

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN  
COUNCIL CHAMBERS ON TUESDAY 11 FEBRUARY 2025 AT 10.00AM**

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

## Present

Mayor, Councillor Krieg; Councillors Battista, Bing, Dalton-Earls, Gordon, Guise, Hall, Jensen, Knight-Smith, Rob, Waters together with Mr Gibbons, General Manager; Mr Drew, Acting Chief Operating & Financial Officer; Mr Butron, Chief Corporate & Community Officer; Mr Hewage, Financial Accountant; Mr Campbell, IT Operations 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

Nil

## Confirmation of Minutes

1/25 **RESOLVED** that the minutes of the following meeting be confirmed:

- Ordinary Council meeting 10 December 2024
- Confidential Council meeting 10 December 2024
- Extraordinary Council meeting 19 December 2024

(Councillors Gordon/Jensen)

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

**Voting against:** Nil

## Disclosures of Interest

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

11.3 Planning Proposal to rezone an Urban Release Area at 1055 Bruxner Highway, Goonellabah

**Nature:** I am a real estate agent

## Public Forum

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

### Reports of the General Manager

**11.2 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**

<b>AGAINST</b>	Deb McKenzie
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### Notices of Motion / Questions with Notice

**12.2 Property Strategy**

<b>AGAINST</b>	Robert Smith, Richmond River Historical Society, Lismore Museum
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**Councillor Jensen left the meeting, the time being 10:47AM**

**Councillor Jensen returned to the meeting, the time being 10:48AM**

**12.5 Lismore Chamber of Commerce Funding**

<b>FOR</b>	Felicity Hyde, Business Lismore
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**Councillor Bing left the meeting, the time being 10:50AM**

**Councillor Bing returned to the meeting, the time being 10:52AM**

**Councillor Hall left the meeting, the time being 10:57AM**

**Councillor Hall returned to the meeting, the time being 10:58AM**

## Public Question Time

Mr Jim Richardson asked the following questions:

Can the General manager please advise councillors, and the public, of the estimated cost of both staff hours and materials for installing signage for a named bridge on a minor road, and the volume of potholes that might be repaired with the same resourcing?

*Thank you for the question, I will take the question on notice and provide a response, as per the Code of Meeting Practice, in 10 days.*

Can the General Manager outline the reasoning behind having female staff addressed by their preferred honorific, in the proposed Code of Meeting Practice, yet omitting any provision for other preferred honorifics unrelated to marital status?

*Thank you for the question, there is no reason. Councillors can make any amendment to this clause.*

**Councillor Dalton-Earls left the meeting, the time being 10:59AM**

## Altering Order of Business

2/25 **RESOLVED** that the order of business be altered to debate the following matters raised during Public Forum:

- 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
- 12.2 Property Strategy
- 12.5 Lismore Chamber of Commerce Funding

(Councillors Hall/Battista)

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

**Voting against:** Nil

**Absent:** Councillor Dalton-Earls

**Councillor Dalton-Earls returned to the meeting, the time being 11:02AM**

**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**

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MOTION moved that Council:

1. defer consideration of this matter till the March ordinary Council meeting
2. request the General Manager to bring back conditions for approval for this development application

(Councillors Guise/Knight-Smith)

AMENDMENT moved that Council:

1. defer consideration of this matter till the March ordinary Council meeting
2. request the General Manager to provide an option with conditions allowing councillors to approve this development application

(Councillors Rob/Hall)

**Councillor Knight-Smith left the meeting, the time being 11:31AM**

**Councillor Knight-Smith returned to the meeting, the time being 11:32AM**

FORESHADOWED MOTION moved 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*)

(Councillor Gordon)

AMENDMENT moved and **DEFEATED** that Council:

- 1. defer consideration of this matter till the March ordinary Council meeting
- 2. request the General Manager to provide an option with conditions allowing councillors to approve this development application

(Councillors Rob/Hall)

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

**RESOLVED** that the motion be put.

(Councillor Dalton-Earls)

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

- 3/25 On submission to the meeting the motion was **DEFEATED** that Council:
- 1. defer consideration of this matter till the March ordinary Council meeting
  - 2. request the General Manager to bring back conditions for approval for this development application

(Councillors Guise/Knight-Smith) (BP24/737)

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

**Councillor Jensen left the meeting, the time being 11:43AM**  
**Councillor Jensen returned to the meeting, the time being 11:45AM**  
**Councillor Hall left the meeting, the time being 11:50AM**  
**Councillor Waters left the meeting, the time being 11:50AM**  
**Councillor Waters returned to the meeting, the time being 11:52AM**

**Councillor Hall returned to the meeting, the time being 11:53AM**

4/25 FORESHADOWED MOTION 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*)

(Councillors Gordon/Battista) (BP24/737)

**RESOLVED** that the motion be put.

(Councillor Hall)

