



Council

An Ordinary Meeting of Lismore City Council will be held at the Council Chambers on Tuesday 13 February 2024 at 6.00pm

Members of Council are requested to attend.

Lismore City Council acknowledges the Widjabul Wia-bal people of the Bundjalung nation, traditional custodians of the land on which we meet.

Jon Gibbons
General Manager

7 February 2024



ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A guiding checklist for councillors, staff and community committees

Ethical decision making

- Is the decision or conduct legal?
- Is it consistent with government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Do you stand to gain personally at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

Conflict of interest

A conflict of interest is a clash between private interest and public duty. There are two types of conflict:

- Pecuniary – an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to yourself or another person or entity defined in part 4 of the Lismore City Council Code of Conduct with whom you are associated.
- Non-pecuniary – a private or personal interest that you have that does not amount to a pecuniary interest as defined in the Lismore City Council Code of Conduct. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.

The test for conflict of interest

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of "corruption" – using public office for private gain.
- Important to consider public perceptions of whether you have a conflict of interest.

Identifying problems

- Do I have private interests affected by a matter I am officially involved in?
- Is my official role one of influence or perceived influence over the matter?
- Do my private interests' conflict with my official role?

Disclosure and participation in meetings

- A councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
 - a. at any time during which the matter is being considered or discussed by the Council or Committee, or
 - b. at any time during which the Council or Committee is voting on any question in relation to the matter.

No Knowledge - a person does not breach this clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Non-pecuniary Interests - Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. participate in discussion but not in decision making or vice versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as of the provisions in the Code of Conduct (particularly if you have a significant non-pecuniary interest)

Whilst seeking advice is generally useful, the ultimate decision rests with the person concerned.

Agenda

1. Opening of Meeting

2. Acknowledgement of Country

3. Pause for reflection

4. Apologies and Applications for Leave of Absence or Attendance by Audio-Visual Link

5. Confirmation of Minutes

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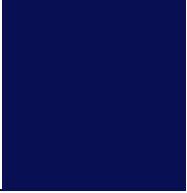
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Mayoral Minute(s) and Condolence Motions



Mayoral Minutes

Subject **Mayoral Attendance Report**

TRIM Record No BP24/1:EF19/25-6

That Council receives the Mayoral Attendance Report for December 2023 and January 2024.

December

- 1 Media conference: Santa's Wonderland & Lismore Delights
- 2 Little Athletics Zone Championships
- 5 Councillor briefing
- 6 Aboriginal Advisory Group meeting
- 7 Media conference: 2024 baseball tournaments
- 10 Carols in the Heart
- 12 Business NSW: Insurance at the Speed of Business
Council meeting
- 13 NSW Reconstruction Authority briefing
- 14 Media conference: Vision and Blueprint launch
Key handover for Tennis Clubhouse restoration
- 16 Lismore Delights
- 17 Clunes Carols
- 19 Councillor workshop
- 20 Meeting with Transport for NSW
Media conference: Memorial Baths reopening
- 21 Media conference: Nimbin Road landslip reopening
- 23 Lismore Delights
- 28 Extra Ordinary Council meeting
Australia Day Awards Committee meeting

January

- 11 Under 12 Cricket Carnival
- 18 Meeting with National Emergency Management Agency
- 19 Community Safety Precinct Committee meeting
- 22 NSW Reconstruction Authority briefing
- 23 Northern Rivers U3A Lismore Inc Anniversary E-book launch
Extra Ordinary Council meeting
- 24 Lismore Chamber Business After Hours

- 25 Media conference: CBD vacancy audit
Dinner with Australia Day Ambassador
- 26 Australia Day Awards & Citizenship Ceremony
- 27 Tamworth Country Music Festival Golden Guitar Awards

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/1:EF19/25-6



Tennis Clubhouse handover



Memorial Baths reopening



Baseball announcement



Cricket Carnival



CBD audit



Carols in the Heart



Australia Day



Little Athletics



U3A book launch



Vision & Blueprint launch



Nimbin Road reopening

Mayoral Minute

Subject Condolence Motion - Merv King

TRIM Record No BP24/22:EF19/25-6

That Council:

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

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/22:EF19/25-6

Mayoral Minute

Subject Cost Shifting onto Local Government

TRIM Record No BP24/74:EF19/25-6

That Council:

1. receive and note the findings of the LGNSW Cost Shifting report for the 2021/2022 financial year
2. write to the Premier, the NSW Treasurer and NSW Minister for Local Government requesting they urgently seek to address these costs through a combination of regulatory reform, budgetary provision and appropriate funding

Background

The pressure on councils to continue to provide services of appropriate standard to our communities is now extraordinary.

The unrelenting growth of cost shifting to councils, coupled with rate pegging, is increasingly eroding any possibility of financially sustainable local government and risking the capacity of councils to deliver tailored, grassroots services to their communities and properly deliver and maintain vital local infrastructure.

Alarmingly, the latest research commissioned by Local Government NSW (LGNSW) shows the increase in cost shifting has been accelerated by various NSW Government policies.

As shown in the latest cost shifting report produced by independent consultants Morrison Low on behalf of LGNSW for the 2021/2022 financial year (see attached), an amount of \$1.36 billion of expense has been passed on to councils to fund. This is an increase of \$540 million since the last report from the 2017/2018 financial year and represents lost services, lost opportunity and lost amenity for all our residents and businesses.

On average, this represents an additional cost of \$460.67 for every ratepayer across the state. With councils having to fund this ongoing subsidy for the state government each and every year it means our communities get less or go without. They go without better roads, they go without better parks, they go without important community services that only councils provide, and they and their ratepayers are effectively paying hidden taxes to other levels of government.

Our communities deserve better and this must stop. Prior to the most recent state election the then Minns Opposition wrote to LGNSW acknowledging cost shifting had undermined the financial sustainability of the local government sector.

Now in 2024, it is important to councils and communities that the NSW Government urgently seek to address cost shifting through a combination of regulatory reform, budgetary provision and appropriate funding.

Attachment/s

1. Annual Cost Shifting Report (Over 7 pages)

TRIM Record No: BP24/74:EF19/25-6

Reports of Committees



Report of Committee

Aboriginal Advisory Group Minutes - 6 December 2023

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

Attachment/s

1. [↓](#) Minutes

Aboriginal Advisory Group Minutes 6 December 2023

MINUTES OF THE ABORIGINAL ADVISORY GROUP HELD IN COUNCIL CHAMBERS ON WEDNESDAY 6 DECEMBER 2023 AT 5.00PM

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

Present

Councillor Krieg, Councillor Rob, Councillor Ekins, Mr Patrick Anderson, Aunty Jenny Smith, Aunty Ros Sten, Aunty Thelma James, Mr Bradley Walker, Ms Veronica Harris

LCC Officers: Mr Gibbons, General Manager; Ms Lenon, Sport & Recreation Lead; Mrs Clark, Events & Facilities Coordinator; Ms Gray, CBD Activation Officer; Ms Turner, Activation and Events Support Officer; Ms Sullivan, Head of Customer Experience; Ms Sproule, Community Engagement Officer

Apologies

Apologies: Councillor Bird, Ms Jessie Mullard, Ms Cindy Roberts, Mr Patrick Anderson, Mr Brandon Harrington

Absent: Ms Leearna Williams, Ms Edna King, Ms Marie Delbridge, Ms Jaklyn Hensley

Disclosure of Interest

Nil

5.1 Walking Track Signage

AAG13/23

RESOLVED that:

1. the Group provide feedback on the types of information that should be conveyed in the signage
2. the Group provide feedback or suggestions of local Aboriginal and Torres Strait Islander artists, historians, or storytellers who Council could engage
3. Council plan Walking Track tours with Elders, artists and youth to share stories of the track, to be depicted in art and future signage.

(Councillor Ekins/Member Smith) (BP23/969)

Voting for: Councillors Krieg, Ekins and Rob and Members Harris, James,

Aboriginal Advisory Group Minutes 6 December 2023

Smith, Sten and Walker
Voting against: Nil

5.2 Lismore CBD banners and activation update

AAG14/23 **RESOLVED** that the Group:

1. note this update
2. share ideas for future activities, photography and/or promotions.

(Members Sten/Harris) (BP23/978)

Voting for: Councillors Krieg, Ekins and Rob and Members Harris, James, Smith, Sten and Walker

Voting against: Nil

5.3 NAIDOC Day Celebrations

AAG15/23 **RESOLVED** that:

1. the NAIDOC Day Celebrations be held at the Lismore Turf Club on Thursday 4 July 2024
2. the event be held in the same format with additional events held during NAIDOC Week July 4 to 11, 2024
3. Council promote an Elders & Seniors tent at NAIDOC Day Celebrations on Thursday 4 July 2024

(Members Smith/James) (BP23/970)

Voting for: Councillors Krieg, Ekins and Rob and Members Harris, James, Smith, Sten and Walker

Voting against: Nil

Aboriginal Advisory Group Minutes 6 December 2023

5.4 Reconciliation Week

AAG16/23 **RESOLVED** that the Group:

1. identify key individuals and groups to partner with for National Reconciliation Week activities
2. collaborate with Council to develop a proposed event plan for Council staff for National Reconciliation Week

(Councillor Ekins/Member James) (BP23/976)

Voting for: Councillors Krieg, Ekins and Rob and Members Harris, James, Smith, Sten and Walker

Voting against: Nil

Closure

This concluded the business and the meeting closed at 6.45pm.

Report of Committee

Disability and Inclusion Advisory Group - 13 December 2023

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

Attachment/s

1. [↓](#) Minutes

Disability Inclusion Advisory Group Minutes 13 December 2023

MINUTES OF THE DISABILITY INCLUSION ADVISORY GROUP HELD IN COUNCIL CHAMBERS ON WEDNESDAY 13 DECEMBER 2023 AT 2:00PM

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

Present

Councillors Ekins and Rob; Members Mr Brad Lancaster, Mr Micheal Lynch, Ms Jenny London, Mr John Zambelli, Mr Dan Trestrail, Mr John Jensen, Ms Jess Ambridge, Ms Liss Caldwell, Ms Brigid Richardson, together with Mr Gibbons, General Manager; Ms Olivieri, Community Engagement Officer; Mr Goodwin, Coordinator Design Services (item 5.1); Ms Butcher, Acting Property Services Manager (item 5.4)

Apologies

Nil

Confirmation of Minutes

DIAG18/23 **RESOLVED** that the minutes of the 27 September 2023 be accepted.

(Members Caldwell/Jensen)

Voting for: Councillors Ekins and Rob and Members Ambridge, Caldwell, Jensen, Lancaster, London, Lynch, Trestrail, Richardson and Zambelli

Voting against: Nil

Disclosure of Interest

Member Lynch declared a Non-pecuniary interest as his title at his organisation, Northern Rivers Autism Association, has changed from CEO to Chairman.

Councillor Rob declared a Significant and both Pecuniary and Non-pecuniary Conflict of Interest in relation to item 5.4. Councillor Rob will not participate in the discussion of this item and will remain in the room.

Disability Inclusion Advisory Group Minutes 13 December 2023

5.1 Access and Pedestrian Mobility Audit

DIAG19/23 **RESOLVED** that:

1. the group note the discussion
2. a formal invite be sent to the appropriate representative from the Lismore Base Hospital to attend an advisory group meeting to address safety concerns
3. a tactile/footpath session be organised for the group to attend with Council's Coordinator Design Services at locations including the Lismore Square, South Lismore and St Vincent's Private Hospital
4. the General Manager report back on the existing processes involved with maintaining footpaths, carparks for new developments and also around Council's Corporate Centre building

(Member Lynch/Councillor Rob) (BP23/1017)

Voting for: Councillors Ekins and Rob and Members Ambridge, Caldwell, Jensen, Lancaster, London, Lynch, Trestail, Richardson and Zambelli

Voting against: Nil

5.2 Footpath Activation Pilot

DIAG20/23 **RESOLVED** that:

1. the report be noted and advice be provided in relation to future engagement to reflect on the outcomes of the pilot
2. an update be provided to the group in relation to how compliance of the program is monitored
3. the group make the request that the teardrop banners are not included in the pilot program due to concerns about their potential to create a visual hazard
4. methods of permanent placement of promotional signage with approvals and in line with accessibility requirements are considered

(Members Caldwell/Lynch) (BP23/1044)

Voting for: Councillors Ekins and Rob and Members Ambridge, Caldwell, Jensen, Lancaster, London, Lynch, Trestail, Richardson and Zambelli

Voting against: Nil

Disability Inclusion Advisory Group Minutes 13 December 2023

5.3 Seen and Unseen Disability Inclusion Day for the greater Lismore community

DIAG21/23 **RESOLVED** that:

1. the group receive and note the report
2. interested members of the group progress planning for the event in the new year.

(Members Ambridge/Richardson) (BP23/1038)

Voting for: Councillors Ekins and Rob and Members Ambridge, Caldwell, Jensen, Lancaster, London, Lynch, Trestail, Richardson and Zambelli

Voting against: Nil

5.4 Pie Cart Development Application Amended Plans

DIAG22/23 **RESOLVED** that:

1. the report be noted
2. the group recommend the furthest pod to remain in the current place and the other one moving close to the road with 0.8m gap as per outdoor dining policy and in line with 2.5m distance for footpath accessibility. Both pods to remain in line and not staggered
3. the group recommend the moving of pods does not interfere with or impact on the trees

(Members Lynch/Zambelli) (BP23/1060)

Voting for: Councillors Ekins and Members Ambridge, Caldwell, Jensen, Lancaster, London, Lynch, Trestail, Richardson and Zambelli

Voting against: Nil

As per the Disclosure of Interest, Councillor Rob did not participate in this discussion or vote.

Closure

This concluded the business and the meeting closed at 3.43pm.

Report of Committee

Capacity Capability & Recovery Roadmap Project Control Committee - 13 December 2023

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

Attachment/s

1. [↓](#) CCRR minutes 13 December 2023

Capacity Capability Recovery Roadmap Project Control Committee Minutes 13 December 2023

MINUTES OF THE CAPACITY CAPABILITY RECOVERY ROADMAP PROJECT CONTROL COMMITTEE HELD IN COUNCIL CHAMBERS ON WEDNESDAY 13 DECEMBER 2023 AT 5.30PM

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

Present

Councillor Krieg (Chair); Councillors Bing, Cook, Gordon, Hall, Jensen, Rob; Mr Gibbons, General Manager; Mr Enevoldson, Chief Financial Officer; Ms Cotterill, Governance & Risk Manager; Mrs Mitchell, Executive Officer – General Manager and Mayor & Councillors

Apologies

Apologies: Councillor Bird (on leave), Councillor Guise (on leave), Councillor Hall, Chief Community Officer, Chief Operating Officer

Confirmation of Minutes

CCRRP17/2 **RESOLVED** that the minutes of 25 October 2023 be confirmed.
3

(Councillors Colby/Cook)

Voting for: Councillors Bing, Colby, Cook, Ekins, Gordon, Jensen, Krieg, Rob, General Manager and Chief Financial Officer

Voting against: Nil

Disclosure of Interest

Nil

Capacity Capability Recovery Roadmap Project Control Committee Minutes 13 December 2023

5.1 Capacity Capability Recovery Roadmap - Review of Program

CCRRP18/23 **RESOLVED** that the Committee endorses the changes to the CCRR project as outlined in this report.

(Councillors Bing/Cook) (BP23/1033)

Voting for: Councillors Bing, Colby, Cook, Ekins, Gordon, Jensen, Krieg, Rob, General Manager and Chief Financial Officer

Voting against: Nil

Closure

This concluded the business and the meeting closed at 6:19pm.

Report of Committee

Local Traffic Committee - 13 December 2023

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

Attachment/s

1. [↓](#) Local Traffic Committee Minutes - Meeting of 13 December 2023

Local Traffic Committee Minutes 13 December 2023

MINUTES OF THE LOCAL TRAFFIC COMMITTEE HELD IN COUNCIL CHAMBERS, CORPORATE CENTRE, 43 OLIVER AVENUE, GOONELLABAH ON WEDNESDAY 13 DECEMBER 2023 AT 11.30AM

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

Present

Councillor Hall (Chairperson), Sgt Clint Williams (NSW Police), Elisa Thompson (On Behalf of Janelle Saffin MP) and Ms Caleisse Dunston (Transport for NSW).

In Attendance

Mr Goodwin, Design Services Engineer; Ms Spencer, Business Support Officer; Ms van Iersel, Strategic Planner; Mr Phil Ridler, NetZero Program Officer, Northern Rivers Joint Organisation; Mr Andrew Forster, EVX.

Apologies

Nil

Confirmation of Minutes

TAC8/23 Resolved that the minutes of 15 November 2023 were confirmed.

(Members Dunston/Thompson)

Voting for: Councillor Hall, Members Dunston, Thompson and Williams

Voting against: Nil

Disclosure of Interest

Nil.

Local Traffic Committee Minutes 13 December 2023

4.1 EV Charging Signage

TAC9/23

NOTES that the matter was removed from the Local Traffic Committee Agenda. Further information was required prior to being presented to Council for recommendation.

(Member Williams/Councillor Hall) (BP23/1011)

Voting for: Councillor Hall, Members Dunston, Thompson and Williams

Voting against: Nil

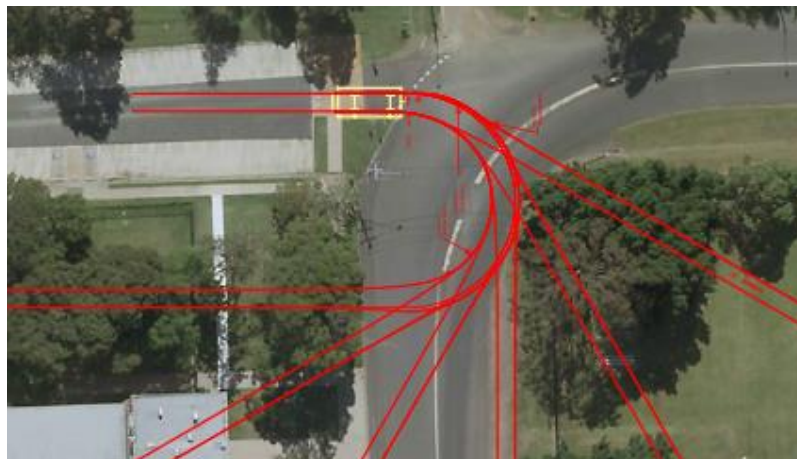
4.2 Late Item – Request to reopen Brunswick Street Median

Request received from Transport for NSW (TfNSW) for support to reopen the Brunswick and Dawson Street Median.

Works were undertaken along Brunswick Street on Dawson Street during 2023, with TfNSW deciding to close the gap in the concrete median on Dawson Street as it was severely misaligned with the entrance to Brunswick Street. The original location of the gap in the median was allowing motorists to travel, for a short distance, in the wrong direction against the flow of traffic in Dawson Street, which was an unsafe illegal manoeuvre.

A staff member from St Carthage's reached out after the median was closed, requesting the median be reopened with a better alignment, as vehicles now can't turn right out of Brunswick Street.

A site inspection was undertaken to complete an analysis on the turning movements, it appears if the opening was moved slightly and widened a light vehicle could safely make the turn. See below proposed location:



TAC10/23

RECOMMENDED that:

1. Council supports reopening the median at Brunswick Street, at the proposed location.
2. Noting TfNSW will cover the costs of the works and the works will be delivered by Lismore Council under the RMCC Arrangement.

Lismore City Council

Minutes of Local Traffic Committee Meeting held 13 December 2023

2

Local Traffic Committee Minutes 13 December 2023

(Member Dunston/Councillor Hall)

Voting for: Councillor Hall, Members Dunston, Thompson and Williams

Voting against: Nil

Closure

This concluded the business and the meeting terminated at 12.08pm.

Report of Committee

Australia Day Awards Committee Minutes - 28 December 2023

That the minutes be received and noted.

Attachment/s

1. [↓](#) Australia Day Awards Committee minutes - 28 December 2023

Australia Day Awards Committee Minutes

MINUTES OF THE AUSTRALIA DAY AWARDS COMMITTEE HELD IN COUNCIL CHAMBERS ON THURSDAY 28 DECEMBER 2023 AT 10.00AM

Present

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

Apologies

Councillors Bing and Colby

Disclosures of Interest

Clr Rob declared a Non-Pecuniary, Non-Significant Conflict of Interest

Nature: I have an association with Shaen Springall and Fr Alexander Mutua Munyao

Clr Cook declared a Non-Pecuniary, Non-Significant Conflict of Interest

Nature: I have an association with Shaen Springall

Clr Krieg declared a Non-Pecuniary, Non-Significant Conflict of Interest

Nature: I have an association with Phil and Donna Sutcliffe, Daisy Smith and Fr Alexander Mutua Munyao

RESOLVED that the following nominees are awarded in each category:

Citizen of the Year – Mieke Bell

Young Citizen of the Year – no nominations

Aboriginal Citizen of the Year – no nominations

Services in the Community (Individual) – Rod Gibson

Services in the Community (Group) – U3A

Sportsperson (Junior) – Daisy Smith

Sportsperson (Senior) – Ned Cain

Sports Team – no nominations

Environment – Doug Blythe and Shaen Springall, Goonellabah Tucki Landcare Group

Arts/Culture – Arts Northern Rivers

Voting for: Councillors Cook, Krieg and Rob

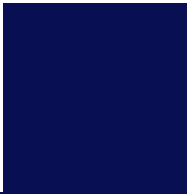
Voting against: Nil

Australia Day Awards Committee Minutes

Closure

This concluded the business and the meeting terminated at 11:07am.

Reports of the General Manager



Report

Subject	December 2023 Quarterly Budget Review Statement
TRIM Record No	BP24/89:AF23/5293
Prepared by	Manager Finance
Reason	In accordance with Clause 203, Local Government (General) Regulation 2021, Council approval is required to amend the 2023/2024 Budget to reflect the actual or anticipated result
Strategic Theme	Leadership and participation
Strategy	We provide effective management and responsible governance.
Action	Ensure the efficient and effective operation of Council.

Executive Summary

The Quarterly Budget Review Statement (QBRs) report outlines the proposed adjustments to the 2023/2024 budget for the quarter ended 31 December 2023.

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

	Original Budget	Revised Budget 30-Sep-23	Revised Budget 31-Dec-23
Net Operating Result – Surplus	\$193,671,654	\$152,463,328	\$83,952,924
Net Operating Result before Capital Grants & Contributions – Deficit	(\$12,892,387)	(\$15,577,910)	(\$12,416,484)
Funding Sources (Consolidated) & Cash Position – Surplus	\$180,791	\$569,816	\$569,816

Council's Underlying Financial Result

Council's operating result before capital grants and contributions has improved from a projected loss of \$15.578 million to a revised loss of \$12.416 million. This result has been favourably impacted by the inclusion of grant funding of \$3.105 million received under the Regional Emergency Road Repair Fund. Although Council has until 31 October 2027 to expend these funds, under income recognition requirements, the full grant funding must be recognised upon receipt.

There has been a net reduction in Council's capital works program of \$69.912 million to a revised total of \$151,194,166. The major decreases relate to reductions in natural disaster restoration budgets of \$43.5 million in roads and \$29.4 million in sewerage. These reductions are primarily due to further delays in funding approvals and timelines, with further detail provided in the report.

Interest revenues are on a "pro rata" basis better than budget forecasts as at December 2023. Better than forecast rates on investments together with a higher than anticipated portfolio balance has Council tracking in a favourable direction. Interest revenues will be continually monitored and will be adjusted in the March QBRs.

Council's unrestricted cash surplus of \$569,816 remains unchanged.

Outlook for 2023/2024

Ongoing Flood Recovery – Council's original budget for 2023/2024 included a significant level of natural disaster restoration works of \$174.7 million. As advised to Council the original budget was an estimate only and would be subject to changes as funding submissions are approved. The September QBRs showed a reduction of \$32 million in projected natural disaster restoration works on roads to a revised estimate of \$82.5 million. As a result of further delays in funding approvals and timelines with the NSW Government, there has been a further reduction of \$43.5 million in projected works on roads as well as \$29.4 million on sewerage restoration works. Further adjustments may be required in the March 2024 QBRs, however these will not be confirmed until the projects are approved, funding received and works can be programmed.

Long Term Financial Plan

Whilst Council's underlying financial position as of 31 December 2023 is anticipated to be satisfactory, having regard to the adopted 2023/2024 Operational Plan, there are indicators that require immediate attention to ensure long-term financial sustainability. Council is taking steps to address this through the Capacity, Capability and Recovery Roadmap funding. The revised flood recovery works program may impact Council's Asset Management Plan and the Long-Term Financial Plan projections; however, the overall adopted Plan is still considered achievable. Council will review the plan as part of the development of the 2024/25 Operational Plan.

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

Recommendation

That Council adopts the attached December 2023 Quarterly Budget Review Statement and approve the recommended variations.

Background

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

The December 2023 Quarterly Budget Review Statement (QBRs) includes the recommended changes to the budget for the quarter ended 31 December 2023. To meet financial reporting purposes, the QBRs has been prepared on a consolidated basis with internal transactions eliminated.

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

December 2023 QBRs – Consolidated Summary

Financial Results

The following table summarises the movements in the 2023/2024 budget from the original budget adopted in June 2023, to the revised budget position at 31 December 2023:

Item	Adopted 2023/24 Budget	Revised Budget 30-Sep-22	Recommended Changes December 2023 QBRs	Revised 2023/24 Budget
Net Operating Result for the Year	\$193,671,654	\$152,463,328	(\$68,510,404)	\$83,952,924
Net Operating Result for the Year before Capital Grants & Contributions	(\$12,892,387)	(\$15,577,910)	\$3,161,426	(\$12,416,484)
Funding Sources (Consolidated) & Cash Position – Surplus	\$180,791	\$569,816	\$0	\$569,816

The net operating result for the year before capital grants and contributions has improved to a projected loss of (\$12.416) million. The results for December quarter have been favourably impacted by grant funding of \$3.105 million being received under the Regional Emergency Road Repair Fund. Although Council has until October 2027 to expend these funds, under revenue recognition requirements, the grant revenue must be recognised upon receipt of the funds. In addition, Council has discretion as to whether these funds are applied to additional maintenance activities or capital works under the funding guidelines, which means that the grant funds are recognised as operating revenue regardless of the application of funds.

The accounting implications of revenue recognition in accordance with accounting standards has previously contributed to the decline in the projected operating result before capital grants and contributions. This had been the case with the inclusion of carry forward works in the September QBRs, where revenue had been recognised in previous years. It is a positive result for the December quarter where grant revenue has been recognised in advance to have offset previous impacts of revenue recognition requirements and it has also brought the projected operating result before capital grants and contributions back in-line with the original budget result.

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

The cash position forecast has remained unchanged with an unrestricted surplus of \$569,816 projected.

Natural Disaster Works – Roads

The original budget was predicated on the assumption that funding for major landslip projects would be secured by December 2023. It further anticipated a gradual approval of additional funding requests. The NSW Reconstruction Authority is yet to confirm when the major request for the landslip projects will be approved. These, and other developments, have delayed the initiation of significant elements of the restoration program, limiting expenditure for the remainder of the financial year. These ongoing delays have resulted in a decrease in natural disaster restoration budgets for roads of \$43.5 million, to a projected total of \$39 million. These budgets will need to be closely monitored and adjusted in future quarterly reviews.

Natural Disaster Works – Sewer

The original budget was initially estimated on the basis that all projects would be progressing through design and commencing construction, with some project delivery by Council. However, the majority of these projects are still proceeding through scoping and design procurements, which is managed by NSW Public Works Advisory. The budget revision forecasts expenditure against projects that Council is actively delivering and provision for ongoing support during the design phase and initiation of construction for some projects in the program. This has led to a reduction in capital works budgets of \$29.4 million.

Variations Recommended for December Quarter

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

Income from continuing operations	Amount
Other revenues	\$752,100
Grants and contributions – operating	\$3,105,426
Grants and contributions – capital	(\$71,671,830)
Total income from continuing operations (decrease)	(\$67,814,304)

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

- Other revenues have increased by \$752,100. This is due to better than anticipated income at the Resource Recovery Centre, including an increase in weighbridge fees of \$372,700, \$250,000 in Container Deposit Scheme collection fees and \$129,400 in metal sales.
- Operating grants and contributions have increased by \$3,105,426. Council has received funding under the Regional Emergency Road Repair Fund and has until October 2027 to expend this grant. Under revenue recognition requirements, the grant revenue is recognised upon receipt and treated as an operating grant due to Council being able to determine how the grant is spent on either maintenance or capital works.
- Capital grants and contributions are projected to decrease by (\$71.7) million. This is primarily due to an estimated reduction in natural disaster funding for roads of (\$43.5) million and sewer of (\$29.4) million. This stems from further delays in funding approvals and timelines. These decreases in capital grants were offset by the inclusion of the Local Roads and Community Infrastructure grant of \$1.229 million.
- Further details of recommended changes in operating income from continuing operations are included in the QBRS document.

Expenses from continuing operations	Amount
Borrowing costs	\$85,000
Materials and services	(\$781,100)
Total expenses from continuing operations (increase)	(\$696,100)

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

- Borrowing costs have decreased by \$85,000 due to the deferral of loan borrowings for waste capital works in 2023/2024.
- Materials and services budgets have increased by (\$781,100). This is mainly due to the increased cost of the transportation of waste to southeast Queensland of (\$823,400) and the allocation of (\$109,000) from unexpended SRV funds for CBD activation projects. These increases have been offset by savings of \$71,300 in waste disposal costs and the transfer of \$80,000 in sewer operating expenditure to capital expenditure to fund the purchase of plant and equipment.
- Further details of recommended changes in operating income from continuing operations are included in the QBRs document.

Capital Works Budget	Amount
Plant & Equipment – increase	(\$80,000)
Land, Buildings & Other Structures decrease	\$2,457,994
Roads, Bridges & Footpaths - decrease	\$40,369,720
Water – increase	(\$2,080,742)
Wastewater – decrease	\$29,150,000
Remediation & Restoration – decrease	\$95,000
Total Capital Works decrease	\$69,911,972

- The increase in plant and equipment of (\$80,000) is to fund the purchase of a remote mower for the sewerage team, funded from a reduction in operating expenditure budgets.
- The decrease in land, buildings and other structures is due to the reduction in the budget for the Leachate Dam at the waste disposal facility based on the projected expenditure for 2023/2024.
- The decrease in roads, bridges and footpaths of \$40,369,720 is mainly due to the projected decrease in natural disaster works of \$43.5 million to an estimated total of \$39 million. This is due to further delays in funding approvals as detailed in the report. Offsetting this are other increases in capital expenditure including (\$871,500) in various projects funded under the Regional Emergency Road Repair Fund grant (Phillip Street (\$200,000), Union Street (\$371,000), Richmond Hill Road (\$220,500) and William Road (\$80,000)). In addition, (\$678,170) has been added for Cabbage Tree bridge replacement and (\$550,000) for Waddington Bridge replacement, funded from the Local Roads and Community Infrastructure grant. Further funds have been allocated from internal reserves including (\$150,000) for advancing three bridge designs, (\$650,000) towards extending the scope of works on Richmond Hill Road and (\$200,000) likewise for works in O'Flynn Street.
- The increase in Water capital expenditure of (\$2,080,742) relates to a previous resolution of Council to fund contract water main replacements, funded from reserves (it was originally anticipated \$2,300,000 would be required).

- The decrease in Sewerage capital works of \$29,150,000 is primarily due to the reduction in natural disaster restoration budgets of \$29,400,000. Delays in funding approvals are detailed in the report.
- The decrease in Remediation and Restoration works of \$95,000 is due to a reduction in the phytocapping budget at the Wyrallah Road waste facility, based on projected expenditure to 30 June 2024.
- Further details of recommended changes in operating income from continuing operations are included in the QBRS document.

Key Performance Indicators

Of the seven KPI's included in the September QBRS report, two are unfavourable compared to the benchmarks. These are summarised below:

Key Performance Indicator	Original Budget 2023/2024	Revised Budget 30-Sep-23	Revised Budget 31-Dec-23	Benchmark
Operating Performance Ratio	(8.15%)	(10.48%)	(7.51%)	> 0.00%
Own Source Operating Revenue Ratio	28.88%	32.88%	43.54%	> 60.00%
Unrestricted Current Ratio	2.63x	2.63x	2.63x	> 1.50x
Debt Service Cover Ratio	3.45x	3.11x	3.56x	> 2.00x
Rates & Annual Charges Outstanding Percentage	9.36%	9.36%	9.36%	< 10.00%
Cash Expense Cover Ratio	14.37 months	14.37 months	14.37 months	> 3 months
Building & Infrastructure Renewals Ratio	649.40%	608.60%	386.83%	>= 100.00%

Operating Performance Ratio (unfavourable) – this ratio has improved from the September quarter, mainly due to receipt of grant funds where Council has until 2027 to expend them.

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

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

Other comments

Inflationary Pressures

Council's budgets continue to be impacted by inflationary pressures. Management has been able to absorb this within existing budgets in the December quarter, however there is a risk if the cost of supplies continues to rise, management may have to reduce its planned spend to ensure it meets its budgeted targets.

Conclusion

The December QBRS has seen the projected operating result before capital grants improve to a projected loss of (\$12.416) million. This is mainly due to the recognition of grant funding of \$3.105 million under the Regional Emergency Road Repair Fund, where Council has until 2027 to expend the funds.

Council's unrestricted cash result has remained unchanged at a projected surplus of \$569,816 and Council's projected financial position at year end remains satisfactory.

Attachment/s

1. December 2023 Quarterly Budget Review Statement (Over 7 pages)

Report

Subject	Investments - December 2023 and January 2024
TRIM Record No	BP24/77:EF22/122-2
Prepared by	Manager Finance
Reason	Required by Local Government Act 1993, Local Government (General) Regulations 2021 and Council's Investment Policy
Strategic Theme	Leadership and participation
Strategy	We provide effective management and responsible governance.
Action	Ensure the efficient and effective operation of Council.

Executive Summary

The *Local Government Act 1993* (Section 625), *Local Government (General) Regulation 2021* (Clause 212) and Council's Investment Policy requires a monthly report be submitted to Council on investments. The report is to include the source and amount of funds invested, investment portfolio performance for the period and a statement of compliance in relation to the requirements of the *Local Government Act 1993*.

All investments with various financial institutions have been made in accordance with the *Local Government Act 1993* and *Local Government (General) Regulation 2021*.

This report includes the period to 31 December 2023 and 31 January 2024.

- Investments held as of 31 December 2023 - \$132,284,490
- Investments held as of 31 January 2024 - \$121,002,000

*The face value represents the purchase price of investments.

In addition, Council held \$2.114 million as at 31 January 2024 in various bank accounts; being operational accounts; restricted funds held for grants or held in trust. These are not included in the Investment portfolio.

Council has also received advance flood funding of approximately \$32 million to commence approved restoration works on roads. These funds are held in an overnight money market account so as to maintain liquidity, the account is earning a rate of return of 4.50%. This amount has not been included within the investments held by Council report.

The percentage of the portfolio invested in Socially Responsible Investments (SRI) has increased to 44% from the previous month of 42%, or from \$54 million to \$55 million.

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

Investments returns – December 2023 returned 4.93% and January 4.96%, this is compared to the Annualised Bank Bill (BB) Index bank rate of 4.43% and 4.44% respectively.

Council's total return for the financial year 2023/24 is 4.75% compared to the Annualised BB Index bank rate of 4.33%.

Recommendation

That the report be received and noted.

Background

The *Local Government Act 1993* (Section 625), *Local Government (General) Regulation 2021* (Clause 212) and Council's Investment Policy requires a monthly report be submitted to Council on investments. The report is to include the source and amount of funds invested, investment portfolio performance for the period and a statement of compliance in relation to the requirements of the *Local Government Act 1993*.

Report on Investments

	Current Month Face Value*	Current Month Current Value**	Previous Month Face Value	Previous Month Current Value	Average Return	AusBond BB Index Annualised Return	Fossil Free Invest
December	\$132,284,490	\$134,070,405	\$125,128,525	\$126,757,914	4.93%	4.43%	42%
January	\$121,002,000	\$123,101,851	\$132,284,490	\$134,070,405	4.96%	4.44%	44%

*The face value represents the purchase price of investments.

**The current value is the value of investments at today's date and includes any interest owed but not paid

The portfolio balance will fluctuate from month to month depending on the timing of payments, rate receipts and grant funds received. In December /January Council incurred normal operational expenses, such as employee costs, creditors, expenditure in relation to capital works program and the flood restoration program.

In addition, Council has approximately \$2.114 million held in various bank accounts; being operational accounts; restricted funds held for grants or held in trust. These are not included in the Investment portfolio.

Council has also received advance flood funding of approximately \$32 million to commence approved restoration works. These funds are held in an overnight money market account so as to maintain liquidity, the account is earning a rate of return of 4.50%.

Ethical Investments*.

Where the opportunity arises Council will seek SRI products, however the investment product will be considered in the context of Council's overall cashflow requirements, the opportunity costs of the product and the security of the investment. Presently there is only a small financial opportunity cost between these investments and other available investment products, however this will be monitored for future investments.

December 2023 – No investment in SRI products.

January 2024 – Council invested \$2 million in SRI products with the rate of return being 5.21%. The investment offered a comparable rate of return compared to non-SRI products (with the best being 5.26%).

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

Council's value of ethical investments as of 31 January was \$54 million, this is a decrease from the previous month of approximately \$1 million. The percentage of the portfolio held in SRI has increased to 44% from the previous months 42% due the overall reduction in Council's investment portfolio.

* Note - this includes Fossil Fuel Free Investments

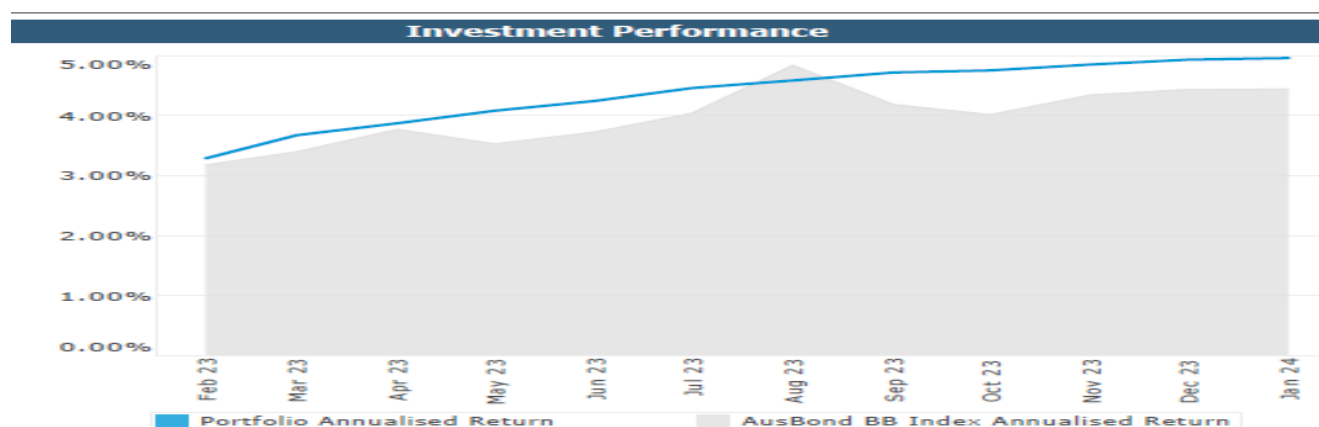
Portfolio structure - Council is limited in its investment options in accordance with the Minister's Investment Order and the Investment Policy adopted by Council. The current portfolio is split between cash and fixed deposits. These offer a lower return to other products however have a greater security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

Lismore City Council Executive Summary - January 2024

Investment Holdings

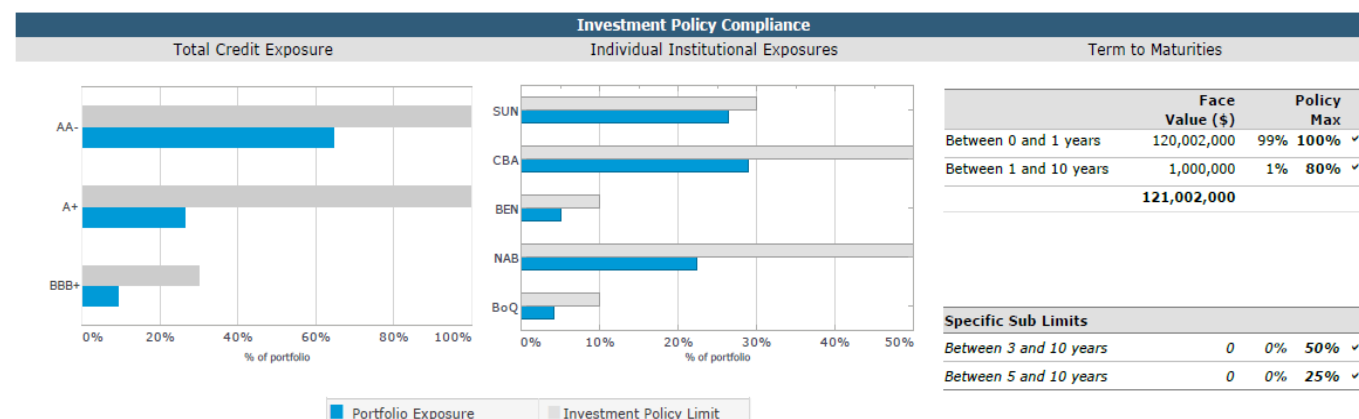
	Face Value (\$)	Current Value (\$)	Current Yield (%)
Cash	18,002,000	18,002,000	4.5000
Term Deposit	103,000,000	105,099,851	5.0748
	121,002,000	123,101,851	4.9892

Investment Performance



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

Compliance with Policy Requirements



(Ethical) Investments

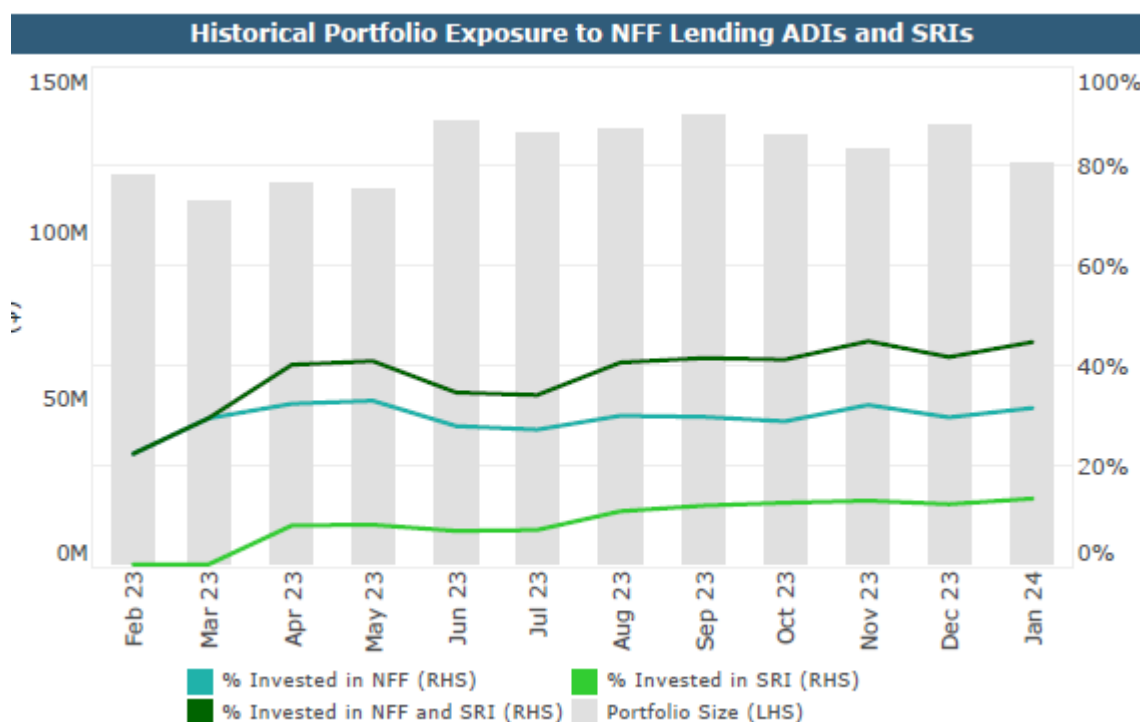
As part of the current policy framework and within the limits of prevailing legislation, Council's investments will be made in consideration of the principles of ethical investment management.

