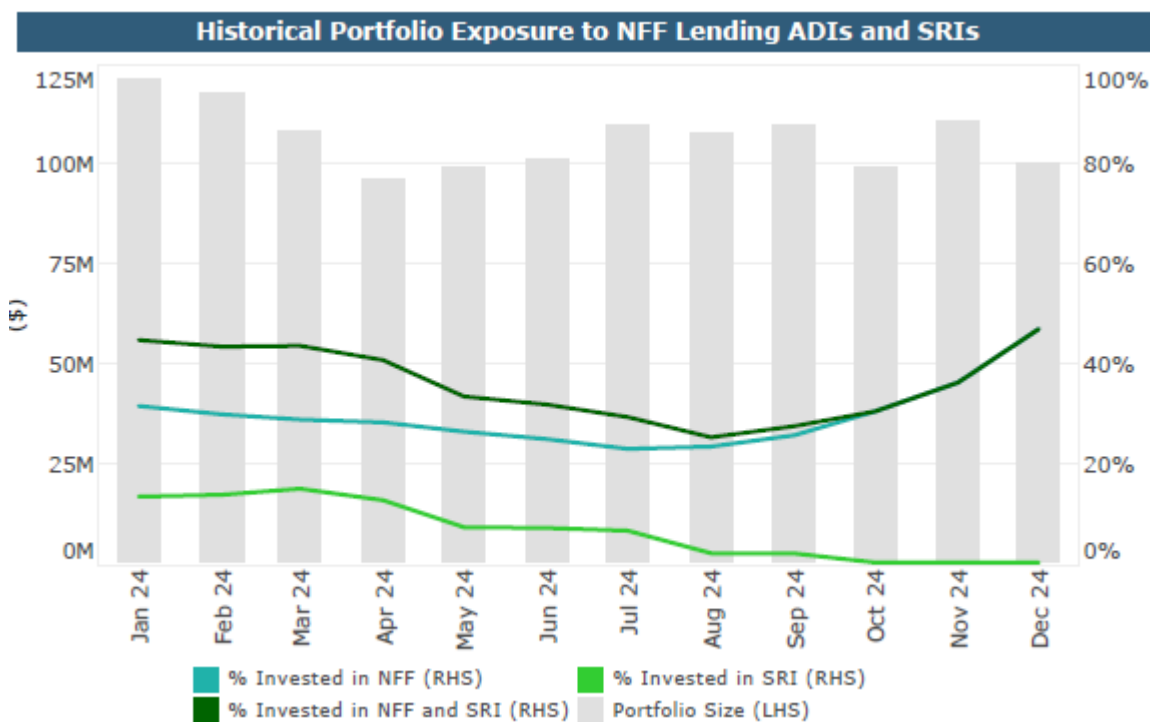
Where possible investments are made to achieve the intention of the investment policy of Council around Ethical Investments, however this must be made within the constraints of the current market, the availability of investment products, maintaining a diverse portfolio that minimises the risk to Council's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

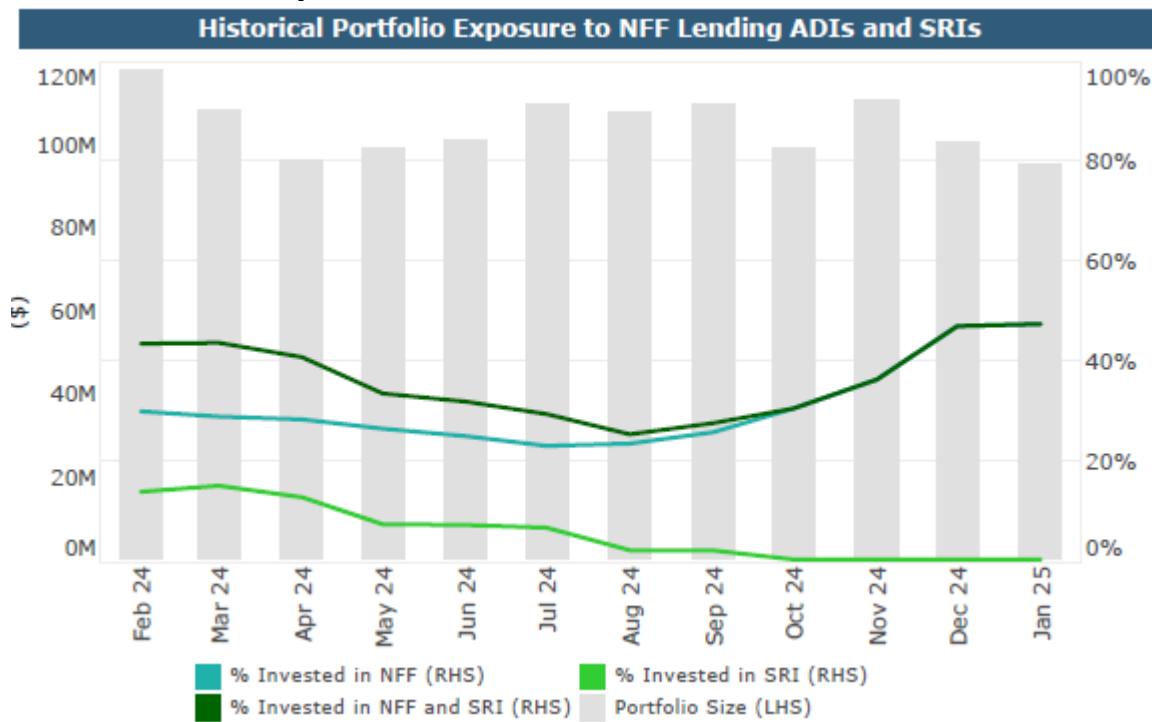
Council will seek SRI products; however, the investment products will be considered in the context of Council's overall cashflow requirements, the opportunity costs of the product and the security of the investment.

Following a request from councillors, Council officers held a briefing in July regarding changing the policy in relation to SRI's. A Councillor briefing will be provided in February for discussion and adoption at a future Council meeting.

12 Months to December 2024



12 Months to January 2025



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 bank account balances have been included in the Investment Portfolio for each month.

CBA Online Business Saver Account	
Month	Balance at Month End
December 2024	\$21,366,088
January 2025	\$24,256,008

This account 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 this account is excluded, then Council’s Ethical Investment ratio for each month is adjusted to the following percentages.

Month	Adjusted Ethical Investment Percentage
December 2024	59.49%
January 2025	66.64%

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 December 2024 and January 2025 is provided.

Attachment/s

1. Investment Report - December 2024 (Over 7 pages)
2. Investment Report - January 2025 (Over 7 pages)

Report

Subject	Pecuniary Interest Returns
TRIM Record No	BP25/23:AF23/5359
Prepared by	Governance & Risk Manager
Reason	Pecuniary Interest Returns are required to be tabled at a Council meeting
Strategic Theme	Leadership and participation
Strategy	We provide effective management and responsible governance.
Action	Ensure the efficient and effective operation of Council.

Executive Summary

Clause 4.9 of Lismore City Council – Code of Conduct Councillors requires written returns to be completed by Councillors within 3 months after

- a) becoming a councillor and
- b) 30 June of each year, and
- c) the councillor becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

Clause 4.13 requires these returns be tabled at the first Council meeting after the last day the return is required to be lodged.

The written returns have been completed by new councillors and are now tabled for acknowledgement by Council.

Recommendation

That the report be received, and the tabled Pecuniary Interest Returns be acknowledged.

Background

Clause 4.9 of Lismore City City Council’s Code of Conduct Councillors of Conduct requires Disclosures of Interests in written returns be lodged by councillors within 3 months from becoming a councillor..

These returns must be tabled at a Council meeting. This report serves to table those returns.

Pecuniary Interest Returns for new councillors elected in October 2024 have been completed and are tabled.

Attachment/s

There are no attachments for this report.

Report

Subject	2025 Australian Local Government Association National General Assembly
TRIM Record No	BP25/32:EF22/136
Prepared by	Executive Officer - General Manager and Mayor & Councillors
Reason	To determine delegates to attend the Assembly
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 2025 Australian Local Government Association (ALGA) National General Assembly will be held in Canberra from 24 to 27 June 2025.

Council is required to determine its voting delegate, attendees and any proposed motions to be submitted to the Assembly.

Recommendation

That Council's:

1. delegates to the 2025 ALGA National General Assembly are Councillors Krieg, Hall and
2. voting delegate is Councillor Krieg

Background

The 2025 ALGA National General Assembly will take place in Canberra from 24 to 27 June 2025.

The Conference is a policy making event for the local government sector where issues are debated.

Lismore City Council is entitled to one voting delegate. The Councillors Expenses and Facilities Policy 1.2.23 clause 6.30 states the delegates will be the Mayor (or their nominee), Deputy Mayor and up to two councillors.

For up to four councillors attending, this is estimated to cost \$9,000, which includes registration fees, flights and accommodation. This would need to be funded from the professional development budget for councillors.

Comments

Finance

The budget included in the 2024-2025 Operational Plan is sufficient to cover the estimated \$9,000. The recommendation as printed is therefore supported.

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 BP25/19:EF19/25-7

That Council receives the Mayoral Attendance Report for December 2024 and January 2025.

December

- 2 CWA 100th Celebration
 Our House Honour Wall
- 3 Media event: Santa's Wonderland Opening
- 4 Rous County Council meeting
 Media event: Waste Vehicle Funding
- 5 Media event: Legends of Cricket
- 9 Lismore Big Map Workshop
- 10 Council Meeting
- 11 Rous County Council Tour
 Business Lismore Business Before Hours
- 12 Media event: Rail Trail opening
- 14 Northern Rivers Rail Trail Official Opening Ceremony
 South Lismore Post Office – Santa and Elf
- 15 Clunes Carols
- 19 Lyn Larsen Grandstand unveiling
 Extra Ordinary Council Meeting

January

- 4 Indian Community Christmas
- 11 Grand opening Lismore Doctors
- 22 U3A Lismore Inc. Open Day
 Unveiling John McMahon Grandstand
 Business Lismore Business After Hours
- 26 Australia Day Awards & Citizenship Ceremony
- 31 Meeting with National Emergency Management Agency

Attachment/s

There are no attachments for this report.

TRIM Record No: BP25/19:EF19/25-7

Notices of Motion / Questions with Notice



Santa's Wonderland



Legends of Cricket



Rail trail media event



Rail trail official opening



Lyn Larsen Grandstand unveiling



John McMahon Grandstand unveiling



Australia Day



Lismore Doctors official opening

Notice of Motion / Question with Notice

Councillor Steve Krieg has given notice of intention to move:

That:

1. the General Manager be requested to develop a Property Strategy, and an implementation model to implement the findings of the Property Strategy
2. the Strategy to include options for Council office presence in the CBD
3. the Property Strategy and implementation model be brought back to Council

Councillor Comment

Outcome Sought

Item D1.3.01 of the of the Delivery Plan 2023-2027 provides the following Delivery Program Action:

Undertake a strategic review of existing and potential future council-owned property.

This action is identified to be undertaken during financial year 2025/26.

Effective utilisation of council's assets is key to council's economic recovery and long term financial sustainability.

It is considered urgent that this project be brought forward and commenced as soon as practicable to address the key council issues.

Cost of Implementing

Staff time and identified CCRR allocation

Funding Source

Accessing the Capacity Capability and Recovery Roadmap funding to accelerate delivery of this project

Officer Consulted

Chief Corporate & Community Officer

Officer Comment

Property Services Manager

Preliminary work has commenced in collecting data and information to identify opportunities for improved value generation from land and built assets. While the concept of 'value' will require further refinement, some examples may include:

- Improving productivity and cost efficiency associated with assets
- Increasing asset values through investment
- Unlocking commercial opportunities
- Enhancing public safety and amenity
- Protecting and enhancing the environment

The preliminary work is planned to be completed by end of Quarter 1 and will be a key input into informing the Property Strategy.

Council presence within the CBD could be considered as part the of Property Strategy that will be presented to Council for adoption.

Notice of Motion / Question with Notice

Attachment/s

There are no attachments for this report.

TRIM Record No: BP25/35:EF19/25-7

Notice of Motion / Question with Notice

Councillor Big Rob has given notice of intention to move:

That Council resign membership from Local Government NSW effective immediately.

Councillor Comment

Outcome Sought

Following the recent resignation of Broken Hill City Council from Local Government NSW (LGNSW), home council of former President Councillor Darriea Turley, it is timely to consider whether it is appropriate to continue as a member.