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

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

5/25 **RESOLVED** 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*)

(Councillors Gordon/Battista) (BP24/737)

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

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

## 12.2 Property Strategy

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MOTION moved 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

(Councillors Krieg/Bing)

AMENDMENT moved 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
4. the General Manager immediately execute a lease to the Richmond River Historical Society at 165 Molesworth Street, Lismore as per the information supplied in the business paper in May 2024

(Councillors Knight-Smith/Guise)

FORESHADOWED AMENDMENT moved 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
4. priority be given to find a suitable location for the Richmond River Historical Society

(Councillor Battista)

**Councillor Dalton-Earls left the meeting, the time being 12:30PM**

**Councillor Dalton-Earls returned to the meeting, the time being 12:33PM**

6/25 AMENDMENT moved and DEFEATED 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
4. the General Manager immediately execute a lease to the Richmond River Historical Society at 165 Molesworth Street, Lismore as per the information supplied in the business paper in May 2024

(Councillors Knight-Smith/Guise) (BP25/35)

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

**Voting against:** Councillors Battista, Bing, Gordon, Hall, Jensen, Krieg and Rob

**Councillor Jensen left the meeting, the time being 12:40PM**

**Councillor Jensen returned to the meeting, the time being 12:41PM**



7/25

On submission to the meeting the foreshadowed motion was **RESOLVED**:

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
4. priority be given to find a suitable location for the Richmond River Historical Society

(Councillors Battista/Krieg) (BP25/35)

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

**Voting against:** Councillors Guise and Waters

8/25

The foreshadowed motion became the motion and was **RESOLVED**:

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
4. priority be given to find a suitable location for the Richmond River Historical Society

(Councillors Battista/Krieg) (BP25/35)

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

**Voting against:** Councillors Guise

**At this point the meeting adjourned for a recess, the time being 12:54PM**

**The meeting resumed at 1:21PM**

## Matter of Urgency

9/2510/2 **DEFEATED** that the following issue be considered.

5

That Council implement the 14 May 2024 resolution regarding the licence agreement for the Richmond River Historical Society.

(Councillors Guise/Knight-Smith)

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

**Councillor Gordon left the meeting, the time being 1:26PM**

11/25 **DEFEATED** that Council immediately advise Richmond-Tweed Regional Library of its interest in the property at 2 Centenary Drive, Goonellabah.

(Councillors Rob/Bing)

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

The Mayor ruled the matter not urgent with his casting vote.

**Councillor Gordon returned to the meeting, the time being 1:27PM**

**12.5 Lismore Chamber of Commerce Funding**

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12/25 MOTION moved 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 a workshop and invite representatives from Business Lismore to attend.

(Councillors Rob/Bing) (BP25/1)

AMENDMENT moved 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 a briefing and invite representatives from Business Lismore to attend.

(Councillor Guise)

Lapsed due to want of a seconder

13/25 **RESOLVED** 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 a workshop and invite representatives from Business Lismore to attend

(Councillors Rob/Bing) (BP25/1)

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

## Mayoral Minute(s) and Condolence Motions

## Reports of Committees

### 9.1 Lismore Flood Risk Management Committee - 4 December 2024

14/25 **RESOLVED** that the minutes from the 4 December 2024 meeting be received and the recommendations contained therein be adopted.

(Councillors Rob/Bing) (BP24/1123)

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

**Voting against:** Nil

### 9.2 Australia Day Awards Committee Minutes - 7 January 2025

15/25 **RESOLVED** that the minutes be received and noted.

(Councillors Rob/Hall) (BP25/16)

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

**Voting against:** Nil

**At this point Councillor Battista disclosed a significant interest in item 10.1, question 12.6. If it is discussed he will leave the Chamber.**

## Matters Arising

### 10.1 Questions on Notice

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16/25 **RESOLVED** that the Questions on Notice responses provided in this report be noted.

(Councillors Hall/ Bing) (BP24/1125)

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

**Voting against:** Nil

### 10.2 Code of Meeting Practice Review

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MOTION moved that Council do not adopt the Code of Meeting Practice Review until the outcome of the NSW Government review.

(Councillors Rob/Knight-Smith)

FORESHADOWED MOTION moved that Council adopt the Code of Meeting Practice as attached to the report, with the inclusion that Public Access is livestreamed.

(Councillor Gordon)

17/25 **DEFEATED** that Council do not adopt the Code of Meeting Practice Review until the outcome of the NSW Government review.

(Councillors Rob/Knight-Smith) (BP25/38)

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

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

18/25 AMENDMENT moved and **DEFEATED** that Council adopt the Code of Meeting Practice as attached to the report, with an amendment to clause 4.1 Public Access that it is retained in the meeting.

