



Council

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

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1. Opening of Meeting	
2. Acknowledgement of Country	
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Matters Arising



Matters Arising

Subject	Councillors Expenses & Facilities Policy
TRIM Record No	BP25/61:EF16/286
Prepared by	Executive Officer - General Manager and Mayor & Councillors
Reason	Review the policy in accordance with Section 252 of the Local Government Act 1993
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* (s252) requires the adoption of a Councillor Expenses and Facilities Policy within 12 months of the commencement of a new council term.

The current policy was adopted in June 2023 and was based on the Office of Local Government's (OLG) best practice model policy.

The policy was placed on public exhibition and is now reported for final consideration for adoption by Council.

Recommendation

That the Councillors Expenses & Facilities Policy be adopted, as per Attachment 1.

Background

The Local Government Act 1993 (s252) requires the adoption of a Councillor Expenses and Facilities Policy within 12 months of the commencement of a new council term.

Section 253 of the Act states:

253 Requirements before policy concerning expenses and facilities can be adopted or amended

- (1) A council must give **public notice** of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.
- (2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.

At the December 2024 Council meeting the following was 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*

Public consultation

Public consultation was held from 13 January to 12 February 2025 with one submission received.

Conclusion

Following public exhibition it is recommended Council adopt the Councillors Expenses & Facilities Policy.

Attachment/s

1. 1.2.23 Councillor Expenses and Facilities Policy December 2024 (Over 7 pages)
2. Redacted submissions for Councillors Expenses and Facilities Policy January - February 2025 (Over 7 pages)

Matters Arising

Subject	Questions on Notice
TRIM Record No	BP25/90: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 were 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 11.1 Delivery Program Progress Report - July to December 2024

Clr Rob

- I'm trying to understand the entry of the Rail Trail as completed when the first section cost us \$11 million, we had grant funding for about \$10 million of that and now we have received another \$3 million for it but now the entry says that it is completed. Can someone explain?

Officer response:

Budget breakdown previously provided

Building Better Regions Fund - Round 5	\$ 9,918,615.00
TfNSW cleanup	55,000.00
Recycling Credit	648,000.00
Nesbitt Connection & carpark - 7.11 funding	272,618.62
Total Funding	\$ 10,894,233.62
Project Management - External	\$ 317,905.00
Surveying, RSA, SRZ	110,362.00
Detailed Design	491,167.00
Planning approvals & studies	112,075.00
Biosecurity	22,000.00
Geo-Tech	21,170.00

Flood Cleanup	123,005.00
Main Contractor	9,221,180.00
Designs - trail elements	52,720.00
Maintenance (ongoing)	300,000.00
Landscaping, signage, screening, misc	122,649.00
Total Spending	\$ 10,894,233.23

The \$3.378 million is the 2024-2025 spend, it is included in the total \$10,894,233,23.

The other funding source that was used to connect council assets was from 7.11 contributions

2. C1.2.01 – Taking action to address – Oakley Avenue scheduled for March 2025 that will consume budget as well as Urban Stormwater Management Plan (USMP) review. Are we going to have no money for those, is that what that means in there?

Officer response:

USMP capital projects currently have separate funding under the Stormwater Management Service (SMS) Charge. Two of the draft 2023 USMP capital projects are being reviewed due to the interaction with parks masterplans. An updated USMP will be presented to Council in coming months. The updated USMP will have a focus on addressing stormwater drainage issues and seek approval to draw upon both general funds and SMS funds to address funding shortfalls for our urban drains maintenance team and to replace damaged assets such as the failing 750 mm stormwater drain in Victoria Street.

3. C2.2.01 – leachate storage it says taking action to address. I know there has been problems out there and I understand there's leaking onto an adjoining property or something with too much weight in the facility. Are we getting close to a resolution or are we just dragging our tail?

Officer response:

Leachate is currently being treated under a Trade Waste Agreement as it has been historically. Leachate treatment systems are being investigated and explored in consultation with the regulators.

4. Not due to start - The development of a landfill management plan. Why have we not started that if we've had such a problem before the flood if we've had problems at that facility?

Officer response:

Development of a landfill management plan will be developed as part of the Cell 2B restoration.

5. D1.2.03 – With \$78.3M approved for rebuild efforts under Phase 2, \$2.4m has been received. What's the story there with such a minimal amount and going so slow on flood restoration?

Officer response:

Council's Flood Restoration waste and wastewater program is valued at \$78.3 million. NSW Reconstruction Authority (RA) has appointed NSW Public Works (PW) as its delivery agency and as such PW is incurring the majority of capital expenditure for the program.

The program is being delivered under two phases; Phase One emergency works includes \$9.4 million, already reimbursed to Council for immediate reinstatement of damaged infrastructure.

There are 12 projects to be delivered in Phase Two. PW will deliver 8 projects, valued at \$65 million.

Council is delivering 4 projects valued at \$3.1 million (with \$2.4 million already reimbursed for completed works on the Nimbin Water Main Reinstatement project).

LCC and PW are currently progressing all outstanding projects through planning and development.

6. E4.5.01 – I'm particularly interested in Nimbin. Particularly Peace Park area, because I want to see a Plan of Management before we decide on anything up there. How are we going with these things, how far, do we know?

Officer response:

A budget submission has been made by officers for Plans of Management throughout the LGA.

Clr Waters

7. C2.2.01 – Where is the damaged cell up to? Do we have an update on that condition there?

Officer response:

Design is currently in progress. Restoration works are scheduled to commence Quarter 3 2025. Subject to weather, Council anticipate Cell restoration to be complete by mid-2026.

8. C3.2.01 – Can we see the report on the emissions calculations and when the ETA is for that plan?

Officer response:

Greenhouse gas emissions from Council operations have been calculated for the 2022-2023 financial year and has been previously provided to councillors. The calculations included direct emissions from Councils operations, including gas, petrol, diesel, electricity, streetlighting and landfill. Officers are currently working on calculations for the 2023-2024 financial year and will provide this via City Notes when ready. Each year, officers will carry out consistent calculations to provide useful timeseries data. Separately, work has commenced on a corporate emissions reduction plan. It is expected it will be drafted by the end of the calendar year.

Item 11.4 December 2024 Quarterly Budget Review Statement

Clr Battista

9. In the application for the Rail Trail grant funding, is there a contingency amount included for interest on money we spend before reimbursement?

Officer response:

No. Funding is based on a reimbursement model, the turnaround was usually a month or two, which is normal account terms from an invoice to payment. This may mean there is some interest not accrued while LCC is waiting for reimbursement.

Clr Guise

10. There is a decrease of \$527,000 in Ridgewood Bridge costs. What is that project and what's a reduction of that magnitude mean for the project?

Officer response:

Ridgewood Bridge is the Fixing Country Bridges (FCB) program, "Ridgewood Bridge – Mackie Road, Rosebank". Transport for NSW approved a variation to transfer funding from Ridgewood Bridge to Greens Bridge, also an FCB bridge. A competitive tender was received for Ridgewood Bridge that resulted in a higher contingency than required for the project. The additional money was transferred to Greens Bridge to assist with the higher than estimated tender cost there.

11. There is a \$100,000 for waste water services, is that action in our strategic plan, who will review it and what are the main issues or pressures on our sewer system that requires this review?

Officer response:

The current strategic business plan and associated documents for water and wastewater was endorsed by Council in 2016. Since then Lismore has been impacted by two major floods and many of the past recommendations have not been completed or are no longer a priority. In addition, Council adopted the Lismore Growth and Realignment Strategy in 2022. Updating the strategic business plan will be a minimum two year project and it is expected the business plan will recommend additional studies and investigations that will be required to ensure we can cost effectively meet the needs of a growing region into the future.

12. A decrease in Phillip St pavement rehab and pavement strengthening for James Gibson Road with a reduction in those budgets, what does that mean for those roads in terms of our priorities, when will they happen?

Officer response:

Both Phillip Street and James Gibson Road were on Council's pavement rehabilitation and pavement strengthening list of works. However, through investigations, it was determined the projects are more complex. Both projects will be progressed to a design phase and will be on Council's capital construction program in the future. Council's maintenance crews will continue to maintain the roads surface in the interim.

13. South Lismore Sewerage Treatment Plant (SLSTP) optic fibre project. Can someone please explain what is the \$350,000 going for seeing as it was built in the last 10 years.

Officer response:

Fibre optic is being run near the SLSTP as part of the resilience upgrades to the flood levee pump infrastructure. Council is taking advantage of the existing contract to accept a variation to extend the fibre to the SLTSP. This will give Council a more reliable high speed data link to this facility over the current wireless communications which will help improve resilience for SCADA operations.

Item 12.9 Arts Northern Rivers (ANR)

Clr Rob

14. How can ANR dictate how/who Council appoints to the Board?

Officer response:

The ANR constitution stipulates the number of members each council has on the Board. Who Council appoints is up to Council.

Item 12.19 Crane Street Rail Bridge

Clr Knight-Smith

15. Can we be provided with a copy of the letter that was written?

Officer response:

Councillors have been provided a copy.

Attachment/s

There are no attachments for this report.

Reports of the General Manager



Report

Subject	DA24/131: Residential Subdivision - 176 Lots plus 3 Public Reserves
TRIM Record No	BP25/91:DA24/131
Prepared by	Executive Planner
Reason	Determination of Development Application
Strategic Theme	Our built environment
Strategy	Our land-use planning caters for all sectors of the community.
Action	Ensure land is available and serviced to meet population growth in locations that are accessible, close to services and employment, and suitable for development.

Executive Summary

Development Application DA24/131 proposes the subdivision of Eastwood Precinct 2 (Lot 103 DP709070). The development site is proposed to be subdivided into 176 residential lots, plus three reserves. The residential lots will provide necessary housing-stock, and the residual lot will preserve the ecological values of the site.

An earlier version of this proposal was refused by Council in 2022. This refusal was subsequently appealed in the NSW Land and Environment Court ('LEC'), where the appeal was dismissed, and refusal upheld. In the time since, the developer has redesigned the subdivision to resolve the previous reasons for refusal. This report addresses those attempted resolutions and advises how the previous points of refusal have now been resolved.

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

The proposal will have positive social and economic outcomes, delivering flood-free residential lots that will allow for additional housing in the greater Lismore urban area. This is especially important in context of Lismore's current post-flood housing shortage, providing opportunity for replacement of necessary housing-stock that was lost in the 2022 disaster.

It is recommended that this Development Application be determined as Approved, subject to appropriate conditions of consent.

Recommendation

That Development Consent be granted to DA24/131, subject to the recommended conditions of consent (see **Attachment 1**).

Background

Previous Development Application DA21/262 and Court Appeal

In 2021, development application DA21/262 was made for subdivision of the subject site into 203 residential lots. In 2022, Council determined DA21/262 as Refused, on grounds relating to environmental impacts; the suitability of the site for the development; and the public interest.

The applicant Appealed the refusal in the LEC, in the matter *McCloy Project Management Pty Ltd v Lismore City Council [2023] NSWLEC 1371*. As the matter progressed, amendments were made to the subdivision, and many of Council's Contentions were resolved during the LEC mediation process. However, outstanding Contentions remained that were not resolved, and the matter went to Hearing. The appeal was ultimately dismissed, and DA21/252 refused by the Court, on two primary grounds:

- practical retention of certain koala food trees (KFT's) during the development of the site was unlikely, due to works in the vicinity of those trees, and so certain KFTs should have been considered removed by proxy; and
- stormwater management goals and measures were not satisfactorily achieved. There are three natural drainage-lines across the site, and the proposal included bulk earthworks that redirected all stormwater to a central drainage line. This would impact stormwater and groundwater, centralising flows that are currently spread across site.

Given the Court considered the above two grounds sufficient to dismiss the Appeal and refuse the proposal, there were two other grounds that were not determined during the Hearing. These undetermined grounds were not confirmed by the Court as themselves warranting refusal but remain potential issues. There additional undetermined grounds were:

- potential geotechnical and groundwater impacts associated with infiltration pits, that were proposed in an attempt to resolve the stormwater contention (above); and
- insufficient provision of parklands and amenity for future residents.

Current Development Application DA24/131

The developer has sought to address the previous points of refusal. By reducing the residential lot yield from 203-lots down to 176-lots, additional area is available to facilitate design changes. A summary of the primary design changes made to resolve these issues is as follows:

- Arborist Report investigates every retained tree individually, and provides bespoke measures for each tree, to ensure their protection and long-term retention (see 'Biodiversity' for details).
- stormwater detention has been split across three (3) basins to decentralise flows and minimise downstream impacts. Stormwater infrastructure has been relocated upslope, entirely out of the C3 Environmental Management Zone. Further water sensitive urban design measures have been incorporated (see 'Stormwater' for details).
- the revised stormwater design negates the need for the any infiltration pits, and so the pits were deleted from the proposal. Additionally, groundwater analysis has been prepared that ensures maintenance of groundwater flows; suitable permeability; and appropriate diversion (see 'Groundwater and Geotechnical' for details).
- suitable parks and reserves have been included in the amended design, sufficient to meet the needs of the local community (see 'Subdivision Design' for details).

This report provides further details on these items, as part of the overall assessment.

MERITS ASSESSMENT

Location and Context

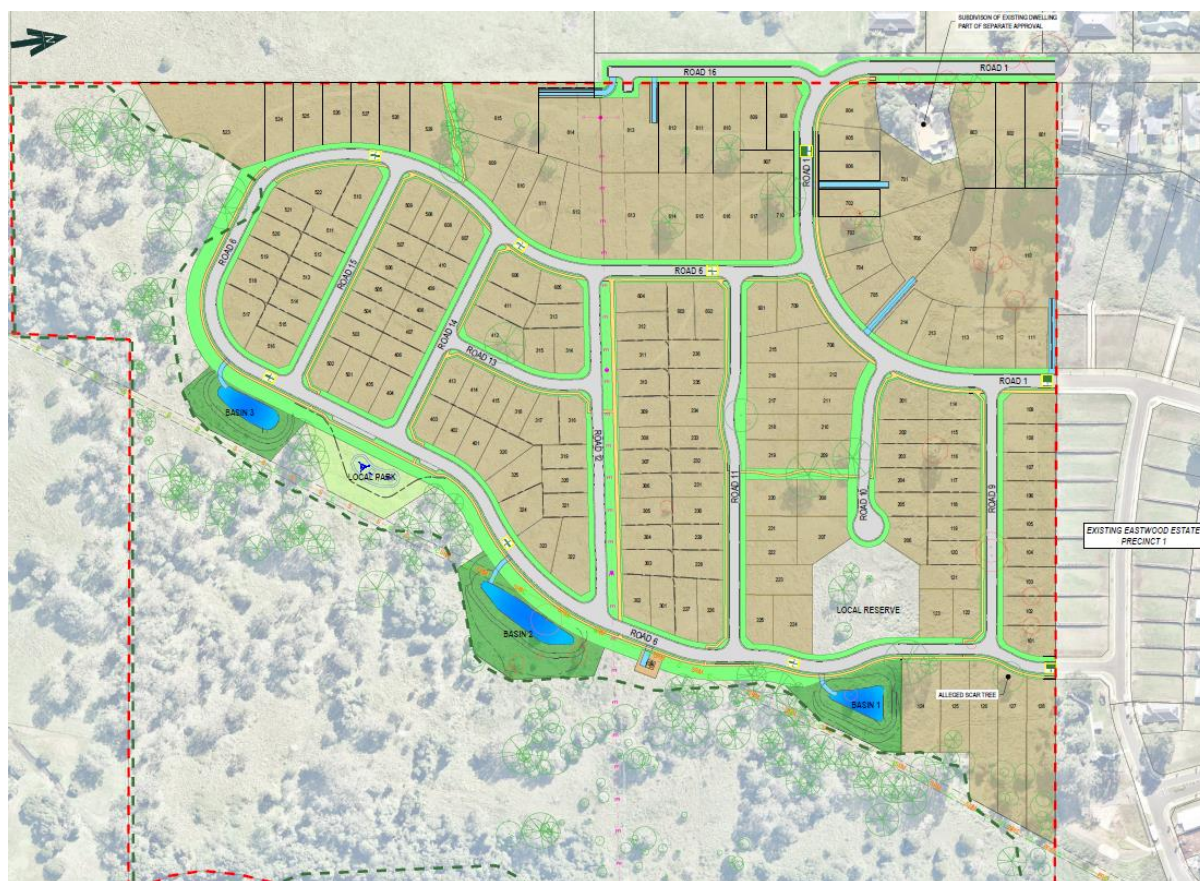
The proposed residential subdivision is the strategic continuation of the existing urban residential areas to the north. The downslope environmental areas consist of a vegetated riparian strip running along Gundurimba Creek, which wraps the development area to the east and south. The lands to the west are cleared, low-scale agricultural uses (grazing paddocks).

Subdivision Design

The proposed subdivision is for 176 residential lots, plus three reserves (see **Attachment 2**).

All residential lots exceed the minimum lot size of 400sqm. Lot sizes are medium-to-large, in the context of contemporary residential subdivision. The proposed residential lots range from 400sqm to over 1,000sqm in area. Approximately 40% of the proposed lots are within the 600sqm to 900sqm range. The variety of lot sizes provides diversity and assists with housing affordability. Lot orientation is appropriate in the majority, given the slope of the land and solar access. All lots have a suitable building envelope for a future dwelling.

Proposed roads connect to the three (3) existing connection points at the property boundary, being Invercauld Road; Sawyers Ave; and Mahogany Place. The proposed road network generally follows the contour of the land. Road alignments are reasonable, and bulk earthworks have been minimised. The proposal will incorporate footpath connection throughout the subdivision, and bus routes will be provided along the linking Road 1.



ABOVE: Overall subdivision plan for DA24/131.

One of the undetermined contentions in *McCloy Project Management Pty Ltd v Lismore City Council*, was inadequate parkland. No additional parkland had been proposed in the original DA21/262 that was refused by Council. A park was added during the Court mediation phase; however, it was minimalist, a small reserve adjacent to the inlet of a stormwater detention basin.

The current proposal DA24/131 includes two distinct parks/reserves. These parks/reserves are appropriate to the scale of the proposed development and are suitable in function and aesthetics.

The first is the Local Park, located on the lower side of Road 6. This park will include children's play equipment; covered picnic table seating; and level grassed areas for ball-games, picnics, etc. This park will also be appropriately landscaped and will include a sculpture (as delivered in Eastwood Precent 1). The Local Park is on the fringe of the C3 Environmental Management area and will enjoy a natural environmental setting.



ABOVE: Detail plan for the proposed Local Park.

The second is the Local Reserve. The primary purpose of the Local Reserve is for the protection of threatened species (see 'Biodiversity'). However, it is also designed as a short nature walk through the estate. A raised timber walkway will be provided over the protected groundcover species, along with signage identifying the purpose of the reserve and the species within.



ABOVE: Detail plan for the proposed Local Reserve.

Biodiversity

One of the key contentions on which the *McCloy Project Management Pty Ltd v Lismore City Council* matter was refused, was failure to demonstrate that trees proposed to be retained could, in practice, be retained. The measures proposed to retain the trees were inadequate, and it was found that civil works would disturb and damage a number of the retained trees to the point of death.