Prior to these recent developments, it was concerning that LGNSW was heavily focused on metropolitan councils, who do not deal with such things as water, waste, sewerage, and even natural disasters on a regular basis.

LGNSW membership is very expensive, and we are also members of other organisations. Annual LGNSW conferences are quite worthwhile but their most important purpose, considering statewide council motions, has been manipulated by those in control and dominated by metropolitan councillor attendees. The way meetings were run made it difficult for councillors to have a say, and plants in the crowd saw several debates shut down quickly by putting them to a vote.

The way debate was often rushed and shut down showed a lack of intention to hear from rural and regional councillors, who spend a lot of money to attend LGNSW conferences for the purpose of debate and supporting their motions.

Rejoining LGNSW can be considered again once it becomes clear that rural and regional council voices are being heard and their concerns are being strongly presented to State Government.

Cost of Implementing

Nil

Funding Source

Not applicable

Officer Consulted

Nil

Attachment/s

There are no attachments for this report.

TRIM Record No: BP25/2:EF19/25-7

Notice of Motion / Question with Notice

Councillor Andrew Gordon has given notice of intention to move:

That Walsh Bridge at Tuncester be renamed the “Lenny Perren Bridge”.

Councillor Comment

Outcome Sought

To rename a bridge in recognition of a previous officers member who served his community well and was well recognised in the community where the bridge resides.

Cost of Implementing

Officers time.

Funding Source

Not required

Officer Consulted

Nil

Officer Comment

Property Services Manager

Local councils initiate the naming of bridges on local, regional and state roads. Transport for NSW approves the name recommended by council provided that it has community support, is consistent with the Geographical Names Board naming guidelines, and complies with Transport’s signage requirements.

When naming places, council follows the Geographical Names Board (GNB) guidelines. Geographical Names Board of NSW Policy Place Naming: section 11.3 Bridge Naming states:

The Geographical Names Board does not name bridges, however, it encourages all bridge naming to follow the guidelines as set out in this policy.

The naming of bridges and other structures on roads does not have a formal legislative basis. However, the same procedures for road naming applies to bridges and other road infrastructure:

- *RMS is responsible for the naming of bridges and other structures on freeways.*
- *Local councils initiate the naming of bridges on local, regional and state roads (other than freeways). RMS (now Transport for NSW) to approve these proposals.*

The GNB NSW Policy Place Naming talks to changing names. Changes are discouraged unless the change has been deemed to be in the public interest or for safety reasons. Changing well established names can lead to address or location confusion, especially to electronic navigation services.

The same procedure for road naming applies to bridge naming, the NSW Address Policy and User Manual section 6.7.9 states that names are intended to be enduring, and renaming is discouraged unless there are compelling reasons for a change. Such reasons may include road redesign, changes to traffic flow, mail or service delivery issues, duplication, or addressing problems.

It is likely that Transport for NSW will not approve the bridge renaming as this proposal is not considered to align with the GNB guidelines.

Notice of Motion / Question with Notice

Research indicates Walsh's Bridge was named after the Walsh family, who settled in the Tuncester area in the 1800s. The bridge was built on the Walsh family's property boundary, and John Charles Phillip Walsh played a significant role in the community. He was an 'alderman' an elected member of city council, a leading hand responsible for erecting bridges, president of the South Lismore Progress Association, and president of the Lismore Rugby League during the transition from union to rugby. Additionally, he contributed to the community through his work with Brown and Jolly and Norco.

After a review of the GNB Place Naming Policy and NSW Address Policy and User Manual, officers recommend retaining the current name of the bridge. This approach ensures consistency in naming landmarks and prioritises public safety by preventing potential confusion that could arise from a name change.

This recommendation is not meant to diminish the significance of Lenny Perren's legacy, but rather to uphold a fair and consistent naming practice, ensuring the history and legacy of the Walsh family are not overshadowed while preserving the historical context of Walsh's Bridge.

An alternative option could be to name an unnamed bridge in the LGA after Lenny Perren. Officers can identify suitable bridges, with two potential options being the bridges on Mackie Road, Rosebank (Image 1 below), and Keerrong Road, Keerrong (Image 2 below), both of which are currently unnamed.

If Council chooses to proceed with the proposed bridge renaming, the next step would be to undertake public consultation. Following this process, submissions would be reviewed, and if objections are received, the matter would be reported back to Council for direction. If there are no objections, the proposal would be submitted to TfNSW for approval.

The same consultation process would be required to name an unnamed bridge; however, approval from TfNSW is far more likely in that case.



Image 1 – Location of unnamed Bridge on Mackie Road, Rosebank



Image 2 – Location of unnamed Bridge on Keerrong Road, Keerrong

Attachment/s

There are no attachments for this report.

TRIM Record No: BP25/17:EF19/25-7

Notice of Motion / Question with Notice

Councillor Big Rob has given notice of intention to move:

That a proposal to allocate annual funding to Business Lismore commencing in the 2024-2025 Operational Plan on a similar basis to the funding allocated annually to the Nimbin Chamber of Commerce be prepared for consideration by council at the March council meeting.

Councillor Comment

Outcome Sought

Business Lismore holds several well attended networking and information sessions annually, amongst other things, which strongly support and promote Lismore businesses.

Business Lismore receives no annual funding support from council while the Nimbin Chamber of Commerce receives considerable annual funding support and is provided with complete autonomy over how those funds are expended.

This motion looks to remedy that inequity while also hoping to leverage off the good work of Business Lismore to further promote Lismore businesses.

Cost of Implementing

To be determined

Funding Source

To be determined

Officer Consulted

Nil

Officer Comment

Manager Destination & Economy

Lismore City Council recognises the benefits Business Lismore is providing to its business community. The Destination & Economy Team work closely with Business Lismore to explore initiatives, collaborate, and work collectively to grow economic prosperity for Lismore.

Business Lismore have requested financial support to assist with administration costs. Business Lismore consists of volunteers and are seeking financial support to maintain security of an Administration Officer 3 days a week, at an estimated \$35,000 per annum. Business Lismore have also expressed concern regarding ongoing financial capacity to deliver the annual business awards at its current standard.

Lismore City Council collects the Lismore Special Rate Variation (SRV) on an annual basis from a levy applied to Lismore CBD businesses. The SRV provides \$5,000 annually in sponsorship towards the business awards. Council manages these funds through the City Activation Coordinator and delivers initiatives guided by the Business Activation Plan 2024-2026.

At the core of the Plan are goals to enhance Lismore's vibrancy, boost promotion of local events, attractions, culture and business community, including complementary goals to improve city experience and support local business and economic development outcomes. Opportunity to fund Business Lismore exists within the Goal, 'Support' - which focusses on ensuring Lismore's business community has access to helpful information, resources, programs and opportunities.

Notice of Motion / Question with Notice

The Business Activation Plan 'Support' Goals currently include the delivery of initiatives including microgrants and event sponsorship (Christmas Carols, CBD Events, Business Awards). Should a recommendation occur to provide financial contribution to Business Lismore opportunity exists in 2025 to re-engage with the business community to review deliverables, accounting for this budgetary change. The Plan required is scheduled for review in 2025 prior to its expiration in 2026.

Council also collects the Nimbin Business Rate on an annual basis from a levy applied to Nimbin businesses. These funds are provided to the Nimbin Chamber of Commerce annually to deliver promotions, maintain murals, deliver business education, sponsor events and support administration expenses. The Nimbin Chamber is required to acquit expenditure annually to Lismore City Council, prior to the release of future funding.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP25/1:EF19/25-7

Notice of Motion / Question with Notice

Councillor Harper Dalton-Earls has given notice of intention to move:

That Council:

1. establishes a Youth Advisory Group (YAG)
2. prepares a report to be brought to Council outlining the structure, objectives, and operational framework of the YAG, with a focus on best practices from surrounding councils who have established a YAG.

Councillor Comment

Outcome Sought

To establish a Youth Advisory Group.

Background- Lismore City Council does not currently have a Youth Advisory Group, unlike many surrounding councils such as Tweed, Ballina, and Byron. Establishing such a group would align Lismore with these councils and demonstrate our commitment to fostering youth engagement and input into our community. A Youth Advisory Group would provide a platform for young people to contribute to local decision-making, ensuring that their voices are heard and valued. This initiative would encourage youth involvement in local government and help strengthen their connection to the region, giving them more reasons to stay and invest in Lismore's future.

Cost of Implementing

Nil

Funding Source

The existing funding source for advisory groups

Officer Consulted

Nil

Officer Comment

Head of Customer Experience

The Advisory Group model operated under the previous term of council is currently under review. This review includes investigating various options for targeted engagement methodologies. 'Youth' as a key demographic for focused engagement will be considered as a part of this review.

This would represent a new budget item and would need to be submitted as a part of the 2025-2026 Budget process.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP25/34:EF19/25-7

Notice of Motion / Question with Notice

Councillor Big Rob has given notice of intention to move:

That Council repeal policy number 3.1.1.

Councillor Comment

Outcome Sought

The policy is old, very poorly thought out and poorly drafted, it conflicts with many services operating in our area, it discriminates against men and has not been reviewed in over a decade. It should be repealed.

Cost of Implementing

Nil

Funding Source

Not applicable

Officer Consulted

Nil

Attachment/s

There are no attachments for this report.

TRIM Record No: BP25/20:EF19/25-7

Notice of Motion / Question with Notice

Councillor Big Rob has put the following question with notice:

Can the General Manager please outline the annual cost of membership of LGNSW, the average cost of councillor travel and attendance at the various conferences each year, and the direct benefits council receives to justify all that expenditure of ratepayers' funds?

Attachment/s

There are no attachments for this report.

TRIM Record No: BP25/3:EF19/25-7

General Manager's response:

The Local Government NSW (LGNSW) 2024-2025 membership for Lismore City Council was \$58,815. The annual conference is the only conference attended every year by councillors with a specific budget allocated. Dependent on the location the registration, accommodation and travel costs are \$8,000-10,000 in total. Any other conferences are the personal choice of a councillor to attend for professional development.

"The role of LGNSW is to support, promote, advocate for, and represent the local government sector so members are in the best possible position to serve our NSW communities.

This is done by:

- Providing policy advice, management support and grants to members
- Empowering members to deliver quality services to meet the needs of their local community
- Providing effective, responsive, and accountable leadership on policy issues
- Enhancing community awareness and perception of local government
- Shaping the industrial environment in which the sector operates." Source LGNSW website

LGNSW:

- also hosts a number of conferences and facilitates over 50 courses for employees
- provides free legal and policy advice on a wide range of issues
- facilitates over 40 free networks for employees to connect, share information, resources and knowledge with peers throughout NSW

Local Government Procurement (a wholly owned subsidiary of LGNSW) provides free advice on issues such as probity, governance, auditing and legislation compliance to member councils. This advice is complemented with a range of business tools, including procurement management resources with guidelines and benchmarking materials.

Notice of Motion / Question with Notice

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

Can the General Manager please explain how Arts Northern Rivers operates, advise whether it is a council committee, advisory group or otherwise operates under a formal agreement or Deed as a public or private entity, clarify under what authority councillors are appointed as Board members of Arts Northern Rivers, and explain why individuals who are not elected or accountable to ratepayers can Chair the organisation?

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/1145:EF19/25-6

General Manager's response:

Arts Northern Rivers is an incorporated association operating under its constitution. The Board is comprised of local government members and co-opted members. The executive is elected by the Board.

Notice of Motion / Question with Notice

Councillor Big Rob has put the following question with notice:

Can the General Manager please provide an update regarding how council is progressing with each of the five identified priorities (in order of priority) appearing on the Priority Projects Register, why there is so much focus on priority 3, and why the public facing messaging is that priority 3 is a done deal once funding can be identified when there is no council resolution to progress any of the identified priorities?

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/1146:EF19/25-6

General Manager's response:

Council adopted the top five priority projects on 21 November 2023 (see table below), as a direction to the General Manager to progress to the next stage of development.

Since this time, officers have commenced work on business cases to ensure they are shovel-ready, prepared for future funding opportunities. Progress on projects is summarised below:

- Resilience Feasibility Study – Awaiting CSIRO study and recommendations
- Airport Masterplan – Draft report being developed
- Rail trail – First stage complete, Stage 2 (project costings and business case available), Funding being sought for future stages
- Event Legacy Program – Business case to be developed and funding sought
- Riverside Precinct – Awaiting CSIRO study to be completed as recommendations may impact this project. Business case and funding to be sought in the future

Identified and <u>prioritised</u> projects	
Project Name	Description
Resilience Feasibility Study	Undertake a study to explore flood mitigation, adaptation and resilience measures across our community. This will deliver confidence to our community and underpin everything we do and ensure projects in the future adapt and respond to our environment and minimise exposure to risk.
Regional Airport Master Planning and Redevelopment	Undertake a master planning exercise to understand the redevelopment opportunities of the Lismore Regional Airport. This work will ensure we develop our airport to meet our communities future needs. These studies will help us identify what kinds of opportunities our Lismore Regional Airport can offer to our community over the next 20 years and will include some feasibility studies to understand economic opportunity.