(Councillors Waters/Knight-Smith) (BP25/38)

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

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

19/25 AMENDMENT moved and **DEFEATED** that Council adopt the Code of Meeting Practice as attached to the report, with the inclusion that Public Access is livestreamed and the following is excluded:

- 3.10(a) "A councillor may submit no more than three (3) notices of motion to be considered at each Ordinary meeting of the Council."
- 3.14(a) "A councillor may submit no more than three (3) questions with notice for response at each Ordinary meeting of the Council."

(Councillors Rob/Guise) (BP25/38)

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

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

20/25 AMENDMENT moved and **DEFEATED** that Council adopt the Code of Meeting Practice as attached to the report, with the inclusion that:

- Public Access is livestreamed
- Clause 4.8 be amended to have four speakers for and four speakers against

(Councillors Knight-Smith/Guise) (BP25/38)

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

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

21/25 **RESOLVED** that Council adopt the Code of Meeting Practice as attached to the report, with the inclusion that Public Access is livestreamed.

(Councillors Gordon/Dalton-Earls) (BP25/38)

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

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

## Altering Order of Business

22/25 **RESOLVED** that That the order of business be altered to debate 11.3

(Councillors Waters/Dalton-Earls)

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

**Voting against:** Nil

**11.3 Planning Proposal to rezone an Urban Release Area at 1055 Bruxner Highway, Goonellabah**

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MOTION moved that:

1. Council support the Planning Proposal for 1055 and 1055A Bruxner Highway, Goonellabah (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
4. area be set aside for urban agriculture/a community garden

(Councillors Guise/Waters)

23/25

FORESHADOWED MOTION moved that:

1. Council support the Planning Proposal for 1055 and 1055A Bruxner Highway, Goonellabah (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

(Councillor Gordon)

**RESOLVED** that the motion be put.

(Councillor Rob)

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

**Voting against:** Councillors Guise

24/25

On submission to the meeting the motion was **DEFEATED** that:

1. Council support the Planning Proposal for 1055 and 1055A Bruxner Highway, Goonellabah (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
4. area be set aside for urban agriculture/a community garden

(Councillors Guise/Waters) (BP25/22)

**Voting for:** Councillors Guise and Waters

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

**Councillor Hall left the meeting, the time being 2:44PM**

25/25 On submission to the meeting the foreshadowed motion was **RESOLVED** that:

1. Council support the Planning Proposal for 1055 and 1055A Bruxner Highway, Goonellabah (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

(Councillors Gordon/Rob) (BP25/22)

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

**Voting against:** Councillor Guise

**Absent:** Councillor Hall

## Reports of the General Manager

### 11.1 Delivery Program Progress Report - July to December 2024

26/25 MOTION moved that Council receive and endorse the attached Delivery Program Progress Report for the period July to December 2024.

(Councillors Battista/Bing)

**Councillor Jensen left the meeting, the time being 2:49PM**

**Councillor Jensen returned to the meeting, the time being 2:51PM**

27/25 **RESOLVED** that Council receive and endorse the attached Delivery Program Progress Report for the period July to December 2024.

(Councillors Battista/Bing) (BP25/29)

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

**Voting against:** Councillors Guise and Rob

**Absent:** Councillor Hall

### 11.4 December 2024 Quarterly Budget Review Statement

28/25 **RESOLVED** that Council adopts the attached December 2024 Quarterly Budget Review Statement and approve the recommended variations.

(Councillors Battista/Gordon) (BP25/33)

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

**Voting against:** Councillor Guise

**Absent:** Councillor Hall



**11.5 Investments - December 2024 and January 2025**

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29/25 **RESOLVED** that the report be received and noted.

(Councillors Gordon/Bing) (BP25/25)

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

**Voting against:** Councillors Guise and Waters

**Absent:** Councillor Hall

**Councillor Waters left the meeting, the time being 3:20PM**

**Councillor Waters returned to the meeting, the time being 3:21PM**

**11.6 Pecuniary Interest Returns**

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30/25 **RESOLVED** that the report be received, and the tabled Pecuniary Interest Returns be acknowledged.

(Councillors Gordon/Bing) (BP25/23)

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

**Voting against:** Nil

**Absent:** Councillor Hall

**11.7 2025 Australian Local Government Association National General Assembly**

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31/25 **RESOLVED** that Council's:

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

(Councillors Gordon/Bing) (BP25/32)

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

**Voting against:** Nil

**Absent:** Councillor Hall

## Notices of Motion / Questions with Notice

### **12.1 Mayoral Attendance Report**

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32/25 **RESOLVED** that Council receives the Mayoral Attendance Report for December 2024 and January 2025.

(Councillors Krieg/Gordon) (BP25/19)

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

**Voting against:** Councillor Rob

**Absent:** Councillor Hall

**At this point the meeting adjourned for a recess, the time being 3:30PM**

**The meeting resumed at 3:43PM**

### **12.3 LGNSW Membership**

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MOTION moved that Council resign membership from Local Government NSW effective immediately.