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

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

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

For new SRI investments made in January 2024 the opportunity costs was 0.05%, however the product chosen was of a higher credit rating.



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 amounts have been included in the Investment Portfolio, Commonwealth Bank of Australia \$18,002,000. This is 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 52.43%.

Comments

Responsible Accounting Officer

All investments with various financial institutions have been made in accordance with the *Local Government Act 1993* and *Local Government (General) Regulation 2021*.

Conclusion

A report on investments is required to be submitted to Council monthly.

The value of the portfolio for December 2023 and January 2024 is provided.

Attachment/s

1. Investment Report December 2023 (Over 7 pages)
2. Investment Report January 2024 (Over 7 pages)

Report

Subject	Vision and Blueprint
TRIM Record No	BP24/20:EF23/200
Prepared by	Manager Investment & Growth
Reason	Provide additional details on the status of the Vision and Blueprint
Strategic Theme	Leadership and participation
Strategy	We communicate and engage with our community.
Action	Provide effective communication and information delivery, marketing and promotions.

Executive Summary

Following the Councillor Workshop on 30 January 2024 endorsement of some changes to the terminology and the remit, scope and promise used in the Vision and Blueprint is being sought.

Recommendation

That Council:

1. endorses the inclusion of a deliberative panel ('People's Panel') in the Vision and Blueprint program
2. endorses the inclusion of 'Reimagine Lismore' in reference to the Lismore Vision and Blueprint
3. endorses the remit, scope and promise as outlined in this report
4. requests regular workshops to be updated and discuss the progress of the Vision and Blueprint
5. endorses the correction to the Lismore Community Engagement Strategy 2019

Background

The Lismore Vision and Blueprint is focused on creating a prosperous Lismore by:

1. providing the community with certainty and safety about the long-term future of Lismore
2. securing and aligning local, NSW and Australian Government commitment and funding
3. securing and aligning collective effort to have impact

A community engagement program has been developed using a diverse range of channels and formats to give everyone the opportunity to have their voice and view heard. The program leverages traditional touchpoints as well as develops new ones to ensure as many people as possible and organisations can have input.

A Citizen Assembly was included in the Vision and Blueprint when the program was presented to Council by the NSW Government and has been included in the Community Engagement Plan.

In this report, councillors are being asked to endorse:

- a Citizen's Assembly to be referred to as a Deliberative Panel or a People's Panel
- include references to Reimagine Lismore within the project

The key design elements of the Panel are:

Remit

Flood risk is our most pressing concern, but risks of fire, loss of employment and tourism also need to be addressed.

What is our vision for the future of Lismore?

Scope

The areas to be addressed in the Panel are aligned with Vision and Blueprint phase 1 and Blueprint phase 2 deliverables.

Promise

Council will look to the Panel for advice and innovation in formulating solutions and incorporate the advice and recommendations into the decisions to the maximum extent possible.

Given the word deliberative is not in common use there is also the opportunity for Councillors to rename Citizens' Assembly to other commonly used terms 'Community Panel' or 'People's Panel' to assist in engagement and participation.

IAP2

The Community Engagement Strategy 2019 uses the IAP2 spectrum to guide the Council engagement programs. For each level of influence an example is provided. For Empower the example provided is a Citizen Jury.

IAP2 have advised that a Citizens' Assembly can be conducted using different levels of influence. Further, that in 2014 the IAP2 Training Manual deleted references to examples on the Spectrum including Citizens' Assembly as Empower. In 2018 the IAP2 International removed the references to examples.

The Lismore Community Engagement Strategy was adopted in 2019 and erroneously inserted the outdated IAP2 spectrum and requires correction whereby page 12 is replaced with the 2018 version of the IAP2 spectrum to be correct at that time.

Conclusion

Council progresses with the implementation of the community engagement plan for the Vision and Blueprint program with a change to include a deliberative panel "People's Panel" and references to Reimagine Lismore associated with the project.

That the People's Panel be conducted using the remit, scope and promise outlined above.

A revised Community Engagement Plan reflecting the above changes to be circulated to Councilors.

A correction is made to the Lismore Community Engagement Strategy 2019.

Attachment/s

1. [Lismore Community Engagement Strategy 2019 Correction](#)

LISMORE COMMUNITY ENGAGEMENT STRATEGY 2019

IAP2 Spectrum – Current

IAP2 Spectrum and Levels of Engagement

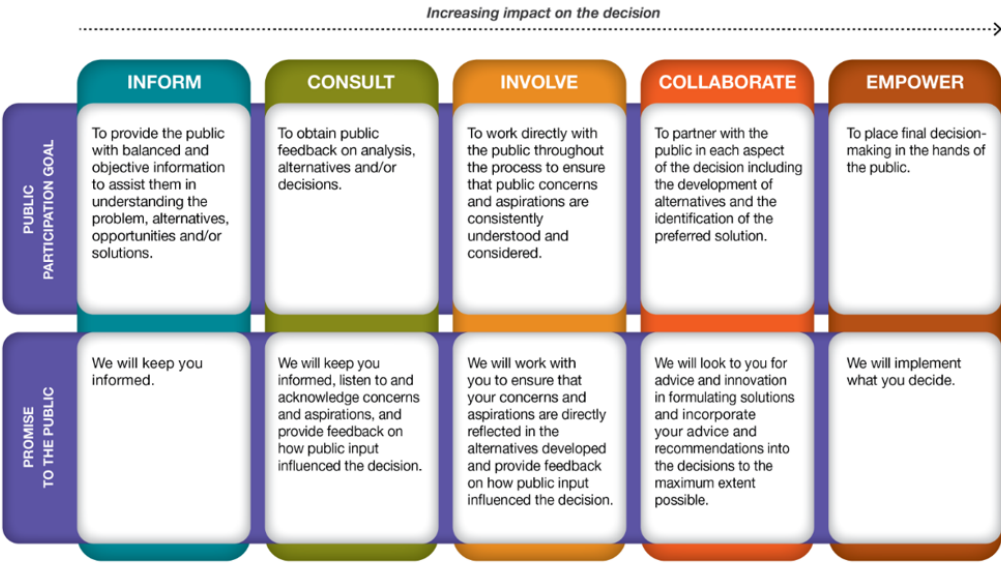
Our approach to community engagement is built upon a spectrum developed by the International Association for Public Participation (IAP2). IAP2 is an internationally recognised platform used to provide guidance to the public service, not-for-profit sector, private industry and communities.

The IAP2 Public Participation Spectrum identifies that there are different levels of engagement from 'Informing' through to 'Empowering'. No single approach to engagement will serve every project. The spectrum requires that the level of engagement must be determined by considering the issue, problem or opportunity requiring engagement, the objectives to be achieved by engaging, and the extent that the community can assist us to make decisions.

Inform To provide the public with balanced and objective information to assist them in understanding the problem, alternatives and/or solutions.	Our Commitment We will keep you informed.	Level of Influence ● ○ ○ ○ ○	Examples <ul style="list-style-type: none"> • Fact sheets • Website information • Newsletters • Social media
Consult To obtain public feedback on analysis, alternatives and/or a decision.	Our Commitment We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	Level of Influence ● ● ○ ○ ○	Examples <ul style="list-style-type: none"> • Written submissions • Focus groups • Surveys • Public meetings
Involve To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	Our Commitment We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	Level of Influence ● ● ● ○ ○	Examples <ul style="list-style-type: none"> • Workshops • Expert panels • Forums • Online polls
Collaborate To partner with the public in each aspect of the decision including the development of alternatives and the identification of a preferred solution.	Our Commitment We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	Level of Influence ● ● ● ● ○	Examples <ul style="list-style-type: none"> • Stakeholder advisory committees • Participatory decision-making
Empower To place final decision-making in the hands of the public.	Our Commitment We will implement what you decide.	Level of Influence ● ● ● ● ●	Examples <ul style="list-style-type: none"> • Citizens' juries • Ballots

IAP2 Spectrum – Corrected

IAP2 Spectrum of Public Participation



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Report

Subject	Revised Flood Prone Lands DCP - post-exhibition report
TRIM Record No	BP24/19:EF23/61
Prepared by	Senior Strategic Planner
Reason	Implementing Council resolution
Strategic Theme	An inclusive and healthy community
Strategy	Our community is safe, happy and healthy.
Action	Maintain public health, safety and amenity.

Executive Summary

At the 14 February 2023 Council meeting, Council resolved to prepare and exhibit a draft Development Control Plan (DCP) for Flood Prone Lands and conduct community consultation on a revised Flood Planning Level (FPL) of the 1% Annual Exceedance Probability (AEP) plus 500mm freeboard plus a climate change factor that considers the potential for increased rainfall intensity to the year 2090.

Council officers developed a new Flood Prone Lands DCP based on the Engeny Floodplain Risk Management Plan interim report, updated flood planning guidelines, internal consultation, other flood-prone council DCPs, and the recommendations of the 2022 NSW Flood Inquiry. The DCP, including recommendation for a new flood planning level, was placed on public exhibition between 19 June and 17 July 2023, with 52 submissions received.

A post-exhibition report was presented to Council at the 12 September 2023 meeting, where Council resolved to postpone consideration of the revised DCP until a briefing was held with councillors. The briefing was held on 5 December 2023.

This report summarises changes made to the DCP in response to the public exhibition, officer feedback and councillor briefings.

Recommendation

That Council:

1. adopts a flood planning level of the 0.2% AEP design flood event (1 in 500 probability) + 500mm freeboard
2. adopts the revised Flood Prone Lands Development Control Plan (DCP) with the changes as proposed in this report (Attachment 3)
3. notes the Engeny Interim Report was used in preparing the Flood Prone Lands DCP

Background

Council's Flood Prone Lands DCP has not been amended since 2012 when all DCP chapters were revised to align with the Lismore Local Environmental Plan (LEP) 2012. The current DCP references modelling completed in 2001 and is considered out-of-date because of updates to flood modelling for the Lismore urban area, updates to NSW flood planning policies including new LEP clauses, revised flood planning guidelines and the 2022 NSW Flood Inquiry.

At the 24 January 2023 Floodplain Risk Management Committee meeting, the Committee resolved to recommend to Council:

1. *to undertake community consultation on a flood planning level of 1% AEP 2090 climate change level + 500 mm freeboard*
2. *a draft Development Control Plan (DCP) for Flood Prone Lands be prepared and publicly exhibited along with Engeny's Interim Report.*

At the 14 February 2023 Council meeting, Council resolved to:

1. *receive and adopt the minutes of the Floodplain Risk Management Committee for the meeting held on 24 January 2023 and the recommendations contained therein be adopted*
2. *undertake community consultation on a Flood Planning Level (FPL) of 1% AEP 2090 Climate Change Level plus 500mm freeboard*
3. *prepare a draft Development Control Plan (DCP) for Flood Prone Lands and publicly exhibit it along with Engeny's Interim Report*

A draft DCP was placed on public exhibition between 19 June and 17 July 2023. Based on feedback, a revised Flood Prone Lands DCP was presented to the 12 September 2023 Council meeting, however Council resolved to postpone consideration of the DCP until a briefing had been held, which occurred on 5 December 2023.

Development of Draft DCP

The exhibited draft Flood Prone Lands DCP was developed between February and June 2023, and included input from the current Flood Prone Lands DCP, multiple DCPs from the Northern Rivers region and flood-prone areas across the State, updated flood planning guidelines developed by the Department of Planning and Environment (DPE), internal consultation, and the recommendations of the 2022 NSW Flood Inquiry. The DCP was also informed by Council's flood consultant Engeny's 'Lismore Floodplain Risk Management Plan (FRMP) – Land Use Planning and Development Control: Interim Report' (**Attachment 1**), which includes recommendations for appropriate land use planning controls in each of the identified risk precincts that form part of the FRMP.

Councillors were briefed on the development of the draft DCP at the 7 March 2023 councillor briefing, with further information provided at the 6 June 2023 briefing prior to community engagement activities. A further councillor briefing was held on 5 September 2023 post-community engagement and another was held on 5 December 2023 at the request of Council.

A revised draft with recommended changes (**Attachment 2**) has been developed post-exhibition based on feedback from the community, officers and councillors.

Public consultation

The draft Flood Prone Lands DCP was exhibited between 19 June and 17 July 2023. During this time Council undertook an extensive community consultation campaign including:

- twice weekly presence at the Living Lab in the Lismore CBD;
- fortnightly presence at the Lismore Farmers' Markets;

- A development and business industry briefing;
- A letter to approximately 2800 landowners in extreme and high-risk zones;
- Local Matters notification;
- Facebook posts;
- A flood property information portal providing site-specific information and automated flood certificates;
- an animated video explaining the flood planning level; and
- A Your Say Lismore page featuring a survey, FAQ, and explainer content.

Council received 52 submissions to the Flood Prone Lands DCP – 14 submissions via email/mail, and 38 submissions via the Your Say Survey.

A detailed summary of all submissions and Council officer's response is provided in **Attachment 4**. All submissions (in full) are provided in **Attachment 5**, and a statistical report on the survey submissions is provided in **Attachment 6**.

Key changes from existing DCP

The revised draft Flood Prone Lands DCP chapter has numerous changes compared with Council's existing Flood Prone Lands DCP chapter. Largely, this is due to updated modelling as a result of the Lismore Floodplain Risk Management Study, the recommendations provided in the FRMP Interim Report, and feedback from the community, officers and councillors throughout the exhibition process. An explanation of key changes is provided in **Table 1**.

Table 1: Summary of key differences from existing DCP

Topic	Change to the current DCP
Objectives	<p>Addition of new objectives to align with current planning framework and make clearer the intention of the DCP. These are:</p> <ul style="list-style-type: none"> • Provide a holistic approach to managing development on flood prone land • Encourage development compatible with the relevant flood risk precinct • Prevent intensification of inappropriate land uses within high and extreme flood risk areas • Ensure development maintains the existing flood regime and flow conveyance capacity • Ensure development takes into account changes as a result of climate change • Ensure critical uses and facilities and sensitive and hazardous land uses are planned in consideration of all potential flood events
Flood planning level	<p>Incorporating consideration of climate change (now a requirement for all NSW councils when considering development applications) by raising the flood planning level from the 1% AEP + 500mm to the 0.2% AEP + 500mm.</p> <p>Council exhibited a draft with an officer recommendation of a flood planning level of the 1% AEP + 500mm freeboard + a worst-case climate change factor to the year 2090. Modelling shows that there is very little difference (within 40mm) between the 1% AEP + a climate change factor and the 0.2% AEP. Due to community feedback regarding the difficulty in understanding the climate change factor, it is considered simpler and thus is the officer recommendation to adopt the 0.2% AEP + 500mm as the flood planning level.</p>
Flood risk precincts	<p>Replacement of 2001 modelling and risk precincts. Currently adopted 2001 risk precincts refer to floodway, high flood risk, flood fringe and low flood risk. New precincts refer to extreme risk, high risk, medium risk, low risk and two site specific precincts: South Lismore Development Restricted Precinct and CBD Development Exemption</p>

Topic	Change to the current DCP
	<p>Precinct. The methodology for designing the flood risk precincts is better aligned with current flood planning guidelines.</p> <p>A key difference is some areas had previously been referred to as 'flood fringe' are now considered 'high risk', and as such are proposed to be more restrictive in terms of development considered suitable, particularly relating to residential development on the outskirts of the CBD. While most of the 'floodway' precinct corresponds to the 'extreme risk' precinct, there are now additional areas that are deemed extreme risk due to extreme depth of water ($\geq 2\text{m}$ in 10% AEP and $\geq 4\text{m}$ in 1% AEP).</p> <p>Following community consultation, the DCP has been amended so where development relates to existing buildings, a merit-based assessment can be undertaken regarding the risk precinct applied to the proposed use. This will consider the extent of risk precincts applying to the building footprint.</p> <p>The CBD Development Exemption Precinct has also been extended to encompass the E2 Commercial Centre zone to the east of Lismore Park.</p>
Suitable land uses	<ul style="list-style-type: none"> • The DCP indicates new sensitive and hazardous development is not suitable in any precinct except the low-risk precinct. Sensitive and hazardous land uses are proposed to include: <ul style="list-style-type: none"> ○ Boarding houses, ○ Correctional centres, ○ Electricity generating works, ○ Group homes, ○ Hazardous industries, ○ Hazardous storage establishments, ○ Hostels, ○ Residential care facilities, ○ Respite day care centres, and ○ Seniors housing • The DCP excludes new critical uses and facilities from the floodplain – this includes hospitals and emergency services facilities • The DCP creates a CBD Development Exemption Precinct to continue to allow shop-top housing and tourist and visitor accommodation in areas classified as high-risk within the CBD precinct. A clarification of the rationale has been included regarding a desire to continue supporting the economic viability of the Lismore CBD while flood mitigation investigations are undertaken. • The DCP removes tourist and visitor accommodation and shop top housing as a suitable use in the high-risk precinct (except where within the CBD Development Exemption precinct) • Following public exhibition, educational establishments have been removed from the sensitive and hazardous land use category based on feedback from schools and industry, and are now allowed in high risk zones as long as all floor levels are above the flood planning level.
Development controls	<ul style="list-style-type: none"> • Requirement where the lowest habitable floor area is elevated above finished ground level by more than 1.5m, a restriction is to be placed on the title of the land confirming the sub-floor area is not to be enclosed. • New sensitive and hazardous uses must have FPL above the PMF. • Fill is generally required to be provided from on-site. In some circumstances Council may consider off-site fill from an adjacent

Topic	Change to the current DCP
	<p>area of similar flood function that is lower in the floodplain if it can be demonstrated there are no adverse flood impacts.</p> <ul style="list-style-type: none"> • Fencing must be flood compatible. • The requirement for a mezzanine level for commercial and industrial development south of Hollingworth Creek has been increased from the 0.2%AEP to the 1:10,000 event, which is the closest modelled event to the February 2022 flood level. • SES Emergency Business Continuity Plans and SES Home Emergency plans are required in some circumstances.
Concessional development	<p>A new concessional development pathway providing controls for minor changes to existing development, including in areas where these uses are no longer considered appropriate. This includes:</p> <ul style="list-style-type: none"> • Rebuilding of an approved development in a way that substantially reduces flood risk compared to the existing building. • An addition, alteration or outbuilding (add definition 10A BCA) of not more than the greater of 10% or 30m² (excluding access) additional to the original approved development's building footprint, except where in a floodway where no further expansion is permissible. • Changes of use that do not significantly increase flood risk regarding property damage and personal safety. • Development that is moveable/transportable and able to be safely moved to an area above the PMF during the design flood event. This does not include caravan parks or moveable dwellings. • Subdivision that does not involve the creation of additional allotments, aside from lots created under LEP Clause 4.2.

Changes made based on councillor feedback

Following the councillor briefing of 5 December 2023, councillors requested consideration be given to amending proposed controls relating to fill, and providing additional flexibility, including consideration of off-site fill.

The draft DCP has now been amended to provide commentary on circumstances in which off-site fill may be considered, namely where compensatory cut is taken from an area of similar flood function that is lower in the floodplain if it can be demonstrated there are no adverse flood impacts on nearby sites. Council continues to allow the top 300mm of filling to be sourced from outside of the floodplain. Any proposal to fill a site must be accompanied by an analysis of the effect on flood levels of similar filling of developable sites in the area.

Councillors also requested additional information regarding how climate change has been considered in the Floodplain Risk Management Study, and whether current flood planning levels have factored in climate change.

The Lismore Floodplain Risk Management Study did include a climate change assessment to estimate the likely impact of climate change on flood conditions in Lismore based on a Representative Concentration Pathway (RCP) 8.5 future climate conditions (year 2100), reflecting an increase in rainfall intensity of 19.7%. The results indicated the estimated increase in intensity will result in flood level increases of approximately 350 - 600 mm across the flood extent in the 1% AEP event. This climate change analysis has not been used to alter or update any current design flood event.

Councillors requested an FAQ be developed to explain key flood planning concepts. This is included at **Attachment 7**.

Comments

Finance

Not required

Other officer comments

Relevant officers have been consulted in the preparation of the DCP and feedback incorporated into the attached documents.

Conclusion

The DCP has been amended to incorporate community, officer and councillor feedback, and other changes to improve useability and readability. It is recommended Council adopts the revised DCP chapter, including the recommended flood planning level of the 0.2% AEP + 500mm freeboard.

Attachment/s

- | | | |
|----------------------|--|----------------|
| 1. | Engeny FRMP Interim Report - June 2023 | (Over 7 pages) |
| 2. | Draft Revised Flood Prone Lands DCP - post-exhibition EDITED | (Over 7 pages) |
| 3. | Revised Flood Prone Lands DCP - post-exhibition (clean) | (Over 7 pages) |
| 4. | Submissions summary Flood Prone Lands DCP | (Over 7 pages) |
| 5. | Public exhibition submissions - collated | (Over 7 pages) |
| 6. | Your Say Report - Revised Flood Prone Lands DCP | (Over 7 pages) |
| 7. ↓ | FAQs for Councillors | |



Flood Planning FAQ

DEVELOPMENT CONTROL PLAN (DCP)

What is the flood prone lands DCP?

The Flood Prone Lands Development Control Plan (DCP) outlines the rules for developing on flood prone land in the Lismore local government area (LGA). It takes a risk-based approach to planning and development. The chapter only applies to new development that requires a development application (DA). It does not affect existing development. The DCP will not compel landowners to make changes to existing development and will not affect existing consents.

What is concessional development?

Concessional development is any development or redevelopment that would normally not be permitted under the DCP, but may be permitted as a concession due to its minor impact, provided that it meets certain criteria. The DCP lists the criteria for being considered concessional development. It includes small alterations and additions, as well as rebuilding of an approved development in a way that substantially reduces flood risk. Council will also assess changes of use (from one type of business to another) on their merits.

FLOOD PLANNING LEVEL

What is the Flood Planning Level?

The Flood Planning Level sets the minimum floor level height for new buildings in flood-prone areas. In the Lismore LGA, all new residential buildings must be built above this level, and 25% of commercial and industrial development must be built above this level.

Lismore's current flood planning level is the 1% Annual Exceedance Probability (AEP) + 500mm freeboard. Council is considering raising this level to the 0.2% AEP + 500mm freeboard.

What is Annual Exceedance Probability (AEP)?

Annual Exceedance Probability (AEP) is used to express the likelihood of a flood of a given size or larger occurring in any given year. If a flood has an AEP of 1%, it has a 1 in 100 likelihood of occurring in any given year. If a flood has an AEP of 0.2%, it has a 1 in 500 likelihood of occurring in any given year.

What is freeboard?

Freeboard is a safety factor used in relation to the setting of floor levels. Freeboard compensates for uncertainties in the estimation of flood levels across the floodplain, such as wave action and localised hydraulic behaviour. Freeboard in Lismore is 500mm.

CLIMATE CHANGE

Is Council required to consider climate change?

Under the Local Environmental Plan (LEP), Council is required to consider climate change when assessing development applications.

Under Clause 5.21 Flood planning, objective (1)(b) is 'to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change'

Clause (3)(a) states: 'In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider... the impact of the development on projected changes to flood behaviour as a result of climate change'.

What is a climate change factor?

As part of the Lismore Floodplain Risk Management Study, an assessment was undertaken on the effect of future climate change on flood heights in the Lismore floodplain.

This used the Intergovernmental Panel on Climate Change's (IPCC) Representative Concentration Pathway (RCP) 8.5, which represents a "worst-case" climate change scenario where the world continues a business-as-usual trajectory without any climate mitigation. Under this scenario, rainfall intensity is expected to increase by 19.7% in the year 2090. This increases the 1% AEP level by between 350-600mm, depending on location within the floodplain. This 350-600mm is what is referred to as the climate change factor. Mapping of the climate change factor has been produced in Council's Floodplain Risk Management Plan interim report.

During the public exhibition of the draft DCP, Council staff proposed that the new flood planning level should be the 1% AEP + 500mm freeboard + the climate change factor. This would help to satisfy the LEP requirement to consider climate change when assessing development applications.

Why is it now proposed not to include the climate change factor?

Following community consultation, staff received feedback that the climate change factor was difficult to understand. Because the 0.2% AEP is very similar to the 1% AEP + climate change factor (generally within 40mm), it is now recommended to adopt the 0.2% AEP as the new flood planning level.

CUT AND FILL

What is cut and fill?

Cutting and filling is the process of moving earth from one place to another to make the ground more level. In the context of the flood plain, some developments may fill part of a site to provide better protection against flooding (for example, raising the ground level to the 1% AEP).

Why is fill restricted in the floodplain?

When flood flow paths are blocked by the filling of a development site, alternative flow paths can form, which can cause detrimental impacts to surrounding properties and the community.

Filling in areas that are floodways or flood storage areas are more likely to have adverse impacts. It is therefore important to restrict fill imported into the floodplain and make sure that there is no loss of flood storage within the flood plain.

Can fill be taken from another site?

Council will generally not accept fill being imported into the floodplain from outside the floodplain, except for the top 300mm of fill, which is considered a capping. Balanced cut and fill typically needs to be sourced from on site. There may be instances where Council can consider fill brought from a nearby location within the floodplain. This will need to be supported by a report by a suitably qualified professional demonstrating that there will be no adverse impacts to surrounding properties from the fill.

Proposals for filling in a floodway or flood storage area are likely to need more analysis to understand potential impacts on flood behaviour and risks to others.

MODELLING

Does the flood modelling take into account the entire catchment?

There are two types of models that have been developed through the Floodplain Risk Management process. The first has been a hydrologic model that simulates rainfall across the entire catchment. This model covers the entire catchment using lower resolution topographic data to estimate catchment runoff and therefore flow into waterways. The hydrology model calculates runoff/flow based on parameters including catchment rainfall, catchment area, storage and infiltration losses and flow routing or lag. The hydrologic model was calibrated using multiple historical events.

The second is a hydraulic model. A hydraulic model, or flood model, calculates flood characteristics such as depth, velocity, level and hazard, and uses data from the hydrologic model as an input. It relies on accurate high-resolution topographic data such as LiDAR. The high-resolution LiDAR data Council currently has only extends across the urban area of Lismore, and therefore the hydraulic model only covers the urban area. However, it uses hydrologic modelling for the entire catchment as an input.

Report

Subject	Transfer of Crown Road to Council - Part Airforce Road, East Lismore
TRIM Record No	BP23/1079:CDR23/2204
Prepared by	Property Services Manager
Reason	Seeking consent to transfer part of Crown Road to Lismore City Council.
Strategic Theme	Our built environment
Strategy	Our city and village services are well managed and maintained.
Action	Provide a road network that is safe and serviceable.

Executive Summary

This report seeks a resolution from Council to submit an application to NSW Department of Planning, Housing and Infrastructure for ministerial consent to transfer to Lismore City Council part of a Crown road, as described in this report (outlined pink in Images 1-3), to facilitate the development relating to Development Application DA23/69.

Recommendation

That:

1. Council submit an application to NSW Department of Planning, Housing and Infrastructure requesting part of the Crown road of Airforce Road, East Lismore, as described in this report, be transferred to Lismore City Council
2. to meet the criteria of NSW Department of Planning, Housing and Infrastructure, the General Manager submit a letter with the application giving consent to the transfer of Crown road as described in this report
3. Council officers coordinate the timing of the Crown road transfer with the development application process

Background

Development Application DA23/69 was lodged with Council on 9 May 2023, which seeks consent for use of four land parcels, being:

- 11 Airforce Road, East Lismore (Lot 1 in DP 1294821)
- 13 Airforce Road, East Lismore (Lot 2 in DP 1294821)
- 15 Airforce Road, East Lismore (Lot 6 in DP 1296262)
- 19 Airforce Road, East Lismore (Lot 5 in DP 1294821)

to undertake the erection of a multi-dwelling housing development comprising 22 dwellings and associated vehicular access, earthworks, civil infrastructure works and landscaping.

Development Application 23/69 is currently being assessed by Council officers and as part of the development assessment process, the proposal was referred to Crown Lands for the opportunity to comment and provide feedback.

Crown Lands raised no objection to the development. However, Crown Lands informed Council it is essential the segment of the Crown roadway situated adjacent to the north-eastern boundary of the site intended for access by Units 15-17 and 21-22, must be transferred to the Council before any work within the Crown road corridor is initiated.

To facilitate the proposed development, the applicant seeks a section of the Crown road reserve to be transferred to Lismore City Council. Images 1-3 (below) show the area of the Crown road proposed to be transferred to Council.

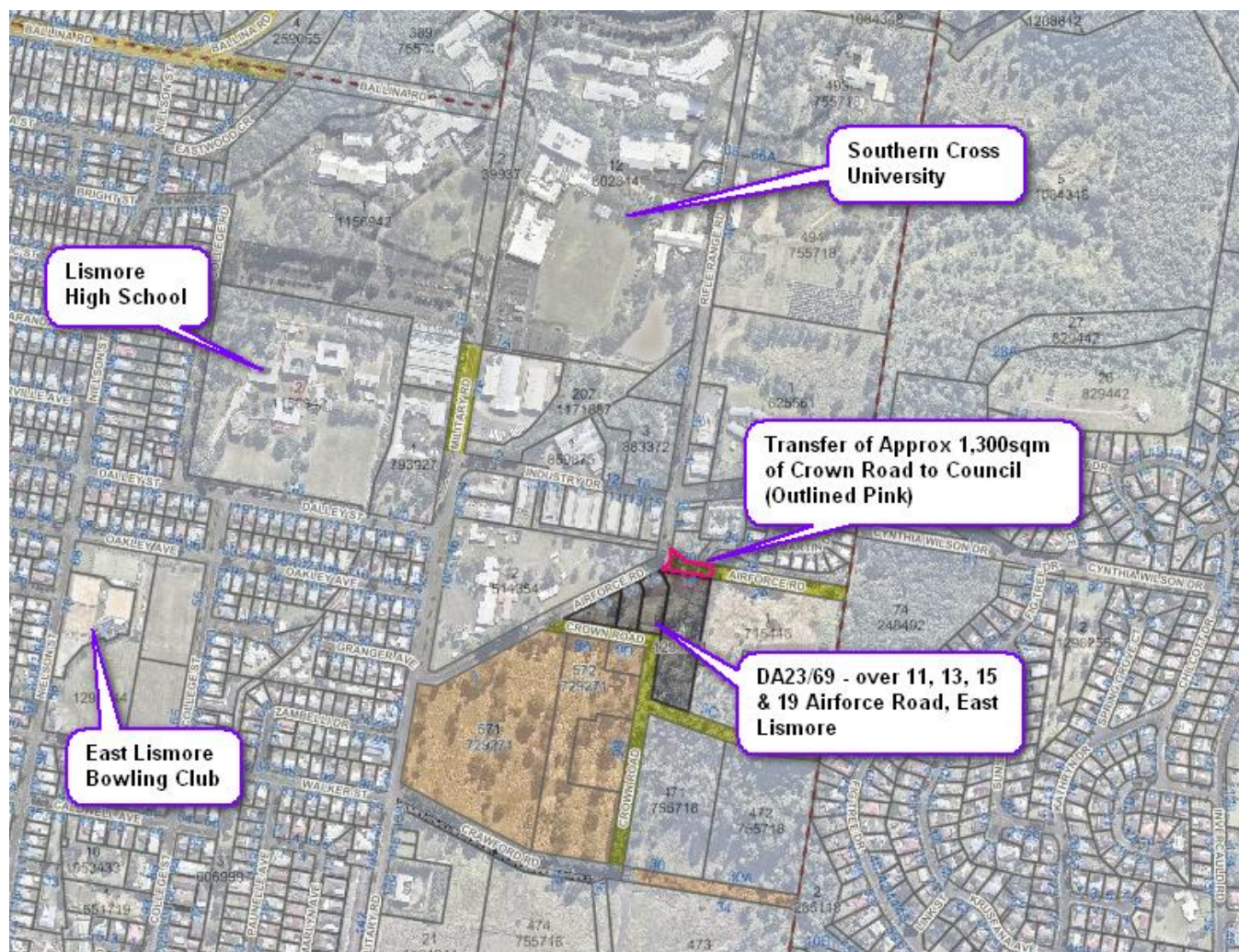


Image 1 – Aerial locality plan of Development Application (DA23/69)



Image 2 - Crown road (approx. 1,300m²) as outlined pink

NOTE: TOTAL HARDTAND = 1999 m²

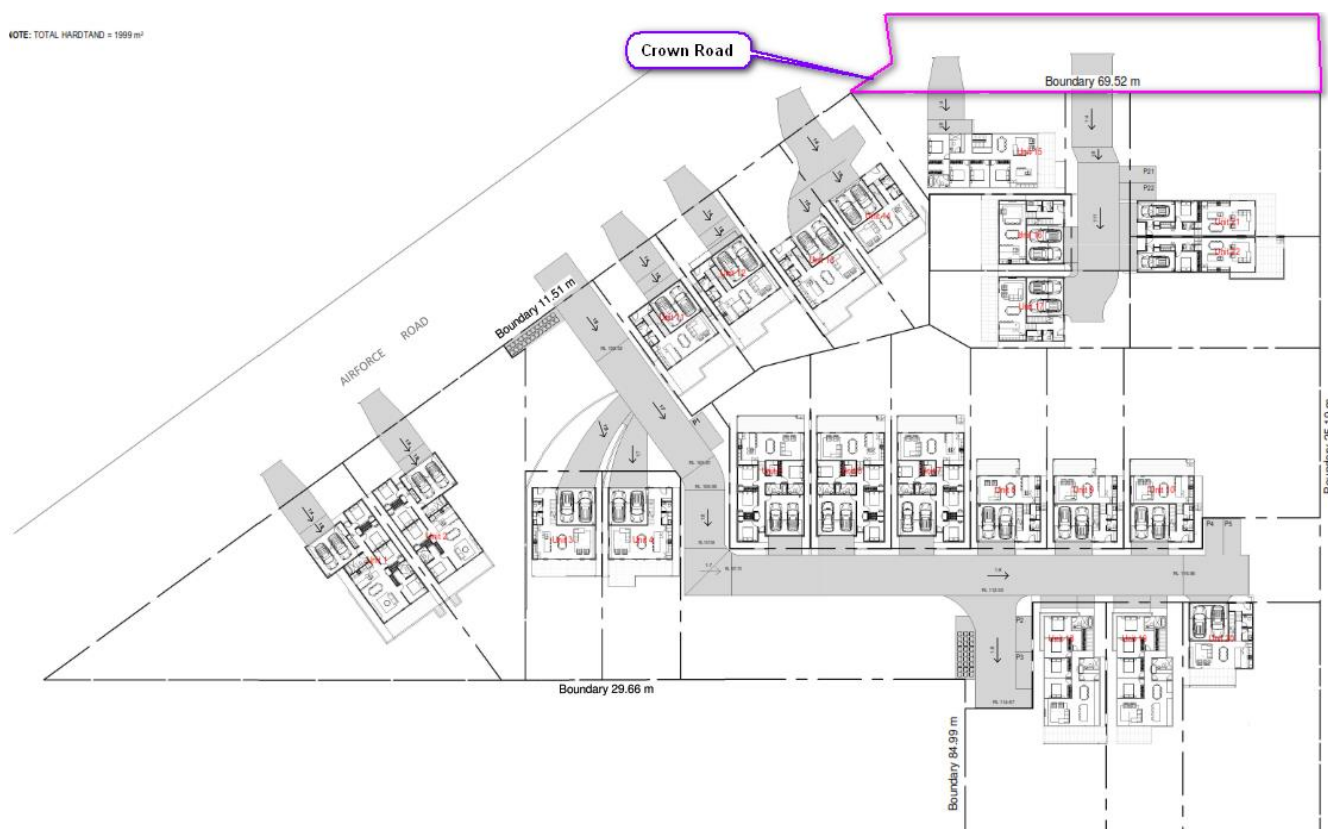


Image 3 – Proposed Development plan showing driveway profiles

The Crown road transfer meets the third listed criteria of Crown land in the attached as roadworks will be required on the Crown road for development consent under the *Environmental Planning & Assessment Act 1979*. The road transfer will allow Council to regulate the standard to which the road should be established and issue a Construction Certificate as the relevant roads authority under the *Roads Act 1993*.

Whilst this report recommends Council become the roads authority for the relevant section of road, timing of the transfer will be coordinated and conditional upon the developer obtaining Development Consent for the proposed development and road construction. This will ensure Council is satisfied with the design and construction plans prior to accepting control and avoid Council unnecessarily taking control in the event the development does not proceed.

Under the *Local Government Act 1993* the making of an application to the Minister cannot be delegated. As such, this report seeks a resolution from Council to submit an application to NSW Department of Planning, Housing and Infrastructure for ministerial consent to transfer the relevant section of road to Council.

There are no fees payable by Council to lodge a road transfer application. Once ministerial consent is given to transfer the road, the NSW Department of Planning, Housing and Infrastructure at its own cost will administer the transfer and publish a notice of the road transfer to Council in the *NSW Government Gazette*. Once the gazette has been published, the road transfer will be formalised to become a Council road/ asset.

Should Council not consent to the Crown road being transferred to Council there is a risk the development will be delayed. It should be noted a Crown road can be transferred to Council without consent. However, it is the practice of the NSW Department of Planning, Housing and Infrastructure to consult with the affected Council before processing a Crown road transfer in this manner.

Comments

Finance

As the area in question is already included in the Council's current road maintenance program, the transfer will not increase Council's current maintenance requirements, and the cost of transfer is not a cost to Council, the recommendation, as printed, is supported.

Conclusion

For the development and planning reasons noted in this report, Council approval is sought to submit an application to NSW Department of Planning, Housing and Infrastructure requesting approximately 1,300m² of Crown road adjoining Lot 5 in DP 1294821 and as outlined pink in images 1-3 above, to be transferred to Council to facilitate the development relating to Development Application DA23/69.

Attachment/s

1. [Download](#) Criteria for transferring Crown roads to council

Transfer of a Crown road to other road authorities

There are two types of transfers administered by the department on behalf of the minister:

1. Crown road transfer at the request of council or another roads authority
2. transfer initiated by the department, where a Crown road is assessed as having a future use that exceeds the original intention of providing an avenue of legal access.

A Crown road can be transferred to council without consent; however it is the practice of the department to consult with the affected council before processing a Crown road transfer. Each proposed transfer will be considered on a case by case basis.

These guidelines establish a set of principles that guide Crown road transfers to council. The department's aim is to reduce the volume of disputed transfers with councils by providing a clearer process and improved communication.