Notice of Motion / Question with Notice

<p>Northern Rivers Rail Trail Stage 2 - South Lismore to Booyong</p>	<p>The NRRT is a 130km recreational walking and cycling trail within the disused corridor from Casino to Murwillumbah. This project will deliver a commitment to the remainder of the Lismore LGA section of the track that will increase both the economic and social / recreational benefits to Lismore.</p>
<p>Event Legacy Program</p>	<p>The Event Legacy Program will plan, organise and deliver a special series of events across the Lismore LGA occurring over the period of a month, each year. Events will draw people from nearby regions and interstate to Lismore and its villages. The Program will put Lismore on the map as a go-to place for these events and will grow as this annual event evolves.</p>
<p>Riverside Precinct Development (Bridge to Bridge)</p>	<p>Based on previous community input through the 'Bridge to Bridge' project this will design and develop Lismore's central riverside precinct into a creative and active area including the exploration of a pedestrian bridge link between South Lismore and the Lismore CBD. The precinct will entice interaction with Lismore's river system. A staged approach will ensure embellishments can be developed gradually and the project can adapt as our community reconnects with its river system. This precinct will become a new nature-based tourism drawcard for Lismore.</p>

Notice of Motion / Question with Notice

Councillor Big Rob has put the following question with notice:

In relation to the Urban Rivers & Catchments Program, can the General Manager please identify the private land interests receiving a direct benefit from staff efforts to secure a grant, and explain why council staff are working on behalf of and chasing grants for private land owners when council have so much community land in desperate need of funding?

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/1147:EF19/25-6

General Manager's response:

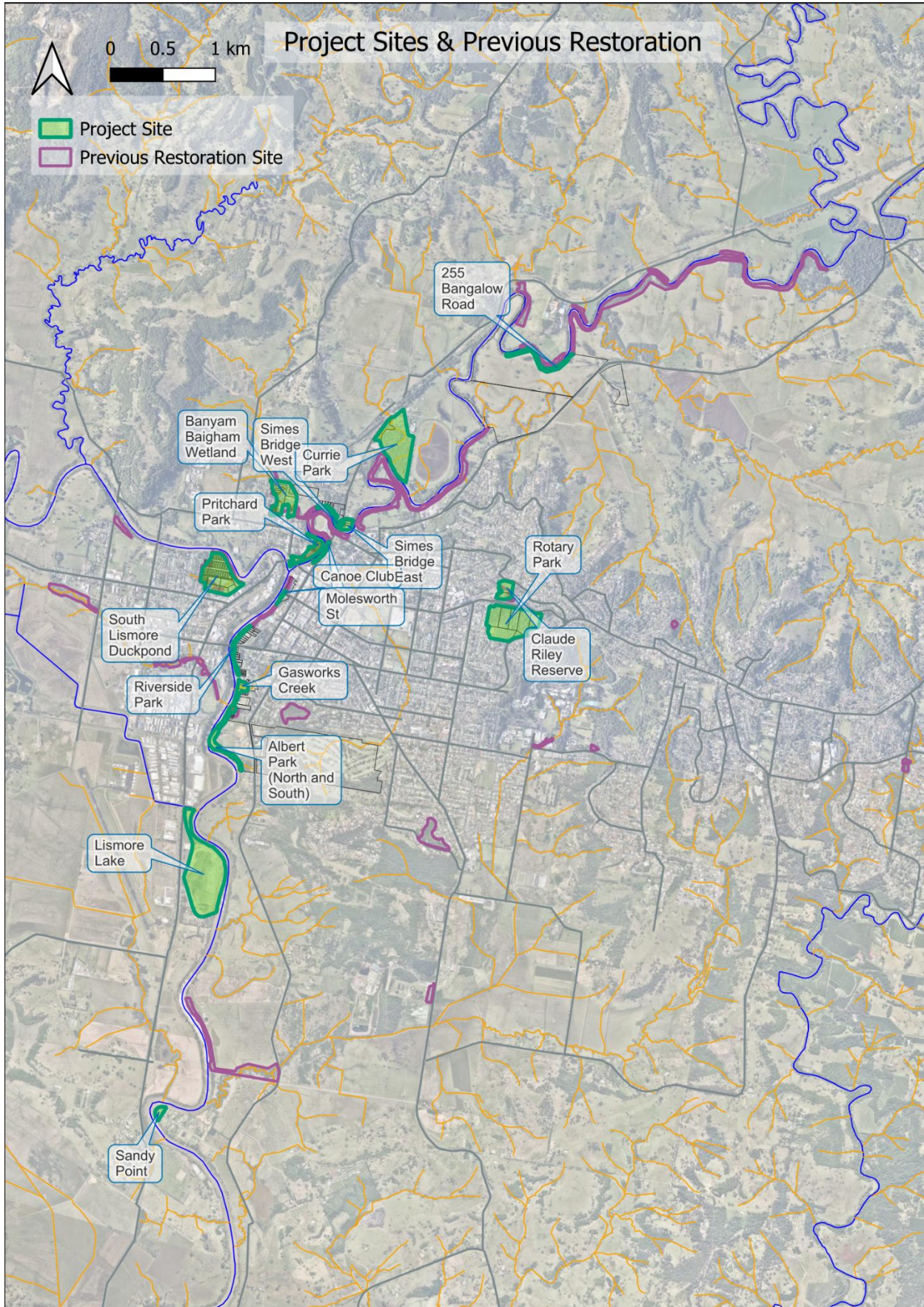
As councillors have previously been advised Lismore City Council's application to the Urban Rivers and Catchments grant is for a consortium-based delivery of 16 projects including public land sites in the Lismore urban environment and a number of private land sites. The proposal is for the delivery of individual projects through the consortium members, with council providing administrative oversight.

The proposal represents a collaborative and community engaged approach to improving the green and blue spaces of Lismore, supported and co-delivered with a number of Landcare groups, Local Authorities, Traditional Owner groups, not-for-profit organisations, and private individuals.

Public and private sites for riparian work were nominated by partnering organisations and selected through a multi criteria analysis based on the benefits such work will provide to public values, for example native habitat connectivity, habitat refuge, water quality improvements, and climate and flood resilience.

The private land sites were selected on the basis of being advantageous to the community and outcomes of the project. The table and map below provides the locations and further information.

Site Name	Site Address	Proposed On-ground Activities
Simes Bridge West	10 Pitt Lane NORTH LISMORE	Nominated by Wilsons River Landcare, part of long term plan to restore Wilsons River CBD reach, strategically located between public land and RRH school sites being restored with Landcare's support.
Sandy Point	34 Sandy Point Rd MONALTRIE	Owned by Ngulingah LALC. Located at key pinch point in floodplain landscape, important place for First Nations Community. Demonstration site for First Nations-led restoration and engagement activities.
255 Bangalow Road	287 Bangalow Road HOWARDS GRASS	Nominated by Rous County Council, as part of their investment in priority reach of Wilsons River, benefits for flood resilience, drinking water supply, connectivity to Boatharbour Nature Reserve. Demonstration site for peri-urban and rural riparian land management.



Notice of Motion / Question with Notice

Councillor Big Rob has put the following question with notice:

Can the General Manager please explain the operation of policy number 3.1.1, the policy's title, how point 3 fits in with the policy title, and whether point 3 is a current enforceable restriction which conflicts with current activity within the local government area?



Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/1150:EF19/25-6

General Manager's response:

Below is a copy of what is contained in the minutes of Council meeting on 1 May 1984.

Australian Nuclear Free Zones Secretariat, advising that a resolution has been passed requesting all councils in New South Wales to urge their respective State members to press for the declaration of the State as a Nuclear Free Zone, similar to the Victorian legislation.

RESOLVED on the motion of Aldermen Nicolson and Gallen that the letter be received and Mr. R. B. Duncan, M.P., be asked to make representations on the Council's behalf in respect of the above request; FURTHER that the definition of Nuclear Free Peace Zone means an area in which –

1. *A person shall not construct or operate –*
 - (a) a mill for the production of uranium or thorium ore concentrates (except where permitted under Section 6);*
 - (b) a facility for conversion or enrichment of any nuclear material;*
 - (c) a facility for the fabrication of fuels for use in nuclear reactors;*
 - (d) a nuclear reactor or a nuclear power reactor;*
 - (e) a facility for reprocessing spent fuel; or*
 - (f) a facility for the storage or disposal of any nuclear materials (including any waste) resulting from any of the processes or facilities described in paragraphs (a) to (e).*
2. *A person shall not –*
 - (a) have in his possession;*
 - (b) use;*
 - (c) sell;*
 - (d) transport;*
 - (e) store; or*
 - (f) dispose of by any means –*

Notice of Motion / Question with Notice

any nuclear material unless, in respect of the nuclear material concerned –

- (g) he is in possession of a licence under the “Irradiating Apparatus and Radioactive (sic) Substances Regulations 1959” made under the Health Act 1958 (Vic);*
- (h) the provisions of the “Irradiating Apparatus and Radioactive Substances Regulations 1959” made under Health Act 1958 (Vic) do not apply; or*
- (i) he has complied with the provisions of sections 511(2) and 511(3) of the Mines Act 1958 (Vic)*

In July 1995 the policy was reviewed and unchanged.

In July 1999 a review of this policy updated the responsible section of council.

In August 2003 a policy review did not recommend this policy be reviewed or revoked.

The policy was reviewed by officers in August 2013, there is no record of this being reviewed by Council.

It is unclear when point 3 of the policy was included. This policy does appear to be outdated and perhaps is unnecessary in 2025.

Notice of Motion / Question with Notice

Councillor Harper Dalton-Earls has put the following question with notice:

As of the latest update, the Browns Creek Naturalisation Project has been allocated up to \$2 million, June 2017. This funding is part of the priority projects identified in the Urban Stormwater Management Plan for the next five years 2017-2026.

Despite the allocation, there appears to be no discernable actions on this and 2026 is fast approaching for such a large project. There remains considerable community concerns about the funds remaining unused while urgent drainage issues persist in the community that impact residents across the LGA.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/1153:EF19/25-6

General Manager's response:

In February 2022, a notice of motion was resolved by Council to:

- (1) take no further action in relation to naturalisation of Browns Creek and
- (2) review the USMP and maintenance schedules to ensure Browns Creek drainage system be regularly cleaned of debris and other materials that may restrict flow.

Australian Wetland Consulting (AWC) have been engaged to undertake a progress review of actions listed in the 2016 Urban Stormwater Management Plan 2017-2026 (USMP). The progress review has been mostly completed; however further work still needs to be undertaken to confirm the priority of previous structural projects against current drainage issues and stormwater asset upgrades within low lying areas of Lismore. In addition, an internal realignment was undertaken in 2024 where urban stormwater was moved from Roads to the Water and Wastewater department. Following the change there has been a refocus on drainage maintenance, restoring drainage functionality, and upgrading failed stormwater assets.

Naturalisation of Browns Creek is highly intertwined with the Lismore Parklands Masterplan. There is currently no funding available for the delivery of the Lismore Parklands and the budget estimate for Browns Creek Naturalisation component currently exceeds available funding by the USMP. This project is dependent on securing grant funding to progress. Further to the February resolution allocated funds in the 2024-2025 budget and 4-year program for Browns Creek naturalisation will be returned to reserves until further actions on this project are determined by council.

A councillor briefing will be scheduled in the coming months to provide an update on the USMP review.

Notice of Motion / Question with Notice

Councillor Big Rob has put the following question with notice:

Can the General Manager please outline situations where councillor information is segregated, any justifications for segregating information flows to councillors, and any reasons why staff can refuse a councillor's request for access to information already available to any other councillor?

Attachment/s

There are no attachments for this report.

TRIM Record No: BP25/5:EF19/25-7

General Manager's response:

Councillors have previously been provided the following advice in relation to these questions.

"Information archived in the HUB that if released "on mass" would put new councillors in a comprising 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."

Hence new councillors require a separate channel for information from the previous term. No councillor is therefore receiving different information to any other, the new councillors just access the released information in a different location.