(Councillor Rob)

Lapsed due to want of a seconder.

**Councillor Waters left the meeting, the time being 3:45PM**

**Councillor Waters returned to the meeting, the time being 3:46PM**

### **12.4 Renaming of Walsh Bridge, Tuncester**

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33/25 **RESOLVED** that the unnamed bridge on Wilson Street South, South Lismore be named the "Lenny Perren Bridge".

(Councillors Gordon/Jensen) (BP25/17)

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

**Voting against:** Nil  
**Absent:** Councillor Hall

### **12.6 Establishment of a Youth Advisory Group**

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34/25 **RESOLVED** that a report to be brought to Council outlining the structure, objectives, and operational framework for establishing a Youth Advisory Group (YAG), with a focus on best practices from surrounding councils who have established a YAG.

(Councillors Dalton-Earls/Knight-Smith) (BP25/34)

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

**Voting against:** Nil

**Absent:** Councillor Hall

### **12.7 Policy Number 3.1.1 Definition of Nuclear Free Peace Zone Policy**

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MOTION moved that Council repeal policy number 3.1.1.

(Councillors Rob/Gordon)

**Councillor Dalton-Earls left the meeting, the time being 4:05PM**

**Councillor Dalton-Earls returned to the meeting, the time being 4:11PM**

**Councillor Dalton-Earls left the meeting, the time being 4:13PM**

**Councillor Dalton-Earls returned to the meeting, the time being 4:14PM**

FORESHADOWED MOTION that Council review policy number 3.1.1.

(Councillors Guise/Waters)

35/25 **RESOLVED** that Council repeal policy number 3.1.1.

(Councillors Rob/Gordon) (BP25/20)

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

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

**Absent:** Councillor Hall

## 12.8 LGNSW Membership

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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?

### **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.

### 12.9 Arts Northern Rivers

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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?

#### 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.

### 12.10 Priority Projects Register

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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?

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

### **12.11 Urban Rivers & Catchments Program**

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?

#### **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

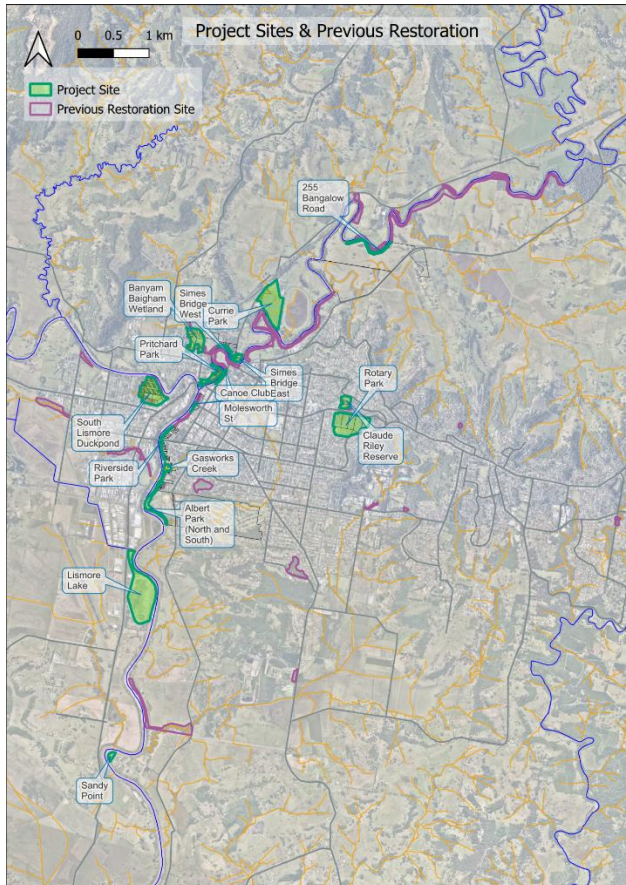
including public land sites in the Lismore urban environment and a number of private land sites. The proposal is for the delivery of individual projects through the consortium members, with council providing administrative oversight.

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
<b>Simes Bridge West</b>	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.
<b>Sandy Point</b>	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.
<b>255 Bangalow Road</b>	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.



### 12.12 Policy Number 3.1.1 Definition of Nuclear Free Peace Zone Policy

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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?





**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 –*  
*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.

### **12.13 Browns Creek Naturalisation Project**

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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.

#### **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.

#### **12.14 Councillor Information Segregation**

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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?

#### **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 compromising position in terms of conflict of interest, privacy considerations etc.*

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

*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.*

36/25

**RESOLVED** that when requested councillors be provided information in the HUB and access to documents, unless there is a conflict and a reason given to not supplying.