To remedy this issue, the applicant has prepared a thorough Arborist Report. The Arborist Report investigates every retained tree individually, and provides a bespoke action plan for each tree, to ensure the protection and long-term retention of each. The investigation is thorough, including ground-penetrating radar to determine root-zones, and carries out a detailed analysis of how detailed civil plans would affect each tree. The proposal has now demonstrated that all trees proposed for retention can be retained.

Regarding the biodiversity values, the subdivision has also been redesigned to significantly improve the ecological outcomes. The applicant has achieved this by:

- amending the subdivision design to reduce the residential lot yield (203 to 176), providing additional area to facilitate design changes; and
- removing the stormwater detention basins and asset protection zones from the C3 Environmental Management Zone areas; and
- retaining all koala food trees ('KFT') across the site, via the reduction of earthworks and realignment of roads / lot layouts; and
- limiting tree removal to only 18 native trees and 3 hollows-bearing trees; and
- creating a Local Reserve to protect the Squared-Stemmed Spike Rush; and
- avoiding and minimising direct and indirect impacts on all threatened species; and
- improving stormwater water quality to prevent adverse impacts downstream.

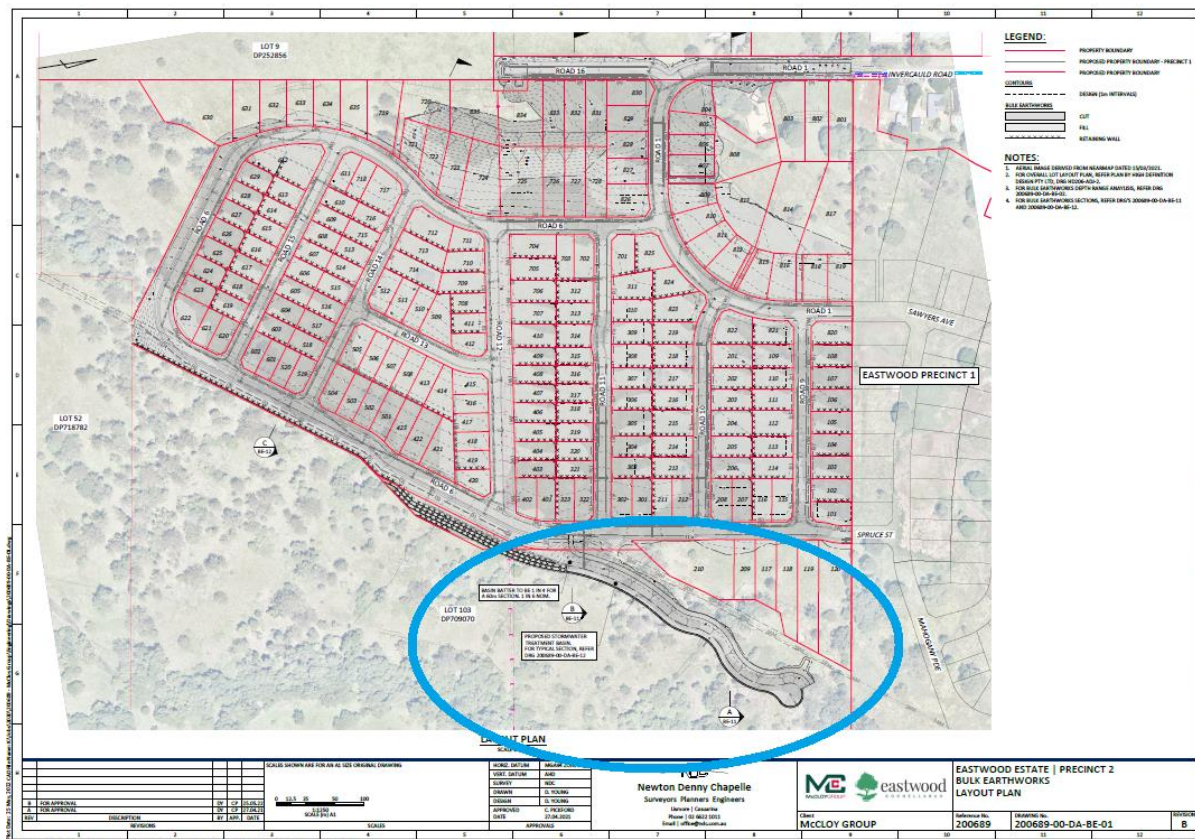
The submitted Biodiversity Development Assessment Report ('BDAR') has been assessed as compliant with the Biodiversity Assessment Method. The development satisfies the avoid and minimise test. The serious and irreversible impacts test has been addressed adequately. Applying no net loss standards have been satisfied, with the offset obligations determining both ecosystem credits and species credits. The BDAR demonstrates compliance with the vegetation protection requirements of the Lismore Development Control Plan 2012 ('LDCP 2012'). The proposal has demonstrated compliance with the *Biodiversity Conservation Act 2016*.

Lismore's Comprehensive Koala Plan of Management ('CKPoM') applies to this site, and a Koala Habitat Assessment Report has been prepared for this proposal. All koala food trees are proposed to be retained, with no KFT removal being proposed. Mitigation measures have been proposed to ensure long-term protection of the retained KFTs, and to compensate for the reduced accessibility of those KFTs that will be located within the new urban area. The proposal has demonstrated compliance with CKPoM.

Council's Ecologist has reviewed the application and is supportive of the proposal on biodiversity grounds. The proposal is compliant with the *Biodiversity Conservation Act 2016*; the Biodiversity & Conservation SEPP; the CKPoM; and LDCP 2012, Chapter 14 - Vegetation Protection.

Stormwater

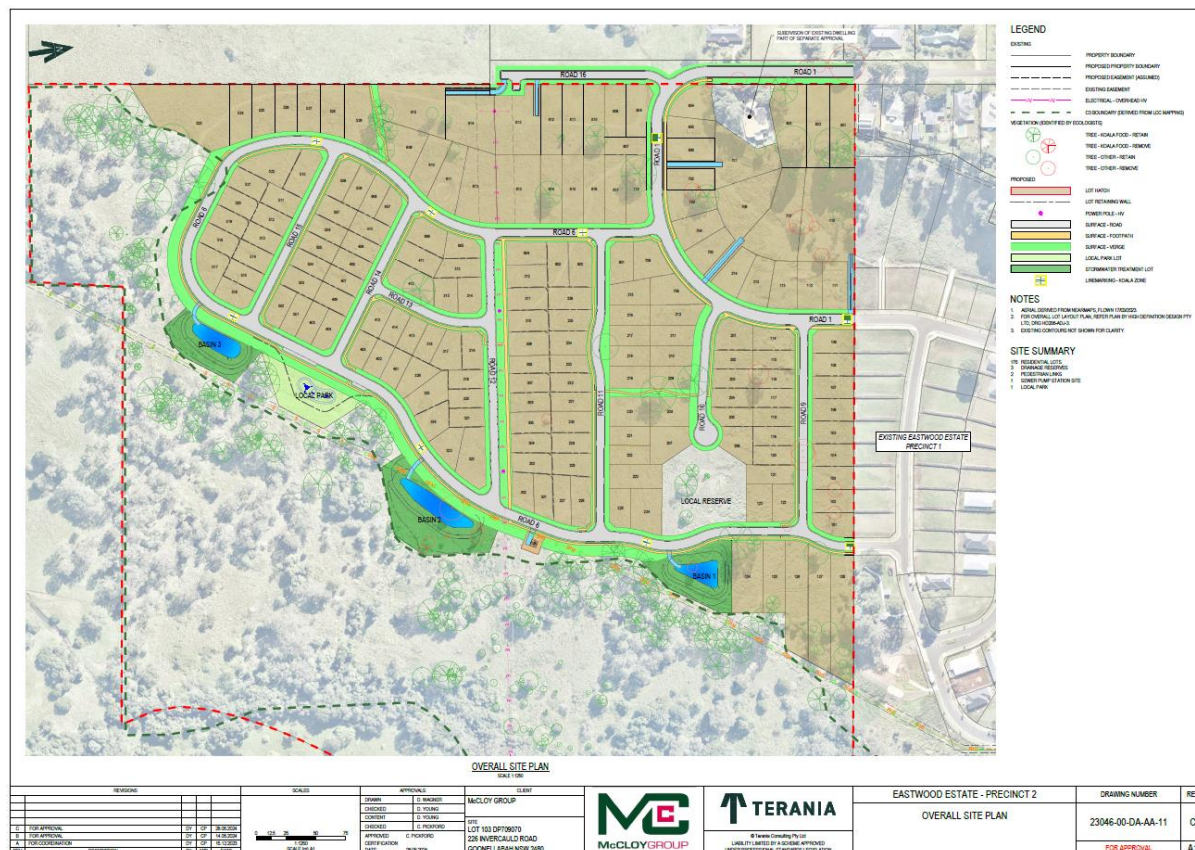
Under the previous refused DA21/262, all stormwater was directed into a single stormwater detention basin. This basin was proposed within the lower, C3 Environmental Management zoned areas of the site. This design was somewhat functional from a stormwater perspective, but elements of this stormwater network caused other impacts in relation to ecology, groundwater infiltration, and zoning permissibility.



ABOVE: Single stormwater basin within the environmental area, under previous DA21/262.

During the *McCloy Project Management Pty Ltd v Lismore City Council* mediation process, this stormwater detention basin was agreed to be relocated to higher ground, which resolved several of the primary contentions in this area. However, there were other contentions, concerning stormwater management and water sensitive urban design, that were still not satisfied. The Appeal was ultimately dismissed on these grounds.

Under the current proposal DA24/131, the design has been further modified to address these fail-points. Stormwater detention has now been split across three (3) basins. All basins and associated stormwater works have been relocated upslope to higher ground, removed entirely from the C3 Environmental Management Zone. Water sensitive urban design measures have been included to comply with Lismore Development Control Plan (DCP) 2012, including gross pollutant traps; infiltration areas; and buffer areas. DRAINS software modelling demonstrates that utilisation of the three (3) separate detention basins, which have an overall approximate volume of 3,000m³, will ensure post-development flows for all storm events will be reduced from the pre-development case.



ABOVE: Three (3) split stormwater basins within the residential areas, under current DA24/131.

All three (3) of the proposed stormwater basins will use energy dissipating devices at the outlets. The proposed outlets are similar to those used in Eastwood Precinct 1, which have performed well even during the extreme storm events associated with the 2022 Lismore Floods. These methods will ensure that the energy of the water discharged from the basins is dissipated, so to prevent adverse impacts downstream. This will prevent scour in the downstream environment, protecting aquatic ecosystems receiving stormwater from the development.

During the construction phase, the proposed stormwater basins would act as sedimentation basins, and then convert to operational stormwater basins following completion.

The proposed development meets all stormwater treatment and attenuation measures. Stormwater discharged from the proposed subdivision will minimise adverse impacts on the environment and receiving waters.

Council’s Engineer has reviewed the application and is supportive of the proposal with regard to stormwater drainage. The proposal is in accordance with DCP 2012 requirements; s6.9 of *Lismore Local Environmental Plan 2012* (‘LLEP 2012’); the Northern Rivers Development and Design Manual; and the Soils and Construction Manual (the ‘Blue Book’).

Groundwater and Geotechnical

During the *McCloy Project Management Pty Ltd v Lismore City Council* matter, the location and functionality of certain stormwater infiltration pits in the lower areas of the site was another unresolved contention. However, the redesign of the stormwater systems had negated the need for infiltration pits. No infiltration pits are currently proposed.

Additionally, the applicant has prepared an Identification of Springs and Implications for the Proposed Development Report. The springs and wetter areas of the site have been identified, and the subdivision redesigned accordingly. Where natural springs have made an area of the site particularly wet, a reserve has been created over this area (same location as the Squared-Stemmed Spike Rush). Various other

strategies have been proposed to ensure maintenance of groundwater flows; suitable permeability; and diversion away from sensitive areas of the development. The proposal has appropriately accounted for groundwater considerations.

Most of the site is mapped as gentle undulation (2% – 5% slope), with some of the eastern and western areas mapped as 'hilly' (20% – 33% slope). The areas mapped as hilly are generally outside of the residential allotments development area. No areas of the residential zoned land have been identified as having high landslip risk.

Bulk earthworks will be undertaken across the site in association with road construction and lot shaping. A maximum cut of approximately 5.0m is expected in association with the construction of Road 1 and a maximum fill depth of up to 5.5m is expected associated with stormwater Basin 2. Many of the residential lots are proposed to be benched to achieve level building pads. All earthworks can be appropriately graded or retained.

Council's Engineer has reviewed the application and is supportive of the proposal with regard to geotechnical matters. The proposal is in accordance with DCP 2012 requirements and s6.2 of LLEP 2012.

Roads and Traffic

The proposed internal road network marries into the three existing adjoining road stumps. This is the logical continuation of the existing road network. Roads are compliant with Council's requirements, with regard to type, widths, grade, etc. bus routes will be provided along the linking Road 1, which is accessible from the entire estate.

Provision has been made for future connection to urban release areas (currently unzoned) to the west. Road 16 is able to be widened to facilitate this future growth area.

Council's Engineer has reviewed the applicant and is supportive of the proposal with regard to the internal road network. The proposal is in accordance with DCP 2012 requirements and s6.9 of LLEP 2012.

Invercauld Road & Bruxner Highway Intersection

The proposal will generate traffic that will impact upon the Invercauld Road and Bruxner Highway intersection (the 'Intersection').

Traffic Reports

Under the previous development application DA21/262, the traffic report concluded that there was capacity for an additional 85 residential lots before the Intersection reached capacity. This permitted the previous development to reach Stage 4 before upgrade was necessary.

Under the current development application DA24/131, the traffic report concluded that the Intersection is already at capacity. The existing traffic on the Bruxner Highway already warrants the installation of traffic lights.

Council's Engineer and Transport for NSW (TfNSW) both agree that the earlier reporting is more accurate, and there is capacity likely for an additional 85 residential lots.

The Intersection is already at Level of Service E, with very limited (or no) capacity.

Contribution Plans

During the *McCloy Project Management Pty Ltd v Lismore City Council* matter, the parties agreed that the Intersection would be upgraded.

However, in June 2024, Council updated its Contribution Plan. The Intersection was removed from the new plan, because TfNSW has identified the Intersection is planned to be upgraded using State funding, and thus developer contributory funding was no longer required.

S7.11 of the *Environmental Protection & Assessment (EP&A) Act* is the exclusive source of power for contributions or dedications for public facilities. With the removal of the Intersection from the Contribution Plan, conditions cannot be imposed requiring the payment of contributions towards the upgrade, and Works in Kind ('WiK') agreements cannot be made to facilitate the work.

Imposing the Upgrade on the Developer

A pre-requisite to the imposition of any condition of consent is to satisfy the 'Newbury test' (see *Newbury District Council v Secretary of State for the Environment [1981]*). This test requires a condition to have a planning purpose; to fairly and reasonably relate to the development; and be reasonable in the circumstances.

The intersection is near (or at) capacity, and the upgrade is already identified by NSW Government as being necessary. As such, the upgrade does not fairly and reasonably relate to the proposed development, and it would be unreasonable to impose it upon the developer.

Furthermore, the scale of the required Intersection upgrade is not reasonably proportionate to the scale of the proposed development, and its contribution to the overall traffic demands. As such, it is unreasonable to require the applicant to deliver the intersection upgrade.

Any condition of consent that requires the developer to deliver the upgrade is unlikely to pass the 'Newbury test', so a condition cannot be imposed requiring the upgrade of the Intersection.

Planning Agreements

Given contributions cannot be collected towards the Intersection upgrade, and conditions cannot be applied requiring the upgrade, the remaining pathway option is a Voluntary Planning Agreement ('VPA'). It is noted that a VPA cannot be forced upon a developer, it can only be offered by a developer. No VPA has been formally offered in this instance. However, the merits of a potential VPA should be discussed, given the circumstances.

The developer's contribution in any VPA must be proportionate to the overall demand generated by their development. The additional traffic movements generated by the proposal are very low, when compared to the existing overall Intersection traffic loads. Given that the current proposal would only represent a small percentage of the overall traffic loads, a proportionally small amount of upgrade cost would be borne by the developer. Council would be responsible for most of the cost in such a VPA.

The traditional method of offsetting Council's costs in these arrangements is offsetting the value against the levied contributions. This results in funding gaps for those other projects that those offset contributions were originally intended to be collected.

In normal circumstances, this is not usually seen as a 'cost' to Council, because practically it is just project prioritisation. However, in this case the Bruxner Highway is a state-controlled road, and the Intersection upgrade will be a state-funded project. In the circumstances, if Council were to enter into a VPA for this upgrade work, it would essentially be a decision to use millions of dollars of Council funds to upgrade underperforming State infrastructure, that has already been acknowledged by the State as requiring upgrade.

Timing of Upgrade by TfNSW

The current development application DA24/131 was referred to TfNSW, as a non-statutory agency, requesting advice in relation to any plans the State may have to upgrade this intersection; the likely timing of any such upgrade; and whether the upgrade will be suitable to accommodate the needs of the proposed development.

In September 2024, TfNSW provided a response, confirming that "*some preliminary investigations have been undertaken into options at the intersection of Invercauld Road and Bruxner Highway, including [traffic lights], however there is no funding for the construction of any works at this intersection*" (see **Attachment 4**).

In January 2025, in discussions with Council Development Engineers, TfNSW confirmed that their team has begun design and investigation work for upgrading the Intersection and estimated that this process will take over 12-months. TfNSW advised that construction of the Intersection upgrade would be subject to future funding availability.

Timing of Development and Realisation of Future Traffic Demand

All indicators are that TfNSW will upgrade the Intersection, although it may take several years. It is noted that the approval of a subdivision does not immediately result in additional vehicle movements. Practically, those actual traffic demand is only realised when subdivision stages have been completed and dwellings have been built and occupied.

This is a lengthy process. The subdivision must undergo detailed civil design; subdivision must be constructed; finished lots must be marketed and sold; new owners must design dwellings and seek planning approval; and the dwellings must be constructed. It would be several years before the first dwellings are occupied, and the staged nature of the proposed subdivision means an extended timeline for the entire project.

This means it will be several years before the first traffic impacts from the development are realised, and longer before the development is complete. This will allow sufficient time for TfNSW to fund and completed the Intersection.

Possible Delays in Delivery by TfNSW

The Intersection is not the only access point for this subdivision. There are also local network connections to alternate thoroughfares, such as Cynthia Wilson Drive and connections through Simons Avenue. Should TfNSW delay the delivery of the Intersection, local traffic will rely upon these alternate routes more heavily.

Additionally, if the traffic situation at the Intersection deteriorates further and become dangerous, Council can seek closure of the right-hand turns at the Intersection. While regrettable, this would alleviate the safety concern until TfNSW are able to fund the upgrade.

Conclusion

Council cannot require the developer to carry out the work, and expenditure of Council funding on State infrastructure is not in the public interest. TfNSW are currently in the design phase and intend to upgrade the Intersection when funding is available. Additional traffic loads from the development will take several years to have a practical impact, which allows time for TfNSW fund and complete the upgrade works. The proposal is in accordance with s6.9 of LLEP 2012.