Notice of Motion / Question with Notice

Councillor Big Rob has put the following question with notice:

Can the General Manager please explain why the Rail Trail car park in South Lismore has been so heavily height restricted, preventing heavy and tall vehicle access, including several disabled and medical transport vehicles and tourist vehicles, why the car park was not built to accommodate all vehicles, and can the car park sustain the weight of heavy vehicles?



Attachment/s

There are no attachments for this report.

TRIM Record No: BP25/7:EF19/25-7

General Manager's response:

The original carpark was not designed for heavy vehicles and as such had deteriorated with use over time. As the primary parking location for the Rail Trail, the carpark was improved to lift the ground height to manage stormwater and is now sealed to keep the dust down. There was no change to the subgrade and it still remains unsuitable for heavy vehicle use. Heavy vehicle parking could be considered in the future with new subgrade treatment and thick concrete or asphalt sealing, however this may lead to issues with Rail Trail users and parking. It would also need a revised level entry without the dip given the abnormal height of union street.

The height bar is above accessible height requirements (2.6m). However, this has been reviewed and will be increased to 3.2m to allow for campers and users with larger vehicles and bikes on top of cars. Campers are not considered heavy vehicles and are likely users of the trail if parking in that location.

Notice of Motion / Question with Notice

Councillor Big Rob has put the following question with notice:

Can the General Manager provide a breakdown of ordinary and extraordinary council meetings in relation to 2023-2024 councillor attendance records, and provide councillor attendance records for committees and advisory groups for the same period?

Attendance Records for 2023 - 2024 Financial Year

	Council Meetings (20)	Briefings (26)	Workshops (5)	Capacity Capability & Recovery Roadmap Committee Meeting (2)
Councillor	Attended	Attended	Attended	Attended
Krieg	20	21	4	1
Bing	20	26	4	2
Bird	19	20	5	1
Colby	18	21	4	1
Cook	17	20	3	2
Ekins	18	23	4	2
Gordon	19	25	5	2
Guisse	15	15	3	1
Hall	17	22	3	1
Jensen	17	17	4	2
Rob	18	25	5	2

Attachment/s

There are no attachments for this report.

TRIM Record No: BP25/8:EF19/25-7

General Manager's response:

	Council Meetings (15)	Extra Ordinary Meetings (5)
Councillor	Attended	Attended
Krieg	15	5
Bing	15	5
Bird	14	5
Colby	15	3
Cook	13	4
Ekins	14	4
Gordon	14	5
Guisse	12	3
Hall	13	4

Notice of Motion / Question with Notice

Jensen	13	4
Rob	15	3

Records are only reported for meetings of which all councillors are required/expected to attend. The councillor membership varies between advisory groups.

Notice of Motion / Question with Notice

Councillor Big Rob has put the following question with notice:

Why are some requests submitted by councillors, acting in their role as a councillor representing community members, being managed as customer requests, how is it decided which matters are dealt with as customer requests, and who makes the decisions?

Attachment/s

There are no attachments for this report.

TRIM Record No: BP25/18:EF19/25-7

General Manager's response:

Clause 1.1 (b) of the Councillor and Officer Interaction Policy states:

1.1. *Councillors can use the councillor requests system to:*

- a. *request information or ask questions that relate to the strategic position, performance or operation of the Council*
- b. *bring concerns raised by members of the public to the attention of officers, excluding maintenance requests*
- c. *request ICT or other support from the Council administration*
- d. *request an officer be present at a meeting or briefing (other than a meeting of the council) for the purpose of providing advice to the meeting or briefing*

Maintenance matters are logged in the customer request system so it can be added to the schedule of works. Works are undertaken according to priority (based on a number of factors, including safety and risk) and within allocated budgets.

This also ensures requests for maintenance are dealt with consistently and negates any allegations that may be levelled at councillors for favouritism, bias etc.

Notice of Motion / Question with Notice

Councillor Big Rob has put the following question with notice:

Can the General Manager:

1. confirm the registered or formal name of the organisation in charge of the Back Alley Gallery and provide its footprint
2. name the relevant decision makers responsible for art in the Back Alley Gallery
3. explain how those responsible make their decisions
4. confirm whether permission is being sought from building owners before their buildings have murals put on them
5. provide access to the most recent signed authorities for those buildings that have had murals put on them
6. outline what is being done to stop and/or clean up illegal graffiti
7. explain why the rules relating to signs on commercial premises do not apply to oversized works of graffiti if each piece is not put through an approval process?



Attachment/s

There are no attachments for this report.

TRIM Record No: BP25/24:EF19/25-7

General Manager's response:

1. [Back Alley Gallery](#) (BAG)
2. Back Alley Gallery
3. BAG is responsible for delivering the artwork and making the decisions
4. BAG manages engagement with key stakeholders including laneways property owners
5. Council does not have access to that information
6. Night security guards that patrol the CBD on a Friday and Saturday night have been requested to increase patrols of the area. Should members of the public see offences occurring they should report immediately to NSW Police for action. Graffiti on private property is the responsibility of owners to remove
7. Murals and graffiti are not considered advertising, therefore are not under the regulation of advertising signs

Notice of Motion / Question with Notice

Councillor Big Rob has put the following question with notice:

Can the General Manager please explain why the removal of the rail bridge in Crane Street North Lismore is not being pursued, and why council would consider expending ratepayer money to lease a State Government owned piece of fast deteriorating infrastructure for a section of a rail trail which has not been resolved by council to progress?



Attachment/s

There are no attachments for this report.

TRIM Record No: BP25/30:EF19/25-7

General Manager's response:

At the December 2024 Council meeting

RESOLVED that Council:

1. rescind its resolution of October 2023 regarding removal of rail bridges
2. write to the Local Member and Transport for NSW seeking:
 - a. expeditious removal of the rail bridge at Union Street
 - b. expeditious removal of the rail bridge at Alexandra Parade
 - c. following removal of the rail bridges at Union Street and Alexandra Parade, works be scheduled to remove the rail bridge at Winterton Parade
 - d. the rail bridge at Crane St not be removed to ensure proper connectivity for future sections of the Northern Rivers Rail Trail

Notice of Motion / Question with Notice

(Councillors Bing/Battista) (BP24/1049)

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

Voting against: Nil

At the November 2023 Council meeting

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

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

(Councillors Gordon/Cook) (BP23/881)

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

Voting against: Councillor Guise

Notice of Motion / Question with Notice

Councillor Jasmine Knight-Smith has put the following question with notice:

Could the General Manager please advise what is happening with the Advisory Groups. When will we elect councillors to represent Council on those advisory groups.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP25/37:EF19/25-7

General Manager's response:

Officers will present a report to councillors at the March Council meeting.

Notice of Motion / Question with Notice

Councillor Big Rob has put the following question with notice:

Considering sections 333 and 335(h) of the *Local Government Act*, can the General Manager explain how the organisation structure of council was recently changed by staff with council yet to review and decide to re-determine the organisation structure?

Attachment/s

There are no attachments for this report.

TRIM Record No: BP25/41:EF19/25-7

General Manager's response:

Below are relevant sections of the *Local Government Act 1993*.

332 Determination of structure

- (1) A council must, after consulting the general manager, determine the resources to be allocated towards the employment of staff.
- (1A) The general manager must, after consulting the council, determine the positions within the organisation structure of the council.
- (1B) The positions within the organisation structure of the council are to be determined so as to give effect to the priorities set out in the strategic plans (including the community strategic plan) and delivery program of the council.
- (2), (3) (Repealed)

333 Re-determination and review of structure

The organisation structure may be re-determined under this Part from time to time. The council must review, and may re-determine, the organisation structure within 12 months after any ordinary election of the council.

335 Functions of general manager

The general manager of a council has the following functions—

- (h) to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,

Consistent with Section 332 (1A) the General Manager consulted with councillors in November and December 2024 regarding proposed organisation structure changes.

Consultation does not require an agreement to be reached, nor does it require the Council to endorse the decision, as it did in the past. Rather, it involves the sharing of views to enable the General Manager, as decision maker, to make an informed decision.

In relation to the resources, budget was adopted by Council in June 2024.

The Act delineates between the review of a determined structure and a re-determination of the structure. Specifically, it requires council (through the General Manager) to review the organisation structure within 12 months after any ordinary election of the council. This will occur in coming months.

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 T24/26 Redevelopment of Damaged Recreation Courts to Multi-Purpose Courts - Perradenya Estate
Grounds for Closure	Section 10A(2) (d ii):
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 confer a commercial advantage on a competitor of the Council.
Item	13.2 Tender T24/32 - IT Disaster Recovery Solution
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.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN COUNCIL CHAMBERS ON TUESDAY 10 DECEMBER 2024 AT 10.00AM

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

Present

Mayor, Councillor Krieg; Councillors Battista, Bing, Dalton-Earls, Gordon, Guise, Jensen, Knight-Smith, Rob, Waters together with Mr Gibbons, General Manager; Dr Logan, Chief Operating Officer; Mr Butron, Chief Community Officer; Mr Snow, Head Planning & Environment; Mr Readman, Manager Technology & Innovation; Mr Hewage, Acting Manager Finance; Ms van Iersel, Strategic Planning Coordinator; Mr Schubert, 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

- 102/24 **RESOLVED** that:
1. an apology be received from Councillor Hall
 2. a leave of absence be received from Councillor Bing from 27 January 2025 to 3 February 2025
- (Councillors Gordon/Dalton-Earls)
- Voting for:** Councillors Battista, Bing, Dalton-Earls, Gordon, Guise, Jensen, Knight-Smith, Krieg, Rob and Waters
- Voting against:** Nil

Confirmation of Minutes

- 103/24 **RESOLVED** that the minutes of the following meeting be confirmed:
- Ordinary Council meeting 12 November 2024
 - Confidential Council meeting 12 November 2024
- (Councillors Gordon/Battista)
- Voting for:** Councillors Battista, Bing, Dalton-Earls, Gordon, Guise, Jensen, Knight-Smith, Krieg, Rob and Waters
- Voting against:** Nil

Disclosures of Interest

Clr Gordon declared a Pecuniary Conflict of Interest for the following item:

11.1 Planning Proposal to allow an Additional Permitted Use at 92 Dunoon Road, North Lismore

Nature: I will leave the Chamber

Clr Battista declared a Significant Conflict of Interest for the following item:

12.6 Mobile Food and Drink Outlets

Nature: I will leave the Chamber

Clr Rob declared a Non-Pecuniary, Significant Conflict of Interest for the following item: 10.1 Questions on Notice – Lismore Lake toilet facilities

Nature: I will leave the Chamber

Clr Rob declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 10.1 Questions on Notice – Santin Quarry

Nature: I will stay in the Chamber if discussed

Clr Rob declared a Non-Pecuniary, Significant Conflict of Interest for the following item: 13.1 Bush Regeneration Panel Contract

Nature: As a member of Richmond Landcare, I will leave the Chamber

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:

Notices of Motion / Questions with Notice

12.4 Advocacy for Retention of Humanities and Creative Arts at Southern Cross University

FOR	Jan Davis
	Andrew Binns

Mayoral Minute(s) and Condolence Motions

Reports of Committees

9.1 Local Traffic Committee - 20 November 2024

104/24 **RESOLVED** that the minutes from 20 November 2024 meeting be received and the recommendations contained therein be adopted.

(Councillors Bing/Dalton-Earls) (BP24/1078)

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

Voting against: Nil

Altering Order of Business

MOTION moved that the order of business be altered to debate the following matters:

- 12.4 Advocacy for Retention of Humanities and Creative Arts at Southern Cross University
- 11.3 Affordable Housing Contribution Scheme

(Councillors Guise/Knight-Smith)

Councillor Dalton-Earls left the meeting, the time being 10:27AM

Councillor Dalton-Earls returned to the meeting, the time being 10:29AM

105/24 **RESOLVED** that the order of business be altered to debate the following matters:

- 12.4 Advocacy for Retention of Humanities and Creative Arts at Southern Cross University
- 11.3 Affordable Housing Contribution Scheme

(Councillors Guise/Knight-Smith)

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

Voting against: Councillor Rob

12.4 Advocacy for Retention of Humanities and Creative Arts at Southern Cross University

MOTION moved that Council:

1. calls on Southern Cross University (SCU) to reconsider its recent decision to discontinue its undergraduate programs in art and design, contemporary music and digital media from 2025. The Council urges SCU to reconsider and work collaboratively with stakeholders to find sustainable solutions that preserve these critical programs
2. writes to the relevant Federal Ministers urging them to restore equity to the cost of Humanities degrees to ensure that people can pursue training in Music, Creative Arts and the Humanities without financial barriers and do not deter people from pursuing creative arts education
3. writes to relevant State Ministers to take urgent action to increase funding and other support for regional arts and music events and advocate to Federal Ministers to restore equity to the cost of Humanities degrees

(Councillors Waters/Knight-Smith)

FORESHADOWED MOTION moved that Council meet with the Vice-Chancellor of SCU to understand the reason behind the decision to discontinue its undergraduate programs in art and design, contemporary music and digital media from 2025.