(Councillors Rob/Knight-Smith) (BP25/5)

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

**Voting against:** Nil

**Absent:** Councillor Hall

### 12.15 Rail Trail Car Park

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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?



#### **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.

**12.16 Councillor Attendance**

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
Guise	15	15	3	1
Hall	17	22	3	1
Jensen	17	17	4	2
Rob	18	25	5	2

**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
Guise	12	3
Hall	13	4
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.

### **12.17 Councillor Requests vs Customer Requests**

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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?

#### **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.

**Councillor Jensen left the meeting, the time being 4:57PM**

**Councillor Jensen returned to the meeting, the time being 4:59PM**

### **12.18 Back Alley Gallery**

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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?



**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

**12.19 Crane Street Rail Bridge**

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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?



**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*

*(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

### **12.20 Advisory Groups**

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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.

#### **General Manager's response:**

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

37/25 MOTION moved that the Advisory Groups resume immediately and the following councillors are appointed.

(Councillors Rob/Knight-Smith) (BP25/37)

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

**Voting against:** Councillors Battista, Bing, Gordon, Jensen and Krieg

**Absent:** Councillor Hall

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

**Councillor Knight-Smith left the meeting, the time being 5:32PM**

**Councillor Knight-Smith returned to the meeting, the time being 5:34PM**

### **12.21 Organisation Structure**

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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?

**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 Matters – Closed Council Meeting

38/25 **RESOLVED** that Council now exclude the press and public and meet in Closed Council to consider the following matters;

<b>Item</b>	13.1 Tender T24/26 Redevelopment of Damaged Recreation Courts to Multi-Purpose Courts - Perradenya Estate
<b>Grounds for Closure</b>	Section 10A(2) (d ii):
<b>Public Interest</b>	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: commercial information of a confidential nature that would, if disclosed confer

	a commercial advantage on a competitor of the Council.
<b>Item</b>	13.2 Tender T24/32 - IT Disaster Recovery Solution
<b>Grounds for Closure</b>	Section 10A(2) (d i):
<b>Public Interest</b>	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
(Councillors Gordon/Dalton-Earls)	
<b>Voting for:</b>	Councillors Battista, Bing, Dalton-Earls, Gordon, Guise, Jensen, Knight-Smith, Krieg, Rob and Waters
<b>Voting against:</b>	Nil
<b>Absent:</b>	Councillor Hall

## Resumption of Open Council

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

### 13.1 Tender T24/26 Redevelopment of Damaged Recreation Courts to Multi-Purpose Courts - Perradenya Estate

That:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the tender from All Sport Projects for Contract T24/26 Redevelopment of Damaged Recreation Courts to multi-purpose Courts at Perradenya Estate, inclusive of optional extra Item 1 (New Fence), for the sum of \$390,156.97 (incl. GST)
2. delegation be provided to the General Manager to:
  - a) exercise the option when required to extend the contract, subject to the satisfactory performance of the suppliers
  - b) to approve variations deemed to be necessary and appropriate within their financial delegations
3. a redacted copy of this report will be released as a public document

(Councillors Bing/Gordon) (BP25/28)

<b>Voting for:</b>	Councillors Battista, Bing, Dalton-Earls, Gordon, Guise, Jensen, Knight-Smith, Krieg, Rob and Waters
<b>Voting against:</b>	Nil
<b>Absent:</b>	Councillor Hall

**13.2 Tender T24/32 - IT Disaster Recovery Solution**

That:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the tender from Intuit Technologies Pty Ltd
2. Council delegates authority to the General Manager to enter and administer the contract under the terms of the Request for Tender
3. a redacted copy of this report be released as a public document

(Councillors Bing/Knight-Smith) (BP25/39)

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

**Voting against:** Nil

**Absent:** Councillor Hall

## Closure

This concluded the business and the meeting terminated at 5.51pm.

CONFIRMED this > > 2025 at which meeting the signature herein was subscribed.

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**MAYOR**

## Confidential Report

### Report

Subject	<b>Tender T24/26 Redevelopment of Damaged Recreation Courts to Multi-Purpose Courts - Perradenya Estate</b>
TRIM Record No	BP25/28:AF24/7685
Prepared by	Project Officer
Reason	
Strategic Theme	An inclusive and healthy community
Strategy	Our sporting facilities and recreational spaces encourage active and passive community participation.
Action	Continued improvement of Lismore's sport and recreation facilities.
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.

#### Executive Summary

The purpose of this tender is to select a suitably qualified company with the capability, experience, and availability to redevelop two damaged synthetic tennis courts into multipurpose courts and synthetic cricket nets at Perradenya Estate, before 30 June 2025.

This report details the evaluation of the five tenders received and provides a recommendation to Council to accept the tender from All Sports Projects.