Water and Sewer Servicing

Water supply works required for this development includes connection to the existing water mains, and extension of the existing public reticulated water supply within the development. Water main pressures at this location are high and will require the installation of a pressure reduction station subject to detailed engineering assessment and evaluation.

Sewerage works required for this development include a connection and extension of the existing public reticulated sewerage system. A new sewerage pump station will be required, which will be provided in the lower portion of the R1 General Residential zoned land, in the long permitter park along proposed Road 6.

Council's Engineer has reviewed the application, and liaised with Rous Water, and is supportive of the proposal with regard to water and sewer servicing. The proposal can be serviced with reticulated water and sewer services. The proposal is in accordance with DCP 2012 requirements; and s6.9 of LLEP 2012.

Electrical and Telecommunications Utilities

All new residential lots will be fully services with electrical and telecommunications infrastructure. New electrical and telecommunications infrastructure will be below ground. All utilities infrastructure will be designed under the approval of the electrical authority (i.e., Essential Energy and nbnCo). The matter was referred to Essential Energy, to pursuant to s2.48 of the Resilience & Hazards SEPP, and Essential Energy have raised no objection to the proposal (see **Attachment 3**). The proposal is in accordance with s6.9 of LLEP 2012 and the Resilience & Hazards SEPP.

Crime Prevention

Proposed lots are generally positioned with frontage to roads. Future dwellings will have good visibility over the road and public spaces. The lots facing the proposed Local Park, along with the park's downslope position, provides good surveillance. All walking accessways are of appropriate length and position to avoid issues. Surveillance throughout the subdivision is appropriate.

The public will be aware that the roadway and dwelling sites are distinctly separate spaces. The Local Park and Local Reserve will be clearly public areas. There is clear division between public and private areas. Territorial reinforcement throughout the subdivision is appropriate.

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

Council referred DA24/131 to NSW Police Force, as a non-statutory but potentially interested party. Police were supportive of the proposal, identifying no serious crime risk according to their analysis and recent crime data, and recommended standard Crime Prevention Through Environmental Design (CPTED) measures (see **Attachment 4**).

Aboriginal Heritage

There is a watercourse and existing remnant vegetation along the perimeter of the site, within the C3 Environmental Management zone. These features suggest an increased likelihood of Aboriginal cultural heritage within these areas. These areas are not proposed to be developed.

The landform of the development area itself has been significantly modified by European land-uses, predominantly cleared of vegetation and has undergone agricultural and residential uses. This significantly decreases the likelihood of archaeological deposits surviving.

Aboriginal heritage and archaeological investigation and reporting has been carried out over the site since 2021. Reporting was prepared as part of the previous development application DA21/262. While the *McCloy Project Management Pty Ltd v Lismore City Council* appeal was ultimately dismissed by the Court, Aboriginal heritage impacts were not reasons given by the Court for the dismissal.

As part of the current development application DA24/131, the previous reporting has been peer reviewed by another Archaeologist.

In summary, there have been three potential items of Aboriginal heritage identified over the site. Two (2) of these items were noted as being potential grinding stones. However, on review it was determined that they lacked the requisite characteristics and were simply basalt stones.

The third potential item is a potential scar tree. Upon review, the Archaeologist believes that the tree is unlikely to be a scar tree, it appears to have been damaged by lightning strike. However, the Archaeologist advises that, in the interest of community concerns and the precautionary principal, the tree be retained.

Council referred DA24/131 to the Ngulingah Local Aboriginal Land Council ('LALC'), as a non-statutory but potentially interested party. LALC objected to the proposal on several grounds, including perceived lack of community consultation; methodology; cultural significance of the area; and destruction of archaeological items (see **Attachment 4**).

The Archaeologist has responded to the LALC letter, addressing each of the concerns in turn, and detailing how the correct methodology has already been undertaken throughout the preparation of the heritage reporting.

Considering thorough analysis has been undertaken in accordance with the proper assent methodology, and the only identified potential item will be protected, the proposal is in accordance with DCP 2012 requirements and s5.10 of LLEP 2012. Recommended conditions of consent include title-restrictions to protect the potential scar tree on Lot 127, with appropriate 'no build zone' and signage to protected it, as well as protocols for unexpected finds.

Bushfire Hazard

The development site is mapped as bushfire prone land. The proposal includes a bushfire report that addresses the bushfire hazard, and proposed mitigation measures.

Asset protection zones ('APZ') follow the perimeter roads and the perimeter reserves. Proposed APZs are located within the R1 Residential Zone areas of the site, to limit vegetation loss within the C3 Environmental Management zone.



ABOVE: Bushfire Asset Protection Zones (APZ) shown in blue.

With these APZs in place, all dwellings will be able to comply with bushfire construction standards of BAL-29 or lower. Future dwellings within the subdivision will be able to comply with bushfire construction standards.

Perimeter roads are provided throughout the subdivision, providing fire-fighters with defensible space between the bushfire hazard and the future dwellings. Perimeter roads within the subdivision will be constructed to a width of 8m, allowing access for firetrucks.

Reticulated water supply will be available throughout the subdivision. Hydrants would be provided at the appropriate spacing, designed for the requisite pressure to allow for fire-fighting purposes.

The development is for the subdivision of land that could lawfully be used for residential purposes, so the proposal was referred to the NSW Rural Fire Service (RFS) as Integrated Development under Div 4.8 of the *Environmental Planning and Assessment Act 1979* and s100B of the *Rural Fires Act 1997*.

The RFS have assessed the proposal and determined that the development complies with all bushfire standards. The RFS have issued their concurrence for the development, alongside a Bushfire Safety Authority (see **Attachment 3**). The proposal will comply with Planning for Bushfire Protection 2019.

Flood Hazard

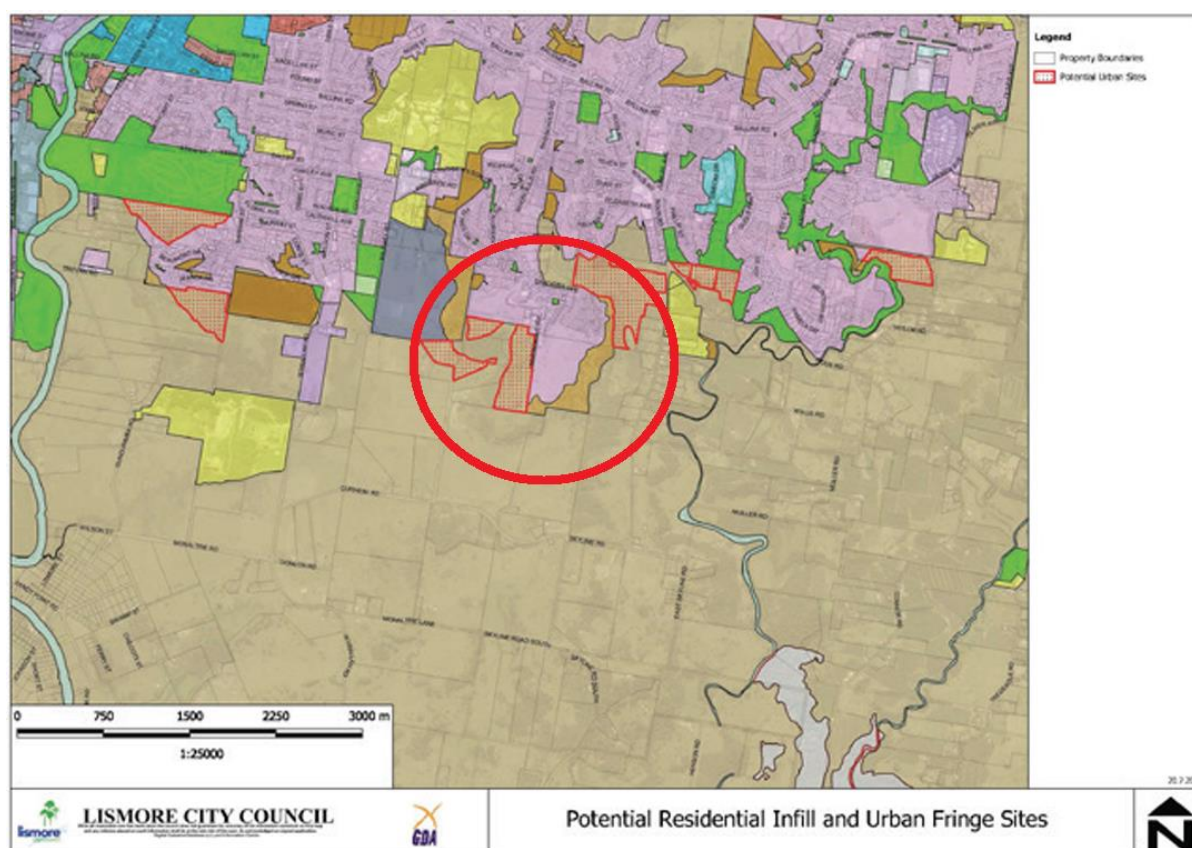
The residential areas of the development site are all above the 1% Annual Exceedance Probability (AEP) flood event. No lots within the proposed subdivision would be subject to flooding impacts.

Other Land Use Conflicts

The proposed residential subdivision is a continuation of the existing urban residential areas to the north. The downslope environmental areas are a vegetated creek-line, which wraps the development area to the east and south. The land to the west is grazing paddocks and a rural dwelling.

The proposed residential subdivision is compatible with the existing residential urban areas to the north. There are no expected impacts between the proposal and the environmental areas to the east and south, other than those that have been discussed as appropriate in other areas of this report.

The agricultural paddocks to the west are low-intensity grazing uses. There is no know feed lotting or other intensive agricultural uses, and no cattle-dip sites in the vicinity. Additionally, while currently zoned for agricultural uses, these western paddocks are identified in the *Lismore Growth & Realignment Strategy 2022* as land-release areas. As such, the strategic direction is to rezone these areas for further residential purposes in the future.



ABOVE: Land release areas, *Lismore Growth & Realignment Strategy 2022* (emphasis added).

The development is unlikely to result in any land-use conflicts with surrounding areas.

Social & Economic Outcomes

The proposal will deliver new, flood-free residential lots that will allow for additional housing in the Lismore urban area. This is especially important in Lismore's current post-flood housing shortage, providing opportunity for replacement of housing-stock lost in the 2022 disaster.

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

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

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

STATUTORY ASSESSMENT

Lismore Local Environmental Plan 2012

The site is split-zoned R1 General Residential Zone and C3 Environmental Management Zone, pursuant to s2.2, s2.3, and the associated Land Zoning Maps.

All roads, stormwater detention basis, parks, and utilities (e.g., sewer pump station) are wholly contained within the R1 General Residential zoned areas of the site. The only exception is a small portion of Road 6, which is within the C3 Environmental Management zoned land, however "roads" are permitted with consent in the C3 Environmental Management zone.

Subdivision is permissible with consent, and development consent has been sought for the proposed subdivision, in accordance with s2.6.

The proposal will provide 176 residential lots that will go towards meeting the housing needs of the community. The proposal includes medium-to-large sized lots that can accommodate future residential development. The proposal is of a similar character to the nearby residential development, with consideration to the impacts of the specific site constraints on the subdivision design (see 'Subdivision Design' for further discussion). The proposal complies with the objectives of the R1 General Residential Zone.

The C3 Environmental Management Zone areas of the site are primarily contained within the residual lot, aside from some very minor fringe elements of public infrastructure purposes. The primary ecological areas of the site are preserved within this residual lot and will be protected and restored. Wildlife habitats will be retained, and wildlife passage uninhibited in the C3 zoned areas. The proposal complies with the objectives of the C3 Environmental Management Zone.

The proposal promotes the efficient use of residential land, with all lots having a practical and efficient layout to meet intended residential use (see 'Subdivision Design' for further discussion). All residential lots exceed the minimum lot size of 400sqm provided by the Lot Size Maps, and so complies with s4.1.

The remaining C3 Environmental Management Zone portion of the site will be retained within a single residual portion, which is below the 40ha minimum lot size required by c4.1 but permitted by virtue of s4.2E. This residual portion will include sufficient R1 General Residential zoned land along the fringe to comply with s4.2E(3).

The development site is not an identified scheduled heritage site. The applicant has carried out Aboriginal heritage and cultural investigation work. A potential scar tree was identified, which is proposed to be retained and protected. No items or areas of significance were identified (see 'Aboriginal Heritage' for discussion). The proposal complies with s5.10.

The proposal includes the subdivision of C3 Environmental Management zoned land. The only proposed uses of the residual lot are ecological preservation and receiving treated stormwater. Surrounding land uses are predominantly residential and rural-agricultural. The proposed residual lot will not sterilize or significantly limit any other land uses in the vicinity. The proposal complies with s5.16.

The subdivision design accommodates stormwater from upslope areas passing through the development, and adequate stormwater and drainage works can be put in place to manage the flow, concentration, and quality of stormwater (see 'Stormwater' and 'Groundwater and Geotechnical' for further discussion). The proposal is not within the mapped drinking water catchments; will not have significant impact on surrounding development, watercourses, or environmentally sensitive areas; and the Aboriginal relics will be preserved and protected (see 'Aboriginal Heritage' for further discussion). The proposal complies with s6.2.

The site has access to potable water; sewer; electricity; and telecommunications networks (see 'Water and Sewer Servicing' and 'Electrical and Telecommunications Utilities' for further discussion). There is capacity in Council's water supply and sewer drainage systems in the area to cater for the proposal. The proposed stormwater systems can accommodate expected runoff (see 'Stormwater' for further discussion). The proposal can be adequately serviced by all required infrastructure and utilities. The proposal complies with s6.9.

Lismore Development Control Plan 2012

Several chapters of the DCP 2012 apply to the proposal. The requirements of these chapters have been addressed in merits assessment above, as follows:

- Chapter 5A: Urban Residential Development (discussed throughout this report)
- Chapter 11: Buffer Areas (see 'Other Land Use Conflicts' for discussion)
- Chapter 13: CPTED (see 'Crime Prevention' for discussion)
- Chapter 14: Vegetation Protection (see 'Biodiversity' for discussion)
- Chapter 22: Water Sensitive Urban Design (see 'Stormwater' and 'Groundwater and Geotechnical' for discussion)

The proposal is compliant with DCP 2012.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

A Biodiversity Development Assessment Report; Koala Habitat Assessment Report; concept Vegetation Management Plan have been provided with the application, demonstrating that the proposal meets all applicable legislation and requirements. An Arborist Report has also been provided, demonstrating that the outcomes identified in the other reports can be achieved (see 'Biodiversity' for further discussion).

The proposal complies with the Biodiversity & Conservation SEPP; the *Biodiversity Conservation Act 2016*; and Lismore's CKPoM.

State Environmental Planning Policy (Resilience and Hazards) 2021

A preliminary site investigation has been undertaken for the site. This report demonstrated all testing was below the minimum threshold limits, and that the site is suitable for residential uses. Pursuant to s4.6, Council has considered whether the land is contaminated and determined that it is suitable for the proposed subdivision and subsequent residential occupation. No further contamination assessment or remediation works are required. The proposal complies with the Resilience & Hazards SEPP.

State Environmental Planning Policy (Transport and Infrastructure) 2021

This proposal was referred to Essential Energy, due to the possibility of interference with existing electrical infrastructure, pursuant to s2.48. Essential Energy reviewed the proposal, raised no safety concerns in relation to the proposal, and gave their general conditions of concurrence (see **Attachment 3**). The proposal complies with the Transport & Infrastructure SEPP.

Developer Contributions

The creation of the new residential lots will result in more users of community infrastructure, which directly results in additional demand upon the infrastructure and services listed within the *Lismore City Council Section 7.11 Infrastructure Contributions Plan 2024-2041*. This will in turn require the timely delivery of works necessary to service this additional demand. It is clear that a casual; physical; and temporal nexus can be established between the proposal and the demand on infrastructure. Total s7.11 contributions are calculated at \$1,285,376.36, and this levy is included in the recommended conditions of consent (see **Attachment 1**).

Similarly, the new residential lots will place additional demand on water and sewer network infrastructure, in accordance with Council’s *Development Servicing Plans for Water Supply and Wastewater 2016*. Total s64 contributions are calculated at \$4,585,872.59, and this levy is included in the recommended conditions of consent (see **Attachment 1**).

The contributions calculated for this proposal would offset any capacity drawn from the relevant infrastructure networks.

DETERMINATION OPTIONS

Pursuant to s4.16(1) of the *EP&A Act 1979*, Council can determine a development application by either:

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

It is the recommendation of this report that consent be granted to this development application, subject to the recommended conditions of consent (see **Attachment 1**).

Comments

Finance

Nil

Public consultation

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

The public consultation process ran from 26 August 2024 to 23 September 2024. Eighteen (18) public submissions were received (see **Attachment 4**).