(Councillor Jensen)

Councillor Knight-Smith left the meeting, the time being 10:55AM

Councillor Knight-Smith returned to the meeting, the time being 10:56AM

FORESHADOWED MOTION moved that Council meet with the Vice-Chancellor of SCU to understand the reason behind the decision to discontinue its undergraduate programs and move programs from Lismore.

(Councillor Rob)

106/24

MOTION moved that Council:

1. calls on Southern Cross University (SCU) to reconsider its recent decision to discontinue its undergraduate programs in art and design, contemporary music and digital media from 2025. The Council urges SCU to reconsider and work collaboratively with stakeholders to find sustainable solutions that preserve these critical programs
2. writes to the relevant Federal Ministers urging them to restore equity to the cost of Humanities degrees to ensure that people can pursue training in Music, Creative Arts and the Humanities without financial barriers and do not deter people from pursuing creative arts education

3. writes to relevant State Ministers to take urgent action to increase funding and other support for regional arts and music events and advocate to Federal Ministers to restore equity to the cost of Humanities degrees

(Councillors Waters/Knight-Smith) (BP24/1110)

Voting for: Councillors Dalton-Earls, Guise, Jensen, Knight-Smith and Waters

Voting against: Councillors Battista, Bing, Gordon, Krieg and Rob

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

107/24

RESOLVED that Council meet with the Vice-Chancellor of SCU to understand the reason behind the decision to discontinue its undergraduate programs in art and design, contemporary music and digital media from 2025.

(Councillors Jensen/Bing) (BP24/1110)

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

Voting against: Councillors Guise and Rob

11.3 Affordable Housing Contribution Scheme

MOTION moved that Council:

1. not support the Planning Proposal
2. instruct the General Manager to advise the Department of Planning, Housing and Infrastructure that the Planning Proposal is not supported and request it not be finalised

(Councillors Bing/Battista)

Councillor Jensen left the meeting, the time being 11:08AM

Councillor Jensen returned to the meeting, the time being 11:09AM

FORESHADOWED MOTION moved that:

1. Council supports the Planning Proposal to introduce an Affordable Housing Contribution Scheme and confirms that no sites shall be mapped in the Lismore Local Environmental Plan 2012
2. the Planning Proposal be submitted to the Department of Planning, Housing and Infrastructure with a request for the written amendments to the Lismore Local Environmental Plan 2012 to be finalised and made, as per the delegation of the Gateway Determination
3. Council adopts the Affordable Housing Contribution Scheme

(Councillor Guise)

Councillor Dalton-Earls left the meeting, the time being 11:14AM

Councillor Dalton-Earls returned to the meeting, the time being 11:16AM

Councillor Rob left the meeting, the time being 11:20AM

Councillor Rob returned to the meeting, the time being 11:22AM

108/24 **RESOLVED** that Council:

1. not support the Planning Proposal
2. instruct the General Manager to advise the Department of Planning, Housing and Infrastructure that the Planning Proposal is not supported and request it not be finalised

(Councillors Bing/Battista) (BP24/978)

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

Voting against: Councillors Dalton-Earls, Guise, Knight-Smith and Waters

Public Question Time

Mr James Richardson asked the following question:

Given that the current code of meeting practice ensures:

- a. that Public Access now begins at 10am,
- b. is live-streamed and recorded, and
- c. that staff and councillors are required to be in attendance to hear speakers

Can the Mayor and General Manager clarify:

- a. the proposed start time for Public Access under the draft Code of Meeting Practice (COMP) to be discussed today,
- b. whether Public Access will continue to be live-streamed and archived with the meeting proper,
- c. whether staff and councillors will be legally required to attend Public Access, and can the Mayor give an undertaking of his support to ensure Public Access under the exhibited CoMP is enhanced, rather than curtailed

The Mayor advised that answers could not be provided as this matter will be debated later in the meeting.

At this point the meeting adjourned for a short recess due to technical issues with the livestream, the time being 11.32AM

The meeting resumed at 11:38AM

Councillor Rob left the meeting, the time being 11:40AM

Matters Arising

10.1 Questions on Notice

109/24 **RESOLVED** that the Questions on Notice responses provided in this report be noted.

(Councillors Gordon/Waters) (BP24/1048)

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

Voting against: Councillors Guise and Knight-Smith

Absent: Councillor Rob

Councillor Rob returned to the meeting, the time being 11:42AM

Councillor Gordon left the meeting, the time being 11:43AM

Reports of the General Manager

11.1 Planning Proposal to allow an Additional Permitted Use at 92 Dunoon Rd, North Lismore

110/24 **RESOLVED** that Council:

1. forward the planning proposal to the Department of Planning, Housing and Infrastructure (DPHI) seeking a Gateway determination and proceeds to public exhibition in accordance with any Gateway requirements, and
2. confirms that should any objections be made during the public exhibition stage that the planning proposal be reported back to Council. If no objections are received, the planning proposal be finalised and made, as per the delegation of the Gateway determination

(Councillors Battista/Dalton-Earls) (BP24/1044)

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

Voting against: Councillor Guise

Absent: Councillor Gordon

Councillor Gordon returned to the meeting, the time being 11:49AM

11.2 Development Control Plan housekeeping amendments

- 111/24 **RESOLVED** that:
1. the amended Development Control Plan 2012 chapters, as identified in this report, be placed on public exhibition for a period of 21 days.
 2. should no objections be raised, the amended Development Control Plan chapters come into effect. If objections are raised, a further report be made to Council outlining the submissions received and any subsequent changes made.

(Councillors Bing/Gordon) (BP24/979)

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

Voting against: Councillor Guise

11.4 Investments - November 2024

- 112/24 **RESOLVED** that the report be received and noted.

(Councillors Bing/Battista) (BP24/1117)

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

Voting against: Councillors Guise and Waters

11.5 Code of Conduct Statistical Reporting

- 113/24 **RESOLVED** that Council receive and note the attached annual report on Code of Conduct statistics for Lismore City Council and that the report will be forwarded to the Office of Local Government.

(Councillors Gordon/Dalton-Earls) (BP24/975)

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

Voting against: Councillors Guise and Rob

11.6 Councillors Expenses & Facilities Policy

MOTION moved that:

1. the Councillors Expenses & Facilities Policy be placed on public exhibition for 28 days, excluding changes to clause 6.29
2. if any objections are received during the submission period the Policy be reported back to Council for further consideration. If no objections are received during the submission period the Councillors Expenses & Facilities Policy is adopted by Council

(Councillors Rob/Knight-Smith)

FORESHADOWED MOTION moved that:

1. the Councillors Expenses & Facilities Policy be placed on public exhibition for 28 days
2. if any objections are received during the submission period the Policy be reported back to Council for further consideration. If no objections are received during the submission period the Councillors Expenses & Facilities Policy is adopted by Council

(Councillor Battista)

114/24

RESOLVED that:

1. the Councillors Expenses & Facilities Policy be placed on public exhibition for 28 days, excluding changes to clause 6.29
2. if any objections are received during the submission period the Policy be reported back to Council for further consideration. If no objections are received during the submission period the Councillors Expenses & Facilities Policy is adopted by Council

(Councillors Rob/Knight-Smith) (BP24/795)

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

Voting against: Councillors Battista, Bing and Gordon

11.7 Councillor & Officer Interaction Policy

MOTION moved that Council adopt the Councillor & Officer Interaction Policy, as attached to this report.

(Councillors Gordon/Bing)

FORESHADOWED MOTION moved that Council adopt the Councillor & Officer Interaction Policy, as attached to this report excluding clauses 4.2, 4.3 and 4.21.

(Councillors Guise/Knight-Smith)

Councillor Dalton-Earls left the meeting, the time being 12:35PM

115/24 **DEFEATED** that Council adopt the Councillor & Officer Interaction Policy, as attached to this report.

(Councillors Gordon/Bing) (BP24/796)

Voting for: Councillors Battista, Bing, Gordon and Krieg

Voting against: Councillors Guise, Jensen, Knight-Smith, Rob and Waters

Absent: Councillor Dalton-Earls

Councillor Dalton-Earls returned to the meeting, the time being 12:37PM

The Chief Community Officer left the meeting, the time being 12:37PM

At this point the meeting adjourned for lunch, the time being 12:37PM

The meeting resumed at 1:05PM.

116/24 **RESOLVED** that Council adopt the Councillor & Officer Interaction Policy, as attached to this report excluding clauses 4.2, 4.3 and 4.12.

(Councillors Guise/Knight-Smith) (BP24/796)

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

Voting against: Councillors Battista, Gordon and Jensen

11.8 Council Briefings Policy

MOTION moved that the Council Briefings Policy remain unchanged.

(Councillors Knight-Smith/Rob)

FORESHADOWED MOTION moved that Council adopt the Council Briefings Policy, as attached to this report.

(Councillor Krieg)

117/24 **RESOLVED** that the Council Briefings Policy remain unchanged.

(Councillors Knight-Smith/Rob) (BP24/799)

Voting for: Councillors Dalton-Earls, Guise, Knight-Smith, Krieg, Rob and Waters

Voting against: Councillors Battista, Bing, Gordon and Jensen

11.9 Codes of Conduct and Procedures

118/24 **RESOLVED** that Council adopts:

1. the Code of Conduct for Councillors 2023
2. the Code of Conduct for Staff 2023
3. the Code of Conduct for Committees 2023
4. the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW as attached to this report.

(Councillors Rob/Bing) (BP24/797)

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

Voting against: Nil

11.10 Code of Meeting Practice Review

MOTION moved that:

1. in accordance with section 361 of the *Local Government Act 1993*, the Code of Meeting Practice at Attachment 1 to this report, with the inclusion that Public Access is livestreamed, be placed on public exhibition for a period of 28 days and submissions received for 42 days
2. if any objections are received during the submission period the Code of Meeting Practice be reported back to Council for further consideration. If no objections are received during the submission period the Code of Meeting Practice is adopted by Council

(Councillors Battista/Bing)

DEFEATED that the motion be put.

(Councillor Gordon)

Voting for: Councillors Battista, Bing, Gordon and Krieg

Voting against: Councillors Dalton-Earls, Guise, Jensen, Knight-Smith, Rob and Waters

Councillor Knight-Smith left the meeting, the time being 1:39PM

Councillor Knight-Smith returned to the meeting, the time being 1:41PM

AMENDMENT moved that:

1. in accordance with section 361 of the *Local Government Act 1993*, the Code of Meeting Practice at Attachment 1 to this report, with the inclusion that Public Access is livestreamed and speakers are permitted four (4) minutes, be placed on public exhibition for a period of 28 days and submissions received for 42 days
2. if any objections are received during the submission period the Code of Meeting Practice be reported back to Council for further consideration. If no objections are received during the submission period the Code of Meeting Practice is adopted by Council

(Councillor Rob)

Lapsed due to want of a seconder.

119/24 **RESOLVED** that:

1. in accordance with section 361 of the *Local Government Act 1993*, the Code of Meeting Practice at Attachment 1 to this report, with the inclusion that Public Access is livestreamed, be placed on public exhibition for a period of 28 days and submissions received for 42 days
2. if any objections are received during the submission period the Code of Meeting Practice be reported back to Council for further consideration. If no objections are received during the submission period the Code of Meeting Practice is adopted by Council

(Councillors Battista/Bing) (BP24/798)

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

Voting against: Councillors Guise, Knight-Smith, Rob and Waters

11.11 Minutes from External Committees and Organisations

120/24 MOTION moved that:

1. Council notes the draft minutes of the Richmond Tweed Regional Library, Rous County Council and Northern Rivers Joint Organisation
2. a briefing be held regarding potential changes to the Executive Council of RTRL

(Councillors Dalton-Earls/Gordon)

Councillor Gordon left the meeting, the time being 2:10PM

Councillor Gordon returned to the meeting, the time being 2:11PM

Councillor Dalton-Earls left the meeting, the time being 2:12PM

Councillor Dalton-Earls returned to the meeting, the time being 2:14PM

Councillor Jensen left the meeting, the time being 2:19PM

Councillor Electra Jensen returned to the meeting, the time being 2:21PM

121/24 **RESOLVED** that:

1. Council notes the draft minutes of the Richmond Tweed Regional Library, Rous County Council and Northern Rivers Joint Organisation
2. a briefing be held regarding potential changes to the Executive Council of RTRL

(Councillors Dalton-Earls/Gordon) (BP24/1073)

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

Voting against: Councillors Guise and Waters

Notices of Motion / Questions with Notice

12.1 Mayoral Attendance Report

MOTION moved that Council receives the Mayoral Attendance Report for November 2024.