#### Recommendation

That:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the tender from All Sport Projects for Contract T24/26 Redevelopment of Damaged Recreation Courts to multi-purpose Courts at Perradenya Estate, inclusive of optional extra Item 1 (New Fence), for the sum of \$390,156.97 (incl. GST)
2. delegation be provided to the General Manager to:
  - a) exercise the option when required to extend the contract, subject to the satisfactory performance of the suppliers
  - b) to approve variations deemed to be necessary and appropriate within their financial delegations
3. a redacted copy of this report will be released as a public document

## Confidential Report

### Background

The two existing (damaged) tennis courts including a small playground, cricket oval, skatepark and pavilion forms part of the overall sports and recreation facilities which was developed by Rous Water in the 1990's and transferred to Council's ownership soon thereafter.

During the 2022 floods the pavilion was used as a refuge for flood survivors. Residents' concerns lodged in January 2024 coupled with feedback through engagement activities have highlighted issues about the current state of the facilities and the need for upgrades to meet the growing requirements of the community.

Lismore City Council undertook comprehensive community engagement from 31 May 2024 to 14 June 2024, aimed at gathering feedback to inform future planning for the Caniaba sports and recreation facilities within the Perradenya Estate.

The initiative included diverse communication methods such as stakeholder meetings, flyer distributions and social media posts via Council's Facebook account.

Engagement methods included a community BBQ which provided a platform for approximately fifty (50) residents to voice their thoughts and ideas directly to Council staff and an online survey that attracted 107 responses.

Key messages from the engagement included:

- the community value their sports and recreation facility
- the tennis courts and oval are the most used assets
- the playground is dated and insufficient to service the needs of the community
- outdoor fitness equipment and swings would be welcomed as part of a playground upgrade
- tennis courts, multipurpose courts and cricket nets were the most desired facilities
- during the BBQ many respondents indicated that 2 tennis courts were not required and that they would support the conversion of the area to be used for multiple sports
- many respondents indicated that they would prefer the surface of the tennis court/s to be more durable and of minimal maintenance e.g., hard surface such as concrete

Informed by these concerns and consultation findings, available 2024-2025 capital works funding from Spinaze Park in Tullera was reprioritised and redirected to develop the multipurpose courts including two (2) cricket nets at Perradenya Estate, Caniaba.

### Tender Submissions

A total of five tender submissions were received by the close of tender on 12 December 2024. The five tenderers are listed below:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- All Sport Projects

## Confidential Report

### Tender Evaluation

The tender evaluation panel comprising of Council's Manager of Public & Open Spaces, Parks Project Officer and Sport and Recreation Lead undertook the assessment of tenders received.

The evaluation was conducted in accordance with the Local Government Tendering Guidelines, Regional Procurement Tendering Code of Conduct and Tendering Evaluation Principles and Process. Confidentiality and probity were maintained throughout the process.

### Methodology

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

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

Tenders were ranked in respect of each criteria as follows:

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

### Tender Price ( )

- Comparison of tenders received.
- Value for money.

### Capability, Experience and Availability ( )

- Relevant Experience
- Resource Capability
- Works Program Schedule

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

- WH&S Management
- Quality Management
- Environmental Management

### Local Content ( )

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

## Confidential Report

### Sections 166-169 Local Government (General) Regulation 2021

The tender was conducted in accordance with Clause 166(a) of the *Local Government (General) Regulation 2021*. The Request for Tender was advertised on VendorPanel for a period of greater than 21 days.

### Evaluation Results and Preferred Tenderer

#### Price Evaluation

All price submissions were checked for accuracy and that all the necessary inclusions and option of additional work had been priced.

The priced weighted scoring is summarised in the table below:

#### PRICE WEIGHTED SCORE RESULTS

		[REDACTED]				All Sports Projects
PRICE	WEIGHT	[REDACTED]				
Price (Incl GST):		[REDACTED]				\$371,672.68
Average Price:	[REDACTED]	[REDACTED]				
Priced Score:		[REDACTED]				4.02
Standardised Score:		[REDACTED]				10.0
Weighted Price Score		[REDACTED]				40

#### Non-Price Evaluation

Three of the five tenderers are capable and experienced in delivering the tendered works. It is noted that all three are located outside the Lismore LGA and scored similarly on Local Content. All Sport Projects scored highly on price as well as capability, experience, safety, and availability. As per All Sports Projects delivery timeframe proposal, this company is available immediately to deliver and complete required works tentatively by 30 April 2025.

It was found that [REDACTED] did not provide sufficient information and therefore deemed as non-compliant.