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

Point of Objection	Planning Response
<p>Biodiversity concerns:</p> <ul style="list-style-type: none"> • The fragmentation of koala habitat and encroachment of residential development into area of value to the Koala is not supportable and is objected to. • Koalas have been killed and/or injured on Invercauld Road and Cynthia Wilson Drive, any further traffic will represent inadequate protection of this species approaching extinction. 	<p>The proposal includes a Biodiversity Development Assessment Report (BDAR) and a Koala Habitat Assessment Report (KHAR). A detailed Arborist Report was also included, to demonstrate the outcomes can be achieved.</p> <p>Council must assess the application against the State’s mandatory biodiversity assessment framework. In response to the concerns regarding assessment methodology and/or the</p>

<ul style="list-style-type: none"> • Discrepancies within the reports identify that Koala Food Trees may be removed. This is not acceptable. • Some Koala Food Trees are located on residential allotments where their long term benefit to the Koala is dubious and will not create a better result for the Koala. Trees retained for the benefit of Koala should not be located on house allotments. • The loss of habitat trees for the koala is not acceptable. It is not agreed the loss of habitat to be a minor proportion as stated within the BDAR. • The use of Koala Food Trees as street trees possesses additional hazards to the Koala population. • Fencing and covenant measures to protect the Koala are likely insufficient and will not be policed and cannot be relied upon. • Tree protection zones are recommended. In addition, tree protection zones should allow access to the trees by Koala during the construction phase. • The removal off trees is not supported given they provide shelter and secondary food sources to the Koala. • An additional road link to Skyline Road is not supported given traffic strikes and fragmentation of Koala Habitat are anticipated if it were to be created. • The development represents an unacceptable cumulative impact to the Koala. • Removal of trees is objected too generally. • The increase in domestic animals associated with the subdivision will cause adverse implications to native flora and fauna. • The proposal will have unacceptable impacts to the existing Striped Marsh Frogs and other amphibians within the area. • The existing stream, spring and pool of water will be destroyed and represents unacceptable environmental impact. • The significant cut and fill works and its implications to ground water may cause permanent damage to the catchment. • Any increase in stormwater runoff into the creek is objected to. 	<p>appropriates of the proposed, it is noted that the proposal satisfies all the relevant tests and achieves all the required outcomes (see 'Biodiversity' for discussion).</p> <p>The proposal complies with the <i>Biodiversity Conservation Act 2016</i>; the Biodiversity & Conservation SEPP; CKPoM; and LDCP 2012, Chapter 14 - Vegetation Protection.</p> <p>In relation to some of the other concerns:</p> <ul style="list-style-type: none"> • Significant work has been undertaken to ensure all possible trees can be retained. • The various koala impacts have been considered as part of this assessment. The mitigation measures proposed are in accordance with Council's CKPoM. • Tree protection zones have been included in the recommended conditions of consent as title instruments. • There is no linking road to Skyline Road proposed as part of this application. • The Striped Marsh Frog was considered in the BDAR. • Impacts of any modification to the spring and groundwater have been considered as part of the environmental assessment. • Stormwater can be treated appropriately to minimise downstream impacts (see 'Stormwater' for discussion).
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<p>Traffic concerns:</p> <ul style="list-style-type: none"> • The proposal will have unacceptable traffic implications. • The Bruxner Highway/Ballina Road and Invercauld Road intersection is not sufficient/capable of servicing the proposed development. • Other approved development has led to cumulative impacts in relation to traffic congestion where the proposals additional increase is unacceptable. • The surrounding road network is not of sufficient quality to service the development in its current form. The development should not proceed given the limitations of the existing network and safety and amenity implications to existing residents. • Invercauld Road is not designed to cater for the increase in allotments proposed and/or earthmoving required to facilitate the proposal. Multiple submissions recommend upgrade works and/or the creation of alternate routes in relation to alleviating traffic congestion/impacts. The current condition and maintenance of Invercauld Road and the surrounding road network is also identified as inadequate to service existing residents and the subject proposal. • The accuracy of the vehicle numbers/traffic projections are questioned, where their accuracy is viewed as dubious. The data was collected on one day and did not account for traffic and use of the roads during the normal university semester • Alternate access routes from the development should be available. The limited access points if there were an emergency presents a significant safety risk to the community. The sole exit is likely to be overwhelmed in an emergency event. • Traffic Safety is exacerbated/reduced by the proposed development where the risk to children and students proposed is unacceptable. • The road upgrades proposed will have adverse implications to existing driveways. In particular the gradient alterations required to 	<p>Regarding the local road network, the proposal includes a suitable internal road network to provide access and connect to the surrounding areas (see 'Roads and Traffic' for discussion).</p> <p>Regarding the Intersection, TfNSW are currently in the design phase for the Intersection and intend to upgrade it when funding is available. The development will not result in any additional traffic loads for several years, which allows time for TfNSW fund and complete the upgrade works. The proposal is in accordance with s6.9 of LLEP 2012 (see 'Invercauld Road & Bruxner Highway Intersection' for discussion).</p> <p>In relation to some of the other concerns:</p> <ul style="list-style-type: none"> • The local road network is either suitable, or subject to a Contribution Plan into which the proposal will make payment to account for the load generated. • Alternative access routes are available via Cynthia Wilson Drive and connections through Simons Avenue. • This development is not responsible for the construction footpaths throughout the greater local area. • Speed zones are low, and there are no dangerous corners or the like. Risk to children is no more significant than any standard residential road. • The developer has met with the submitter who raised concerns about road levels and water overflow (Scotcher). Amended long-section plans and preliminary civils have been prepared, which re-designed road levels to address the concerns of the Submitter, including lowering road levels to assist in stormwater runoff.
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<p>existing driveways will make them considerably more difficult to negotiate/use.</p> <ul style="list-style-type: none"> • The road upgrades and design gradients will have adverse implications to existing property frontages, may create access and drainage issues. • Currently existing residence have difficulty with egress from their driveways given the additional traffic generated by previous development. The current proposal will exacerbate this issue. • Additional pedestrian pathways are required for pedestrian safety. Multiple submissions request footpaths be instated for the entirety of Invercauld Road. 	
<p>The proposal should not be supported given the cultural significance of the subject lands.</p>	<p>A potential scar tree was identified, which is proposed to be retained and protected. No other items or areas of significance were identified (see 'Aboriginal Heritage' for discussion).</p>
<p>Earthworks and geotechnical concerns:</p> <ul style="list-style-type: none"> • The significant cut and fill works and its implications to ground water may cause permanent damage to the catchment. • The existing stream, spring and pool of water will be destroyed and represents unacceptable environmental impact. 	<p>The cut and fill and impacts on groundwater have been assessed as appropriate (see 'Groundwater and Geotechnical' for discussion).</p>
<p>Construction impacts:</p> <ul style="list-style-type: none"> • Haul routes will be impactful on existing residents. • The proposal will result in unacceptable noise impacts to existing residents, in particular relating to increase in vehicular movements. • Dust creation will generate unacceptable impacts on existing residents. 	<p>The recommended conditions of consent include a construction management plan, which will address and minimise construction impacts on surrounding residences.</p>

Conclusion

The site is correctly zoned for the proposed development, being an urban residential subdivision proposed on R1 General Residential zoned land, and reservation of the C3 Environmental Management zoned land for environmental purposes. The proposal fits within the locality, being a continuation of existing urban residential development in the area. The proposal will not conflict with any existing uses in the area. All relevant constraints have been addressed, and all relevant impacts have been appropriately mitigated. The site is suitable for the proposed development.

The proposal is for an urban residential subdivision on the fringe of an existing urban residential area. The proposal is keeping with the qualities of the area and will not result in any unacceptable change or transformation of the local character. The proposal will have generally positive social and economic

impacts in the locality. The proposal will not result in inequities in the community, instead improving social equity through provision of housing-stock.

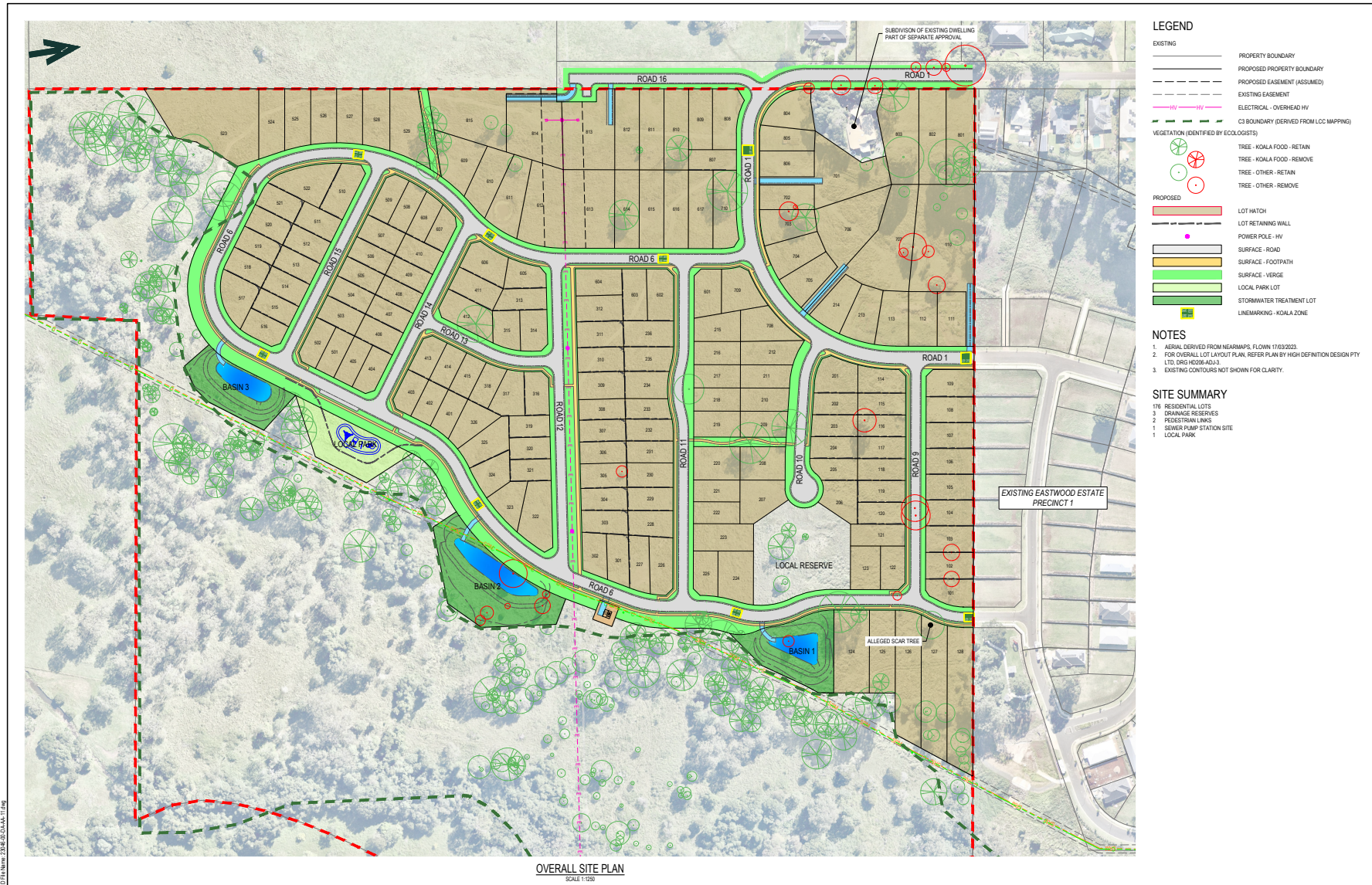
The proposal will result in some environmental impacts but has been demonstrated that environmental capacity of the area will not be exceeded (e.g., the environment will withstand/recover from the impact, with consideration to the offsets proposed). The proposal has appropriately identified and mitigated all relevant hazards and impacts. The proposal will provide for public amenity and enjoyment of community spaces.

The development application received public submissions objecting to the proposal. The concerns raised by the public relate to a variety of potential impacts of the proposal. It is noted that the development area of the land is zoned for the explicit purposes of residential development; is consistent with surrounding existing development; and can adequately manage all likely impacts. The community concern is acknowledged, and the issues raised have been appropriately addressed.

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

Attachment/s

1. Recommended Conditions (Over 7 pages)
2. [Overall Site Plan](#)
3. Statutory Agency Referral Responses (Over 7 pages)
4. Submissions from Non-Statutory Agencies and the Public (Over 7 pages)



P/E Date: 24 Feb. 2025
 DDU File Name: 23046-00-DA-AA-11.rvt

REVISIONS				SCALES		APPROVALS		CLIENT	
REV	DESCRIPTION	BY	APP.	DATE	SCALE	DATE	DATE	DATE	DATE
D	FOR APPROVAL	DY	CP	24.02.2025	1:1250				
C	FOR APPROVAL	DY	CP	20.05.2024	SCALE (m): A1				
B	FOR APPROVAL	DY	CP	14.05.2024					
A	FOR COORDINATION	DY	CP	15.12.2023					

DRAWN	D. WAGNER	CLIENT	McCLOY GROUP
CHECKED	D. YOUNG	SITE	LOT 103 DP709070
CONTENT	D. YOUNG		226 INVERCAULD ROAD
CHECKED	C. PICKFORD		GOONELLABAH NSW 2480
APPROVED	C. PICKFORD		
CERTIFICATION			
DATE	24.02.2025		

EASTWOOD ESTATE - PRECINCT 2		DRAWING NUMBER	REV
OVERALL SITE PLAN		23046-00-DA-AA-11	D
		FOR APPROVAL	A1

Report

Subject	Investment Policy
TRIM Record No	BP24/794:EF22/122-3
Prepared by	Head of Finance
Reason	Review of Investment Policy within the term of the Council in accordance with the 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

Council's Investment Policy is required to be reviewed by an Independent Investment Advisor (Review) appointed by the General Manager and licenced by the Australian Securities and Investment Commission at least once during the term of council or as required in the event of legislative change or as a result of significantly changed economic/market conditions.

The Review was completed in June 2024. The previous Council was briefed in July 2024 and current Council was briefed on 18 February 2025.

The Review identified three (3) material changes to the Investment Policy.

The revised and amended Policy is attached for the Council's formal approval. It incorporates feedback provided by councillors at the 18 February 2025 briefing.

Recommendation

That:

1. Council place on exhibition the Investment Policy for 28 days and receive submissions from the public
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 Investment Policy is adopted by Council

Background

Council's Investment Policy 1.5.4 is required to be reviewed by an Independent Investment Advisor appointed by the General Manager and licenced by the Australian Securities and Investment Commission, at least once during the term of council or as required in the event of legislative change or as a result of significantly changed economic/market conditions. The Policy was reviewed by Prudential Investment Services Corp.

The structure and much of the content of Lismore City Council's Investment Policy matches the recommended Investment Policy issued by the Office of Local Government (OLG) in its Investment Policy Guidelines document issued in 2010.

Council is required to comply with the Ministerial Order and is limited to the type of products it can invest in.

The Ministerial Order states that for the purposes of section 625 of the *Local Government Act 1993* that a council may only invest in:

- Any public funds or securities issues by or guaranteed by, the Commonwealth, any State of the Commonwealth, or a Territory
- Any debentures or securities issued by a council
- Interest bearing deposits with, or any debentures or bonds issued by, an Authorised Deposit-Taking Institution (ADI)
- Any bill of exchange (with certain conditions)
- A deposit with the NSW Treasury Corporation or investments in NSW Treasury Corporation's Investment Management Funds.

The Review identified 3 material changes to the Policy:

1. removing the emphasis on proactively moving towards a Socially Responsible Investment (SRI) portfolio whilst still favouring such investments providing their risk/return profile is in line with similarly compliant investment options.
2. allowing for greater exposure to local ADIs by updating the local ADI categories in the credit limit tables to include institutions that may have credit ratings of BBB or BBB-, not just those that are unrated and increase exposure from 5% to 10%.
3. removing the "Sub limits by Credit Rating" section in the Term to Maturity Framework table. These limits are considered unnecessarily restrictive, and Council's policy has sound credit quality limits in place without the need for this extra layer.

Feedback provided by councillors at the 18 February 2025 briefing suggested there should not be overriding preference for SRI investments at the expense of risk adjusted returns and other investment related considerations. Instead, Council's suggestion is SRI investments be evaluated (and not favoured) in all relevant considerations applicable to non-SRI investments.

In practice this means SRI investment options will only be selected where in all material investment related considerations, they represent better or equal merit to non-SRI alternative.

Other investment policy changes noted above were discussed by councillors attending.

Comments

Finance

The proposed changes have been reviewed by the Finance Team and are supported by the Head of Finance.

At the 18 February 2025 briefing, it was discussed that there is an opportunity to optimise investment returns within the remit of the Investment Policy by allocating some capital to higher growth investment options offered by NSW Treasury Corporation. Relative to investment returns on the current strategy (c5%) higher growth investment option returns are considerably (but also carry higher investment risk). There are also some diversifications benefits associated with spreading investment capital across different asset classes.

The Finance Team will consider these investment options including risk return profile later in the financial year and propose meeting with staff from NSW Treasury Corporation to discuss alternatives. If a change in investment strategy is considered meritorious, appropriate consent and feedback will be sought from Council.

Public consultation

The Investment Policy will be advertised for 28 days and reported back to Council if any submissions are received.

Conclusion

The Council approve the recommendation as outlined above.

Attachment/s

1. 2025 Draft Investment Policy 1.5.4 (Over 7 pages)
2. 2025 Draft Investment Policy 1.5.4 (Tracked Changes) (Over 7 pages)
3. Investment Advisor Review Notes (Over 7 pages)

Report

Subject	Granting Easement for Airspace Over Council Road Reserve
TRIM Record No	BP25/26:CDR25/87
Prepared by	Property Officer
Reason	To consider the application for granting an easement permitting encroaching structure in the road reserve above Larkin Lane.
Strategic Theme	Our built environment
Strategy	Our city and village services are well managed and maintained.
Action	Plan for infrastructure that meets the needs of the community.

Executive Summary

An overhead walkway connects 65 and 69 Woodlark Street, Lismore, across Larkin Lane to 29 Larkin Lane (formerly known as the Spotlight buildings). This report is to consider a proposal that the landowner purchase an easement to allow the encroaching structure to legally remain within the airspace above Larkin Lane.

Recommendation

That:

1. Council resolves to grant an easement, over the airspace above Larkin Lane (being the stratum denoted in Lot 1 DP 839665) to the adjoining landowner of 65 Woodlark Street, Lismore (Lot 1 DP 780375), 69 Woodlark Street, Lismore (Lot A DP 397258) and 29 Larkin Lane, Lismore (Lot 1 DP 341873), to permit the encroaching structure to remain
2. The General Manager be delegated authority to negotiate the terms of the easement and the sale price in accordance with a valuation prepared by a registered valuer
3. All costs associated with the granting of the easement be borne by the applicant, including but not limited to survey fees, Council fees, Council's legal fees, valuation fees, and Land Registry Service fees
4. The General Manager be delegated authority to sign the following:
 - Deed of agreement for granting of an easement;
 - Transfer granting easement; and,
 - any other documents necessary for the creation and transfer of the easement

Background

An overhead walkway was erected to connect 65 and 69 Woodlark Street, Lismore, across Larkin Lane to 29 Larkin Lane (see Image 1). Council records indicate that, as early as 1989, there has been an ongoing need to establish an agreement regarding the responsibility, management, and liability of the structure. On 5 April 1994, a report was presented to Council, accompanied by a letter enclosing the linen plan for the stratum subdivision to lease the walkway above Larkin Lane, for execution by Council under seal. Council resolved (286/94) to authorise the General Manager to execute the document that, upon registration, created DP839665 attached.

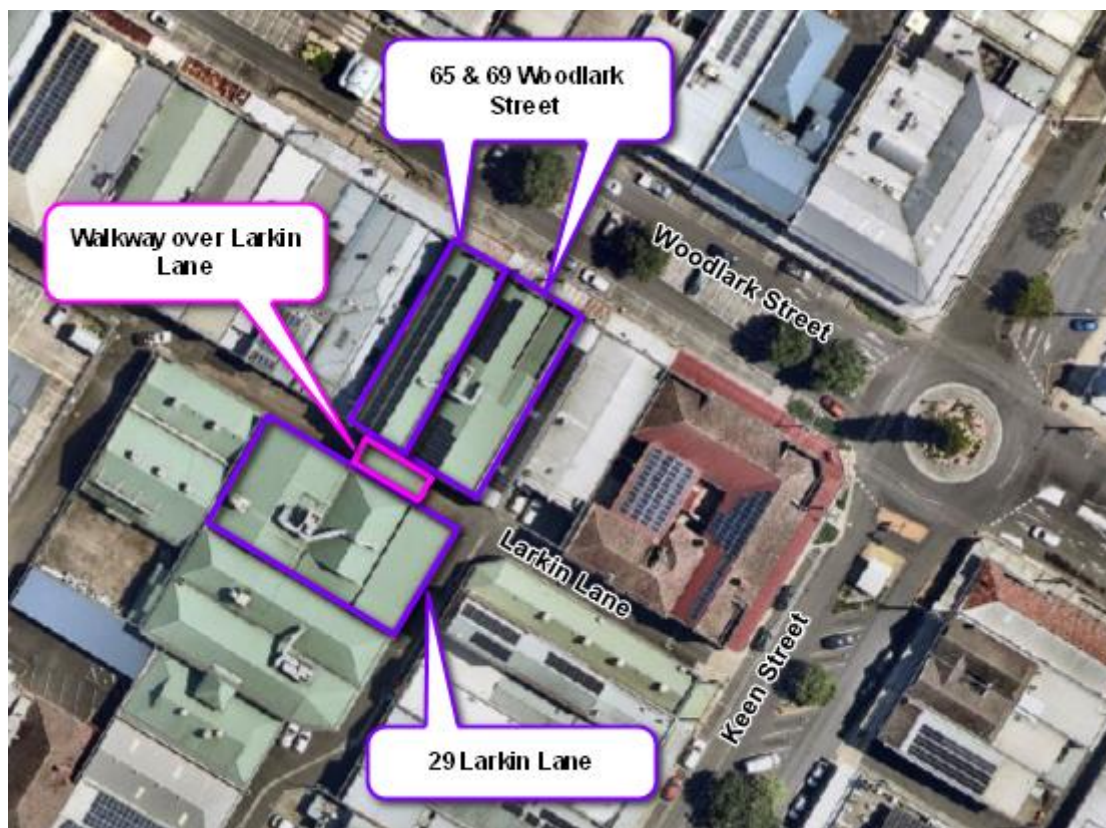


Image 1 -Location of Walkway over Larkin Lane

On 20 December 2005 Council entered into a lease with the landowners over the road reserve airspace to permit the walkway to remain in the road reserve for the term of the lease. Council entered into a further lease on 17 February 2011 which expired on 31 August 2015, the lease was holding over until the three subject buildings were sold in 2020.