(Councillors Krieg/Bing)

Councillor Waters left the meeting, the time being 2:29PM

Councillor Dalton-Earls left the meeting, the time being 2:30PM

Councillor Waters returned to the meeting, the time being 2:30PM

Councillor Dalton-Earls returned to the meeting, the time being 2:31PM

122/24 **RESOLVED** that Council receives the Mayoral Attendance Report for November 2024.

(Councillors Krieg/Bing) (BP24/1065)

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

Voting against: Councillor Rob

12.2 CBD Footpath Upgrades

123/24 **RESOLVED** that Council seek funding opportunities through NSW and Australian Government grant programs to continue upgrading the footpaths around the Lismore CBD.

(Councillors Krieg/Knight-Smith) (BP24/1105)

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

Voting against: Nil

12.3 Lismore and Villages Community Pride

124/24 **RESOLVED** that Council establishes a 'Community Pride' team responsible for:

1. enhancing and maintaining the entrances to the city and villages by improving landscaping, signage, and aesthetic features
2. coordinating an appropriate cleaning and maintenance schedule for all signs, footpaths, bench seating, BBQ facilities, and public areas within the city and villages
3. engaging with the community to identify priority areas and collaborate on beautification projects
4. providing a quarterly report to Council on the activities, improvements, and outcomes of the 'Community Pride' team

(Councillors Battista/Bing) (BP24/1111)

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

Voting against: Nil

12.5 Bridge removals

Can the General Manager please update Council on discussions with Transport for NSW regarding rail bridges being removed. There was another accident on 17 November 2024 when a bus hit the Union Street bridge. When is this bridge being removed and when is Alexandra Parade being removed?

Chief Operating Officer's response:

In recent weeks there has been a few incidents. Officers were asked to revisit the 2023 resolution in relation to this. It is officers view that the Union Street and Alexandra Parade should be removed as a priority. Winterton Parade is in a state of disrepair but doesn't cause any disruption to industry so isn't as high a priority. Ideally we would retain Crane Street for the connectivity of the rail trail.

125/24

RESOLVED that Council:

1. rescind its resolution of October 2023 regarding removal of rail bridges
2. write to the Local Member and Transport for NSW seeking:
 - a. expeditious removal of the rail bridge at Union Street
 - b. expeditious removal of the rail bridge at Alexandra Parade
 - c. following removal of the rail bridges at Union Street and Alexandra Parade, works be scheduled to remove the rail bridge at Winterton Parade
 - d. the rail bridge at Crane St not be removed to ensure proper connectivity for future sections of the Northern Rivers Rail Trail

(Councillors Bing/Battista) (BP24/1049)

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

Voting against: Nil

Councillor Battista left the meeting, the time being 3:08PM

12.6 Mobile Food and Drink Outlets

Can staff outline the rules relating to the retail sale of food, drinks and related products on land from a mobile outlet, and specifically clarify whether it is permissible to operate on public land without permission, or if vehicular or pedestrian access can be restricted in any way when operating on any land?

General Manager's response:

Subdivision 27A of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides for an approval pathway where 'mobile food and drink outlets' can be undertaken as exempt development provided they comply with the following nominated development standards.

Subdivision 27A Mobile food and drink outlets

2.54A Specified development

The carrying out of the retail sale of food, drinks and related products on land from a mobile outlet such as a food truck, van, cart or other similar vehicle is development specified for this code.

2.54B Development standards

The standards specified for that development are that the development must—

- (a) have the consent of the owner of the land on which the development is carried out or, if a council or public authority has the control and management of the land, the consent, in writing, of the council or public authority, and
- (b) not restrict any vehicular or pedestrian access to or from the land or entry to any building on the land, and
- (c) not obstruct the operation of, or access to, any utility services on the land or on adjacent land, and
- (d) not be located within the canopy of, or result in damage to, any tree growing on the land or on adjacent land, and
- (e) not result in any damage to public property on the land or on adjacent land, and
- (f) if carried out on land in a residential zone—only be carried out between 7am and 7pm, and
- (f1) if carried out on land immediately adjacent to a residential zone—only be carried out between 7am and 10pm, and
- (g) if located on a public place—have any approval required under section 68 of the [Local Government Act 1993](#), and
- (h) if located on private land—be limited to 1 development on that land and not contravene any conditions of a development consent for any other use carried out on the land.

Note — A registrable vehicle within the meaning of the *Road Transport (Vehicle Registration) Regulation 2007*, or a cart, bicycle cart or the like must operate in accordance with the Guidelines for mobile food vending vehicles (NSW/FA/F1055/1302) published by the NSW Food Authority in February 2013, and any requirements of the *Food Act 2003*.

Clause 2.54B(a) requires an operator to have the consent of the owner of the land on which the development is carried out or, if a council or public authority has the control and management of the land, the consent, in writing, of the council or public authority.

Clause 2.54B(b) requires an operator to undertake the activity so as not restrict any vehicular or pedestrian access to or from or entry to any building on the land.

Where representations are made to Council regarding non-compliance, the matter is reviewed in accordance with Councils Enforcement Policy and associated Compliance and Enforcement Guidelines.

Councillor Battista returned to the meeting, the time being 3:09PM

12.7 Alcohol Availability

Please confirm if alcohol is available on council premises and, if so, if consumption is monitored and restricted, and what work, health and safety measures are in place to ensure councillors or staff do not travel home after consuming alcohol?

General Manager's response:

The supply and consumption of alcohol to councillors is always provided in line with statute policies and regulations.

MOTION moved that alcohol not be made available to councillors on Council premises unless at an official function and served by a person with a Responsible Service of Alcohol certification.

(Councillors Rob/Guise)

Councillor Jensen left the meeting, the time being 3:14PM

Councillor Guise left the meeting, the time being 3:14PM

Councillor Guise returned to the meeting, the time being 3:14PM

Councillor Jensen returned to the meeting, the time being 3:16PM

Councillor Guise left the meeting, the time being 3:16PM

Councillor Waters left the meeting, the time being 3:17PM

Councillor Waters returned to the meeting, the time being 3:17PM

Councillor Guise returned to the meeting, the time being 3:19PM

126/24 **DEFEATED** that alcohol not be made available to councillors on Council premises unless at an official function and served by a person with a Responsible Service of Alcohol certification.

(Councillors Rob/Guise) (BP24/990)

Voting for: Councillors Guise, Knight-Smith, Rob and Waters

Voting against: Councillors Battista, Bing, Dalton-Earls, Gordon, Jensen and Krieg

At this point the meeting adjourned for a recess, the time being 3:28PM

The meeting resumed at 3:39PM

12.8 Consultants and Local Content

Can staff please explain how consultants are being vetted according to Council policy if the main consultant can secure a contract with zero local content, but then declare a local content component by outsourcing some of their work to a local sub-consultant, and how this layering of several consultants does not ultimately cost ratepayers more?

General Manager's response:

All of Council's procurement activities are driven by Value For Money (VFM) principles that encompass the five core elements/criteria that make up VFM. These elements (Total Cost; Capability & Experience; WHS, Risk Management & Quality; Environment & Community; Local Content) are also weighted with said weighting reflecting the strategic priorities of Council as well as the priorities of any given purchase.

Currently, as per Council's Policy, the "Local Content" element is weighted at a minimum of 20%. The elements weighting is determined by officers as per the priorities of the purchase.

Other than pricing, the evaluation of any given supplier response is subjective and reliant on the professional judgement of Council officers involved in the decision. Once responses are evaluated and scored by officers, a ranking process managed via an auditable spreadsheet, determines the preferred supplier. It follows that the highest score determines the preferred supplier.

A prime contractor/sub-contractor arrangement does not automatically mean higher costs as the commercial relationship between the prime and sub needs to be understood and considered. Such a relationship would usually be commercially confidential and not available to Council. Indeed, it may very well be that local suppliers, with different internal cost structures, provided pricing that was considerably more expensive outweighing any local content benefit.

12.9 Lismore Chamber of Commerce funding

Can the General Manager please explain why the Nimbin Chamber of Commerce receives substantial annual funding to administer as they deem fit, while the Lismore Chamber of Commerce receives zero annual funding when they have several times many more members and run regular monthly networking events where many people regularly attend?

General Manager's response:

Nimbin Chamber of Commerce receives funding due to a Council resolution originally adopted in 2003 and its inclusion in the operational plan annually.

Council collects a rate for Lismore promotion and this is administered by Council in line with programs designed to deliver the outcome of the rate collected

MOTION moved that a briefing be held on the potential for Business Lismore to receive funding, similar to the Nimbin Chamber of Commerce.

(Councillor Rob)

Lapsed due to want of a seconder.

12.10 Cashless Revolve Shop

Can the General Manager provide relevant month vs month and year vs year comparisons between takings at the Revolve Shop when it did take cash and takings since it stopped, highlighting any noticeable variations?

General Manager's response:

There has been continued growth in sales at the Revolve Shop regardless of Council's decision to not accept cash in approximately August 2020.

This situation remained during COVID-19 and natural disaster events until present day.

An annual breakdown is as follows:

Financial Year	Revenue
2020-2021	\$209,677
2021-2022	\$167,950
2022-2023	\$229,570
2023-2024	\$247,715

Ease of access to a breakdown of cash and card payments for the last four years is being determined and an update will be provided to councillors by 13 December 2024 should this still be required.

12.11 Wyrallah Road

Can the General Manager please explain if there are any known issues causing significant damage to the stretch of road along Wyrallah Rd between Tuckurimba Road to Buckendoon School Lane, what council is doing to temporarily maintain the road at an acceptable and safe level for its intended purpose, and when this section of road will be fixed?

General Manager's response:

This section of Wyrallah Road has multiple sections of rehabilitation works planned for completion in 2025 through disaster funding.

Council regularly inspects these sections as they are prone to increased and rapid degradation and performs interim remedial works to maintain trafficability whilst awaiting permanent repairs.

12.12 CRM Logged & Actioned According to Priority of Works

With councillors regularly being told 'a CRM will be logged and actioned according to priority of works' in response to councillor requests relating to potholes and other works around the local government area, can the General Manager please explain how priority is determined and share the current list of priorities if a list exists?

General Manager's response:

Currently each defect is given a recommended timeframe for remediation which determines the priority. This prioritisation is typically driven by risk. It should be noted that Council is mostly not able to meet the recommended timeframes for remediation of defects particularly in the Roads department. A new approach for roads maintenance and hazard remediation is being formulated and tested as part of a department rebirth and will be coming to Councillors in the form of a briefing early in 2025.

12.13 Dog Attacks

With an average of over 3 dog attacks reported per month last term, and over half of those recorded on the Companion Animals Register following investigation, can the General Manager please share any plans to reduce the impact of dog attacks on community safety and Council resources?

General Manager's response:

Addressing dog attacks is a key priority for Council, and we remain committed to responding effectively within the constraints of our limited resources.

Currently, Council responds to reports of dog attacks as a matter of priority. Our investigations are conducted thoroughly, and appropriate enforcement action is taken in alignment with the *Companion Animals Act 1998* (NSW) and relevant guidelines. This includes issuing notices, declaring dogs as dangerous or menacing where warranted, and pursuing compliance with control and containment requirements.

To further reduce the incidence of dog attacks, Council is planning a targeted social media campaign to promote responsible dog ownership. This campaign will emphasise the importance of securing private properties to prevent dogs from escaping and provide practical advice to pet owners about containment, socialisation, and legal responsibilities.

In addition to these measures, Council continues to:

- conduct inspections and patrols in high-risk areas to address potential non-compliance.
- educate the community on responsible pet ownership through ongoing communications and resources.
- while resource limitations mean we must balance reactive and proactive efforts, Council remains committed to prioritising community safety and reducing the impact of dog attacks.

MOTION moved that a briefing be held regarding Council Rangers responsibilities and costs.