The criteria for determining whether a Crown road is suitable for transfer to council or another roads authority (such as the RMS) are outlined in the Requirements section of Administration of Crown Roads policy. Crown roads are considered suitable for transfer to another roads authority when they meet one or more of the following criteria:

Table 1. Criteria for the transfer of a Crown road

Criteria	Explanation
a. The road authority requests transfer of a Crown road, including for the purpose of Section 44 of the Roads Act.	To initiate the road transfer process, the request by a roads authority such as local council or RMS is to be in writing and accompanied by diagram depicting the extent of road subject of the transfer.
b. The Crown road provides formed road access to urban or rural areas or provides formed road access within country towns, villages, local communities and public areas.	These roads generally service public traffic where the road has been named by council for addressing purposes and council has traditionally maintained or repaired the road. The transfer formalises the administrative arrangements to rest with the relevant council as the appropriate roads authority to manage the road as part of their road network.
c. Road works on a Crown road are proposed by someone other than the department that require development consent under the <i>Environmental Planning & Assessment Act 1979</i> (EP&A Act).	This allows council to regulate the standard to which road access should be established and issue a construction certificate as the relevant roads authority under the Roads Act.
d. Development consent has been granted by a council that requires use of a Crown road to service a development that is causing an increase in traffic.	A key issue influencing the use of affected Crown roads is incremental traffic increasing developments and local council's role in development consent, planning and public road management. The responsibility for managing these roads would rest with Council as the relevant roads authority.
e. A Crown road is required to be maintained to a standard specified as a condition of development consent.	Transfer places the onus on council, as the consent authority, to manage the road in accordance with the requirements of the development approval. If standards were not specified by council as a condition of consent, transfer may still apply on the basis that road works were not required as the Crown road already conformed to council's access standards to service the development.
f. A Crown road was constructed or is being maintained by a council to	This places council in a position to formally manage the road in accordance with pre-existing access and traffic conditions. This includes

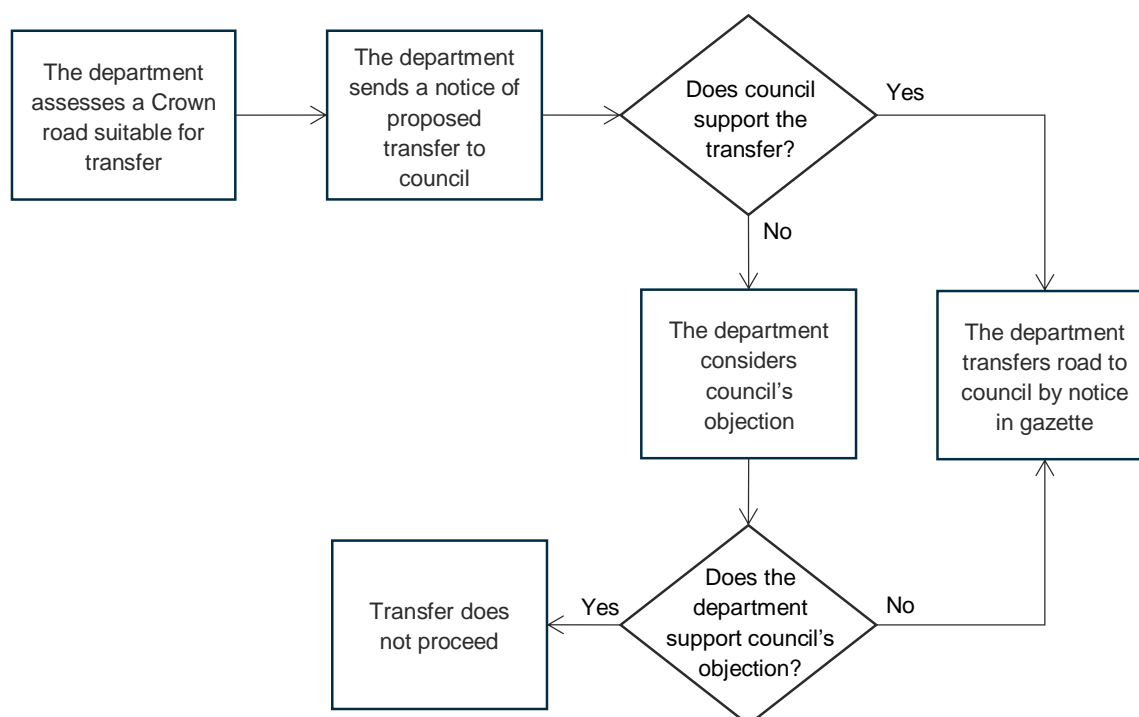
Criteria	Explanation
facilitate access, as part of its local road network, which may include drainage structures such as a bridge or culverts.	road standards required and administration of compliance against its requirements.
g. Construction or upgrade of a Crown road is required to meet standards required by a council.	This delivers outcomes that are consistent with council's long- established role in managing public roads as part of the local road network for residential and rural needs.
h. A council objects to the sale or closure of a Crown road on the grounds that the road is required for public access.	This preserves the road for current and future access needs.

The road transfer criteria apply to actions undertaken in respect to roads in the past, present and future and are not limited by the date that the Crown Roads Policy and these guidelines were adopted.

The department will not support objections where it is suggested the road is not generally used by the public. Guidance provided in the above criteria supports the continued transfer of Crown roads to local councils. The established criteria are consistent with previous and present legislation and may be applied to matters arising before and after the publication of these guidelines.

The following claims are also not considered valid reasons for a council to decline a department-initiated road transfer:

- **road condition**—where council objects to the transfer on the basis that the road is in a state of disrepair or does not conform to council minimum standards, and/or
- **financial implications**—where council objects to the transfer based on (potential) costs incurred. Local councils have the ability to levy funds through development contributions, rates and grants for road repair and maintenance.



Report

Subject	Sustainable Procurement & Contracts Policy
TRIM Record No	BP24/80:AF24/590
Prepared by	Chief Financial Officer
Reason	
Strategic Theme	Leadership and participation
Strategy	We provide effective management and responsible governance.
Action	Ensure well-managed procurement, tendering and contracting services.

Executive Summary

The current Procurement Policy (1.4.19) was adopted by Council in October 2018 and is due for review. Officers have worked closely with Local Government Procurement in the development of the revised policy which is presented for Council's consideration. Council's 2023/24 budget estimates expenditure on materials, contracts, and capital works of some \$284m, hence a robust procurement framework is critical in ensuring good governance and value for money are achieved.

Recommendation

That:

1. Council endorse the draft Sustainable Procurement & Contracts Policy, subject to (2) below, for the purpose of placing the document on public exhibition
2. Council select option 3 outlined in Table 1 in relation to the Carmichael Mine disclosure
3. the amended Policy be placed on public exhibition for 28 days with any submissions received reported back to Council for consideration
4. in the event no submissions are received, the draft Policy be adopted at the conclusion of the exhibition period

Background

A review of the current Procurement Policy has been undertaken by officers, with guidance from Local Government Procurement. Key elements of the proposed revised Policy include:

- Updates and inclusions to improve alignment with the NSW Procurement Framework.
- Importance of sustainability flagged throughout the policy resulting in greater focus and decision making on future sustainability projects.
- Key legislative requirements and best practice principles are now captured, including addressing modern slavery, indigenous engagement, sustainability and the quadruple bottom line, emergency management and probity.
- A review of the current Clause 7 (Carmichael mine disclosure)
- Re-emphasis on the importance of using local suppliers.

An area of concern in relation to the current policy, with consideration of the developing Flood Recovery Program, is Clause 7, which places restrictions on contractors who have a contractual agreement with the Carmichael mine and which may not be lawfully enforceable and may severely restrict Council's business. Option 3 in Table 1 below is considered the only enforceable option. The revised Policy was presented to councillors at a briefing on 29 January 2023, including several proposed options in relation to the Carmichael mine clause. These are set out below:

Table 1 – Options in relation to the Carmichael mine clause:

Option	Policy Clause
Option 1 – No Change from Current Policy	<p>Carmichael mine disclosure: The Lismore City Council does not support the development of the Carmichael mine. Application of Carmichael mine disclosure in Procurement</p> <ul style="list-style-type: none"> • All tenderers are required to disclose any direct contractual agreement to construct or operate the Carmichael mine. • All tenderers must complete a compulsory disclosure with a Yes or No response. Additional information can be provided. • A Yes response will result in the tenderer being ineligible for further assessment. • A No response will result in the tenderer being eligible for further assessment. • If it is found or discovered during the contract period that a contractor has or develops a direct contractual agreement to construct or operate the Carmichael mine the contract will be terminated.
Option 2 – No Change other than to provide dispensation to the flood recovery Program to ensure all scopes completed related to the Managing Contractor shall not require compliance to the relevant Clause of the Procurement Policy.	<p>As per Option 1, with the inclusion of the following caveat: Provide exemption to the Flood Recover Program to ensure all scopes completed within the Managing Contractor allocated work packages shall not require compliance to the current Clause (above)</p>
Option 3 – remove all restrictions in relation to engaging contractors with contractual agreements with the Carmichael Mine	<p>Delete the current Clause 7 of the Policy (per Option 1) in its entirety</p>
Option 4 – Establish a new clause pertaining to the Carmichael Mine in relating to contractor disclosure	<p>The Lismore City Council does not support the development or operation of the Carmichael mine. Application of Carmichael mine disclosure in Procurement</p> <ul style="list-style-type: none"> • All tenderers are required to disclose any direct contractual agreement with the Carmichael mine. • All tenderers must complete a compulsory disclosure with a Yes or No response. Additional information can be provided. • Council reserves its' right to not proceed with any contractor that has a direct contractual agreement with the Carmichael mine.

For councillors' information, officers understand the intent of the Carmichael clause as detailed above. Enforceability is a concern and research has failed to identify any other local governments who include such a restriction in their procurement activities.

Comments

Finance

A review of the procurement policy is supported as an enabler in ensuring Council's financial sustainability.

Public consultation

The Draft Policy is to be placed on public exhibition for 28 days, with any submissions reported back to Council.

Conclusion

A robust procurement framework is essential for guiding Council's significant and complex procurement activities.

Attachment/s

1. [↓](#) Procurement Policy - Current
2. [↓](#) Sustainable Procurement and Contracts Policy



POLICY MANUAL

Policy title:	PROCUREMENT
Policy number:	1.4.19
Objective:	To provide Council with a fair and open process coupled with clear guiding principles for procurement of goods and services.
Link to community vision/service:	Leadership and participation – E3. Our decisions and actions are open, transparent, effective and in the interests of all.
Program Area:	Finance
Policy created: 8/07/2008	Council reviewed: 14/05/13, 12/12/17, 9/10/18
Last reviewed by staff: October 2018	TRIM Ref: ED16/31319[v3]

1. **Policy Statement**

Lismore City Council is committed to ensuring a fair, transparent and accountable process in its procurement of goods and services that it utilises in the delivery of services to the Lismore community.

The purpose of this policy is to document clear guiding principles for Council in its procurement of goods and services to assist in:

- ensuring best value for money and cost effectiveness,
- meeting the needs of the community,
- promoting good management practices,
- ensuring transparency and probity,
- promoting sustainability.

The policy applies equally to Councillors and staff.

2. **Policy Objectives**

The objectives of Lismore City Council's Procurement Policy are to:

- Ensure Council at all times, complies with the NSW Local Government Act, 1993 and the NSW Local Government (General) Regulations, 2005 and all other relevant laws and regulations, in relation to the procurement of goods and services.
- Clearly define Council's philosophy of fair, transparent and accountable procurement processes.
- Assist Council in achieving the most advantageous "value for money" procurement outcomes.
- Promote and ensure a sustainable approach to decisions around community, environment and financial aspects of procurement.

- Support local business where possible in procurement outcomes.
- Ensure cooperation and understanding from contractors and suppliers by fostering open engagement and demonstrating consistent and regulated procurement practices.
- Ensure Council's procurement, practices, and procedures are benchmarked and as such, meet the highest level of public scrutiny and probity.
- Ensure Council does not support the development of the Carmichael mine.
- Ensure all procurement activities are conducted in accordance with Council's Code of Conduct.

3. **Sustainable Procurement**

The *Local Government Act*, 1993 contains specific requirements and direction for councils in relation to sustainability. Lismore City Council promotes sustainability in its procurement processes. This is to support Council's environmental policies and objectives.

The objectives of Council's sustainability considerations are to:

- Eliminate unnecessary inefficiency, waste and expenditure.
- Contribute to the combined purchasing power of local government to stimulate demand for sustainable products.
- Reduce the use of virgin materials by increasing the recycled content in the products we buy.
- Increase awareness about the range and quality of sustainable products available.
- Deliver Council's commitments in relation to ecologically sustainable development and any other environmental and social objectives.
- Demonstrate leadership in advancing long term social and environmental sustainability.

4. **Local Content**

As a regional centre in Country NSW, Lismore City Council forms an integral part of the local economy in the region. One of Council's key strategic priorities is economic development with stated initiatives to support business and assist in job creation. Council seeks to meet these initiatives by measuring the amount of local content in its procurement activities.

The use of local content in the selection criteria within procurement is an appropriate way to make an informed assessment of a submission's direct benefit to the local economy. The amount and/or type of local content is assessed using the selection criteria framework, coupled with the standard weighted score system of assessment.

The objectives of Council's local content considerations are to:

- Provide benefits to the local economy in Council's procurement processes.
- Allow tenderers to easily and simply demonstrate the benefits of their bid to the local economy by using a standard tender schedule format.
- Allow easy assessment by Council within the tender evaluation system.
- Encourage suppliers from outside the Lismore City Council area to submit tenders by providing a transparent method of assessing local content.
- Promote the use of local contractors, materials and services.
- Have a fair and transparent system that addresses probity.
- Ensure tenders are evaluated on an equal footing.

Local content will be weighted at a minimum of twenty per cent (20%) of the selection criteria. The local content weighting can be higher than 20% if considered appropriate for the goods or services being procured.

5. **Prescribed Person Contract procurement and application of Local Content**

When assessing if a Prescribed Person panel contract for procurement is to be used, Local Content will be one of the selection criteria.

Where local suppliers are not included in a Prescribed Person panel contract, consideration will be given to the potential impact on local suppliers and if considered unreasonable, an open tender process will be followed.

Prescribed Person panel contracts entered into will be regularly reported to Councillors.

6. **Risk Management**

All suppliers must comply with current Environmental, Work Health and Safety and Workers Compensation legislative requirements where applicable in the delivery of goods and services to Council. They are therefore expected to be aware of and consider these requirements in preparing quotations or tenders for Council. Suppliers are also required to have appropriate insurance policies to cover their activities undertaken on behalf of Council.

7. **Carmichael mine disclosure**

The Lismore City Council does not support the development of the Carmichael mine.

7.1 **Application of Carmichael mine disclosure in Procurement**

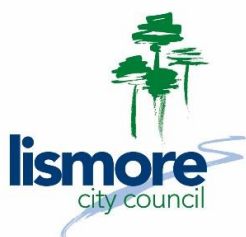
- All tenderers are required to disclose any direct contractual agreement to construct or operate the Carmichael mine.
- All tenderers must complete a compulsory disclosure with a Yes or No response. Additional information can be provided.
- A Yes response will result in the tenderer being ineligible for further assessment.
- A No response will result in the tenderer being eligible for further assessment.
- If it is found or discovered during the contract period that a contractor has or develops a direct contractual agreement to construct or operate the Carmichael mine the contract will be terminated.

8. **Review**

The policy be reviewed once during the term of each Council.

9. **Further Document Information and Relationships**

Related Legislation	<ul style="list-style-type: none"> • NSW Local Government Act 1993 – Section 55 • NSW Local Government (General) Regulation 2005 – Clause 167 • DLG Tendering Guidelines for NSW Local Government • NSW Independent Commission against Corruption (ISAC) website • NSW Government Information (Public Access) Act 2009 • Work Health and Safety Act, 2011 • Work Health and Safety Regulation, 2011 • Independent Commission Against Corruption • Contracts Review Act 1980
Related Policies	<ul style="list-style-type: none"> • Lismore City Council Code of Conduct • Lismore City Council Business Ethics
Related Guidelines	Lismore City Council Procurement Guidelines



POLICY MANUAL

Policy title:	SUSTAINABLE PROCUREMENT & CONTRACTS POLICY
Policy number:	1.4.19
Objective:	To provide an overview of the Council Procurement and Contract Framework and principles that MUST be followed by all Council Officers and representatives when purchasing goods and services.
Link to community vision/service:	Leadership and participation – E3. Our decisions and actions are open, transparent, effective and in the interests of all.
Program Area:	Procurement and Contracts
Policy created: 8/07/2008	Council reviewed: 14/05/13, 12/12/17, 9/10/18, 19/01/24
Last reviewed by officers: <i>January 2024</i>	TRIM Ref: ED16/31319[v4]

1. Policy Statement

Lismore City Council is committed to ensuring a fair, transparent and accountable process for its procurement of capital items, goods and services.

2. Purpose

The purpose of this policy is to document clear guiding principles for Council in its procurement of goods and services which assists in:

- ensuring best value for money and cost effectiveness,
- meeting the needs of the community,
- promoting good management practices,
- ensuring transparency and probity,
- promoting sustainability.

The policy applies equally to councilors and officers.





3. Policy Objectives

The objectives of Lismore City Council's Procurement Policy are to:

- Ensure Council at all times, complies with the NSW Local Government Act, 1993 and the NSW Local Government (General) Regulations, 2021 and all other relevant laws and regulations, in relation to the procurement of goods and services.
- Clearly define Council's philosophy of fair, transparent and accountable procurement processes.
- Assist Council in achieving the most advantageous "value for money" procurement outcomes.
- Promote and ensure a sustainable approach to decisions around community, environment and financial aspects of procurement.
- Support local business where possible in procurement outcomes.
- Ensure cooperation and understanding from contractors and suppliers by fostering open engagement and demonstrating consistent and regulated procurement practices.
- Ensure Council's procurement, practices, and procedures are benchmarked and as such, meet the highest level of public scrutiny and probity.
- Evaluate tender and contract opportunities through a Total Cost of Ownership approach.
- Ensure all procurement activities are conducted in accordance with Council's Code of Conduct.

4. Sustainable Procurement

The Local Government Act, 1993 and the Local Government NSW Sustainable Procurement Guide contain specific requirements and direction for councils in relation to sustainability. Section 55 of the Act requires councils to apply good governance to procurement activities. Sustainable procurement takes into account the total cost – economic, environmental and social within a wider framework of good governance.¹

	Governance and Leadership: traceability, accountability, reporting, leadership in the community, adherence to local government rules and regulations.
	Social Impacts: local employment, diversity, accessibility, ethics, cultural impacts and social cohesion
	Environmental Impacts: pollution, energy use, water use, waste generation, use of toxic chemicals, impacts on air quality, biodiversity, land use and litter, climate change.
	Economic Impacts: cost, quality, maintenance and repair costs, replacement parts, total cost over the full life cycle of the product or service.

Lismore City Council promotes sustainability in its procurement processes and are applied to the Council's business operations.

¹ <https://lgnsw.org.au/common/Uploaded%20files/PDF/esstam-sustainable-procurement-guide-30.05.17.pdf>

5. Roles and Responsibilities

Position	Responsibilities
Council Officers and Representatives	Accountable for managing procurement and contracts in accordance with council's financial delegations, Legislation, and this Policy. Council Officers are required to demonstrate due diligence in each of the PLAN, SOURCE, MANAGE stages based on the value and risk of the project.
Procurement Manager / Team	Overall responsibility of this Policy, its implementation and ongoing operational compliance. Provide support and guidance in the interpretation and use of this Policy and associated Procurement and Contract Management Framework and Legislation.
Executive Leadership Team (ELT)	Demonstrate leadership through commitment to Sustainable Procurement and Contract Management. Provide stewardship, oversight through review of "health checks" of procurement and contract management through consideration of regular reporting.

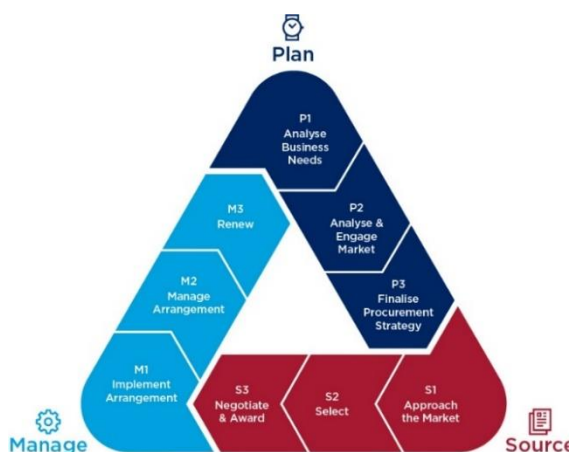
6. Procurement and Contract Management Framework

The Council Framework aligns to the PLAN, SOURCE and MANAGE stages of the NSW Procurement Framework². Utilising this framework as a guideline will provide the best chance of reaching a successful Procurement outcome, achieving value for money, mitigating risks and establishing appropriate contract management standards.

Considerations around project value and risk in relation to procurement strategy and contractual instruments will be applied.

The benefits of applying this framework include:

- Application of a rigorous, proven approach that can ensure the achievement of lowest total costs for specific spend categories being sourced.
- A common language and process for sourcing professionals across council and broader local procurement.
- Availability of a consistent framework for capturing best practice tools, templates and behaviours across the council.
- These guidelines are organised in a manner that are intended to be user-friendly and resourceful for users of the procurement system.³



² https://info.buy.nsw.gov.au/_data/assets/pdf_file/0020/1065503/Procurement-Policy-Framework-1.9-April-2022-Full-V1.pdf

³ This Framework, while being an original creation, acknowledges and incorporates elements from the NSW Procurement Framework, and we respect the Creative Commons Information by affirming that this work is based on the principles and guidelines set forth by NSW Procurement.

7. Procurement Principles

Accountability – Council is committed to ensuring accountability and transparency in its procurement activities. Accountability means that Council officers are responsible for their actions and decisions that they take in relation to procurement and for the resulting outcomes. Council officers **MUST** be able to demonstrate the basis of all decisions that can withstand any scrutiny.

Confidentiality – Council officers **MUST** maintain the integrity and security of confidential information in their possession, or for which they are responsible. In addition to general obligations relating to the use of council information, Council officers **MUST** only access confidential information that they have been authorised to access and only do so for the purposes of exercising official functions and only release confidential information authorised to do so. Refer to Council's Model Code of Conduct for further information.

Conflicts of Interest – A conflict of interest exists when a reasonable person might perceive that a public official's personal interest(s) could be favoured over their public duties. Conflicts of interest do not, in themselves, usually constitute corrupt conduct. Corrupt conduct can, however, arise when a conflict of interest is concealed, understated, mismanaged, or abused. Officers **MUST** declare, record, and save on file all identified conflicts.

Emergencies – From time-to-time there may be a need to purchase goods or services due to an emergency whereby the requirements of Legislation and this Policy cannot be applied. An emergency is a situation that poses an immediate risk to health, life, property, or environment. Emergency procurement is only an option where Council must act immediately and take all reasonable and necessary action to mitigate any continuing risk associated with the emergency. This may only be used in cases of genuine emergency and not to remedy poor planning. Authorisation for emergency procurement **MUST** only be given under delegation to the Chief Executive Officer (CEO) or elected delegate.

Enhancing Indigenous Engagement and Participation in Procurement Processes - Council commits to enhancing local Indigenous business engagement in procurement processes, by aligning with state and federal guidelines, and prioritising suppliers who employ Aboriginal individuals. Council will collaborate with NSW Office of Local Government and local Aboriginal organisations, to foster Indigenous participation and business development. Our procurement principles balance economic, social, environmental, and governance outcomes, considering not only financial cost, but also promoting local employment, diversity, accessibility, cultural impacts, and social cohesion⁴.

Modern Slavery - Council is committed to maintaining high ethical standards and conducting its business responsibly. In alignment with the NSW Modern Slavery Act 2018, which came into effect on 1 January 2022, the Council diligently undertakes reasonable steps to ensure that goods and services procured are not the products of modern slavery. As a local government entity, we recognise our obligations under the NSW Act and strive to ensure transparency in our business transactions and procurement processes. Our officers, contractors, and suppliers are expected to promptly raise any concerns or suspicions about potential instances of modern slavery in any segment of our organisation or supply chains.

Probity - Probity in procurement refers to the adherence to ethical principles, ensuring fairness, integrity, and transparency; in essence, we do what we said we would do. Council officers **MUST** make every effort to uphold the principles of probity and good governance in all procurement activities. This commitment reinforces Council's dedication to responsible and accountable practices.

Purchase Cards – Council provides a purchasing card facility to enable the secure purchase of goods and services in support of legitimate Council business. Purchasing cards are intended to

⁴ https://info.buy.nsw.gov.au/_data/assets/pdf_file/0007/949174/app_policy_jan_2021.pdf

provide an efficient method of purchasing ad-hoc travel, accommodation and minor expenses or urgent items where no preferred supplier agreement is in place. Council officers issued with a corporate purchasing card are in a position of trust regarding the use of public funds. Expenditure on a purchasing card **MUST** be in accordance with your financial delegation and the fundamental requirements set out in this Policy, considering specific requirements of the Purchase Card Procedure.

Purchase Orders – Suppliers **MUST** not be engaged to supply any goods or commence any services without first being issued with a valid purchase order. Invoices issued by contracted suppliers must have a valid Council purchase order reference number that is referenced on their invoice, or it may not be paid.

Record Keeping – The Council's records are its corporate memory, provide evidence of actions and decisions and represent a vital asset to support its daily functions and operations. Council officers **MUST** ensure appropriate documents and records are maintained in accordance with Council's Records Management Policy.

Risk Analysis and Management – Risk analysis and management are techniques applied to ensure that procurement processes contracts are successful. By adopting a 'what-if' mind-set it allows procurement to identify and assess the risks and prioritise them by aligning relevant resources to monitor, control and minimise or overcome the impact. Consideration of risk should be managed in accordance with the Council's Enterprise Risk Management Policy and Procedures.

Direct Dealing – Direct Dealing or Sole sourcing is a direct arrangement with a single supplier to provide goods or services without conducting a competitive process. Caution should be exercised in determining that a market consists of a single supplier. Further guidance on planning and executing direct dealings are available in the [ICAC Guidelines](#) contained in the NSW Buy framework.

Sustainability (QBL) – Council's top priority is to procure sustainably and with positive planetary health outcomes a focus wherever possible (i.e., socially, environmentally, and economically sustainable results delivered through excellent governance and leadership practices) . When procuring or contract managing for Council, Council officers **MUST** demonstrate that opportunities for sustainable outcomes have been adequately assessed and enacted, in accordance with Council's current procurement and contract management framework.

Tender Thresholds – The estimate value of the contract is inclusive of Goods and Services Tax (GST) for all goods and services for the life of the contract, e.g., if you plan for a contract for an initial period of 3 years with a 1-year option to extend, the contract value is based on 4 years of spend. If you are making a once only purchase, the contract value is the total quoted price. The current tender threshold is \$250,000 including GST for the life of the contract. Council officers **MUST** not split purchase orders or contract value estimates to avoid defined or legislative process.

8. Contract Management Principles

A contract is an agreement made between two or more parties that creates rights and obligations enforceable in law. Council recognises that the effective management of contracts with suppliers is essential in maximising the business benefits, achieving value for money and minimising contractual risks. This Policy applies until all contractual obligations have been completed. The following are excluded from this Policy:

- Employment contracts,
- Non-binding Memoranda of Understanding,
- Partnering and collaborative contracts with other Local or State organisations

- Council Insurance Contracts

Requirements applying to contracts:

- All Council Contracts valued at \$75,000 (including GST) or more must be registered and identified with a Contract Number - issued by Council's Contract Management System (CMS)
- Council will maintain and publish a register of all Council contracts that records key information about each contract Council enters into with the private sector which has or is likely to have a value of \$150,000 (including GST) or more.

9. Local Content

As a regional centre in NSW, Lismore City Council forms an integral part of the local economy in the region. One of Council's key strategic priorities is economic development with stated initiatives to support business and assist in job creation. Council seeks to meet these initiatives by measuring the amount of local content in its procurement activities.

The use of local content in the selection Criteria within procurement is an appropriate way to make an informed assessment of a submission's direct benefit to the local economy. The amount and/or type of local content is assessed using the selection Criteria framework, coupled with the standard weighted score system of assessment.

The objectives of Council's local content considerations are to:

- Provide benefits to the local economy in Council's procurement processes.
- Allow tenderers to easily demonstrate the benefits of their bids to the local economy, by using a standard tender schedule format.
- Allow a more simplified assessment by Council within the tender evaluation system.
- Encourage suppliers from outside the Lismore City Council area to submit tenders by providing a transparent method of assessing local content.
- Promote the use of local contractors, materials and services.
- Stimulate investment by suppliers into the community
- Have a fair and transparent system that addresses probity.
- Ensure tenders are evaluated on an equal footing.
- Reporting on local purchasing
- Favorable payment terms

Local content will be weighted at a minimum of twenty per cent (20%) of the selection Criteria. The local content weighting can be higher than 20% if considered appropriate for the goods or services being procured.

Notwithstanding the above Local Content inclusions, the council endeavours to maximise procurement and opportunities across all the Neighbouring Local Government Areas.

10. Prescribed Person Contract procurement and application of Local Content

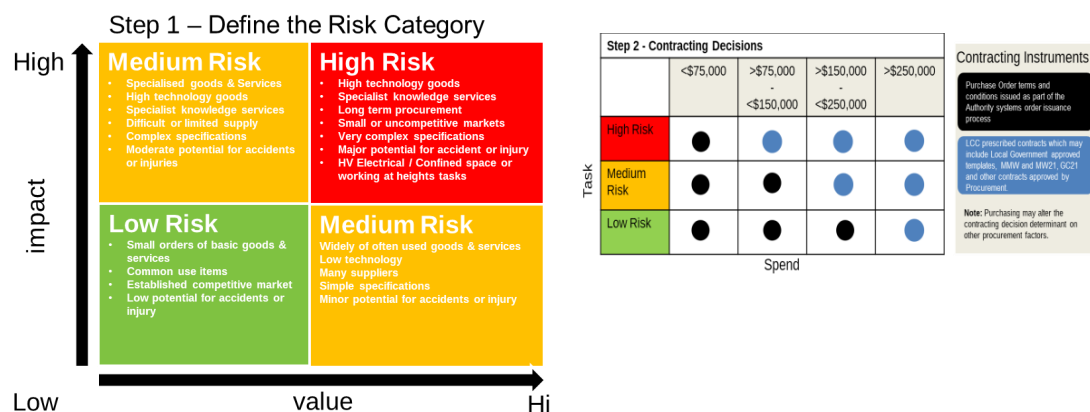
Supply and service contracts are available through NSW State Government and Local Government Procurement (LGP), with LGP being fully owned subsidiary of Local Government NSW.

Council supports the use of prescribed contracts due to the reduction in tendering timeframes, cost and the benefits typically realised.

Where local suppliers are not included in a Prescribed Person panel contract, consideration will be given to the potential impact on local suppliers and if considered unreasonable, an open tender process will be followed.

11. Risk Management

All suppliers must comply with current Environmental, Work Health and Safety and Workers Compensation legislative requirements where applicable in the delivery of goods and services to Council. They are therefore expected to be aware of and consider these requirements in preparing quotations or tenders for Council. Suppliers are also required to have appropriate insurance policies to cover their activities undertaken on behalf of Council and as specified in the agreements.



12. Modern Slavery Prevention

Council is committed to ensuring:

- its operations and supply chains do not cause, involve, or contribute to modern slavery;
- its suppliers, relevant stakeholders, and others with whom we do business respect and share our commitment regarding minimising the risk of modern slavery.

This applies to all persons employed by Council or on Council's behalf in any capacity. The prevention, detection, and reporting of modern slavery in any part of Council's operations or supply chain is their responsibility.

Statement of Intent Council is committed to combating Modern Slavery by:

1. Identifying where our modern slavery risks are in our supply chain and assessing the degree of those risks.
2. Where Modern Slavery may be present, completing a risk checklist prior to making a purchase.
3. Where risk is identified, engaging with our suppliers to provide further information on their commitment to minimising the risk of modern slavery in their own supply chains and operations. This will primarily be done by asking suppliers to complete a Modern Slavery Questionnaire.
4. Including modern slavery criteria in Request for Tender documents and Contracts.
5. Providing adequate training for all officers to ensure they are aware of what modern slavery is, what Council's modern slavery risks are and how to raise any identified or potential concerns.
6. Utilising Council's complaint process to enable officers and others to raise concerns about modern slavery.

13. Review

The policy be reviewed once during the term of each Council.

14. Scope of Policy

This policy applies to:

- All Council officers involved in the procurement process
- Any contractors or consultants appointed by Council to assist with procurement
- Councilors

15. DEFINITIONS

Aboriginal and Torres Strait Islander	Means a business that is at least 50% owned by an Aboriginal or Torres Strait Islands person(s)
LCC Contract	An approved Lismore City Council (LCC) written agreement between two or more parties that creates an obligation to perform a particular duty (Not a PO).
Criteria	An attribute / characteristic that is comparable across a range of suppliers for a particular good or service. Normally at least three Criteria will be applied to assist in comparing suppliers.
Local	A supplier is defined as local when they have an office located within the Lismore City Council area and or a greater % of their workforce are locally engaged for a specific scope.
Purchase Order	An order which has attached terms and conditions which creates an obligation to perform a particular duty.
Sustainability	Has the meaning given to the term in ISO 20400:2017 (Sustainable Procurement - Guidance) being "[a] state of the

	global system, including environmental, social and economic aspects, in which the needs of the present are met without compromising the ability of future generations to meet their own needs.”
Tender	An advertised process for the supply of goods or services which must be conducted in accordance with the Local Government Act. This typically relates to a contract which has a value of over \$250,000 (inclusive of GST).
Common Use Agreements (CUA's)	CUA's are pre-established panels of providers that should be used for commonly purchased goods and services.
Panel Agreements	Panel Agreements are contracts created to engage a select group of providers to carry out works for and on behalf of the Lismore City Council from time to time on fixed and /or schedule of rates basis.

16. Further Document Information and Relationships

Related Legislation	<ul style="list-style-type: none"> • <i>Local Government Act 1993 – Section 55</i> • <i>Local Government (General) Regulation 2021</i> • <i>DLG Tendering Guidelines for NSW Local Government</i> • <i>Government Information (Public Access) Act 2009</i> • <i>Work Health and Safety Act 2011</i> • <i>Work Health and Safety Regulation 2011</i> • <i>Competition and Consumer Act 2010</i> • <i>Modern Slavery Amendment Act 2021</i>
Related Policies	<ul style="list-style-type: none"> • Lismore City Council Code of Conduct • Lismore City Council Business Ethics
Related Guidelines	Lismore City Council Procurement Guidelines

In addition to this documentation bodies such as the Office of Local Government NSW, NSW Ombudsman, Independent Commission Against Corruption (ICAC) and the Australian Competition and Consumer Commission (ACCC) are all in a position to monitor local authorities to ensure that any procurement process complies with the relevant legislation.

Reports

Subject	Minutes from External Committees and Organisations
TRIM Record No	BP24/5:EF13/463-6
Prepared by	Executive Officer - General Manager and Mayor & Councillors
Reason	To note minutes from external committees and organisations
Strategic Theme	Leadership and participation
Strategy	Our decisions and actions are open, transparent, effective and in the interests of all.
Action	Manage Council meetings and provide support to Councillors in fulfilling their role.

Executive Summary

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

Recommendation

That Council notes the draft minutes of Rous County Council, Arts Northern Rivers, Richmond Tweed Regional Library and Northern Rivers Joint Organisation.

Attachment/s

- 1. [↓](#) Rous County Council minutes
- 2. [↓](#) Arts Northern Rivers minutes
- 3. [↓](#) RTRL minutes
- 4. [↓](#) NRJO minutes

PUBLIC DOCUMENT PACK

**MINUTES OF THE ORDINARY MEETING OF ROUS COUNTY COUNCIL HELD
WEDNESDAY, 13 DECEMBER 2023 AT**

The Chair opened the meeting at 10.07 am.

In attendance:

Councillors

- Cr Robert Mustow, Richmond Valley Council (Chair)
- Cr Sharon Cadwallader, Ballina Shire Council (Deputy Chair)
- Cr Rod Bruem, Ballina Shire Council
- Cr Michael Lyon, Byron Shire Council
- Cr Sarah Ndiaye, Byron Shire Council
- Cr Andrew Gordon, Lismore City Council
- Cr Big Rob, Lismore City Council
- Cr Sandra Humphrys, Richmond Valley Council

Council Officers

- Phillip Rudd, General Manager
- Andrew Logan, Group Manager Planning and Delivery
- Helen McNeil, Group Manager People and Performance
- Adam Nesbitt, Group Manager Operations
- Geoff Ward, Group Manager Corporate and Commercial

1 ACKNOWLEDGEMENT OF COUNTRY

Council showed its respect and acknowledged the Traditional Custodians of the Land, of all Elders, on which this meeting took place.

**2 APOLOGIES AND APPLICATIONS OF LEAVE OF ABSENCE OR ATTENDANCE
BY AUDIO-VISUAL LINK BY COUNCILLORS**

Nil.

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

3.1 Ordinary Council meeting minutes 18 October 2023

RESOLVED (Cadwallader/Breum) that the Minutes of the meeting held 18 October 2023 be approved as presented.

Ordinary Council meeting minutes 18 October 2023 (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Abstain	None	0
Conflict of Interests	None	0
Absent	None	0
Carried		

Rous County Council Ordinary Meeting Minutes 13 December 2023

3.2 Extraordinary Council meeting minutes 15 November 2023

RESOLVED (Cadwallader/Rob) that the Minutes of the extraordinary meeting held 15 November 2023 be approved as presented.

Extraordinary Council meeting minutes 15 November 2023 (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Abstain	None	0
Conflict of Interests	None	0
Absent	None	0
Carried		

4 DISCLOSURE OF INTEREST

Nil.

5 MATTERS OF URGENCY

Nil.

6 NOTICE OF MOTION

6.1 Proposed Dunoon Dam - acquisition of properties

RESOLVED (Breum/Cadwallader) that Council:

1. To reconfirm its prior position in relation to acquisition of land in the Proposed Dunoon Dam area as shown in the Attachment 1 and land of strategic interest to the Future Water Strategy 2060.
2. The terms of such acquisition are to be in accordance with Council's current 'Land Management' policy, Item 4 (Attachment 2), namely:
 - a. Acquisition to be upon offer of sale by existing landowner.
 - b. Meets the proposed operational need or strategic objective of the future water strategy 2060.
 - c. Such acquisition costs to be calculated with due consideration to market and strategic value.
3. Report back to Council regarding strategic land purchases for the Future Water Strategy 2060.

Proposed Dunoon Dam - acquisition of properties (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Abstain	None	0
Conflict of Interests	None	0
Absent	None	0
Carried		

Rous County Council Ordinary Meeting Minutes 13 December 2023

7 GENERAL MANAGER REPORTS

7.1 Council meeting schedule 2024 (updated)

RESOLVED (Cadwallader/Rob) that Council confirms its updated meeting schedule for 2024 as below, with meetings to be held on the third Wednesdays commencing 10.00am at the Rous County Council Administration Office on:

- 21 February
- 17 April
- 19 June
- 21 August
- October (*to be determined following 14 September LG Elections*)
- 11 December

Council meeting schedule 2024 (updated) (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Abstain	None	0
Conflict of Interests	None	0
Absent	None	0
Carried		

8 GROUP MANAGER PLANNING AND DELIVERY REPORTS

8.1 Update on interim arrangements for Lismore Levee Scheme

RESOLVED (Rob/Cadwallader) that Council in addition to previous resolutions on the matter:

1. Receive and note this update.
2. Authorise the General Manager to approve access to the Lismore Levee Scheme assets by Lismore City Council (LCC) for the purposes of progressing new asset construction and renewal and upgrade work under the *Northern Rivers Recovery and Resilience Program(NRRRP)*, subject to LCC's written confirmation that they will assume ownership of the new, upgraded and renewed assets.
3. Receive a further update before end of July 2024.

Update on interim arrangements for Lismore Levee Scheme (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Abstain	None	0
Conflict of Interests	None	0
Absent	None	0
Carried		

8.2 Staff investigation and response - Notice of Motion "Acquisition of low-lying, high-risk rural floodplain areas"

RESOLVED (Bruem/Ndiaye) that Council adopt the following position regarding the acquisition of low-lying, high-risk rural floodplain areas:

1. Acknowledge the challenges associated with coastal riverine floodplain land uses, particularly those relating to the lowest lying land (i.e. less than 1m above mean sea level).
2. Write to the State Government requesting a review of current floodplain land uses and development of a long-term strategic direction on how different areas of the floodplain will be used, acknowledging all stakeholders, including First Nations, interests.
3. This position also be referred to the State and Federal Government seeking funding.

Staff investigation and response - Notice of Motion "Acquisition of low-lying, high-risk rural floodplain areas" (Resolution)

For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Abstain	None	0
Conflict of Interests	None	0
Absent	None	0
Carried		

9 POLICIES

9.1 Investment (review)

RESOLVED (Lyon/Bruem) that Council note this report and adopt the revised Investments policy with amendments.

Investment (review) (Resolution)

For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Abstain	None	0
Conflict of Interests	None	0
Absent	None	0
Carried		

10 INFORMATION REPORTS (COVER REPORT)

RESOLVED (Cadwallader/Rob) that the following information reports be received and noted:

1. Investments – November 2023
2. Water production and consumption – November 2023
3. Environmental Management System Action List Progress Update 2023

-
4. Update on Bungawalbyn (East) Levee funding requests
 5. Audit Risk and Improvement Committee – meeting update
 6. Annual Model Code of Complaints Statistics
 7. Disclosure of Interest Returns 2022/23
 8. Reports/Actions pending.