In May 2022 Newton Denny Chapelle contacted Council on behalf of the new owner in relation to obtaining landowner authority for a DA over the walkway and to enquire on the status of the lease over the walkway. Council advised there was not a current agreement in place for the walkway to remain in the road reserve. Information was provided to the landowner on the application process for a lease, and then again in November 2024. Council advised the landowner of three possible options for the encroaching structure. These options are entering into a new lease, removing the encroaching structure, or granting an easement permitting the structure to remain in the road reserve.

After internal consultation, officers recommend granting an easement, as it is the most practical and beneficial option for both parties. Managing a lease requires substantial Council resources, with the lease requiring approval from the Secretary of the Department of Planning and Environment, under Section 149 of the *Roads Act 1993*. Given the minimal income generated from a road reserve overhead airspace lease, an easement presents a more efficient alternative. Additionally, since an easement transfers with the land and property, Council is no longer responsible for maintaining the lease's validity, while making it clear to all parties who is responsible for ongoing maintenance, public liability, and ensuring the structure is safe and in good repair.

All costs associated with granting of an easement including application fees, survey and registration fees, valuation, Council planning fees and legal fees are borne by the landowner. The landowner understands the options and benefits and has agreed the granting of the easement is the best option moving forward and is ready to commence the process if approved by Council.

Proposed terms of easement:

- 1) *The owner of the lot benefited:*
 - (a) *May insist that the parts of the structure (“the encroaching structure”) on the lot benefited which, when this easement was created, encroached on the lot burdened remain, but only to the extent they are within the site of this easement, and*
 - (b) *Must keep the encroaching structure in good repair and safe condition, and*
 - (c) *May do anything reasonably necessary for those purposes, including:*
 - *Entering the lot burdened, and*
 - *Taking anything on to the lot burdened, and*
 - *Carrying out work.*

- 2) *In exercising those powers, the owner of the lot benefited must:*
 - (a) *Ensure all work is done properly, and*
 - (b) *Cause as little inconvenience as is practicable to the owner and any occupier of the lot burdened, and*
 - (c) *Restore the lot burdened as nearly as is practicable to its former condition, and*
 - (d) *Make good any collateral damage.*

- 3) *The owner of the lot burdened may insist that this easement be extinguished when the structure on the lot benefited is removed.*

Comments

Finance

Finance supports the proposal. There are no adverse financial implications to the Council.

Other officer comments

Head of Fleet and Open Spaces supports the granting of an easement.

Public consultation

Not required.

Conclusion

This report recommends Council support the granting of the easement. The adjoining landowner is prepared to meet all costs associated with granting the easement. The easement may be extinguished if the structure is permanently removed. The benefit of the easement transfers with the land so that Council resources will not be unnecessarily expended on granting a new lease or assigning the existing lease every time there is a change of ownership. The terms of the easement should be disclosed in any contract for the sale of land and therefore any new purchaser would be aware of their obligations.

Attachment/s

1. [↓](#) DP839665

Report

Subject	Appointment of Flood Risk Management Committee community members
TRIM Record No	BP25/40:EF19/237-7
Prepared by	Senior Strategic Planner
Reason	Obtain a resolution of Council to appoint community members to the Flood Risk Management Committee
Strategic Theme	Leadership and participation
Strategy	We provide effective management and responsible governance.
Action	Ensure sound risk management practices.

Executive Summary

Membership of the Flood Risk Management Committee (FRMC) is for a period commencing from the date of selection by Council and continuing until six months after the local government election, or as soon as otherwise practicable. The most recent council election was held in September 2024, therefore new Committee members must now be selected.

An expression of interest (EOI) process for community member positions was undertaken from 20 January 2025 – 16 February 2025. A total of 21 submissions were received for up to six (6) community member positions in accordance with the makeup of the committee as identified in the Terms of Reference.

This report summarises the applications received and provides information to enable Council to decide which community members they want included as members of the FRMC.

Recommendation

That:

- The following community members be invited to join Council's Flood Risk Management Committee:
 - as the North Lismore representative
 - as the South Lismore representative
 - as the non-geographically specific representative
 - as the First Nations representative
 - as the business owner representative
 - as the environmental groups representative

Background

The NSW Government's Flood Risk Management Manual guides Council in the development and implementation of a Flood Risk Management Plan. It recommends councils form a Flood Risk Management Committee (FRMC), chaired by Council, with membership to be made up of elected councillors, Council officers, relevant government agencies and community members.

At the Council meeting of 15 October 2024, Council resolved to appoint the chair and councillor representatives of the FRMC.

The FRMC Terms of Reference (ToR) (**Attachment 1**) indicates that Committee members' terms of appointment are for a period commencing from the date of selection by Council and continuing until six months after the next general election, or as soon as otherwise practicable.

As the terms of the community members of the FRMC are expiring, an EOI process for new community member positions was undertaken from 14 January 2025 to 16 February 2025.

The community member positions identified in the ToR allow for "up to six community members" as follows:

- 1 community member from North Lismore;
- 1 community member from South Lismore;
- 1 other community member (not geographically specific);
- 1 Aboriginal and / or Torres Strait Islander community member;
- 1 community member representing business owners; and
- 1 community member representing environmental groups.

The ToR identifies that the selection criteria for community members be as follows:

- demonstration of connection and links to their geographic community or community of interest (as appropriate); and
- demonstration of awareness in relation to flood risk management issues.

Results and Recommendations from the EOI

Over the course of the EOI process, there were 196 visitors to Council's Your Say Page with 21 applications made. A report with all submissions made is attached (**Attachment 2**).

Respondents were asked to select which position on the committee they wanted to apply for and were able to select more than one option. Additionally, they were asked to respond to two questions, reflecting the selection criteria for the committee, in accordance with the requirements of the ToR. These were

1. How are you connected to your geographic community or area of interest? Please provide examples of your involvement.
2. What is your awareness and understanding of Flood Risk Management issues?

The following applications were made for each of the available community positions, with some residents applying in more than one category and all nominees eligible to be considered under the 'Other (not geographically specific) category:

Lismore Terms of Reference Community Membership Categories					
*community members nominated for more than one category					
North Lismore	South Lismore	First nations	Business owners	Environmental groups	Other (not geographically specific)
Amanda Pines	Trudy Osborne*	Mark Tirris	Alexander Rubin*	Graham Askey*	Bradley Herd
Helen Robinson*	Victoria Pitel		Ben Wilson	William Moorhouse*	Colin Baker
			Chris Doist		Frank Swientek
			Chris Sauer		Neil Williams
			Demi Flynn*		Paul MacMahon
			Michael Ackrell		Paul Moretti
			William Moorhouse*		Roslynn Martens
					Ross Davies
					Alexander Rubin*
					Ben Wilson*
					Demi Flynn*
					Graham Askey*
					Helen Robinson*
					Trudy Osborne*
					William Moorhouse*

Note: Any of the unsuccessful candidates from the specific geographic and community interest groups are also eligible to be appointed to this non-geographically specific position.

Comments

Finance

Not required

Public consultation

A public EOI process was undertaken from 14 January to 16 February 2025. The EOI was promoted by Council's media and stakeholder engagement teams in Local Matters, on Council's Facebook page and through Council's Your Say page. The Your Say page recorded 196 visitors and 21 applications made. A report with all the submissions is attached (Attachment 2).

Conclusion

An EOI process has been undertaken to determine new community member positions on the FRMC in accordance with the Committee's ToR.

In accordance with the ToR, membership will be from the date of selection by Council and continuing until six (6) months after the next general election, or as soon as otherwise practicable. Other existing positions on the FRMC are to remain unchanged.

Attachment/s

1. Terms of Reference_Flood Risk Management_14 May 2024 (Over 7 pages)
2. Expression Of Interest Flood Risk Management Committee 2025 - REDACTED (Over 7 pages)

Report

Subject	Proposed appointment as Crown Land Manager and lease to Lismore Old Boys Rugby League Football Club Incorporated
TRIM Record No	BP25/70:CDR24/650
Prepared by	Property Officer
Reason	Council consideration to formally request to be appointed as Crown Land Manager for Crown Reserve 87667 in accordance with the Crown Land Management Act 2016 and following appointment as the Crown Land Manager to enter into a lease agreement with the Lismore Old Boys Rugby League Football Club Incorporated
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.

Executive Summary

Girl Guides NSW are the appointed Crown Land Manager for the land located at 186 Magellan Street, Lismore (Crown Reserve 87667). Crown has advised Council the current Crown Land Manager intends to surrender their appointment as Crown Land Manager and demolish the building on the reserve as a result of the damage caused to the building by the 2022 flood event.

The Lismore Old Boys Rugby League Football Club Incorporated also known as Marist Brothers Rugby League Football Club ("Old Boys") approached Crown Lands with a formal request to lease the land and building. Crown is unable to work directly with Old Boys as to do so would be a breach of its direct negotiation policy. Crown has proposed Council make an application to be appointed as Crown Land Manager of the reserve to enable Council as Crown Land Manager to grant a lease of the land to Old Boys.

Recommendation

That Council:

1. supports granting a lease to Lismore Old Boys Rugby League Football Club Incorporated for a term of 5 years with a further option for an additional 5 years with an annual rental of \$1.00 and, to enable Council to facilitate the granting of a lease to Lismore Old Boys Rugby League Football Club Incorporated
2. delegate authority to the General Manager to:
 - i) submit the necessary application to Crown Lands to formalise appointment as Crown Land Manager for Reserve 87667 and manage such land in accordance with the provisions of the *Crown Land Management Act 2016* and relevant regulations
 - ii) submit the necessary application to Crown Lands requesting a change to the reservation purpose to 'community purposes'

- iii) write to the Department of Planning, Housing and Infrastructure requesting Ministerial consent to enter into a lease with Lismore Old Boys Rugby League Football Club Incorporated for a term of 5 years with a further option of an additional 5 years under Clause 70(2)(d) of the *Crown Land Management Regulation 2018*

Background

Crown Reserve 87667 is located at 186 Magellan Street Lismore (Lot 508 DP 755718) for the purpose of occupation and use of the land by Girl Guides NSW. Crown Lands contacted Council to provide notice that Girl Guides NSW wish to surrender management of Crown Reserve 87667.

The Girl Guides (“GG”) building was damaged in the 2022 flood events. GG applied for development consent to Demolish Community Hall (Flood Damaged) at 186 Magellan Street, Lismore (DA23/306). Consent to demolition was issued 2 January 2024.

As this Reserve is surrounded by Lismore Park, Crown Lands contacted Council with a proposal that this reserve be gazetted a secondary purpose of Public Recreation and managed by Lismore City Council as Crown Land Manager, with Crown indicating the reserve would more than likely be green open space.

Old Boys formally requested from Crown to assume control of the site and its building. They stated they had the capability within the club to undertake the needed flood restoration works at their own expense. Crown are unable to work directly with Old Boys as it is in breach of their direct negotiation policy.

It was proposed that Council consider taking on the site in trust for Old Boys to enter a peppercorn lease, with Old Boys taking on responsibility for restoration works and all future maintenance. Under section 46A(3) of the *Local Government Act 1993* there is no requirement to enter a tender process for the granting of the lease given Old Boys are a non-profit organisation.

Old Boys have formally approached Council with a request that Council make an application to become Crown Land Manager of the Crown Reserve to facilitate the granting of a lease to Old Boys.

About Old Boys

The Lismore Old Boys Rugby League Football Club Incorporated Charter contains the following objectives:

- to provide a means of maintaining connections with ex-players, officials, supporters and current players
- to provide an ongoing community and support network for all past players and officials
- to support the senior club by encouraging attendance at games and functions. Also to provide assistance if requested on special occasions
- to support the development of Marist Brothers Junior Rugby League when approached by the Juniors Club or by individual junior players
- to promote the club’s history of comradery and achievement
- it is noted that the primary focus of the “Old Boys” is not to raise money

Old Boys have proposed to refurbish the GG building. Council officers are satisfied that Old Boys are capable of refurbishing the building following a review of the following documents supplied by Old Boys:

1. Structural Report of the community hall;
2. Financial Statements as at 30 September 2024 for Old Boys;

3. Business Proposal for the refurbishment of the community hall;
4. Capability statement from O'Brien Electrical & Plumbing; and
5. Joel Jensen Constructions Capability Statement

The Property

Crown Reserve 87667 is located at 186 Magellan Street, Lismore (Lot 508 DP 755718). The building, site and location are generally considered suitable for the Old Boys proposed use (subject to adding a secondary reserve purpose of 'Community Purposes').

- Land Area: 364m²
- Zoning: RE1 Public Recreation
- Improvements: Girl Guides Building
- Condition: Flood affected but structurally sound (in accordance with engineers report)



Native Title and Aboriginal Land Claim Information:

Provided by Council's Native Title Manager

- The Widjabul Wia-Bal s87 Agreement, determined on 19 December 2022 (Fed Court No NSD1213/2018), confirms Native Title does not exist over this Crown Reserve.
- A review of the Aboriginal Claims Register provides NIL search results over this Crown Reserve.

Lease Negotiations and Policy Considerations

Following Council being appointed as Crown Land Manager, the reserve purpose being amended, and ministerial consent being obtained, a lease can be granted to Old Boys. It is expected the lease will be generally on the standard terms contained in the Council Crown Land Manager Leases Template created by the Department of Planning and Environment. It is expected that the lease term will be for a period of 5 years with a further optional 5 years with a peppercorn rent where the lessee is responsible for refurbishing the building and continued maintenance with any further upgrades, improvements and approval to be at the lessee's sole expense.

In the event the arrangement is formalised as a lease document (providing Old Boys with exclusive use of the premises), the *Leasing of Council Properties Policy* would apply. The proposal is to rent the property for a nominal amount of \$1, given that Old Boys will undertake all refurbishment works, cover all

Lismore City Council

Meeting held 11 March 2025 - 10.5 - Proposed appointment as Crown Land Manager and lease to Lismore Old Boys Rugby League Football Club Incorporated

outgoing expenses, and assume responsibility for all future maintenance at no cost to Council. This approach aligns with Council's methodology for determining rental amounts, which allows for consideration of offers where a lessee undertakes maintenance activities that would otherwise be a financial burden to Council. By accepting this proposal, Council would secure the ongoing upkeep and improvement of the property without incurring additional costs, ensuring its long-term viability and community benefit.

Council may grant a lease to Old Boys under Regulation 70(2)(d)(i) of the *Crown Land Management Regulation 2018* without the adoption of a Plan of Management provided the lease term does not exceed 21 years. Council is also exempt from managing the land as if it were community land under the *Local Government Act 1993* under Regulation 70(2)(d)(i) of the *Crown Land Management Regulation 2018*.

Once Council is appointed as Crown Land Manager, Council will work towards adopting a Plan of Management.

The proposal for Old Boys to take on the building at no cost to Council was negotiated before the Property Strategy was resolved. Council was most likely to become the Crown Land Manager of the vacant land following the demolition of the GG building. This arrangement enables Old Boys to assume responsibility for the building, including all financial obligations such as flood refurbishment and future maintenance. The proposal provides significant value to the community (over and above vacant land) by establishing a dedicated clubhouse for Marist Brothers Rams and supporting a thriving sporting club that contributes to the local economy.

Finance

Finance supports the proposal as outline. There are no adverse financial implications to Council on the basis maintenance costs are to be borne by the Lessee.

Other officer comments

Sport and Recreation Lead

Council applying to be the Crown Land Manager of 186 Magellan Street, Lismore provides opportunity to further activate the Lismore Sports Precinct. Providing Old Boys the opportunity to renovate the building into a flood resilient clubhouse fosters sustainability and long-term activation. By repurposing the structure, it preserves local character and provides a space for a thriving club to further support its members, encouraging participation and engagement. I am in support given Old Boys is undertaking full renovations at no cost to Council and appropriate agreements are in place to protect Council from any ongoing maintenance burden. Ensuring Old Boys is responsible for upkeep will help maintain the facility's quality and usability without adding strain to Council resources.

Head of Fleet and Open Spaces

The site was going to be lost for community use with the building proposed for demolition but this arrangement with Old Boys and their planned refurbishment into a sporting clubhouse will create a valuable community asset at no cost to Council. This initiative will enhance local sporting facilities, promote greater participation, and ensure the space remains well-maintained and actively used for years to come.

Public consultation

Council is not required to give public notice of the proposed lease under the *Local Government Act* where a lease is granted under Regulation 70(2)(d)(i) of the *Crown Land Management Regulation 2018*.

Conclusion

In conclusion, it is recommended that Council approve the granting of a lease to Old Boys for a term of five years, with an additional five-year option, at a nominal rent of \$1. This will be facilitated by Council's appointment as the Crown Land Manager for Reserve 87667 and the change of reserve purpose to 'Community Purposes.' To support this, authority should be delegated to the General Manager to submit

the necessary applications to Crown Lands and request Ministerial consent. The proposed lease will enable Old Boys to refurbish the building and continue their valuable community activities with minimal financial burden on Council, given their not-for-profit status and capacity to manage the premises effectively.

Attachment/s

There are no attachments for this report.

Report

Subject	Consent to Assignment of Lease - Nimbin Caravan Park, 29 Sibley St, Nimbin NSW 2480
TRIM Record No	BP25/95:AF12/3778
Prepared by	Property Officer
Reason	The existing Lessee has negotiated a sale of its business and requests that Council in its capacity of lessor consent to the assignment of lease to Truffle Dog Pty Ltd.
Strategic Theme	A prosperous and vibrant city
Strategy	Our community has diverse business and industry, as well as opportunities for investment and growth.
Action	Support and encourage a diverse and competitive mix of business and industry.

Executive Summary

Peter John Mann and Christin Violet Seymour are the existing lessees of the premises known as the Nimbin Caravan Park located at 29 Sibley Street, Nimbin NSW 2480 under registered lease AG448854.