(Councillors Rob/Dalton-Earls)

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

Voting against: Councillors Bing, Gordon, Guise, Knight-Smith and Waters

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

12.14 CSG Signs

When will council remove the CSG protest signs at the entrances to our city and possibly replace them with something more welcoming, such as a place name or greeting?

General Manager's response:

The signs were erected following a resolution of Council. Removal of the signs will require an appropriately worded resolution of Council.

127/24 **RESOLVED** that Council remove all CSG and nuclear-free zone signs and replace with place or welcome signs once budget allocation has been determined.

(Councillors Rob/Bing) (BP24/1102)

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

12.15 Use Of CBD Footpaths

Can the General Manager please advise when signs will be installed around the CBD to advise users that skateboards, bicycles, scooters, etc. cannot be used on pedestrian footpaths?

General Manager's response:

There are six bins in the CBD displaying the below signage. Similar signage is still to be placed on bins in Keen St.

Additional signs in Keen St attached to the parking signs are also yet to be installed.

It is noted the NSW Police enforce such usage in the Lismore CBD in accordance with the NSW Road Rules 2014.



12.16 Speed Signs In The CBD

Can the General Manager please advise when the necessary speed signs will be installed around the CBD?

General Manager's response:

Transport for NSW is currently conducting a speed zone review for the CBD. When this is finalised signs will be erected accordingly.

Councillor Jensen left the meeting, the time being 4:21PM

Councillor Jensen returned to the meeting, the time being 4:22PM

Councillor Dalton-Earls left the meeting, the time being 4:23PM

Councillor Dalton-Earls returned to the meeting, the time being 4:25PM

Confidential Matters – Closed Council Meeting

128/24 MOTION moved that Council now exclude the press and public and meet in Closed Council to consider the following matters;

Item	13.1 Bush Regeneration 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	13.2 Balanced Regional Model A
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 Gordon/Bing)

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

Voting against: Councillors Dalton-Earls, Guise, Knight-Smith, Rob and Waters

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

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 Bush Regeneration Panel Contract

That:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the 20 suppliers listed in the evaluation results, to form an un-ranked panel of approved providers for Tender VP420227 Panel Contract for Bush Regeneration 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 option when required to extend the contract, subject to the satisfactory performance of the suppliers
3. the General Manager be delegated authority to approve variations deemed to be necessary and appropriate within their financial delegations
4. a redacted copy of this report will be released as a public document

(Councillors Waters/Knight-Smith) (BP24/1052)

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

Voting against: Nil

Absent: Councillor Rob

13.2 Balanced Regional Model A

That Council:

1. rescind its 21 November 2023 decision to implement Balanced Regional Model (C)
2. proceed to implement Balanced Regional Model (A)

(Councillors Gordon/Bing) (BP24/1068)

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

Voting against: Councillor Guise

Closure

This concluded the business and the meeting terminated at 5.11pm.

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

MAYOR

Confidential Report

Report

Subject	Bush Regeneration Panel Contract
TRIM Record No	BP24/1052:T24/10
Prepared by	Acting Procurement & Contracts Manager
Reason	To create a panel / list of Bush Regeneration Contractors that Lismore City Council can choose to use for Bush Regeneration Works over the next one to three years.
Strategic Theme	Our natural environment
Strategy	Our diverse natural environment is protected and enhanced.
Action	Protect and improve biodiversity on public and private land in Lismore's urban and rural landscapes.
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

Funding for Bush Regeneration contracts for 2025-2027 is estimated to be \$1,900,000. Based on average Supplier Hour Rates this equates to approximately 30,000 hours of work over the three years. Council requires the following services from the successful respondent/tenderer:

- Bush Regeneration Works
- Bush Regeneration Works via Rope Access
- Bush Regeneration Works using Chemical Free
- Educational Field Days
- Rural Landholder Initiative - Site Action Plan

In order to meet the number of funded hours noted above, it is anticipated Council will need access to a panel of potentially 20 pre-qualified suppliers that can be engaged as required, confident these suppliers meet Council's specific standards and requirements.

Recommendation

That:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the 20 suppliers listed in the evaluation results, to form an un-ranked panel of approved providers for Tender VP420227 Panel Contract for Bush Regeneration 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 option when required to extend the contract, subject to the satisfactory performance of the suppliers
3. the General Manager be delegated authority to approve variations deemed to be necessary and appropriate within their financial delegations

Confidential Report

4. a redacted copy of this report will be released as a public document

Background

Lismore City Council (LCC) issued a Public Tender (RFT) on 15 July 2024 via LCC's eTendering portal (VendorPanel). This RFT (VP420227) closed on 6 September 2024 with 33 suppliers submitting responses via this same portal in that time.

LCC's Environmental Strategies team established a suite of core criteria that was used to rate all of the tender submissions as per LCC's established procurement measures and associated weightings.

From this rating process the 20 highest scoring supplier responses were identified.

Comments

Finance

Report supported as written.

Public consultation

No general public consultation was required. The RFT was read by 192 potential suppliers. Any and all supplier questions were submitted via VendorPanel. LCC responses to these questions were also managed by VendorPanel.

Conclusion

That the following Suppliers be recorded against LCC's Bush Regeneration Panel contract:

Supplier	Tender Number	Overall Score	Overall Ranking
Envite Environment	12		1
Big Scrub Regeneration Pty Ltd	4		2
Richard Gerard Burer	25		3
Brett Robert Weissel	5		4
DC De Nardi & HR Lunn	9		5
John Patrick Blatch	17		6
Goanna Ecological Pty Ltd	14		7
Bushland Restoration Services Pty Ltd	7		8
Julien James Pearce	18		9
Tristian Mules	29		10
Bush Boss	6		11
Samuel Mathew Davies (Future Forests)	26		12
Subtropic Environmental	27		13
Darren Bailey	10		14
Lennon Brothers Bush Regeneration	20		15
George Tutua	13		16
Greenify Solutions	15		17
North Coast Natives Tree Nursery & Conservation Services	22		18
Organic Fungi Bush Regeneration	23		19
Nature Repair Services Pty Ltd	21		20

Confidential Report

Attachment/s

1. Bush Regeneration Panel Contract Report V2.FINAL



Tender Evaluation Report
Bush Regeneration Works - Three Year Panel Contract

Name of Project	Panel Contract for Bush Regeneration Works				
Project Content Manager Ref.	AF24/3428	Tender Award Brief Content Manager Ref.		VendorPanel Tender Ref.	VP420227
Prepared by	Mark Parry, Procurement				
Authorised Date					
Doc. Version (Draft, Review, Final)	Review				

Introduction

Overview

On Monday 15 July 2024 Lismore City Council (LCC) issued a Public Tender to create a panel / list of Bush Regeneration Contractors that LCC can use to choose for any Bush Regeneration Works over the next one to three years. Notification of the RFT and associated documents were published on LCC's eTendering web portal (VendorPanel). Respondents/Tenderers were asked to lodge their responses electronically via this same portal.

Simple statistics for this Request

- Number of suppliers who've read it: 192
- Number of responses submitted: 33
- There were 12 RFT documents for the Suppliers to consider.

Submissions were received from:

1. Envite Environment
2. Big Scrub Regeneration Pty Ltd
3. Richard Gerard Burer
4. Brett Robert Weissel
5. DC De Nardi & HR Lunn
6. John Patrick Blatch
7. Goanna Ecological Pty Ltd
8. Bushland Restoration Services Pty Ltd
9. Julien James Pearce
10. Tristian Mules
11. Bush Boss
12. Samuel Mathew Davies (Future Forests)
13. Subtropic Environmental
14. Darren Bailey
15. Lennon Brothers Bush Regeneration
16. [REDACTED]
17. George Tutua
18. [REDACTED]
19. Greenity Solutions
20. [REDACTED]
21. North Coast Natives Tree Nursery & Conservation Services
22. Organic Fungi Bush Regeneration
23. [REDACTED]
24. [REDACTED]
25. [REDACTED]
26. [REDACTED]
27. [REDACTED]
28. Nature Repair Services Pty Ltd
29. [REDACTED]
30. [REDACTED]
31. [REDACTED]

32. [REDACTED]
33. [REDACTED]

The RFT submission deadline was extended twice and closed on 6th September 2024.

Two tenders were rejected and not part of the evaluation

1. [REDACTED] – Late Submission
2. [REDACTED] – Non-Compliant Submission

Leaving 31 responses to be evaluated.

Procurement Objective

Funding for Bush Regeneration contracts for 2025 – 2027 is estimated to be \$1,900,000. Based on average Supplier Hour Rates this equates to approximately 30,000 hours of work over the three years.

LCC requires the following services from the successful respondent/tenderer:

- Bush Regeneration Works
- Bush Regeneration Works via Rope Access
- Bush Regeneration Works using Chemical Free
- Educational Field Days
- Rural Landholder Initiative - Site Action Plan

The successful respondent/tenderers will be tracked by Kate Steel, Environmental Strategies Coordinator (Planning and Environment) to ensure they fulfil the requirements as described in this report and their own RFT responses.

In order to meet the number of funded hours noted above, it is anticipated that a LCC will need access to a panel of potentially 20 pre-qualified suppliers that can be engaged as required, confident that these suppliers meet LCC's specific standards and requirements.

Contract Duration and Extension Options

The RFT seeks the provision of the required services for a period of one to three years commencing 1st January 2025, with no option to extend this Panel Contract.

Panel Contracts - Value

The price basis for the evaluation used the Supplier's "price per hour" for services provided "in normal weekday business hours".

Procurement Process, Pre-Closing

Probity Advisor/ Auditor

LCC has determined that this procurement has a low-risk rating, and a probity Advisor/Auditor was not required for this process. It was noted that if an incident occurred,

or the Chair and the Evaluation Panel deemed it necessary, a probity Advisor/Auditor would have been appointed during any point of the evaluation.

Advertising

The RFT was advertised exclusively via VendorPanel – LCC’s e-tendering web portal, on Monday 15 July 2024.

Pre-Tender Briefing Session and Site Inspection

Given the nature of the RFT a Pre-Tender Briefing Session was considered unnecessary and therefore none was arranged.

Suppliers were free to submit questions via LCC’s tendering portal (VendorPanel). They were also offered telephone support to answer any questions with respect to the RFT, its contents and associated process.

Procurement Process, Compliance

Conditions of participation

All responses to the RFT were evaluated based on relevance to the Selection Criteria, evaluation methodology and level of information required to be provided as part of the online requirement.

The RFT opening process was conducted in accordance with councils’ procurement policy, regarding the opening of VendorPanel’s electronic tender-box.

A record of RFT responses received was created automatically by the VendorPanel electronic tender-box software application.

Late Submissions

As noted above there was one late submission and it was not considered during the evaluation.

Initial compliance check and identification of non-conforming responses

An initial compliance check was conducted by the procurement team on 5th September, 2024 to identify submissions that were non-conforming with the immediate requirements of the RFT. This included compliance with contractual requirements and provision of requested information.

Whereas the quality of the Supplier’s responses varied two were deemed non-compliant. The results of the compliance assessment were provided to the Evaluation Panel for consideration.

In addition to the non-compliant responses, three Suppliers had their responses set aside after the initial pricing review.

- [REDACTED]
- [REDACTED]
- [REDACTED]

These Suppliers had submitted pricing that was significantly higher (e.g. greater than 100% than the adjusted average) than the 28 other Suppliers in the evaluation process. They were set aside and removed from the pricing calculations to eliminate a skewed pricing result.

Tender Price

Prices provided by tenderers is attached as Appendix 3. The individual prices provided by each of the Suppliers will be used when engaging that Supplier for work under this Panel Contract. Suppliers provided pricing for what is considered to be "traditional business hours" and also "out of hours" engagements (e.g. Weekend Workshops).

Supplier pricing was considered when scoring and ranking the tender responses.

Procurement Process, Evaluation

Evaluation Panel

An Evaluation Panel assessed each tender. The Evaluation and Probity Plan (Tendering Version) outlines the roles and responsibilities of the panel in detail. Details on members of the Panel are contained within the table below.

Panel	Position	Role
[REDACTED]	[REDACTED] Environmental Strategies Coordinator	Chair and Technical Expert
[REDACTED]	Environmental Strategies Officer	Technical expert
[REDACTED]	Tree Officer – Open Spaces	Technical expert
[REDACTED]	Acting Procurement Manager	Financial

Rating Scale

Ratings for the evaluation were from 0-10 and represent the following descriptions:

Score	Descriptor	Value Judgement
0-4	Unacceptable	Fails to meet the requirement. Unimaginative/No apparent economic benefit.