Information reports (cover report) (Resolution)		
For	Cr Rod Bruem, Cr Sharon Cadwallader, Cr Andrew Gordon, Cr Sandra Humphrys, Cr Michael Lyon, Cr Robert Mustow, Cr Sarah Ndiaye and Cr Big Rob	8
Against	None	0
Abstain	None	0
Conflict of Interests	None	0
Absent	None	0
Carried		

11 CLOSE OF BUSINESS

There being no further business the meeting closed at 11.15 am.



artsnorthernrivers.com.au
 info@artsnorthernrivers.com.au
 0456 770 632
 Suite 2, 155 Keen Street
 Lismore, NSW 2480

ARTS NORTHERN RIVERS BOARD MEETING

10.30am – 11.30pm Friday 1 December 2023

Venue:

Northern Rivers Conservatorium
 152 Keen St, Lismore

MINUTES

10.45am	1	<p>Welcome Jane Fuller – Acknowledgement of Country</p> <p>Apologies: Sarah Nash, Naomi Moran, Sarah Gurich, Brett Wiley, Ruth Tsitsimbinis</p> <p>Present: Cr. Patrick Deegan, Cr. Elly Bird, Cr. Peter Westheimer, Sharon Davidson, Cr. Salma Balson, Mayor Chris Cherry, Cr. Janet Wilson, Cr. Steve Pickering, Ashleigh Ralph, Shannon Carruth</p> <p>ANR Staff: Jane Fuller, Jen Boelen</p>
	2	<p>Minutes</p> <ul style="list-style-type: none"> - Minutes of last meeting held 25 August 2023 - Matters Arising <p>Motion: To accept the minutes from the last meeting Moved by: Cr. Pickering Seconded: Sharon Davidson Carried: Yes</p> <p>Note – Board Members were reminded to confirm their member IDs are up-to-date via the government online portal. ANR will follow up with each member to ensure this is completed.</p> <p>Note – It was also queried whether a pro bono lawyer had been found to take on ANR as a client. Jane Fuller has done some benchmarking with other organisations and recommended ANR engages a lawyer on an “as needs” basis. Cr. Balson felt a pro bono lawyer would be eager to offer their services.</p>


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	3	<p>Human Resource Management</p> <p>Cr. Balson reported:</p> <ul style="list-style-type: none"> - Paris Mordecai has returned from extended leave. - Holly McCauley (Ingrid Wilson's Maternity Leave cover) commenced the Marketing & Comms Manager role in September. Ingrid's baby boy arrived safely on 4 October. - HR Resources Upgrade Project update: <ul style="list-style-type: none"> o The Employee Handbook has now been finalised and distributed to staff. The feedback so far has been positive. o Updates to staff position descriptions is mostly complete and new employment agreements are being finalised. o WHS and emergency evacuation procedures to be developed and implemented in the New Year o Staff Performance Reviews 2023 <ul style="list-style-type: none"> ▪ Jane Fuller – Executive Director – completed ▪ Grace Dewar – Project Manager – completed ▪ Jen Boelen – Operations Coordinator – completed ▪ Sean Campbell – Artist Liaison – completed ▪ Paris Mordecai – Yet to be completed – due March 2024 ▪ Holly McCauley – Parental Leave cover ▪ Kylie Caldwell – Indigenous Arts Officer – underway <p>Note – Kylie Caldwell has recently resigned from Arts Northern Rivers, however she will remain connected to the organisation in 2024 to complete a number of projects she is leading. The pivotal role Kylie has played in conducting outreach activities and engaging with the First Nations creative community in the region during her 4-year tenure was acknowledged and applauded.</p>
	4	<p>Financial Management</p> <p>Report presented by Cr. Pickering</p> <p>Note – Resounding congratulations were given for the healthy financial position ANR is currently in.</p> <p>Motion: To accept financial report Moved by: Cr. Pickering Seconded: Mayor Cherry Carried: Yes</p> <p>Motion: To accept quarterly reports Moved by: Cr. Pickering Seconded: Cr. Wilson Carried: Yes</p>
	5	<p>Arts Northern Rivers Executive Director Report</p> <p>Jane Fuller acknowledged some of the notable achievements of Arts Northern Rivers from 2023, with particular mention of the publication of <i>Bulaan Buruugaa Ngali</i>, which is now appearing in galleries and museums across the country. The Board acknowledged the efforts of staff in achieving these successes.</p>


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		<p>Jane presented the ANR 2024 Program, which was enthusiastically supported by the Board, whilst acknowledging it is a robust program.</p> <p>Jane also presented the draft forecast budget for 2024.</p> <p>Note - \$170k of project funding is unconfirmed, however, if that funding does not eventuate, ANR will remain unaffected. Jane expressed her confidence that the budget in its current state will be managed effectively.</p> <p>Motion: To accept the 2024 ANR Program and Budget Moved: Cr. Westheimer Seconded: Cr. Bird Carried: Yes</p>
	7	<p>Governance Around the Shires - Board Members report</p> <p>Cr. Wilson – Successful textile exhibition was held in Kyogle recently. The passing of Aunty Gwen Williams was also acknowledged.</p> <p>Note – Cr. Wilson pointed out that in the lead up to the 2024 local government elections, now is an opportune time for ANR to engage with council administration around strategic planning for the arts and culture sector. Reaching out to council staff would enable a productive process of engagement, and support a greater understanding of the work ANR does across the regions.</p> <p>Cr. Pickering – gave positive feedback on FLOW. There is potential for a section of the old Grafton gaol to become used by the community for creative purposes.</p> <p>Cr. Westheimer – Biennial festivals will be coming on again next year.</p> <p>Note – Byron will be conducting an audit of venues within the shire, and Cr. Westheimer would like to include a discussion on this in the agenda of the next Board Meeting.</p> <p>Mayor Cherry – Susi Muddiman has left Tweed Shire Gallery, and her replacement is being sought. Destination Management Plan is on display and will aim to incorporate arts and cultural elements.</p> <p>Shannon Carruth – Supertonic exhibition at Tweed Regional Museum, Game On exhibition opening at Tweed Regional Museum, Monet artwork at the Tweed Regional Gallery for 2 years. Erica Taylor, Tweed Museum Curator, has been appointed to Australian Museums and Galleries Association National Council and is the only regional representative.</p> <p>Sharon Davidson – Destination Management Plan being reviewed, Evans Head public art project.</p>


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		Ashleigh Ralph – Lismore Regional Gallery pop-up space will be running until the end of May 2024, with the main gallery aiming to open in July. The Museum has also opened a pop-up space on Molesworth Street.
	8	<p>Other Business</p> <ul style="list-style-type: none"> - The Board expressed an appetite to formally invite Ballina Shire Council to rejoin as a contributing council of Arts Northern Rivers. It was felt that it would be great to see the entire Northern Rivers region receiving the services of ANR and being represented on its Board, particularly given that many members of the arts community have reached out to ANR for assistance, as has the Manager of the Northern Rivers Community Gallery. <p>Motion: ANR to write a letter on behalf of the Board to the Ballina Shire Mayor and Councillors encouraging the Council to consider rejoining Arts Northern Rivers, outlining the upcoming program of activities and particularly noting the community requests for support received by ANR.</p> <p>Moved by: Cr. Pickering Seconded: Cr. Westheimer Carried: Yes</p>
12.07pm		<p>Close</p> <p><u>Next Meeting</u></p> <ol style="list-style-type: none"> 1. Friday 1 March 10:30am-11:30am – in Lismore or online 2. Friday 31 May 10:30am-11:30am – in Lismore or online with AGM 3. Friday 30 August 10:30am-11:30am – in Lismore or online 4. Friday 29 November 10:30am-11:30am – in Lismore or online <p>ANR Cultural Counsel 2024 Meetings</p> <ol style="list-style-type: none"> 1. Friday 23 February 10:30-11:30am – in Lismore Office or online 2. Friday 23 August 10:30am-11:30am – in Lismore Office or online

Richmond Tweed Regional Library Minutes 22 November 2023

MINUTES OF THE RICHMOND TWEED REGIONAL LIBRARY HELD IN ONLINE OR IN PERSON AT THE SOUTH SEA ISLANDER ROOM, TWEED HEADS CULTURAL AND CIVIC CENTRE ON WEDNESDAY 22 NOVEMBER 2023 AT 9.09AM

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

Richmond Tweed Regional Library acknowledges the people of the Bundjalung nation, traditional custodians of the land on which we work.

Welcome

Chairperson Councillor Darlene Cook welcomed delegates and attendees to the meeting and made an acknowledgement of country.

Chairperson Councillor Darlene Cook also welcomed Brenda Gradwell and Sarah Sullivan to the RTRL Committee.

Present

Chairperson, Councillor Darlene Cook (Lismore), Deputy Chair Councillor Simon Chate (Ballina – Audio Visual Link), Councillors: Peter Colby (Lismore – Audio Visual Link), Asren Pugh (Byron – Audio Visual Link), Meredith Dennis (Tweed), and Eva Ramsey (Ballina)

In Attendance

Ms Sullivan (Executive Officer RTRL, Lismore), Ms Gradwell (Business Manager RTRL), Ms Klose (Manager Communications and Customer Service Ballina), Ms Davis (Director Corporate and Community Services – Audio Visual Link), Ms Carruth (Manager Inclusive & Creative Communities) Ms Arthur-Smith (Communications and Engagement Support Librarian), Ms Kelly (Area Librarian Ballina – Audio Visual Link), Ms Shepherd (Area Librarian Byron), Ms Joc (Area Librarian Tweed), Mr Dardengo (Mobile Library Officer), Mr Wallace (Systems and Resources Librarian – Audio Visual Link), Mr Lewis (Area Librarian Lismore), Ms Kinsley (Support Services Technician), Ms Misdale (Administration Officer RTRL, Minute Taker)

Apologies

The apologies be received from Councillor Mark Swivel and Councillor Rhiannon Brinsmead

**Lismore City Council
Minutes of Richmond Tweed Regional Library Meeting held 22 November
2023**

1

Richmond Tweed Regional Library Minutes 22 November 2023

Attendance by Audio-Visual Link

The attendance by Audio-Visual Link be received from Councillor Asren Pugh and Councillor Peter Colby

Confirmation of Minutes

RTRL27 362/23 **RESOLVED** that the minutes of the Richmond Tweed Regional Library held on 16 August 2023 be confirmed.

(Councillors Chate/Pugh)

Voting for: Councillors Chate, Colby, Cook, Dennis, Pugh and Ramsey

Voting against: Nil

Disclosures of Interest

Nil

Public Forum

Nil

Reports/Recommendations

5.1 Business Managers Report

RTRL27363/23 **RESOLVED** that the Committee receive and note the report.

(Councillors Colby/Dennis) (BP23/896)

Voting for: Councillors Chate, Colby, Cook, Dennis, Pugh and Ramsey

Voting against: Nil

Richmond Tweed Regional Library Minutes 22 November 2023

5.2 50 Year Anniversary - History of Richmond Tweed Regional Library Report

RTRL27364/23 **RESOLVED** that the Committee:

1. receive and note the report
2. acknowledges the 50 Year Anniversary of Richmond Tweed Regional Library
3. acknowledges the great range of staff who have served the communities of Richmond Tweed Regional Library over the past 50 years

(Councillors Dennis/Pugh) (BP23/937)

Voting for: Councillors Chate, Colby, Cook, Dennis, Pugh and Ramsey

Voting against: Nil

5.3 Submissions to PUBLIC NOTICE - RTRL - Changes to 2023-24 Fees and Charges

RTRL27365/23 **RESOLVED** that the:

1. one (1) public submission to the Richmond Tweed Regional Library 2023/24 Fees & Charges be received and noted
2. Committee note that the following changes to the 2023/24 Richmond Tweed Regional Library Fees & Charges have been adopted by the Executive Council:
 - a. Reservation Fees reduced from \$2.40 to \$2.00, and
 - b. Inter Library Loan Fees reduced from \$8.00 to \$4.50.

(Councillors Colby/Chate) (BP23/942)

Voting for: Councillors Chate, Colby, Cook, Dennis, Pugh and Ramsey

Voting against: Nil

Richmond Tweed Regional Library Minutes

22 November 2023

5.4 Finance Related Matters

RTRL27366/23

RESOLVED that the Committee:

1. endorse the budget changes reported in the 2023/24 Budget Review
2. receive and note the information reported for the 2023/24 Budget and Fees & Charges, and Cash, Investments and Interest on Investments, and Member Council Contributions

(Councillors Colby/Dennis) (BP23/938)

Voting for: Councillors Chate, Colby, Cook, Dennis, Pugh and Ramsey**Voting against:** Nil

5.5 2024 RTRL Committee Meeting Schedule

RTRL27367/23

RESOLVED that the Committee:

1. adopt the meeting schedule as:
 - a. Wednesday 14 February 2024, online or in person, commencing at 10am
 - b. Wednesday 15 May 2024, online or in person, commencing at 10am
 - c. Wednesday 14 August 2024, online or in person, commencing at 10am
 - d. Wednesday 13 November 2024, online or in person, commencing at 10am
2. notes all Member Council's will go into caretaker mode from Friday 16 August 2024 to Friday 13 September 2024, due to the Local Government Elections.
3. notes that councillor representatives on advisory groups and committees will be elected after Local Government Election results are announced.

(Councillors Chate/Ramsey) (BP23/931)

Voting for: Councillors Chate, Colby, Cook, Dennis, Pugh and Ramsey**Voting against:** Nil

Richmond Tweed Regional Library Minutes 22 November 2023

5.6 Senior Leadership Group Meeting Minutes

RTRL27368/23 **RESOLVED** that the Committee receive and note the attached July, August and September 2023 confirmed Senior Leadership Group (SLG) meeting minutes.

(Councillors Chate/Dennis) (BP23/929)

Voting for: Councillors Chate, Colby, Cook, Dennis, Pugh and Ramsey

Voting against: Nil

Closure

This concluded the business and the meeting terminated at 9:47pm.

The Committee and those present remained present to be presented with the Area Librarian Quarterly Service Level Agreement Reports, finishing at 10.06am.



**MINUTES OF NORTHERN RIVERS JOINT ORGANISATION BOARD MEETING HELD
FRIDAY, 10 NOVEMBER 2023 AT BYRON SHIRE COUNCIL, 70 STATION STREET,
MULLUMBIMBY**

The Chair opened the meeting at 10.03 am.

In attendance:

Mayors:

- Cr Sharon Cadwallader, Ballina Shire Council (Chair)
- Cr Robert Mustow, Richmond Valley Council (Deputy Chair)
- Cr Chris Cherry, Tweed Shire Council
- Cr Kylie Thomas, Kyogle Council ([online](#))
- Cr Steve Krieg, Lismore City Council
- Cr Michael Lyon, Byron Shire Council
- Cr Peter Johnstone, Clarence Valley Council

General Managers:

- Mark Arnold, Byron Shire Council
- Troy Green, Tweed Shire Council
- Jon Gibbons, Lismore City Council
- Paul Hickey, Ballina Shire Council
- Vaughan Macdonald, Richmond Valley Council
- Graham Kennett, Kyogle Council ([online](#))
- Jamie Fleeting on behalf of Laura Black, Clarence Valley Council

Other attendees:

- Phillip Rudd, Executive Officer NRJO
- Jodie Healy on behalf of Anita Gambhir, Office of Local Government ([online](#))
- Michael Thurston, General Manager Destination North Coast ([online](#))
- Jeff McConnell, Scenic Rim Regional Council ([online](#))
- Louise McMeeking, Regional NSW
- Nathan McGrath, Regional Development Australia
- Alison Montgomery, Operating Officer NRJO
- Robyn Waldron, Minute Taker

Address by official visitors:

- Cr Darriea Turley – President, Local Government NSW ([online](#))
- David Reynolds – Chief Executive, Local Government NSW ([online](#))
- Scott Benitez Hetherington – Team Leader Conservation, Tweed Shire Council
- Angie Brace – Regional Koala Officer – Friends of the Koala

1 OPENING OF THE MEETING

RESOLVED (Cherry/Lyon) that Cr Kylie Thomas join the meeting via Teams platform.

2 ACKNOWLEDGEMENT OF COUNTRY

Council showed its respect and acknowledged the Traditional Custodians of this Land, of Elders past and present, on which this meeting took place.

3 APOLOGIES

- Laura Black – General Manager, Clarence Valley Council
- Anita Gambhir – Office of Local Government
- Kieron Hendicott – NRRC/NSWRWA

4 DISCLOSURE OF INTEREST

Nil.

5 ADDRESS BY OFFICIAL VISITOR(S)

5.1 Cr Darria Turley, President - Local Government NSW (via Teams)

5.2 Northern Rivers Regional Koala Conservation Strategy

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED (Cherry/Thomas) that the Minutes of the meeting held 11 August 2023 and business arising be approved as presented.

Noted: a thank you letter to be sent to Minister Murray Watts in relation to extension of funding for the Fire Ants eradication.

Confirmation of Minutes held on 11 August 2023 (Resolution)		
For	Cr Sharon Cadwallader, Cr Christine Cherry, Cr Peter Johnstone, Cr Steve Krieg, Cr Michael Lyon, Cr Robert Mustow and Cr Kylie Thomas	7
Against	None	0
Abstain	None	0
Conflict of Interests	None	0
Absent	None	0
Carried		

6.1 Circular Resolution dated October 2023

RESOLVED (Cherry/Lyon) that the Northern Rivers Joint Organisation Board note the decisions of the Circular Resolution dated October 2023.

Circular resolution dated October 2023 (Resolution)		
For	Cr Sharon Cadwallader, Cr Christine Cherry, Cr Peter Johnstone, Cr Steve Krieg, Cr Michael Lyon and Cr Kylie Thomas	6
Against	None	0
Abstain	None	0
Conflict of Interests	None	0
Absent	None	0
Carried		

7 URGENT BUSINESS

Nil.

8 NOTICE OF MOTION

8.1 Chair's Minute - CMA - Report on Crime, Law and Order

RESOLVED (Cadwallader) that the Northern Rivers Joint Organisation endorse the following recommendations listed in the Country Mayors Association of NSW report into Crime, Law and Order and call on **Janelle Saffin MP, Tamara Smith MP, Geoff Provest MP and Richie Williamson MP** to support the establishment of a Parliamentary Inquiry with the suggested terms of reference in the document.

1. That, the **Northern Rivers Joint Organisation** on behalf of its member councils call on all members of the NSW Parliament to commit to bipartisan support to establish a Parliamentary Inquiry into and report on the rate of crime in all categories reported on by the Bureau of Crime Statistical and Research (BOCSAR) in Regional, Rural and Remote New South Wales, specifically focussing on the inequity between Metro and Regional Local Government areas.
2. That, the **Northern Rivers Joint Organisation** on behalf of its member councils call on all members of the NSW Parliament to commit to bipartisan support to increase spending on the NSW police force to increase front line policing numbers in Regional, Rural and Remote regions most at need.
3. That, the **Northern Rivers Joint Organisation** on behalf of its member councils call on the NSW Government to commit to the minimum staffing agreements (known in the NSW Police Force as First Response Agreements) for non-24-hour police stations, all of which are located in Regional, Rural and Remote Local Government areas.
4. That, the **Northern Rivers Joint Organisation** on behalf of its member councils call on the NSW Government to review the current formula used to assess staffing levels including the universally agreed outdated current model for those Local Government areas that do have a First Response Agreement in place.

CMA - Report on Crime, Law and Order (Resolution)

For	Cr Sharon Cadwallader, Cr Christine Cherry, Cr Peter Johnstone, Cr Steve Krieg, Cr Michael Lyon and Cr Kylie Thomas	6
Against	None	0
Abstain	None	0
Conflict of Interests	None	0
Absent	None	0
Carried		

8.2 Affordable Housing Legislation

RESOLVED (Cherry/Mustow) that the Northern Rivers Joint Organisation write to the NSW Minister for Planning, Paul Scully MLC and Minister for Housing, Rose Jackson MLC requesting an immediate change to the recently announced Affordable Housing legislation that allows a 30% increase in Floor Space Ratio and 30% increase in height for ALL developments providing a minimum of 15% affordable housing for a minimum of 15 years.

The requested change would be that the requirement that a minimum of 15% affordable housing is to be provided in perpetuity.

Affordable Housing Legislation (Resolution)		
For	Cr Sharon Cadwallader, Cr Christine Cherry, Cr Peter Johnstone, Cr Steve Krieg, Cr Michael Lyon and Cr Kylie Thomas	6
Against	None	0
Abstain	None	0
Conflict of Interests	None	0
Absent	None	0
Carried		

8.3 Stakeholder group to lead Regional Vision, Masterplan, Disaster Adaptation Plan, etc.

RESOLVED (Krieg/Lyon) The Northern Rivers Joint Organisation Board requests:

1. The required project funding through the NSW Reconstruction Authority.
2. CSIRO be engaged to lead the development of the Regional Vision, Masterplan, Feasibility Study, Disaster Adaptation Plan, and associated documents and plans; and
3. Establishment of a steering committee to oversee the project made up of stakeholder representatives from relevant local, and state authorities.

Stakeholder group to lead Regional Vision, Masterplan, Disaster Adaptation Plan, etc. (Resolution)		
For	Cr Sharon Cadwallader, Cr Christine Cherry, Cr Peter Johnstone, Cr Steve Krieg, Cr Michael Lyon, Cr Robert Mustow and Cr Kylie Thomas	7
Against	None	0
Abstain	None	0
Conflict of Interests	None	0
Absent	None	0
Carried		

9 ITEMS FOR DISCUSSION

9.1 Executive Officer report

RESOLVED (Mustow/Cherry) that the NRJO Board receive and note the Items for

Discussion as follows: -

Executive Officer report including: -

- Project Manager report – Joint Organisation Disaster Risk Reduction Fund (JODRRF)
- Project Manager report – NetZero

Executive Officer report (Resolution)		
For	Cr Sharon Cadwallader, Cr Christine Cherry, Cr Peter Johnstone, Cr Steve Krieg, Cr Michael Lyon, Cr Robert Mustow and Cr Kylie Thomas	7
Against	None	0
Abstain	None	0
Conflict of Interests	None	0
Absent	None	0
Carried		

Note: Cr Thomas left the meeting

9.2 General purpose Financial Statements 2022/23

RESOLVED (Johnstone/Cherry) That the Northern Rivers Joint Organisation Board:-

- receive and note the audited Financial Statements for period ending 30 June 2023
- receive and note the financial reports for period ending 31 October 2023

General purpose Financial Statements 2022/23 (Resolution)		
For	Cr Sharon Cadwallader, Cr Christine Cherry, Cr Peter Johnstone, Cr Steve Krieg, Cr Michael Lyon, Cr Robert Mustow and Cr Kylie Thomas	7
Against	None	0
Abstain	None	0
Conflict of Interests	None	0
Absent	None	0
Carried		

9.3 Making control of roaming pet cats manageable for NSW Councils

RESOLVED (Cherry/Krieg) that the Northern Rivers Joint Organisation of Councils writes to the Minister and Shadow Ministers for Local Government, Environment and Animal Welfare, and our local Members of Parliament requesting the NSW Government to make the following reforms to better manage the highly negative impact of roaming domestic cats on wildlife and improve the health and welfare of companion animals:

1. Amends the Companion Animals Act 1998 and associated Companion Animals Regulation 2018 to enable local governments to enforce the containment of pet cats on the owner's property in NSW. The introduction of these containment laws to include phase-in periods and community support and monitoring frameworks.

2. Develops, and allocates funding towards, a state-wide program to support local governments to enforce compliance with new powers under the Companion Animals Act 1998. This funding to include increasing the number of rangers available to undertake such compliance.
3. Streamlines pet identification and registration processes into one process managed by Service NSW and accessible through self service functions within the Service NSW app.
4. Transitions to mandatory desexing laws that align with existing state approaches in Western Australia, Tasmania, Australian Capital Territory, South Australia and Victoria.
5. Establishes a \$10 million, three-year state-wide grant program to support councils to implement domestic cat containment policies and associated responsible cat ownership programs. The program to include identification and registration measures, large scale desexing and microchipping programs and effective education programs to support people to keep their cats contained on their property.
6. Implements a state-wide 'Safe Cat, Safe Wildlife' campaign that includes the development of a central, state-wide online platform, in consultation with councils, relevant agencies and animal welfare bodies to make responsible pet ownership information easily accessible.

Making control of roaming pet cats manageable for NSW Councils (Resolution)		
For	Cr Sharon Cadwallader, Cr Christine Cherry, Cr Peter Johnstone, Cr Steve Krieg, Cr Michael Lyon, Cr Robert Mustow and Cr Kylie Thomas	7
Against	None	0
Abstain	None	0
Conflict of Interests	None	0
Absent	None	0
Carried		

9.4 Northern Rivers Joint Organisation ordinary meeting schedule 2024

RESOLVED (Lyon/Mustow) that Northern Rivers Joint Organisation determine its meeting schedule for 2024 with meetings to be held on the second Fridays commencing 10.00am at the agreed Council location on:

- 9 February – Kyogle Shire Council
- 17 May – Richmond Valley Council
- 16 August – Clarence Valley Council
- 08 November – Tweed Shire Council

NRJO ordinary meeting schedule 2024 (Resolution)		
For	Cr Sharon Cadwallader, Cr Christine Cherry, Cr Peter Johnstone, Cr Steve Krieg, Cr Michael Lyon, Cr Robert Mustow and Cr Kylie Thomas	7
Against	None	0
Abstain	None	0
Conflict of Interests	None	0
Absent	None	0
Carried		

9.5 Industrial and employment lands audit closure report**RESOLVED** (Krieg/Lyon)

1. That Northern Rivers Joint Organisation Board to note the report.
2. Executive Officer will work with the Department of Planning and Environment to identify opportunities to address constraints identified in the *Employment Land Study*.

Industrial and employment lands audit closure report (Resolution)		
For	Cr Sharon Cadwallader, Cr Christine Cherry, Cr Peter Johnstone, Cr Steve Krieg, Cr Michael Lyon, Cr Robert Mustow and Cr Kylie Thomas	7
Against	None	0
Abstain	None	0
Conflict of Interests	None	0
Absent	None	0
Carried		

9.6 Rail Trail closure report

RESOLVED (Mustow/Lyon) that the Northern Rivers Joint Organisation Board receive and note the Northern Rivers Rail Trail Business Case Submission Report.

Rail Trail closure report (Resolution)		
For	Cr Sharon Cadwallader, Cr Christine Cherry, Cr Peter Johnstone, Cr Steve Krieg, Cr Michael Lyon, Cr Robert Mustow and Cr Kylie Thomas	7
Against	None	0
Abstain	None	0
Conflict of Interests	None	0
Absent	None	0
Carried		

10 INFORMATION REPORTS10.1 Information Reports - Cover Sheet

RESOLVED (Mustow/Krieg) that the Northern Rivers Joint Organisation receive and note the following information reports: -

1. Associate member – Office of Local Government
2. Associate member – Destination North Coast
3. Associate member – Scenic Rim Regional Council
4. Associate member – Regional Development Australia Northern Rivers (verbal)
5. Associate member – Regional Australia NSW
6. Correspondence – Incoming and Outgoing

Information Reports (Resolution)		
For	Cr Sharon Cadwallader, Cr Christine Cherry, Cr Peter Johnstone, Cr Steve Krieg, Cr Michael Lyon, Cr Robert Mustow and Cr Kylie Thomas	7
Against	None	0
Abstain	None	0
Conflict of Interests	None	0
Absent	None	0
Carried		

11 CONFIDENTIAL REPORTS

Nil.

12 CLOSE OF BUSINESS

There being no further business the meeting closed at 12.27 pm.

Notices of Motion / Questions with Notice



Notice of Motion / Question with Notice

Councillor Steve Krieg has given notice of intention to move:

That Council:

1. name the new building at Oakes Oval/Crozier Field the “Adam Gilchrist AM Pavilion”
2. name the Lismore Regional Airport terminal the “James Strong AO Terminal”
3. name the Gordon Pavilion grandstand the “John McMahon OAM Grandstand”
4. name an Oakes Oval grandstand the “Lyn Larsen AM Grandstand”
5. erect appropriate signage at the above venues, as funding permits
6. investigate internal and external funding opportunities to construct a Walk of Honour, in the vicinity of Uralba Street between Dawson and Brewster Streets, of well-known Australians associated with the Lismore local government area

Councillor Comment

Outcome Sought

Adam Gilchrist’s family moved to Lismore when he was 13 and he attended Kadina High School. From a young age Adam was selected in many representative cricket teams, including to tour overseas. In 1999 Adam was the 381st Australian to make his Test debut and this was the start of an outstanding Test cricket career. Adam was also a prolific one-day cricketer accumulating over 9,000 runs. In 2010 Adam was made a Member of the Order of Australia for his services to cricket and the community. He was inducted into the Sport Australia Hall of Fame and the prestigious International Cricket Council Hall of Fame. Since his retirement in 2008 Adam has commentated all forms of the game. Outside cricket Adam has had a number of company directorships, chaired the National Australia Day Council, a goodwill ambassador for World Vision and recently joined the board of the Centre for Australia-India Relations.

James Strong AO was born and educated in Lismore. James had a distinguished business career at some of Australia’s largest companies including Woolworths, Rip Curl, IAG and Kathmandu. He was the Chief Executive and Managing Director of Qantas from 1993 until 2001. Outside of the business arena James was the Chair of the Australia Council for the Arts, Sydney Theatre Company, Australian Brandenburg Orchestra, Australia Business Arts Foundation and State Library of Victoria. He was also involved in sports administration as a member of the Australian Grand Prix corporation, non-executive chairman of V8 Supercars, chair of the 2015 Cricket World Cup organising committee and director of Dorna Sports. In 2001 he was awarded the Centenary Medal. In 2006 he was appointed an Officer of the Order of Australia for services to business and commerce, particularly in aviation, insurance and retail fields, and to the arts as an administrator and philanthropist. James sadly passed away in 2013.

Lyn Larsen AM was born and raised in Lismore and was lucky enough to never need to move away from her home town, even through all her years playing competitive cricket. Lyn is an Australian former cricketer who played as an all-rounder, batting right-handed and bowling right-arm leg break. She appeared in 15 Test matches and 49 One Day Internationals for Australia between 1984 and 1994, and captained the side between 1986 and 1993. Lyn was inducted into the Sport Australia Hall of Fame in 1999, the New South Wales Cricket Hall of Fame in 2010 and in December 2023 was inducted into the Australian Cricket Hall of Fame. In 2013 Lyn became the first female cricketer to be appointed to the Sydney Cricket Ground Trust. In 2020 Lyn was honoured with a Member of the Order of Australia for significant service to cricket as a player, selector, manager and coach at the elite level, which is highlighted by her life membership of the Lismore & District Women’s Cricket Association, Cricket NSW, Australian Women’s Cricket Council and honorary life membership of the MCC (Lords), England.

Notice of Motion / Question with Notice

John McMahon OAM was born in Sydney in 1932 and played his first game of cricket in 1943, at the age of 9, and his last game in 2011, at the age of 79. His lifelong contribution to cricket came as a player, coach and administrator with his service to the sport, particularly in the Northern Rivers, where he moved to Lismore for his work as a journalist in the mid 1950's, earning him recognition as a life member of Lismore District Cricket Association, Far North Coast Cricket Council, North Coastal Cricket Zone, Country Cricket NSW and the NSW Cricket Association. In 2008 John was recognised in the Queen's Birthday Honours List and bestowed with the Medal of the Order of Australia (OAM) for services to cricket. His gift as a coach was legendary and he received a Lifetime Coaching award from Cricket NSW.

An internet search indicates a number of notable people born, schooled or who have lived in Lismore. As a tourist attraction a Walk of Honour could be established between the CBD and Lismore Shopping Square. A plaque with the person's name would feature a QR code linking to details about them.

Cost of Implementing

Officer time

Funding Source

Grant funding

Officer Consulted

General Manager

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/75:EF19/25-6

Notice of Motion / Question with Notice

Councillor Andrew Gordon has given notice of intention to move:

That fees and charges for admission to the Lismore Memorial Baths be waived for the balance of the 2023/2024 swimming season.

Councillor Comment

Outcome Sought

Healthy lifestyles and to develop a customer base. This pool is arguable our jewel in the crown of assets. We have the opportunity to encourage the residents of Lismore to become familiar with its operation and hopefully establish a pattern of health and training.

Cost of Implementing

Up to \$151,000

Funding Source

Not identified

Officer Consulted

General Manager

Officer Comment

Head Customer Experience

Waiving Lismore Memorial Baths (LMB) fees for the remainder of the financial year will cost council \$151,000.

Council has received \$37,000 in fees year to date, including casual entry, pool membership entry and the kiosk. Ongoing costs of running the LMB will either remain the same or increase if additional lifeguards are required to service the pools should extra patrons be attracted by the free entry.

Resourcing of lifeguards is currently a challenge across the state so may not be an option and a cap may need to be introduced on patron entry to the LMB. Patron numbers at the LMB must not exceed the standards set by Surf Lifesaving Australia which is set at a maximum of 100 patrons per lifeguard.

If fees for patrons are waived, swim memberships will need to be refunded. Waiving some fees and not others may cause conflict and confusion within the community. It may also present a confusing message to the community to waive fees after over a month of operating as normal

No additional money has been identified in the budget to offset the loss on income at the LMB.

Income is sourced through general entry fees, pool memberships, kiosk operations, school carnivals and Swim Club. School Carnivals are scheduled to commence on Friday 2 February 2024.

Current Budget for projected revenue to end of financial year is \$188,000. Remaining projected revenue for the budget is \$151,000.

Neighbouring council's charge similar fees for entry to their swimming pools of around \$5.50 to \$6.00. A reduced or nil charge may attract additional money into the region from swimmers from neighbouring LGA's as well as more through the kiosk.

Notice of Motion / Question with Notice

	Option details	Financial impact	Risk
Option 1	Retain current fee structure.	\$0	Low
Option 2	Waive all fees for the LMB to June 30 2024.	\$151,000	High
Option 3	Reduce entry causal fee to \$2 (only) Currently \$6.10. Retain all other fees (Swim School, Swim Club, Swim Carnivals, meeting rooms and Swim memberships).	\$32,390	Medium
Option 4	Waive casual entry fees. All other fees are retained (Swim School, Swim Club, Swim Carnivals, meeting rooms and Swim memberships).	\$76,000	High

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/55:EF19/25-6

Notice of Motion / Question with Notice

Councillor Big Rob has given notice of intention to move:

That Council does not apply the rate peg of 4.7% for 2024/2025.

Councillor Comment

Outcome Sought

The Lismore community is still desperately trying to recover from the impact of the catastrophic flooding in 2022. Council has done little financially to facilitate that recovery, and council continues to receive blame for many failings of the State government in relation to housing options.

In 2022-23, council did not apply the 0.7% rate peg.

In 2023-24, council applied the full 3.7% rate peg. Council has also applied several fees and charges increases since the catastrophic flooding, and council did not keep a promise to waive water usage charges in 2022-23.

With the cost of living increasing significantly, the Lismore community needs a lot more assistance. We also need to make things right.

The 2024-25 rate peg is 4.7%. We do not have to apply all or part of it, and we have the ability to catch up any shortfall in general income any time in the ten years following.

Section 511(1) of the *Local Government Act 1993* states:

'If the rates and charges made by a council for a year that produce its general income produce an amount of general income that is less than the maximum amount permissible under section 509 for that year because the council did not apply a full percentage increase applicable to it under section 506, 508(2) or 508A for the year for which the rates and charges were made, the council may make rates and charges for any 1 or more of the next 10 years after the year for which the shortfall occurred so as to produce the maximum amount so permissible of the general income plus the whole or any part of the shortfall.'

Although council's costs are also increasing, the current senior management team and staff have been working very hard to improve processes and save money. Council is also making fewer decisions which will see ongoing costs related to maintaining and improving assets increase the financial burden on ratepayers.

There are a lot more savings expected in the short, medium and long term as council's integrated planning and reporting framework is being significantly updated and staff work through the various planning and resourcing documents. We expect to see a very strong set of documents adopted as we head into the 2025-26 financial year.

It is at this time that we can make an informed decision and best determine if we need to increase rates further.

Cost of Implementing

Funding Source

Not applicable

Notice of Motion / Question with Notice

Officer Consulted

Nil

Officer Comment

Chief Financial Officer

Council officers will always use the rate peg as the default, until Council resolves otherwise.

A rate peg of 4.7% for 2024/2025 represents approximately \$1.582m to Council's general revenue. There are no other means to generate this level of income.

Effective from 2024/25 year, IPART has adopted a new rate peg methodology that includes:

1. The Base Cost Change (BCC) for different council groups
2. A catch-up adjustment for past changes in the superannuation guarantee rate.
3. A separate Emergency Services Levy (ESL) factor to reflect annual changes in council ESL contributions that differ from the changes to the council's BCC.
4. An annual population factor to adjust for the change in the residential population of a council area from 2020-21 to 2021-22.

The new methodology is aimed at producing rate pegs more accurately reflecting the increase in costs for each council. It will also better account for the diversity among NSW councils and help ensure ratepayers contribute only to costs relevant to their local government area.

As noted, Council resolved in 2022/2023 not to apply the approved rate peg of 0.7%. This has resulted in a year-on-year reduction in general rate income of around \$220,000. Officers are currently in the development of the 2024/2025 draft budget, which assumes a rate peg of 4.7%.

In order to balance the budget, managers have been given a stretch target of limiting increases to operational costs by only 1.5% wherever possible, representing an efficiency saving of around 3.5% (based on 5% inflation). A reduction to income of almost \$1.6m would be extremely difficult to sustain and would have a potential impact on service delivery.

The Finance team have analysed the impact of not levying 2024/2025 rate peg into the adopted Long Term Financial Plan, and under this scenario Council will not achieve an operational surplus within the ten-year plan (current target is achieved in year 8). Whilst it is correct that under legislation rate peg increases can be deferred to future years (up to 10 years), by doing so it would simply expose ratepayers to larger than expected rate increases in future years. The following table shows the impact of the 4.7% rate peg:

Category	23/24 Average Rate	Rate Peg 4.7% (annual)	Rate Peg 4.7% (weekly)	24/25 Average Rate
Farmland	\$2,602	\$122	\$2.35	\$2,724
Business (urban)	\$4,727	\$222	\$4.27	\$4,949
Residential/Rural	\$1,721	\$81	\$1.55	\$1,802
Residential	\$1,351	\$64	\$1.23	\$1,415
Business – Inner CBD	\$6,172	\$290	\$5.57	\$6,462
Business - Other	\$2,072	\$97	\$1.86	\$2,169
Nimbin Business	\$2,700	\$127	\$2.44	\$2,827

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/34:EF19/25-6

Notice of Motion / Question with Notice

Councillor Andrew Gordon has given notice of intention to move:

That a workshop be held to discuss a review of the planning controls that regulate rural subdivision regarding minimum lot sizes and dwelling entitlements provisions.

Councillor Comment

Outcome Sought

An increase to housing availability in the rural landscape whilst providing diversification for rural landowners.

Cost of Implementing

Officers time

Funding Source

Not required

Officer Consulted

Chief Community Officer

Officer Comment

Coordinator Strategic Planning

Officers are working towards the creation of a Rural Land Use Strategy which is identified as an action (D3.2.02) in the current Delivery and Operation Plan and also within the Local Strategic Planning Statement (Action A6.1). A discussion paper will be prepared to workshop with councillors with a view to receiving community feedback within the coming months.

Potential changes to rural zoning, including a greater use of the RU2 Rural Landscape zone and consideration of minimum lot size (MLS) will be canvassed. The provisions relating to dwelling entitlements will also be considered as part of this review.

Any further change to the MLS in rural areas, and dwelling entitlement provisions, would need the support of both the Department of Primary Industries (DPI) and Department of Planning.

A workshop with councillors on this matter will be arranged.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/61:EF19/25-6

Notice of Motion / Question with Notice

Councillor Big Rob has given notice of intention to move:

That Council:

1. meet with Rous County Council in February 2024 to work towards progressing any opportunities to determine the feasibility of connecting Nimbin to the Rous network, including consideration of the financial impacts on both council and Rous County Council
2. consider all internal and external opportunities to fund any investigation to determine the feasibility, including preparing and submitting an application to the next round of the National Water Grid Fund
3. include a zero budget line item relating to the connection of Nimbin to the Rous network in council's integrated planning and reporting framework until such time as a funding opportunity presents itself

Councillor Comment

Outcome Sought

Nimbin has very serious ongoing issues involving water security and quality. The obvious health issues aside, the reputational damage being done to both Nimbin and the Lismore local government area each time restrictions or boil water alerts are announced is embarrassing. The Nimbin area also cannot grow due to insufficient water supply to service new developments. These issues need to be addressed as soon as possible.

We need to determine how best we can address these issues and how we will finance any identified solutions if any are found.

Cost of Implementing

To be confirmed

Funding Source

Not applicable

Officer Consulted

Nil

Officer Comment

Head of Water and Waste

A letter of in principle support was sent to Rous County Council (RCC) to investigate the potential of connecting the Nimbin township and rural supply network customers to the regional water supply.

RCC has engaged Engeny to undertake bespoke hydraulic modelling to investigate options to connect the township of Nimbin to the RCC bulk water supply network. Of note, there would be significant costs to Lismore City Council in addition to the consultant's RCC report; namely but not limited to costs associated with future infrastructure changes required, property acquisition/s, construction of a reservoir of suitable capacity to meet current/future demand, and headwall co-contributions.

RCC has provided Council officers with Engeny's draft report regarding the current water security situation in Nimbin. Once the consultant's report is finalised, a briefing session will be held with councillors.

Notice of Motion / Question with Notice

Officers have no objections with meeting with Rous County Council yet would suggest community consultation should occur in the first instance before determining feasibility as the Rous water supply is fluoridated and, historically there has been objections to this type of water supply. This, is why Lismore City Council's strategy to date has been focused on a localised solution.