The lessees have negotiated a sale of the business known as Nimbin Crystal Tourist Park and formally requested Council, in its capacity as lessor, consent to the assignment of lease to Truffle Dog Pty Ltd.

Recommendation

That Council:

1. consents to the assignment of registered lease AG448854 from the current lessee, the late Peter John Mann and Christine Violet Seymour to Truffle Dog Pty Ltd ACN 680 516 536
2. delegate authority to the General Manager to negotiate the terms of the Deed of Consent and Assignment of registered lease AG448854.
3. delegate authority to the General Manager to negotiate the terms of the new lease with Truffle Dog Pty Ltd ACN 680 516 536.
4. supports subdividing the land (Lot 6 in DP1248506) into two separate lots, the Caravan Park Area and the Public Pool Complex and Recreational Area

Background

Registered Lease AG448854 between the Council of the City of Lismore and Peter John Mann and Christine Violet Seymour (Lessee) over Folio Identifier 4/1053410 (now Folio Identifier 6/1248506*) and known as the Nimbin Caravan Park and Nimbin Public Pool commenced on 1 July 2011 for a term of 7 years with two further options for periods of 7 years (Lease).

**NB: the lease refers to Lot 4 in DP1053410 as a Plan of Subdivision of Lot 1 in DP 327751 and Lot 4 in DP 1053410 was registered on 27 February 2019 to adjust the boundary between the Nimbin Caravan Park and the Nimbin Bowling, Sport & Recreation Club.*

The Lessee exercised the first option period on 22 November 2017, having a commencement date of 1 July 2018 and a termination date of 30 June 2025.

In September 2024, prior to Mr Mann's passing, the Lessee had entered into an agreement with Truffle Dog Pty Ltd to manage the Nimbin Caravan Park. Truffle Dog Pty Ltd commenced management of the space at this time and have proven to be very effective operators of the site.

Mr Mann had also negotiated the sale of the Nimbin Caravan Park business to Truffle Dog Pty Ltd and on 6 September 2024 the Lessee made a formal request to Council for an assignment of lease AG448854 to Truffle Dog Pty Ltd ACN 680 516 536.

Suitability of Proposed Assignee

Clause 12.2 of the Lease sets out the parties' obligations in relation to a request for an assignment of the Lease. Pursuant to clause 12.2, the Lessee must obtain Council's consent to the assignment prior to any assignment taking place. Such consent may not be unreasonably withheld or delayed where the lessee has satisfied Council, acting reasonably, that the proposed assignee is respectable, responsible, solvent and capable of performing the obligations of the lessee under the Lease.

Council officers have reviewed the proposed assignee's business proposal and supporting documentation and are satisfied that the proposed assignee is respectable, responsible, solvent and capable of performing the obligations of the lessee under the Lease. The business proposal includes the résumés of the proposed director, CEO and COO, detailing their respective experience in the real estate industry, including property management, development and project management and in the legal industry, including regulatory and workplace compliance. The business proposal further includes the proposed assignee's plan for the management of the health and safety of the park and its residents, with health and safety being the number one priority for the proposed assignee.

The Deed of Consent and Assignment of Lease has been prepared by McCartney Young Lawyers acting for Council. The Deed requires the sole director and secretary of Truffle Dog Pty Ltd ACN 680 516 536, to personally guarantee the obligations of the lessee under the Lease. The Deed of Consent and Assignment of Lease provides that the assignment of the lease is to be effected by way of termination/surrender and grant of new lease to the proposed assignee on similar terms to the existing lease.

New Lease

The proposed new lease will be on similar terms to the existing lease but taking into consideration any changes to legislation and regulations since the date of creation of the existing lease. It is also proposed that the new lease allow for the caravan park area (being a private area) and the swimming pool complex/recreational BBQ area (being an area open to the public) to be separated.

The leased area under the existing lease is over the entire Lot 6 in DP 1248506 however the terms of the lease provide that the lessee is only responsible for specific maintenance and operational duties in relation to the public areas of the Lot including the pool complex and require the lessee to open the pool complex to the public during the season. The lessee is paid by Council for these specific services. On this basis the relationship between Council and the lessee may be more appropriately categorised to be a relationship between Operator (Council) and Contractor for Maintenance/Management (lessee).

The inconsistencies in the Lease could lead to issues in relation to the responsibilities of each party in the event of an injury as well as disputes in relation to where the public area starts and ends. For this reason, it would be beneficial for both parties if the leased area was separated from the public space, with the public space to be dealt with by a separate maintenance contract.

If a lease over a part premises is for a term of more than 5 years (including any option of renewal) the *Conveyancing Act* deems that the lease is actually a subdivision of the land, and the provisions under the *Environmental Planning and Assessment Act 1979* (NSW) for subdivisions will need to be complied with. Due to the money invested into the park already by the proposed assignee, the proposed assignee requires a lease with a term of longer than 5 years to secure its investment. The lease currently includes a 7-year option term, therefore to separate the lease from the maintenance contract, a subdivision of the land will be required. Below is an estimate of the area to subdivided as shown on the mock-up plan.



Community Benefit

The continuation of services for permanent occupants is essential, as not assigning leases and taking the park to market would result in a period of disruption. This disruption would not only impact the occupants but would also require the council to take on the responsibility of managing the park during this time. The proposed assignee has operated the business to a high standard, fostering a positive environment and ensuring occupant satisfaction. This proven track record of effective management further highlights the importance of maintaining stability in the park's operations.

Comments

Finance

There are no material adverse financial implications associated with the proposed assignment and subdivision. Finance understand the financial profile remains the same pre and post assignment of the lease.

Other officer comments

Head of Fleet and Open Spaces

Since Truffle Dog took management of the Park, they have demonstrated strong management capabilities and made significant improvements. They have implemented new on-site employees, a new website, strengthened relationships with the Chamber of Commerce, and enhanced pool operations. Critical safety upgrades have been completed, addressing fire extinguishers, fire hoses, and electrical systems.

Additionally, all long-term tenants have been retained, and the park's continuity has been ensured while improving facilities. Rubbish removal and landscaping efforts have further enhanced the park's overall appearance and functionality.

Given the measurable improvements under the new operator's management and their proactive approach to maintaining and upgrading the park, I recommend the lease be assigned to ensure the ongoing success and sustainability of the facility.

Public consultation

Not required. Land is operational.

Conclusion

In conclusion, Council is recommended to approve the assignment of lease AG448854 from the current lessees, the late Peter John Mann and Christine Violet Seymour, to Truffle Dog Pty Ltd, as they have demonstrated the necessary responsibility, financial capability, and experience to uphold the lease obligations. Council should delegate authority to the General Manager to negotiate the terms of both the Deed of Consent and Assignment, as well as a new lease with Truffle Dog Pty Ltd, ensuring the terms reflect both the needs of the lessee and current legal regulations. Furthermore, the subdivision of Lot 6 in DP1248506 into two separate areas—the Caravan Park and the Public Pool Complex—is recommended to clarify operational responsibilities and enhance the management of public and private spaces. This transition will secure the ongoing stability and high standard of operation for the park, benefiting the community by preventing disruptions and ensuring effective management.

Attachment/s

There are no attachments for this report.

Report

Subject	Investments - February 2025
TRIM Record No	BP25/125: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
February 2025	\$104,740,788	\$4,831,644

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
February 2025	\$72,556,650

Socially Responsible Investments

In February the percentage of the portfolio invested in Socially Responsible Investments (SRI) has decreased to 45% from 47%, the total value of SRI's was increased to \$47 million from a \$45 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

February investments returned 4.86%, this is compared to the annualised Bank Bill (BB) Index bank rate of 4.51%. For the 12 months ended February 2025, Council's portfolio has returned 4.96% 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
February 2025	\$104,740,788	\$106,109,249	\$95,270,751	\$96,674,102	4.86%	4.51%	45%

*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 February, Council received payments relating to the second & third rates instalment, incurred operational expenses, such as employee costs, creditor payments, expenditure in relation to the capital works program and has incurred further expenditure on flood restoration works which is yet to be reimbursed.

In addition, Council has approximately \$4.832 million held in various bank accounts; being operational accounts; restricted funds held for grants or held in trust. These are not included in the Investment portfolio.

Council also holds advance flood funding of approximately \$72.557 million to expend on 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%.

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 28 February 2025 was \$47 million, the percentage of the portfolio held in SRI's is 45%, down from 47% the previous month.

* Note - this includes Fossil Fuel Free Investments

Portfolio structure

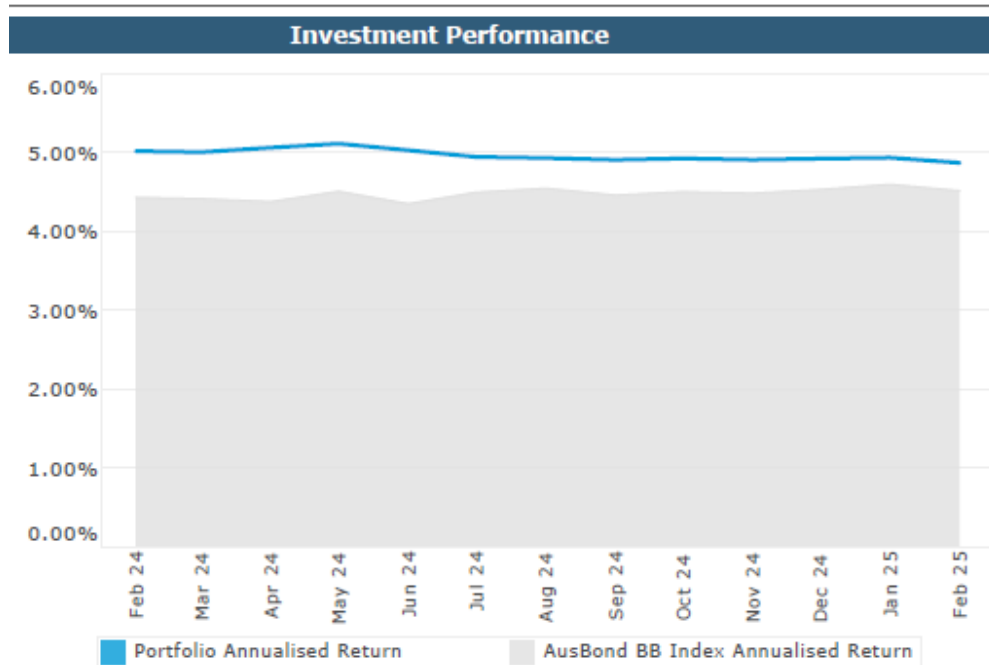
Council is limited in its investment options in accordance with the Minister’s Investment Order and the Investment Policy adopted by Council. The current portfolio is split between cash and fixed deposits. These offer a lower return to other products however have a greater security around capital protection.

Lismore City Council Executive Summary - February 2025

Investment Holdings

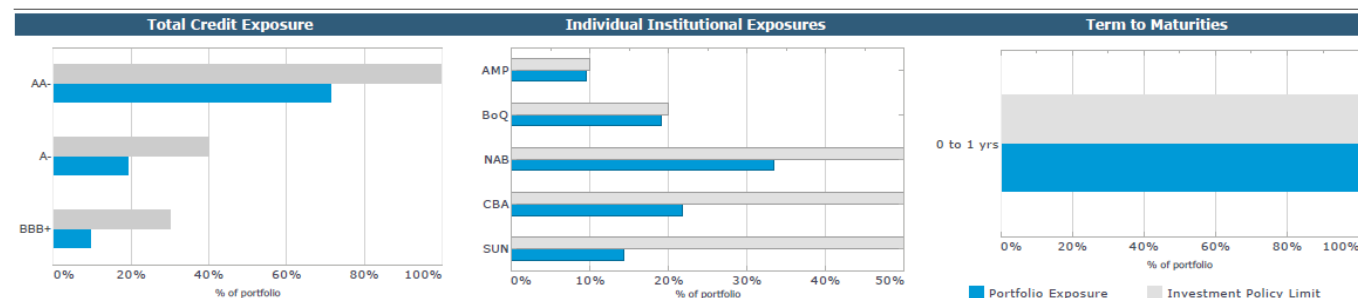
	Face Value (\$)	Current Value (\$)	Current Yield (%)
Cash	22,740,788	22,740,788	4.4787
Term Deposit	82,000,000	83,368,461	4.9795
	104,740,788	106,109,249	4.8708

Investment Performance



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

Compliance with Policy Requirement



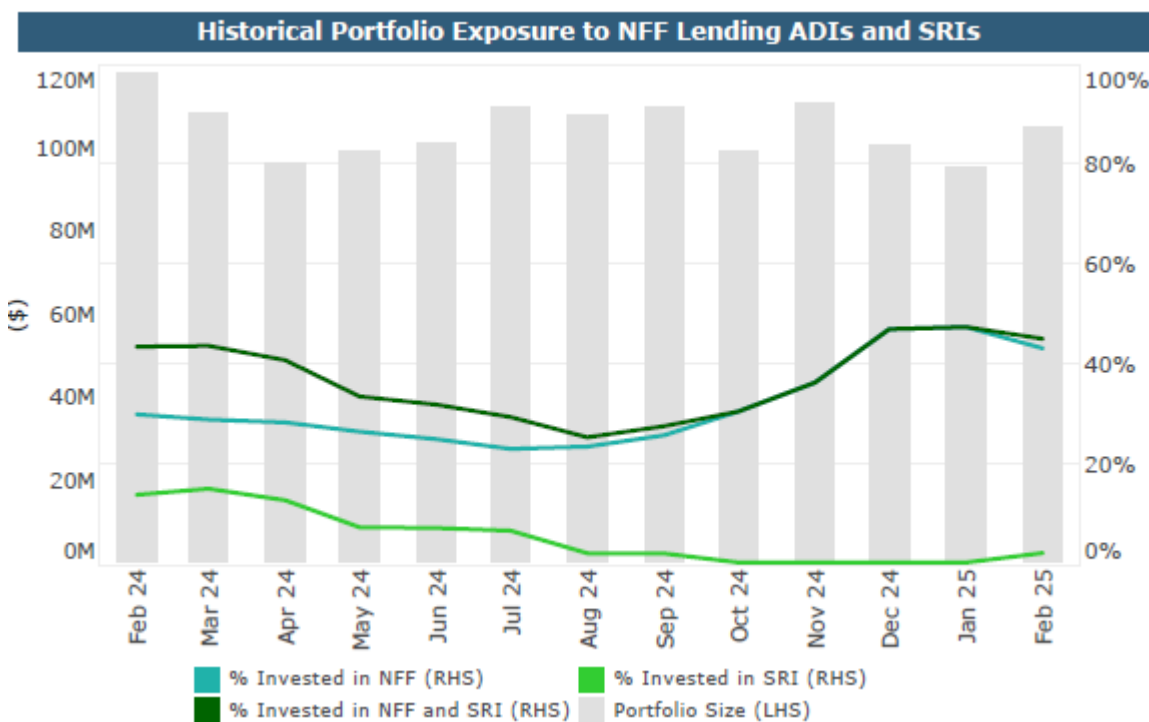
Socially Responsible Investments (SRI's)

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

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

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

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



Maintaining adequate liquidity to progress flood restoration works.

An additional constraint on Council moving to Ethical Investments is the requirement to maintain appropriate liquidity to ensure flood restoration works continue within an acceptable timeframe whilst waiting for reimbursement from NSW and Australian Government agencies. Whilst Council has received some advance funding for specific works there is a need to maintain liquidity for works that are outside this scope approved.

The following amount has been included in the Investment Portfolio - Commonwealth Bank of Australia \$22,726,008. This is a short-term overnight money account and is used for liquidity purposes, that is to provide access to funds to meet Council's short term payment commitments. This account is a fossil fuel investment however Council is restricted in its options of available providers to provide short term liquidity whilst providing returns greater than the cash rate.

If these accounts are excluded, then Council's Ethical Investment ratio is 54.89%.

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 February 2025 is provided.

Attachment/s

1. LCC February 2025 Prudential Investment Report (Over 7 pages)

Report

Subject	Advisory Groups
TRIM Record No	BP24/1072:EF13/463-7
Prepared by	Executive Officer - General Manager and Mayor & Councillors
Reason	To determine the future of Council's Advisory Groups
Strategic Theme	Leadership and participation
Strategy	We provide effective management and responsible governance.
Action	Ensure the efficient and effective operation of Council.

Executive Summary

In 2024 following the council elections it was decided to undertake a review of Lismore City Council's advisory groups and assess the future of the groups and the best way to continue engagement with the many diverse communities within the local government area (LGA).

Recommendation

That:

1. the Aboriginal, Sister City, Nimbin and Disability Inclusion Advisory Groups and Koala Implementation Group be disbanded
2. a Committee be established for the organisation of the Sister City Exchange Program

Background

At the 15 October 2024 Council meeting it was resolved:

That:

5. *a briefing be held, as a matter of priority, to discuss the Terms of Reference for the Aboriginal Advisory Group, Disability Inclusion Advisory Group, Nimbin Advisory Group, Sister City Advisory Group, Lismore Villages Advisory Group and the Disaster Management Committee*

At the 12 November 2024 Council meeting it was resolved:

That:

1. *the Question on Notice response provided in this report be noted*
2. *a briefing be held relating to a Koala Advisory Group prior to or during the advisory groups briefing*

A councillor briefing was held on 28 November 2024.

At the 11 February 2025 Council meeting it was 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.

Council currently has the following advisory groups:

- Sister City (SCAG)
- Aboriginal (AAG)
- Disability Inclusion (DIAG)
- Nimbin (NAG)
- Koala Implementation Group (KIG)

An email was sent to all community members of each group, 39 in total with 12 responses received.

The majority were happy to continue the groups, however did not like the formal meeting processes. Only two AAG members responded and both would like to see it disbanded.

In 2023 new Terms of Reference were resolved by Council as the meetings had moved away from the original purpose, that being to provide advice to officers on projects being undertaken by Council. The advisory group members were making decisions which were also committing Council to works which were not linked to a funding source.

DIAG

Council's Stakeholder Engagement team has strong relationships with local disability support services and community members with lived experience.

AAG

The team is continuing to work with existing channels to create effective and meaningful engagement with First Nations peoples across the Lismore LGA. This adopted approach is tailored, flexible and connects with existing and recognised Aboriginal community organisations that are owned and managed by the local community members. This includes engagement with the Widjabul Wia-bal Gurrumbil Aboriginal Corporation RNTBC as the registered native title body corporate that holds native title on trust.

Council is currently developing a Community Engagement Strategy and Aboriginal Engagement Framework. This may include regular and targeted means of engagement throughout the LGA, for example quarterly listening posts at a village providing the community the opportunity to speak to councillors and officers about matters of concerns as well as upcoming projects.

YAG

Council's Stakeholder Engagement team has gathered feedback from local youth and youth organisations and government departments between 2023 and 2025 that traditional youth advisory committee/group models often fail to effectively engage young people or capture diverse perspectives due to barriers to participation. Based on the success of the High Schoolers Haven (HSH) Pilot Program and ABC Takeover Lismore, platforms which combine interactive, youth-led activities with opportunities for input, offer a more flexible, accessible and inclusive model for engaging youth and connecting them to Council's projects and long-term goals.