5	Poor	Minimal Compliance. Not well documented - has deficiencies.
6	Satisfactory	Satisfactorily documented, with minor deficiencies and shortcomings which can be corrected/overcome with minimal effort.
7	Good	Well documented and satisfactorily meets the requirements.
8	Very Good	Very well documented and comfortably meets the requirements.
9	Excellent	Highly documented and comprehensively meets the requirements
10	Exceptional	Comprehensively documented and completely addresses all points.

Compliance Criteria

Suppliers were evaluated based on their compliance and response/s to the Schedules provided in the RFT. These schedules contained numerous criteria designed to provide a clear and concise picture of the Supplier and their ability to deliver the desired services.

Suppliers were presented with both simple "Yes/No" options (where relevant/possible) and the opportunity to describe in their own words their relevant skills and knowledge as well as their commitment to high quality, reliable service.

Qualitative Criteria (Non-Price)

The qualitative criteria assessment was carried out by the Evaluation Panel on 6th November 2024 with the Panel scoring the tenders/submissions according to the evaluation matrix.

All tenderers/respondents were assessed against the qualitative selection criteria and importance weightings. Specific criteria were weighted according to their importance as perceived and agreed by the Evaluation Panel.

Criteria	Weighting
1. Tenderer's Experience and Capability	■
2. Local Content	■
3. Health & Safety and Quality	■
4. Environment and Community	■
Total Weightings	■

Pricing criteria made up the balance of the weighting at ■.

Modern Slavery Risk Assessment

The suppliers were not required to respond to any questions with respect to Modern Slavery as the Bush Regeneration industry was deemed to be low risk.

As part of its ongoing commitment to ensuring LCC operations or its supply chains does not cause, involve, or contribute to modern slavery LCC management will be vigilant in monitoring Suppliers and the delivery of their services under this panel contract.

Pricing

The pricing submitted by each tenderer was assessed together with the qualitative criteria. Pricing was given a [REDACTED] weighting in the criteria assessment.

The selected response is that which, having regard to all considerations, appears to be the most advantageous to council.

The prices submitted will then be used as part of the engagement process for specific environmental projects as they arise throughout the contract term. Prices are allowed to increase annually over the contract period based on Australia's Consumer Price Index.

Comparative Statement of Tender Prices

Supplier pricing was based on their hourly rate for services provided Monday to Friday, 8am to 5pm (i.e. traditional business hours timeframe). Pricing for services provided out of this timeframe was also sought but due to the difficulty harmonising the various options this pricing did not form part of the evaluation. The Evaluation Panel used the Supplier's traditional business hours pricing as a proxy for each suppliers overall pricing method.

Other than for three suppliers identified earlier in this report no significant differences in price was found with the exception of one supplier (Nature Repair Services – NRS). Inclusion of the NRS in the evaluation was allowed because the evaluation team:

- Saw NRS providing a unique service with respect to other suppliers and
- The NRS pricing did not unduly skew the pricing average

The analysis undertaken by the Evaluation Panel revealed that the prices offered by tenderers to be similarly positioned. This is also indicated in the evaluation matrix at Appendix 2.

Clarifications

The Evaluation Panel determined that only three requests for clarifications were required from any respondents. These clarifications were submitted via the VendorPanel application.

These clarifications were processed by an LCC procurement officer also via VendorPanel. The use of VendorPanel ensures all communication was managed in accordance with best procurement practice.

Shortlisting

The nature of a Panel Contract means that no one supplier is chosen over another. Rather the concept allows access to any number of pre-qualified suppliers, ranked in order of preference as determined by their evaluated score.

The Evaluation Panel having considered the results of the compliance assessment, the scoring results of the quantitative criteria, clarifications, and qualitative criteria, have determine to shortlist the tenderers/respondents in order of their preference as defined by the Evaluation Panel's combined scores and as listed in Appendix 1.

Basis of Decision

Final Recommendation

Based on the Panel's evaluation as detailed in this report, the list of suppliers in Appendix 1 represents the best value outcome for council in terms of capability, reliability and flexibility. The panel made their determination based on a longlist evaluation results that considered performance and substance of shortlisted presentations, overall results from the evaluation qualitative and quantitative results and prior work referencing.

The Evaluation Panel recommends that council accepts the Supplier List in Appendix 1 as the preferred suppliers when seeking Bush Regeneration services.

ENDORSEMENT BY EVALUATION PANEL

[Redacted]

[Redacted Signature]

Date & Time: 19 Nov, 2024 08:12:04 AEDT
(Signature)

____/____/____
(Date)

[Redacted]

[Redacted Signature]

Date & Time: 19 Nov, 2024 09:09:56 AEDT
(Signature)

____/____/____
(Date)

[Redacted]

[Redacted Signature]

Date & Time: 21 Nov, 2024 08:43:29 AEDT
(Signature)

____/____/____
(Date)

[Redacted]

[Redacted Signature]

Date & Time: 18 Nov, 2024 16:27:53 AEDT
(Signature)

____/____/____
(Date)

Appendix 1 – Recommend Suppliers

Supplier	Tender Number	Overall Score	Overall Ranking
Envite Environment	12		1
Big Scrub Regeneration Pty Ltd	4		2
Richard Gerard Burer	25		3
Brett Robert Weissel	5		4
DC De Nardi & HR Lunn	9		5
John Patrick Blatch	17		6
Goanna Ecological Pty Ltd	14		7
Bushland Restoration Services Pty Ltd	7		8
Julien James Pearce	18		9
Tristian Mules	29		10
Bush Boss	6		11
Samuel Mathew Davies (Future Forests)	26		12
Subtropic Environmental	27		13
Darren Bailey	10		14
Lennon Brothers Bush Regeneration	20		15
George Tutua	13		16
Greenify Solutions	15		17
North Coast Natives Tree Nursery & Conservation Services	22		18
Organic Fungi Bush Regeneration	23		19
Nature Repair Services Pty Ltd	21		20

Appendix 2 – Compliance Assessment

Compliance Assessment Worksheet

Evaluated by: Megan Daley	Rating Scale: Yes = complies No = does not comply	Tender Number																						
		4	5	6	7	9	10	12	13	14	15	17	18	20	21	22	23	25	26	27	29			
		Big Sorub Regeneration Pty Ltd	Brett Robert Weissel	Bush Boss	Bustland Restoration Services Pty	D DeNard & HR Lum	Damen Bailey	Enviat Environment	George Tutua	Gaonia Ecological Pty Ltd	Greenfy Solutions	John Patrick Blatch	Julien James Pearce	Leonon Brothers Bush	Nature Repair Services Pty	North Coast Nursery & Services Pty	Organic Fungus Bush Regeneration	Richard Gardiner Burr	Samuel Mastew Davies	Subtropic al Environment	Tritian Mules			
Mandatory criteria	Relevant Schedule	Complies?																						
Has valid ABN	Schedule 1	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Agree to proposed Terms and conditions of contract by Signing Schedules	All Schedules	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Relevant insurances including Public Liability Insurance	Schedule 7	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Written Compensation Insurance or Personal Accident & Injury Insurance	Schedule 7	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Other insurances including Motor Vehicle Insurance	Schedule 7	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Submission of the Declaration Of Interest Disclosure	Schedule 9	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Satisfies compliance criteria?		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Appendix 3 List of Supplier Pricing in alphabetical order:

Supplier	Tender Number	Hourly Price
[REDACTED]	2	[REDACTED]
[REDACTED]	3	[REDACTED]
Big Scrub Regeneration Pty Ltd	4	[REDACTED]
Brett Robert Weissel	5	[REDACTED]
Bush Boss	6	[REDACTED]
Bushland Restoration Services Pty Ltd	7	[REDACTED]
[REDACTED]	8	[REDACTED]
DC De Nardi & HR Lunn	9	[REDACTED]
Darren Bailey	10	[REDACTED]
Envite Environment	12	[REDACTED]
George Tutua	13	[REDACTED]
Goanna Ecological Pty Ltd	14	[REDACTED]
Greenify Solutions	15	[REDACTED]
[REDACTED]	16	[REDACTED]
John Patrick Blatch	17	[REDACTED]
Julien James Pearce	18	[REDACTED]
[REDACTED]	19	[REDACTED]
Lennon Brothers Bush Regeneration	20	[REDACTED]
Nature Repair Services Pty Ltd	21	[REDACTED]
North Coast Natives Tree Nursery & Conservation Services	22	[REDACTED]
Organic Fungi Bush Regeneration	23	[REDACTED]
[REDACTED]	24	[REDACTED]
[REDACTED]	25	[REDACTED]
Samuel Mathew Davies (Future Forests)	26	[REDACTED]
Subtropic Environmental	27	[REDACTED]
[REDACTED]	28	[REDACTED]
Tristian Mules	29	[REDACTED]
[REDACTED]	31	[REDACTED]

**MINUTES OF THE CONFIDENTIAL MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD
IN COUNCIL CHAMBERS ON TUESDAY 10 DECEMBER 2024 AT 10.00AM**

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

Present

Mayor, Councillor Krieg; Councillors Battista, Bing, Dalton-Earls, Gordon, Guise, Jensen, Knight-Smith, Rob, Waters together with Mr Gibbons, General Manager; Dr Logan, Chief Operating Officer; Ms Cotterill, Governance & Risk Manager and Mrs Mitchell, Executive Officer to the General Manager & Mayor and Councillors.

Councillor Rob left the meeting, the time being 4:30PM

13.1 Bush Regeneration Panel Contract

114/24

RESOLVED that:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the 20 suppliers listed in the evaluation results, to form an un-ranked panel of approved providers for Tender VP420227 Panel Contract for Bush Regeneration 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 option when required to extend the contract, subject to the satisfactory performance of the suppliers
3. the General Manager be delegated authority to approve variations deemed to be necessary and appropriate within their financial delegations
4. a redacted copy of this report will be released as a public document

(Councillors Waters/Knight-Smith) (BP24/1052)

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

Councillor Rob returned to the meeting, the time being 4:32PM

13.2 Balanced Regional Model A

115/24

RESOLVED that Council:

1. rescind its 21 November 2023 decision to implement Balanced Regional Model (C)
2. proceed to implement Balanced Regional Model (A)

(Councillors Gordon/Bing) (BP24/1068)

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

Voting against: Councillor Guise

Resumption of Open Council

116/24

RESOLVED that Council reopen the doors to the public and return to open session.

(Councillors Gordon/Jensen)

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

Voting against: Nil

Closure

This concluded the business and the meeting terminated at 5.09pm.

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

MAYOR

**MINUTES OF THE EXTRA ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE
HELD IN COUNCIL CHAMBERS ON THURSDAY 19 DECEMBER 2024 AT 4.00PM**

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 Battista, Bing, Dalton-Earls, Gordon, Guise, Hall (audio-visual), Knight-Smith, Rob, Waters together with Mr Gibbons, General Manager; 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.

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

129/24

RESOLVED that:

1. an apology be received from Councillor Jensen
2. attendance by audio-visual link be approved for Councillor Hall due to caring responsibilities

(Councillors Bing/Gordon)

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

Voting against: Nil

Disclosures of Interest

Nil

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:

Notices of Motion / Questions with Notice 11.1 CSG Signs

FOR	Meg Nielsen
	Aidan Ricketts, Gasfield Free Northern Rivers
	Ruth Rosenhek, Gasfield Free Northern Rivers

Notices of Motion / Questions with Notice

11.1 CSG signs

MOTION moved that Council rescind its decision of item 12.14 from the 10 December 2024 meeting.

(Councillors Guise/Knight-Smith)

Councillor Hall left the meeting, the time being 4:24PM

Councillor Hall returned to the meeting, the time being 4:25PM

130/24 **DEFEATED** that Council rescind its decision of item 12.14 from the 10 December 2024 meeting.

(Councillors Guise/Knight-Smith) (BP24/1149)

Voting for: Councillors Dalton-Earls, Guise, Knight-Smith and Waters

Voting against: Councillors Battista, Bing, Gordon, Hall, Krieg and Rob

11.2 Code of Meeting Practice Review

131/24 **DEFEATED** moved that Council rescind its decision of item 11.10 from the 10 December 2024 meeting.

(Councillors Guise/Dalton-Earls) (BP24/1148)

Voting for: Councillors Guise, Knight-Smith, Rob and Waters

Voting against: Councillors Battista, Bing, Dalton-Earls, Gordon, Hall and Krieg

Closure

This concluded the business and the meeting terminated at 5.02pm.

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

MAYOR