Community consultation would determine the water supply type preferred by the community and if it was to be fluoride free, we could discuss this option and feasibility with RCC. If not, other alternative sources could be investigated such as construction of a second dam.

Of note, community engagement is necessary with respect to Stage 2 works that is now being funded under the flood program to construct a water treatment plant at DE Williams Dam, particularly with reference to the choice of treatment.

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/51:EF19/25-6

Notice of Motion / Question with Notice

Councillor Big Rob has given notice of intention to move:

That Council include community consultation and a feasibility study to consider the viability of establishing a permanent library, art gallery, information centre, and/or additional water storage at 9 Sibley Street, Nimbin in the 2024-2025 Operational Plan and other relevant IP&R documentation going forward.

Councillor Comment

Outcome Sought

Nimbin has many issues which need resolution.

Water security and quality are ongoing concerns for Nimbin. Large underground storage tanks can be installed at 9 Sibley Street to help address these issues. Council owns few other parcels of land in the vicinity which can be used to improve supply.

Driving a large truck to Nimbin so locals can access library books is very expensive, impractical and not a permanent solution. There is no reason why a permanent solution cannot be placed at 9 Sibley Street. To compliment a permanent library, the inclusion of regular art gallery exhibits from Lismore's Regional Gallery collection and other contributing artists at 9 Sibley Street will both brighten up the place and attract more visitors.

Since Nimbin is already such a popular tourist destination, it is embarrassing for council that there is no tourist information service being provided. Such a service would also compliment and attract more visitors to a library and art gallery facility.

Combining several options at 9 Sibley Street will reduce costs associated with operating separate facilities at separate locations, and it will allow services and attractions to be available for longer hours.

Cost of Implementing

To be confirmed

Funding Source

To be confirmed

Officer Consulted

Nil

Officer Comment

Chief Community Officer

Work is currently being undertaken to develop a Nimbin Place Plan in collaboration with the Nimbin community. Community infrastructure such as library, art gallery and information centre will form part of these discussions. The placement of water storage tanks could be included in discussions. Both 9 Sibley Street and Bellevue Park have been identified as sites with our consultants that have the potential to support new infrastructure.

As the Place Plan involves considerable community consultation, it would be possible to include questions as part of this engagement to understand the communities sentiment regarding these three elements. A feasibility study could become an action of this plan.

Attachment/s

There are no attachments for this report.

Notice of Motion / Question with Notice

TRIM Record No: BP24/45:EF19/25-6

Notice of Motion / Question with Notice

Councillor Big Rob has put the following question with notice:

Can the General Manager please explain the structure of the 'Back Alley Gallery' 'voluntary organisation', which reportedly curates and manages street art throughout the Lismore Laneways precinct, which includes creating new artwork and dealing with graffiti, how the organisation is registered as an entity, details relating to its elected representatives, how they were authorised to receive and spend ratepayer funds, and provide any plans and/or acquittals relating to the expenditure of ratepayer funds provided since the Lismore Laneways project commenced?

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/39:EF19/25-6

General Manager's response:

The Back Alley Gallery is independent to Lismore City Council, accordingly Council does not record its organisational details. It has been run by volunteers since 2011, currently including local artists Holly Ahern and Erica Gully. The Back Alley Gallery is led by experienced artists in Lismore's visual and street art community and facilitates commissioning of new artwork and maintaining current works, liaison with property owners, and community engagement around the projects. Featuring murals and street art by significant local and international talent, the Back Alley Gallery is recognised as a significant tourism attraction and activation space in the Lismore CBD, as evidenced and supported by the Lismore Laneways Project in 2021.

The Back Alley Gallery's involvement in the Lismore Laneways Project was funded through a NSW Government grant.

Recovering from the 2022 disaster, the Back Alley Gallery received \$10,000 funding from SRV funds in the second half of 2023 to revitalise the Lismore Laneways - to clean walls and repair damaged murals, commission artists, develop community partnerships with local businesses and organisations, and activate the site. This was a special funding initiative due to disaster impacts on the Lismore Laneways, based on a proposal which was assessed by the Destination and Economy team according to criteria which have been used in 2021-2023 Business Activation Plan funding.

- Clarity of vision, merit and benefit for the local community
- Capacity to attract people to Lismore city to shop, do business, visit and play
- Promoting Lismore in a positive manner, in alignment with the Business Activation Plan
- Viability and value for money
- Sound project planning and management.

To date, while some graffiti mitigation has been done by Back Alley Gallery along with creative planning, there have been project delays and the acquittal will be received after completion.

Notice of Motion / Question with Notice

Councillor Big Rob has put the following question with notice:

Can the General Manager please update council regarding progress on implementing all aspects of the Renewable Energy Master Plan, which was adopted in 2014 after an 18 month community consultation, whether we reached our goal to generate all our electricity from renewable sources by 2023, if not, how close are we to achieving that goal, how much ratepayer money has been spent trying to achieve it to date, how much more ratepayer money staff expect to allocate to trying to achieve the goal, and how much ratepayers have saved in real terms trying to implement the Plan?

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/40:EF19/25-6

General Manager's response:

Council has not met the target goal of generating all its electricity from renewable sources as set within the Renewable Energy Masterplan (REMP), within a period of 10 years, concluding 2023.

Specifically, Council's adopted 2017-2021 Delivery Program contained the most recent references to "meeting renewable targets" although no funding was provided in applicable budgets in this period. In fact in the 2017-2021 Delivery Program progress report for Quarter Three actions C3.1.3, D1.2.1 and D1.3.2 required funding opportunities to be explored in order to meet the renewable energy targets. In all cases due to Council budget decisions and lack of suitable funding opportunities the actions were not able to be progressed.

Tracking of the contribution from solar power on Council locations has lapsed, but a project is underway to assess any repairs or maintenance requirements for Council's solar assets and to re-establish the monitoring and tracking software.

The last reporting on the matter is from FY 2018/2019 which identified 11.7% of Council's energy consumption was generated from solar electricity. Total energy costs were reduced by 28% from \$2 million in 2012 to \$1.4 million at the end of FY2020/2021. As well, annual Green House Gas emissions from Council had fallen 40% in the same period.

The position tasked with the REMP was removed from the organisation structure in September 2020 and this function has not been tasked to another areas to deliver on the actionable items in the plan.

However, Lismore City Council entered a Power Purchase Agreement (PPA) through Iberdrola in 2022 for Council's large sites to source wind-generated electricity from the Collector Wind Farm. The purchase of 100% renewable electricity through this PPA begins 1 January 2025.

Council's team are also in the process of re-establishing a system to calculate current energy use and greenhouse gas emissions and to track Council's renewable energy contribution to reducing emissions into the future. This assessment will measure current and future progress on achieving the intentions REMP. It will also enable tracking the savings generated through on-site solar generation, and support a mechanism, such as a Revolving Energy Fund, to re-invest the savings into developing future energy and cost saving initiatives.

Notice of Motion / Question with Notice

Council is going through the process of reviewing and rationalising all outstanding strategies with the goal closing out work that will not be completed. It is expected to report this back to Council in the coming months.

Notice of Motion / Question with Notice

Councillor Big Rob has put the following question with notice:

Can the General Manager please direct councillors to the specific legislative provision(s) allowing Council to delegate decision making functions regarding the expenditure of ratepayer funds to unelected members of the community?

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/41:EF19/25-6

General Manager's response:

The elected body sets the budget each year and approves any budget adjustments made during the year through the Quarterly Budget Review process. Section 377 (1) (g) of the *Local Government Act 1993* is shown below:

377 General power of the council to delegate

(1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following—

(g) the voting of money for expenditure on its works, services or operations

Section 355 of the *Local Government Act 1993* is shown below:

355 How a council may exercise functions

A function of a council may, subject to this Chapter, be exercised—

- (a) by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or*
- (b) by a committee of the council, or*
- (c) partly or jointly by the council and another person or persons, or*
- (d) jointly by the council and another council or councils (including by means of a joint organisation or a Voluntary Regional Organisation of Councils of which the councils concerned are members), or*
- (e) by a delegate of the council (which may, for example, be a joint organisation or a Voluntary Regional Organisation of Councils of which the council is a member).*

An example of delegating expenditure to unelected members of the community would be the case where a council sets up a Section 355 Management Committee to manage a council hall or community centre on behalf of the council. Typically, the committee is given a sum of money by the council, and is then responsible for cleaning, maintenance, managing bookings etc.

Section 356 of the *Local Government Act 1993* sets out the requirements when councils provide financial assistance to others for the purposes of exercising the council's functions (including charitable, community and sporting organisations and private individuals).

This is shown below:

356 Can a council financially assist others?

- (1) A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.*
- (2) A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.*
- (3) However, public notice is not required if—*
 - (a) the financial assistance is part of a specific program, and*
 - (b) the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and*
 - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and*
 - (d) the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.*
- (4) Public notice is also not required if the financial assistance is part of a program of graffiti removal work.*

It is a decision for Council as to whether the group or individual is required to provide an acquittal back to the Council in relation to the expenditure of those funds.

Notice of Motion / Question with Notice

Councillor Big Rob has put the following question with notice:

Considering the ever increasing cost of energy, can the General Manager please provide an update on where staff are up to in relation to establishing a Recurring Energy Fund (REF), if a REF has not yet been established, how long before we expect to see a REF established, and whether there are any active submissions in the pipeline seeking out any grant funding opportunities, such as an application to the Community Energy Upgrades Fund (\$25,000 to \$2.5 million) to help deliver energy upgrades and bill savings for community facilities?

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/42:EF19/25-6

General Manager's response:

Council officers are currently investigating the concept and merits of introducing a Revolving Energy Fund (REF) with support from the Northern Rivers Joint Organisation. It is intended that, if found to be suitable, the REF will be established with the next relevant energy saving project that could provide the first savings contribution to the Fund.

Officers are preparing a list of potential projects that could be funded under the Australian Government's Community Energy Fund Program. This list will be reported to Executive Leadership Team in the coming weeks and may result in a number of projects being combined into one grant application. Round 1 submissions close 30 April 2024 and applicants must contribute at least 50% of the agreed eligible project costs. The savings resulting from a successful Lismore City Council application could provide the initial funding for the REF.

Notice of Motion / Question with Notice

Councillor Big Rob has put the following question with notice:

Can the General Manager please explain:

1. why a very outdated Public Art Policy has never been updated since it was created in 2005;
2. why the very complicated Public Art Procedure has not been reviewed since 2012;
3. if we still operate a Public Art Reference Group that is seemingly allowed to deal with the relevant 'Section 94' (section 7.11) contributions made to the Public Art Fund, and also make decisions without a council resolution regarding how those funds are spent; and
4. how a Policy designed to capture contributions for commercial and public developments over \$2 million in value over a decade ago has been extended to use funds from the 'Safer Cities: Her Way Project', which would better and more appropriately be used installing more lights and CCTV cameras around the CBD?

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/43:EF19/25-6

General Manager's response:

Council resolved on 12 April 2016:

Council hold a workshop to review its policy on public art contributions. As part of that review Council investigates the plausibility of altering the existing arrangement for developer contributions for Public Art with a view to directing them to community infrastructure renewals.

Records show there was a briefing provided to the then councillors regarding the Public Art Policy on 24 May 2016. An email from a councillor was received advising they would move a NOM at the July meeting regarding the Public Art Policy however there is no record that this was forthcoming.

Due to competing priorities this policy has not been reviewed since this time.

The Public Arts Reference Group (PARG) was discontinued by Council resolution on 11 January 2022.

As the Public Arts Procedure was applicable to the PARG it effectively became null and void at that time.

The Policy has not been extended it has simply been referenced in the *Safer Cities: Her Way Project* to demonstrate its alignment to the objectives of the Policy, ie “to facilitate the acquisition and management of high quality public artworks that enrich and vitalise the public domain, enhance local identity, and reflect Lismore’s unique environment, history and culturally diverse society.” The inclusion of art in the project was following extensive community consultation. Additional lights and CCTV cameras are also part of the scope.

Notice of Motion / Question with Notice

Councillor Big Rob has put the following question with notice:

Can the General Manager please explain what progress has been made in relation to North Lismore Plateau Land Giveaway, exactly where we are up to, and well with this matter be finalised?

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/44:EF19/25-6

General Manager's response:

The Property Services team have developed recommendations to progress what is a complex matter. The next steps are to seek independent advice on the assessment from subject matter experts into these recommendations before returning to Council for resolution.

Notice of Motion / Question with Notice

Councillor Big Rob has put the following question with notice:

Pursuant to Council resolution 49/23 on 14 March 2023, can the General Manager advise when a Disaster Management Committee will be established?

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/48:EF19/25-6

General Manager's response:

Council is currently recruiting for an Emergency Management Coordinator (full-time temporary role until June 2026). A key responsibility of this role will be to review and refine the Lismore City Council's emergency management framework, including emergency response, and as necessary provide support to the Disaster Management Committee.

Notice of Motion / Question with Notice

Councillor Big Rob has put the following question with notice:

Can the General Manager please confirm how much each stainless steel bollard being installed in Keen Street, Lismore cost, how many Council purchased, and whether we bought the bollards locally?

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/62:EF19/25-6

General Manager's response:

In November 2022, an order was placed with Area Safe Products Pty Ltd, listed head office address of Glendenning, NSW. 210 units were purchased at a unit rate of \$450 (ex GST) each, plus delivery cost of \$2,759 (ex GST).

In August 2023, a final order was placed with the same supplier. 25 units were purchased at a unit rate of \$699 (ex GST) each, plus delivery cost of \$499 (ex GST).

Council's procurement guidelines were followed, with staff obtaining a minimum of three quotes and subsequent evaluation process of the quotes received.

Bollard style is in accordance with the Lismore City Council Lismore CBD Style Guide.

Notice of Motion / Question with Notice

Councillor Big Rob has put the following question with notice:

Can the General Manager please provide details (confidentially to councillors if required) relating to ownership of all privately owned land along the full lengths of where work is to be done and has been done in relation to the walking track and car park access on either side of Cullen Street Nimbin, where council is spending considerable ratepayer funds to establish public facilities and to maintain these facilities going forward, and confirm whether all necessary rights of walkway and access have been secured to facilitate permanent public access to these facilities?

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/63:EF19/25-6

General Manager's response:

As councillors have previously been advised via a councillor request, privacy issues do not allow details of property owners to be shared.

The locations accessing to the Nimbin Rainbow Road Walking Track were changed late in 2023, when it was confirmed that one landowner had public liability issues and withdrew their support for the project over their land. This detail was provided in City Notes dated 23 October 2023. Stage 1 construction works are due to begin within the coming few months. Stage 2 works, where the land-owner matter is occurring will remain postponed until a future agreement can be reached.

Notice of Motion / Question with Notice

Councillor Big Rob has put the following question with notice:

Considering the following points:

- over 27,500 people reside in our urban area
- almost 16,500 people reside outside our urban area
- the Nimbin and District area's population comprises less than 2,500 of those residing outside our urban area
- in the district profiles for the Lismore local government area, Nimbin and district ranks 8 out of 13 by population, 3 out of 13 by land area, and 11 out of 13 by population density
- while most Council Committee and Advisory Group meetings are held at Council Chambers where staff work and resources are readily available, Nimbin Advisory Group meetings are held at a location requiring considerable staff travel with limited resources

Can the General Manager please explain why Nimbin is the only district with such representation and influence over Council, and why Lismore does not instead have a Lismore Villages Advisory Group and/or a Lismore Rural Advisory Group and/or a Lismore Urban Advisory Group, providing for equal representation from each district, who regularly meet at Council Chambers?

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/64:EF19/25-6

General Manager's response:

In March 2009 Nimbin Chamber of Commerce and Nimbin Community Centre hosted a forum on Nimbin Community engagement with Council.

Twenty six recommendations were forwarded to council for consideration.

Council's ordinary meeting of 11 May 2010 resolved that:

1. *Council work with the Nimbin Chamber of Commerce and the Nimbin Community Centre Inc. and the Nimbin community to establish a community/Council reference and consultation structure. The models to be considered should include, but not be restricted to a community reference panel of elected, appointed or randomly selected members*
2. *Council's activities in the Nimbin area are communicated through local media including:*
 - a. *newsletter in the Nimbin Good Times; and*
 - b. *notice board and information distribution point*
3. *Council's welcome and information for new residents include information specifically related to Nimbin*

As a result of point 1 of this resolution the Nimbin Advisory Group was formed and has been operating ever since.

I am not aware of any other districts or villages undertaking the same activity.

Notice of Motion / Question with Notice

Councillor Big Rob has put the following question with notice:

Can the General Manager please advise where Council is up to in relation to actioning point 2 of resolution 152/23 on 8 August 2023?

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/65:EF19/25-6

General Manager's response:

Point 2 of the resolution was:

2. *any decision about the future of the Koala Implementation Group (KIG) be deferred until after a briefing about the activities of the KIG and the requirements of the Comprehensive Koala Plan of Management for a 10 year review. That members of the KIG be invited to attend and participate in that briefing*

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

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

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

Officers are seeking to include funds in the 2024/25 Council budget for an internal review of the CKPoM. A formal 10-year review according to NSW Government determined guidelines cannot proceed as these guidelines are yet to be published.

A new date for the briefing will be sought in the coming months.

Notice of Motion / Question with Notice

Councillor Big Rob has put the following question with notice:

Can the General Manager please provide an opinion on whether it is possible for a governing body to make considered and well informed decisions in the best interests of residents, ratepayers and the local community in relation to the integrated planning and reporting framework based on such outdated documents as the Community Strategic Plan last fully updated in 2012, Asset Management Plans dating back to 2012 which don't even list several assets at all, 2011 Cycleway and Pedestrian Access and Mobility Plans, a 2012 Housing Strategy, a 2014 Section 94 Contributions Plan, a 2013 Strategic Road Review, a 2014 Renewable Energy Master Plan, and 2016 Urban Stormwater Management Plans, none of which have been updated since the major and catastrophic flood events in 2017 and 2022, and please explain the importance of updating our full set of integrated planning and reporting framework documents as a priority by June 2025 to ensure compliance and to provide for better decision making going forward?

Attachment/s

There are no attachments for this report.

TRIM Record No: BP24/114:EF19/25-6

General Manager's response:

In accordance with Section 406 of the *Local Government Act 1993* current Community Strategic Planning documents must be adopted in accordance with the Integrated Planning and Reporting guidelines, which includes community consultation and engagement.

Officers will work with the documents adopted by Council.

Confidential Business



Confidential Matters – Closed Council Meeting

A Council may close to the public only so much of its meeting as comprises the receipt or discussion of any of the following:

Section 10A(2) – *Local Government Act 1993*:

- a) personnel matters concerning particular individuals;
- b) the personal hardship of any resident or ratepayer;
- c) information that would, if disclosed, confer a commercial advantage of a person with whom the Council is conducting (or proposes to conduct) business;
- d) commercial information of a confidential nature that would, if disclosed:
 - i) prejudice the commercial position of the person who supplied it, or
 - ii) confer a commercial advantage on a competitor of the Council, or
 - iii) reveal a trade secret;
- e) information that would, if disclosed, prejudice the maintenance of law;
- f) matters affecting security of the Council, Councillors, Council staff or Council property;
- g) advice concerning litigation, or advice, that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege;
- h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

Clause 34 of Council Code of Meeting Practice

Representations from the public as to whether part of the meeting should be closed to the public can be made after the motion to close the meeting has been moved and seconded for a period of 10 minutes.

Recommendation

That the Council exclude members of the press and public from the meeting and move into Closed Council Meeting to consider the following matters:

Item	13.1 Santin Quarry Appeal
Grounds for Closure	Section 10A(2) (g):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
Item	13.2 General Manager's Performance Review Committee - 23 November 2023
Grounds for Closure	Section 10A(2) (a):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: personnel matters concerning particular individuals (other than councillors).

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN COUNCIL CHAMBERS ON TUESDAY 12 DECEMBER 2023 AT 6.00PM

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

Present

Mayor, Councillor Krieg; Councillors Bing, Colby, Cook, Ekins, Gordon, Guise, Hall, Jensen, Rob, together with Mr Gibbons, General Manager; Mr Enevoldson, Chief Financial Officer; Dr Logan, Chief Operating Officer; Mr Butron, Chief Community Officer; Mr Hartley, Manager Finance; Mr Wilson, Executive Officer – Customer Strategy; Ms O'Regan, Head Investment & Growth; Mr Little, Acting Manager Technology and Innovation; Mr Malloy, Technology Support Officer; Ms Soady, Acting Community Engagement Coordinator; 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

245/23

RESOLVED that:

1. Council note Councillor Bird is on approved leave
2. a leave of absence be received from:
 - Councillor Guise from 13 December 2023 to 22 January 2024
 - Councillor Hall from 10 January to 20 January 2024 and 25 January to 30 January 2024

(Councillors Jensen/Cook)

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

Voting against: Nil

Confirmation of Minutes

246/23

RESOLVED that the minutes of the following meetings be confirmed:

- Ordinary Meeting held on 28 November 2023
- Confidential Meeting held on 28 November 2023
- Extraordinary Meeting held on 21 November 2023

- Confidential Extraordinary Meeting held on 21 November 2023

(Councillors Bing/Gordon)

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

Voting against: Nil

Disclosures of Interest

Clr Ekins declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 11.4 item 1a Documents for Signing

Nature: I am a member of the organisation mentioned in the report

Clr Rob declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 11.4 item 1b Documents for Signing

Nature: Friends of the Koala have trees on the same land as Lismore Lake Inc., of which I am a member. I will leave the Chamber

Public Forum

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

Mayoral Minutes

8.1 Mayoral Attendance Report

FOR	Jerry Vanclay
	Barbara Rugendyke

Mayoral Minute(s) and Condolence Motions

8.1 Mayoral Attendance Report

247/23 **RESOLVED** that Council receives the Mayoral Attendance Report for November 2023.
(Councillors Krieg/Jensen) (BP23/1014)

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

Voting against: Councillors Ekins and Rob

Reports of Committees

9.1 Sister City Advisory Group - 15 November 2023

248/23 **RESOLVED** that the minutes be received and the recommendations contained therein be adopted.

(Councillors Gordon/Bing) (BP23/973)

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

Voting against: Nil

9.2 Local Traffic Committee - 15 November 2023

249/23 **RESOLVED** that the minutes be received and the recommendations contained therein be adopted.

(Councillors Rob/Bing) (BP23/977)

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

Voting against: Nil

9.3 Audit Risk and Improvement Committee - 27 November 2023

250/23 **RESOLVED** that the minutes be received and noted.

(Councillors Gordon/Bing) (BP23/992)

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

Voting against: Councillor Guise

Matters Arising

Reports of the General Manager

11.1 Audited Financial Statements for the year ended 30 June 2023

251/23 **RESOLVED** that:

1. in accordance with Section 413 (2) (c) of the *Local Government Act 1993* and clause 215 of the *Local Government (General) Regulation 2021*, adopt the Audited Financial Statements for the year ended 30 June 2023 and form an opinion based on the attached 'Statement by Councillors and Management' for both the General-Purpose Financial Statements and Special Purpose Financial Statements
2. delegate to the Mayor and Deputy Mayor to sign the 'Statement by Councillors and Management' on behalf of Council
3. delegate to the General Manager to, on receipt of the Independent Audit Reports, submit the Audited Financial Statements to the NSW Office of Local Government.
4. in accordance with Section 705 of the *Local Government Act 1993* determine the public notice relating to the financial statements will be advertised on Council's website and Council's Facebook page
5. Council present the Audited Financial statements to the public on 23 January 2024

(Councillors Gordon/Colby) (BP23/980)

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

Voting against: Councillor Guise

11.2 Investments - November 2023

252/23 **RESOLVED** that the report be received and noted.

(Councillors Bing/Hall) (BP23/979)

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

Voting against: Councillor Guise

11.3 Northern Regional Planning Panel Representative

253/23 **RESOLVED** that Council extends the term of the current Memorandum of Understanding with Richmond Valley Council for a further four (4) years and nominates Angela Jones (Director for Infrastructure and Environment), or another suitably qualified Richmond Valley Council officer by mutual agreement, to be Lismore City Council's representative on the Northern Regional Planning Panel.

(Councillors Bing/Colby) (BP23/934)

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

Voting against: Councillors Ekins and Guise

11.4 Documents for Signing

254/23 **RESOLVED** that:

1. Council notes the following documents be executed as negotiated under delegated authority by the General Manager:

Item A Renewal of Grazing Agreement with P Rapmund over part 1-3B Winterton Parade, North Lismore (being Lots 1-5 in DP 784065) for a 5-year term with a 5-year option for the purpose of horse grazing. (Ref. AF22/1486)

Item C Licence with Maret Infrastructure Group (CAN 656 106 044) over part 16 Wyreema Avenue, Goonellabah (being Lot 1 in DP 410491) for a 5-year term with a 5-year option for the purposes of access and operation of licensee's telecommunications equipment. (Ref. CDR23/408)

(Councillors Rob/Hall) (BP23/960)

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

Voting against: Nil

Councillor Big Rob left the meeting, the time being 6:29PM

255/23 **RESOLVED** that Council notes the following documents be executed as negotiated under delegated authority by the General Manager:

Item B Renewal of Licence Agreement with Friends of the Koala (ABN 69 322 819 171) over part 120 Bruxner Highway, Loftville (being Lot 1 in DP 1261770) for a 5-year term with a 5-year option for the purpose of pre-planting, tree planting and harvesting upon the land. (Ref. AF16/4190)

(Councillors Gordon/Cook) (BP23/960)

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

Voting against: Nil

Absent: Councillor Rob

Councillor Big Rob returned to the meeting, the time being 6:30PM

256/23 **RESOLVED** that the General Manager be delegated authority to sign approved community sports club agreements, subject to:

- a. Condition 1 (being the 28-day public notice) as outlined in the Attachment for this report, being conducted with respect to proposed agreements over community land; and
- b. Councillors being provided with regular updates on agreements entered

(Councillors Gordon/Rob) (BP23/960)

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

Voting against: Councillor Guise

11.5 Code of Conduct Statistical Reporting

MOTION moved that Council receive and note the attached annual report on Code of Conduct statistics for Lismore City Council and that the report will be forwarded to the Office of Local Government

(Councillors Gordon/Bing)

AMENDMENT moved that Council:

1. receive and note the attached annual report on Code of Conduct statistics for Lismore City Council and that the report will be forwarded to the Office of Local Government
2. refer the Code of Conduct report to the Office of Local Government to consider where conduct reviewers unilaterally progress matters to investigation

(Councillor Rob)

Motion withdrawn.

257/23 **RESOLVED** that Council receive and note the attached annual report on Code of Conduct statistics for Lismore City Council and that the report will be forwarded to the Office of Local Government.

(Councillors Gordon/Bing) (BP23/993)

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

Voting against: Councillors Guise and Rob

11.6 Councillor and Officer Interaction Policy

258/23 MOTION moved that Council:

1. adopt the Councillor and Officer Interaction Policy
2. revoke policy 1.2.24 Councillor/Staff Communication Policy and Councillor/Staff Communication Guidelines

(Councillors Gordon/Colby) (BP23/1022)

AMENDMENT moved that Council:

1. adopt the Councillor and Officer Interaction Policy, minus clause 5.19
2. revoke policy 1.2.24 Councillor/Staff Communication Policy and Councillor/Staff Communication Guidelines

(Councillors Ekins/Rob)

FORESHADOWED AMENDMENT that Council:

1. adopt the Councillor and Officer Interaction Policy, minus clause 5.19 and 5.7 be reduced to 5 business days
2. revoke policy 1.2.24 Councillor/Staff Communication Policy and Councillor/Staff Communication Guidelines

(Councillors Ekins/Guise)

259/23 On submission to the meeting the amendment became the motion and was **DEFEATED** that Council:

1. adopt the Councillor and Officer Interaction Policy, minus clause 5.19
2. revoke policy 1.2.24 Councillor/Staff Communication Policy and Councillor/Staff Communication Guidelines

(Councillors Ekins/Rob) (BP23/1022)

Voting for: Councillors Colby, Ekins, Guise and Rob

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

260/23 On submission to the meeting the foreshadowed amendment became the motion and was **DEFEATED** that Council:

1. adopt the Councillor and Officer Interaction Policy, minus clause 5.19 and 5.7 be reduced to 5 business days
2. revoke policy 1.2.24 Councillor/Staff Communication Policy and Councillor/Staff Communication Guidelines

(Councillors Ekins/Guise) (BP23/1022)

Voting for: Councillors Ekins and Guise

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

Councillor Jensen left the meeting, the time being 7:20PM

Councillor Jensen returned to the meeting, the time being 7:21PM

261/23 On submission to the meeting the motion was **RESOLVED** that Council:

1. adopt the Councillor and Officer Interaction Policy
2. revoke policy 1.2.24 Councillor/Staff Communication Policy and Councillor/Staff Communication Guidelines

(Councillors Gordon/Colby) (BP23/1022)

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

Confidential Matters – Closed Council Meeting

262/23 **RESOLVED** that Council now exclude the press and public and meet in Closed Council to consider the following matters;

Item	13.1 Tender TP 2023/101 Professional & Project Services
Grounds for Closure	Section 10A(2) (d i):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
Item	13.2 Tender TP2023/135 Construction of Lismore to Bentley Rail Trail
Grounds for Closure	Section 10A(2) (d i):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
Item	13.3 Tender Recommendation: TP202327 Panel Contract for Horizontal Directional Drilling
Grounds for Closure	Section 10A(2) (d i):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
Item	13.4 Tender TP 2023/188 Supply of Quarry Materials
Grounds for Closure	Section 10A(2) (d i):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
Item	13.5 Tender TP2023-193 Traffic Management Services
Grounds for Closure	Section 10A(2) (d i):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
Item	13.6 Contract PR23/104 - CBD Water Main Replacement Program FY2023/24
Grounds for Closure	Section 10A(2) (d i):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: commercial

	information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
Item	13.7 Tender T2023-140 Lismore City Council Animal Care Facility Refurbishment
Grounds for Closure Public Interest	Section 10A(2) (d i): Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
Item	13.8 Tender TP23/187 Environmental Sampling and Analytical Services Panel
Grounds for Closure Public Interest	Section 10A(2) (d i): Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
Item	13.9 Tender TP22/34 - Nimbin Rainbow Road Walking Track Construction
Grounds for Closure Public Interest	Section 10A(2) (d i): Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
Item	13.10 Tender T2023112 Heritage Park Improvements - Adventure Tower
Grounds for Closure Public Interest	Section 10A(2) (d i): Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
Item	13.11 Contract 22/160 Nimbin Road Landslips Remediation (AGRN1012) Proposed Variation
Grounds for Closure Public Interest	Section 10A(2) (c) (d i): Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
(Councillors Hall/Bing)	
Voting for:	Councillors Bing, Colby, Cook, Ekins, Gordon, Hall, Jensen, Krieg and Rob
Voting against:	Councillor Guise

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 TP 2023/101 Professional & Project Services

That:

1. approval is given for Professional and Project Services on an initial one-year period with an option to extend the contract for two additional one-year periods at Council's absolute discretion
2. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the suppliers listed in the evaluation results, to form unranked panels of Approved Providers for Tender TP2023/101 Professional and Project Services for an initial one-year period with an option to extend the contract for two additional one-year periods at Council's absolute discretion
3. delegation be provided to the General Manager to approve purchases without a fixed upper limit of expenditure from an approved budget source for scopes defined within TP2023/101 Professional and Project Services contract, in line with the schedule of rates stated within the accepted tender submissions
4. delegation be provided to the General Manager to exercise the options when required to extend the contract, subject to the satisfactory performance of the suppliers
5. the subsequent addition of suppliers to the panel providing the selection and adoption is compliant to the terms of the contract provisions
6. a redacted copy of this report will be released as a public document
7. Council notes the funding for this engagement comes from LCC operating budget and or available funding resources

(Councillors Gordon/Bing) (BP23/962)

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

Voting against: Councillor Guise

13.2 Tender TP2023/135 Construction of Lismore to Bentley Rail Trail

That:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the tender from Hazell Bros Pty Ltd for Tender TP2023/135 Construction of Lismore to Bentley Rail Trail for the price of \$7,841,732 (ex GST)
2. delegation be provided to the General Manager to finalise and execute a GC21 contract and associated documentation required to give effect to this resolution
3. a redacted copy of this report be released as a public document
4. Council notes the funding for this engagement will be covered under the Building Better Regions grant fund BRFIP000279

(Councillors Gordon/Cook) (BP23/975)

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

13.3 Tender Recommendation: TP202327 Panel Contract for Horizontal Directional Drilling

That:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the Tender Submissions from the following organisations for Tender 2023127 Panel Contract for Horizontal Directional Drilling:
 - CM Contracting (Aust) Pty Ltd
 - WW & MA Field Pty Ltd t/a Field Directional Drilling
 - Ledonne Constructions Pty Limited
 - The Trustee for The Neale Family Trust t/a North Coast Electrical and Communications
 - The Campbell Family Trust t/a O'Brien Electrical and Plumbing Lismore
 - One Shot Directional Drilling Australia Pty Ltd
2. delegation be provided to the General Manager to finalise and execute the Deeds of Standing Offer and any other documentation required to give effect to this resolution
3. a redacted copy of this report will be released as a public document

(Councillors Gordon/Hall) (BP23/963)

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

13.4 Tender TP 2023/188 Supply of Quarry Materials

That:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the eight suppliers listed in the evaluation results, to form an un-ranked panel of Approved Providers for Tender TP2023/188 Supply of Quarry Materials for an initial one-year period with an option to extend the contract for two additional one-year periods at Council's discretion
2. delegation be provided to the General Manager to approve purchases without a fixed upper limit of expenditure from an approved budget source for Tender TP2023/188 Supply of Quarry Materials, in line with the schedule of rates stated within the tender submissions

3. delegation be provided to the General Manager to exercise the options when required to extend the contract, subject to the satisfactory performance of the suppliers
4. a redacted copy of this report will be released as a public document

(Councillors Gordon/Hall) (BP23/964)

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

Voting against: Councillor Guise

13.5 Tender TP2023-193 Traffic Management Services

That:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the eight suppliers listed in the evaluation results, to form an unranked panel of approved providers for Tender TP2023/193 Traffic Management Services for an initial one-year period with an option to extend the contract for two additional one-year periods at Council's discretion.
2. delegation be provided to the General Manager to exercise the options when required to extend the contract, subject to the satisfactory performance of the suppliers.
3. a redacted copy of this report will be released as a public document

(Councillors Gordon/Hall) (BP23/963)

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

Voting against: Nil

13.6 Contract PR23/104 - CBD Water Main Replacement Program FY2023/24

That:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the tender from Ledonne Constructions Pty Ltd for Contract PR23/104 CBD Water Main Replacement Program FY2023/24, for the sum of \$3,074,208 excluding GST
2. delegation be provided to the General Manager to finalise and execute the contract and any other documentation required to give effect to this resolution
3. Council approve the increase in the 2024 budget of \$2.3 million to undertake the required works with funding from Water Reserves
4. a redacted copy of this report be released as a public document

(Councillors Gordon/Rob) (BP23/957)

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

Voting against: Councillor Guise

13.7 Tender T2023-140 Lismore City Council Animal Care Facility Refurbishment

That:

1. Council accepts the tender from Quadracon Building Pty Ltd for Tender TP2023-140 Lismore City Council Animal Care Facility Refurbishment at a total cost of \$285,706.72 (ex GST) in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*
2. delegation be provided to the General Manager to finalise and execute the contract and associated documentation required to give effect to this resolution
3. Council offer a micro-grant to Animal Rights and Rescue to the value of \$10,000 in accordance with grant requirements
4. a redacted copy of this report be released as a public document

(Councillors Gordon/Hall) (BP23/963)

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

Voting against: Nil

13.8 Tender TP23/187 Environmental Sampling and Analytical Services Panel

That:

1. in accordance with section 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the suppliers listed in the evaluation results, to form an unranked panel of Approved Suppliers for Tender TP23/187 Environmental Sampling and Analytical Services for an initial period of two years with an option to extend the contract for two additional years at Council's absolute discretion
2. delegation be provided to the General Manager to approve purchases without a fixed upper limit of expenditure from an approved budget source for scopes defined within TP23/187 Environmental Sampling and Analytical Services contract
3. delegation be provided to the General Manager to finalise and execute contracts and associated documentation required to give effect to this resolution
4. delegation be provided to the General Manager to exercise the options when required to extend the contract, subject to the satisfactory performance of the suppliers
5. a redacted copy of this report be released as a public document
6. Council notes the funding for engagement comes from Council's operating budget and/or available funding resources

(Councillors Gordon/Hall) (BP23/963)

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

Voting against: Nil

13.9 Tender TP22/34 - Nimbin Rainbow Road Walking Track Construction

That:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the tender from A & D Civil Earthworks for Tender TP22/34 Nimbin Rainbow Road Walking Track Constructions for the sum of \$1,575,525.67 (ex GST)
2. delegation be provided to the General Manager to finalise and execute the contract and associated documentation required to give effect to this resolution
3. a redacted copy of this report be released as a public document
4. Council notes the funding for this engagement will be provided under a grant from the Bushfire Local Economies Recovery Fund

(Councillors Ekins/Gordon) (BP23/936)

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

Voting against: Councillor Rob

13.10 Tender T2023112 Heritage Park Improvements - Adventure Tower

That:

1. Council accepts the tender from Urban Play Pty Ltd for Tender T2023112 Design, Supply and Install Adventure Tower Play Equipment to Heritage Park Lismore for the sum of \$567,615 (ex GST) in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*
2. delegation be provided to the General Manager to finalise and execute the contract and associated documentation required to give effect to this resolution
3. Council notes the funding for this engagement comes from the Stronger Country Communities Fund
4. a redacted copy of this report to be released as a public document

(Councillors Gordon/Hall) (BP23/963)

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

Voting against: Nil

13.11 Contract 22/160 Nimbin Road Landslips Remediation (AGRN1012) Proposed Variation

That:

1. Council notes:
 - a. the urgent need for Blue Knob Road works due to a series of landslides, with the situation posing a significant risk to public safety and road accessibility, necessitating immediate action
 - b. Blue Knob Road works are similar in scope to the Nimbin Road landslips remediation
 - c. under section 55 of the *Local Government Act 1993* (NSW) ('the Act'), Council is required to invite tenders for work of this type unless any of the exceptions identified under section 55(3) are applicable. there are extenuating circumstances, in accordance with section 55(3)(i) of the Act, due to public safety concerns with roads under traffic management
 - d. this action is necessary to address the urgency and to prevent significant delays that would arise from an open tender process
 - e. the Blue Knob Road works are entirely externally funded through Disaster Funding Relief Arrangements
2. Council notes the delegation in Recommendation 5 of Report BP23/1018:EF19/24-5 authorising the General Manager to approve contract variations that are within the funding amount
3. delegation be provided to the General Manager:
 - a. enter into negotiations with the Nimbin Road contractor for the Blue Knob Road variation
 - b. resolve and approve contract variations that are within the approved funding amount
 - c. undertake a selective tender process should 3.a. fail
 - d. if 3.c. is required, award a contract to the successful tenderer within the approved funding amount
4. A funding agreement with the relevant funding body that provides sufficient funds in advance is to be finalised. This is required to ensure Council is able to deliver the works in a timely manner without posing a risk to Council's cashflow or delivery of its other works

(Councillors Rob/Bing) (BP23/1018)

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

Voting against: Nil

Closure

This concluded the business and the meeting terminated at 8:30pm.

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

MAYOR

Confidential Report

Reports

Subject	Tender TP 2023/101 Professional & Project Services
TRIM Record No	BP23/962:AF23/2485
Prepared by	Procurement & Contracts Manager
Reason	To detail the evaluation of tender submissions received for Professional & Project Services Panel Contracts and provide a recommendation to award the tender.
Strategic Theme	Our built environment
Strategy	Our city and village services are well managed and maintained.
Action	Plan for infrastructure that meets the needs of the community.
Grounds for Closure	Section 10A(2) (d i):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Executive Summary

TP2023/101 Professional & Project Services panel contract is established to replace the previous T19/1 and supports the selection of suitably qualified and experienced service providers to undertake bespoke scopes of work or specific projects from time to time.

The nature and size of the scopes covered within this contract vary widely therefore, detailed assessments of the most suitable provider will be undertaken once the size and nature of projects has been confirmed. This will be the responsibility of the relevant Council Officers.

The Panel providers will be engaged through the execution of the Deed of Standing Offer – Professional & Project Services. The Deed allows the provider to offer said services to Lismore City Council at agreed rates provided in their submission on a schedule of rates or lump sum arrangement (whichever manner is requested by Council).

The tender assessment evaluated both Price and non-Price components. The evaluation indicates a ranking in relation to evaluation result (although the contracts themselves will not be ranked).

182 submissions were received and assessed under this Tender, with all deemed suitable for inclusion on the un-ranked panel of approved providers. Balancing regional and specialised scope of work capabilities from each supplier a selection of 59 respondents have been recommended to be issued initial panel contracts.

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

This request to establish this Panel Contract is supported by the Procurement and Contracts Team.