Kyogle Council in the past had a youth group, however it ceased due to declining engagement. Tweed Shire Council's Youth Council has also ceased. Clarence Valley Council supports Clarence Youth Action which is youth-led. This model empowers young people to take ownership, allows youth voices to flourish and creates an inclusive and effective platform for change. Ballina Shire Council recently resolved to hold an annual youth forum.

KIG

In relation to the KIG, it looks at the management actions contained within the Comprehensive Koala Plan of Management (CKPoM). It is recommended to establish an expert stakeholder reference group and report yearly to Council on the actions from the CKPoM.

If the groups were to continue, and/or YAG established, resourcing, both financially and an officer, would need to be provided for both the administration of the groups and any actions forthcoming.

The Disaster Management Committee will be discussed at a future councillor briefing when the Disaster Management Framework is finalised.

If advisory group are retained, the current Terms of Reference need to be continued to ensure good governance and transparency.

Attachment/s

There are no attachments for this report.

Report

Subject	Councillors Expenses and Facilities Policy - July 2024 to December 2024 Reporting
TRIM Record No	BP25/15:EF19/668-7
Prepared by	Executive Officer - General Manager and Mayor & Councillors
Reason	To satisfy the six monthly reporting requirement of the Councillors Expenses and Facilities Policy
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 Councillors Expenses and Facilities Policy was reviewed and readopted by Council in June 2023.

The policy requires a six-monthly report to Council on the provision of expenses and facilities to councillors including a summary of expenses for each councillor.

The period covered by this report is from 1 July to 31 December 2024.

The adopted report will be published on the Council’s website.

Recommendation

That Council receive and note the report.

Background

Policy 1.2.23 – Councillors Expenses and Facilities was reviewed and readopted by Council in June 2023 with minor changes. The policy sets requirements for reporting back to Council on a six-monthly basis. Clause 15 states:

15.1. Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.

15.2. Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every six months and published in full on Council’s website. These reports will include expenditure summarised for each councillor.

Attachment/s

- [1.↓ Councillor Expense Report - July-December 2024](#)

Lismore City Council Councillor Expenses July-December 2024	0330: Professional Development	0331: Reimbursement Private Vehicle Usage	0395: Telecommunications Services	0396: Telecommunications rentals	0403: Meetings & Conferences & Courses	1480: Travel - Interstate &	TOTAL
4923: Cook, Darlene	0	300	0	0	0	0	300
4934: Ekins, Vanessa	0	479	139	134	0	0	752
5651: Bird, Elly	0	0	0	0	0	0	0
5652: Colby, Peter	0	0	0	0	0	0	0
0903: Battista, Gianpero	0	38	54	0	0	0	92
0904: Dalton-Earls, Harper	0	0	0	0	0	0	0
0905: Knight-Smith, Jasmine	2,447	0	0	0	0	0	2,447
0906: Waters, Virginia	12	0	0	0	0	0	12
4949: Guise, Adam	0	61	218	0	0	0	279
5650: Bing, Andrew	1,171	0	0	0	0	0	1,171
5653: Gordon, Andrew	490	0	0	0	0	0	490
5654: Hall, Jeri	2,784	0	0	0	0	0	2,784
5655: Jensen, Electra	1,244	0	0	0	0	0	1,244
5656: Kreig, Steve	1,079	0	0	0	4,635	0	5,732
5657: Rob,Big	0	0	182	0	0	0	182
0999: Miscellaneous Expense	6,913	0	0	0	0	0	6,913
Total	16,140	878	593	134	4,653	0	22,398

Notices of Motion / Questions with Notice



Notices of Motion / Questions with Notice

Subject **Mayoral Attendance Report**

TRIM Record No BP25/108:EF19/25-7

That Council receives the Mayoral Attendance Report for February 2025.

February

- 3 Media Event: Library Reopening
- 4 Councillor briefing
- 5 Rous County Council workshop
 Business Lismore Flood Plan Workshop
- 6 Fijian Delegation
 Business NSW ATO Session
- 7 Trinity College HSC High Achievers Assembly
- 10 Media Event: Legends of Cricket
- 11 Council meeting
- 14 Media Event: Adam Gilchrist Pavilion unveiling
 Legends of Cricket Golf Day
- 15 Legends of Cricket Breakfast and T20 Match
- 17 Northern Rivers Community Leaders Forum
 Insurance Council of Australia Business Roundtable
- 18 Councillor briefing
- 19-20 Regional Cities NSW
- 21 Northern Rivers Joint Organisation
 ArtExpress Opening
- 22 Country Championships
- 25 Meeting with Dave Layzell MP
- 26 Destination North Coast Board meeting
- 27 Meeting with NSW Reconstruction Authority
 Extra Ordinary Council meeting

Attachment/s

There are no attachments for this report.

TRIM Record No: BP25/108:EF19/25-7

Notices of Motion / Questions with Notice



Lismore Library Reopening



Fijian delegation



Adam Gilchrist Pavilion



ArtExpress Opening



Regional Cities NSW

Notice of Motion / Question with Notice

Councillor Jasmine Knight-Smith has given notice of intention to move:

That Council elect a new representative for the Richmond Tweed Regional Library.

Councillor Comment

Outcome Sought

Councillor Knight-Smith is unable to attend RTRL meetings due to outside commitments.

Cost of Implementing

Nil

Funding Source

Not applicable

Officer Consulted

Executive Officer

Officer Comment

Executive Officer – General Manager and Mayor & Councillors

The current Council representatives are Councillors Knight-Smith and Dalton-Earls, with Councillor Waters as an alternate.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP25/122:EF19/25-7

Notice of Motion / Question with Notice

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

That Council conduct a review of the Onsite Sewerage Management with view to update to the most current standards and guidelines.

Councillor Comment

Outcome Sought

To ensure council is undertaking best practice regarding the OSSM

Cost of Implementing

Unknown

Funding Source

Staff costs

Officer Consulted

Chief Corporate & Community Officer

Officer Comment

Senior Regulatory Services Officer – On-site Sewage Management

In 1998 the NSW Government introduced changes to on-site sewage management regulations in response to the need for improved health and environmental outcomes and released the publication *'Environmental & Health Protection Guidelines - On-site Sewage Management for Single Households'* (*Silver Book*). The Guidelines encourage Councils to develop local strategies for domestic sewage management as part of the Local Government Act management planning process for council services and the Environmental Planning and Assessment Act planning process for land use controls.

Councils On-site Sewage management program was developed, supported by a Council/community working group, resulting in the adoption of Councils *On-site Sewage and Wastewater Management Strategy 2003*. Subsequent formal reviews of the Strategy have been completed in 2007 and 2013 and administrative review 2019. The Strategies key foundation documents the *'Silver Book'* and *AS/NZS 1547:2012 – On-site domestic wastewater management* are current publications. The Strategy is representative of best practice and a model document for the delivery of sustainable on-site sewage management outcomes.

The Office of Local Government (OLG) issued *Circular No 23-07/27 June 2023 – Draft update of the Environment and Health Protection Guidelines: On-site Sewage Management for Single Households (Silver Book)* as part of a review/consultation phase with the objective to up-date the *'Silver Book'* in response to modern expectations, technological advancements, scientific literature and emerging trends in on-site sewage management. OLG anticipated the release of the final version late 2023. OLG have advised that the *'Silver Book'* is in the final review stages and is anticipated to be published in coming months.

The next formal review of Councils Strategy was programmed following the release of the final version to enable a comprehensive review. In anticipation of the release of the final version of the *'Silver Book'* review of Councils Strategy has been incorporated into the Regulatory Services Operational Plan for this year. Review activities have commenced, and it is anticipated that the matter will be presented to Council during the second half of this year.

Notice of Motion / Question with Notice

Attachment/s

1. [↓](#) Circular No 23-07 - Draft Update of the Environment and Health Protection Guidelines: Onsite Sewage Management for Single Households (Silver Book)

TRIM Record No: BP25/68:EF19/25-7

Matthew Kelly

From: Office of Local Government <newsletter@info.olg.nsw.gov.au>
Sent: Wednesday, 28 June 2023 6:00 PM
To: Records
Subject: Council Circular 23-07 Draft update of the Environment and Health Protection Guidelines: Onsite Sewage Management for Single Households (Silver Book) (Amended)

CAUTION: This email was sent from outside our organisation. Be cautious, particularly with links and attachments unless you recognise the sender and know the content is safe.




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Council Circular

27 June 2023

23-07 Draft update of the Environment and Health Protection Guidelines: Onsite Sewage Management for Single Households (Silver Book)

Circular Details	Circular No 23-07 / 27 June 2023 / A858665
Who should read this	General Managers / Environmental Health Officers / Council Water Utilities
Contact	Policy Team / (02) 4428 4100 / olg@olg.nsw.gov.au
Action Required	Request for feedback
PDF Version of Circular	 23-07 Draft update of the Environment and Health Protection Guidelines: Onsite Sewage Management for Single Households (Silver Book)

What's new or changing

- The Silver Book is undergoing a review and update to bring it in line with modern expectations, technological advancements, the latest scientific literature and emerging trends in land use.
- The Office of Local Government (OLG) is now seeking feedback on a draft update.

What this will mean for your council

- Councils regulate the installation and operation of Onsite Wastewater Management (OWM) systems and rely heavily on the guidance provided in the Silver Book.
- An updated Silver Book will provide councils with increased confidence that their approval processes achieve desired public health and environmental outcomes.
- The aim of the review is to increase the consistency by which councils across the state carry out their OWM responsibilities and improve clarity around councils' responsibilities.
- Feedback received will be carefully considered and will help inform any required changes prior to release of a final version later this year.

Key points

- The Silver Book remains the primary reference document for OWM in NSW. It is also referenced by other industry participants, including wastewater consultants, environmental engineers, suppliers, installers and service technicians.
- Sector opinion of the required scope of the draft update was gauged through a survey carried out in late June 2022. The survey highlighted the sector's pressing concerns and key priorities. This information and feedback helped shape the development of this draft update.
- The Silver Book was developed under the guidance and direction of OLG, NSW Health, the Department of Planning and Environment – Water (Town Water Risk Reduction Program) and WaterNSW.
- The update includes a new model OWM strategy that councils may wish to refer to and/or adapt when next reviewing their strategies. It is based on a desktop review of several councils' current strategies to come up with a best practice approach.
- The regular review and updating of strategies is encouraged to ensure they remain relevant and useful tools for operational management of new and existing OWM systems.

Where to go for further information

- A copy of the draft update is available on the OLG website at <https://www.olg.nsw.gov.au/councils/council-infrastructure/services-to-communities/on-site-wastewater-management/>
- The consultation period closes on **21 July 2023**.
- Councils are requested to submit their feedback using the template available at the above link.
- For further information, contact OLG's Policy Team on (02) 4428 4100.

Ashley Albury
Acting Deputy Secretary
Office of Local Government

Notice of Motion / Question with Notice

Councillor Gianpiero Battista has given notice of intention to move:

That Council:

1. abolish the special business rates for Lismore inner CBD and Nimbin
2. rate all businesses throughout the local government area equally with revenue towards promotional activities

Councillor Comment

Outcome Sought

The aim of the motion is to make sure our CBD rates are affordable and equitable with respect to all other businesses operating in the Lismore LGA.

We need to have a vibrant and competitive CBD and this motion aim is to achieve that by making the inner CBD rates fair and more competitive.

Cost of Implementing

Nil

Funding Source

Nil

Officer Consulted

Finance team

Officer Comment

Head of Finance

It's critical that any proposal to adjust rates be cognisant of the impact on the overall financial position of the General Fund. This is particularly the case given the current unrestricted cash balance.

Abolishing these would mean a loss of \$264,500 plus yearly rate-peg increases (without corresponding adjustment). Council currently raises a total of \$517,000 for the Lismore SBRVL (Citysafe and Promotional combined). Of that amount the Inner CBD contribute all of the Citysafe revenue (\$221,500) and a relatively small part of the Promotional revenue (\$25,000). The City Activation Coordinator is funded through the Lismore SRV. Without this fund, there is no resource available to plan and deliver activations and promotions

A further \$18,000 is raised from Nimbin business properties under a separate SBRVL.

The below table shows the estimated impact to the General Fund if implemented in the 2025-2026 financial year.

	2024/25 Income	Average	2025/26 Income	Average	Change
Business - Urban	4,883,086	5,606	5,505,089	6,320	714
Business - Inner CBD	1,798,744	7,687	588,242	2,514	(5,173)
Business - Other	181,673	2,216	593,397	7,237	5,021
Nimbin Business	116,973	2,853	293,748	7,165	4,312

Notice of Motion / Question with Notice

The next table is just amalgamating Urban and Inner CBD with no impact on the other two sub-categories.

	2024/25 Income	Average	2025/26 Income	Average	Change
Business - Urban	4,883,086	5,606	6,043,167	6,938	1,332
Business - Inner CBD	1,798,744	7,687	638,663	2,729	(4,958)

Importantly materially a large number of rate payers will be adversely impacted by this proposal.

Accordingly, it is recommended further discussion with Council as part of a workshop (or in a budget submission) to ensure financial sustainability and equity across ratepayers.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP25/121:EF19/25-7

Notice of Motion / Question with Notice

Councillor Big Rob has given notice of intention to move:

That Council:

1. immediately implement all available options to facilitate the removal of the Pine Street alleged criminals from Pine Street North Lismore, including the regular removal of items from public space, the issuing of warnings and infringement notices to anyone illegally camping, vanpacking and holding events without approval, and the regular inspection of structures to determine if they are still ok to be occupied if these actions are permitted
2. write to the Richmond Police District Commander to seek a formal explanation relating to why individuals who have broken into, damaged, stolen from, and continue to remain on inclosed lands, have not been arrested and charged with any offences or forcibly removed from the inclosed lands even though the owners have asked for police assistance
3. write to Janelle Saffin, our State Member of Parliament, asking her to seek out any assistance available to help with the removal of the Pine Street alleged criminals, including seeking out an explanation relating to why police are failing to act to prevent ongoing criminal activity in our area, which is resulting in increasing criminal activity and anti-social behaviour
4. write to Kevin Hogan, our Federal Member of Parliament, asking him to seek out any assistance available to help with the removal of the Pine Street alleged criminals, including possible action relating to the cancellation of visas where appropriate on character grounds under section 501 of the *Migration Act 1958*.

Councillor Comment

Outcome Sought

Removal of the Pine Street alleged criminals to prevent and reduce continuing criminal activity in North Lismore.

Cost of Implementing

Subject to available funding

Funding Source

Not applicable

Officer Consulted

Not applicable

Officer Comment

Head COO Shared Services

Council only has authority dealing with camping in parks and reserves. Signs are erected under Section 632 of the *Local Government Act*, allowing Council to prohibit certain activities e.g. No Golf, No Fires, No Camping. This does not carry for road reserves or public streets.

NSW Police have General "Move On" Powers:

Under Section 197 of *Law Enforcement (Powers and Responsibilities) Act*, a police officer may issue a direction to a person in a public place if they reasonably believe that the person's behaviour or presence:

- is obstructing another person or traffic;
- constitutes harassment or intimidation of others;
- is causing or likely to cause fear to others, provided such fear would be reasonable;

Notice of Motion / Question with Notice

- is for the purpose of unlawfully supplying or obtaining prohibited drugs.

Any direction given must be reasonable and aimed at mitigating the identified issue, such as reducing obstruction or preventing harassment.

Officers have written to NSW Police Richmond Local Command in relation to issuing infringement notices and have received advice that action is being undertaken.

WHS risk to officers must also be taken into consideration.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP25/116:EF19/25-7

Notice of Motion / Question with Notice

Councillor Big Rob has given notice of intention to move:

That Council review the structure, management, implementation and costs associated with the Back Alley Gallery, and report back to council with options to convert the Back Alley Gallery to an Aboriginal Back Alley Gallery, subject to available funding.

Councillor Comment

Outcome Sought

Graffiti is ugly and can be seen everywhere. The Back Alley Gallery is ugly and poorly kept. It has also been impossible to identify who is behind it and how it is managed. Our city is looking ugly. Graffiti can also be seen in every city and major town around the world. What cannot be seen anywhere is an Aboriginal Back Alley Gallery.

The original concept was to bring tourists to the area. The project has failed dismally, possibly because graffiti can be seen everywhere. Imagine instead an Aboriginal Back Alley Gallery presenting Dreamtime stories in images, requiring visitors to walk through the laneways to see the visual stories on the walls.

It is time we looked for a point of difference which will almost certainly bring tourists to Lismore. There is nowhere in the world that has an Aboriginal Back Alley Gallery. It is time to stop being a follower and start leading the way. A successful project will not only bring more people to Lismore, but may also see business opportunities emerge for our local Aboriginal people to create and sell more local art.

Cost of Implementing

Subject to available funding

Funding Source

Not applicable

Officer Consulted

Not applicable

Officer Comment

Manager Destination and Economy

The Back Alley Gallery (BAG) is an independent unincorporated organisation run by local artists and volunteers, which began in 2011. As experts in their field, BAG commissions local and internationally-renowned street artists to create painted artworks on Lismore Laneways walls (which are all privately owned). BAG manages engagement with key stakeholders including laneways property owners, business and creative community.

Whilst the value of Lismore's street art is recognised and is in line with Council's Destination Management Plan and Lismore Business Activation Plan, the Back Alley Gallery is not an activity Council is responsible for delivering or maintaining.

An option may be to enter into a partnership with The Back Alley Gallery entity to commission a series of installations delivered by local indigenous artists. Funding would be required.

Attachment/s

There are no attachments for this report.

Notice of Motion / Question with Notice

TRIM Record No: BP25/117:EF19/25-7

Notice of Motion / Question with Notice

Councillor Big Rob has given notice of intention to move:

That Council:

1. freeze Business - Inner CBD rate increases until parity with Business - Urban rates is achieved; and
2. report to Council regarding the opportunity to adjust the relevant ad valorem rates to achieve parity by a pre-determined date

Councillor Comment

Outcome Sought

It is time to ease the rates burden on our inner CBD businesses. It was previously done but later overturned by a further resolution of council. Such a small number of businesses should not be so overburdened when the wider community benefits from the using the CBD.

Cost of Implementing

To be determined

Funding Source

Not applicable

Officer Consulted

Not applicable

Officer Comment

Head of Finance

There are several factors to consider in this proposal particularly having regard to the financial profile of the General Fund, Council's long term financial plan and impact on ratepayers (particularly those that may be adversely impacted).

Significant further financial modelling and analysis is required to properly assess timeframes to achieve parity and assess impact on rates and ratepayers.

It is recommended further discussion and exploration of alternative options at a workshop to ensure Council maintains fairness and sustainability in the rate structure.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP25/114:EF19/25-7

Notice of Motion / Question with Notice

Councillor Adam Guise has given notice of intention to move:

That Council accept cash for payments at the Revolve Shop, Lismore Recycling and Recovery Centre.

Councillor Comment

Outcome Sought

That cash be accepted as legal tender. Revolve Shop customers are unable to pay with cash despite it being legal tender.