Confidential Report

The non-priced weighted scoring is summarised in the table below:

**NON-PRICE WEIGHTED SCORE RESULT**

	WEIGHT	SCORE		All Sports Projects
Capability, Experience and Availability	█	Out of 10	[REDACTED]	7.8
		Weighted		23.5
WH&S, Risk Management and Quality Management Systems	█	Out of 10		7.2
		Weighted		7.2
Local Content	█	Out of 10		6.7
		Weighted		13.3
Weighted Totals	█			44

**Combined Scores**

The ranking and combined scoring results of the analysis of the five tenders received are summarised in the table below:

**TOTAL SCORE**

						All Sports Projects	
TOTAL WEIGHTED PRICE SCORE	█		[REDACTED]			40	
TOTAL WEIGHTED NON-PRICE SCORE	█						44
TOTAL SCORE	100%						84
RANK				4	2	5	3

**Optional Additional Works**

Due to budget considerations, the project team requested only damaged sections of the perimeter fence to be reinstated as part of the scope of works.

Taking into consideration the tenderers final price and available budget, the project team also requested additional costing for a new perimeter fence as "Optional Additional Work", providing the option to install a new perimeter fence.

The final price from the preferred tenderer, All Sports Projects, came well under available budget. It is recommended that "Optional Additional Work" for a new perimeter fence be included as part of the contract amount.

## Confidential Report

Optional Additional Work results are summarised in the table below:

Optional Additional Work		All Sports Projects
New Fence		\$18,484.29

### Probity Check

Credit check and two (2) reference checks have been completed against All Sport Projects. Response from credit check and reference checks are deemed acceptable and is considered as low risk.

### Budget

The estimated budget allocated for this project is \$505,390 (incl. GST). This amount comprises of \$390,156.97 (incl. GST) plus 10% project contingency as the project has been classified as low risk.

### Comments

#### Finance

Report supported as printed.

### Conclusion

An assessment of submissions received under Tender T24/26 Redevelopment of Damaged Recreation Courts to Multi-Purpose Courts – Perradenya Estate has been undertaken.

The panel recommends Contract T24/26 be awarded to *All Sport Projects* for their price, capability, experience, and availability to execute the scope of works and optional extra Item 1 (New Fence).

### Attachment/s

There are no attachments for this report.

Confidential Report

## Report

Subject	Tender T24/32 - IT Disaster Recovery Solution
TRIM Record No	BP25/39:AF24/8033
Prepared by	Manager Technology & Innovation
Reason	To accept a recommended contractor to supply and build an IT disaster recovery solution for council's Corporate Centre and critical infrastructure.
Strategic Theme	Leadership and participation
Strategy	We provide effective management and responsible governance.
Action	Ensure the efficient and effective operation of Council.
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

Technology & Innovation Business unit has in conjunction with a third-party consultant, developed an IT Disaster Recovery Plan (IT DRP). The IT DRP has identified all the necessary requirements and associated recommendations that align with the current IT infrastructure and applications environment.

The IT DRP has identified an IT Disaster Recovery Solution (i.e. the various hardware, software, procedures etc) necessary to remediate council's risks within the current IT environment and describes a clear strategic roadmap for effective disaster recovery.

The purpose of this tender is to select a suitably qualified company with the capability, experience and availability to supply and build IT disaster recovery solution for council's Corporate Centre and critical infrastructure. This project is funded under the Capacity, Capability and Recovery Roadmap (CCRR) project.

### Recommendation

That:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the tender from Intuit Technologies Pty Ltd
2. Council delegates authority to the General Manager to enter and administer the contract under the terms of the Request for Tender
3. a redacted copy of this report be released as a public document

## Confidential Report

### Background

Lismore City Council (Council) is currently engaged in multiple initiatives related to both ongoing flood recovery and strategic renewal programs. This includes a review of all information technology systems and services within Council with a view to supporting the current business environment, staying current with contemporary technologies, and identifying opportunities for improvement and innovation. As part of that initiative the Technology & Innovation Business unit has in conjunction with a third-party consultant, developed an IT Disaster Recovery Plan (IT DRP). The IT DRP has identified all the necessary requirements and associated recommendations that align with the current IT infrastructure and applications environment.

The IT DRP has identified an IT DRS (i.e. the various hardware, software, procedures etc) necessary to remediate LCC's risks within the current IT environment and describes a clear strategic roadmap for effective disaster recovery.

### Request for Tender

A Request for Tender was advertised via VendorPanel on 17 December 2024 to deliver an Information Systems Disaster Recovery Solution (IT DRS) that meets LCC's established Recovery Point Objectives (RPOs) and Recovery Time Objectives (RTOs) for critical business applications and services. The IT DRS is to include all necessary infrastructure, procedures and instructions for maintaining data integrity, availability and confidentiality during and after a disaster.

### Tender Evaluation

A total of seven tender submissions were received by the close of tender on 21 January 2025. The seven tenderers are listed below:

- [REDACTED]
- [REDACTED]
- Intuit Technologies Pty Ltd
- [REDACTED]
- [REDACTED]
- [REDACTED]

The tender evaluation panel comprising Council's Manager Technology and Innovation and Council's Business Systems Officer and an external consultant from MWIT Pty Ltd, undertook the assessment of tenders received. The tender was conducted in accordance with Clause 166(a) of the *Local Government (General) Regulation 2021*.