Confidential Report

Recommendation

That:

1. approval is given for Professional and Project Services on an initial one-year period with an option to extend the contract for two additional one-year periods at Council's absolute discretion
2. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the suppliers listed in the evaluation results, to form unranked panels of Approved Providers for Tender TP2023/101 Professional and Project Services for an initial one-year period with an option to extend the contract for two additional one-year periods at Council's absolute discretion
3. delegation be provided to the General Manager to approve purchases without a fixed upper limit of expenditure from an approved budget source for scopes defined within TP2023/101 Professional and Project Services contract, in line with the schedule of rates stated within the accepted tender submissions
4. delegation be provided to the General Manager to exercise the options when required to extend the contract, subject to the satisfactory performance of the suppliers
5. the subsequent addition of suppliers to the panel providing the selection and adoption is compliant to the terms of the contract provisions
6. a redacted copy of this report will be released as a public document
7. Council notes the funding for this engagement comes from LCC operating budget and or available funding resources

Background

The previous T19/1 panel for Project Services has been running for four years and has been operating on a month-to-month extension process since the commencement of 2023. The suppliers made up categories such as engineering, survey, civil and construction project services, design and environmental. Therefore, the new contracts title has expanded to reflect said professions "Professional and Project Services".

These services are typically procured on a schedule of rates or lump sum amount dependent upon the type and nature of the scope. The Council Officer responsible for the delivery of the works will, in consultation with the Procurement Team determine the efficient way to engage the panel and/or supplier.

There has been an historical willingness to incentivise local professional networks and this tender has equally encouraged local supplier participation. The local supplier base has delivered high quality results, a willingness to respond expeditiously to council requirements and has been willing to prioritise council scheduling and process constraints. Therefore, the tender evaluation has not only complied with the local content 20% weighting but has also extracted significant local and regional successful bidders.

Tender Submissions

The Request for Tender was advertised via Council's eportal VendorPanel, Local Matters and Lismore City Council's website. Tender submissions were received from one hundred and eighty two (182) suppliers by the close of tender at 12:00am on 13 September 2023. No late submissions were received.

Two responses were received outside of this platform due to technical issues but were still received in un-editable formats prior to closing date and time and deemed acceptable.

A full list of tenderer submission names can be found in Attachment 1.

Carmichael Mine Disclosure

All contractors indicated they had no direct contractual agreements to construct or operate at the Carmichael Mine.

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Meeting held 12 December 2023 - 13.1 - Tender TP 2023/101 Professional & Project Services

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Tender Evaluation

The tender evaluation panel comprising of Council's Chief Operating Officer (Chair), Roads & Bridges Project Director, Head of Roads & Quarry, Waste and Recovery Operations Manager and the Purchasing and Contracts Manager undertook the assessment of tenders received. The tender was conducted in accordance with Clause 166(a) of the *Local Government (General) Regulation 2021*.

All recommended submissions herein indicated no contractual arrangements with the Carmichael Mine either during development or production.

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

Methodology

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

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

The previous T19/1 Contract which this TP2023/101 is replacing had 40 panel providers. Of which 16 were used during the contract term. Out of the 16 panel providers 13 have resubmitted bids and are recommended for continuation.

Due to the range of professional services required and the anticipated demand for these services in the coming period, a greater number of panel members are recommended for inclusion. The initial panel will contain 59 providers, this list may expand during the contract term.

Importantly this contract bares no guarantee of value or volume to the Contractor with expenditure anticipated to be shared across a number of panel providers.

Total Price

Submissions were received on a schedule of rates basis. In comparison to the current T19/1 Contract rates, increases of 10% - 30% on certain professional scopes are recognised. Local providers have requested lower rate increases. Furthermore, all rates were benchmarked and have a low standard deviation demonstrating market acceptability.

Capability & Experience

Suppliers outlined relevant capabilities and experiences in their provision of Professional & Project Services. Submissions received conformed with expectations and were assessed against complexity of experience, value of works and presented personnel. Importantly, the suppliers were categorized into their primary / preferred scopes offerings which was used to determine the split of initial panel providers. Primary scope categories include: Engineering, Consultative, Environmental, Surveying, Civil / Project Services.

WH&S, Risk Management and Quality Management Systems

All suppliers presented adequate levels of WHS, Environmental, Risk and Quality Controls but a clear differentiator in results came through systems which had accompanying certifications.

Lismore City Council

Meeting held 12 December 2023 - 13.1 - Tender TP 2023/101 Professional & Project Services

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Local Content

The submissions demonstrated an increase in local professional service providers with further neighbouring providers complimenting a strong local contingent. In addition, the large metropolitan multinational providers have confirmed their interest in expanding their local networks and have committed to continue developing a local content plan. Monitoring of local performance and contributions by all suppliers will be measured throughout the contract period.

Out of the 59 recommended panel providers:

- 16 panel providers are specifically from 2480 (local or have developed offices in this locality)
- 32 panel providers are from 24** series post codes
- 11 panel providers from further metropolitan zones.

Evaluation Results and Preferred Tenderers

All suppliers satisfied each element of the tender submission requirements however, given it is not possible or practical to award contracts to each of the 182 respondents, a selection of 59 suppliers have been recommended to be issued initial panel contracts satisfying the scope of work activities.

The recommended panel providers balance regional and preferred scope offerings from the responders.

The evaluation was conducted in accordance with the Local Government Tendering Guidelines, Regional Procurement Tendering Code of Conduct and Tendering Evaluation Principles and Process. The evaluation panel reviewed the submissions against the criteria stated within the procurement plan and as advertised in the Request for Tender. Confidentiality and probity were maintained throughout the process.

Term of the Contract will be a fixed period of one year with two additional one year extension periods. Approval is sought for the three year term.

The Council Officer will determine on a project-by-project basis whether the works are priced on a fixed lump sum or schedule of rates basis or partly fixed lump sum and schedule of rates. An assessment of the most suitable supplier to be undertaken at the time when sourcing of specified services. Staff will undertake an assessment from the approved panel based on availability, the schedules of rates provided, scope specificity and local content in order to determine the preferred supplier.

This contract is not an exclusive contract for work and LCC at its absolute discretion may choose to engage other Contractors to provide any or all of the type of services contemplated within this Contract. LCC shall determine the type and level of Services, if any, required from the Contractor at any time.

The Principal may add new contractors to the Panel of Contractors during the Term by issuing an additional approach to market using substantially the same scope and evaluation criteria as the original tender process conducted to establish the Panel of Contractors.

The panel contract structure presents limited risk to Council given the absence of any "take or pay" contract structures and therefore contains no guarantee of value or volume to the suppliers.

Confidential Report

TP2023/101 Professional & Project Services Un-ranked Panel of Approved Providers
(Recommended)

Name	Post Code	Name	Post Code
ECOTeam	2480	Barker Ryan Stewart	2478
Northpro	2480	Ardill Payne & Partners	2478
BASEC Engineering –	2480	Wakefield Civil	2478
Concept Eng Services	2480	Far North Coast Engineers	2478
BKA Architecture	2480	Hemsworth Consultants	2478
NDC	2480	Manage Design Engineer	2478
Wilde Engineering Consulting	2480	Hydrosphere Consulting	2478
RCS Group	2480	Planit Consulting	2478
GHD	2480	Geolink	2478
Recor	2480	Tyr Group	2479
Engineered Project Solutions	2480	Aust Wetlands Consulting	2479
Harvey & Miller Consulting	2480	A1 Services	2481
Project Resources Aust	2480	Raw Earth Environmental	2481
North Coast Waste Water	2480	Byron Bay Surveying	2481
Influtive Consulting	2480	Johns Lyng Disaster Management	2481
Terania Consulting	2480	Bouman	2482
Steady State	2477	HB&S Project Services	2484
Ingen Consulting	2477	Brecat	2486
Willow & Sparrow	2477	Bridge Knowledge	2450
Safegroup Automation	2477	Engeniecom	2300
P&C Roach Contracting	2477	Lyons Projecvt Mgt	2830
Projence	2478	Bellwether Contractors	4000
GDR 1012	2478	Enegy	4000
Harper Contractors	2478	WTO Australia	4000
Environmental Solutions	2478	CMW Geosciences	4006
PMO_360	2478	JK Geotechnics	4006
Peter Brown Consulting	2478	RFS AAP Consulting	4006
Ricard Mason Constructing	2478	Govpatterns	4053
Civil Consult	2478	Trinity Consultants	4101
		Shaping Aust Group	4129

Probity Check



Comments

Finance

The recommendations as printed is supported.

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Public consultation

Not required.

Conclusion

The Tender for Panel Contract for Professional & Project Services was undertaken successfully, with a firm and compliant tender process, a thorough tender evaluation and the recommendation of 60 contractors to the Panel with a varying degrees of professional specialisations and regional positioning.

The approval of the recommendations of this report will result in improved access to suppliers greater efficiency and control of work plans, greater budgetary outcomes and cost saving opportunities.

Attachment/s

1. Attachment 1 - Tenderers Names - *This matter is considered to be confidential under Section 10A(2) (d i) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it*
2. Attachment 2 - Tender Summary Scores Table - *This matter is considered to be confidential under Section 10A(2) (d i) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it*

ATTACHMENT 1

<i>Tenderers Names</i>	<i>Post Code</i>	<i>Tenderers Names</i>	<i>Post Code</i>
	2000	Hemsworth Consultants	2478
	2000	Tyr Group	2479
	2000	Aust Wetlands Consulting	2479
	2000	BKA Architecture	2480
	2000	Northpro	2480
	2000	Wilde Engineering Consulting	2480
	2000	GHD	2480
	2000		2480
	2000	BASEC Engineering	2480
	2000	Concept Eng Services	2480
	2010	ECOteam	2480
	2010	Harvey & Miller Consulting	2480
	2010		2480
	2010	Recor	2480
	2010	RCS Group	2480
	2015	Terania Consulting	2480
	2019	Project Resources Aust	2480
	2020	Influtive Consulting	2480
	2042	North Coast Waste Water	2480
	2049		2480
	2060	Engineered Project Solutions	2480
	2060	Raw Earth Environmental	2481
	2060	Johns Lyng Disaster Management	2481
	2065	A1 Services	2481
	2065	Byron Bay Surveying	2481
	2067	Bouman	2482
	2072	HB&S Project Services	2484
	2088	Brecat	2486
	2089		2487
	2097		2487
	2113		2487
	2138		2487
	2153		2487
	2153		2488
	2153		2500
	2199		2550
	2231		2570
	2287		2640
	2291		2650
	2294		2756
	2300		2830
	2300		3000
Engeniecom	2300		3000
	2300		3083
	2300		3220
	2303		3806

ATTACHMENT 1

Tenderers Names	Post Code	Tenderers Names	Post Code
	2305		
	2360	Bellwether Contractors	4000
	2372		4000
	2444		4000
	2444	Enegy	4000
	2444	WTO Australia	4000
	2444		4000
	2444		4000
	2444		4000
	2450		4000
Bridge Knowledge	2450		4000
	2450		4004
	2450	RFS AAP Consulting	4006
	2452	JK Geotechnics	4006
	2454		4006
	2454	CMW Geosciences	4006
	2456		4051
	2460	Gowpatterns	4053
	2460		4101
	2460	Trinity Consultants	4101
Willow & Sparrow	2477	Shaping Aust Group	4129
Safegroup Automation	2477		4160
Steady State	2477		4172
Ingen Consulting	2477		4211
P&C Roach Contracting	2477		4214
GDR 1012	2478		4215
Civil Consult	2478		4215
Barker Ryan Stewart	2478		4216
Ardill Payne & Partners	2478		4217
Far North Coast Engineers	2478		4217
Hydrosphere Consulting	2478		4217
PMO_360	2478		4218
Projence	2478		4218
Environmental Solutions	2478		4220
Ricard Mason Constructing	2478		4221
Geolink	2478		4221
Planit Consulting	2478		4226
	2478		4226
Manage Design Engineer	2478		4227
Peter Brown Consulting	2478		4227
Harper Contractors	2478		4275
Wakefield Civil	2478		4350
	4703		4570
	4817		4700
	5034		4101

Confidential Report

Report

Subject	Tender TP2023/135 Construction of Lismore to Bentley Rail Trail
TRIM Record No	BP23/975:AF23/6546
Prepared by	Project Delivery Manager
Reason	Council to consider tender submissions received and award the contract.
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 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

The Northern Rivers Rail Trail (NRRT) project aims to transform the disused Casino to Murwillumbah railway line into a multi-use recreational trail. This project is specific to the Lismore to Bentley section of the NRRT and will be the third section to be completed after Tweed Shire Council's Murwillumbah to Crabbs Creek section and Richmond Valley Council's Casino to Bentley section. This project is critical in achieving the combined councils' goal of a successful NRRT.

The purpose of this report is to inform Council of the submissions for Tender TP2023/135 Construction of Lismore to Bentley Rail Trail and to seek approval to award the contract to the recommended suitably qualified company with the capability, expertise and availability to undertake the works. It is expected that the contract will commence early 2024, subject to Council approval.

Council advertised the works by way of selective tendering in accordance with section 169 of the *Local Government (General) Regulation 2021* and received 10 submissions on 9 November 2023. Of those 10 submissions, only three were conforming as many suppliers submitted a tender for only a portion of the works or provided rates for hire. Hazell Bros Pty Ltd provided the most competitive bid with a contract price of \$7,841,732 (ex GST). This is within Council's grant funded budget, including an allowance of a 10% contingency.

Recommendation

That:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the tender from Hazell Bros Pty Ltd for Tender TP2023/135 Construction of Lismore to Bentley Rail Trail for the price of \$7,841,732 (ex GST)
2. delegation be provided to the General Manager to finalise and execute a GC21 contract and associated documentation required to give effect to this resolution

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Confidential Report

3. a redacted copy of this report be released as a public document
4. Council notes the funding for this engagement will be covered under the Building Better Regions grant fund BRFP000279

Background

The Northern Rivers Rail Trail (NRRT) project aims to transform the disused Casino to Murwillumbah railway line into a multi-use recreational trail. This project is specific to the Lismore to Bentley section of the NRRT and will be the third section to be completed after Tweed Shire Council's Murwillumbah to Crabbs Creek section and Richmond Valley Council's Casino to Bentley section. This project is critical in achieving the combined councils' goal of a successful NRRT.

The NRRT is expected to provide significant economic benefits by attracting tourists and supporting local businesses. It will offer residents of the region an active transport facility, enabling commuter cycling and reduced traffic congestion. Locals and visitors will have access to health benefits associated with outdoor activities, and the proposal will also serve as an educational platform for environmental and heritage conservation.

Council sought submissions from the open market to undertake the civil works for the rail trail between Lismore and Bentley. The works corridor or site plan is shown below.



The Request for Tender was advertised on VendorPanel in accordance with section 169 of the *Local Government (General) Regulation 2021*. The tender package was developed under the GC21 contract form and included a detailed scope of works that contained civil engineering plans and a list of technical specifications for the engagement.

The original timetable for the tendering process was as follows:

- | | |
|---------------------------------------|-------------------|
| • Tender documentation advertised | 28 September 2023 |
| • Tenders closed | 9 November 2023 |
| • Tender evaluation report to Council | 12 December 2023 |
| • Issue Contract Notice of Award | 14 December 2023 |

Project Risks

The following risks relate to this contract:

1. Delay to the rail removal works causing delay to the commencement of the works
2. Delayed contract commencement causing completion past December 2024.

Confidential Report

It is important to note that the Commonwealth Government has advised Council that all Round 5 grant funding agreements are eligible for a 12-month extension to December 2024. Council has submitted a request for this extension and is awaiting a reply. It is assumed that a 12-month extension will not be unreasonably held from Council and subsequently granted. Nevertheless, Council will still meet all grant funding obligations that relate to termination of the agreement and therefore there is no risk to Council to continue with the works.

Tender Submissions

At close of tender, 10 submissions were received and evaluated in accordance with the Local Government Tendering Guidelines, Regional Procurement Tendering Code of Conduct and Tendering Evaluation Principles and Process.

The tenders were assessed by a tender evaluation panel comprising the Contract Project Manager, Project Officer – Liveable and Active Communities and Procurement Business Partner.

Pricing and non-pricing weighted scores were calculated, and the tenderers were ranked accordingly. The evaluation summary is provided in Table 3.

A total of 10 submissions were received, with three submissions deemed conforming and seven non-conforming. Six out of the seven non-conforming submissions provided only rates for part of the works and did not offer their services as the Principal Contractor i.e., they offered rates for fencing, steel sheeting and concrete etc.

Similarly, [REDACTED] only offered a price for some of the bridge works so they could not effectively be evaluated against other offers with full pricing. This would have skewed the results. However, the items that [REDACTED] did provide pricing for were assessed against the conforming offers and it was found that none of their prices were cheaper than tenderers ranked 1 and 2 in Table 3. Therefore, [REDACTED] submission was not considered further as it was deemed that slitting the works would not provide Council with any cost saving advantage.

Only [REDACTED], Hazell Bros Pty Ltd and [REDACTED] provided competitive offers with the appropriate supporting documentation to be considered for the award as Principal Contractor.

Late Submission

One late tender was received. However, upon review of the information provided, the submission was deemed non-conforming and was therefore not considered further. This offer was also received after other tenders had been opened and information reviewed.

Carmichael Mine Disclosure

All contractors indicated they had no direct contractual agreements to operate at the Carmichael mine.

Tender Criteria

Tenders were evaluated using a weighted scoring process based on those presented in Table 1.

Table 1: Assessment Criteria

Criteria	Group Summary	Weighting
1	Total Price	
2	Capability, Experience and Availability	
3	WHS, Environment & Quality	
4	Local Content	

Confidential Report

The tenders were ranked for each criterion as provided in Table 2.

Table 2: Scoring Categories

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

Evaluation Results

A summary of the tender evaluation results is provided below.

Table 3: Summary of Assessment Results

Tenderer	Company	Price	Commercial Score	Non-Price Score	Total Score	Rank
1		\$ 7,803,248.45	68.1	14.1	82.2	2
2	Hazell Bros (Qld) Pty Ltd	\$ 7,841,732.00	71.1	18.9	90.0	1
3		\$11,922,903.00	52.9	16.6	69.5	3
4		Part pricing offered only for some bridge works but were not competitive with those ranked 1 and 2 above				
5		Non-Conforming				
6		Non-Conforming				
7		Non-Conforming				
8		Non-Conforming				
9		Non-Conforming				
10		Non-Conforming				

Three submissions from the open market were conforming offers. Despite Hazell Bros Pty Ltd providing only the second most competitive overall bid of \$7,841,732 (ex GST), which was less than 0.5% more than the lowest price, their offer clearly demonstrated the most thorough submission and thus presents the least risk to Council. Hazell Bros also satisfied the Local Content criterion well, being only marginally behind [REDACTED]. Hazell Bros Pty Ltd had excellent references and has been given an award for their work on the Tweed Valley Rail Trail.

[REDACTED], although providing the lowest price (by approximately \$38,000), did not have specific experience in the construction of rail trails. Their methodology was poor in comparison to Hazell Bros and [REDACTED] and they did not demonstrate thorough planning and delivery of construction. [REDACTED] did not address many of the risks that Hazell Bros highlighted in their offer, who, having learnt from Tweed's Rail Trail, were able to clearly articulate how they would address these construction challenges. Lastly, despite having purchased an office in Lismore, which is not as yet established, their project personnel were identified as being from Sydney rather than locally based.

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Probity Check

Reference Checks

The following companies were contacted to provide references for Hazel Bros Pty Ltd:

1. Tweed Valley Council – Northern Rivers Rail Trail - Murwillumbah to Crabbes Creek
2. Byron Shire Council – Byron Bay Bypass
3. Ballina Shire Council – Ballina Airport Boulevard Link Road.

The above councils have dealt with Hazell Bros (Qld) Pty Ltd on multiple occasions and are satisfied with their safety, quality and environmental performance. They were all satisfied with their ability to resolve site issues and work with contract managers to minimise and avoid project variations. The Tweed section of the Northern Rivers Rail Trail has garnered numerous awards and accolades and Hazell Bros was honoured with the Local Government Project of the Year award at the 2023 Inside Construction Foundation Awards.

Hazell Bros is also currently engaged by Ballina Shire Council for the Pearces Creek Bridge replacement project. This project forms part of the Fixing Country Bridges Program and Lismore City Council was heavily involved with this project through to contract award. Ballina Shire Council's reference regarding this project is excellent.

Based on Hazell Bros' success in the Northern Rivers and their experience with the successful completion of the Murwillumbah to Crabbes Creek Rail Trail, the company poses the least risk to Council for the completion of this project.

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

Tendering methodology was pursuant to Section 169(1)(b) of the *Local Government (General) Regulation 2021* and supported and endorsed by Council's Procurement Team. The Request for Tender was advertised through VendorPanel for a period of greater than 21 days.

Budget

The Lismore to Bentley Rail Trail project has an approved grant funded budget of \$9,863,615 (ex GST). The cost of this contract is \$7,841,732 (ex GST) and will be covered entirely by the grant. There is also a 10% contingency available for the contract as well as additional funds to cover project management.

Comments

Finance

Council has an approved budget for the Lismore to Bentley Rail Trail of \$5.459 million, which are works anticipated to be undertaken within the June 2024 financial year. This was included in the September 2023 Quarterly Budget Review Statement.

As the project is grant funded the recommendation is supported as printed.

Public consultation

Consultation with the public is not required for the purposes of this tender. An extensive community consultation plan is in progress regarding the Lismore Rail Trail (Lismore to Bentley) project.

Confidential Report

Conclusion

The tender evaluation panel recommends the Tender TP2023/135 Construction of Lismore to Bentley Rail Trail be awarded to Hazell Bros (Qld) Pty Ltd for the price of \$7,841,732 (ex GST).

The tender submission by Hazell Bros (Qld) Pty Ltd was an excellent submission and poses the least risk to Council for the delivery of the contract.

Attachment/s

There are no attachments for this report.

Confidential Report

Reports

Subject	Tender Recommendation: TP202327 Panel Contract for Horizontal Directional Drilling
TRIM Record No	BP23/963:AF23/3138
Prepared by	Procurement Business Partner
Reason	This report is presented for approval of the award of the Tender for Panel Contract for Horizontal Directional Drilling.
Strategic Theme	Our built environment
Strategy	Our city and village services are well managed and maintained.
Action	Provide a safe water supply and associated services.
Grounds for Closure	Section 10A(2) (d i):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to:commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Executive Summary

Lismore City Council installs new water mains and water pipes through the Lismore Shire as part of the yearly Capital Works and Expended Works projects.

Lismore City Council's Water Capital and Water & Wastewater teams are increasingly using a Horizontal Directional Drilling (HDD) technique for these installations, as it provides significant cost, time and quality benefits.

Due to the consistent use of Horizontal Directional Drilling the Water Capital and Water & Wastewater teams wish to establish a Panel of Contract for Directional Drilling.

The Panel of Contractors will be created through the execution of individual Deeds, those being the Deed of Standing Offer for Horizontal Directional Drilling.

The Deed allows the Contractor to offer Horizontal Directional Drilling works to Lismore City Council at the Rates provided in their Tender Submission.

This request to establish a Panel Contract for Directional Drilling is supported by the Procurement and Contracts Team.

Confidential Report

Recommendation

That:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the Tender Submissions from the following organisations for Tender 2023127 Panel Contract for Horizontal Directional Drilling:
 - CM Contracting (Aust) Pty Ltd
 - WW & MA Field Pty Ltd t/a Field Directional Drilling
 - Ledonne Constructions Pty Limited
 - The Trustee for The Neale Family Trust t/a North Coast Electrical and Communications
 - The Campbell Family Trust t/a O'Brien Electrical and Plumbing Lismore
 - One Shot Directional Drilling Australia Pty Ltd
2. delegation be provided to the General Manager to finalise and execute the Deeds of Standing Offer and any other documentation required to give effect to this resolution
3. a redacted copy of this report will be released as a public document

Background

The Lismore City Council Water Capital and Water & Wastewater Teams have transitioned from using open cut excavation and trenching to install water mains and water pipes, to the newer technology and methodology of Horizontal Directional Drilling.

Horizontal Directional Drilling is a minimal impact trenchless method of underground pipe installation. The HDD machine drills a pilot hole along a directional path from one surface point to another. This bore is then enlarged to a diameter that will facilitate the installation of the pipe. The pipe is then pulled into the enlarged hole, thus creating an underground pipeline that has only disturbed the surface of the ground at each end.

This method of installation provides cost savings, has a shorter completion time and is safer than open cut excavation and trenching.

The Water Capital and Water & Wastewater teams have requested that a Panel of Contractors be established for Horizontal Directional Drilling as:

- This trade is being used often and consistently by the Water Capital and Water & Wastewater teams
- Being able to engage a HDD Contractor directly from a Panel would save significant staff time as no Quotation or Tender process would be required
- This trade is already being contracted using a Schedule of Rates and the use of a Schedule of Rates methodology for this trade is acceptable
- There are only a small number of HDD Contractors in the Northern Rivers Region and requesting the same Contractors to continually price for the same type of works will lead to Contractor tendering burnout

Tender Preparation

The Tender Documents for the Panel Contract for Horizontal Directional Drilling were prepared by the Responsible Officer.

The Lismore City Council Code of Conduct and Declaration of Interest form were provided to all Tender Evaluation Panel Members and all members declared no conflict of interest.

Confidential Report

A Pre-Tender Meeting was held with the Tender Evaluation Panel Members where the Panel provided approval for the:

- Tender Documentation
- Tender Evaluation Criteria and Weightings

Carmichael Mine Disclosure

All contractors indicated they had no direct contractual agreements to construct or operate at the Carmichael mine.

Methodology

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

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

Tender Submissions

The proposed Panel Contract for Project Consultancy Services was issued via VendorPanel as an Open Tender.

Upon close of tenders at 5pm on 13 October 2023, submissions were received via VendorPanel from the following tenderers:

- CM Contracting (Aust) Pty Ltd
- WW & MA Field Pty Ltd t/a Field Directional Drilling
- Ledonne Constructions Pty Limited
- [REDACTED]
- The Trustee for The Neale Family Trust t/a North Coast Electrical and Communications
- The Campbell Family Trust t/a O'Brien Electrical and Plumbing Lismore
- One Shot Directional Drilling Australia Pty Ltd
- [REDACTED]
- [REDACTED]

All submissions were conforming.

Tender Evaluation

Initial Tender Submission Review

Tender Submissions were initially reviewed for clarity.

Tender clarifications were requested from each and every tenderer.

Tenderers responded to the request for clarification with sufficient additional information to satisfy the request.

The tender submissions were then able to move to the next reviews.

Confidential Report

Evaluation of Price Criteria

Price information was held confidentially by the Responsible Officer and not provided to the Tender Evaluation Panel Members until after Non-Price Criteria had been assessed and agreed at the Tender Evaluation Panel Meeting.

As the Panel Contract for Horizontal Directional Drilling is a Rates based contract, the Tenderers submitted a rate for each item on the Supply Schedule.

Lismore City Council is not obliged to purchase any or any amount of the items on the Supply Schedule, and the rates submitted by the Tenderers were for a Unit of Measurement of one(1) for each item. Price Criteria was therefore evaluated on the total sum of the rates submitted, excluding rates for Butt Welds, as not all Tenderers offered this service.

Refer to Attachment A: Price Weighting Scoring for Panel Contract for Horizontal Directional Drilling

Evaluation of Non-Price Criteria

Each Tender Evaluation Panel Member was issued the Tender Evaluation Spreadsheet for Non-Price Criteria only.

The Tender Evaluation Panel Members each individually reviewed, assessed and scored the Tender Submissions.

Completed individual Tender Evaluation Spreadsheets for Non-Price Criteria were then issued to the Chair of the Tender.

Tender Evaluation Meeting

All Tender Evaluation Panel Members attended the Tender Evaluation Meeting.

The Tender Evaluation Panel Members individual spreadsheets were presented, the average score for each Non-Price Criteria was calculated from the individual spreadsheets to give overall Non-Price Weighted Scoring.

See Attachment B: Non-Price Weighting Scoring for Panel Contract for Horizontal Directional Drilling

Price Criteria was then presented as well as the Price Weighted Scoring. The Price Weighted Scoring and Non Price Weighted Scoring were then combined to give the Total Weighted Scoring.

See Attachment C: Total Weighting Scoring for Panel Contract for Horizontal Directional Drilling

Selection of Recommendation Tenderers

The Tender Evaluation Panel Members determined that all tenderers with a Total Weighted Score of 7 and above would be successful for inclusion on the Panel Contract for Horizontal Directional Drilling.

The successful tenderers were as follows:

- CM Contracting (Aust) Pty Ltd
- WW & MA Field Pty Ltd t/a Field Directional Drilling
- Ledonne Constructions Pty Limited
- The Trustee for The Neale Family Trust t/a North Coast Electrical and Communications
- The Campbell Family Trust t/a O'Brien Electrical and Plumbing Lismore
- One Shot Directional Drilling Australia Pty Ltd

Confidential Report

The unsuccessful tenderers were as follows:



Whilst each Tender Submission was reviewed, assessed and scored individually, there were common factors in the Tenders that scored less than 7 and were unsuccessful, including:

- High prices
- Low local content

Successful Tenderers Commentary

The Tender Evaluation Panel Members confirmed that the appointment of six Horizontal Directional Drilling Contractors to the Panel Contract for Horizontal Directional Drilling would provide more than sufficient coverage to meet Lismore City Council's needs.

The six successful Tenderers shared the following attributes in their Tender Submissions:

- Low prices
- Higher local content
- Strong Environmental management

Budget

Horizontal Directional Drilling works are undertaken in alignment with the Water Capital and Water & Wastewater teams budget availability.

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

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

Comments

Finance

The recommendation as printed is supported.

Public consultation

Public consultation was not required for this Tender.

The use of Horizontal Directional Drilling rather than traditional open cut excavation methods is seen as a preferred alternative by the public due to the ground not being disturbed.

Conclusion

The Tender for Panel Contract for Horizontal Directional Drilling was undertaken successfully, with a firm and compliant tender process, a thorough tender evaluation and the recommendation of six Horizontal Directional Drilling Contractors to the Panel. The approval of the Recommendations of this report will result in improved outcomes for the Water Capital and Water & Wastewater Teams including time savings, cost savings and more efficient processes.

Confidential Report

Attachment/s

1. Attachment A - Price Weighted Scoring for Panel Contract for Horizontal Directional Drilling - *This matter is considered to be confidential under Section 10A(2) (d i) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it*
2. Attachment B - Non Price Weighted Scoring for Panel Contract for Horizontal Directional Drilling
3. Attachment C - Total Weighted Scoring for Panel Contract for Horizontal Directional Drilling

Attachment A: Price Weighted Scoring for Panel Contract for Horizontal Directional Drilling

	PRICE	WEIGHT	CM CONTRACTING AUSTRALIA	FIELD DIRECTIONAL DRILLING	LEDONNE CONTRACTING		NORTH COAST ELECTRICAL AND COMMUNICATIONS	O'BRIEN ELECTRICAL AND PLUMBING LISMORE	ONE SHOT DIRECTIONAL DRILLING AUSTRALIA	
1	TENDER PRICE									
2	NORMALISED PRICE SCORE		6.48	6.74	8.40		4.36	3.05	10.00	
3	TOTAL WEIGHTED PRICE SCORE		1.30	1.35	1.68		0.87	0.61	2.00	

Attachment B: Non-Price Weighted Scoring for Panel Contract for Horizontal Directional Drilling

	CRITERIA	WEIGHT	SCORE	CM CONTRACTING AUSTRALIA	FIELD DIRECTIONAL DRILLING	LEDONNE CONSTRUCTIONS		NORTH COAST ELECTRICAL & COMMUNICATIONS	O'BRIEN ELECTRICAL AND PLUMBING LISMORE	ONE SHOT DIRECTIONAL DRILLING AUSTRALIA	
1	CAPABILITY AND EXPERIENCE		OUT OF 10	8.25	9.25	9.5		7	9	8.25	
			WEIGHTED	3.3	3.7	3.8		2.8	3.6	3.3	
2	LOCAL CONTENT		OUT OF 10	4.5	9.5	5.25		10	10	1.5	
			WEIGHTED	0.9	1.9	1.05		2	2	0.3	
3	WHS MANAGEMENT AND QUALITY MANAGEMENT		OUT OF 10	8.75	8.75	9.5		7.75	9	7	
			WEIGHTED	0.875	0.875	0.95		0.775	0.9	0.7	
3	ENVIRONMENTAL MANAGEMENT		OUT OF 10	10	10	10		10	10	10	
			WEIGHTED	1	1	1		1	1	1	
4	TOTAL NON PRICE			6.075	7.475	6.8		6.575	7.5	5.3	
5	NORMALISED NON PRICE SCORE			8.10	9.97	9.07		8.77	10.00	7.07	
6	TOTAL WEIGHTED NON PRICE SCORE			6.48	7.97	7.25		7.01	8.00	5.65	

Attachment C: Total Weighted Scoring for Panel Contract for Horizontal Directional Drilling

		WEIGHT	CM CONTRACTING AUSTRALIA	FIELD DIRECTIONAL DRILLING	LEDONNE CONSTRUCTIONS		NORTH COAST ELECTRICAL & COMMUNICATIONS	O'BRIEN ELECTRICAL AND PLUMBING LISMORE	ONE SHOT DIRECTIONAL DRILLING AUSTRALIA	
1	TOTAL WEIGHTED PRICE SCORE		1.30	1.35	1.68		0.87	0.61	2.00	
2	TOTAL WEIGHTED NON PRICE SCORE		6.48	7.97	7.25		7.01	8.00	5.65	
3	TOTAL SCORE		7.78	9.32	8.93		7.89	8.61	7.65	

Confidential Report

Reports

Subject	Tender TP 2023/188 Supply of Quarry Materials
TRIM Record No	BP23/964:AF23/4608
Prepared by	Procurement Officer
Reason	To detail the evaluation of tender submissions received for the Supply of Quarry Materials Panel Contracts and provide a recommendation to award the tender.
Strategic Theme	Our built environment
Strategy	Our city and village services are well managed and maintained.
Action	Provide a road network that is safe and serviceable.
Grounds for Closure	Section 10A(2) (d i):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Executive Summary

Tender TP2023/188 Supply of Quarry Materials was undertaken to form an un-ranked panel of providers able to supply various conforming and specified quarry materials to Council when required. The purpose of this panel is to utilise these suppliers to supplement the use of Council's own Blakebrook Quarry. In the event that Blakebrook Quarry is unable to supply the specified materials required or, due to the location of the work site and associated haulage costs, resourcing from the panel of suppliers would prove to be a more cost-effective supply option.

If materials were sourced from the panel of providers, suppliers would be contacted regarding their availability for the required supply of materials. Those eligible, would be assessed on their rates provided and for their local content in order to determine the most cost-effective outcome for Council.

Nine submissions were received and assessed under this Tender, with eight suppliers deemed suitable for inclusion on the un-ranked panel of approved providers. One submission was deemed non-conforming and therefore excluded from the evaluation process.

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

Recommendation

That:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the eight suppliers listed in the evaluation results, to form an un-ranked panel of Approved Providers for Tender TP2023/188 Supply of Quarry Materials for an initial one-year period with an option to extend the contract for two additional one-year periods at Council's discretion

Lismore City Council
Meeting held 12 December 2023 - 13.4 - Tender TP 2023/188 Supply of Quarry
Materials

1

Confidential Report

2. delegation be provided to the General Manager to approve purchases without a fixed upper limit of expenditure from an approved budget source for Tender TP2023/188 Supply of Quarry Materials, in line with the schedule of rates stated within the tender submissions
3. delegation be provided to the General Manager to exercise the options when required to extend the contract, subject to the satisfactory performance of the suppliers
4. A redacted copy of this report will be released as a public document

Background

A panel of suppliers of Quarry Products (T20/2) was established in February 2020, with the final extension period concluding on the 10th of February 2023. This panel is currently operating on a month-to-month extension.

Prior to the establishment of T20/2, materials were predominantly purchased internally from Blakebrook Quarry, however due to the unavailability of specified product and associated haulage costs, frequently materials were required to be purchased from private quarries located throughout the local and surrounding Local Government areas.

This situation was highlighted specifically during the major flood in February 2022, where due to the catastrophic circumstances there was a product shortage in our locality, and materials needed to be sourced from suppliers outside of our local area.

Consultation has been undertaken with key responsible staff, including Acting Manager Roads & Quarries and Roads Maintenance Engineers, to ascertain if the establishment of a new panel of suppliers is still the best option to satisfy Councils requirements.

It has been confirmed that the establishment of a new panel of providers, to supply specified materials when required, will continue to ensure a cost effective, reliable arrangement to support Council with its scheduled program delivery.

Tender Submissions

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

Tender submissions were received from nine suppliers by the close of tender at 5pm, 22 September 2023. No late submissions were received.

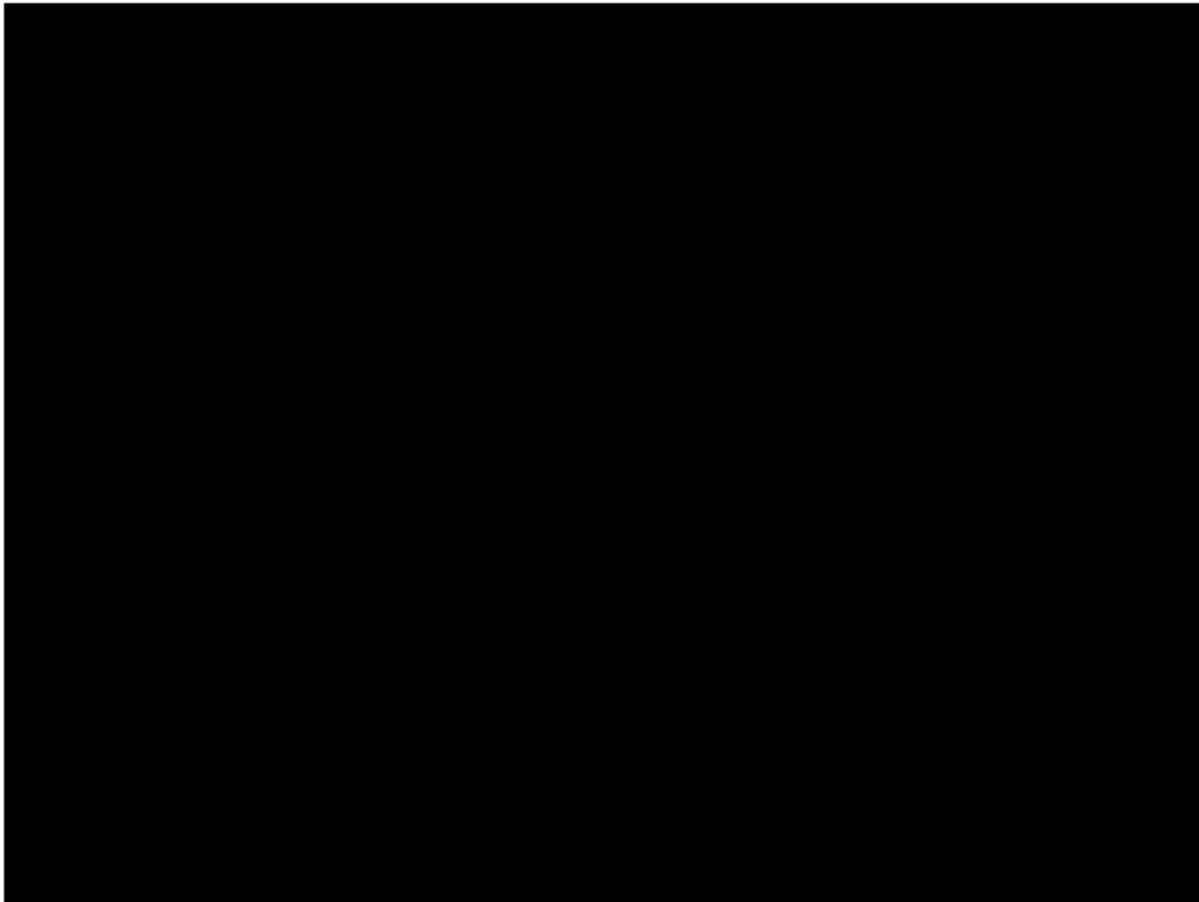
These tenderers are listed below:

- R & S Contracting Pty Ltd T/as Bentley Quarry
- Boral Resources (Country) Pty Ltd
- Graham's Quarry
- HXR Pty Ltd
- KIS Plant Pty Ltd T/as KIS Quarries
- McLennan Earthmoving Pty Ltd
- [REDACTED]
- WF & SL Sullivan Pty Ltd T/as Richmond, Sand Gravel & Landscaping Lismore
- The Channon Quarry

Tender submissions were received from all four suppliers who are currently on T20/2 Supply Quarry Products panel of providers, which is to be concluded once the new panel TP23/188 Supply of Quarry Materials, commences.

An analysis of four key products was conducted to measure possible percentage price increases or decreases, which produced the following results as illustrated on the graph below.

Confidential Report



Carmichael Mine Disclosure

All contractors indicated they had no direct contractual agreements to construct or operate at the Carmichael mine.

Tender Evaluation

The tender evaluation panel comprising of Council's Manager Procurement and Contracts (Chair), Acting Head of Roads and Quarry, Maintenance Engineer and Procurement Officer undertook the assessment of tenders received.

All tenders submitted indicated no contractual arrangements with the Carmichael Mine.

The submission by [REDACTED] was incomplete and was deemed non-conforming by the evaluation panel and was not progressed to the evaluation stage.

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

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

Confidential Report

Methodology

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

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

The tender submissions were ranked for each criterion as follows:

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

Tender Price

Submissions were received on a schedule of rates basis based on quantity of material ordered. All rates were seen as being competitive and would provide Council with a cost effective, conforming product.

Capability, Experience and Availability

Suppliers were required to outline their relevant capability and experience in the supply of conforming quarry materials in order to be included on the approved panel of providers. All submissions received were deemed conforming based on information provided

WH&S, Risk Management and Quality Management System

Suppliers were required to outline their management systems in relation to the supply of quarry materials in order to be included on the approved panel of providers. All submissions were deemed conforming based on information received.