Cost of Implementing

Nil

Funding Source

Not applicable

Officer Consulted

Via councillor request

Officer Comment

Head of Water and Waste

Officers are reviewing measures to implement and install suitable safe and secure cash handling facilities similar to the Weighbridge and the Return and Earn areas.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP25/120:EF19/25-7

Notice of Motion / Question with Notice

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

Can the General Manager please outline the history and details, including the supply of relevant documents (including correspondence) of the offer of a lease on 22 February 2024 to the Richmond River Historical Society.

Can the General Manager please let Council know when the license as passed by resolution in May of 2024 will be executed.

"Resolved that Council note the following documents be executed as negotiated under delegated authority by the General Manager: ... Item 4 License with Richmond River Historical Society Inc (ABN 58 478 170 223) over Ground Floor Suites 7-8 and the entire First Floor, 165 Molesworth Street, Lismore (being part Lot 1 in DP 118542) for a five-year term to facilitate the maintenance of an archive containing materials and historical artefacts that encapsulate the unique essence of the region. (Ref: AF12/3803)"

Can the General Manager please outline any and all grants received by Lismore City Council pertaining to Lismore Regional Museum. Can the General Manager please outline the legal consequences of those grants, where they exist, in circumstances where Lismore Regional Museum does not move into 165 Molesworth Street.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP25/113:EF19/25-7

General Manager's response:

As previously highlighted in the City Notes - 10 February 2025, Council's resolution in May 2024 does not pertain to the offer of a lease/licence over the Municipal Building to the Richmond River Historical Society (RRHS). Under the delegated authority, the General Manager is empowered to execute the negotiations with RRHS. There were preliminary negotiations, but no draft lease was prepared. Therefore, a formal Council resolution is not required to rescind the offer.

Council received a grant of \$104,000 from Create NSW under the CLIRP Arts and Culture Priority Needs Program (PNP) to undertake building restoration work of the Municipal Building. The scope approved in the grant was not dependent on any particular tenant, as it related to maintaining the building as a cultural and heritage asset for the community in perpetuity. There are no legal consequences to the grant in Council choosing to reassess the use of this civic asset, as Council will be upholding the intent of the grant by completing the work. This has been discussed with Create NSW.

Council is not privy to the details of any funding arrangements that may have been sought by RRHS.

Notice of Motion / Question with Notice

Councillor Big Rob has put the following question with notice:

Can the General Manager please provide:

- an accurate cost breakdown of what has been spent to establish the Bentley to South Lismore section of the Rail Trail to date, including all grant funding actually received, any ratepayer funds already used to establish the Rail Trail, any connecting infrastructure and any expected expenditure on finishing the Rail Trail and connecting infrastructure going forward
- the cost of maintaining the Rail Trail to date and going forward
- any unexpected costs which have come up
- the cost to date and any ongoing costs related to staff pursuing additional sections of the Rail Trail, together with their current expected cost to establish if funding is identified?



Attachment/s

There are no attachments for this report.

TRIM Record No: BP25/115:EF19/25-7

General Manager's response:

Below is the expenditure to date, any Council works (e.g. signage, slashing etc.) were funded by the recycling credit.

Unexpected or unknowns were mainly:

- poor ground conditions, e.g. the low point outside of town, the subgrade was stabilized and trail concreted for flood longevity
- drainage was heavily silted in places, notably on Kyogle Road, this was cleared from the rail trail to the levee wall as well as several other areas

Council officers have been meeting with Tweed, Richmond Valley and Byron Council officers to discuss the formulation of a Memorandum of Understanding, Governance Model and overall coordination of the management, maintenance and marketing of the Northern Rivers Rail Trail. Costs would be shared between member councils. This figure is currently undetermined and at this stage no commitments have been made by LCC.

Notice of Motion / Question with Notice

The Regional Precincts and Partnerships Program funding submission was submitted last year for the next stage. There are no ongoing costs related to this, funding submissions as they arise will be submitted for future sections, the business cases for these were conducted externally.

The business case from 2023, estimated the remaining sections from Lismore to Booyong at \$37 million.

Building Better Regions Fund - Round 5	\$ 9,918,615.00
TfNSW cleanup	\$ 55,000.00
Recycling Credit	\$ 648,000.00
Nesbitt connection & carpark - 7.11 funding	\$ 272,618.62
Total funding	\$ 10,894,233.62
Project Management - External	\$ 317,905
Surveying, RSA, SRZ	\$ 110,362
Detailed Design	\$ 491,167
Planning approvals & studies	\$ 112,075
Biosecurity	\$ 22,000
Geo-Tech	\$ 21,170
Flood Cleanup	\$ 123,005
Main Contractor	\$ 9,221,180
Designs - trail elements	\$ 52,720
Maintenance (ongoing)	\$ 300,000
Landscaping, signage, screening, misc	\$ 122,649
Total spending	\$ 10,894,233.23

Notice of Motion / Question with Notice

Councillor Big Rob has put the following question with notice:

Can the General Manager provide an update to council relating to where the North Lismore Plateau Land Giveaway is up to, whether the appropriate Traditional Custodians and a representative entity or structure they agree to have been identified to facilitate transfer, if an entity or structure has been identified, details relating to the intended recipient of the land giveaway, and whether any discussion has occurred or progressed relating to post flood housing options on the available residential land?

Attachment/s

There are no attachments for this report.

TRIM Record No: BP25/118:EF19/25-7

General Manager's response:

At the 11 June 2024 Council meeting it was resolved that:

a. i) Council enter negotiations with the Widjabul Wia-bal Gurrumbil Aboriginal Corporation RNTBC (ICN 9856), being the registered native title body corporate that holds native title on trust for Widjabul Wia-bal for the transfer of land ownership of North Lismore Plateau land (NLP land) comprising of Lot 1 in DP 772627, Lot 12 in DP 844585 and Lot 1 in DP 118556

LCC has been working to coordinate a suitable meeting time since August 2024.

The General Manager and officers attended an introductory meeting with the Widjabul Wia-bal Gurrumbil Aboriginal Corporation RNTBC on 3 March 2025. Next steps include an site inspection of the land.

Notice of Motion / Question with Notice

Councillor Big Rob has put the following question with notice:

Can the General Manager please provide details relating to Arts Northern Rivers, its structure, cost to ratepayers, how the governing body can influence decision making, how those benefiting financially are selected, and any reasons why council should continue as a member?

Attachment/s

There are no attachments for this report.

TRIM Record No: BP25/119:EF19/25-7

General Manager's response:

As previously advised, 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.

Council paid an annual contribution of \$33,755 in 2024-2025.

Council is represented by one councillor on the Board.

How artists or organisations are selected for projects is for the Board to determine.

Arts Northern Rivers is the peak arts organisation for the Northern Rivers region, servicing seven local government areas and is one of 15 Regional Arts Development Organisations that make up Regional Arts NSW, which provides strategic direction for sustainable arts development across the state.

Notice of Motion / Question with Notice

Councillor Adam Guise has put the following question with notice:

When will Council be replacing the two white traffic guideposts that were removed eight months ago from the western side of Wyrallah Road close to the River Bank Road intersection at Monaltrie?

When will Council be fixing the third knocked down one?

Attachment/s

There are no attachments for this report.

TRIM Record No: BP25/123:EF19/25-7

General Manager's response:

Council has replaced the guideposts on the western side of Wyrallah Road near River Bank Road. Council in its inspection has identified further guideposts to install on River Bank Road near the intersection that have been logged as a works job that will be attended to on a priority needs basis.

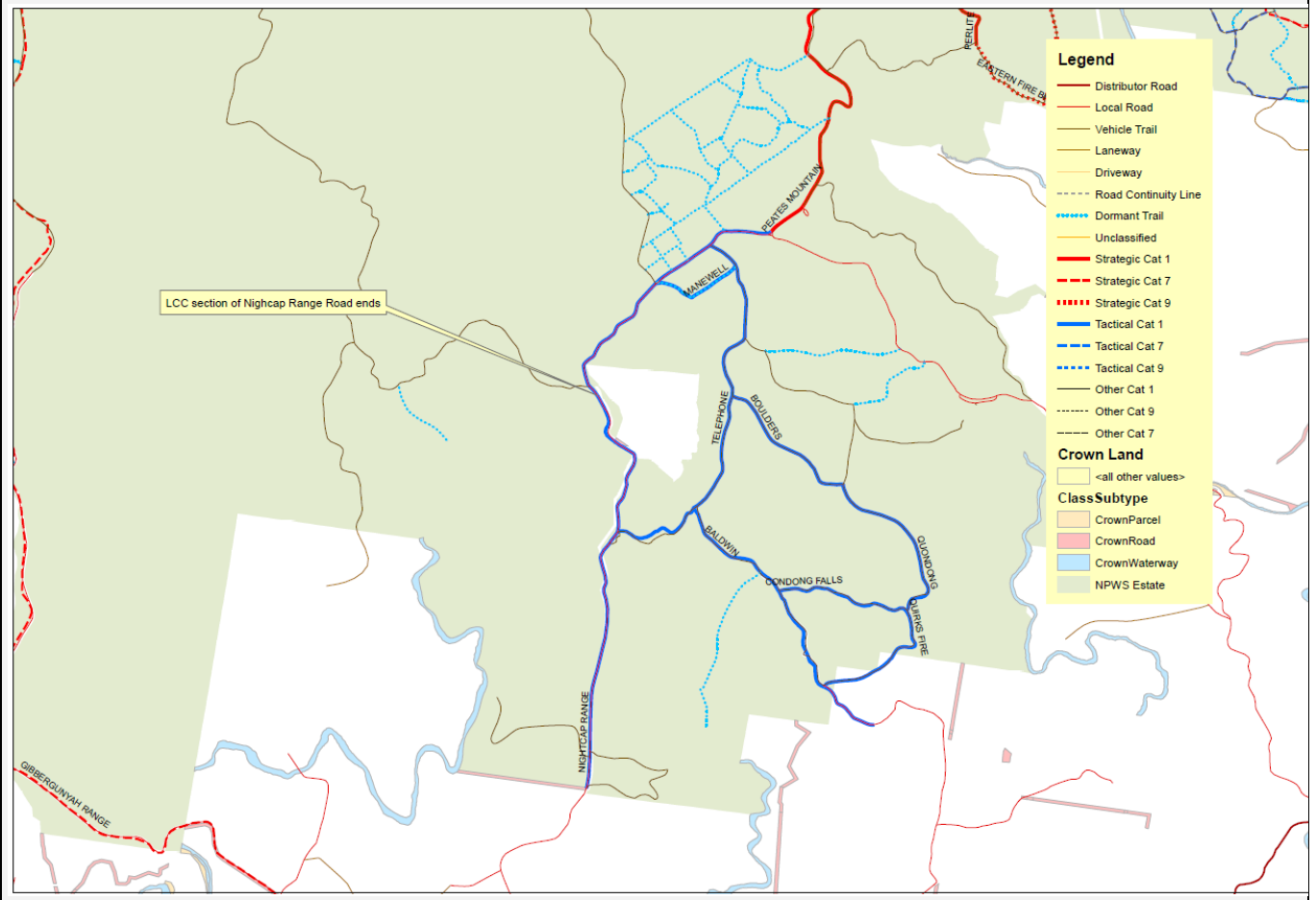
Notice of Motion / Question with Notice

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

Can you General Manager please explain why Wallace Rd and Nightcap Range Rd have not been maintained to the designated Category 1 Fire Access and Fire Trail (FAFT) standard?

Has this issue been under discussion for two years without action being taken?

Is Lismore City Council responsible for the southern section of these roads and NPWS for the northern section?



Attachment/s

There are no attachments for this report.

TRIM Record No: BP25/124:EF19/25-7

**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

AGAINST	Deb McKenzie
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Notices of Motion / Questions with Notice

12.2 Property Strategy

AGAINST	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

FOR	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

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

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

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)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Council Minutes

11 February 2025

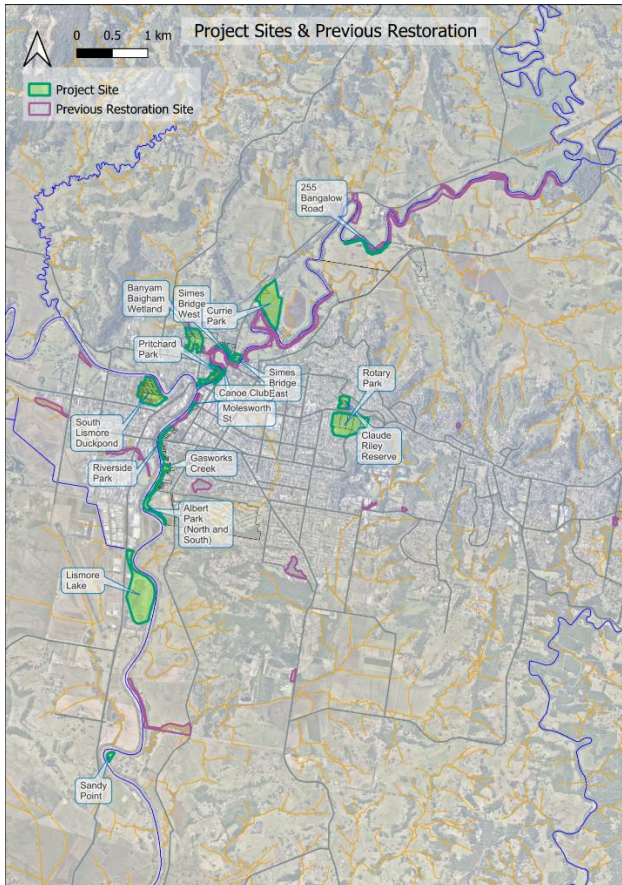
including public land sites in the Lismore urban environment and a number of private land sites. The proposal is for the delivery of individual projects through the consortium members, with council providing administrative oversight.

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.



12.12 Policy Number 3.1.1 Definition of Nuclear Free Peace Zone Policy

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

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

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

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

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

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

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

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

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;
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.
(Councillors Gordon/Dalton-Earls)	
Voting for:	Councillors Battista, Bing, Dalton-Earls, Gordon, Guise, Jensen, Knight-Smith, Krieg, Rob and Waters
Voting against:	Nil
Absent:	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)

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

MAYOR

Confidential Report

Report

Subject	Tender T24/26 Redevelopment of Damaged Recreation Courts to Multi-Purpose Courts - Perradenya Estate
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:

- 
- 
- 
- 
- 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

						All Sports Projects
PRICE	WEIGHT					
Price (Incl GST):						\$371,672.68
Average Price:						
Priced Score:						4.02
Standardised Score:						10.0
Weighted Price Score						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	█					40
TOTAL WEIGHTED NON-PRICE SCORE	█					44
TOTAL SCORE	100%					84
RANK		4	2	5	3	1

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]
- [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

Council Minutes 11 February 2025

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
Scored Criteria													
Price								5.0	12.5				
Capability and Experience								8.3	29.2				
WHS, Risk Management and QMS								7.7	7.7				
Enivroment 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
Rank			2		6		4		1		7		5
Price (Exl GST):								\$359,372.79					
Average Price:	\$345,221.12												
Priced Score:								2.30					
Standardised Score:								3.1					

**MINUTES OF THE CONFIDENTIAL 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, 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 Schubert, Technology Support Officer; Ms Cotterill, Governance & Risk Manager and Mrs Mitchell, Executive Officer to the General Manager & Mayor and Councillors.

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

1/25

RESOLVED 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)

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

Voting against: Nil

Absent: Councillor Hall

13.2 Tender T24/32 - IT Disaster Recovery Solution

2/25

RESOLVED 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

Resumption of Open Council

3/25

RESOLVED that Council reopen the doors to the public and return to open session.

(Councillors Bing/Knight-Smith)

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 5.49pm.

CONFIRMED this > > 2025 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 27 FEBRUARY 2025 AT 12.30PM**

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

Present

Mayor, Councillor Krieg; Councillors Battista, Bing, Gordon, Guise, Hall (via audio-visual), Jensen, Knight-Smith (via audio-visual), Rob, Waters (via audio-visual) together with Mr Gibbons, General Manager; Dr Logan, Chief Operating & Financial Officer; Mr Butron, Chief Corporate & Community Officer; Mr Mallam, Planning Coordinator; Mr Bradridge, Senior Development Assessment Officer; Mr Stace, Senior Regulatory Services Officer; 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

- 39/25 **RESOLVED** that:
1. an apology is accepted from Councillor Dalton-Earls
 2. attendance by audio-visual link be approved for Councillors Knight-Smith and Waters due to work commitments and Councillor Hall for carer responsibilities
- (Councillors Bing/Jensen)
- Voting for:** Councillors Battista, Bing, Gordon, Guise, Hall, Jensen, Knight-Smith, Krieg, Rob and Waters
- Voting against:** Nil
- 40/25 **RESOLVED** that a leave of absence be approved for Councillor Hall from 14 to 27 April 2025.
- (Councillors Jensen/Gordon)
- Voting for:** Councillors Battista, Bing, Gordon, Guise, Hall, Jensen, Knight-Smith, Krieg, Rob and Waters
- Voting against:** Nil

Disclosures of Interest

Nil

Notices of Motion / Questions with Notice

10.1 Property Strategy

MOTION moved that Council rescind its decision of item 12.2 from the 11 February 2025 meeting.

(Councillors Guise/Waters)

RESOLVED that the motion be put.

(Councillor Rob)

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

Voting against: Councillors Guise, Knight-Smith and Waters

41/25 **DEFEATED** that Council rescind its decision of item 12.2 from the 11 February 2025 meeting.

(Councillors Guise/Waters) (BP25/101)

Voting for: Councillors Guise, Knight-Smith and Waters

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

Councillor Hall left the meeting, the time being 1:10PM

10.2 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

42/25 **DEFEATED** that Council rescind its decision of item 11.2 from the 11 February 2025 meeting.

(Councillors Guise/Knight-Smith) (BP25/102)

Voting for: Councillors Guise, Knight-Smith and Waters

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

Absent: Councillor Hall

Councillor Hall returned to the meeting, the time being 1:15PM

10.3 Code of Meeting Practice Review

MOTION moved that Council rescind its decision of item 10.2 from the 11 February 2025 meeting.

(Councillors Waters/Guise)

Councillor Jensen left the meeting, the time being 1:48PM

Councillor Jensen returned to the meeting, the time being 1:48PM

At this point the meeting adjourned for a recess, the time being 1:23PM

Councillor Knight-Smith left the meeting, the time being 1:23PM

Councillor Guise left the meeting, the time being 1:24PM

Councillor Waters left the meeting, the time being 1:30PM

The meeting resumed at 1:37PM

43/25 **DEFEATED** that Council rescind its decision of item 10.2 from the 11 February 2025 meeting.

(Councillors Waters/Guise) (BP25/103)

Voting for: Councillor Rob

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

Absent: Councillors Guise, Knight-Smith and Waters

10.4 Policy Number 3.1.1 Definition of Nuclear Free Peace Zone Policy

44/25 **DEFEATED** that Council rescind its decision of item 12.7 from the 11 February 2025 meeting.

(Councillors Krieg/Bing) (BP25/104)

Voting for: Nil

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

Absent: Councillors Guise, Knight-Smith and Waters

Closure

This concluded the business and the meeting terminated at 1.38pm.

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

MAYOR