The evaluation was conducted in accordance with the Local Government Tendering Guidelines, Regional Procurement Tendering Code of Conduct and Tendering Evaluation Principles and Process. Confidentiality and probity were maintained throughout the process.

### Methodology

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

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

## Confidential Report

Tenders were ranked in respect of each criteria as follows:

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

### Tender Price ( )

- Comparison of tenders received
- Value for money

### Capability, Experience and Availability ( )

- Relevant experience
- Delivery time
- After sales service
- Resource capability

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

- WH&S management systems and risk management systems
- Any previous WH&S prosecutions
- Solution implementation Quality Management Systems/Plan
- Product Warranty Policy
- Number of warranty claims in the past three years and how they were resolved

### Local Content ( )

- Tenderers plan to use any goods and/or services from the Lismore LGA during implementation
- Tenderers plan to use any goods and/or services from the Lismore LGA during ongoing maintenance and support
- Total percentage of Australian made/sources components used in the build and implementation of the solution

### Environment and Community ( )

- Environmental considerations during implementation
- Environmental considerations during the operation of the solution. eg. energy efficiency
- Modern Slavery Risks

## Evaluation Results

### Price Evaluation

All price submissions were checked for accuracy and that all the necessary inclusions have been priced.

There was some variation in the prices submitted because of the difference solutions being proposed and different inclusions for licensing etc.

## Confidential Report

The prices submitted are listed below:

• [REDACTED]	[REDACTED]
• [REDACTED]	[REDACTED]
• [REDACTED]	[REDACTED]
• Intuit Technologies Pty Ltd	\$ 359,372.79
• [REDACTED]	[REDACTED]
• [REDACTED]	[REDACTED]

It should be noted that we were unable to determine a price on the submission received from [REDACTED].

### Non-Price Evaluation

All tenderers demonstrated varying degrees of capability and experience in terms of size, capacity and the complexity of their proposed solution.

The tender assessment panel considered the compatibility of proposed solutions with existing hardware and capabilities at Council. The lifecycle of the proposed solution was also considered.

After assessing all submissions based on the agreed criteria and weightings, the evaluation panel concluded that Intuit Technologies Pty Ltd are the preferred tenderer for the IT Disaster Recovery Solution.

### Budget

The cost of this project is being funded through the Capacity, Capability and Recovery Roadmap (CCRR) funding. There is ample funding available for this activity.

### Conclusion

The preferred tenderer was chosen because their solution was the most thoughtfully designed, secure, and robust. It mirrors our production environment, with the exception of one fewer node. While it wasn't the lowest-cost option, it received the highest score due to the vendor's comprehensive response, which instilled confidence in the project's success. Additionally, the solution offered the highest level of security and met the council's requirements for a secure and reliable disaster recovery (DR) environment.

A key advantage of this solution is that all hardware is from the same brand as our existing systems, which means less staff training and greater familiarity. This also ensures that our current management systems will integrate with the new solution, avoiding unforeseen costs associated with having to implement and manage additional systems for different hardware brands.

We believe some of the lower-cost solutions did not adequately account for necessary licenses or hardware, which would have led to quote revisions and increased costs beyond the original estimates.

Moreover, many of the cheaper options lacked detail on how they would implement their solution or, in some cases, how the solution would function at all. This left us with little confidence in the potential success of the project if those vendors were chosen.

The Tender Evaluation Panel recommends Contract T24/32 IT Disaster Recovery Solution, be awarded to Intuit Technologies Pty Ltd for the price, capability, experience and availability to deliver the proposed solution.

### Attachment/s

1. Tender scoresheet

Project Name - DRP	Weighting	Score (Out of 10)	Weighted Score	Score (Out of 10)	Weighted Score	Score (Out of 10)	Weighted Score	Intuit Technologies Pty Ltd Score (Out of 10)	Weighted Score	Score (Out of 10)	Weighted Score	Score (Out of 10)	Weighted Score	Score (Out of 10)	Weighted Score	Score (Out of 10)	Weighted Score	
Scored Criteria																		
Price								5.0	12.5									
Capability and Experience								8.3	29.2									
WHS, Risk Management and QMS								7.7	7.7									
Environment and Community								6.5	6.5									
Local Content								7.0	14.0									
Not used								0.0	0.0									
Totals	100%		67.0		38.7		56.8		69.8		30.0		39.5		67.0		24.8	25.8
Rank			2		6		4		1		7		5		2		9	8
Price (Ext GST):								\$359,372.79										
Average Price:	\$345,221.12																	
Priced Score:								2.30										
Standardised Score:								3.1										