Local Content

Review of submissions received showed that some of the suppliers are located locally within Lismore whilst others are located in adjoining LGAs. All of the tenderers were able to demonstrate direct spend in the local community except for one supplier whose business is located in the South Grafton (2460 postcode) This supplier is highly experienced in the supply of conforming materials, provided competitive product and haulage pricing, therefore they are a viable option for inclusion on the panel in the event that there is a shortage of more local resources.

Evaluation Results and Preferred Tenderers

It is noted Council owned Blakebrook Quarry remains the preferred supplier for specified materials for Lismore City Council, and regular liaison with the Blakebrook team around forward works programs and materials required will continue in order to support this. As outlined in the tender report, this panel will provide Council with flexibility for ongoing materials supply for construction and maintenance programs as well as the anticipated scale of future disaster recovery works, that are critical in the Lismore local area rebuild.

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Engagement of the suppliers will occur on a project-by-project basis with an assessment of the most suitable supplier to be undertaken at the time when sourcing of specified materials is required. Staff will undertake an assessment from the approved panel based on availability, the schedules of rates provided and local content in order to determine the preferred supplier.

TP2023/188 Supply of Quarry Materials Unranked Panel of Approved Providers (Recommended)

- R & S Contracting Pty Ltd T/as Bentley Quarry (Quarry location 2480)
- Boral Resources (Country) Pty Ltd (Quarry Location 2478)
- Graham's Quarry (Quarry's Locations 2480, 2470, 2474, 2472)
- HXR Pty Ltd (Quarry Location 2480)
- KIS Plant Pty Ltd T/as KIS Quarries (Quarry Location 2471)
- McLennan Earthmoving Pty Ltd (Quarry location 2460)
- WF & SL Sullivan Pty Ltd T/as Richmond, Sand Gravel & Landscaping Lismore (Quarry's Locations 2480)
- The Channon Quarry (Quarry Location 2480)

Probity Check

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

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

Confidential Report

Comments

Finance

The recommendation as printed is supported given the provision included in the report:

"It is noted that Council owned Blakebrook Quarry remains the preferred supplier for specified materials for Lismore City Council, and regular liaison with the Blakebrook team around forward works programs and materials required will continue in order to support this".

Public consultation

Not required

Conclusion

An assessment of submissions received under Tender TP2023/188 Supply of Quarry Materials has been undertaken. The assessment process has identified a list of suitable suppliers to be included on an un-ranked panel of suppliers which will enable Council staff to source conforming material at fixed rates during the term of the contract. The use of this panel will ensure the best value for money when procuring conforming quarry materials.

Attachment/s

There are no attachments for this report.

Confidential Report

Report

Subject	Tender TP2023-193 Traffic Management Services
TRIM Record No	BP23/919:EF19/24-5
Prepared by	Procurement Officer
Reason	To detail the evaluation of Tender submissions received for the supply of Traffic Management Services Panel Contracts and provide a recommendation to award the Tender.
Strategic Theme	Our built environment
Strategy	Our city and village services are well managed and maintained.
Action	Provide a road network that is safe and serviceable.
Grounds for Closure	Section 10A(2) (d i):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Executive Summary

Tender TP2023/193 Traffic Management Services was undertaken to form an un-ranked panel of approved suppliers for the provision of traffic control and management services. These services are required and utilised regularly by a variety of program areas and business units within council and includes the supply of all signage, labour, plant, equipment and traffic guidance schemes (TGS) including traffic management plans (TMP), to effectively manage the needs of Council's work sites and events.

Fifteen submissions were received and assessed under this Tender, with eight suppliers deemed suitable for inclusion on the un-ranked panel of approved providers. Four submissions were deemed non-conforming and therefore excluded from the evaluation process.

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

Recommendation

That:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the eight suppliers listed in the evaluation results, to form an un-ranked panel of approved providers for Tender TP2023/193 Traffic Management Services for an initial one-year period with an option to extend the contract for two additional one-year periods at Council's discretion.
2. delegation be provided to the General Manager to exercise the options when required to extend the contract, subject to the satisfactory performance of the suppliers.
3. a redacted copy of this report will be released as a public document

Confidential Report

Background

A panel of ranked suppliers of Traffic Control Services (T20/16) was established in July 2020, with the final extension period concluding on the 30th of June 2023. This panel is currently operating on a month-to-month extension. Council staff engage suppliers from the current panel of traffic control services, for various parts of its operation including road construction and maintenance works, special events, environmental works as well as emergency responses.

Consultation has been undertaken with key responsible staff, including Acting Manager Roads & Quarries and Roads Maintenance Coordinators, to ascertain if ranked or unranked panels were preferred. Overwhelmingly, the preference is the establishment of a new panel of unranked suppliers being the best option to satisfy Councils requirements and extract the most value from the tender respondents. Unranked panels allow the user to select any of the panel members without any prioritisation rank.

Feedback from key end users has been that the model of the previous panel (T20/16) being ranked, was not successful and is not preferred, due to high turnover in traffic control staff and movements between companies plus changes in conditions during the lifespan of the contract, thus making the ranking system ineffectual.

Council has access to a Local Government Contract for Traffic Management Services (LGP113-2), however the majority of contractors on this list are not locally based. Utilising this contract is not feasible for staff, as often the requirement and urgency for these types of services cannot be planned in advance.

It has been confirmed that the establishment of a new panel of providers, will enable staff the flexibility to engage providers in an efficient manner, based on availability and experience, whilst also ensuring the best overall value for money for services provided to Council, using the approved schedule of rates.

Tender Submissions

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

Tender submissions were received from fifteen suppliers by the close of tender at 5pm, 13th October 2023. No late submissions were received.

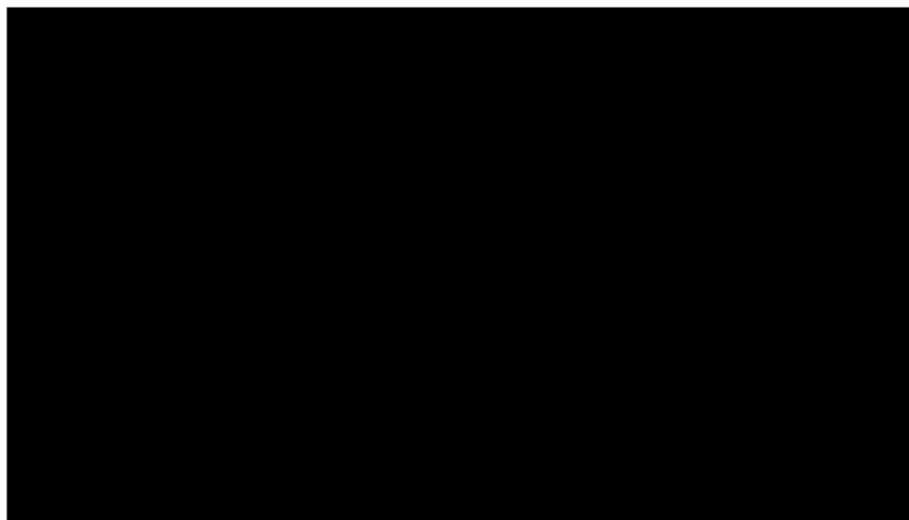
These tenderers are listed below:

- [REDACTED]
- Advanced Traffic Management Pty Ltd
- Altus Traffic Pty Ltd
- [REDACTED]
- [REDACTED]
- [REDACTED]
- Go Traffic Pty Ltd
- Lack Group Traffic Pty Ltd
- [REDACTED]
- Platinum Traffic Services Pty Ltd
- [REDACTED]
- Spinifex Recruiting / JHA Recruiting & Staff @ work Pty Ltd
- The Control Group Pty Ltd
- Workforce Road Services Pty Ltd

Tender submissions were received from all four suppliers who are currently on the T20/16 Traffic Control Services panel of providers, which is to be concluded once the new panel TP23/193 Traffic Management Services, commences.

Confidential Report

An analysis of these suppliers current prices was conducted to measure the percentage price increases since the last tender was conducted in 2020, and produced the following results as illustrated on the graph below:



Carmichael Mine Disclosure

All tenderers indicated they had no direct contractual agreements during the construction or operation of the Carmichael mine.

Tender Evaluation

The tender evaluation panel comprising of Council's Manager Procurement and Contracts (Chair), Coordinator Roads Maintenance, Coordinator State Roads and Procurement Officer undertook the assessment of tenders received.

The submissions by [REDACTED] were incomplete, and therefore deemed non-conforming by the evaluation panel and were not progressed to the evaluation stage.

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

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

Methodology

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

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

Confidential Report

The tender submissions were ranked for each criterion as follows:

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

Tender Price

A price comparison using the schedules of rates provided was undertaken based on four typical scenarios that traffic control and management services may be used by Council staff.

The cost from those four scenarios for each tenderer are listed below:

Advanced Traffic Management Pty Ltd

Altus Traffic Pty Ltd

Go Traffic Pty Ltd

Lack Group Traffic Pty Ltd

Platinum Traffic Services Pty Ltd

Spinifex Recruiting / JHA Recruiting & Staff @ Work Pty Ltd

The Control Group Pty Ltd

Workforce Road Services Pty Ltd

Scenario examples as per below:

- Pricing Scenario 1 – Small rural project, 3 days x 8hr shifts x 3-man crew
- Pricing Scenario 2 – Rural construction project, 20 days x 8hr shifts on site, 2hrs x time and half x 3-man crew
- Pricing scenario 3 – Hwy construction project, 60 days x 8hr shifts on-site, 2hrs x time and half x 4-man crew
- Pricing Scenario 4 – Hwy AC Project, 1 Sunday x 10hr shifts on site x 5-man crew

Capability, Experience and Availability

Submissions received all demonstrated varying degrees of capability and experience undertaking traffic management services on both Council and State controlled roads. Altus Traffic Pty Ltd, Complete Staff Solutions Pty Ltd, Lack Group Traffic Pty Ltd, Workforce Road Services Pty Ltd and The Control Group Pty Ltd's services, have all been utilised by Council staff on the existing panel over recent years providing a suitable level of service. Submissions received from Advanced Traffic Management Pty Ltd, Go Traffic Pty Ltd, Platinum Traffic Services and Spinifex Recruiting / JHA Recruiting Pty Ltd all demonstrated acceptable experience with providing traffic management services for neighboring Councils within the region or other Government organisations, however Council staff have not used the services of these tenderers to date.

WH&S, Environment and Quality Management System

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

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Meeting held 12 December 2023 - 13.5 - Tender TP2023-193 Traffic Management Services

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Local Content

Go Traffic Pty Ltd and Lack Group Traffic Pty Ltd have regional offices located in the Lismore LGA. Advanced Traffic Management Pty Ltd, Altus Traffic Pty Ltd, Workforce Road Services Pty Ltd, Platinum Traffic Services Pty Ltd, Spinifex Recruiting / JHA Recruiting Pty Ltd and The Control Group Pty Ltd have regional offices located in the Ballina, Byron or Kyogle LGA's. All of these tenderers demonstrated varying amounts of direct spend within the Lismore LGA.

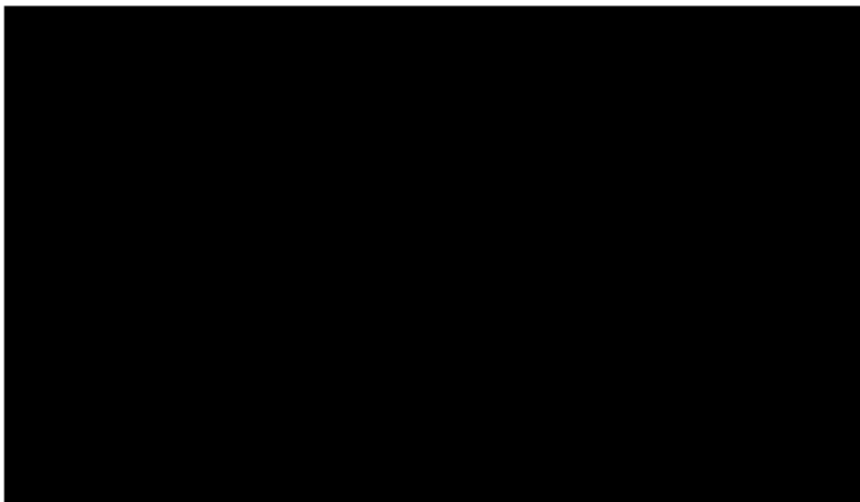
are all located in either Metropolitan, Mid North Coast or Western NSW areas and did not adequately demonstrate local economic benefit and direct spend within the community.

Evaluation Results and Preferred Tenderers

After assessing all submissions based on the agreed criteria and weightings, the evaluation team concluded with the recommendation of eight (8) unranked approved suppliers to be included on the Traffic Management Services Panel.

TP2023/193 Traffic Management Services Panel (Recommended)

- Advanced Traffic Management Pty Ltd
- Altus Traffic Pty Ltd
- Go Traffic Pty Ltd
- Lack Group Traffic Pty Ltd
- Platinum Traffic Services Pty Ltd
- Spinifex Recruiting / JHA Recruiting & Staff @ Work Pty Ltd
- The Control Group Pty Ltd
- Workforce Road Services Pty Ltd



Probity Check



Confidential Report

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

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

Comments

Finance

The recommendation as printed is supported.

Conclusion

An assessment of submissions received under Tender TP2023/193 Traffic Management Services has been undertaken. The assessment process has identified a list of suitable suppliers to be included on an un-ranked panel of providers which will enable Council staff to source Traffic Management Services and equipment at fixed rates during the term of the contract. The establishment of this panel will assist in the efficient and cost-effective engagement of appropriately qualified and experienced providers for Traffic Management Services.

Attachment/s

There are no attachments for this report.

Confidential Report

Report

Subject	Contract PR23/104 - CBD Water Main Replacement Program FY2023/24
TRIM Record No	BP23/957:AF23/5208
Prepared by	Capital Delivery Engineer
Reason	Council to consider the tender submissions received and award the contract.
Strategic Theme	Our built environment
Strategy	Our city and village services are well managed and maintained.
Action	Provide a safe water supply and associated services.
Grounds for Closure	Section 10A(2) (d i):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Executive Summary

The purpose of this tender is to select a suitably qualified company with the capability, experience and availability to undertake the required works to replace approximately 1.7km of aging water infrastructure (water pipelines) in the Lismore CBD.

The works may require excavation. However Council's construction methodology preference is for the contractor to employ horizontal directional drilling where possible and practicable. Notable is that Council staff will self-perform in parallel circa \$1.3 million of works which is our historical capacity, and therefore, Council is required to contract out the remaining works to satisfy the allocated budget for this financial year.

This report details the evaluation of the respondents' submissions to the tender and provides a recommendation to Council to accept the tender from Ledonne Constructions Pty Ltd.

Recommendation

That:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the tender from Ledonne Constructions Pty Ltd for Contract PR23/104 CBD Water Main Replacement Program FY2023/24, for the sum of \$3,074,208 excluding GST
2. delegation be provided to the General Manager to finalise and execute the contract and any other documentation required to give effect to this resolution
3. Council approve the increase in the 2024 budget of \$2.3 million to undertake the required works with funding from Water Reserves
4. a redacted copy of this report be released as a public document

Confidential Report

Background

The purpose of this tender is to select a suitably qualified company with the capability, experience and availability to undertake a selection of projects within the 2023/24 capital water main renewal program. The 2023/24 program is an ambitious body of work and it is proposed that the required works be completed by both Council staff and a contractor.

The following five projects, totalling about 1.7km of water main within the Lismore central business district, were grouped to form a package of works to be tendered out:

- Keen & Orion Streets (Zadoc Street to Orion Street) 330m
- Dawson Street (Conway Street to McLennan Lane) 96m
- Dawson Street (Conway Street to Orion Street) 937m
- Woodlark Street (Dawson Street to Keen Street) 206m
- Zadoc Street (Molesworth Street to Keen Street) 200m

The Request for Tender (RFT) was advertised on VendorPanel in accordance with Clause 167 of the *Local Government (General) Regulation 2021*. The RFT was developed under the MW21 contract form and included a detailed scope of works that contained engineering plans and a list of technical specifications for each project. Although the water main replacement works may require excavation, contractors were informed that Council's construction methodology preference is to employ horizontal directional drilling where possible and practicable.

The following aerial maps provide an overview of the nominated locations.



Plate 1: Keen & Orion Streets (Zadoc Street to Orion Street) 330m - DN100

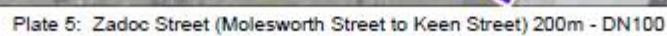
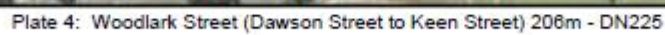
Confidential Report



Plate 2: Dawson Street (Conway Street to McLennan Lane) 96m - DN100



Plate 3: Dawson Street (Conway Street to Orion Street) 937m (725m - DN225 and 212m - DN200)



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Tender Submissions

A total of three tender submissions were received by the close of tender and are listed below:

- Ledonne Constructions Pty Ltd

- [REDACTED]
- [REDACTED]

The tender was open for at least 21 days and the statistics are shown in Table 1 below.

Tendering Method	Open Tendering
Tender Opened	9 October 2023
Tender Closed	9 November 2023

Table 1: Statistics tender open and close dates - summary >21 days:

VendorPanel statistics for the tender are shown in Figure 1 below.

Statistics for this request	Number of suppliers who've read it : 113 Number of suppliers intending to respond : 3 Number of responses in draft : 2 Number of responses submitted : 3
Name: Package of Pipeline Reinstatement Projects FY 23/24 Ref: VP377238	

Figure 1: Statistics for VP377238 Package of Pipeline Reinstatement Projects FY 23/24

Tender Evaluation

The tender evaluation panel comprised Council's Water Capital Delivery Engineer, Graduate Engineer, Coordinator Water Capital, Team Leader Water Capital and Water Technical Officer.

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 & 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

- Demonstrated capability
- Technical skills and ability
- Availability to meet project timeframes
- Certifications/ licences
- Appropriate resources
- Methodology
- Relevant experience
- Financial capacity.

WH&S, Risk Management and Quality Management System

- WH&S system, policies and management
- Risk assessment
- Evidence of satisfactory WHS management
- Quality Management Systems/ Plan.

Local Content

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

Environment & Community

- Environmental and green considerations
- Sustainability and long-term benefits
- Corporate fit

S166-S169 Local Government (General) Regulation 2021

Tendering methodology was pursuant to Section 167 of the *Local Government (General) Regulation 2021*. Contractors were selected on VendorPanel as an Open Tendering selection and the tender was advertised on VendorPanel and Council's web site for a duration of at least 21 days.

Confidential Report

Evaluation Results

Table 2 below shows the engagement matrix of the applied and vetted scores and their given weighting.

Scoring Criteria		Ledonne	
Total Price (ex GST)		\$3,074,208.00	
Price Score		7.57	
Capability & Experience		8.3	
WHS, Environmental & Quality Systems		10.0	
Local Content		5.0	
Environment & Community (10%)		9.75	
Total Weighted Score out of 100		75.90	

Table 2: Scoring matrix

Carmichael Mine Disclosure

All contractors who submitted a tender advised they did not have a direct contractual agreement to construct or operate at the Carmichael Mine.

Probity Check



Budget

The FY23/24 budget allocated \$2,700,000 to the Capital Works Water Pipelines budget. A further total of ~\$2.30 million is required to be released from Water Reserves to achieve this scope of works.

Comments

Finance

The recommendation as printed is supported.

Conclusion

Submissions have been assessed in line with the requirements outlined in the Request for Tender documentation.

The tender evaluation panel recommends the contract for Contract PR23/104 CBD Water Main Replacement Program FY2023/24 be awarded to Ledonne Constructions Pty Ltd.

Attachment/s

There are no attachments for this report.

Confidential Report

Report

Subject	Tender T2023-140 Lismore City Council Animal Care Facility Refurbishment
TRIM Record No	BP23/955:AF22/2710
Prepared by	Coordinator Law Enforcement, Investigations & Security
Reason	To seek Council's acceptance of tender submission T2023-140 Lismore City Council Animal Care Facility Refurbishment.
Strategic Theme	An inclusive and healthy community
Strategy	Our community is safe, happy and healthy.
Action	Maintain public health, safety and amenity.
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

Council received grant funding through the NSW Council Support Payments Local Government Recovery Grants Program funded by the NSW Government and administered by the Department of Planning and Environment – Office of Local Government, to the value of \$375,000.

Open tenders were called for the refurbishment of the Lismore City Council Animal Care Facility, Wyrallah Road, East Lismore. Four tender submissions were received and have been evaluated in accordance with Council's procurement protocols. This report outlines the assessment process and seeks Council's acceptance of a preferred tender submission.

The funding agreement requires Council (as a component of grant funds), to provide a microgrant to local animal welfare and rescue organisations to support care and rehoming of companion animals, up to a maximum amount of \$10,000 per organisation. Animal Rights and Rescue situated at 135 Three Chain Road, South Lismore, is the only Section 88B of the *Companion Animals Act 1998* approved and eligible organisation for microgrant funding. This report recommends that funding to the maximum amount of \$10,000 be offered to Animal Rights and Rescue.

Recommendation

That:

1. Council accepts the tender from Quadracon Building Pty Ltd for Tender TP2023-140 Lismore City Council Animal Care Facility Refurbishment at a total cost of \$285,706.72 (ex GST) in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*,
2. delegation be provided to the General Manager to finalise and execute the contract and associated documentation required to give effect to this resolution
3. Council offer a micro-grant to Animal Rights and Rescue to the value of \$10,000 in accordance with grant requirements
4. a redacted copy of this report be released as a public document.

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Meeting held 12 December 2023 - Tender T2023-140 Lismore City Council Animal Care Facility Refurbishment

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Background

Council received grant funding through the NSW Council Support Payments Local Government Recovery Grants Program funded by the NSW Government and administered by the Department of Planning and Environment – Office of Local Government to the value of \$375,000. Council accepted grant funding to achieve the nominated program outcome being 'support repair, maintenance, upgrade and/or new build facilities for council pound operations focusing on disaster recovery and resilience'.

In addition to supporting the proposed capital works, the grant guidelines require Council to provide a micro-grant (from grant funds) to local animal welfare or rescue organisation to a maximum value of \$10,000.

The project specification for the intended capital work was developed in consultation with animal welfare and architectural design specialist consultancy services to ensure existing gaps in animal housing standards, when assessed against relevant legislation, being the 'Animal Welfare Code of Practice No. 5 - Dogs and Cats in Animal Boarding Establishments' (Code of Practice) and the Draft Prevention of Cruelty to Animals (Dogs and Cats in Council Pounds and Animal Shelters) Standards (Draft Standards), were identified and addressed through the proposed tender package.

In response to the provisions of the *Local Government Act 1993* open tenders were called for the refurbishment of the Lismore Animal Care Facility (pound) located within the Resource and Recovery Facility at Wyrallah Road, East Lismore – refer site map below.



Confidential Report

Tender Assessment and Evaluation

At the close of the tender period on 27 October 2023, the four (4) following tender submissions were received:

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. Quadracon Building Pty Ltd - 97 Tamar Street, Ballina NSW 2478

Late Submission

There were no late tenders.

Non-conformance

The submission from [REDACTED] was considered to be a non-conforming tender as the required Returnable Schedules were incomplete, and was not included for further evaluation.

Carmichael Mine Disclosure

All contractors indicated they had no direct contractual agreements to construct or operate at the Carmichael Mine.

Tender Criteria

The assessment of tender submissions was undertaken by the nominated tender evaluation panel consisting of Council's Regulatory Services staff, consultant animal welfare specialist and project architect. The submissions were evaluated using the following weighting criteria:

- Total Price
- Capability and Experience
- WHS, Risk Management and Quality Management Systems
- Environment and Community
- Local Content (minimum 20%)

Evaluation Results

The weighting criteria were incorporated into the following Compliance Criteria and Assessment Evaluation summary sheet:

Tendered Price			Quadracon	
			\$314,377.39	
	Criteria	Weighting from Tender Docs	Raw Score	Weighted & calculated
1	Total Price (out of 10; against average)		9.0	3.60
2	Capability and Experience (out of 10)		9	2.25
3	WHS, Quality and Environment (Pass/Fail)		9	0.90
4	Environment & Community		8.6	0.40
5	Local Content Minimum 20% (Out of 10)		8.6	1.72
		100%		8.87
	Overall score out of 100			88.70

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Meeting held 12 December 2023 - Tender T2023-140 Lismore City Council Animal Care Facility Refurbishment

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Lismore City Council

Minutes of Council Meeting held 12 December 2023

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Three submissions received were conforming offers. Despite Quadracon providing the most expensive overall bid of \$285,706.72 (ex GST), which was less than 2.5% more than the cheapest price, their submission clearly demonstrated high level of standards/ results in capability, WHS and environment and thus presents the least risk to Council. Quadracon also satisfied the Local Content criterion well, being only marginally behind Bouman due to their submission listing slightly more locally sourced sub-contractors.

Probity Check



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

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

Micro-grant

The grant guidelines require Council, as a component of grant funds, to provide a micro-grant to local animal welfare and rescue organisations to support care and rehoming of companion animals, up to a maximum amount of \$10,000 per organisation. Operations must be within the eligible local government area. The guidelines define Animal Welfare or Rescue Organisation as 'a council or any other operator of a council pound, or the Animal Welfare League NSW, or the Cat Protection Society of NSW Limited, or the Royal Society for the Protection of Cruelty to Animals NSW, or any other organisation that is designated as a rehoming organisation by the Departmental Chief Executive under Section 88B of the Companion Animals Act, 1998.

Organisations currently approved as a designated rehoming organisation under Section 88B of the *Companion Animals Act 1998* are identified by the Office of Local Government. The following approved Animal Welfare or Rescue Organisations are identified within the Lismore local government area as per the listing circulated by the Office of Local Government on 15 August 2023:

- Animal Rights and Rescue – 135 Three Chain Road, South Lismore.

As Animal Rights and Rescue is the only approved organisation within the Lismore local government area, it is eligible for the micro-grant funding.

Comments

Finance

Council has received a funding payment of \$375,000 for the nominated project. Proposed expenditure will include capital works to the existing facility for the preferred tender price of \$285,706.72 (ex GST) and provision of a micro-grant to local animal welfare and rescue organisation to a maximum value of \$10,000.

The intended project costs are within the financial constraints of the grant framework, including contingency capacity for possible project variations.

Grant reporting, monitoring and evaluation will be completed in accordance with the defined grant guidelines.

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Public consultation

Not required.

Council is required to publicly communicate the outcomes of the funding in accordance with the associated grant guidelines.

Conclusion

Assessment of submissions received under Tender TP2023-140 has been undertaken per the criteria set out in the Request for Tender (RFT) documentation.

This assessment determined Quadracon Building Pty Ltd as the preferred tenderer for the refurbishment of the Lismore City Council Animal Care Facility.

Furthermore, the micro-grant allocation of \$10,000 to Animal Rights and Rescue, being the only approved organisation within the Lismore local government area.

Attachment/s

There are no attachments for this report.

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Report

Subject	Tender TP23/187 Environmental Sampling and Analytical Services Panel
TRIM Record No	BP23/965:EF19/24-5
Prepared by	Operational Compliance Manager
Reason	To acquire a panel of suppliers for environmental sampling and analytical services for Categories: Air, Noise and/or Vibration, Land, Waste, Water and Wastewater, Biosolids, Sewer Effluent and Trade Waste.
Strategic Theme	Leadership and participation
Strategy	We provide effective management and responsible governance.
Action	Ensure well-managed procurement, tendering and contracting services.
Grounds for Closure	Section 10A(2) (d i):
Public Interest	Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Executive Summary

Request for Tender (RFT) TP23/187 was issued to develop an unranked panel of suppliers to deliver environmental sampling and analytical services across Council for Categories: Air, Noise and/or Vibration, Land, Waste, Water and Wastewater, Biosolids, Sewer Effluent and Trade Waste, for a period of two years with an additional two-year option at Council's discretion. These limited suppliers are to be utilised across Council program areas and further to ensure Council's total expenditure on these services combined complies with procurement regulations and does not breach procurement requirements for tender.

It is proposed that the recommended tenderers selected for each category be accepted by Council to form an approved panel of suppliers for environmental sampling and analytical services.

Recommendation

That:

1. in accordance with section 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the suppliers listed in the evaluation results, to form an unranked panel of Approved Suppliers for Tender TP23/187 Environmental Sampling and Analytical Services for an initial period of two years with an option to extend the contract for two additional years at Council's absolute discretion
2. delegation be provided to the General Manager to approve purchases without a fixed upper limit of expenditure from an approved budget source for scopes defined within TP23/187 Environmental Sampling and Analytical Services contract
3. delegation be provided to the General Manager to finalise and execute contracts and associated documentation required to give effect to this resolution

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- delegation be provided to the General Manager to exercise the options when required to extend the contract, subject to the satisfactory performance of the suppliers
- a redacted copy of this report be released as a public document
- Council notes the funding for engagement comes from Council's operating budget and/or available funding resources.

Background

Lismore City Council (Council), specifically the Chief Operating Office, is required to undertake a significant amount of environmental sampling and analysis work annually to comply with regulatory monitoring and reporting requirements. In addition to this, various program areas of Council are also engaging suppliers to undertake similar works regularly or on a project basis.

A Request for Tender was issued to develop and acquire a panel of suppliers able to deliver environmental sampling and analytical services across Council for Categories: Air, Noise and/or Vibration, Land, Waste, Water and Wastewater, Biosolids, Sewer Effluent and Trade Waste. These limited suppliers are to be utilised across Council program areas and further to ensure Council's total expenditure on these services combined complies with procurement regulation and does not breach procurement requirements for tender.

Environmental sampling and analytical services range across a variety of technical and specialist areas within each category. Works range in size and value from a few thousand to a few hundred thousand dollars. Due to this, pricing as a schedule of rates was mandatory but unweighted. Subsequently, tenders were assessed on Capability and Experience, WH&S, Risk Management and Quality, Environmental and Community and Local Content.

Once the recommended tenderers are appointed to the panel, the recommended panel would be engaged via a quote process or schedule of rate assessment. This will support value for money and suitability for the specific work being requested. In some instances, suppliers can offer better value for money on a project basis opposed to a flat schedule of rates for sampling noting that quoted rates are not to exceed the supplied schedule of rate fees.

Tender Submissions

Submissions were received from a total of 23 companies by the close of the tender period as set out in the following table.

Tenderer	Name	Received on Time	All Schedules Completed and Signed	Continue Evaluation
1	Australian Wetlands Consulting Pty Ltd	Yes	Yes	Yes
2	Cavvanba Consulting Pty Ltd ATF Cavvanba Consulting Trust	Yes	Yes	Yes
3	Consulting Earth Scientists	Yes	Yes	Yes
4	Ecotechnology T/A EcoTeam	Yes	Yes	Yes
5	ENV Solutions Pty Ltd	Yes	Yes	Yes
6	EPIC Environmental Testing Pty Ltd	Yes	Yes	Yes
7	[REDACTED]	Yes	No	No
8	GeoLink Pty Ltd	Yes	Yes	Yes
9	GHD Pty Ltd	Yes	Yes	Yes
10	Hazmat Services Pty Ltd	Yes	Yes	Yes
11	Lambert & Rehbein (SEQ_ Pty Ltd	Yes	Yes	Yes

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Tenderer	Name	Received on Time	All Schedules Completed and Signed	Continue Evaluation
12	Ocitef Pty Ltd	Yes	Yes	Yes
13	Presna Pty Ltd	Yes	Yes	Yes
14	Raw Earth Environmental Pty Ltd	Yes	Yes	Yes
15	Senversa Pty Ltd	Yes	Yes	Yes
16	Simpson Engineering Group Pty Ltd	Yes	Yes	Yes
17	Southern Cross University Environmental Analytical (Environmental Analysis Laboratory SCU)	Yes	Yes	Yes
18	SQP Consulting Pty Ltd	Yes	Yes	Yes
19	Stantec Australia Pty Ltd	Yes	Yes	Yes
20	Sydney Water Corporation	Yes	Yes	Yes
21	Trinity Consultants Australia Pty Ltd	Yes	Yes	Yes
22	Tweed Shire Council	Yes	Yes	Yes
23	WMS Engineering	Yes	Yes	Yes

Table 1: Tender submissions received

Late Submission

There was one late tender received. [REDACTED] sent their submission via email within one hour of the closing time to the Panel Chair, Manager Operational Compliance, as the company had not accounted for Daylight Savings Time. Council accepted this submission as being received on time.

Non-conformance

Of all the submissions received one tender was excluded due to not completing the mandatory schedules. [REDACTED] presented an EOI and noted that it was not a conforming tender.

Carmichael Mine Disclosure

All contractors indicated they had no direct contractual agreements to construct or operate at the Carmichael Mine.

Tender Criteria

Tenders found eligible were then given further consideration against the assessment criteria as outlined below:

Table 2: Assessment Criteria Group Summary	
1	Total Price
2	Capability and Experience
3	WHS, Risk Management and Quality Management Systems
4	Environment and Community
5	Local Content (Minimum 20% weighting)

After application of the eligibility and assessment criteria against all submissions received, eligible tenderers were scored by the tender evaluation panel. The panel's objective was to select a minimum of three suppliers for each category, with no maximum.

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Evaluation Results

Assessment outcomes for each category are outlined in Table 3 below.

Tenderer	Tender Scoring	Air	Noise & Vibration	Land	Waste	Water & Wastewater	Biosolids	Sewer Effluent	Trade Waste Sample
Australian Wetlands Consulting		✓	✓	✓	✓	✓	✓	✓	✓
Cavvanba Consulting		✓	✓	✓	✓	✓	✓	✓	✓
Consulting Earth Scientists		✓	✓	✓	✓	✓	✓	✓	✓
EcoTeam		✓	✓	✓	✓	✓	✓	✓	✓
ENV Solutions		✓	✓	✓	✓	✓	✓	✓	✓
Epic Environmental Testing		✓	✓	✓	✓	✓	✓	✓	✓
Geoliink		✓	✓	✓	✓	✓	✓	✓	✓
GHD		✓	✓	✓	✓	✓	✓	✓	✓
Hazmat Services		✓	✓	✓	✓	✓	✓	✓	✓
Lambert & Rehbein		✓	✓	✓	✓	✓	✓	✓	✓
Ocitef Pty Ltd		✓	✓	✓	✓	✓	✓	✓	✓
Presna Pty Ltd		✓	✓	✓	✓	✓	✓	✓	✓
Raw Earth Consulting		✓	✓	✓	✓	✓	✓	✓	✓
Severssa Pty Ltd		✓	✓	✓	✓	✓	✓	✓	✓
Simpson Engineering Group		✓	✓	✓	✓	✓	✓	✓	✓
Southern Cross Uni (EAL)		✓	✓	✓	✓	✓	✓	✓	✓
SQP Consulting		✓	✓	✓	✓	✓	✓	✓	✓
Stantec		✓	✓	✓	✓	✓	✓	✓	✓
Sydney Water Corp		✓	✓	✓	✓	✓	✓	✓	✓
Trinity Consultants Australia		✓	✓	✓	✓	✓	✓	✓	✓
Tweed Shire Council		✓	✓	✓	✓	✓	✓	✓	✓
WMS Engineering		✓	✓	✓	✓	✓	✓	✓	✓

Table 3: Assessment Outcomes for each Category

TP23/187 Environmental Sampling & Analytical Services Un-ranked Panel of Approved Providers (Recommended)

1. Australian Wetland Consulting Pty Ltd
2. Cavvanba Consulting Pty Ltd
3. Consulting Earth Scientists
4. Eco Technology T/A EcoTeam
5. ENV Solutions Pty Ltd
6. Epic Environmental Testing Australia Pty Ltd
7. GeoLink Consulting Pty T/A Geo LINK
8. GHD Pty Ltd
9. Hazmat Services Pty Ltd
10. Lambert & Rehbein (SEQ) Pty Ltd
11. Ocitef Pty Ltd
12. Presna Pty Ltd
13. Raw Earth Environmental Pty Ltd
14. Severssa Pty Ltd
15. Simpson Engineering Group Pty Ltd

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16. Southern Cross University Environmental Analytical Services
17. SQP Consulting Pty Ltd
18. Stantec Australia Pty Ltd
19. Sydney Water Corporations
20. Trinity Consultants Australia Pty Ltd
21. Tweed Shire Council
22. WMS Engineering

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

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

Comments

Finance

The recommendation as printed is supported.

Conclusion

The Tender TP23/187 Panel Contract for Environmental Sampling and Analytical Services was undertaken successfully, with a firm and compliant tender process, a thorough tender evaluation and the recommendation of 22 suppliers to the Panel with varying degrees of professional specialisations and regional positioning.

Approval of the recommendations of this report will result in improved access to suppliers, greater efficiency and control of work plans, greater budgetary outcomes and cost saving opportunities.

Attachment/s

1. Tender Scoring Sheet - TP23/187 Environmental Sampling and Analytical Services Panel - *This matter is considered to be confidential under Section 10A(2) (d i) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it*

Confidential Report

Report

Subject	Tender TP22/34 - Nimbin Rainbow Road Walking Track Construction
TRIM Record No	BP23/936:AF22/3627
Prepared by	Project Manager Infrastructure & Open Spaces
Reason	To award the tender for the construction of the Nimbin Rainbow Road Walking Track.
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 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

A grant was received to construct the Nimbin Rainbow Road Walking Track (NRRWT) under the Bushfire Local Economies Recovery Fund in late 2021.

Tenders were called from the open market for the construction component of the track including concrete paths, raised walkways and bridges.

Four submissions were received at close of tender and following a tender evaluation process, it is recommended that Council award the GC21 contract to A & D Civil Earthworks, a locally owned company.

Recommendation

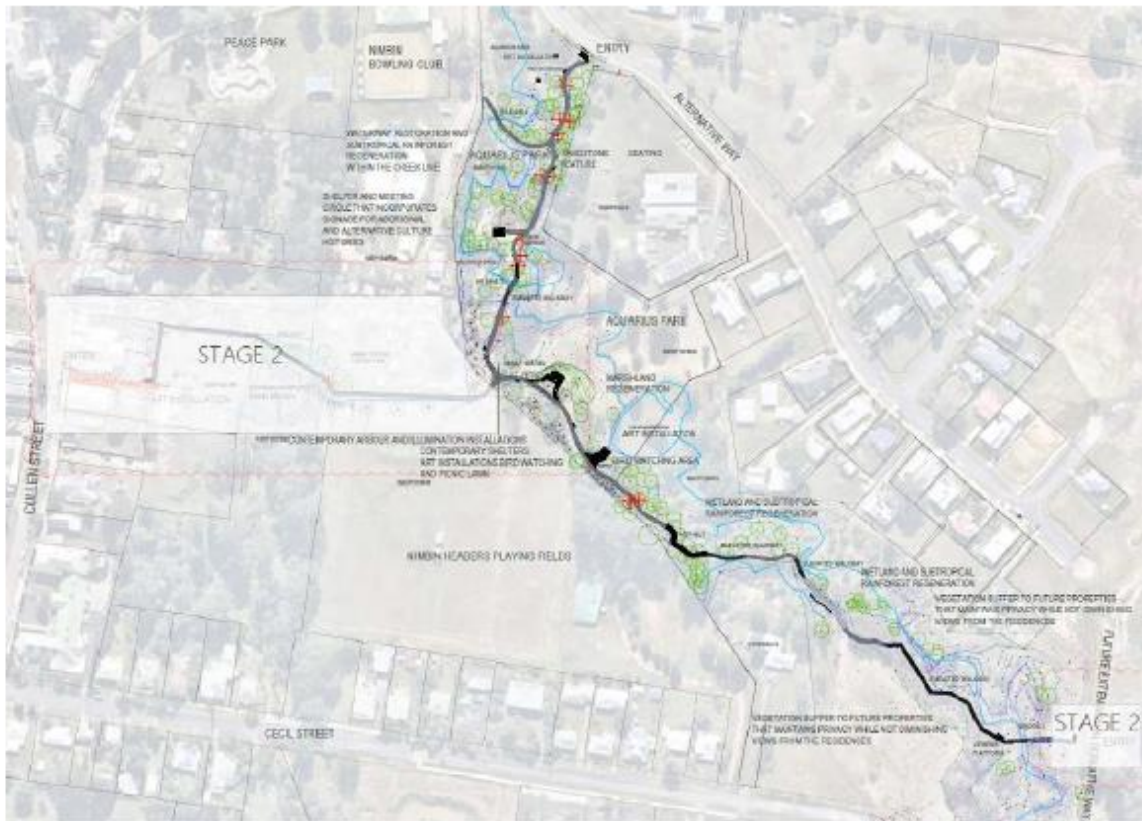
That:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the tender from A & D Civil Earthworks for Tender TP22/34 Nimbin Rainbow Road Walking Track Constructions for the sum of \$1,575,525.67 (ex GST)
2. delegation be provided to the General Manager to finalise and execute the contract and associated documentation required to give effect to this resolution
3. a redacted copy of this report be released as a public document
4. Council notes the funding for this engagement will be provided under a grant from the Bushfire Local Economies Recovery Fund.

Confidential Report

Background

The Nimbin Rainbow Road Walking Track (NRRWT) was approved for funding via a grant in late 2021. Since this time, a concept and detailed design process with stakeholder and community involvement has been completed.



Council sought submissions from the open market to undertake construction of the Nimbin Rainbow Road Walking Track.

The Request for Tender was advertised on VendorPanel in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*. The tender package was developed under the GC21 contract form and included a detailed scope of works that contained civil engineering plans and a list of technical specifications for the project.

The Request for Tender was advertised for a period of five weeks, closing on 16 November 2023.

Project Risks

The main project risk that is being managed within the project management framework is the limited time schedule for completion of this project. There are a number of minor works being scheduled concurrently with this tender/ contract to ensure completion within the Deed timeframe.

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Tender Submissions

Council received a total of four submissions upon close of tender on 16 November 2023, as follows:

- A & D Civil Earthworks Pty Ltd of Coraki, NSW 2471

- [REDACTED]
- [REDACTED]
- [REDACTED] (non-conforming)

The submission from [REDACTED] was deemed non-conforming as no schedules were provided with their submission, and was therefore not considered further.

Late Submission

No late submissions were received.

Carmichael Mine Disclosure

All contractors indicated they had no direct contractual agreements to operate at the Carmichael mine.

Tender Evaluation

A tender evaluation panel comprising the Project Manager Infrastructure and Open Space, a Procurement Team representative and an additional Project Officer, was formed based on the approved procurement plan.

The following ranking of tenders was completed by the tender evaluation panel:

Criteria	A & D Civil Earthworks	[REDACTED]	[REDACTED]
Compliant?	Yes	Yes	Yes
Quality, WHS, Environmental & Capability [REDACTED]			
Local Content [REDACTED]			
Price Score (Lowest) [REDACTED]			
Total Score			
Ranking	1	2	3

A & D Civil Earthworks submitted the lowest price of \$1,575,525.67 (ex GST). Their schedule of rates for future variations was also calculated to be the cheapest option. The company received the highest score for Local Content with the business being located at Coraki and indicated all labour and sub-contractors would be locally sourced. Their submission included 100% local spend. [REDACTED] responded very well for Capability, Experience, Quality, WHS and Environmental Management but was not the highest ranked in these criteria.

[REDACTED] submission provided the next closest tender price of \$1,667,929.36 (ex GST) including second place for their schedule of rates for variations. The company ranked third for Local Content, with a main office situated [REDACTED] in Sydney, and a commitment for an office in Lismore which is yet to be confirmed. Their direct spend in the community was estimated at 60%. [REDACTED] is a very experienced and capable firm and has certification for their WHS, Quality and Environmental Management systems and therefore received the highest score for those criteria.

Lismore City Council

Meeting held 12 December 2023 - Tender TP22/34 - Nimbin Rainbow Road Walking Track Construction

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[REDACTED] tender price was significantly higher than the two other competitive tenders and was scored accordingly. The company was competitive in all other areas of the assessment.

The locally based company, A & D Civil Earthworks has been recommended as the preferred contractor based on their capability and experience, and competitive price.

Probity Check

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

Tendering methodology was pursuant to Section 169(1)(b) of the *Local Government (General) Regulation 2021* and supported and endorsed by Council's Procurement Team. Contractors were selected based on published capability statements, and the Request for Tender was advertised on VendorPanel for a period of greater than 21 days.

Budget

The NRRWT budget for the full scope of works is \$2.5 million (ex GST), which includes design, approvals, landscaping, artwork, way-finding signage, track construction project and more. The estimated value of track construction works alone has been revised up to \$1.2 million (ex GST) due to significant construction price rises over the past two years since the time the grant was initially approved.

The recommended tender price of \$1,575,525.67 (ex GST), exceeds the estimated budget of \$1,200,000. A rigorous process was undertaken to reduce scope in all available budget areas to ensure the structural elements of track construction were not compromised. This process concluded that the scope adjustments were possible to the extent that it can be completed within budget whilst also maintaining a \$140,000 (ex GST) contingency. It also meets the required scope of the grant deed. The key scope adjustments include:

Item	Original Scope	Revised Scope	Comments for Revised Items
Drinking Fountains	\$ 36,000	\$ 5,000	Reduction of water fountains from 3 to 1 including the use of a simpler 'Parks' specified bubbler.
Walkway Arbor	\$ 52,000	\$ 7,500	A larger steel structure will be simplified to a locally sourced recycled timber arbor.
Footpath Lighting	\$246,000	\$10,000	Lighting the track was not recommended by NSW Police. There may be a requirement to light the entry point, including entry warning signage.
Amenity Landscaping	\$138,000	\$20,000	Most of the amenity landscaping will be removed keeping tree planting and turfing requirements.
Escalation	\$ 88,700	\$0	This item was always meant to be absorbed into the overall budget due to cost escalations over time.

It is important to note that the quality of products and the quality of workmanship will not be compromised within the remaining scoped items to ensure maintenance activities are not affected.

The scope adjustments have been approved by the NRRWT Steering Group (see below).

Confidential Report

Steering Group Recommendation

An extraordinary steering group meeting was held on 22 November 2023 when it was confirmed that an adjustment to the scope of works was necessary. All attending members were in agreement including Council's as asset owner and the Head of Fleet and Open Spaces as the asset maintainer.

The scope adjustments do not affect Council's commitments to the grant deed requirements, and therefore, no applications for a variation to the NSW Department of Planning will be required.

At the steering group meeting, it was agreed that an application would be made to the NSW Department of Planning for additional 'escalation costs', providing evidence of the significant increases in material costs.

Project Timeline

Approval of this tender evaluation report recommendation is essential to keep the project on schedule for a June/July 2024 completion. It is anticipated that the recommended tenderer will be ready for commencement of works by March 2024 with an anticipated construction schedule of three months. This will provide a window of opportunity for the Artworks project to be completed during the construction activities and landscaping commitments completed in June and July.

Comments

Finance

The project is grant funded with no contribution required from Council. The ongoing impact to Council is an increase in depreciation of \$50,000 per annum, with discussions being held around maintenance by an external body. These impacts will be incorporated into the Long Term Financial Plan once quantified, however it is considered that they will have a minor impact to the Long Term Financial Plan of Council.

The recommendation as printed is supported.

Other officer comments

Head of Fleet and Open Spaces

From a maintenance standpoint, the decreased scope will not impact the quality of the work.

Conclusion

The tender evaluation panel recommends the Tender TP22/34 Nimbin Rainbow Road Walking Track Construction be awarded to A & D Civil Earthworks for the sum of \$1,575,525.67 (ex GST).

The tender submission by A & D Civil Earthworks was an excellent submission and poses the least risk to Council for the delivery of the contract.

Attachment/s

There are no attachments for this report.

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Report

Subject	Tender T2023112 Heritage Park Improvements - Adventure Tower
TRIM Record No	BP23/935:EF19/24-5
Prepared by	Project Manager Infrastructure & Open Spaces
Reason	To approve the construction tender for a new playground in Heritage Park that will replace an older structure removed due to safety concerns.
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 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

Lismore City Council received grant funding from the Stronger Country Communities Fund Program (Round 5), to undertake a major upgrade of the Heritage Park play equipment in Lismore. The new equipment aims to deliver improved play activities and accessibility for children and families of all abilities through the installation of a new and exciting adventure tower.

The proposed play equipment will aim to improve the quality of play activities at the park whilst also replacing an older structure that was removed due to safety issues.

The purpose of this report is to select a suitably qualified company with the capability, experience and availability to undertake the design and installation of the adventure tower play equipment and associated components. T2023112 is to be awarded as a design and construct contract.

Recommendation

That:

1. Council accepts the tender from Urban Play Pty Ltd for Tender T2023112 Design, Supply and Install Adventure Tower Play Equipment to Heritage Park Lismore for the sum of \$567,615 (ex GST) in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*
2. delegation be provided to the General Manager to finalise and execute the contract and associated documentation required to give effect to this resolution
3. Council notes the funding for this engagement comes from the Stronger Country Communities Fund
4. a redacted copy of this report to be released as a public document

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Background

Council sought submissions from suitably qualified companies with the capability, experience and availability to upgrade the already demolished play equipment at Heritage Park with a new adventure tower. The northern end of Heritage Park currently has very little play equipment.

The Request for Tender sought submissions from companies to submit a Design and Construct proposal to complete these works. The new "My Rainforest Adventure" Tower will be designed, supplied and installed within the existing 350m² area at the northern end of Heritage Park. Council sought community support and advice during the development of the scope and specification.

Tender Submissions

Tender submissions were received from six suppliers by the close of tender on 22 September 2023, as listed below:

- [REDACTED] (1 design)
- Urban Play Pty Ltd (3 designs)
- [REDACTED] (2 designs)
- [REDACTED] (1 design)
- [REDACTED] (2 designs)
- [REDACTED] (2 designs)

Carmichael Mine Disclosure

All contractors indicated they had no direct contractual agreements to construct or operate at the Carmichael Mine.

Tender Evaluation

The tender evaluation panel comprising of Council's Project Officer - Livable & Active Communities, Project Manager – Infrastructure & Open Spaces and Capital Project Delivery Manager undertook the assessment of tenders received.

The panel reviewed the submissions and scored them against the advertised assessment criteria. Confidentiality and probity were maintained throughout the process.

Methodology

Tenders were evaluated using a weighted scoring process based on those presented in Table 1.

Table 1: Assessment Criteria

Criteria	Group Summary	Weighting
1	Total Price	
2	Design Compliance and Materials (value for money)	
3	Capability, Experience and Availability	
4	Local Content	
5	Value for Money	

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The tender was ranked for each criterion as provided in Table 2.

Table 2: Scoring Categories

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

The scores above were converted to a weighted score as seen in the evaluation results below.

Evaluation Results

A summary of the tender evaluation results as provided in Table 3.

Table 3: Summary of Assessment Results

Scoring Criteria				
Total Price (Ex GST)				
Price Score				
Design compliance & materials				
Capability and Experience				
Local Content Minimum				
Value for Money				
Total Weighted Score/ 100	59.38	57.03	72.38	62.45
Scoring Criteria				Urban Play Option 2
Total Price (Ex GST)				\$567,615
Price Score				1.32
Design compliance & materials				1.80
Capability and Experience				0.90
Local Content Minimum				1.20
Value for Money				2.40
Total Weighted Score/ 100	60.38	65.38	69.42	76.16
Scoring Criteria				
Total Price (Ex GST)				
Price Score				
Design compliance & materials				
Capability and Experience				
Local Content Minimum				
Value for Money				
Total Weighted Score/ 100	71.89	63.15	70.20	

The assessment process recommended Urban Play 'Option 2'. This option was amended to reflect a better outcome for the project following clarifications within the submission. The final design was approved by the tender evaluation panel including a price adjustment reflecting the amendments.

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Option 2 from Urban Play Pty Ltd is the preferred design due to:

- Meeting all the requested tender requirements, including their unique design.
- Within budget.
- Being a highly capable company having extensive experience in designing, supplying and installing, high quality play equipment, including:
 - Crawford Square Park for Richmond Valley Council;
 - Woodburn Riverside Park for Richmond Valley Council; and
 - Rocky Botanic Gardens for Rockhampton Regional Council.
- Being a Brisbane and Byron Bay based business.
- The proposed Giga Dome Adventure Tower provides a 15-year Product Assurance and Warranty Programme.

The remaining tenders are not recommended due to the following key points:

- The designs were generic whereas Council was looking for a more "bespoke" design.
- Four contractors have not been used by Lismore City Council so could not compare as well for capability and experience as the recommended Urban Play. Three also scored low for the Local Content criterion being based in Sydney and Melbourne.
- Their submitted designs included products that were not suitable for use in Heritage Park and did not meet the required warrantee guidelines for Lismore City Council

The proposed Giga Dome Adventure Tower to be supplied provides a 15-year Product Assurance and Warranty Programme and in effect, "provides all roping materials to maintain equipment usage to original design criteria for 15 years", resulting in cost savings to Council for future maintenance over this warranty period.

Probity Check



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

Tendering methodology was pursuant to Section 169(1)(b) of the *Local Government (General) Regulation 2021* and supported and endorsed by Council's Procurement Team. Contractors were selected based on published capability statements, and the Request for Tender was advertised on VendorPanel for a period of greater than 21 days.

Budget

A total project budget of \$798,121.20 (ex GST) has been provided by the Stronger Country Communities Fund. The cost of this contract is \$567,615.00 (ex GST), which will be covered entirely by the grant. There is a healthy contingency available for the contract as well as additional funds to cover project management and ancillary landscaping works as required.

Comments

Finance

The project is grant funded. The recommendation as printed is supported.

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Public consultation

Public consultation was addressed prior to the grant application. Community engagement was sought over three different campaigns:

- October 2020 Heritage Park;
- *Your Say* web page, January 2021 (over three months); and
- *Your Say* web page, September 2022 (over three months).

The proposed design will achieve the desired outcomes from the consultation undertaken.

Conclusion

The tender evaluation panel recommends the Tender T2023112 Heritage Park Improvements – Adventure Tower project, be awarded to Urban Play Pty Ltd (Design Option 2), for the price of \$567,615 (ex GST).

The tender submission by Urban Play Pty Ltd was an excellent submission and poses the least risk to Council for the delivery of the contract.

Attachment/s

1. Tender Scoring Sheet - *This matter is considered to be confidential under Section 10A(2) (d i) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it*
2. Proposed Design Option 2 (Urban Play Pty Ltd) - *This matter is considered to be confidential under Section 10A(2) (d i) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it*

Confidential

T2023112 Heritage Park Improvements (Design, Supply & Installation of Play Equipment) - Adventure Tower

	Criteria	Weighting from Tender Docs	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated
1	Total Price (out of 10; against average)											
2	Design compliance & materials											
3	Capability and Experience											
4	Local Content Minimum											
5	Value for money											
		100%										
	Overall score out of 100			59.36		57.00		72.38		60.36		65.36

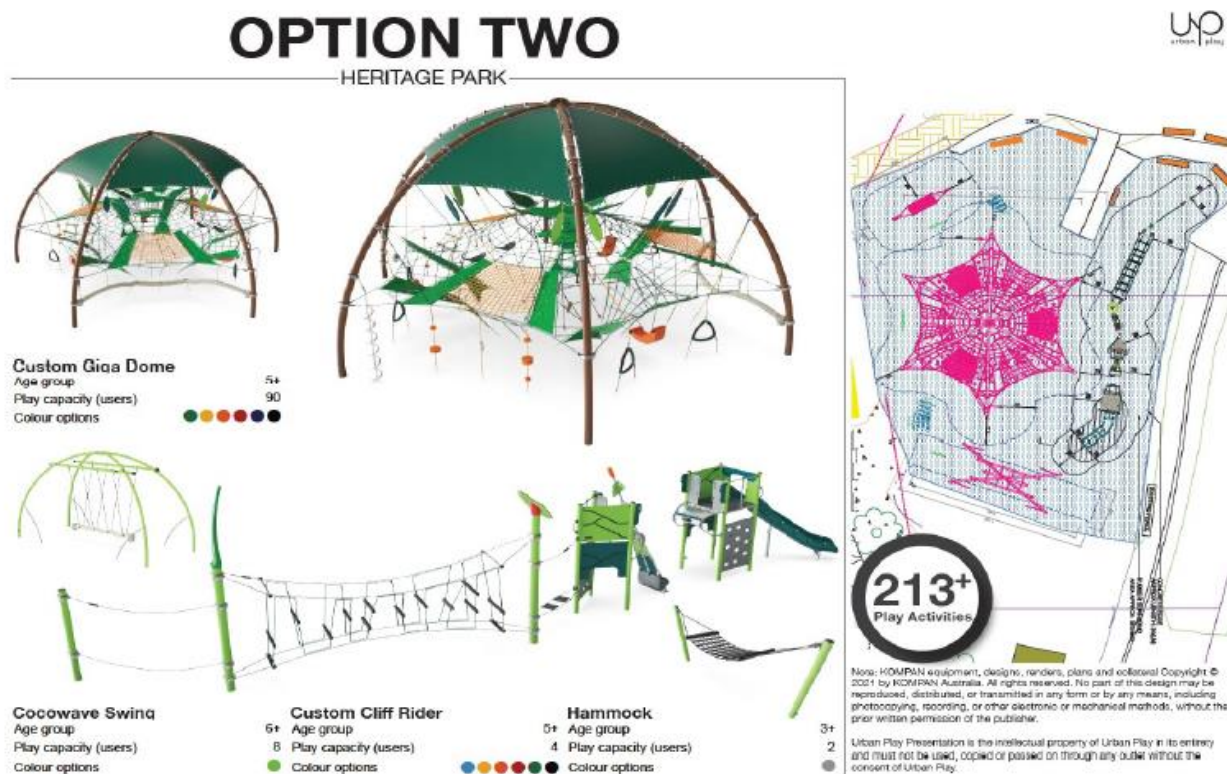
	Criteria	Weighting from Tender Docs	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated	Raw Score	Weighted & calculated
1	Total Price (out of 10; against average)									
2	Design compliance & materials									
3	Capability and Experience									
4	Local Content Minimum									
5	Value for money									
		100%								
	Overall score out of 100			76.50		70.25		61.60		68.67

Tender panel Members
1- Capital Project Delivery Manager (Chair)
2- Project Manager - Infrastructure & Open Spaces
3- Project Officer - Livable & Active Communities

Urban Play Pty Ltd – Option 2 Design

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Report

Subject	Contract 22/160 Nimbin Road Landslips Remediation (AGRN1012) Proposed Variation
TRIM Record No	BP23/1018:EF19/24-5
Prepared by	Roads and Bridges Project Director - Flood
Reason	To consider option to vary Contract 22/160 to accelerate delivery of flood reconstruction projects to repair Blue Knob Road landslips.
Strategic Theme	Our built environment
Strategy	Our city and village services are well managed and maintained.
Action	Provide a road network that is safe and serviceable.
Grounds for Closure	Section 10A(2) (c) (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 information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Executive Summary

This report seeks Council approval to vary Contract 22/160 to expedite the restoration of four sites on Blue Knob Road, which have been significantly damaged by landslips since the March 2022 disaster event.

The proposed changes include soil nailing for slope stabilisation, road pavement restoration, drainage system refurbishment, and guardrail replacement. The adjustment is vital for restoring the road to its pre-damage state efficiently and safely.

The variation will not only accelerate the remediation process, allowing for the road's earlier reopening and minimising traffic disruptions but will also enhance road safety. This proactive approach addresses both immediate restoration needs, future landslip risks and is crucial for the timely and effective recovery of Blue Knob Road, benefitting the community by reinstating safe and functional road access.

Recommendation

That:

1. Council notes:
 - a. the urgent need for Blue Knob Road works due to a series of landslides, with the situation posing a significant risk to public safety and road accessibility, necessitating immediate action
 - b. Blue Knob Road works are similar in scope to the Nimbin Road landslips remediation
 - c. under section 55 of the *Local Government Act 1993* (NSW) ('the Act'), Council is required to invite tenders for work of this type unless any of the exceptions identified under section

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Meeting held 12 December 2023 - Contract 22/160 Nimbin Road Landslips
Remediation (AGRN1012) Proposed Variation

1

Confidential Report

- 55(3) are applicable. there are extenuating circumstances, in accordance with section 55(3)(i) of the Act, due to public safety concerns with roads under traffic management
- d. this action is necessary to address the urgency and to prevent significant delays that would arise from an open tender process
 - e. the Blue Knob Road works are entirely externally funded through Disaster Funding Relief Arrangements
2. Council notes the delegation in Recommendation 5 of Report BP23/1018:EF19/24-5 authorising the General Manager to approve contract variations that are within the funding amount
 3. delegation be provided to the General Manager:
 - a. enter into negotiations with the Nimbin Road contractor for the Blue Knob Road variation
 - b. resolve and approve contract variations that are within the approved funding amount
 - c. undertake a selective tender process should 3.a. fail
 - d. if 3.c. is required, award a contract to the successful tenderer within the approved funding amount

Background

In May 2023 Council engaged the services of Civil, Mining and Construction Pty Ltd (CMC) to undertake the Nimbin Road Landslip Remediation works. Subsequently, additional high priority works with similarities to the Nimbin Road project have been identified along Blue Knob Road. The opportunity exists to minimise mobilisation costs by adding the additional sites to the CMC contract.

The summary below highlights the key findings and remediation strategies based on four strategic concept reports by GHD Pty Ltd, each addressing a separate landslide event along Blue Knob Road.

1. Landslide Event DM01366 (630m south of Symonds Road intersection)

Impact: A 20m section of Blue Knob Road has been significantly damaged with cracking and potholes due to a landslide.

Risk Level: Assessed Risk Level (ARL) 3, indicating potential for escalating road damage without intervention.

Recommended Solution: Soil nail wall, chosen for its robustness and ease of installation.

2. Landslide Event DM01449 (700m north of Symonds Road intersection)

Impact: This event affects a 20m-30m stretch of road, with the landslide marginally encroaching on the travel lane.

Risk Level: ARL 4, suggesting a high likelihood of further regression and potential complete road closure.

Recommended Solution: Soil nail wall, selected for its simplicity in design, construction feasibility and effectiveness in stabilising the ground.

3. Landslide Event DM00680 (500m south of Symonds Road intersection)

Impact: A 40m section is impacted by a landslide, with a 0.75m high vertical scarp undermining the road.

Risk Level: ARL 2, signifying considerable risk to safety and access, with potential total loss of access.

Recommended Solution: Soil nail wall, due to its effectiveness in stabilising the failed ground and ease of implementation.

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4. Landslide Event DM01361 (800m north of Symonds Road intersection)

Impact: A landslide has compromised a 100m section, with shallow failures undermining road stability.

Risk Level: ARL 1, indicating a high risk of losing the road shoulder and complete access.

Recommended Solution: Soil nail wall, favoured for its practicality under constrained conditions and effective stabilisation capability.

Each report recommends the soil nail wall as the most effective remediation strategy. This method is consistently favoured for its ease of design, construction feasibility, and ability to stabilise the affected ground. Implementing these strategies is urgent due to the risk levels ranging from further road damage to complete loss of access, presenting significant safety and accessibility challenges for the community.

All four landslip sites are currently under design by GHD. The design process will be finished for each site progressively with the first design due for completion in January 2024. The design process includes a construction estimate by an independent quantity surveying firm to determine the current market rates for the works. This forms the benchmark estimate for a comparison of the contractor's rates. As each design is complete, CMC will be requested to provide an estimate to undertake the work. These rates will be compared against the benchmark estimate, the approved funding, and applicable comparable rates from CMC's original contract scope to determine value for money.

The majority of the complex slope remediation projects are proposed to be delivered by a Managing Contractor after a Request for Proposal process (refer Council report submitted to ordinary Council meeting of 11 July 2023). The development of this contract structure and associated procurement timeframes will likely see the Managing Contractor engaged by the fourth quarter of 2024. This opportunity exists for some landslide remediation sites to be completed earlier to minimise safety risks to the community and reduce frustrations at traffic restrictions.

The estimated costs based on the original funding submission are outlined below. It should be noted these are conservative figures to ensure sufficient funds are provided to undertake the works. Once designs are sufficiently advanced, the sites shall be re-estimated to set a benchmark.

Recovery Damage Number	Project Site Name	Damage Description	Design Solution	Road Remediation Length (m)	Construction Costs (Excl. Project-wide Costs)	Construction Costs (Incl. Project-wide Costs)	Escalation	Contingency (P90)	Total
DM00680	Blue Knob Road (Regional Rd)	Downslope landslip	Soil nails	60					
DM01361	Blue Knob Road (Regional Rd)	Downslope landslip	Soil nails	100					
DM01366	Blue Knob Road (Regional Rd)	Embankment failure	Soil nails	20					
DM01449	Blue Knob Road (Regional Rd)	Downslope landslip	Soil nails	30					

Legal and Compliance Considerations

Section 55(3)(i) of the *Local Government Act 1993* (NSW) grants councils the authority to forego formal tender processes when faced with extenuating circumstances. Extenuating circumstances, as defined in this context, encompass pressing and exceptional factors, including risks to public safety, emergencies or critical issues demanding immediate attention. Councils are tasked with evaluating whether the circumstances qualify as exceptional, justifying the exemption from standard tender procedures. The emphasis remains on the need for swift action to address these situations, prioritising the well-being and safety of the community in procurement decisions.

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Remediation (AGRN1012) Proposed Variation

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Further, ensuring integrity and value for money is crucial in contract variations. An independent review of the proposed variation will assess costs and benefits, guaranteeing efficient use of public funds for the community's benefit. The review will compare the pricing for the proposed variation against the benchmark estimate and, where appropriate, against the pricing from the Nimbin Road project to ensure transparency and cost effectiveness.

Decision Options

Council has several options to consider:

- Vary the existing contract with CMC, allowing preliminary works to commence soon after successful negotiations, possibly after the Christmas/New Year shutdown period.
- Bundle these works into the Managing Contractor Contract, which may result in a longer timeframe before work will start, potentially exceeding 12 months.
- Pursuing a separate open tender process, which could introduce delays of approximately six to nine months before construction commences. The recent Nimbin Road tender process resulted in only two effective bids; one of which was by the existing contractor. Given the specialised nature of the works and potential limitations in attracting suitable bidders, there is a substantial risk that the procurement process could fail to secure competitive and reliable tenderers. This poses additional challenges for timely project execution and highlights the complexities involved in the decision making process.

Each option presents varying timelines and considerations for the Council's decision making process.

Risk Assessment

Traffic on Blue Knob Road is currently operating at a reduced level, managed by temporary traffic lights. There have been two reported traffic incidents, highlighting existing safety concerns.

Blue Knob Road serves as a critical access point for essential community facilities, including Nimbin Central School and the district hospital. Furthermore, this road plays a vital role in regional connectivity, linking Lismore to Tweed.

Any further damage that necessitates full road closures would have significant implications, emphasising the urgent need to address the landslides promptly and mitigate potential risks to public safety and regional accessibility. Delays in commencing construction and extended periods of traffic management could exacerbate these risks.

Budget

This project is externally funded under the Natural Disaster Recovery Funding Arrangements overseen by Transport for NSW (TfNSW).

Comments

Finance

The recommendation is supported as printed, however the size and scope of the project is a risk to Council's cashflow that will need to be addressed.

A funding agreement with the relevant funding body that provides sufficient funds in advance is to be finalised. This is required to ensure that Council is able to deliver the works in a timely manner without posing a risk to Council's cashflow or delivery of its other works.

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Public consultation

The community will be advised of construction works through Council's *Your Say* web page and social media updates.

Conclusion

The outlined strategy presents the Council with a range of choices to tackle the Blue Knob Road landslides. These options consider varying timelines and impacts on the community. The Council's commitment to transparency and fiscal responsibility guides the decision making process. TfNSW, as the administering agency for the Disaster Recovery Funding Arrangements (DRFA), supports the approach to accelerate delivery of projects where the opportunity exists (refer attachment).

Attachment/s

1. TfNSW funding approval - *This matter is considered to be confidential under Section 10A(2) (c) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business*
2. Strategic Concept Design Reports - DM00680, DM01361, DM01366 and DM01449 - *This matter is considered to be confidential under Section 10A(2) (d i) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it* (Over 7 pages)

3. Funding for this work is part of existing EPARs and is not an additional funding request. It has been the subject of an Independent technical Review (ITR) and meets the DRFA guidelines.

We believe that this collaborative effort will significantly contribute to achieving the project's objectives for time and restoring community amenity.

In order to maintain the momentum of this accelerated work, we request that tenders be awarded before February 28, 2024. This timeline will help ensure that the project stays on track and meets its objectives in a timely manner.

We look forward to the successful delivery of this project and appreciate your efforts in expediting the procurement for the community's benefit. Should you require any further assistance or clarification, please contact [REDACTED]

Sincerely,

[REDACTED]

Project Director – Natural Disasters Lismore
[REDACTED]

OFFICIAL

2

**MINUTES OF THE CONFIDENTIAL MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD
IN COUNCIL CHAMBERS ON TUESDAY 12 DECEMBER 2023 AT 6.00PM**

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

Present

Mayor, Councillor Krieg; Councillors Bing, Colby, Cook, Ekins, Gordon, Guise, Hall, Jensen, Rob, together with Mr Gibbons, General Manager; Mr Enevoldson, Chief Financial Officer; Dr Logan, Chief Operating Officer; Mr Butron, Chief Community Officer; Mr Hartley, Manager Finance; Mr Madden, Roads & Bridges Project Director; Ms Cotterill, Governance & Risk Manager and Mrs Mitchell, Executive Officer to the General Manager & Mayor and Councillors.

13.1 Tender TP 2023/101 Professional & Project Services

1/23

RESOLVED that:

1. approval is given for Professional and Project Services on an initial one-year period with an option to extend the contract for two additional one-year periods at Council's absolute discretion
2. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the suppliers listed in the evaluation results, to form unranked panels of Approved Providers for Tender TP2023/101 Professional and Project Services for an initial one-year period with an option to extend the contract for two additional one-year periods at Council's absolute discretion
3. delegation be provided to the General Manager to approve purchases without a fixed upper limit of expenditure from an approved budget source for scopes defined within TP2023/101 Professional and Project Services contract, in line with the schedule of rates stated within the accepted tender submissions
4. delegation be provided to the General Manager to exercise the options when required to extend the contract, subject to the satisfactory performance of the suppliers
5. the subsequent addition of suppliers to the panel providing the selection and adoption is compliant to the terms of the contract provisions
6. a redacted copy of this report will be released as a public document
7. Council notes the funding for this engagement comes from LCC operating budget and or available funding resources

(Councillors Gordon/Bing) (BP23/962)

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

At this point in time Councillor Guise made a significant conflict of interest disclosure as he lives next to the rail line in North Lismore and left the meeting, the time being 7:34PM

13.2 Tender TP2023/135 Construction of Lismore to Bentley Rail Trail

MOTION moved that:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the tender from Hazell Bros Pty Ltd for Tender TP2023/135 Construction of Lismore to Bentley Rail Trail for the price of \$7,841,732 (ex GST)
2. delegation be provided to the General Manager to finalise and execute a GC21 contract and associated documentation required to give effect to this resolution
3. a redacted copy of this report be released as a public document
4. Council notes the funding for this engagement will be covered under the Building Better Regions grant fund BRFIP000279

(Councillors Gordon/Cook)

RESOLVED that the motion be put.

(Councillors Hall) (BP23/721)

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

2/23

RESOLVED that:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the tender from Hazell Bros Pty Ltd for Tender TP2023/135 Construction of Lismore to Bentley Rail Trail for the price of \$7,841,732 (ex GST)
2. delegation be provided to the General Manager to finalise and execute a GC21 contract and associated documentation required to give effect to this resolution
3. a redacted copy of this report be released as a public document
4. Council notes the funding for this engagement will be covered under the Building Better Regions grant fund BRFIP000279

(Councillors Gordon/Cook) (BP23/975)

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

Councillor Adam Guise returned to the meeting, the time being 7:48PM

By Exception

3/23 **RESOLVED** that the recommendations set out in items 13.3, 13.5, 13.7, 13.8 and 13.10 be adopted by exception.

(Councillors Gordon/Hall)

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

13.3 Tender Recommendation: TP202327 Panel Contract for Horizontal Directional Drilling

4/23 **RESOLVED** that:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the Tender Submissions from the following organisations for Tender 2023127 Panel Contract for Horizontal Directional Drilling:
 - CM Contracting (Aust) Pty Ltd
 - WW & MA Field Pty Ltd t/a Field Directional Drilling
 - Ledonne Constructions Pty Limited
 - The Trustee for The Neale Family Trust t/a North Coast Electrical and Communications
 - The Campbell Family Trust t/a O'Brien Electrical and Plumbing Lismore
 - One Shot Directional Drilling Australia Pty Ltd
2. delegation be provided to the General Manager to finalise and execute the Deeds of Standing Offer and any other documentation required to give effect to this resolution
3. a redacted copy of this report will be released as a public document

(Councillors Gordon/Hall) (BP23/963)

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

Voting against: Nil

13.5 Tender TP2023-193 Traffic Management Services

5/23

RESOLVED that:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the eight suppliers listed in the evaluation results, to form an un-ranked panel of approved providers for Tender TP2023/193 Traffic Management Services for an initial one-year period with an option to extend the contract for two additional one-year periods at Council's discretion.
2. delegation be provided to the General Manager to exercise the options when required to extend the contract, subject to the satisfactory performance of the suppliers.
3. a redacted copy of this report will be released as a public document

(Councillors Gordon/Hall) (BP23/919)

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

Voting against: Nil

13.7 Tender T2023-140 Lismore City Council Animal Care Facility Refurbishment

6/23

RESOLVED that:

1. Council accepts the tender from Quadracon Building Pty Ltd for Tender TP2023-140 Lismore City Council Animal Care Facility Refurbishment at a total cost of \$285,706.72 (ex GST) in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*
2. delegation be provided to the General Manager to finalise and execute the contract and associated documentation required to give effect to this resolution
3. Council offer a micro-grant to Animal Rights and Rescue to the value of \$10,000 in accordance with grant requirements
4. a redacted copy of this report be released as a public document

(Councillors Gordon/Hall) (BP23/955)

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

13.8 Tender TP23/187 Environmental Sampling and Analytical Services Panel

7/23

RESOLVED that:

1. in accordance with section 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the suppliers listed in the evaluation results, to form an unranked panel of Approved Suppliers for Tender TP23/187 Environmental Sampling and Analytical Services for an initial period of two years with an option to extend the contract for two additional years at Council's absolute discretion
2. delegation be provided to the General Manager to approve purchases without a fixed upper limit of expenditure from an approved budget source for scopes defined within TP23/187 Environmental Sampling and Analytical Services contract
3. delegation be provided to the General Manager to finalise and execute contracts and associated documentation required to give effect to this resolution
4. delegation be provided to the General Manager to exercise the options when required to extend the contract, subject to the satisfactory performance of the suppliers
5. a redacted copy of this report be released as a public document
6. Council notes the funding for engagement comes from Council's operating budget and/or available funding resources

(Councillors Gordon/Hall) (BP23/965)

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

13.10 Tender T2023112 Heritage Park Improvements - Adventure Tower

8/23

RESOLVED that:

1. Council accepts the tender from Urban Play Pty Ltd for Tender T2023112 Design, Supply and Install Adventure Tower Play Equipment to Heritage Park Lismore for the sum of \$567,615 (ex GST) in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*
2. delegation be provided to the General Manager to finalise and execute the contract and associated documentation required to give effect to this resolution
3. Council notes the funding for this engagement comes from the Stronger Country Communities Fund

4. a redacted copy of this report to be released as a public document	
(Councillors Gordon/Hall) (BP23/935)	
Voting for:	Councillors Bing, Colby, Cook, Ekins, Gordon, Guise, Hall, Jensen, Krieg and Rob
Voting against:	Nil

13.4 Tender TP 2023/188 Supply of Quarry Materials

9/23

RESOLVED that:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the eight suppliers listed in the evaluation results, to form an un-ranked panel of Approved Providers for Tender TP2023/188 Supply of Quarry Materials for an initial one-year period with an option to extend the contract for two additional one-year periods at Council's discretion
2. delegation be provided to the General Manager to approve purchases without a fixed upper limit of expenditure from an approved budget source for Tender TP2023/188 Supply of Quarry Materials, in line with the schedule of rates stated within the tender submissions
3. delegation be provided to the General Manager to exercise the options when required to extend the contract, subject to the satisfactory performance of the suppliers
4. A redacted copy of this report will be released as a public document

(Councillors Gordon/Hall) (BP23/964)

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

13.6 Contract PR23/104 - CBD Water Main Replacement Program FY2023/24

10/23

RESOLVED that:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the tender from Ledonne Constructions Pty Ltd for Contract PR23/104 CBD Water Main Replacement Program FY2023/24, for the sum of \$3,074,208 excluding GST
2. delegation be provided to the General Manager to finalise and execute the contract and any other documentation required to give effect to this resolution

3. Council approve the increase in the 2024 budget of \$2.3 million to undertake the required works with funding from Water Reserves
4. a redacted copy of this report be released as a public document

(Councillors Gordon/Rob) (BP23/957)

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

Voting against: Councillor Guise

13.9 Tender TP22/34 - Nimbin Rainbow Road Walking Track Construction

11/23

RESOLVED that:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation* 2021, Council accepts the tender from A & D Civil Earthworks for Tender TP22/34 Nimbin Rainbow Road Walking Track Constructions for the sum of \$1,575,525.67 (ex GST)
2. delegation be provided to the General Manager to finalise and execute the contract and associated documentation required to give effect to this resolution
3. a redacted copy of this report be released as a public document
4. Council notes the funding for this engagement will be provided under a grant from the Bushfire Local Economies Recovery Fund

(Councillors Ekins/Gordon) (BP23/936)

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

Voting against: Councillor Rob

13.11 Contract 22/160 Nimbin Road Landslips Remediation (AGRN1012) Proposed Variation

12/23

RESOLVED that:

1. Council notes:
 - a. the urgent need for Blue Knob Road works due to a series of landslides, with the situation posing a significant risk to public safety and road accessibility, necessitating immediate action
 - b. Blue Knob Road works are similar in scope to the Nimbin Road landslips remediation

- c. under section 55 of the *Local Government Act 1993* (NSW) ('the Act'), Council is required to invite tenders for work of this type unless any of the exceptions identified under section 55(3) are applicable. there are extenuating circumstances, in accordance with section 55(3)(i) of the Act, due to public safety concerns with roads under traffic management
 - d. this action is necessary to address the urgency and to prevent significant delays that would arise from an open tender process
 - e. the Blue Knob Road works are entirely externally funded through Disaster Funding Relief Arrangements
- 2. Council notes the delegation in Recommendation 5 of Report (BP23/1018:EF19/24-5) authorising the General Manager to approve contract variations that are within the funding amount
- 3. delegation be provided to the General Manager:
 - a. enter into negotiations with the Nimbin Road contractor for the Blue Knob Road variation
 - b. resolve and approve contract variations that are within the approved funding amount
 - c. undertake a selective tender process should 3.a. fail
 - d. if 3.c. is required, award a contract to the successful tenderer within the approved funding amount
- 5. A funding agreement with the relevant funding body that provides sufficient funds in advance is to be finalised. This is required to ensure Council is able to deliver the works in a timely manner without posing a risk to Council's cashflow or delivery of its other works

(Councillors Rob/Bing) (BP23/1018)

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

Voting against: Nil

Resumption of Open Council

13/23 **RESOLVED** that Council reopen the doors to the public and return to open session.

(Councillors Hall/Jensen)

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

Voting against: Nil

Closure

This concluded the business and the meeting terminated at 8:14pm.

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

MAYOR

**MINUTES OF THE EXTRA ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE
HELD IN COUNCIL CHAMBERS ON THURSDAY 28 DECEMBER 2023 AT 9.00AM**

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

Present

Mayor, Councillor Krieg; Councillors Colby, Cook, Ekins, Gordon, Hall (via audio-visual), Jensen, Rob, together with Mr Gibbons, General Manager; Dr Logan, Chief Operating Officer (via audio-visual); Mr Butron, Chief Community Officer; Mr Wilson, Executive Officer – Customer Strategy; Ms O'Regan, Head Investment & Growth; 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

263/23

RESOLVED that:

1. Council note Councillors Bird and Guise are on approved leave
2. accept an apology from Councillor Bing due to work commitments
3. attendance by audio-visual link be approved for Councillor Hall due to caregiver duties

(Councillors Rob/Jensen)

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

Voting against: Nil

RESOLVED that Council allow Prime News to film today's proceedings.

(Councillors Rob/Colby)

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

Voting against: Nil

Disclosures of Interest

Nil

Public Forum

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

Notices of Motion

11.1 Vision and Blueprint

AGAINST	Zoe Humphreys
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Notices of Motion / Questions with Notice

RESOLVED that points 1 and 2 in item 11.1 be debated separately.

(Councillors Rob/Colby)

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

Voting against: Councillors Cook and Ekins

11.1 Vision and Blueprint

264/23 **RESOLVED** that councillors are provided with detailed information about all aspects of the Vision and Blueprint strategy, including attendance information relating to community engagement events at least three working days prior to each event.

(Councillors Rob/Colby) (BP23/1082)

Voting for: Councillors Colby and Rob

Voting against: Councillors Cook, Ekins, Gordon, Hall, Jensen and Krieg

Vision and Blueprint - Citizens Assembly

265/23

RESOLVED that Council take no further action relating to the Citizens' Assembly as part of the Vision and Blueprint strategy, and that no public reference be made to any third party organisations or consultants involved in the strategy unless a prior agreement is in place following resolution of Council.

(Councillors Rob/Colby)

Voting for: Councillors Colby and Rob

Voting against: Councillors Cook, Ekins, Gordon, Hall, Jensen and Krieg

Closure

This concluded the business and the meeting terminated at 10:19am.

CONFIRMED this > of > 2023 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 TUESDAY 23 JANUARY 2024 AT 6.00PM**

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

Present

Mayor, Councillor Krieg; Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Jensen, Rob, together with the Mr Gibbons, General Manager; Mr Enevoldson, Chief Financial Officer; Mr Drew, Acting Chief Operating Officer; Mr Butron, Chief Community Officer; Mr Hartley, Manager Finance; Ms O'Regan, Head Investment & Growth; Mr Wilson, Executive Officer – Customer Strategy; Mr Shaw, Manager Technology and Innovation; Mr Kelly, Technology Support Officer; Mr Franey and Ms Bosworth, External Auditor (TNR) 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

1/24

RESOLVED that a leave of absence be received from:

- Councillor Cook from 15 February 2024 to 25 February 2024 for a family event
- Councillor Jensen from 20 February 2024 to 6 March 2024

(Councillors Hall/Bird)

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

Voting against: Nil

At this time the External Auditor made a presentation to Council on the Audited Financial Statements.

Reports of the General Manager

10.1 2022/2023 Financial Report

2/24

RESOLVED that in accordance with Section 419 of the *Local Government Act 1993*, the Audited Financial Statements for the year ended 30 June 2023 and Audit Report be presented to the public.

(Councillors Gordon/Colby) (BP24/18)

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

Voting against: Nil

Closure

This concluded the business and the meeting terminated at 6.30pm.

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

MAYOR